

# La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us:

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President: Tony Crisafi

Vice President: Matt Mangano

2<sup>nd</sup> Vice President: Dave Gordon

Secretary: Suzanne Weissman

Treasurer: Mike Costello

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## FINAL MINUTES–

Regular Meeting | Thursday, January 9, 2020 – 6 p.m.

### 1.0 Welcome and Call to Order: Tony Crisafi, President, presiding, 6:01 pm

**This is a full agenda, recorded meeting therefore, the following rules will be enforced:**

- Mobile devices off or on silent mode.
- All public and trustee comment will be addressed to the chair. Public & trustee comment will be limited to 2 minutes.
- Comments will be directed to the project or matter stated in third person for the purpose of respect & clarity
- Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- Chair will alternate order of trustee comment. Upon consensus, Chair will close discussion and call for a motion.
- Please notify chair of any organized public presentation requests prior to meeting – preferably a week.

**Quorum present:** Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman, Will. **Absent:** Courtney, Kane

### 2.0 Adopt the Agenda

**Motion:** Adopt agenda, (Brady/Fitzgerald) /**Vote:** Unanimous, Chair abstains, **Motion carries.**

### 3.0 Meeting Minutes Review and Approval:

#### 3.1– Regular meeting minutes

**Neil:** Question whether 3<sup>rd</sup> paragraph of Secretary Report, item 5.2, should state that to be a trustee a person must have attended 3 meetings as a member (28 days after submitting application) or just have attended 3 meetings in the prior 12 months?

**Boyd:** Clarified by stating that you don't have to attend 3 meetings after becoming a member; you only have to attend 3 meetings. For example: one could attend in March and June, 2019, then join in Feb. 2020, and be qualified for a trustee.

Minutes will remain as written. There is a minor correction for \$2.00 in the Treasurer's Report making the Ending Balance \$545.16.

**Motion:** Approve minutes as amended (Jackson/Neil) **Vote:** 13-0-2, **Motion carries.**

**In Favor:** Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Weissman, Will

**Opposed:** none

**Abstain:** Shannon, Crisafi (chair)

## 4.0 Consent Agenda – 4.1 – 4.5

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. Projects may be pulled from consent agenda by anyone present. Items will be moved to full review at the present of following regular LJCPA meeting.

**The public is encouraged to attend and participate in Community Joint Committee & Board meetings before the item/project is considered by the LJCPA.**

PDO – Planned District Ordinance Committee, Chair Deborah Marengo, 2nd Monday, 4:00 pm

DPR – Development Permit Review Committee, Chair Brian Will, 2nd & 3rd Tuesday, 4:00 pm

PRC – La Jolla Shores Permit Review Committee, Chair David Gordon, 3rd Monday, 4:00 pm

T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 4:00 pm

**4.1 – 8441 Whale Watch Way – Morgan Residence – Project No. 635054,**

Process 3, SDP & CDP to Demolish an existing residence & construct a two-story, 11,952 s.f. single family residence on 0.46-acre property. Property is within the s.f. zone of the La Jolla Shores Planned District, Coastal (Non-appealable Overlay zone and within the La Jolla Community Plan Area within Council District 1.

**PRC motion to approve 6-0-0**

**4.2 – Completion of concrete re-paving project on section of Coast Blvd. near The Cave Store – City project to restore the street following emergency repairs.**

**T&T motion to approve 9-0-0**

**4.3 – Leidy Residence – 6216 Avenida Cresta – Project No. 639782,**

Process 3, CDP for a new 7,172 s.f. two story single family residence with basement, 788 s.f. garage, 629 s.f. guest quarter and a detached 423 s.f. companion unit. The .24 acre site is in the RS-1-5 and Coastal Overlay (appealable) zone within the La Jolla Community Plan area, Council District 1.

**DPR motion to approve 4-0-1**

**4.4 – 7815 Cuvier and 614 Sea Lane – Project No. 641955,**

Process 3, CDP & tentative map waiver for an addition to two existing single story units that total 1,167 s.f. each. The scope includes a 2nd story addition with roof deck that will create two detached residential condos that total 2,034 s.f. and 2,160 s.f. The .13 acre site is in the RM -1-1 zone and the coastal (non-appealable) overlay zone within the La Jolla Community Plan area, Council District 1.

**DPR motion to approve 4-0-1**

**4.5 – 5421 Bellevue Ave. LLA – Project No. 558873**

Process 2, CDP for a lot line adjustment and consolidation of lots 11,12, 13 & 14 in block 26 of Bird Rock Addition of Map 1083 to make two parcels located at 5421 Bellevue Ave. The site is in the RS-1-7 coastal (non-appealable) overlay zone within the La Jolla Community Plan area and Council District 1.

**DPR motion to approve 6-0-1**

See Committee minutes and/or agenda for description of projects, deliberations, and vote.  
Anyone may request a consent item be pulled for full discussion by the LJCPA.

None pulled. **Motion:** approve consent agenda, (Gordon/Mangano) **Vote:** unanimous, chair abstains.  
**Motion carries.**

## 5.0 Officer Reports:

### 5.1 Treasurer - Mike Costello's report –

#### La Jolla Community Planning Association Treasurer's Report for January 9, 2020 Regular Meeting

<b>Beginning Balance</b> as of December 1, 2019	\$545.16
<b>Income</b>	
• Collections, Dec. 5, 2019	\$148.00
• CD Sales	\$ 00.00
<b>Total Income</b>	<u>\$148.00</u>
<b>Expenses</b>	
• Agenda printing , Dec. 5, 2019	\$72.41
• City Treasurer (Rec Center over-time)	00.00
• GoDaddy ( LJCPA email & website)	\$414.34
<b>Total Expenses</b>	<u>\$486.75</u>
<b>Net Income/(Loss)</b>	(-) \$338.75
<b>Ending Balance</b> of December 31, 2019	\$206.41

City staff agreed to continue to not charge for overtime on this room saving us about \$540.

**Little:** How does price of website compare to other options.

**Jackson:** The website was out of date from years ago; it was about \$100 to bring it up to date. About \$300 went for 3 year service with email account. This is not the cheapest but not most expensive either.

### 5.2 Secretary -

If you want your attendance recorded today, you should sign in at the back of the room or let me know that you want your attendance recorded. You are welcome to attend without signing in or joining.

LJCPA is a membership organization open to La Jolla residents, property owners and local business and non-profit 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/](http://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 can become a Member after completing the application and attending one meeting. You can maintain your membership by documented attendance at one meeting per year. If you do not attend one meeting per year, your membership will expire.

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.

The attendance spreadsheet is posted on the LJCPA website. If you have any questions let me know. The spreadsheet updated through January will go onto the website in a day or two. We will have a Membership Committee meeting before the next election after the February Regular CPA meeting probably on Feb. 10 or 11. The meeting will be noticed.

## 6.0 Elected Officials – Information Only

### 6.1 Council District 1: Councilmember Barbara Bry.

Rep: Steven Hadley, 619-236-6972, [srhadley@sandiego.gov](mailto:srhadley@sandiego.gov)

**Hadley:** Passed out copies of the Bry Bulletin. Councilmember Bry received the letter sent last month requesting more timely notice and more time to respond to policy issues that come to the city such as the task force on planning groups. The councilmember will share that with the mayor when she meets with him the concerns we have with things that come out too late for this group to respond. I also promise to get anything that may be of interest to you to you as soon as we hear of it to give you a heads up. I am also working to get a brush clearing contract in final stages of being awarded to focus on Fay Ave. extensions among other things. With the current rains it is fairly easy to distinguish the brown weeds from green vegetation. We are working with the mayor's office to move along some of the under-grounding in the Muirlands area where SDGE has had trouble with soil and trenching. They are not coming back with a resolution and dragging on. In the meantime, we will get them to post electronic signs when they are having closures on Nautilus and other streets causing rerouting and traffic delays. Also we are working on Hillside Dr. I discovered by looking on Google Maps that in March of last year, trucks more than 4 tons were prohibited from going up Hillside. The new signage now allows trucks up to 5 tons to turn up that road. My question to traffic engineers is why we are allowing bigger trucks than a year ago to turn up Hillside Dr.

Last thing I am working on is a letter to Air B&B asking them to take the home on Blackgold Rd. off their platforms after the second newsworthy call about people being not only harassed but also harmed. Councilmember Bry is not against capitalism, people sharing their homes, but when our police resources are being used to baby sit unrestricted parties, these things need to be addressed and she is willing to do that.

The State of the City meeting is next Wednesday night at 6:00 pm at the Balboa Theater. Please connect with me there: find me and I will connect you with City staff there. The State of the District Address by Councilmember Barbara Bry will be on Wednesday night, January 29, 6:30 pm at University City High School Library.

**Little:** What a difference it makes to get scooters off the board walks. Will there be another vote on that?

**Reply:** Yes, there is a 2<sup>nd</sup> reading of that ban on scooters on Mission Beach, Pacific Beach and the Shores

**Little:** What is your reading on how that vote will go? **Reply:** we expect it to pass. The reason for a 2<sup>nd</sup> vote is that it is called for in an ordinance perhaps allowing time for people to change their vote.

**Gordon:** A recent announcement that Lime Scooters are leaving SD.

**Manno:** Is your office aware that the brush around Hillside Dr. is classified by the fire Department as extremely hazardous. I have heard nothing about the city doing anything to clear that brush. **Reply:** we have maps showing parks that are open space. We rely on private property owners to address brush on their property.

### 6.2 78th Assembly District: Assembly member Todd Gloria

Rep: Mathew Gordon 619-645-3090, [mathew.gordon@asm.ca.gov](mailto:mathew.gordon@asm.ca.gov) Not present

**6.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore** Rep: Miller Saltzman, 619-518-8188, [Miller.saltzman@sen.ca.gov](mailto:Miller.saltzman@sen.ca.gov) Not present

## 7.0 President's Report – Information only unless otherwise noted

**7.1** Annual trustee election will be held on March 5, 2020. Announcement, item 10.1

**7.2** La Jolla Community Foundation invites Community Planning Group members to view and discuss the Streetscape Plan – the village of La Jolla improvements – on Thursday, January 16<sup>th</sup> from 4:00 to 6:00 at the La Jolla Recreations Center – flyer attached

**Little:** Who is this group? **Crisafi:** privately funded through LJ Community Fdn. Part of the SD Foundation, an independent non-profit that relies on private donations. The MAD gets funding from property owners.

**Little:** What authority do they have to make changes? **Reply:** They have no authority; they have to get community approval and raise money to do improvement

## **8.0 Public Comment**

Opportunity for public to speak on matters not on the agenda, 2 minutes or less.

**8.1 City of San Diego – Community Planner:** Marlon Pangilinan, [mpangilinan@sandiego.gov](mailto:mpangilinan@sandiego.gov) Not present.

**8.2 UCSD – Senior Community Planner:** Alyssa Helper: [ahelper@ucsd.edu](mailto:ahelper@ucsd.edu)

We are hosting an open house about the proposed future College Living and Learning Neighborhood. Wednesday, January 22, 2020, 5 – 7 pm., UC San Diego Faculty Club, Atkinson Pavilion.

This is an opportunity to express concerns, support.

Recently broke ground on Franklin Antonio Hall Project, engineering building. We are now resuming our Community Advisory Group focusing on implementation of the Long Range Development Plan. We met on Dec. 11, including 3 members from this group; next meeting will be in February.

## **8.3 General Public**

**Joe LaCava:** I'm running for SD City Council District 1. I am giving this update as absentee ballots will be out on February 3. I have knocked on 600 doors and have been endorsed by Sherri Lightner, Donna Frye, Kristine Kehoe, Save SD Neighborhoods and the Sierra Club. Some folks wanted me to come back and answer questions about the ideas the City of SD is trying to do to change the nature of city planning groups as reported in the LJ Light three weeks ago. I am happy to do that next month at the will of the Chair.

**Costello:** Regarding the question about slates from the grand jury report; do we have to change our bylaws?

**La Cava:** This is a work in progress; nothing is final, but you should pay attention because some of the suggestions will disincentivize people from joining community planning groups. The idea of a slate is that outside members may recruit members they want to get elected, put a slate together, advertise it to the voters encouraging them to vote for that slate. The understanding has been that the planning group itself cannot put together a slate because we want open democracy; we want as many individuals to come forward. At a recent hearing city staff indicated they were going to change that and allow planning groups to put together their own slate. That was a shock and counter intuitive to the idea of being more inclusive encouraging individuals to show up. That is not policy yet.

**Phil Merten:** The project on 7615 Hillside Dr. on a lot steeply sloping down the street:

- Maximum height is 30' above grade per the Municipal Code.
- Overall maximum structure height on a sloping lot if there is 10' maximum elevation difference under the house the maximum height would be 40'.
- This project is a 3 story, 30' structure
- Immediately behind it is a second structure consisting of 25' high retaining walls with storage space underneath connected to the main structure.
- The Municipal Code states that if you have 2 structures that are separated by 6 horizontal feet, each structure is measured separately.
- On this site we have a 30' structure connected to a 25' structure with an overall height of 55'.
- The City has issued a notice of correction to the contractor.

- Since this project was permitted under an SDP and a CDP, changes and modifications to this building to bring it into compliance should come back to the community for review.
- The City has said they will approve the modifications and move ahead when they approve the modified drawings.
- I am requesting that you request the City to bring the modifications back to you for review and comments before the City approves any modifications.

**Ray Weiss:** I sent a message to the Development Permit Review committee on July 11, last year asking when the project at 1220 Park Row will be heard again with accurate measurements and drawings as was requested last February. As yet there has been no response to these requests by the applicant. Surely the applicant cannot stonewall the committee indefinitely? Is there a plan to hear this project again or to compel the applicant to comply? The residents of Park Row care deeply about the impact of the code violations on their community. Brian Will, chair of the DPR committee inquired at the City and was told by the Project Manager that this was still an open matter. Does City staff have any obligation to move these stalled projects along? Could this group write a letter requesting the City to act on this project? I would like to see this inaction by the City changed.

## 9.0 Non-Agenda Trustee Comment

Opportunity for trustees to comment on matters not on the agenda, 2 minutes or less

**Fitzgerald:** Recommend trustees and audience go on website and look at recommendations for CPGs and comments from City Attorney. There are some very significant changes proposed. The material on the CPA website shows the City recommendations, what the CPG group recommended—the extent of the changes is eye opening.

**Will:** I will read an email from Project Manager, Xavier del Valle, on the Park Row project: “My apologies for the delayed response. I believe the ball is in our court regarding several issues that have been raised about the project. Since several staff working on the project are no longer with the City, we have delayed our response to the applicant. Based on our past meetings with the applicant on the outstanding issues, we anticipate another submittal in the near future and will deliver another set of plans for your review.”

**Ish:** Has there been a response from the UT or La Jolla Light about our letter about the Beach Groins?

**Crisafi:** By email I was referred to the advertising department, I think to place an ad with our letter.

**Ish:** Could a letter be sent as a letter to the editor? Also I spoke with the City concerning the 13<sup>th</sup> code update. It is now called the 2020 Update. The code monitoring committee has been disbanded; all code revisions are now going through the Community Planners Committee. There is a time constraint because the update with the issues we have concerning the serial permits and carports will be on the agenda at the CPG soon and then will go to the Planning Commission. I suggest that the 50% rule and other concerns be put on the agenda at DPR this month so they can go to the CPA next month.

**Manno:** Will the DPR recommendations be an action item for the CPA in February? **Reply:** Yes.

**Costello:** The Coastal Commission meeting will be on February 12 – 14 in LA – Orange County. The Substantial Conformance Review on blocking of the ramp to the Childrens’ Pool will be on that agenda. The permit for the lifeguard tower a decade ago specifically stated the ramp would remain open. The City, without consulting anyone, blocked the access ramp. I will let you know as soon as I have the date and time.

Also SB 50 may come up for a vote again. Could Councilmember Bry help us out to oppose that?

**Little:** SB 50 is a terrible thing; it will make every residence a 4-plex.

**Shannon:** SB 1069 and AB 68 are already on the books. SB 1069 allows accessory dwelling units and AB 68 provides for a 2<sup>nd</sup> accessory dwelling unit thus allowing 3 units on any lot. A lot of new legislation is in already in place and City staff has not kept up with implementing them.

**Neil:** Could you prepare a brief description of these bills for distribution to the trustees.

## **10.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.**

### **10.1 Election Committee – Kathleen Neil**

- There are 7 seats open for the election March 5, 2020, 6 for 3 year terms, 1 for 2 year term.
- A candidate forum will be held at the February 6, regular CPA meeting. Interested candidates can speak for 2 minutes each or can submit candidate statement to be read if they cannot attend.
- Eligible members who have attended 3 LJCPA meetings from March 2019 through February 2020 may declare their candidacy until the end of the Feb. 6, meeting.
- The election will be held from 3 to 7 pm on March 5, 2020 in this building
- The election now has 4 members, Kathleen Neil, Nancy Manno, Mike Costello, Janie Emerson

### **10.2 Community Planners Committee – Dave Gordon**

A special Community Planners Committee meeting was held on Dec. 10, that I was unable to attend. The Planning Department is asking for the public to complete a survey to ask for public opinions on planning groups. The survey is on the website until Jan. 16. Also the Land Use and Housing committee met to review the matrix covering the Grand Jury Report, City Attorney and CPG recommendations for planning groups.

### **10.2 Coastal Access & Parking Board – did not meet**

### **10.3 UC San Diego advisory Committee –**

**Mangano:** I recommend all to attend the UCSD open house on Jan. 22, reported earlier. I commend UCSD as an economic driver and powerhouse in the community and for their thoughtful expansion plans. At the meeting they reviewed the phasing and sequencing plans for the huge future construction to have minimum impact on the campus and the surrounding community.

**Gordon:** I commend UCSD for being thoughtful of our community when they do not have to abide by all local rules. They have been mandated by the Regents to expand the campus by 35%. They are trying to minimize the impact to our community by moving more housing onto campus, getting more people off the roads and staging construction within the campus. The new living and learning center near the LJ Playhouse will cause the closing of the current parking lot but they are trying to develop plans for parking and transportation asking for community input.

**Boyden:** I am concerned about the lack of a plan for parking at the LJ Playhouse for the period during construction before the underground parking is available. Gordon: a plan will be in place before construction begins.

### **10.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair – did not meet**

### **10.5 Airport Noise Advisory Committee – Matthew Price - did not meet**

### **10.6 Playa Del Norte Stanchion Committee – did not meet**

The following agenda items are ACTION ITEMS unless otherwise noted and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

## **11.0 – LJCPA Review and Action Matter**

### **11.1 CPA to draft a letter regarding recent approval of a vested Coastal Development Permit at 7819**

**Lookout Drive without community input via Substantial Conformance Review. The CDP was vested with a legal lot Line adjustment. Subsequent designs for the proposed single family residence have not been routed through the LJCPA. Proposed action is to clarify and correct the Substantial Conformance Review process with respect to Community review.**

The proposed letter was passed out at meeting and is attached to these minutes as Exhibit A

**Crisafi:** I move to continue this item to next month since Diane Kane who initiated this item is not here.

Discussion followed whether an item on the agenda can be postponed if a presenter is not present. A presenter came forward from the audience so all agreed to hear the item.

**Deseree Kellogg, neighbor:** We are requesting to send a letter to the mayor requesting City staff to reverse its decision to approve an expired permit from 2005 for a project that significantly differs from the original permit.

- In 2005 the structure was 22% smaller, called for minimal grading. Now they are excavating the entire site with a swimming pool in front yard in violation of the Municipal Code.
- We request public input at the Community Planning Association before approval

**Phil Merten:** According to DSD this building application is still under review and has not yet been issued. I am not familiar with this particular project, but I am very familiar with the regulations that control it.

- According to the description on the agenda a CDP was issued to construct a new home and a lot line adjustment.
- Lot line adjustment are required to go through the coastal development permit process.
- My understanding is that recently through the Substantial Conformance Review process modifications to the design of the structure and a realignment of the property line -- Lot Line Adjustment (LLA) -- were approved.
- The LLA is the issue in this case. This particular site is next to a site that Tony's office has been handling.
- The Municipal Code states that a LLA can occur provided the resulting parcels are in conformance with the MC. The La Jolla Shores Planned District Ordinance says that lots approved subsequent to the adoption of the LJSPDO must comply with the ordinance.
- The ordinance says that any lot created or modified must not be smaller than the average size of all parcels within 300 ft. of the site.
- One of these parcels is well below the average size of parcels within 300 ft. of it.
- This LLA needs to be looked at carefully. It made a substandard, non-conforming lot by reducing one of the lots, increasing the density of that lot which is prohibited by the Code and cannot be a finding for a CDP.
- The City issued IB 500 which says that any LLA that increases density on a parcel cannot be approved by a SCR. Those LLA's can only be approved by a CDP, not an over the counter review by City staff.
- I think this LLA approval by a ministerial SCR was probably issued by staff who are unfamiliar with the regulations, no illegal intent implied.
- Any development permit issued in contradiction of the MC is not legal and not valid. Bottom line this is a situation that needs careful review by this group.

**Boyden:** SCR's do come to the Permit Review Committee. In this case an amendment to the permit is required that should be treated as a new permit.

**Merten:** The City's newsletter on SCR's says that those reviews shall be done by City staff with no public notification -- a change in policy.

**Crisafi:** In the past LLA's and permit vesting have been handled differently regarding the SCR processes going to the community. It is not mandatory to send a SCR to the community for review. If the proposed dwelling unit under this CDP requires an amendment, we could simply ask for the opportunity to review the proposed residence. That might be more effective to state under current code that is required.

**Kane:** One of the problems is there is no information on this on Open DSD; the lot doesn't exist, none of the previous permits are mentioned there, the address is not there. There have been 3 coastal permits and a LLA and none of this is online. When we asked to see the plans, we were told they were proprietary and could not be viewed. We have asked politely to review them and chat with staff about our concerns. We have received no response.



**Crisafi:** I don't disagree with the letter; it could be distilled to get the point across asking DSD whether a SCR or coastal amendment is appropriate and to release the drawings to the public.

**Neil:** Are we going to entertain a motion or try to revise the letter? I see creep occurring regarding development that is not open and not available for review.

**Manno:** I have the same concern as Trustee Neil. This letter covers a number of things, is much too long and complicated. It needs to make 2 or 3 main points demanding a response.

With further discussion the trustees agreed that the biggest issues are that no information on the project has been available for public review, time is of the essence, we need to get someone's attention.

**Brady: Motion:** I move we send this letter as an attachment to a letter from the CPA president that conveys our major concern that there is no information available to the public and we want to a review. (Brady/Little)

**Crisafi:** I will send a cover letter by email outlining our main concerns for the record, to make information available to the public and request community review so the neighborhood can provide input to DSD.

**Vote:** Unanimous, Chair abstains. **Motion carries.**

Final audience comment, **Phil Merten:** A California Supreme Court decision in 1924: regardless of what has happened in the past, when a project is built on a specific date it has to comply with rules and regulations on that date. That undermines everything you have heard from the City of SD ecause we all rely on previous approvals. That supreme court decision has not been changed since 1924.

XX. Adjourn at 7:58 pm. to next regular LJCPA Meeting: Thursday, February 6, 2020 at 6:00 pm.

## EXHIBIT A

The Honorable Kevin Faulkner  
Mayor of City of San Diego

Dear Mayor Faulkner:

The La Jolla Community Planning Association (LJCPA) is officially recognized to advise the City of San Diego on land use matters within the La Jolla Community Plan boundaries. Our duties include recommendations for improvements to the La Jolla Community Plan, as well as conformance of individual development projects with the Land Development Code, Community Plan and General Plan. In our small community, the LJCPA recognizes the impact of every new development on surrounding residents, and we are dedicated to scrupulously maintaining the standards of our Community Plan.

The LJCPA has recently become aware of two different situations that we believe violate the City's land use regulations as they apply in La Jolla Shores. As the CPA with responsibility for the area, we expected to be consulted before approvals were issued. However, in both cases, Staff has proceeded to approve intrusive and non-conforming developments on Lookout Drive without seeking advice about Community Plan conformance or community impacts from the LJCPA. We believe Staff has set a very adverse precedent with both these cases that must be reversed to protect the future of our La Jolla community.

Stale or Expired Permits. During the height of the building boom before 2008, tentative parcel maps, Coastal Development Permits and Site Development Permits were approved for many projects that were never built. Now that the home building industry has recovered, many developers are trying to revive permits after more than a decade of inactivity. In cases where a developer had already made a substantial financial investment in the property before halting work, Municipal Code §126.0108 allowed the permit to remain in suspension until the market rebounded so the expenditures would not be wasted. However, for smaller projects where LLA/PM recordation did not require a substantial financial investment, the City added a requirement to its CDPs: "Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City following all appeal. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted." This permit condition was intended to insure the approval would not remain in effect indefinitely unless the owner had commenced physical construction, at least without giving the City and CPA an opportunity to revisit the appropriateness of the development.

The LJCPA has been very concerned to learn that Staff has been treating LLA/PM and Coastal Development Permits as "vested" in direct violation of the CDP condition requiring physical construction. The proposed building permit at 7837 Lookout Drive is a poster child for this concern. LLA 107757, CDP 107758 and LLA/PM 107759 were approved in 2005, concurrently with CDP 104484 and SDP 104485. The CDP required commencement of "construction, grading or demolition" (*i.e.* physical alteration of the property) within 36 months. Instead, although the LLA/PM was recorded in 2008, the lots remained physically untouched for more than 14 years, until a building permit application was submitted in 2019 for new construction. Staff accepted the application because the LLA/PM had been recorded, without considering whether the CDP and related approvals had expired because of a total failure to comply with the physical construction condition. The LJCPA strongly objects to any interpretation of the Municipal Code or CDP condition that allows a site development plan to be suspended without any activity for more than a decade, and then modified without additional community review to ensure that it remains consistent with the PDO and LUP.

Substandard Lot Sizes. The La Jolla Planned Development Ordinance (PDO) sets minimum lots sizes as "the average dwelling unit density (units per acre) of the developed Single-Family Zone within 300 feet." On Lookout Drive, the average lot size exceeds 11,000 square feet. Therefore, the minimum lot size on Lookout Drive is 11,000 square feet under the PDO and 8,000 square feet under Local Coastal Program Land Use Plan (LUP). When reviewing a proposed development at 7727-7729 Lookout Drive, the LJCPA discovered the City had approved a lot line adjustment/parcel map (LLA/PM) containing lots of only 5,000 square feet in 1997. The LJCPA cannot explain why lots less than half the size required under the PDO were approved in violation of San Diego Municipal Code §102.0207, which prohibits approval of a LLM/PM unless all lots meet mandatory minimum lot sizes. In the case of the Lookout Drive LLA/PM #17817, more than half the lots were +/-5,000 square feet in a +11,000 square foot neighborhood. In the case of 7837 Lookout Drive, the City allowed recordation of LLA/PM 107759 in 2008 with only substandard lots, including a reduction in the square footage of one lot below its original size.

It is not too late for the City to correct its erroneous approval of these LLC/PM in La Jolla Shores. If they were approved without valid Coastal Development Permits, as seems likely, there is not statute of limitations because they were never effective in any event. The remedy for invalid LLA/PMs under Municipal Code 125.0710 is lot merger, which can be implemented any time after the City is notified of the original error. Building permits issued in reliance on expired or invalid CDPs are subject to immediate revocation, even after construction.

The LJCPA is disappointed that it has been unable to resolve these important and precedential issues with Staff. However, without further discussion and explanation, we believe these projects and any similar applications violate multiple City regulations in violation of San Diego Municipal Code §121.0308(a). The LJCPA therefore requests Mayor Faulkner to exercise his authority under Municipal Code §121.0308(b) to require rescission of the approvals in accordance with the Land Development Code.

Thank you for your attention to our commitment to protecting the La Jolla Community.