



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

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 2 December 2010

La Jolla Recreation Center, 615 Prospect Street

D R A F T AGENDA – REGULAR MEETING

- 6:00p
1. Welcome and Call To Order: **Joe LaCava**, President
 2. Adopt the Agenda
 3. Meeting Minutes Review and Approval: 4 November 2010
 4. **Elected Officials Report** – Information Only
 - A. Council District 2 – Councilmember Kevin Faulconer
Rep: **Thyme Curtis**, 619.236.6622, tcurtis@san Diego.gov
 - B. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@san Diego.gov
 5. **Non-Agenda Public Comment**
Issues not on the agenda and *within CPA jurisdiction*, two (2) minutes or less.
 - A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>
 6. **President's Report** – Action Items Where Indicated
 - A. Community Planners Committee – no report
 - B. Whitney Mixed Use – City Council upheld appeal, remanded back to Planning Commission
 - C. Children's Pool Rope Barrier – Appeal, Planning Commission, Dec 9
 - D. Bishops Library – Appeal, Planning Commission, Dec 16
 - E. La Jolla Shores Lifeguard Station – Groundbreaking and start of construction
 - F. Elections Committee – Call for Volunteers
 7. Officer's Reports
 - A. **Secretary**
 - B. **Treasurer**
 8. **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 full discussion.
Items pulled from this Consent Agenda are trailed to the next CPA meeting.
PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm
DPR – Development Permit Review Committee, Chair Tony Crisafi, 2nd & 3rd Tues, 4pm
PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's

Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

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

T&T – No meeting in November

DPR – No Action Items

A. La Jolla Masonic Lodge #518

PDO ACTION: *Paint scheme Bunting and Splodgy conforms to the PDO. 7-0-1*
5655 La Jolla Boulevard – Repaint exterior.

B. Prodigy School of Arts

PDO ACTION: *Proposed signage conforms to the PDO. 8-0-0*
5725 La Jolla Boulevard – New signage.

C. Galicot Residence Extension of Time

PRC ACTION: *Findings can be made to grant the extension of time. 5-0-2.*
8320 Calle del Cielo - Extension of Time for CDP 212253 and SDP 216293. Demo existing residence and construct an approx 9,000 sq. ft. single family residence with garage, guest quarters, pool and cabana.
Previous CPA Action: Substantial Conformance Review approved on consent (May 2010)
Previous PRC Action: Revised plans are in Substantial Conformance with CDP, 4-0-1. (April 2010)

D. Whitworth Residence

PRC ACTION: *The findings can be made for the project, plans dated 10/25/2010, and submitted to the City as amended on replacement sheet A-1.1 dated 11/16/2010, with the annotation made on plan for 75% open for light and a straight through public view. 5-0-1.*
8462 El Paseo Grande - Construction of a second story 3-bedroom guest quarters above an existing single-family residence on a 0.27 acre site in the SF Zone. Addition of second story with three bedrooms, three baths and two balconies over portion of existing structure. Addition of interior stairs for access to second floor. Modification to exterior finishes and roof of existing structure underneath proposed second story.
Previous CPA Action: Pulled from Nov 2010 Consent Agenda, applicant opted to return to PRC.
Previous PRC Action: Findings can be made for project, plans as submitted to city dated 10/25/10. 4-0-1.

E. Trunkey Residence

PRC ACTION 1: *Findings can be made based solely by the grading plans presented. 5-1-1.*
PRC ACTION 2: *Noting to the CPA that the motion was based only on the grading plans due to the urgency of the situation and ask the CPA to write a letter urging that work on the shear pins and micropiles begin immediately to protect the slope over the winter. 6-0-1.*
7995 Hillside Drive - Slope repair on environmentally sensitive lands. There will be a comprehensive Revegetation/Restoration Planting plan featuring native plants.
See PRC minutes for clarification on motions; will have to return to PRC for consideration of the full CDP.

9. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – Inactive

B. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center

10. Brown Act – Information Item

Discussion of the Brown Act and how it applies to the CPA and its subcommittees; including, serial communications, discussion of non-project specific matters, etc.

11. CPA Appeal Policy – Possible Action

Consideration of a policy on the question of whether to file an appeal of a city decision when the appeal period does not allow for action at a Regular Meeting. See attachment for draft; other drafts may be offered at the meeting.

12. CPA Issues and Concerns – Discussion Item

Open forum on any aspect of CPA's mission, policies, actions, and operations. Discussion may result in formation of ad hoc committee(s).

13. Adjourn to next Regular Meeting, January 6, 2011, 6:00 pm



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La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 4 November 2010

La Jolla Recreation Center, 615 Prospect Street

D R A F T MINUTES – REGULAR MEETING

Present: Michele Addington, Tom Brady, Michael Costello, Dan Courtney, Tony Crisafi, Laura Ducharme Conboy, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Greg Salmon, Rob Whitemore.

Absent: Devin Burstein, Glen Rasmussen, Ray Weiss

1. Welcome and Call To Order: **Joe LaCava**, President @ 6:08 PM

2. Adopt the Agenda

Trustee Whitemore requested an amendment be made to the Agenda:

Approved Motion: Motion to adopt the Agenda as amended to include a discussion of the Minutes protocol, (Whitemore/Addington 11/0/1).

In favor: Addington, Brady, Conboy, Costello, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Whitemore.

Abstain: LaCava.

Trustee Whitemore noted, after a careful reading of Roberts Rules; the manner in which the Minutes have been prepared, i.e., listing speakers, noting the substance of discussions, is a correct procedure for the Minutes of the LJCPA.

3. Meeting Minutes Review and Approval: 07 October 2010

Approved Motion: Motion to approve the Minutes with the following amendments: (1) Agenda Item 13: Delete the sentence: "Trustees Courtney, Weiss, Community Members John Berol, Daisy Fitzgerald commented/questioned." Add the following sentences: LJCPA Member John Berol noted that City installed temporary water lines frequently leak and frequently break. Mr. Berol suggested the City proactively act to prevent the waste of water. Mr. Barca agreed to notify the responsible City entity. LJCPA Member Daisy Fitzgerald noted City installed metal connections have been placed in the center of driveways and are frequently broken by truck movement. Mr. Barca acknowledged this is an improper installation and will notify the responsible City operations department. (2) Re: 02 September 2010 Minutes, Agenda Item 11: Delete references to Trustee Little's comments, (Gabsch/Fitzgerald 10/0/3).

In favor: Brady, Conboy, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Manno, Merten, Whitemore.

Abstain: Addington, LaCava, Little.

4. Elected Officials Report – Information Only

A. Council District 2 – Councilmember Kevin Faulconer

Rep: **Thyme Curtis**, 619.236.6622, tcurtis@san Diego.gov

Ms. Curtis was not present.

B. Council District 1 – Councilmember Sherri Lightner

Rep: **Erin Demorest**, 619.236.7762, edemorest@san Diego.gov

Ms. Demorest reported: (1) Proposition C, considered by the LJCPA, was approved by the voters. **Ms.**

Demorest, on behalf of Councilmember Lightner thanked the LJCPA trustees for their support of Proposition C.

(2) Councilmember Lightner did not support San Diego City Council draft ordinance re "Big Box" stores. (3)

Community Member **Robert McKuhn** asked for an update re the Torrey Pines Corridor; thanked Councilmember Lightner for her continued support. (4) **Trustee Gabsch** thanked Councilmember Lightner for her vote against

the S. D. City Council "Big Box" draft ordinance.

5. Non-Agenda Public Comment

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

A. UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>

Ms. Delouri reported: The UCSD Fall Newsletter is available on the UCSD Website. **Ms. Delouri** invited the community to join in the many Campus celebrations and events commemorating the 50th Anniversary of the University of California San Diego.

William Fluharty, La Jolla Scout Troop 506, reported: For his Eagle Project, he intends to perform restoration work on the St. James By-The-Sea Episcopal Church wall.

Community Member **John Leek**, San Diego Council of Divers, Friends Of The Children's Pool, presented an update on The Children's Pool beach clean-up and the, (now enforced), City rules governing signage at The Children's Pool.

Trustee Lucas acknowledged the extraordinary contribution made by LJCPA **President Joe LaCava** in regard to his advocacy of the LJCPA position concerning the Whitney Project and his presentation on behalf of the LJCPA to the San Diego Planning Commission concerning the Whitney Project.

6. President's Report – Action Items Where Indicated

A. Community Planners Committee – <http://www.sandiego.gov/planning/community/cpc/index.shtml>

There were extensive discussions regarding the Medical Marijuana ordinance and Medical Marijuana dispensaries. President LaCava anticipates further discussions and an accelerated movement by San Diego City Council, to establish a realistic community ordinance.

Trustee Fitzgerald inquired re **President LaCava's** testimony at SD City Council referencing the Small Business Preservation/Big Box Stores ordinance. **President LaCava** noted the Community Planners Group Committee did hear the Proposal and rejected the Proposal 14/12.

B. Bishops Library – Appeal Hearing Officer Decision, Ratify

President LaCava noted the LJCPA recommended denial of the Bishops School Library Project, and the SD City Hearing Officer approved the Bishops Library Project. Prior to requesting a Motion from the Trustees to ratify the appeal of the Hearing Officer decision, **President LaCava** disclosed, in regard to the Bishop's Library, that there had been a violation of the Brown Act: Ten Trustees, (a quorum), discussed the Hearing Officer's decision. The remedy for the violation is to bring the Bishops Library Appeal to the LJCPA for a public vote. There ensued a discussion among **Trustees Little, Costello, Whittemore** and **President LaCava** regarding the Brown Act requirements in general and the requirements specific to this particular situation. There followed a general discussion among these same Trustees regarding the LJCPA appeal process. Additional comments and questions regarding the Project variance and the ratification of this specific appeal were made by **Trustees Lucas** and **Gabsch**.

Approved Motion: Motion to ratify the appeal of the Hearing Officer's Bishops School Library decision, (Fitzgerald/Addington 8/6/1).

In favor: Addington, Brady, Conboy, Costello, Courtney, Fitzgerald, Little, Whittemore.

Oppose: Crisafi, Gabsch, Lucas, Manno, Merten, Salmon.

Abstain: LaCava.

C. Fire Pits – A possible permanent solution: SD City is working with ConVis.

D. Children's Pool Rope Barrier – Appeal, Planning Commission, Dec 9 (tentative).

E. Coastal Access to Charlotte Park – Possible Settlement with Coastal Commission: This is a very complex issue: Ms. Merryweather, LJCPA Member, is working on a presentation for possible future discussion.

F. Land Development Code Update #7 – Public comments due November 5: President LaCava, Trustees Merten, Crisafi have reviewed the relevant documents, and are satisfied with the Update.

President LaCava: Additional comments, not noted on the Agenda: (1) Helicopter noise: there has been some minimal progress. The Navy has a hotline for citizens to report excessive noise, (619.545.8233). (2) The Cardenas Project was appealed to the SD City Council, by the Applicant; the appeal was upheld; project now remanded back to lower decision makers to review environmental concerns. Applicants are believed to have made a decision to sue SD City regarding this action. (3) Update/explanation re Beaumont Coastal Overlook bluff repair at Calumet

7. Officer's Reports

A. Secretary – Nancy Manno

Presented by **President LaCava**, for secretary **Nancy Manno**: If you want your attendance recorded today, please sign-in at the back of the room. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become a Trustee. If you want your attendance recorded without signing-in at the back, then hand to me 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. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application, which is available at the membership table and on-line.

B. Treasurer – Jim Fitzgerald

Beginning Balance: \$119.03 + Income \$151.89 – (Expenses \$125.16) = Ending Balance: \$145.76.
Expenses: include printing, telephone, and annual Post Office Box rental expense. **Trustee Fitzgerald** commented on the generosity of the Membership 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 must be in cash to preserve anonymity.

8. CONSENT AGENDA – Ratify or Reconsider Committee Action

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Items pulled from this Consent Agenda are trailed to the next CPA meeting.

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

DPR – Development Permit Review Committee, Chair Tony Crisafi, 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 – No meeting in October

A. UNION BANK SIGNAGE

PDO ACTION: To approve the Project as presented including representation by Applicant that the signage coverage on the Union Bank building is in conformance with the PDO. 6-0-0.
7807 Girard Avenue – Replace existing signs with new Union Bank signs.

B. MEHL RESIDENCE

DPR ACTION: To Approve the CDP and SDP as presented. 5-1-1.
5380 Calumet Ave - Coastal Development Permit & Site Development Permit to demolish an existing residence and construct a 4,369 square foot single family on a 0.19-acre site in the RS-1-7 Zone.

C. 5322 CALUMET RESIDENCE BLUFF REPAIR

DPR ACTION: Findings can be made for a Coastal Development Permit and a Site Development Permit to stabilize the coastal bluff. 7-0-0.
5322 Calumet Ave - Coastal Development Permit & Site Development Permit (a required follow up Permit to Emergency CDP, PTS#208734) to stabilize the coastal bluff for an existing single-family residence in the RS-1-7 Zone.

D. 1900 SPINDRIFT DRIVE Trustee Crisafi recused.

PRC ACTION: Findings can be made for neighborhood development permit as presented in the plan presented, revision 10/26/10, which will be submitted to city. 5-0-1.
1900 Spindrift Drive - Construction of new driveway, curb cut and aprons, re-grading of new driveway and connection to existing motor court & associated site wall reconfiguration. All excavation to remain on site.

E. WHITWORTH RESIDENCE: Pulled: President LaCava

PRC ACTION: Findings can be made for project, plans as submitted to city dated 10/25/2010. 4-0-1.
8462 El Paseo Grande - Construction of a second story 3-bedroom guest quarters above an existing single-family residence on a 0.27 acre site in the SF Zone. Addition of second story with three bedrooms, three baths and two

balconies over portion of existing structure. Addition of interior stairs for access to second floor. Modification to exterior finishes and roof of existing structure underneath proposed second story.

Approved Motion: Motion:

To accept the recommendation of the Planned District Ordinance Committee: (A) To approve the Project as presented including representation by Applicant that the signage coverage on the Union Bank building is in conformance with the PDO: 7807 Girard Avenue – Replace existing signs with new Union Bank signs, and forward the recommendation to the City of San Diego.

To accept the recommendation of the Development Permit Review Committee: (B) To Approve the CDP and SDP as presented: 5380 Calumet Ave - Coastal Development Permit & Site Development Permit to demolish an existing residence and construct a 4,369 square foot single family on a 0.19-acre site in the RS-1-7 Zone, and forward the recommendation to the City of San Diego.

To accept the recommendation of the Development Permit Review Committee: (C) Findings can be made for a Coastal Development Permit and a Site Development Permit to stabilize the coastal bluff: 5322 Calumet Ave - Coastal Development Permit & Site Development Permit (a required follow up Permit to Emergency CDP, PTS#208734) to stabilize the coastal bluff for an existing single family residence in the RS-1-7 Zone, and forward the recommendation to the City of San Diego.

(Merten/Salmon 14/0/1)

In favor: Addington, Brady, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Salmon, Whittemore.

Abstain: LaCava.

Approved Motion: Motion: To accept the recommendation of the La Jolla Shores Permit Review Committee: (D) Findings can be made for neighborhood development permit as presented in the plan presented, revision 10/26/10, which will be submitted to city: 1900 Spindrift Drive - Construction of new driveway, curb cut and aprons, re-grading of new driveway and connection to existing motor court & associated site wall reconfiguration. All excavation to remain on site, and forward the recommendation to the City of San Diego.

(Gabsch/Addington 13/0/1)

In favor: Addington, Brady, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Salmon, Whittemore.

Abstain: LaCava

Recused: Crisafi

Trustee Costello noted in reference to bluff stabilization at 5322 Calumet and 5380 Calumet; he would share his copy of the Soils Report with those Trustees who are interested in our local coast and bluff erosion problems; causes and attempted amelioration.

President LaCava, in regard to the LJCPA Consent Agenda, noted he intends to present, by way of explanation, statistics and information to the San Diego City Planning Commission: During the past year: 1) Of the nine appeals heard by the SD Planning Commission, six were from La Jolla. 2) The LJCPA reviewed and made recommendations on as many Projects as did the SD Planning Commission. 3) LJCPA approved 78% of Projects presented, appealed 5% of Projects presented. 5) The volume of business conducted by the LJCPA is greater than any other Planning Group within San Diego City. Our frequency of appearances before the Planning Commission is directly related to our volume of business.

9. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – Inactive

B. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center

President LaCava reported he is optimistic: the City/Promote La Jolla issues are expected to be settled, funds should be restored. This committee has continued to function throughout this difficult period.

10. Cave Street Parking Lot and Relocation of Historic Structures

1261/1263 Cave Street - Coastal Development Permit & Site Development Permit to remove 2 historical structures from a 7,700 sf lot. A Conditional Use Permit to add a parking lot to the Cave Street site in the RM-1-1 Zone.

2503 Ardath Road – A Site Development Permit to Demolition of existing building on Ardath Road. Relocation of two (2) existing historically designated residences from Cave Street to Ardath Road. New three (3)-garage. Addition of 209 sq. ft. to guesthouse and 376 sq. ft. to main house. Total of 2865 sq. ft. for both relocated houses and 734 sq. ft. for the garage. *PREVIOUS ACTION:* Pulled from September consent agenda by applicant
PREVIOUS RECOMMENDATION: DPR voted 5-1-1 that findings cannot be made. (See backup)
PREVIOUS RECOMMENDATION: PRC voted 4-1-0 to deny the project as presented and suggested changes. (For other related motions see backup material).

President LaCava noted this is a somewhat unusual presentation in that the Project involves two different parts of La Jolla, therefore Part One of the project was heard by the Development Permit Review Committee, (Cave Street Parking Lot and Relocation of Historic Structures to Ardath Road), and Part Two by the Permit Review Committee, (Cave Street/2503 Ardath Road – Historic Houses Relocation).

Presented: Attorney **Marie Burke Lia** for the Applicants: accompanied by **Mr. James Alcorn**, Architect responsible for Cave Street Parking Lot portion of Project, **Mr. Jeffrey Shorn**, Architect responsible for Relocation/Rehabilitation/Ardath Road portion of Project and **Ms. Phyllis Ingram**, representing property owner: Fourth Church of Christ, Scientist. The Cave Street property is leased to Allison-Zongker, the Ardath Road property is owned by Allison-Zongker.

Ms. Lia spoke initially to Part One: Parking Lot/Relocation of Historic Structures. **Ms. Lia** presented an aerial photograph and graphics describing the proposed Project property, the surrounding properties, and presented a detailed historical description of the Project. **Ms. Lia**, continuing the Presentation, described the involvement of the La Jolla Historical Society in this Project, and spoke, in considerable detail, to Part Two: Cave Street/Ardath Road-Historic Houses Relocation. **Ms. Lia** made reference to the reason for the Dual Permit request: Cave Street Lot site falls under 1999 Municipal Code and 1975 La Jolla Community Plan. Ardath Road site falls under 2000 Municipal Code and 2004 La Jolla Community Plan.

Mr. Alcorn presented his plans for the proposed Parking Lot project.

Mr. Shorn presented his plans for the renovation and rehabilitation of the, (Historic Houses), Cottages.

LJ CPA Member **Mr. Don Schmidt**, speaking on behalf of the La Jolla Historical Society: On August 23, 2010 a Motion presented to the full Board of the LJHS, presented by Leslie Davis, on behalf of the LJHS Preservation Committee:

“The Preservation of Sites and Structures Committee of LJHS recommends to the board of LJHS that it oppose the move of the LaCrosse cottage and its sibling cottage off of their present site on Cave Street”.

Reasons given by the Committee were: 1. Keeping them in the vicinity of their original location maintains the historical context of the cottages. 2. Keeping the cottages at their present location maintains the historical context of the village. 3. Unlike the Cuvier location proposed earlier in the decade, there is no public benefit to the current proposal to move them to Ardath Road and no visibility to the public.

The vote on the Motion: nine in favor, two against, four abstentions.

Mr. Schmidt acknowledged the LJ Historical Society is not an official part of the La Jolla planning process, however the LJHS thought it important that the LJ Community be made aware of the LJHS position relative to these historical structures. In response to a question from **Trustee Costello**, Mr. Schmidt noted the San Diego Preservation Group, Save Our Heritage Organization, has stated SOHO is opposed to moving these Cottages off their current site.

Trustees Courtney, Lucas, Brady commented/questioned re parking, a parking structure, proposed number of spaces. **Trustee Little** questioned the renovation/rehabilitation process. **Trustee Costello**, in response to **Trustee Crisafi** read the DPR Subcommittee Motion of August 2010, with focus on 1975 LJ Community Plan. **Trustee Conboy** noted two abutting parking lots defeats the purpose of the 1975 LJ Community Plan. **Trustee Merten** referring to the 1975 LJ Community Plan: the language of the Plan speaks to the value of preserving

historic structures, preserving visual historic connections within the community.

Trustee Gabsch, in agreement with **Trustee Merten's** reference to the Allison-Zongker need for additional parking, referred to the specious, (in his opinion), reliance on the Wilbur Smith Parking Study. **Trustee Whittemore** referring to the Municipal Code v applicable law, questioned why this project is not required to comply with the current LJ Community Plan and current Municipal code. **Ms. Lia** responded: A Surface Parking Lot Permit application was filed in 1999 and the application was deemed complete in 1999; therefore provisions of the 1999 Municipal Code and the 1975 LJ Community Plan were both in effect at the time the application was deemed complete. **Trustee Crisafi**, referring to **Trustee Merten's** previous remarks, cited two sections of the LJ Community Plan, and specifically: "relocation of an historic structure to another site within the community should be utilized only after all other means to retain the structure on the original site have been exhausted." **President LaCava** expressed concern re: continued reliance on a ten-year-old Permit Application, noted the appearance of special accommodation. Requesting clarification, **Trustee Lucas** asked why was a permit not issued. **Ms. Lia** responded: a permit could not be issued because the structures on the subject property were subsequently identified as historical, triggering a complex process. **Trustee Crisafi** commented on the minimal value of twenty parking spaces vs. keeping the Cottages intact, the visual environment should take precedent.

President LaCava invited the Applicants representatives to respond to the Trustees comments. **Ms. Lia** presented a well-documented, vigorous and courteous rebuttal to the Trustees concerns.

Trustee Costello reading from page 67, The La Jolla Community Plan, March 1975: " We now live in an era marked by rapid change. Our familiar surroundings and old structures are being altered and replaced at an unprecedented rate. It is becoming increasingly difficult to see our position clearly with regard to past, present and future. We need a means of recognizing and preserving our cultural and physical roots. We need to have a higher regard for our older buildings and other historical features. At some point in time, certain buildings, trees, street lamps and other objects transcend their value as pieces of real estate or functional objects and become symbols of greater depth and meaning to the people of a community. They become reference points for changing daily life. Additionally these elements have a unique capacity to contribute to the total environmental quality of a place because of the variety in scale and texture which they provide in the urban landscape. In so doing, they are as important as schools, roads, parks and churches."

Speaking to **Trustee Costello's** Motion: **Trustee Whittemore**: Removing historical structures to preserve and enhance is counter intuitive. The concept of a permit application deemed complete has a fundamental flaw. **Trustees Lucas, Salmon** spoke in opposition to the Motion. **Trustees, Brady, Gabsch, Conboy** spoke in support of the Motion.

Approved Motion: Motion to ratify the Development Permit Review Committee Motion:

1. Findings cannot be made for a Coastal Development Permit and Site Development Permit to relocate the two historic structures because the proposal moves the cottages out of the context of the Village. Proposal does not comply with LJ Community Plan. (Staff refers to current and 1975 La Jolla Community Plan due to filing period of proposal).

References: 1975 LJ Community Plan, Community Resources, pages 67, 68 (69 too) (historical context). Current LJ Community Plan, #3 on page 128, 130. Current LJ Community Plan, Plan Recommendations #1, page 131 re: relocation of structures to Ardath Road site B.

2. The cumulative scale of the surface parking lots is inconsistent with the scale of the remaining single family homes in the vicinity specifically on Cave Street and Silverado Street, including corner where they intersect, (Costello/Conboy 12/2/1).

In favor: Addington, Brady, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore.

Opposed: Lucas, Salmon

Abstain: LaCava

Approved Motion: Motion to deny site development permit for the Ardath Road site: the finding cannot be made for the Cave Street dwellings to be moved to the Ardath Road site, (Crisafi/Whittemore 12/2/1).

In favor: Addington, Brady, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore.

Opposed: Lucas, Salmon. Abstain: LaCava

6. President's Report - Revisited

President LaCava requested input from Trustees regarding the difficulties encountered when there are several complex Agenda items. **Trustee Merten** suggested the Trustees consider calling a special meeting when there are projects requiring lengthy consideration. Trustee Manno, in agreement, suggested those projects heard late in the evening often did not receive the attention deserved. **Trustee Addington** suggested project documents distributed prior to the meetings would be helpful. **Trustee Crisafi** referring to a just instituted DPR policy said one person would be responsible for gathering information/documents on a specific project, enabling a summary to be presented to committee members. **Trustee Fitzgerald** suggested a reordering of the Agenda, moving complex items forward would be helpful and agreed that additional meetings would not be a burden.

Trustee Little requested clarification of the LJCPA appeal process. **President LaCava** responded: originally his policy was to automatically appeal whenever there is a decision contrary to a LJCPA recommendation. **President LaCava**, in an attempt to establish a minimum threshold, now requires at least one Trustee or La Jolla Community member to request an appeal of a decision contrary to a LJCPA decision.

Trustees Gabsch, Conboy, Fitzgerald, Courtney, Salmon, Costello asked for clarification, commented on the appeal process, and discussed various policies and solutions regarding LJCPA policies.

President LaCava thanked the Trustees for their consideration and active involvement in evaluating policies.

11. Adjourned: 9:10 PM to Next Regular Meeting on December 2, 2010, 6:00 PM

La Jolla Planned District Ordinance Committee

Chair: Ione R. Stiegler, AIA

4:00 PM, La Jolla Recreation Center, 615 Prospect Street, Room 1

Minutes for the November 8, 2010 Meeting

In Attendance: Jim Fitzgerald (LJTC), Jennifer Clark (PLJ), Orrin Gabsch (CPA), Poncho Dewhurst (LJTC), Deborah Marengo (PLJ), Ione Stiegler (BRCC), Trent Wagenseller (PLJ), David Little (CPA),

Absent: Glen Rasmussen (CPA), Joe Parker (BRCC), Cristull Hasson (LJTC),

1. **Public Comment** – Issues not on today’s agenda (2 minutes maximum.)
 - a. Egon Kafka presented the plan by some of the Village businesses to string holiday lights along some streets.
2. **Chair Report / Board Discussion**
 - a. Review and Approve October Minutes
 - b. Approved with modification to show Trent Wagenseller as present at the meeting: Marengo motion – Wagenseller second 5-0-3 (abstentions)
 - c. Issues regarding PDO compliance and means to promote enforcement.
 1. Marengo introduced concerns over current potential infractions of the PDO:
 1. Birdrock Surf on La Jolla Blvd.
 2. Kickboxing Gym in the former Bully’s location on La Jolla Blvd.
 2. Stiegler informed the group that an e-mail had been sent informing the owners of the potential infractions to the PDO.
 3. Both tenants will be invited to present their projects to the board next month.

3. Recommendations to CPA

A.

Project Name: La Jolla Masonic Lodge #518

Address: La Jolla Boulevard

PN: (N/A)

PDO Zone: LJPDO4

Scope of Work: Painting the exterior of the building. Presenting the proposed colors.

Motion: Paint scheme Bunting and Splodgy conforms to the PDO. Clark motion – Gabsch second 7-0-1 (abstention)

Applicant: La Jolla Masonic Lodge

Agent: TBD

City PM: (N/A)

Date of App Notice: (N/A)

B.

Project Name: Prodigy School of Arts

Address: 5725 La Jolla Boulevard

PN: (N/A)

PDO Zone: LJPDO4

Scope of Work: Signage

The sign letters will be made out of 1/2 inch black PVC, the tall letters will be 12" and the letters under it will be 10". Less than 13 square feet.

Motion: Proposed signage conforms to the PDO. Wagenseller motion – Fitzgerald second 8-0-0 (abstention)

Applicant: Erin Roberts

Agent:

City PM: (N/A)

Date of App Notice: (N/A)

4. Recommendations to DPR Committee

- a. None

5. Information Only

- a. None

NEXT MEETING – MONDAY, DECEMBER 13, 2010

Please check <http://www.lajollacpa.org> 72 hours prior to meeting, meeting may be cancelled if no projects are on the agenda.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT IONE R. STIEGLER, AIA, CHAIR, 858-456-8555 OR

istiegler@isarchitecture.com

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT
FOR
NOVEMBER 2010

11/9/10 Present: Costello, (Chairman) Crisafi, DuCharme Conboy, Frangos, Kane, Liera, Merten
11/16/10: No Meeting

1. Public / Non-Agenda Comments

A. Committee Discussion on Minutes format. Example formats were distributed. RROO “What was done as opposed to what was said” unless we publish minutes. We publish. Discuss “Pros” and “Cons” of issues. Documenting both sides of issues. Brief details and explanations are more useful than just stating a topic; useful to inform Chairman and Members, absent from a Meeting, what transpired helps other Groups (CPA, Town Council) and City Staff understand our discussions. Include regulations, cite Community Plan and especially SD Muni Code as appropriate. A reason should be recorded when a member votes “no” on an item.

B. Guest Parking, Coastal impact Zone, Tandem Parking Zone
Guest parking in the Coastal Zone ... SD Muni Code “provide a 20 ft driveway, sidewalk to garage door”. It implies guest parking. If one can not provide 20 ft deep driveway, then spaces on street in front of residence can provide for guest. Except in the Parking Impact Zone in the Coastal Zone ... if street too narrow, or driveways too close together, then additional spaces are to be accommodated on site. In Coastal Zone especially Parking Impact Zone tandem parking is an approved method of providing required parking for a house – implied that additional parking spaces for guests are required parking. Code does not have distinction between required parking for guests or occupants. Required parking can be accommodated by mechanical lifts.
References

Single Dwelling Unit Residential Uses – Required Parking Ratios. Section 142.0520

Minimum Required Parking Spaces for Single Dwelling Units and Related Uses. Table 142.05B
(see footnote No. 1 for Table 142.05B)

Mechanical Automobile Lifts. Section 142.0556

(Note: PDF files of referenced sections of the Muni Code were provided. To save space they are not included here, please see SD City Website.)

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2. FINAL REVIEW

Project Name: **FRIEDMAN RESIDENCE**
6318 Muirlands Dr. Permits: CDP
Project #: JO#00-0000/179867 DPM: Michelle Sokolowski 619-446-5278
MSokolowski@sandiego.gov
Zone: RS-1-2 Applicant: Brad Golba 949-645-5854
email@customarchitecture.com

Scope of Work:

(Process 2) Coastal Development Permit to demolish an existing residence and construct a 6,904 square foot single family residence on a 0.35-acre site in the RS-1-2 Zone of the La Jolla Community Plan, Coastal Overlay Zone (non-appealable), the Coastal Height Limit Overlay Zone. Council District 1. This project is undergoing environmental review.

Presenter: Brion Jeannette, AIA

Seventeen pages of Exhibits in the form of letters, and annotated SD City Cycles letters, photographs, and maps were emails to DPR Members to answer the Final Review questions.

Please provide for Final Review: *Responses in italics*

- 1. stone fence, 3ft, 3ft horizontal steel, 80% open (75% required) – *Previously Approved***
- 2. Update survey per CDP filing requirements**
#48 topographical survey not cleared. Obtain spot elevations without going on neighbors property, relationship. City requirement to get topographic survey information 10 ft into neighbor's property (Merten has 50 ft quote as well). By aerial means or Google or Adobe? Not sure what Chris Larson (his letter) intended, but our request, and City requirement, not met. – *Sign off included in Exhibits. 50 ft requirement is for much larger developments. Chris Larsen's updated letter that City requirements are satisfied.*
- 3. Disclose historical review determination Email, but no actual documentation of clearance of the issue. – *Historical analysis done and completed. CEQA exempt.***
- 4. Verify proper storm water control – City Engineering sign off or approval. Not signed off in Cycles letter. # 41 Site drainage, not cleared, - *Some issues left to be done as conditions of approval at the time of working drawing by City Engineering. #34 issues satisfied. Issue of drainage on street discussed with Mrs. Johnson and City, not Applicant's responsibility.***
- 5. Per page 56 & 57, sections (c) (i) & (j) under visual resources of the La Jolla Community Plan – show compliance with photos, documents or simulations:**
 - a.) view from street thru to canyon at side yards – concern of placement of and too many trees. *City approved plan with this landscaping, trees.***
Does City require view easements down side yards property lines, ie Figure 9 ? # 42 fences, side yard
 - b.) visual impact of façade and large expanses of glass adjacent to & reflecting into canyon. - *presented drawing of Summer and Winter Solstice, overhang shades glass, ie no reflection***
Liera: ref. # 5b. Overhang helps, landscape helps also. Western facing includes all the conditions of Sun's reflection at Sun set? *Yes*
Liera: Reflection from isolated house, as opposed to in mass of others, special orientation especially across right of way.

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DuCharme: ref. # 5b. Your drawings are of Solstice at Noon, but every evening the Sun will reflect and your drawings are really useless. *Didn't really mean to say there wouldn't be a reflection at Sun set.*

Merten: do we want to get into reflection issue as it applies to many houses.

6. Provide more visual relationship foot prints to other neighboring lots & massing. Aerial survey should show relationship of building foot prints of proposed and existing neighbors houses. Approximated houses sq ft from aerial photos. Range 2500 to 8000 sq ft. Exh. 11,12,13,14. 5 homes are 1 story, 9 are 2 or 3 story homes.

Kane: Neighboring corner, relationship of Project to neighboring property/lots, ie 50 ft analysis? **Crisafi:** Survey because of canyon for CDP. **DuCharme:** do we let this go, or do we really want to know for neighbors? *SD City said not needed. Demonstrated on Exhibits setbacks.*

Provide for final review:

- 1. New plan for master bedroom**
 - a. sweep the W-S corner inward
 - b. roof overhang(s) be moved back
- 2. Concerns with #5, Visual Resources and reflection of glass.**

3. PRELIMINARY REVIEW

Note: Preliminary Reviews can be rendered a Final Review by a unanimous DPR Committee vote.

Project Name:	PAPERIN /VILLA DEL TEATRO RESIDENCE		
	6540 El Camino del Teatro	Permits:	CDP
Project #:	PO#221392	DPM:	Morris Dye 619-446-5201 mdye@sandiego.gov
Zone:	RS-1-4	Applicant:	Tim Martin 760-729-3470 tim@martinarchitecture.com

Scope of Work:

(Process 2) Coastal Development Permit to demolish an existing residence and construct a 5,425 square foot single family residence on a 0.33-acre site in the RS-1-4 Zone of the La Jolla Community Plan, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone. Council District 1.

Presenter: Tim Martin, AIA

Subcommittee Motion: to Merge Preliminary and Final Reviews.

(Merten/Ducharme 5-1-0)

In Favor: Crisafi, DuCharme Conboy, Kane, Liera, Merten

Oppose: Costello (to afford neighbors another opportunity to attend a Review)

Abstain: 0

Motion Fails

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Please provide for final review:

- 1. Recommend to the City to not have a street light (out of Character in Muirlands area)**
- 2. 8 foot street dedication for future pedestrian walkway**
- 3. Submit response to Community and Applicant assuring that drainage to street will not impact neighbors to the North along the street.**

La Jolla Shores Permit Review Committee– Minutes
Tuesday November 23, 2010
La Jolla Recreation Center, 615 Prospect Street, La Jolla, CA

1. Non-Agenda Public Comment – None
2. Chair Comments –
 - From the November CPA meeting:
 - a. 1900 Spindrift passed on consent
 - b. Whitworth pulled for further consideration of sightlines to ocean
 - c. Cave/Ardath full hearing. CPA denied findings to replace buildings on Cave with a parking lot and said the buildings should not be moved from Cave (further clarification when the CPA minutes appear)
 - Whitney Environmental Hearing ; City Council [5-3], set aside the environmental determination and remanded the Project back to Planning Commission to reconsider various aspects of the MND after reanalysis by City Staff
 - No word from Hooshmand, Gaxiola (Tim Lucas reports story poles up)
 - New projects coming: Via Rialto drain repair, Rosen residence on Robinhood
 - A walk-by of “First Public Roadway” properties on Spindrift and El Paseo Grande shows no ocean views from the Marine Room to intersection with Princess with hedges and fences 8’ and higher. On El Paseo Grande from the Park to Collado only about 3 fully qualifying properties.
 - At present only four are assured: Boyden, Furtek, Morton, Schenck. Follow up with Dale Naegle needed.
 - October minutes correction: add Merten to absent category
3. Project Review –A-E

Committee members present: Boyden, (Chair), Furtek, Lucas, Merten, Morrison, Morton (recused for A), Schenck.
Absent: Naegle

A. Whitworth Residence

- PROJECT NUMBER: 215918
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 8462 El Paseo Grande
- Project Manager Renee Meza: Ph: 619-446-5001; rmeza@sanidiego.gov
- OWNERS REP: Claude Anthony Marengo; 858-459-3767; cmarengo@san.rr.com

Project Description: In [. . .] an existing single-family residence on a 0.27 acre site in the SF Zone of the La Jolla Shores Planned District, the Sensitive Coastal Overlay (Zone B), Coastal Overlay Zone (Appealable), Coastal Height Limitation, First Public Roadway, Beach Parking Impact Zone, Residential Tandem Parking Overlay. (City NOA)Addition of second story with three bedrooms, 3 baths and two balconies over portion of existing structure. Addition of interior stairs for access to second floor. Modification to exterior finishes and roof of existing structure underneath proposed second story. [Applicant]

On November 4, this item was pulled from the LJCPA consent calendar because of concerns that the plans did not provide details on the Visual Corridor required by SDMC 132.0403. The project will be reheard for evaluation of this issue only.

For this hearing, applicant has provided a revised sheet “A.1.1” dated November 16, 2010.

Seeking: Coastal Development Permit (CDP) and Site Development Permit (SDP)

Previous Action: (Consult October PRC Minutes for discussion)

Motion: John Schenck Second: Ed Furtek

Findings can be made for project, plans as submitted to city dated 10/25/2010.

Motion carries: 4-0-1 Approve: Schenck, Furtek, Naegle, Lucas; Oppose: None; Abstain: Boyden (chair);
Recuse: Morton

Presented by C.A. Marengo

Per the requirements, annotations have been added to the plans to show the current visual corridor within the side yard setbacks, and the fences and landscaping. The proposed project does not demolish the first floor walls, so there are no changes to the current setbacks and visual corridors. Anything over 3' tall in side yard setback must be noted and requirements and regulations must be met for these areas.

Furtek: When we reviewed the project the first time, the issues of view corridors were not brought up nor noted in the cycle issues. Do we know why the CPA pulled this and sent it back, rather than having the annotations made to the plans and having the city review them? Does not know why this was sent back for review.

Lucas: Will the changes and second floor addition change the view corridors at all? *No.*

Public:

Rob Whittemore: This is grandfathered in. But if you were making changes, what would happen? *Discussion followed about heights and items allowed within the visual corridors.*

Merten: You have shown the fences and shown the details required on the plan. Note on fences says 75% open to light? *That is copied out of the code [for fences].* The issue before us is the preservation of the side yards, for views and for light.

Furtek: Requested change to proposed motion, agreed to regarding straight through public view substituted for 75%

Motion: Schenck; Second: Furtek

The findings can be made for the project, plans dated 10/25/2010, and submitted to the City as amended on replacement sheet A-1.1 dated 11/16/2010, with the annotation made on plan for 75% open for light and a straight through public view.

Motion carried: 5-0-1; Approve: Furtek, Lucas, Morrison, Merten, Schenck; Oppose: 0; Abstain: Boyden (chair); Recuse: Morton.

B. Galicot Residence Extension of Time

- PROJECT NUMBER: 220963
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 8320 Calle del Cielo
- Project Manager: Jeanette Temple; 619-557-7908; jtemple@sandiego.gov
- OWNERS REP: Jeff Elden; 858-677-9092; Jeff@DesignBuildInc.com –did not wish to attend hearing

Project Description: Extension of Time for CDP 212253 and SDP 216293 to demolish existing residence and construct an approximately 9,000 sq. ft. single family residence with garage, guest quarters, pool and cabana.

This project was permitted by the City on May 26, 2010 after a Substantial Conformance Review of a previous permit. Subsequent events include a CEQA and Public Records Act-based lawsuit filed by a neighbor against the City, naming the Galicots as a real party in interest.

The EOT is scheduled for a City hearing on December 15, 2010

Seeking: EOT as described above

No representative of the project present.

No neighbors present.

No public comment against project.

Committee has received the extension of time request and information via email.

Lucas: Has concerns about the process and what criteria we are supposed to use regarding this request for time extension. Does not feel there is enough information to make an informed decision.

Boyden: Long time acquaintance with Mr. Elden's business partner.

Motion: Furtek Second: Merten

Findings can be made to grant the extension of time.

Carried 5-0-2; Approve: Furtek, Merten, Morrison, Morton, Schenck; Oppose: 0; Abstain: Boyden, (Chair), Lucas

C. Trunkey Residence

- PROJECT NUMBER: 216283
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 7595 Hillside Drive
- Project Manager Glenn Gargas: Ph: 619-446-5142; ggargas@san Diego.gov
- OWNERS REP: Dwight Weevie; 619-852-7150; dwright@solengineering.com

Project Description: Slope repair on environmentally sensitive lands. Site is currently outfitted with tarps for temporary erosion control. Structure modification is not currently planned. Project will include biological evaluation, protection of existing structure with micropiles prior to grading, grading, installation of shear pins, geogrid and riprap energy dissipater. There will be a comprehensive Revegetation/Restoration Planting plan featuring native plants.

Seeking: CDP and SDP for Environmentally Sensitive Lands

Committee comments:

Boyden:

Gave some background on the site and the City's "Notice of Violation".

Presenter: Dwight Weevie, of Sol Engineering

A broken water main caused the problem originally. The house is red-tagged and can not be occupied due to safety issues. The City has concerns about the biological/ecological aspects of the natural slope that will be affected by the repairs. A biologist will be used during the process to monitor the activities and recommend actions and mitigation. They had applied for an emergency permit to install the shear pins and micropiles, but the City did not grant this. The project has been slowed by the process of going through the normal permit procedures despite the potential for further damage to the area.

Morton: Will any of the City rights of way be affected? *No. The project will change the slope of the off-street parking spot so water will flow back to street. Rain gutters will drain to street. Channel drains will be installed.*

Schenck: Where will the dissipater drain? *Dissipater will direct to the two canyons below. They are still working on the issues and whether pumps are necessary, during the grading review cycle. The water that caused the original problem was due to the water main, not to any drainage issues from storm runoff.*

Furtek: Impact on street traffic? *Repairs will take most of the summer. The heavy equipment will be working from below, down slope, and should not affect the roads. There should be minimal impact on the street. The two on-street parking spots will probably be used during the construction process by contractors.*

Boyden: Environmental concerns? *A biologist has been hired. Tarps were in place earlier, and will need to be installed again during the rainy season to prevent further subsidence and slope damage.*

Public comment:

Richard Brehm (president of Colony Hills homeowners association): How extensive will the shear pins be? Response: *The presenter showed the plans and responded. Why are the scraps of tarp there? Someone came and cut out and vandalized/stole part of the tarp. He will talk with the owner to repair the tarp and remove the scraps.* Rebuttal: The tarp has been in tatters for years and the owner was contacted and did not care about replacing it or how it looks. Response: *The owner will need to replace the tattered tarp with a new one to protect from further damage to hillside and structure.*

Chuck Castle: This is ruination for the canyon. It looks bad and the hillside is suffering more erosion. He has contacted code compliance and the city and they have not done anything due to ongoing litigation. The owner will not remove the plastic. Response: *The tarp needs to be on during rainy season. It can be removed after April to allow vegetation to grow back.*

Committee discussion:

Morton: Has visited the site previously. He agrees that the tarps don't look good.

Boyden: City has an application for a similar repair behind Caminito Rialto. Richard Brehm responded that City did the repair, but did that repair under an emergency permit and is now coming for approval after the repair.

Furtek: Aren't there other properties that are tarped in the area? *Yes, 2 other houses have issues.*

Merten: The city will not issue emergency permit. If they did, how soon would you start work? Response: *The micro piles and shear pins immediately.* Merten: There are no bio reports available. I don't think we can make findings for CDP to do the whole project. On the other hand the grading and engineering work needs to be done now. An emergency permit to cover the main engineering solutions should be issued now.

Morton: We only have the grading plans to review. But it is important that the project goes forward to get the repairs planned. We could make a partial motion, saying that "findings can be made solely by the grading plans presented to us".

More committee discussion followed, and the board had the concerns that the critical engineering repairs should be made, issuing an emergency permit or concurrent process immediately, to protect from further hillside damage. Since our committee purview is to make recommendations on projects presented, it was decided that this could not be done, so a motion to approve findings based on what was presented was made.

Lucas: Thought that we can't make the findings as much of the materials the committee needs are not available yet as this project is early in the process. He would prefer to have the CPA write a letter to the City urging an emergency permit for the essential work, and have the project come back for further review.

Motion: Morton; Second: Furtek

Findings can be made based solely by the grading plans presented to the committee.

Carried: 5-1-1; Approve: Furtek, Merten, Morrison, Morton, Schenck; Oppose: Lucas; Abstain: Boyden.

Motion: Merten; Second: Morton

Noting to the CPA that the motion was based only on the grading plans due to the urgency of the situation and ask the CPA to write a letter urging that work on the shear pins and micropiles begin immediately to protect the slope over the winter.

Carried 6-0-1; Approve: Furtek, Lucas, Merten, Morrison, Morton, Schenck; Oppose: 0; Abstain: Boyden (Chair)

D. 1912 Spindrift

- PROJECT NUMBER: 214654
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 1912 Spindrift
- Project Manager Glenn Gargas: Ph: 619-446-5142; ggargas@sandiego.gov
- OWNERS REP: Lisa Kriedeman; 858-459-9291; lkriedeman@islandarch.com

Project Description: Demolish existing residence and construct a 4699 sq. ft, two-story single family residence. City Coastal (appealable); Coastal Height Limit, Sensitive Coastal, Flood Plain, First Public Roadway, Parking Impact, Residential Tandem Parking, Transit Area Overlay Zones. [City] Construction of new two level single family residence with loggia, balconies, hardscape, landscape, retaining walls, masonry, fences and pool. [Applicant]

Note: Project reduced in size to 3687 from original submittal to City. [Applicant]

Seeking: Site Development Permit: Environmentally Sensitive Lands and LJSPDO (SDP) and Coastal Development Permit (CDP)

Presented by Lisa Kriedeman of Island Architects, with participation by Matt Peterson, land use attorney:

The footprint changed due to city requirements that the building and pool be moved 40' back from edge of seawall/cliff-face. The square footage on this revision has been reduced by 946', lot coverage 17.4% to 13.3%, FAR, .34 to .27 the chimney lowered, and the ridge lowered by 1.5'

A setback study and overview of the project was presented.

Committee:

Merten: What are the specifics of the retaining wall? Response: *Retaining wall varies 6' to 5' high it is 2' 10" in from the property line. Any excavated soil needs to be retained onsite due to Native American heritage issues.*

Morton: Is there any CDP on the existing house? *No, house was built long before those were put into use.* Morton is concerned about the 1.5' side setback. Response: *The lot is 57.5' wide at that portion of the site. View corridor on the 6' setback side, the planting will be kept low... Corresponding setback of south side neighbors is 2.5'. There are two off-street parking spaces.*

Public Comment:

Brian Malk (has properties on 1905 Spindrift and St. Louis Terrace, and is representing Mr. Joshi on 1919 Spindrift): . Why 40' foot setback? *Required for any new structure over 3' tall due to existing seawall on the site. Had they remodeled the existing structure, they could not go 10% higher or 10% larger on the existing footprint. Existing Sq. Footage: 3172. Proposed: 3687. This is a new structure, not a remodel.* Malk: The setback from the street is very modest; the size of the pool drives the design of the house. The owner owns the adjacent property to South, so that is the reason for pushing the house back to preserve the view from that site. The pool could be swapped with the house location. His main objection is the mass of the house is too close to the street. Response: *Most of the Native American material would likely be at the street side of the property, therefore this is not possible.*

Suzanne Weissman (lives on Spindrift across street): Is concerned with views from the roads that will be lost due to the mass of the house having so little setback from the road. Response: *There is currently very little view due to the overgrown plantings and trees all along the street. They do not think any views will be lost from the public rights of way.*

Todd Barbey (adjacent neighbor on north): Setback of current house? Response: *The set back is currently 33'. This project is proposing 10' back.* Barbey: How low is the current ridge of house? Response: *Currently 14' will change to 24'.*

Barbey: This is quite a change in perspective from the street.

Rob Whittemore (Shores resident): Questions regarding the 40' setback and sensitive bluff area. What is the height of bluff? Response: *24' on north, 33' on south.*

Board Discussion:

Boyden: We have heard the concerns of the neighbors with the general appearance of the house, the small setback, the second story, view corridors.

Morton: Size of pool? Response: *Pool is 41' x 29'.* Morton: What are the slopes of the areas? Response: *From house to pool is 1 foot. From pool to first terrace is 18 inches.*

Presenter: Due to archeology reasons, they can only affect area 25% of surface area. All disturbed soil will be sifted for archeological items and all soil will be preserved on-site.

Committee had questions about straight-sided 2-story areas with no articulation. Response: *Due to narrowness of lot , they don't have room to add any significant articulation.*

Merten: Building and structure setbacks should be similar to those in the vicinity. In the LJS Design Manual: The houses should relate to each other. This house feels closer to the street than the immediate neighbors, and the second story is not similar to the neighborhood. Response: *Other houses within 300' are bigger and have second stories.* Merten: Requests to come back next time with a site plan that shows the exterior walls on properties in the neighborhood.

Motion: Merten; Second: Morton

Continue item. Request that project come back with neighborhood site plan that shows this building in relationship to neighbors', show the elevation of this house in relationship to neighbors. Provide details on parking spaces and access.

Carried: Approve: Furtek, Lucas, Morton, Merten, Morrison, Schenck; Oppose: 0; Abstain: Boyden (Chair)

E. Aron Residence

- PROJECT NUMBER: 215861
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 8435 La Jolla Scenic Drive North
- Project Manager: Patrick Hooper; 619-557-7992; phooper@sandiego.gov
- OWNERS REP: Colin Hernstad; 619-921-0114; colinhernstad@gmail.com

Project description: Demolish existing residence and construct a 2-story 8364 SF residence on a 0.49 acre site in the SF zone of LJS PDO within the LJ Community Plan, Coastal Height Limit, Airport Influence Area, [Campus] Parking Impact [City] To build a new SF residence to accommodate a young, very active family of 6 (expecting to increase) in an environmentally friendly home that will enhance the neighborhood and community. [Applicant]

Seeking: Site Development Permit (SDP)

Boyden: She lives near this house (within 600' as the crow flies) and has met Mr. Hernstad, but has no conflicts of interest. She described the neighborhood structures.

Presented by: Colin Hernstad

Try to build over the existing house footprint. Presented elevations showing the new and existing profile as well as areas where the setback has been increased. Presented comparison photos of other houses in the area (some beyond the 300' distance).

Furtek: The adjoining houses? *The North side is single-story, South side is two-story.*

Morton: Setbacks on garages? 5' & 8'. *Setbacks on house are 14' & 9' from sides. Height of garages: 16'.*

Merten: Do you have a neighborhood site plan of the adjacent buildings? A partial plan was showed. The covered lattices may be too close to property line for city codes.

Boyden: This is a campus parking impact zone. How many bedrooms are there and how many parking spaces? Phantom floors? Response: *There are 5 bedrooms + guest bedroom and closet + game room (no door). Six bedrooms means that six parking spaces are required. Four cars fit in the garage. Parking scheme will be supplied that shows the outside parking. Phantom floor in center of house has been included in FAR calculations. Covered patios are lattice work are subject to modifications.* Is there a geotechnical study? *That is in progress.* This home is considerably larger than any within 300' radius [N.B. applicant provided survey shows that largest home within 300' is 4470 sq. ft.; a group of 4 houses one block to the south range from 4259 to 5052 sq. ft.; four houses four blocks away, south of Pottery Canyon range from 6120 to 6827; other homes listed within 300' range from 1676 sq. ft. to 4301 sq. ft.] Also questions 2nd story setbacks. Response: *There are some second story overhangs.*

Lucas: Parking clarification? *4 spaces in garage, plus at least 3 in driveway area.* Materials: Still in progress, but stucco, with some natural stone elements and concrete Spanish style roof tiles.

Public comment:

Herbert Lazerow: Questions about the slope of the lot and concerns about creating issues with hillside movement.

Response: *The lot has a slight slope from front to back. The real drop-off occurs beyond the property line on the neighbor's property (Moffette home)* Lazerow: Concerned with how the sides of the house will look from the adjacent properties due to the length of the building. Response: *The second floor does overhang but is still set back 9' on one side and 14' on the other.* Is there an issue with shadows? *No response.*

Tom Moffette (neighbor on the rear property line): Questions on setbacks and lot: Response: *There is an 88' setback in the rear, lot is 254' long.* Moffette: Drainage? Response: *There is a swale to adjoining properties.* Rain gutters? *Not designed yet; that is in progress, but they will carry runoff water from house to street.* Boyden: Drainage on east side of median is an issue that the city hasn't corrected.

Susan O'Neill (Sugarman Drive): Many neighbors have slope issues with both drainage and settling. She is concerned about the size of the house. It is out of character and is larger than most houses in the neighborhood. This is a monster house and is just too large for the neighborhood.

Boyden: The city has not finished the geology report. There are still open issues in process.

Motion: Morton Second: Merten

Continue item and return with:

- Parking spaces noted on site plan.
- Setbacks shown on site plan to second story.
- Finished landscape plan and drainage plan.
- Patio structure modifications and how they comply with city codes.
- Show how drainage from roof and hardscape will be handled.
- Distances of hardscape from property lines.
- Completed geology study.
- Updated landscape plan.
- Calculate setback averages.
- Extend site sections to neighboring structures on both side to show mass and bulk of these structures.

Carried: 6-0-1; Approve: Furtek, Lucas, Morrison, Merten, Morton, Schenck; Oppose: 0; Abstain: Boyden (Chair)

Meeting adjourned. Date of next meeting is uncertain at present.

La Jolla Community Planning Association
December 2, 2011

Question¹

How shall the CPA address the question of whether to file an appeal of the city's approval of a discretionary permit when the appeal period falls outside Regular Meetings?

Background

The CPA has a duty to ensure that its recommendations reflect the will of the community and that the decision makers respect those recommendations. When decisions are made contrary to the recommendation of the CPA, the CPA has the opportunity to extend the conversation by appealing the decision pursuant to City Information Bulletin 505. Filing an appeal can be an important tool for the CPA to advocate on behalf of the community; however, reckless appeal filings can potentially damage the credibility of the CPA. Appeals must be filed within 10 business days of the hearing and once filed it can not be withdrawn. The CPA can file an appeal at no cost; others may file an appeal irrespective of the CPA's action for a fee of \$100.

When the appeal period includes a Regular Meeting the question of whether to file an appeal can be action item on the agenda; however, if the appeal period falls in between Regular Meetings then a different procedure might be appropriate. The trustees seek to ensure that appeal periods that fall within Regular Meetings and those that don't are treated with equal consideration to the extent possible. Previous ad hoc policies at resolving this issue over the past two years have had mixed results. The CPA wishes to establish a policy in writing so that all stakeholders are clear on the procedures.

Alternative Approaches

Options Using Requiring Discretionary Action:

Option 1

A Special Meeting shall be called pursuant to Section IV.1.D. when a City of San Diego hearing body (City Council, Planning Commission, Hearing Officer, etc.) approves a discretionary permit that the LJCPA recommended for denial and the deadline for filing the appeal of the action does not allow the question to be raised at a Regular Meeting.

¹ At the November 4 2010 meeting the trustees directed LaCava to draft an appeal policy.

Option 2

Appeals Ad Hoc Committee

The President shall convene an Appeals Ad Hoc Committee when a City of San Diego hearing body (City Council, Planning Commission, Hearing Officer, etc.) approves a discretionary permit that the LJCPA recommended for denial and the deadline for filing an appeal does not allow the question of whether to appeal to be raised at a Regular Meeting. The Committee shall be comprised of the President, Vice President, Secretary, Treasurer and the chair(s) of the Community Joint Committees and/or Boards that originally heard the project. The meeting of the Committee shall be called in sufficient time to allow a timely filing of the appeal; further, at least 4 members of the Committee must be present. The meeting shall be an open public meeting and conform to the requirements of the Brown Act. The action of the Ad Hoc Committee shall to be limited to: "Direct the President to File an Appeal" or "Not to file an appeal". If so directed, the President shall file a timely appeal on behalf of the LJCPA. The Committee's action shall be reported at the next Regular Meeting of the LJCPA.

Options Using Automatic Triggers:

3. Appeal all decisions for approval when CPA recommended denial (former policy).
4. Appeal decisions for approval when CPA recommended denial when at least one trustee makes the request (current ad hoc policy).
5. Appeal only decisions for approval when the CPA recommendation for denial was passed by consensus (2/3rds or more of voting trustees recommending denial of the project).²
6. Appeal only decisions for approval when CPA recommendation for denial was passed by unanimous or near unanimous (no more than 2 votes in opposition).
7. Appeal only decisions for approval when the CPA recommendation for denial was based on full consideration at a CPA meeting and not simply ratifying a subcommittee recommendation.

Reference Documents

CPA Bylaws - [http://www.lajollacpa.org/bylaws/CPABylaws\(3-05-2009\).pdf](http://www.lajollacpa.org/bylaws/CPABylaws(3-05-2009).pdf)

City Info Bulletin 505 - <http://www.sandiego.gov/development-services/industry/pdf/infobulletin/ib505.pdf>

² Options 5 & 6 are a workable approach for projects that are subject to full consideration by the trustees; however, these two options don't work when recommendations for denial from the subcommittee are ratified on consent by the trustees.

Draft For LJ CPA Policy or Bylaw Change??¹
PROCEDURE TO FOLLOW DENIED PROJECTS AND APPEALS.

Purpose: To provide a procedure to address LJ CPA recommendations on projects, or issues, that are rejected or appealed by an Applicant or the City of San Diego. This includes, but is not limited to, the following scenarios.

- a. LJ CPA denies Project, Applicant proceeds with permit process: LJ CPA defends its recommendation before Hearing Officer or Planning Commission
- b. SD City approves Project, LJ CPA appeals: LJ CPA appeals to Planning Commission or SD City Council
- c. SD City denies Project, Applicant appeals: LJ CPA defends its recommendation before Planning Commission or SD City Council

First Hearing: Community Groups are not necessarily notified if an Applicant proceeds with a Project that receives a recommendation of denial. This requires the President (or his Appointee) to notify the Trustees if the Applicant proceeds with the permit process.

The President will notify all Trustees of the pending Hearing, and determine if Trustees who voted in the majority on that Project are interested in becoming “actively involved” in opposing the Applicant’s Project or issue. “Actively involved” means attending and possibly speaking at any Hearings.

1. If there are Trustees willing to be actively involved, or if the President wishes to pursue the issue, he shall prepare a presentation and represent the LJ CPA at all Hearings. The President may ask others to assist in preparing his presentation, have their own presentation, or represent the LJ CPA instead of himself.
2. If no Trustees are willing to be actively involved, the President shall use his discretion whether to defend the LJ CPA recommendation. If the President’s decision is negative, he shall inform the “majority voting Trustees” in ample time for them to appear at any Hearing.

Appeal Hearing: If the City approves a Project denied by the LJ CPA, or if the Applicant appeals a City denial, the LJ CPA President shall appeal.

1. The President shall fill out the Appeal Application, Form DS-3031, and submit it in a timely matter to the City. The President shall notify all Trustees by email that the appeal has been filed, and provide a copy of the appeal to “actively involved” Trustees.
2. If subsequently the President becomes aware no Trustees are willing to be actively involved, the President shall use his own discretion whether to defend the LJ CPA recommendation. If the President’s decision is negative, he shall inform the “majority voting Trustees” in ample time for them to file a private “Interested Person” appeal.
3. If additional appeals are possible, the President or the Trustees pursuing the previous appeal shall notify all Trustees of their intentions relative to further appeals.

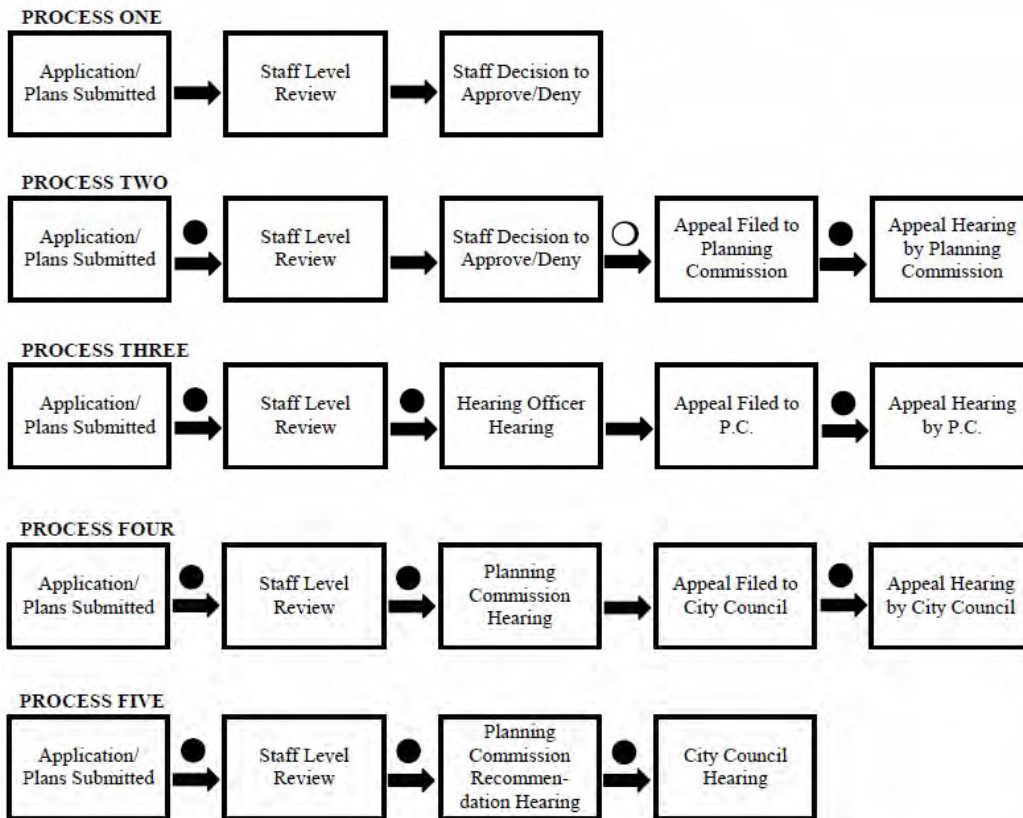
¹ Prepared by Mike Costello and David Little.

Additionally:

1. The LJ CPA President is not obligated to attend every Hearing.
2. In the event the LJ CPA President does not appear at any hearing, he is obligated to notify, and allow an interested Trustee who voted with the majority to pursue the appeal, and be able to state at the hearing that he or she represents the LJ CPA.
3. Any representing Trustee, and President, may only represent the actual LJ CPA vote, findings and resolutions. Any Trustee, and President, who represents the LJ CPA may not perform any action that subverts the LJ CPA recommendation.

References: Decision Processes with Notices, SD Muni Code Diagram 112-05A (attached)
 Appeal Procedure, DSD Information Bulletin 505
 Appeal Application, Form DS-3031
 Interested Person, SD Muni. Code 113.0103

Diagram 112-05A
Decision Processes with Notices



Key

- Public Notice to Property Owners and Tenants within 300 Feet and to Community Planning Groups
- "Limited" Notice to Applicant and Anyone Requesting Notice

Ch.	Art.	Div.
11	2	5 1