



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

REPORT NO. PC-15-101

ATTENTION:

Planning Commission, Agenda of August 13, 2015

SUBJECT:

1111 PROSPECT STREET, PROJECT NO. 403401
PROCESS 4.

OWNER:

Prospect Development, LP

APPLICANT:

Atlantis Group/PHP Management

SUMMARY

Issue - Should the Planning Commission approve a deviation from the development regulations of the La Jolla Planned District Ordinance to allow 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed?

Staff Recommendation: **Approve** Planned Development Permit No. 403401.

Community Planning Group Recommendation – On June 4, 2015, The La Jolla Community Planning Association took three votes on the project. Each vote resulted in a 6-6 tie; therefore, there is no recommendation from the recognized community planning group.

Environmental Review – The project was determined to be categorically exemption from the California Environmental Quality Act (CEQA) Pursuant to Article 19 Section 15303, New Construction or Conversion of Small Structures on July 16, 2015 (Attachment 7).

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement – None with this action.

BACKGROUND

The project is located at 1111 Prospect Street in the Village Area of La Jolla on the corner with Herschel Avenue. The project site is an existing 33,485 square-foot Retail/Office building on a 0.475-acre site in Zone 1 of the La Jolla Planned District, Coastal Overlay Zone (Non-appealable) within the La Jolla Community Planning Area Council District 1. The project is located on the former site of the Hotel Parisi.

DISCUSSION

Project Description

This project includes a request for a Planned Development Permit to deviate from the development regulations of the La Jolla Planned District Ordinance (PDO) to allow 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed.

The Project requires the approval of a Planned Development Permit (PDP) to allow a deviation from the La Jolla Planned District, Land Development Code Section 159.0306. The Project proposes one deviation to allow 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed. The PDO has a minimum requirement for retail of 50 percent and a maximum allowance for office of 25 percent, and is silent on the use of the remaining 25 percent.

La Jolla Planned District Analysis

The property is designated as Visitor Commercial within the Commercial Designations of the La Jolla Community Plan. The minimum requirement within the implementing ordinance is to maintain 50% retail uses on the ground floor. No deviation to the minimum percentage of retail use or retail street frontage is requested.

The project does not include residential development, and will comply with the requirement for at least 75% street frontage for retail. Additionally the project will maintain the required 50% minimum ground floor retail. This property is uniquely situated with two prominent street frontages and one well utilized alley. The provision of the additional office on the ground floor will not encroach on the minimum retail required by the PDO; therefore a diversified balance of land use patterns will still exist. Previous retail space on the ground floor has struggled because of the deep nature of the space. Activating the vacant ground floor space with office use while maintaining the minimum requirements for retail use will serve to activate this prominent corner in the Village Area.

Additionally, there is a significant street frontage created by the curvilinear pedestrian promenade and outdoor open space area on the corner of Prospect Street and Herschel Avenue. When the property was originally developed with the plaza it implemented several goals of the La Jolla Community Plan including the desire to promote pedestrian orientation to the office-commercial areas of downtown and to beautify the overall streetscape of commercial streets and retail corridors. The request to increase the percentage of office space on the ground floor will not adversely affect the pedestrian experience because of the maintenance of the retail frontage

and the prominent pedestrian plaza and seating area.

Conclusion

Staff has reviewed the proposed project and all issues identified through that review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project (Attachment 5) and draft conditions of approval (Attachment 6). Staff recommends the Planning Commission approve the requested deviation as proposed.

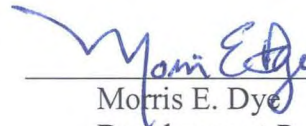
ALTERNATIVES

1. **Approve** Planned Development Permit No. 403401 **with modifications.**
2. **Deny** Planned Development Permit No. 403401 **if the findings required to approve the requested deviation cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Morris E. Dye
Development Project Manager
Development Services Department

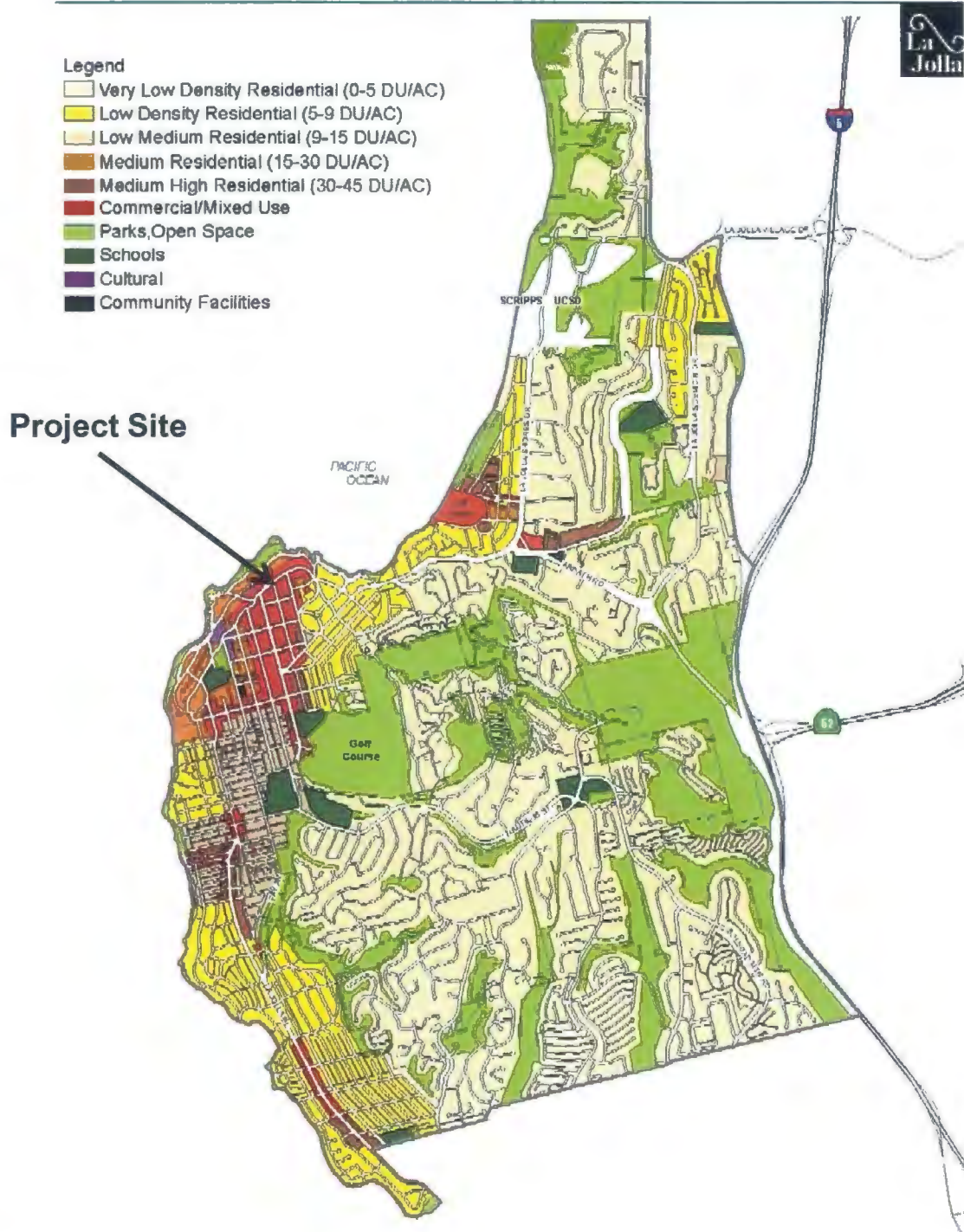
VACCHI/ md
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Photographs of vacant interior spaces on the ground floor
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. La Jolla Planned District Ordinance Section 159.3006-Zone 1
12. Project Plans



Location Aerial Photo **1111 Prospect Street PDP** **PROJECT NO. 403401**

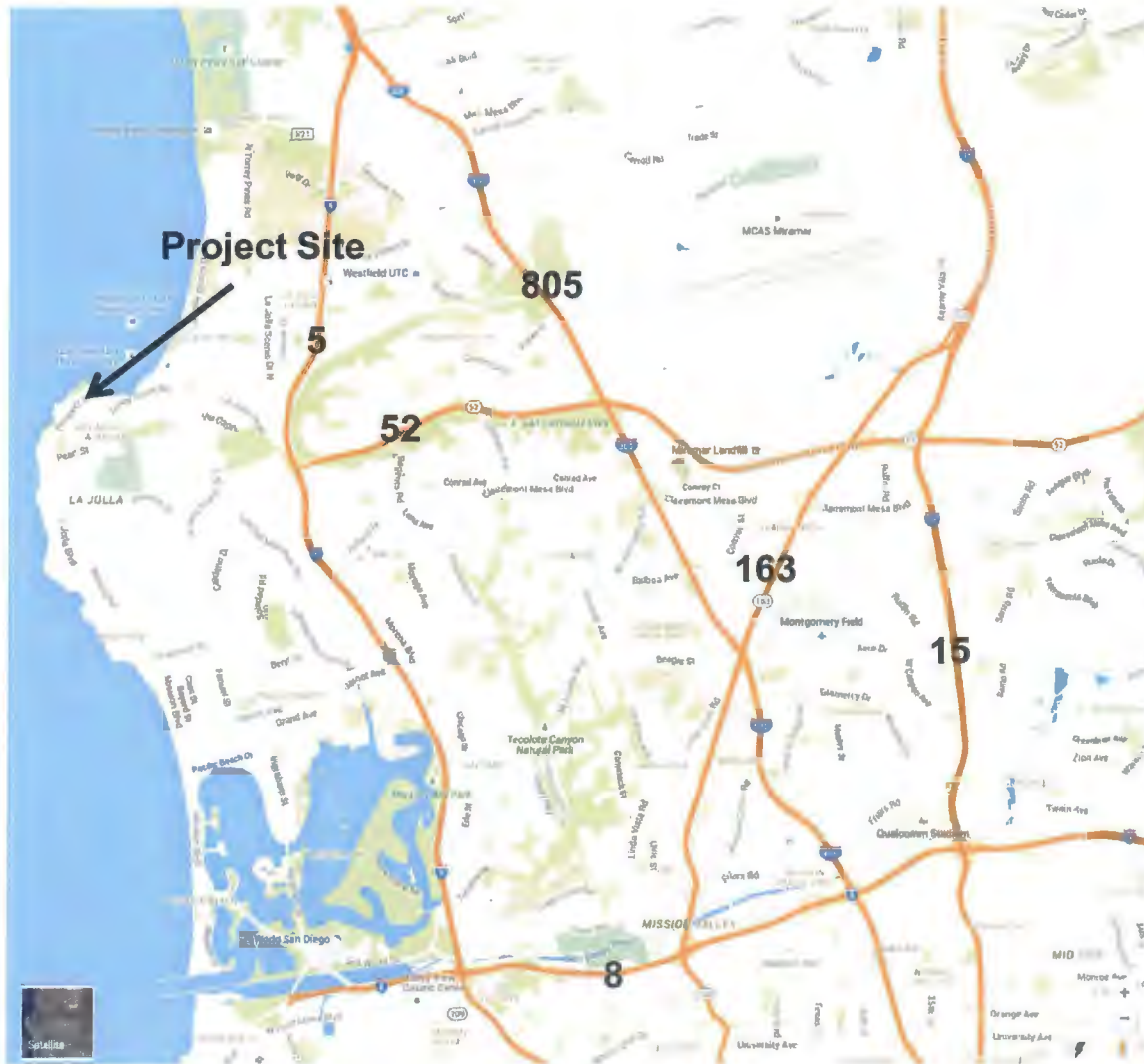




Land Use Map

1111 Prospect Street PDP
PROJECT NO. 403401





Project Location Map

1111Prospect Street PDP
PROJECT NO. 403401



PROJECT DATA SHEET

PROJECT NAME	1111 Prospect Street	
PROJECT DESCRIPTION	Deviation from the development regulations of the La Jolla Planned District to allow 50% office on the ground floor where 25% office is permitted in an existing 33,485 sq ft Retail/Office Building.	
COMMUNITY PLAN AREA	La Jolla	
DISCRETIONARY ACTIONS	Planned Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION	Visitor Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: LJ PD-1		
OVERLAY ZONES: Coastal Overlay Zone (non-appealable Area 2), Coastal Height Limitation Overlay Zone; Residential Tandem Parking Overlay Zone; and the Transit Area Overlay Zone		
LOT SIZE: 0.475 acres		
FLOOR AREA RATIO: 1.3		
FRONT SETBACK: No requirement [159.0307(b)(1)(A)]		
STREET SIDE SETBACK: No requirement [159.0307(b)(2)(A)]		
REAR SETBACK: None required [159.0307(b)(4)(A)]		
PARKING: 99 parking spaces provided where 92 spaces are required		
ADJACENT PROPERTIES	LAND USE DESIGNATION AND ZONE	EXISTING LAND USE
NORTH	Visitor Commercial and Community Commercial. LJPD-1A	Hotel and Retail
SOUTH	Office Commercial. LJPD-1	Parking
EAST	Office Commercial. LJPD-1	Retail
WEST	Office Commercial, LJPD-1	Retail
DEVIATIONS OR VARIANCES REQUESTED:	Deviation from the development regulations of the La Jolla Planned District to allow 50% office on the ground floor where 25% office is permitted.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On 6/4/2015, the La Jolla Community Planning Association made three failed motions, and therefore there is no recommendation from the recognized planning group.	

PLANNING COMMISSION
RESOLUTION NO.
PLANNED DEVELOPMENT PERMIT NO. 1410059
1111 PROSPECT STREET PDP PROJECT NO. 403401

WHEREAS, PROSPECT DEVELOPMENT L.P., Owner/Permittee, filed an application with the City of San Diego for a permit to deviate from the development regulations of the La Jolla Planned District Ordinance (PDO) to allow 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 403401), on portions of a 0.475 acre site;

WHEREAS, the project site is located at 1111 Prospect Street in the LJ PD-1 Zone of the La Jolla Community Plan;

WHEREAS, the project site is legally described as LOTS 1, 2, 3, 4 and 5 of Block 53 of La Jolla Park, according to Map thereof No. 352, filed March 22, 1887;

WHEREAS, on August 13, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 403401 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 16, 2015 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15332 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 13, 2015.

FINDINGS:

Planned Development Permit - Section 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

The property is designated as Visitor Commercial within the Commercial Designations of the La Jolla Community Plan. The project proposes to deviate from the La Jolla Planned District Ordinance's maximum 25 percent office space on the ground floor by allowing up to 50 percent office space. The minimum requirement within the implementing ordinance is to maintain 50 percent retail uses on the ground floor. No deviation to the minimum percentage of retail use or retail street frontage is requested.

The project does not include residential development, and will comply with the requirement for at least 75 percent street frontage for retail. Additionally the project will maintain the required 50 percent minimum ground floor retail, with access to the retail space from the alley where available. This property is uniquely situated with two prominent street frontages and one well utilized alley. The provision of the additional office on the ground floor will not encroach on the minimum retail required by the PDO and, therefore, a diversified balance of land use patterns will still exist. Previous retail space on the ground floor has struggled because of the depth of the space. Activating the vacant ground floor space with office use, while maintaining the minimum requirements for retail use, will serve to activate this prominent corner in the Village Area.

When the property was originally developed with the prominent and well utilized plaza it implemented several goals of the La Jolla Community Plan including the desire to promote pedestrian orientation to the office-commercial areas of downtown and to beautify the overall streetscape of commercial streets and retail corridors. The request to increase the percentage of office space on the ground floor will not adversely affect the pedestrian experience because retail frontage, and the prominent pedestrian plaza and seating area, would be maintained. As the project would comply with the requirement for at least 75 percent street frontage for retail and the office use would activate the ground floor while maintaining the minimum requirements for retail use, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The project proposes to deviate from the La Jolla Planned Development Ordinance's maximum 25 percent office space on the ground floor by allowing up to 50 percent office space. The scope of work includes build-out of the interior space to accommodate the office use that was previously occupied by retail use. The development will provide for the health, safety and welfare of the occupants by constructing all improvements in accordance with current construction standards and codes. All of the construction plans associated with the project will be reviewed prior to issuance of a construction permit and inspected to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes. The proposed project will not result in the development being detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The project proposes to deviate from the La Jolla Planned District Ordinance's maximum 25 percent office space on the ground floor by allowing up to 50 percent office space in the existing building. The existing development complies with the regulations of the zone with the granting of this Planned Development Permit (PDP) to deviate from one development regulation. Strict conformance to the requirement to maintain no more than 25 percent gross floor area on the ground floor would result in keeping this prominent corner of the Village Area vacant. Since the project proposes to meet the requirement to maintain 75 percent street frontage for retail, there

would be no detrimental effect to the pedestrian experience in the Village Area. Activation of this continually vacant space will improve the vibrancy of this prominent pedestrian courtyard space in the Village.

The project would maintain 75 percent of the street frontage for retail, activate the currently vacant space, would not contain office-related uses, would provide visitor and local event information within the first ten feet of the space on both street frontages, and would comply with the requirements of the La Jolla PDO with the granting of this PDP. Therefore, the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1410059 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 403401, a copy of which is attached hereto and made a part hereof.

Morris E. Dye
Development Project Manager
Development Services

Adopted on: August 13, 2015

SAP or WBS Number: 24005488

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER:

PLANNED DEVELOPMENT PERMIT
1111 PROSPECT STREET PROJECT NO. 403401
PLANNING COMMISSION

This Planned Development Permit is granted by the Planning Commission of the City of San Diego to PROSPECT DEVELOPMENT, L.P., Owner, pursuant to San Diego Municipal Code [SDMC] section 159.0306. The 0.475-acre site is located at 1111 Prospect Street in the LJ PD-1 zone of the La Jolla Community Plan. The project site is legally described as: Lots 1, 2, 3, 4 and 5 in Block 53 of La Jolla Park, according to Map thereof No. 352, filed March 22, 1887.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner Prospect Development, L.P., Permittee to deviate from the development regulations of the La Jolla Planned District to allow 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 13, 2015, on file in the Development Services Department.

The project shall include:

- a. Existing 36,485 sq. ft. building with 99 underground parking spaces; and
- b. A deviation to allow a maximum of 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC

requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by .

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de

novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

10. Owner/Permittee shall maintain a minimum of 99 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

INFORMATION ONLY:

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on August 13, 2015 and [Approved Resolution Number].

Planned Development Permit No. 1410059
Date of Approval: August 13, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

NAME: Morris E. Dye
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Prospect Development LP
Owner/Permittee

By _____
NAME: H. Peter Wagener
TITLE: General Partner

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**



THE CITY OF SAN DIEGO

Date of Notice: July 16, 2015

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Internal Order No. 24005488

PROJECT NAME/NUMBER: 1111 Prospect St PDP/Project No. 403401

COMMUNITY PLAN AREA: La Jolla Community Planning Area

COUNCIL DISTRICT: 1

LOCATION: 1111 Prospect Avenue, La Jolla, CA 92037

PROJECT DESCRIPTION: PLANNED DEVELOPMENT PERMIT (PDP) to deviate from the development regulations of the La Jolla Planned District to allow 50% office use on the ground floor where a maximum 25% office use is allowed at an existing 33,485-square-foot retail/office building. The project is located in Zone 1 of the La Jolla Planned District and the Coastal (Non-appealable) Overlay Zone, the Coastal Height Limitation Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone within Council District 1.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Planning Commission (Process 4).

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332 (In-Fill Development).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Development Services Department staff.

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project has been determined to be exempt from CEQA pursuant to Section 15332. This allows for projects that are a) consistent with the applicable plans, plan policies, and zoning designation and regulations; b) in city limits on project sites no more than 5 acres surrounded by urban uses; c) on sites with no value as habitat for endangered, rare, or threatened species; d) that would not result in any significant effects relating to traffic, noise, air quality or water quality; and e) on a site that is adequately served by all required utilities and public services. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore these exemptions are applicable to the proposed project.

CITY CONTACT:

Morris Dye, Development Project Manager

MAILING ADDRESS:

1222 First Avenue, MS 501, San Diego, CA 92101-4153

PHONE NUMBER:

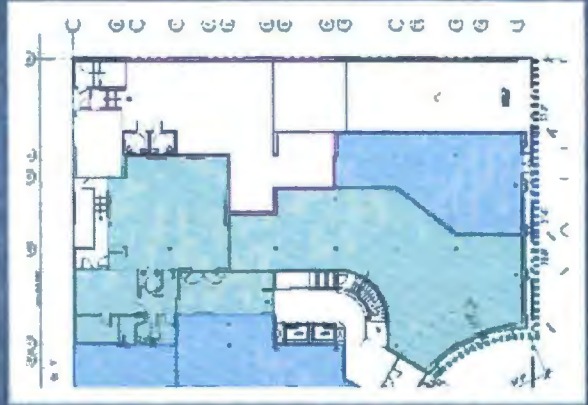
(619) 446-5201

On July 16, 2015, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City of San Diego City Council. If you have any questions about this determination, contact the Project Manager listed above.

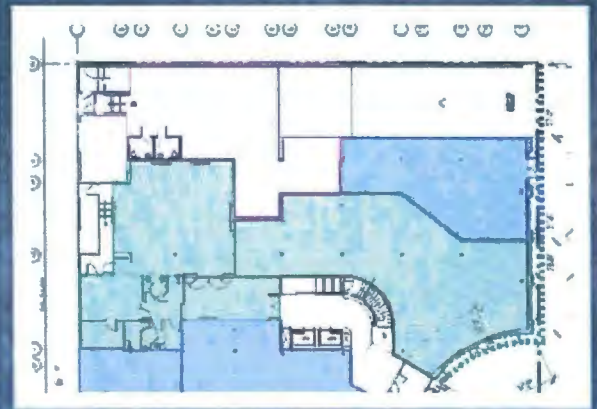
Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (July 30, 2015). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

Vacant Space



Herschel Street Retail





La Jolla Community Planning Association

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

Contact Us

Mail: PO Box 889, La Jolla, CA 92038

Web: <http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

Email: info@LaJollaCPA.org

President: Joe LaCava

Vice President: Cindy Greatrex

2nd Vice President: Bob Steck

Secretary: Helen Boyden

Treasurer: Jim Fitzgerald

DRAFT MINUTES

Regular Meeting | Thursday, 4 June 2015, 6:00 pm

Trustees present: Patrick Ahern, Helen Boyden, Tom Brady, Mike Costello, Janie Emerson, Jim Fitzgerald, Cindy Greatrex, Joe LaCava, Jim Ragsdale, Glen Rasmussen, Bob Steck, Ray Weiss, Fran Zimmerman

Trustees absent: Bob Collins, Dolores Donovan, David Little, Alex Outwater, Brian Will

1.0 Welcome and Call to Order by Joe LaCava, President, who asked those present to silence their mobile devices and that the meeting was being recorded: in audio by the LJCPA and in video by a person who does not wish to identify himself.

2.0 Adopt the Agenda

Approved Motion: To adopt the agenda as posted with the exception that Item 13.0 has been deferred to the LJCPA meeting of July 2, 2015. (Steck, Greatrex: 10-0-1)

In favor: Ahern, Boyden, Brady, Costello, Fitzgerald, Greatrex, Ragsdale, Rasmussen, Steck, Weiss

Abstain: LaCava (Chair)

3.0 Meeting Minutes Review and Approval: 7 May 2015

Approved Motion: To approve the minutes of 7 May 2015 as corrected. (Greatrex, Fitzgerald: 9-0-2)

In favor: Ahern, Boyden, Brady, Costello, Fitzgerald, Greatrex, Ragsdale, Rasmussen, Steck

Abstain: LaCava (Chair), Weiss (absent)

4.0 Elected Officials – Information Only

4.1 Council District 1 – Council President Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@sandiego.gov reported that the La Jolla Shores sewer and water replacement project has stopped, but road repair work will continue through the next week. The adoption of the Mayor's revised budget is on the Monday, June 8 City Council agenda. He distributed city- issued fact sheets about 1) the revised water use reduction protocol which took effect on June 1; and 2) how City departments are responding. Information can be found at <wastenowater.org>

4.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@sandiego.gov was not present.

4.3 39th Senate District – State Senator Marty Block

Rep: **Sarah Fields**, 619-645-3133, Sarah.Fields@sen.ca.gov introduced herself as Senator Block's new representative, She stated that all bills introduced in the current session had to clear their house of origin by June 6 or expire. She cited the Senator's bills SB 15 and SB 369. Passage of the State budget is due by June 15.

4.4 78th Assembly District – Speaker of the Assembly Toni Atkins

Rep: **Toni Duran**, 619-645-3090, Toni.Duran@asm.ca.gov was not present.

5.0 President's Report – Information only unless otherwise noted.

5.1 Bylaw Amendment – Status of City Approval. The LJCPA bylaws adopted by the membership on March 6 to conform with the revised policy 600-24 will need approval by the City Council as the City update raised the standard for bylaws amendments approval to 2/3 of the voting body. Most CPGs bylaws amendments are approved by the trustees, but the LJCPA's require a majority of the membership voting at a meeting where 20% is

Trustee Costello stated that the project was not in concert with the La Jolla Community Plan.

Approved Motion: To reconsider the LJCPA motion of January 2015 on consent in light of the additional information that the DPR has amended its minutes of December 2014 with respect to this item. 2/3 required (LaCava, Fitzgerald: 11-1-1)

In favor: Ahern, Boyden, Brady, Costello, Emerson, Fitzgerald, LaCava, Ragsdale, Steck, Weiss, Zimmerman

Opposed: Rasmussen

Abstain: Greatrex, (Chair)

Approved Motion: To accept the DPR recommendation, made in May 2015, that the "Findings CANNOT be made for a Coastal Development Permit and Site Development Permit to demolish an existing single family residence and detached accessory structure and construct a 3,007 sq ft, 2-story single family residence with an 458 sq ft attached garage at 820 Rushville St. and forward the recommendation to the City. (Fitzgerald, Steck: 12-0-1)

In favor: Ahern, Boyden, Brady, Costello, Emerson, Fitzgerald, LaCava, Ragsdale, Rasmussen, Steck, Weiss
 Zimmerman

Abstain: Greatrex, (Chair)

12.0 1111 Prospect Street PDP, 1111 Prospect Street – Action Item

Planned Development Permit to deviate from the development regulations of the La Jolla Planned District to permit 50% office use on the ground floor where a maximum of 25% office use is allowed at an existing 33,485 sf Retail/Office Building located at 1111 Prospect Street. The 0.475 acre site is in Zone 1 of the La Jolla Planned District, Coastal (Non-appealable) Overlay Zone.

(Source: Notice of Application)

DPR (May '15): Findings CAN be made that the proposed project to grant a Deviation from Table 159-03A of the SDMC is recommended and conforms to the La Jolla Community Plan provided the maximum gross floor area of office space at the ground floor is limited to 35%, including the prorated portion of the common area. 3-2-1.

Marcella Escobar-Eck, representing the applicant **Peter Wagener** said that the LJ PDO states that projects should have a minimum of 50% retail and a maximum of 25% office space, but does not specify disposition of the remaining 25%. The applicant is requesting a deviation to permit 50% office space on the ground floor. This is a remodel from the Parisi Hotel, formerly on this site, and the area away from the street is very dark with few windows and is not suitable for any retail use except storage. The proposed plan would devote a 10-foot wide area along the curved plaza frontage to visitor services commercial. Plans for the remodel are constrained by the archways all along the frontage. The owner/applicant has already secured a commitment from a tenant who wishes to utilize the requested office space and would withdraw if it were not permitted by a deviation. The applicant stated that Prospect is not an ideal retail spot and that most retail in the PDO is along Girard. Retail use by consumers is going to shopping centers and the internet and La Jolla Village seems to becoming a site for offices. There is a 500 hotel bed limit in La Jolla. Planned Development Permits go with the land and so a deviation would be allowed forever, but future tenants would not have to use the office deviation.

Trustees Zimmerman, Fitzgerald, Rasmussen, Ahern, Boyden, Emerson, Costello, LaCava, Weiss commented. **Bob Whitney** commented. Some of their issues are cited in the paragraph above.

Discussion included citation of the PDO recommendation to the DPR to deny the deviation request. The value of the plaza to the community was cited. Apprehension about the attractiveness of what might be sited in the visitor service commercial area was a theme. Shortage of retail might be due to prohibitively high rents. Other suggestions for rearranging the space were made, but applicant said he would lose his tenant and the space would be empty.

Failed Motion: To accept the recommendation of the DPR Committee that the findings CAN be made that the proposed project to grant a Deviation from Table 159-03A of the SDMC is recommended and conforms to the La Jolla Community Plan provided the maximum gross floor area of office space at the ground floor is limited to 35%, including the prorated portion of the common area. (Costello, Ragsdale: 6-6-1)

In favor: Ahern, Boyden, Costello, Ragsdale, Rasmussen, Steck

Opposed: Brady, Emerson, Fitzgerald, LaCava, Weiss, Zimmerman

Abstain: Greatrex, (Chair)

Failed Motion: That the findings CANNOT be made for a Planned Development Permit that includes a Deviation from Table 159-03A of the SDMC stating that the project does not conform to the La Jolla Community Plan. (Emerson,

Fitzgerald: 6-6-1)

In favor: Brady, Emerson, Fitzgerald, Ragsdale, Rasmussen, Zimmerman
 Opposed: Ahern, Boyden, Costello, LaCava, Steck, Weiss
 Abstain: Greatrex (Chair)

Failed Motion: That the findings can be made for a PDP with a deviation from the LJ PDO to permit 50% office use providing a 20-foot deep area is maintained for retail development along the Plaza frontage. (LaCava, Emerson: 5-6-2)

In favor: Boyden, Emerson, LaCava, Ragsdale, Rasmussen
 Opposed: Ahern, Brady, Costello, Fitzgerald, Steck, Zimmerman
 Abstain: Greatrex (Chair), Weiss

Therefore, the LJCPA does not have a recommendation for this project and the City will be so informed.

13.0 Climate Action Plan – Action Item was deferred to the July 2, 2015 LJCPA regular meeting

Continuation of discussion regarding the City of San Diego's Climate Action Plan. Presented by the Climate Action Campaign.

See <http://www.sandiego.gov/planning/genplan/cap/index.shtml>

14.0 Shahbaz Residence EOT, 6412 Avenida Manana – Action Item

Coastal Development Permit (CDP) and Site Development Permit (SDP) to demolish an existing 3,869-square foot residence and construct a new, 7,884-square-foot, 2-story, residence (including garage) on a 0.57-acre site. The site is located at 6412 Avenida Manana (APN No. 351-681-05-00; Lot 17 of Muirlands Map No. 3894), south of Nautilus Street and west of Avenida Wilfredo. The site is in the RS-1-5 Zone and the Coastal (non-appealable area), the Coastal Height Limit, the Residential Tandem Parking, and Transit Area Overlay Zones.

DPR (May '15): DPR Recommendation: Findings CANNOT be made that the proposed Extension of Time may be approved due to changed circumstances per 126.0111.g.2, as follows: Adjacent new similar construction in the neighborhood is inconsistent with the character, rhythm, scale, style, and size of the existing neighborhood making this project also inconsistent with the Local Coastal Program. The changes in scale are now in sufficient quantity that the character of the neighborhood is affected. The section of the La Jolla Community Plan relating to this change is Policy 2.b, on page 84: "The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order to avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures." 3-2-1.

Presented by Matt Peterson who said that the LJCPA had approved the project previously and the plans had not changed since the permit was issued. Extensions are allowed up to 72 months. This is a request for a 36 month extension. The reasons for the project not being built were financial.

Piet Van Oj, Leon Pawinski, and Ed Comartin spoke, citing the interim construction of a large home adjacent to this property as the reason for citing a change in circumstance and showed that this large home being built would lead to a change in the character of the neighborhood fulfilling one of the criteria for denial and also that the drawings did not accurately portray the view of the home from below.

Trustee Costello cited the same reason to deny as the above commenters.

Trustee LaCava queried whether just one house could change the circumstances.

Trustees Fitzgerald, Weiss and Brady also spoke.

Failed Motion: To ratify the DPR Committee's recommendations that the findings cannot be made for an extension of time for the CDP and SDP for the Shahbaz Residence at 6412 Avenida Manana. (Emerson, Zimmerman: 5-7-1)

In favor: Ahern, Brady, Costello, Emerson, Ragsdale.
 Opposed: Boyden, Fitzgerald, LaCava, Rasmussen, Steck, Weiss, Zimmerman
 Abstain: Greatrex (Chair)

Approved Motion: The findings CAN be made for an extension of time for the CDP and SDP for the Shahbaz residence at 6412 Avenida Manana. (Steck, Fitzgerald: 9-3-1)

In favor: Boyden, Brady, Fitzgerald, LaCava, Ragsdale, Rasmussen, Steck, Weiss, Zimmerman



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☒ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title

1111 Prospect Street

Project No. For City Use Only

Project Address:

1111 Prospect Street, La Jolla, CA 92037

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: 1111 Prospect Street	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership
Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General What State? _____ Corporate Identification No. _____
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached ☐ Yes ☐ No

Corporate/Partnership Name (type or print):

Prospect Development, LP

☒ Owner ☐ Tenant/Lessee

Street Address:

P.O. Box 415

City/State/Zip:

La Jolla, CA 92037

Phone No:

(858) 551-5671

Fax No:
Name of Corporate Officer/Partner (type or print):

H. Peter Wagener

Title (type or print):

AS President of PHP Management as LP

Signature :
Date:

11/25/2014

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee

Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:
Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee

Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:
Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee

Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:
Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee

Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:
Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee

Street Address:
City/State/Zip:
Phone No:
Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature :
Date:

Attachment to Ownership Disclosure Statement
1111 Prospect Street, Planned Development Permit

Property is owned by Prospect Development LP

All deeded interests are listed here below:

General Partner:

Prospect Development LP

PHP Management Inc. as General Partner, H.Peter Wagener, President
P.O. Box 415 La Jolla CA 92038

Limited Partners are:

Bereal LP

Owned by Fischer GmbH & Co KG, a German Corporation, C. Bernshausen

Detta LP

Owned by Detta GmbH & Co KG, a German Corporation, CFO F.B. Wagener

F.B. Real LP

Owned by FB Real GmbH & Co KG, a German Corporation, CFO F.B. Wagener

Girard Ave. LP, General Partner PHP Management, CFO HP Wagener

NHP Management Inc. General Partner PHP Management, CFO HP Wagener

Siereal LP

Owned by Siereal GmbH, a German Corporation, CFO F. Schreiber

All partners' address is P.O. Box 415 La Jolla CA 92038

§159.0306 Ground Floor and Street Frontage Requirements

- (a) Retail - Retail uses are required on the ground floor as shown in Table 159-03A.

Table 159-03A**Retail**

Zone	Minimum Percent of Gross Ground Floor Area	Minimum Percent of Structure's Street Frontage Length
1	50% ⁽¹⁾	75%
2	No minimum required	No minimum required
3	50%	50%
4	50%	50%
5	Not applicable	Not applicable
6	Not applicable	Not applicable

Footnote for Table 159-03A

- ¹ Access to the retail spaces from loading areas or alleys shall be provided where available.

- (b) Office - Office uses are restricted on the ground floor as shown in Table 159-03B.

Table 159-03B

Office

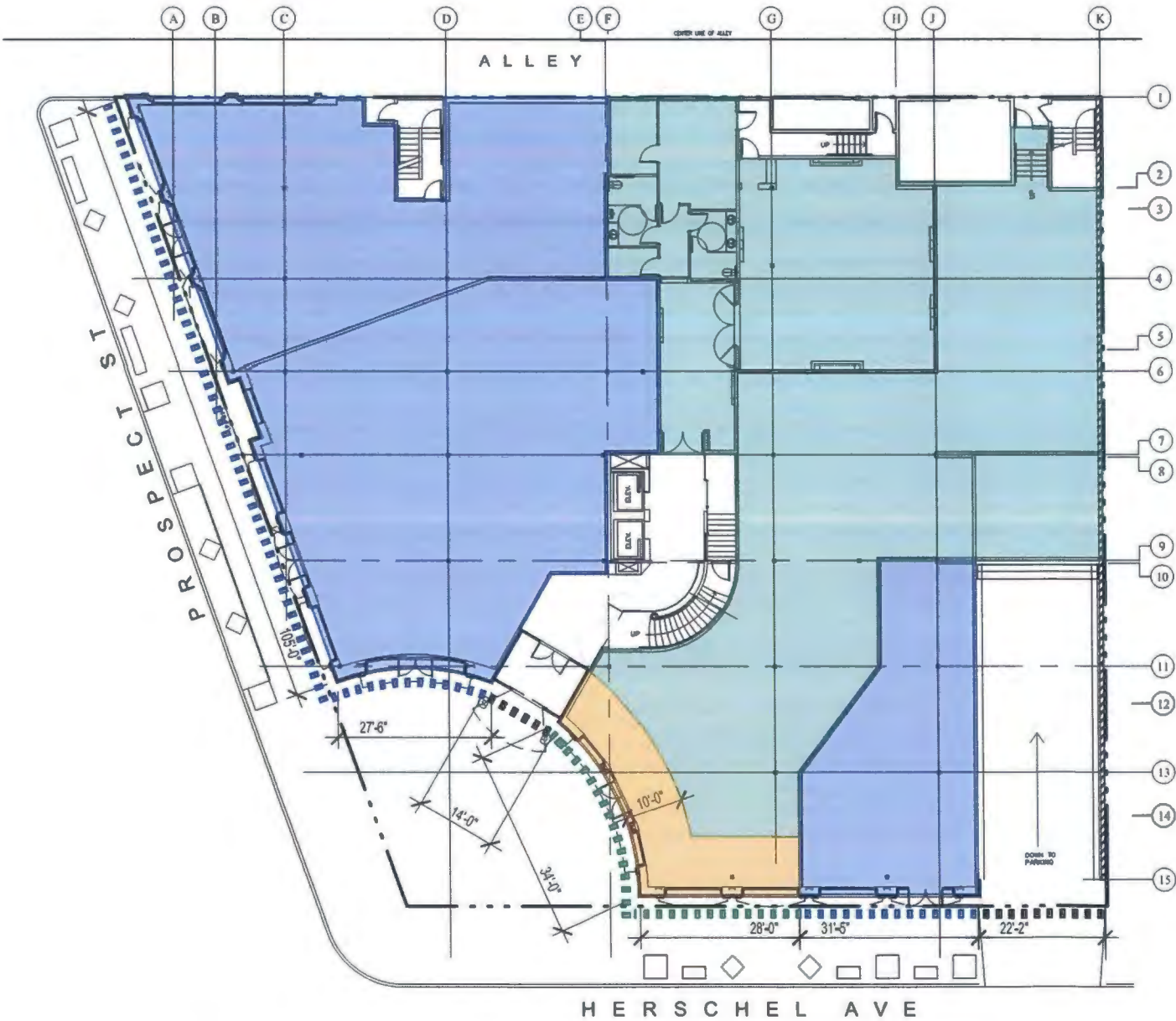
Zone	Maximum Ground Floor Area Restrictions	Maximum Street Frontage Length Restriction
1	25%	25%
2	No ground floor restriction	No ground floor restriction
3	50%	50%
4	50%	50%
5	Not applicable	Not applicable
6	Not applicable	Not applicable

- (c) Residential - Residential uses shall be restricted on the ground floor as shown in Table 159-03C.

Table 159-03C**Residential**

Zone	Restriction
1	Not permitted within front 50% of lot
2	No restriction
3	Not permitted within front 50% of lot
4	Not permitted within front 50% of lot
5	No restriction
6	Not applicable

("Ground Floor and Street Frontage Requirements" added 3-27-2007 by O-19595 N.S.; effective 4-26-2007.)



1111 PROSPECT BUILDING: 1st Floor
1111 PROSPECT STREET
LA JOLLA, CALIFORNIA
PHP MANAGEMENT

**1111 Prospect - Leasing
Ground Floor Retail versus Office**

Frontage	Lineal Feet	Percentage
Prospect Street - Retail	105	40%
Plaza Prospect - Retail	27.5	10%
Plaza Herschel -Office	34	13%
Herschel Ave. Office	28	11%
Herschel Ave. Retail	31.4	12%
Storage	0	0%
Retail / Office (Ingress / Egress) frontage	36.2	14%
	262.1	100%
Retail	163.9	63%
Office	62	24%
Storage	0	0%
Retail / Office (Ingress / Egress) frontage	36.2	14%
	262.1	100%

LEGEND

- Retail frontage
- Office frontage
- Retail / Office (Ingress / Egress) frontage
- Retail square footage
- Office square footage
- Visitor Serving Commercial square footage
- Common Area / Garage Elevator Access

NOTE:
CONFIGURATION OF THE 50% OFFICE MAXIMUM
ON CONSTRUCTION PLANS MAY VARY FROM, BUT
MUST BE IN SUBSTANTIAL CONFORMANCE TO,
THIS EXHIBIT A.

07/24/15



Planned Development Permit

La Jolla, California

