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President: Tony Crisafi  
Vice President: Rob Whittemore  
Treasurer: Jim Fitzgerald  
Secretary: Dan Allen

## La Jolla Community Planning Association

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

### Thursday, 1 September 2011

## D R A F T AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Elections** - Swearing in of newly elected trustee
4. **Meeting Minutes Review and Approval**: 4 Aug 2011
5. **Elected Officials Report** – Information Only
  - A. Council District 2 – Councilmember Kevin Faulconer  
Rep: **Katherine Mills**, 619.236.6622, [kmills@saniego.gov](mailto:kmills@saniego.gov)
  - B. Council District 1 – Councilmember Sherri Lightner  
Rep: **Erin Demorest**, 619.236.7762, [edemorest@saniego.gov](mailto:edemorest@saniego.gov)
6. **Non-Agenda Public Comment**  
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
  - A. UCSD - Planner: **Anu Delouri**, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/>
7. **Non-Agenda Items for Trustee Discussion**  
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
8. Officer's Reports
  - A. **Secretary**
  - B. **Treasurer**
9. **President's Report** – Action Items Where Indicated
  - A. 8470 Whale Watch Way – Action Item  
Whether to appeal the Hearing Officer decision of Aug. 24, 2011
  - B. Donation Mechanism through LJTC Foundation – Possible Action Item

## **10. CONSENT AGENDA – Ratify or Reconsider Committee Action**

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

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

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

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2<sup>nd</sup> Mon, 4pm

DPR – Development Permit Review Committee, Chair Tony Crisafi, 2<sup>nd</sup> & 3<sup>rd</sup> Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4<sup>th</sup> Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4<sup>th</sup> Thurs, 4pm

### **A. Riford Center Façade**

**PDO ACTION: 1) signage conforms to the PDO; 2) materials and colors are in keeping with the existing community character and conform to the PDO; 3) all other proposed façade changes conform to the PDO; 4) the proposed at-grade access to the building's side entrance conforms to the PDO. 6-0-0**

6811 La Jolla Boulevard - ADA access ramp, facade and paint

### **B. Westime Signage**

**PDO ACTION: motion to approve signage 7-0-0.**

1227 Prospect Street – new signage

### **C. 9721 Blackgold Road**

**DPR ACTION: Motion that findings can be made for a Coastal Development Permit to demolish existing single-family residence and construct a tennis court at 9721 Blackgold Rd. 5-0-0**

9721 Blackgold Rd. - Coastal Development Permit to demolish existing single family residence and construct tennis court on a 0.95 acre site.

### **D. Lundberg Addition**

**PRC ACTION: Findings can not be met that the project is in Substantial Conformance with the original CDP and SDP, 3-2-1**

**PRC ACTION: The city should review the issue on whether the existing driveway wall conforms to the driveway visibility triangle requirements in the municipal code. 5-0-1**

7820 Lookout Drive - add 537 square feet on the second floor, partially over the garage of an approximate 5,770 square foot single family residence on a 0.326 acre site

### **E. T-Mobile N Torrey Pines Road**

**PRC ACTION: Findings can be made for a CUP 5-0-1**

2849 1/3 La Jolla Village Drive - Wireless Communication Facility (WCF) in the public right-of-way consisting of 3 panel antennas mounted to a replacement light standard with above-ground equipment

### **F. Nooren Residence (5<sup>th</sup> review by PRC)**

**PRC ACTION: Findings can be made for a SDP and a CDP 3-2-1**

8001 Calle de la Plata - Demolish an existing single family residence and construct a 2725 3,700 square foot, two-story single family residence over a 656 635 square foot garage on a 0.10 acre site. Eliminate subterranean garage and basement.

*NEW:* substituting a parapet building sides and short walls parallel to street frontages.

### **G. La Jolla Christmas Parade and Holiday Festival**

**T&T ACTION:**

Street Closures for Dec. 4<sup>th</sup> parade & festivities

### **H. La Jolla Art & Wine Festival**

**T&T ACTION:**

Girard Ave. (Apr 1-2nd) – Closure between Pearl & Genter 4p Friday to 10p Sunday

## **11. 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**

**C. COMMUNITY PLANNERS COMMITTEE – Meets 4<sup>th</sup> Tues, 7p, 9192 Topaz Way**

**12. La Jolla Art & Wine Festival – Action Item**

October 1 -2 from 10 am – 6pm. Street closure of upper Girard from Pearl to Genter - 4pm Friday, Sept 30th through Sunday Oct. 2nd 10pm.

**13. Via Rialto Storm Drain – Action item**

7435 Via Rialto and West of 7435 Cto. Rialto and SW to adjacent canyon - Slope repair and storm drain improvements on environmentally sensitive lands.

*PRC Action (Aug '11): To continue this item until the property owners or homeowners association have been noticed or contacted. 4-1-1*

**14. 1912 Spindrift – Action item**

1912 Spindrift - Demolish existing residence and construct a 3,475 sf, two-story single family residence on a 13,511 sf parcel. La Jolla Shores PDO. *NEW: Adding garage to accommodate two cars in tandem to address reasons for LJCPA denial.*

*PRC Action (Jan '11): The findings for a CDP and SDP can be made, 4-3-0.*

*CPA Action (Feb '11): Hearing of Feb '11 set aside, call for rehearing by the President*

*CPA Action (April '11) Recommend denial: Findings cannot be made for a Site Development Permit and a Coastal Development Permit, 9-5-1*

*CPA Action (Aug '11): To appeal the decision of the Hearing Officer regarding 1912 Spindrift to the Planning Commission, 8-4-1*

*PRC Action (Aug '11): Findings can be met for a SDP and CDP for the revised design with the attached garage and stepped back second story, dated 8/11/2011. 4-1-1*

**15. Ad Hoc Committee on Operating Procedures – Action item**

**Ad Hoc Action: Recommend that the LJ Community Planning Association adopt the Appeal Procedures created by the ad hoc committee. 4-0-0** (These procedures are set forth in full on the subsequent pages attached to this agenda).

**16. Formation of Ad Hoc Committee to Review Joint Committee Policy – Action item**

Whether to form an Ad Hoc Committee to evaluate current joint committee policy and make recommendations to transform policy into LJCPA bylaws.

**17. Adjourn** to next Regular Monthly Meeting, Oct. 6, 2011, 6:00 pm

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## La Jolla Community Planning Association

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

**Thursday, 04 August 2011**

### **D R A F T MINUTES – REGULAR MEETING**

Present: Dan Allen, Cynthia Bond, Devin Burstein, Laura Ducharme Conboy, Dan Courtney, Michael Costello, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Nancy Manno, Phil Merten, Rob Whittemore, Ray Weiss.  
Absent: Tom Brady, Tim Lucas

**1. Welcome and Call To Order: Tony Crisafi**, President, at 6:05 PM

**2. Adopt the Agenda**

**Approved Motion: Motion to Adopt the Agenda, (Costello/Merten, 11-0-1).**

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore.  
Abstain: Crisafi.

**3. Meeting Minutes Review and Approval: 07 July 2011**

**Approved Motion: Motion to approve the Minutes of June 2<sup>nd</sup> 2011, (Bond/Fitzgerald, 10-0-2).**

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, Gabsch, Manno, Merten, Whittemore.  
Abstain: Little, Crisafi.

**4. Elected Officials Report - Information Only**

**A. Council District 2 - Councilmember Kevin Faulconer**  
Rep: Katherine Miles, 619.236.6622, [kmiles@sanidiego.gov](mailto:kmiles@sanidiego.gov)

Ms. Miles was not present.

**B. Council District 1 - Councilmember Sherri Lightner**  
Rep: Erin Demorest, 619.236.7762, [edemorest@sanidiego.gov](mailto:edemorest@sanidiego.gov)

On the topic of City Council redistricting, **Ms. Demorest** advised of a target 25 August of the final district map which will go into effect 25 September if not challenged. She also reported that the medical marijuana ordinance is rescinded on account of a successful petition drive for a referendum; enforcement of present regulation is ineffective; the City Council plans to revisit the issue in a year, which is as soon as allowed by the procedures concerning referenda. Councilmember Lightner has prepared a draft comprehensive city water policy, which has been endorsed by the Chamber of Commerce and various environmental groups.

**C. Council District 5 - Councilmember Carl DeMaio**

**Ashley Simmons** announced a "3-1-1" application for smartphones to report problems with city services.

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

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

**Ms. Delouri** provided copies of the university updates. She announced the MESOM (Marine Ecosystem Sensing, Observation and Modeling Laboratory) Building will begin construction in August, and the Coastal Commission will consider the proposed rehabilitation of University House at their 10 August meeting.

LJCPA Member **Esther Viti** announced that the Nell Carpenter Beautification Committee continues to conduct a volunteer community cleanup each Saturday from 9 to 12AM; volunteers meet in front of the Athenaeum on Wall Street.

Community Member **Jenna Rudy** and LJCPA member **Andrea Dahlberg** announced the La Jolla Art and Wine Festival is planned for the weekend 1-2 October from 10AM to 6PM on upper Girard Avenue. This will be the event's third year. Local public elementary schools are beneficiaries.

**6. Non-Agenda Items for Trustee Discussion**

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

**Trustee Allen** informed that La Jolla Parks and Beaches passed a resolution on the subject of added parking in paved section of Coast Walk, which was also subject of a report from the La Jolla Traffic & Transportation Board at the March meeting of the LJCPA, as follows:

The City should be asked to provide three things that are needed in order to define the constraints on additional parking along Coast Walk (east of the bridge to Torrey Pines Road):

1. A bluff stability and drainage analysis to determine the geological constraints,
2. Map of the lines of the public right-of-way,
3. An analysis of traffic safety and fire department access issues of potential parking arrangements.

Given these constraints the community should then evaluate additional parking in the area.

**Trustee Manno** asked the President to have the resolution from La Jolla Parks and Beaches concerning parking at Coast Walk on the agenda for the September meeting.

**Trustee Courtney** commented on the Torrey Pines Road project that was discussed at last month's meeting, from which he was absent. In particular he noted that a number of residents continue to advocate a traffic signal in the central segment of Torrey Pines Road for pedestrian safety.

**Trustee Whittemore** brought up the topic of the Brown Act (California open public meeting law), under which we are obliged to operate, and its complexity. **Trustees Conboy, Costello** and **Little** joined the discussion.

**Trustees Whittemore, Conboy** and **Costello** asked the President to invite an expert from the City Attorney's office to make a presentation to the Trustees at a future meeting and the LJCPA committee chairpersons and answer questions on the application of the Brown Act.

**President Crisafi** announced his policy will be to use the e-mail "info@ljcpa.org" for distributing to the Trustees only official LJCPA information -- generally information related to or originating from the City -- and not inputs and/or opinions from individual Trustees or members of the Public. Any Trustee should use her or his own e-mail service to address the other Trustees.

**Trustee Courtney** commented that officer elections of the La Jolla Traffic & Transportation Board are overdue.

## 7. Officer's Reports

### A. Secretary: Dan Allen

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 July Balance: \$307.58 + Income \$185.02 – (Expenses \$375.74) = Ending Balance: \$116.86.  
Expenses include the July-December rental of the meeting room.

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

## 8. President's Report

### A. Ad Hoc Committee on Operating Policies report – Information Only

Chair: Devin Burnstein

**President Crisafi** reported the next meeting will be 10 August at 5:30PM at the Recreation Center, Room 1.

**B. In Progress: Special Trustee Election for 1 Trustee Seat** – Only current, eligible LJCPA Members are eligible to vote. Polls are open to 7 pm. Members voting must present photo identification.

**C. Avenida de la Playa Storm Water Project** – The City has asked for two representatives from CPA to attend weekly meetings in August. La Jolla Shores resident John Shank and **Trustee LaCava** have volunteered. LJCPA member and PRC chair **Helen Boyden** advised that this project was discussed at the La Jolla Shores Association meeting with significant antipathy from business members.

**D. Playa Grande LLC (Whitney Mixed Use) vs. La Jolla Community Planning Association** – **President Crisafi** updated that the LJCPA is being represented by Deputy City Attorney Heather Stroud; she will provide any information directly to the Trustees, and she should be on distribution with a copy if there is any e-mail or other correspondence by any Trustee on the subject.

**E. Kooklani I & II** – The Planning Commission heard this project 21 July. It had been appealed in May by LJCPA. The applicant made substantial modifications. Subsequently the Planning Commission requested a recommendation from LJCPA. At the July meeting the Trustees voted that findings can be made for substantial conformance. **President Crisafi** thanked the applicant for responding in the compressed time frame and likewise commended the efforts of LJCPA member and PRC chair **Helen Boyden** and **Trustees LaCava** and **Merten**. The application had been with the City approximately four years.

## 9. Consent Agenda – Ratify or Reconsider Committee Action

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

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

DPR – Development Permit Review Committee, 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

**A. The Hampton**

**DPR action: Motion that findings can be made to approve Coastal Development Permit to construct a single family residence at 6005 Avenida Cresta, 7-0-1**

6005 Avenida Cresta - CDP to construct a 3,291 SF single family residence on a vacant 0.12 acre site

**B. Hyde Residence**

**DPR action: Motion that findings can be made for a Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence at 9735 La Jolla Farms Road, 8-0-0.**

9735 La Jolla Farms Road - Coastal Development Permit to demolish existing residence and construct a 8,175 SF Two story single family residence on a 1.10 acre site

**C. Remove Red Curb - northbound La Jolla Blvd, Colima to Midway**

**T& T action: Motion to approve, 7-6-0-0 (1)**

Northbound La Jolla Blvd, Colima to Midway

**D. 2 hour Parking 8500 Block of Nottingham Place**

**T& T action: Motion to approve, 9-0-0**

2 hour parking limit 8500 Nottingham Place, 8AM – 6PM, Mon-Fri

**E. West Muirlands Speed Change**

**T& T action: Motion to raise speed limit from 25mph to 30mph on West Muirlands from Fay to Nautilus, 9-0-0**

West Muirlands from Fay to Nautilus

**F. End of Summer Fire Run**

**T& T action: Motion to approve, 6-0-2**

Street Closures on Prospect to Felspar

**G. Yield Sign at corner of Via del Norte & Beaumont**

**T&T action: Sign approved, 7-0-0**

Request to install YIELD signs facing traffic on Beaumont Ave (NB and SB directions)

**Approved Motion: Motion:**

**To accept the recommendations of the Development Permit Review Committee: (A) The Hampton: Findings can be made to approve Coastal Development Permit to construct a single family residence at 6005 Avenida Cresta; (B) Hyde Residence: Findings can be made for a Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence at 9735 La Jolla Farms Road, and forward the recommendations to the City.**

**To accept the recommendation of the Traffic & Transportation Board: (C) To approve removal of red curb on northbound La Jolla Blvd, Colima to Midway; (D) To approve 2 hour Parking 8500 Block of Nottingham Place; (E) to raise speed limit from 25mph to 30mph on West Muirlands from Fay to Nautilus; (F) To approve the End of Summer Fire Run; (G) Request to install YIELD signs corner of Via del Norte & Beaumont facing traffic on Beaumont Ave (NB and SB directions) , and forward the recommendations to the City.**

**(Merten/Fitzgerald, 13-0-1)**

In favor: Allen, Bond, Burstein, Conboy, Courtney, MCostello, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore, Weiss.

Abstain: Crisafi.

**10. 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, La Jolla Recreation Center**

**C. Community Planners Committee – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego**

There were no reports.

## **11. Via Rialto Emergency Storm Drain Repair Project – Information only**

CDP and SDP for completed emergency repairs to a damaged storm drain located at 7435 Caminito Rialto and extending west into an unnamed canyon behind the residential property.  
Ron Fox, Assistant Engineer, City of San Diego, (619) 533-7505, rfox@sandiego.gov

There was no presentation.

***At this point President Crisafi recused himself and left the room. Vice President Whittemore assumed the chairmanship of the meeting.***

## **12. 1912 Spindrifft CDP**

Discussion of pending CPA action based on outcome of Hearing Officer Hearing (August 3rd)  
1912 Spindrifft - Demolish existing residence and construct a 4699 3,475 sf, two-story single-family residence on a 13,511 sf parcel. La Jolla Shores PDO.

*PRC Action Jan 2011: The findings for a CDP and SDP can be made, 4-3-0*

*Previous Action Feb 2011: Hearing of Feb '11 set aside, call for rehearing by the President*

*Previous action April 2011: Recommend denial: Findings cannot be made for a Site Development Permit and a Coastal Development Permit: 1) The south setback does not comply with the La Jolla Community Plan. 2) Off street parking within the front yard does not comply with the La Jolla Shores Planned District Ordinance 9-5-1*

**Matthew Peterson**, representative of the owner and applicant, provided a handout and raised the question why this item is on the agenda since any intended action item is unclear.

**Vice President Whittemore** reported that the Hearing Officer approved the project and so the issue tonight is whether or not to appeal that decision to the Planning Commission. It may be that policy is to appeal automatically. However, the issue tonight is to decide explicitly, since the Trustees previously have voted both for and against the project – both times by split votes.

**Trustee Little** emphasized the issue of need to revise LJCPA policy on appeals. **Trustee Burstein** spoke in favor of not appealing due to limited resources and an unlikely favorable outcome to such an appeal. **Trustees Fitzgerald** and **Manno** agreed that the agenda item is whether or not to appeal and not to review the project.

**Mr. Peterson** iterated the points made in a copy of an e-mail to the LJCPA, copies of which he distributed, summarizing that the issue is whether or not this is an issue to the community as a whole. LJCPA member **Claude-Anthony Marengo** pointed out the precedent that would be set by a successful appeal.

**Trustee Merten** outlined the history of discussions with the City Development Services Department on enforcement of the La Jolla Shores Planned District Design Manual. He also emphasized the key issue is allowing parking in front yards. **Trustees Bond, Costello, Gabsch, Little, Fitzgerald** and **Courtney** participated in subsequent discussion. In response to a question from **Trustee Costello**, LJCPA member and PRC chair **Helen Boyden** pointed out the vote in favor of the project of the LJ Shores Permit Review Committee was 4 to 3. LJCPA members **Dale Nagle** and **Kathleen Neil** provided added comment supporting the appeal. **Ms. Neil** pointed out the connection of this issue with tonight's agenda Item 14. **Trustees Weiss** and **Conboy** also participated in further discussion.

### **Failed Motion: To not appeal the decision of the Hearing Officer regarding 1912 Spindrifft to the Planning Commission, (Fitzgerald/Burstein, 4-8-1).**

In favor: Burstein, Conboy, Fitzgerald, Manno.

Against: Allen, Bond, Courtney, Costello, Gabsch, Little, Merten, Weiss.

Abstain: Whittemore.

Recused - out of room: Crisafi.

### **Approved Motion: To appeal the decision of the Hearing Officer regarding 1912 Spindrifft to the**



**Planning Commission, (Little/Courtney, 8-4-1).**

In favor: Allen, Bond, Courtney, Costello, Gabsch, Little, Merten, Weiss.

Against: Burstein, Conboy, Fitzgerald, Manno.

Abstain: Whittemore.

Recused - out of room: Crisafi.

***At this point President Crisafi returned to chair the meeting and invited Trustee LaCava to announce the result of the special trustee election.***

**Trustee LaCava** announced, with pleasure, that **Cynthia Thorsen** had been unanimously elected to serve as a LJCPA Trustee. The Trustees and Members enthusiastically welcomed **Ms.Thorsen**. **Ms.Thorsen** will be sworn in at the September LJCPA Meeting.

**13. Herschel Ave. Mixed Use Lofts**

7844 Herschel Avenue - CDP, SDP & Map Waiver to waive the requirements of a TM to create 6 residential condos and 1 commercial condo by converting a portion of existing commercial space to 3 residential units and 1 commercial unit and construct 3 residential units on a 0.16 acre site

*DPR Action June 2011: Motion to approve Coastal Development Permit, Site Development Permit & Map Waiver to create 5 residential condos and 1 commercial unit at 7844 Herschel Ave. 3-2-0*

*PDO Action May 2011: The Committee found the project in conformance with the PDO, 7-0-0.*

*Previous LJCPA action July 2011: Pulled for review*

**Allen DiDenado**, architect for the developer, presented.

**Trustee Merten** stated that the only significant issue is the manner in which the project is providing parking.

**Trustee Costello** elaborated that question is the security of parking arranged in the building next door. **Mr. DiDenado** stated that 11 of the 13 required spaces are granted by easement that runs with title granted by the adjoining project in 1975 to the project HOA. The easement expires in 2075. He notes also that the project is now for five residential condominiums and not six residential and one commercial condominium.

**Trustee Gabsch** asked several questions having reviewed the easement documentation. **Mr. DiDenado** and LJCPA member **Claude-Anthony Marengo** responded. **President Crisafi** and **Trustees Merten, Conboy** and **Courtney** participated in additional discussion.

**Approved Motion: To approve the project, (Conboy/Costello, 14-0-1).**

In favor: Allen, Bond, Burstein, Conboy, Courtney, Costello, Fitzgerald, Gabsch, LaCava, Little, Manno, Merten, Whittemore, Weiss.

Abstain: Crisafi.

**14. Consideration of the issue concerning citywide floor area ratios of Chapter 13 of the San Diego Municipal Code applying in the La Jolla Shores Planned District.**

Incorporate the citywide floor area ratios of Chapter 13 of the San Diego Municipal Code to the La Jolla Shores Planned District, in addition to all the other development criteria currently specified in the LJSPDO and the LJ Community Plan.

*Previous LJSPRC action June 2011: The PRC Committee recommends the LJCPA have a full hearing and discussion on whether the underlying citywide FARs in all zones should be confirmed as applying in the La Jolla Shores Planned District. 5-0-1.*

*Previous LJCPA action July 2011: Moved to schedule for this meeting to review*

**Trustee Whittemore** made a presentation about floor area ratios (FARs) and distributed a written historical discussion of the La Jolla Shores Planned District and Planned District Ordinance (PDO) as related to the City's Land Development Code.

LJCPA member **Claude-Anthony Marengo** questioned an 18 April 2007 memo from the office of the City Attorney asserting that the FARs in of Chapter 13 of the San Diego Municipal Code apply to the La Jolla Shores Planned District. There was disagreement on whether there is a signed copy of another document that rescinds the memo.

LJCPA member and PRC chair **Helen Boyden** emphasized that the La Jolla Shores PDO was not being implemented properly. LJCPA member **Peggy Davis** spoke about mass, scale and setbacks in recent development in La Jolla Shores.

LJCPA member **Tom Golba** and **Mr. Marengo** suggested that, rather than enforce the FARs in combination with the presently applied La Jolla Shores Design Manual and review process, a better course of action would be to update the La Jolla Shores PDO and the zoning classifications in La Jolla Shores.

**President Crisafi** and LJCPA members **Kathleen Neil** and **Bernie Segal** spoke on the issue of setbacks being also included along with FARs, since Chapter 13 includes more than FARs..

**Trustee Fitzgerald** discussed the philosophy of regulation using "overlays". **Trustee Merten** addressed the broader significance of the invocation of Chapter 13 of the Land Development Code in the La Jolla Shores PDO. **Trustee Little** encouraged asking the City Council to finally resolve the issue. **Trustee Conboy** expressed concern about "bulk creep" in La Jolla Shores.

**Trustee LaCava** stated his concern that there ought to be broader "buy in" by the community before action on the issue, and he made a motion to table the pending motion, then withdrew his motion to table.

There was further discussion by **Trustees Manno, Fitzgerald, Weiss, Courtney, Burstein** and **Costello**.

**Approved Motion: To close debate and proceed to vote on the pending motion, ("Call The Question"), (Little/Whittemore, 10-4-1).**

In favor: Allen, Bond, Burstein, Conboy, Costello, Courtney, Gabsch, Little, Whittemore, Weiss.

Against: Fitzgerald, LaCava, Manno, Merten.

Abstain: Crisafi.

**Approved Motion: La Jolla Community Planning Association recommends that the City Council confirm that City-wide FARs in all zones – commercial, residential, etc. – apply in the La Jolla Shores Planned District without diminishing the effect of the other provisions of the La Jolla Shores Planned District Ordinance, (Whittemore/Little, 8-5-2).**

In favor: Bond, Conboy, Costello, Fitzgerald, Gabsch, Little, Whittemore, Weiss.

Against: Allen, Burstein, Courtney, LaCava, Merten.

Abstain: Manno, Crisafi.

Trustee Manno's stated reason for abstention: Insufficient information presented to make a considered decision.

**15. Adjourn** at 9:38 PM. Next Regular Monthly Meeting, September 1st, 2011, 6:00 pm.

**UNAPPROVED MINUTES OF THE LA JOLLA  
PLANNED DISTRICT ORDINANCE COMMITTEE  
August 8, 2011**

**Present:** Stiegler (Chair), Fitzgerald, Little, Rasmussen, Gabsch, Dershowitz, Clark; Berwin. A quorum was established at 4 pm. Also present: numerous members of the public and press; sign-in sheet circulated and collected by the secretary.

The August agenda was clarified in that item 3 Riford Center applicant only requested approval of the façade; the information from the June 2010 minutes was provided on the agenda is to remind the Committee of past information. Issues of ADA access are therefore to be addressed in public comment. Clark/Dershowitz motion to approve agenda as modified 6-0-2.

The July, 2011 minutes were approved 6-0-2 with no changes.

**Public Comment:**

Mary Coakley and Don Goertz presented documents, including a letter from attorney Theodore Pinnock, and a plan for an alternative single entrance to the Riford Center with a ramp. They stated that the Riford Board plans major renovations triggering a requirement for a single entrance where feasible. "Path of Travel" triggering compliance with ADA requirements includes sidewalks under the Board's plans and the sidewalk on Bonair Street has a 10% slope at the corner, which is non-compliant with ADA access requirements. They indicate the City has approved their alternative plans.

**Chair Report/Board Discussion:**

The Chair expressed appreciation to the La Jolla Light for support against illegal A-Frame signs, in the "Our View" editorial section.

1. The Chair talked with Senior Planner Chris Larson about why PDO impact items are often not being referred to the Committee by planners. The "standard comments" forms do not include a referral to the PDO Committee; therefore Mr. Larson says it is not a "favored" reference. Gabsch/Fitzgerald motion 8-0-0: Where a project involves a change of use, signage, façade change, elements of public right of way and other issues covered by the La Jolla Planned District Ordinance, an applicant must be directed by staff to contact the Community Planning Association for approval by the PDO Committee, through a standard comment in the project assessment letter template.

Fitzgerald will draft a letter to this effect to present at the next CPA meeting.

2. Gabsch has not received a response from Mr. Larson regarding Shared Parking Agreements.

3. A sample Shared Parking Agreement form was provided to the committee. There will be a presentation at the next meeting comparing municipal code provisions on this subject to the form.

**Agenda Items:**

**A. Riford Center Façade:**

Rasmussen recused as he is chairman of the board of the Riford Center. Gabsch recused because of a perceived threat of a lawsuit by attorney Theodore Pinnock. Rasmussen and Gabsch left the room. Fitzgerald took the following minutes:

M. Morton presented for the applicant, Friends of the Riford Center.

His presentation included: a brief history of the Riford Center and its ownership/management structure; the scope of the proposed project; how the proposed project addresses ADA-compliance issues with the current structure (interior and exterior); major design alternatives considered, including an ADA-compliant ramp at the front entrance to the building, and the reasons for rejecting the alternatives; highlighting that the proposed building colors, materials, signage are in compliance with the PDO.

Mr. Morton's presentation was followed by questions/concerns from the Trustees and members of the public. Major issues raised related to: whether the proposed project was fully ADA-compliant; whether the estimated project costs were adequate, including possible ADA-related modifications to the sidewalk on Bonair; whether the proposed project was the most cost-effective alternative available; the added required travel distance within the building for handicapped visitors with the proposed side-entrance compared with the front-entrance alternative. In response to questions raised regarding the proposed project's compliance with ADA, the applicant represented to the PDO Committee that the City had reviewed the project and determined the project to be ADA-compliant.

Trustee Fitzgerald pointed out that: Friends of the Riford Center is the legally-recognized applicant for this project; the PDO Committee's responsibility is to make a recommendation to the LJ CPA regarding the proposed project's conformance with the PDO and not to discuss/assess the comparative merits of third-party alternatives to the applicant's proposal.

Stiegler/Fitzgerald motion: 1) signage conforms to the PDO; 2) materials and colors are in keeping with the existing community character and conform to the PDO; 3) all other proposed façade changes conform to the PDO; 4) the proposed at-grade access to the building's side entrance conforms to the PDO. Motion passed 6-0-0.

**B. Westime signage:**

As presented by Integrated Sign Associates, this is a request for 2 signs at a jewelry (watch) store at 1227 Prospect Street. The sign consists of backlit plastic translucent letters behind the glass façade. The applicant is allowed 50 sf (because the shop has 50 lf of street frontage). The 2 proposed signs are 20 sf each. Even with the LED transformer, the signage is less than the size allowed. A metal band is brushed aluminum. Draperies behind the glass depict watch parts. The Committee considered this is not a mural for signage purposes, but is rather decorative. Dershowitz/Berwin motion to approve signage 7-0-0.

The meeting was adjourned at about 5:00 p.m. The next PDO meeting is scheduled for September 5, 2011 at 4:00 p.m. at the La Jolla Recreation Center, Room 1.

Respectfully Submitted

*Glen Rasmussen, Secretary*

**LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE**  
LA JOLLA COMMUNITY PLANNING ASSOCIATION

**COMMITTEE REPORT**  
**FOR**  
**August 2011**

**8/9/2011 Present:** Benton (Chair), Collins, Costello,  
Liera, Merten, Thorsen

**8/16/2011 Present:** Benton (Chair), Collins, Costello,  
Gaenzle, Liera

**1. NON-AGENDA PUBLIC COMMENT**

Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person. *None*

**2. PRELIMINARY REVIEW 8/9/11, FINAL REVIEW 8/16/11**

Project Name: **9721 Blackgold Road**

9721 Blackgold Road	Permits:	CDP
Project #: PO#238173	DPM:	Sandra Teasley 619-446-5271 steasley@sandiego.gov
Zone: RS-1-2	Applicant:	Leslie Lombard 323-966-2610

Scope of Work:

(Process 3) Coastal Development Permit to demolish existing single family residence and construct a tennis court on a 0.95 acre site at 9721 Blackgold Road in the RS-1-2 Zone within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Residential Tandem Parking, Parking Impact, Council District 1. Prior permit 41-0271.

APPLICANT PRESENTATION:

**Preliminary Review 8/9/11:** Handed out 24 x 35 inch drawings of Landscape, Site Plan & Development Summary, BMP's Plan, and Existing Floor Plan / Demo Plan. Also handed out Cycles Issues Letters, and site location photographs. Same owner as house to North, will demo house and redo landscape and construct tennis court. Construct a new, open fence.

**Final Review 8/16/11:** Applicant presented two revised 24 x 35 inch drawings (1 / 4 & 3 / 4) with changes responding to requests below.

**Please provide for FINAL REVIEW:**

*Applicant response in italics.*

- a. Provide clear indication curb cuts will be removed. *Curb cuts removed from the drawings.*
- b. Provide clear indication of lot tie agreement (or lot consolidation) between the two properties. *Applicant will apply to the SD City for a lot tie.*
- c. Show Landscaping Plan to provide for height and density to screen tennis court lighting from Blackgold Road as per LJ Community Plan, pg 90, Community Character. *Drawings have 7 King Palms, 6 "Sage Palms?", 6 hedge shrubs (species TBA), evergreen hedges in front of lights for screening from the street.*
- d. Show a section through the tennis court to the center of Blackgold Road. This section should show middle of the Road, the property line, ROW, setback, landscaping, and tennis court lights. *Section was drawn as requested on revised Drawing 3 / 4.*
- e. Consider setting the tennis court back more than 25 feet from Blackgold Road. *Tennis Court is 35 ft from street, setback is 25 ft.*

f. Indicate that there will be on site Archeological monitoring during grading / excavation. **Applicant made an Archeological Note on the revised drawing stating “Note #9 Site to maintain continued Archeological monitoring during entire excavation and grading.”** Chairman Benton marked and dated revised Drawings 1 / 4 and 3 / 4.

g. Indicate that tennis court lighting will not exceed 15 feet in height, i.e. no telescoping lighting poles, etc. **15 ft max is indicated on revised Drawing 3 / 4.**

**DPR Members wanted written assurance of Archeological monitoring before voting on Project.**

**Subcommittee Motion:** Motion to trail the Blackgold Rd. Project to allow the Applicant the opportunity to make an Archeological Note on their Drawing.

(Benton / Costello 5:0:0)

**In Favor: Benton, Collins, Costello, Gaenzle, Liera**

**Oppose: 0**

**Abstain: 0**

**MOTION PASSES**

**Issue resumed later after addition of handwritten notes to plans. See “f” above.**

**Subcommittee Motion:** Motion that findings can be made for a Coastal Development Permit to demolish existing single-family residence and construct a tennis court at 9721 Blackgold Rd.

(Collins / Gaenzle 5:0:0)

**In Favor: Benton, Collins, Costello, Gaenzle, Liera**

**Oppose: 0**

**Abstain: 0**

**MOTION PASSES**

**3. PRELIMINARY REVIEW 8/16/11**

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

Project Name: **La Jolla Boulevard Mixed Use**

7401 La Jolla Boulevard

Permits:

CPD & SDP

Project #:

PO#241056

DPM:

Glenn Gargas 619-446-5142

ggargas@sandiego.gov

Zone:

LJPD - 4

Applicant:

Ariadne Milligan, Island Architects

858-459-9291

Scope of Work:

(Process 3) Coastal Development Permit and Site Development Permit to construct a mixed use building with 5,400 SF commercial space and a 4,600 SF single-family residence on a vacant 0.23-acre site. The property is located at 7401 La Jolla Boulevard in Zone 4 of La Jolla Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking, Transit Area. Council District 1.

**APPLICANT PRESENTATION:**

Presented DPR Members two page handouts “Coastal & Site Dev. Permit Fact Sheet” listing Project Statistics. 3 retail / commercial units on 1<sup>st</sup> level, 2 residential units 2<sup>nd</sup> level, underground parking. LJPDO 50% commercial. Retail / commercial could be a single unit or up to 3. Owner will live upstairs, and their son will live in a small apartment upstairs. Stairs on North side. Balconies facing LJ Blvd. Small roof deck. 2<sup>nd</sup> level court yard facing Marine St. neighbors (some relief for neighbors). 6 ft solid wall type fence. Underground parking, entry high enough for delivery vehicles (9’6”), 12 spaces with loading zone (underground), ADA too. Utility meters, Trash underground. Too little parking to allow a restaurant. Setbacks: 0 ft at North (commercial adjacent), 4 ft at East

(by Marine St Townhouses), 19 ft at West (LJ Blvd). Ocean views: Applicant viewed from lift, no unobstructed views, there are ocean peeks, many unattractive flat roofs with A/Cs, etc, many trees such as tall Jacarandas. Proposed FAR = 1.02, Allowed FAR = 1.3

DISCUSSION:

*Applicant response in italics.*

**Marjorie Omafray (neighbor):** Adjacent Neighbor from 524 Marine St. Handed out a sheet with three suggestions to lessen the Project’s impact on her Townhouse and others. Asked that the Project be setback more from their property to give more light and air. Asked that they reduce the building height so she would not lose their ocean view. “This is a really huge project on a small parcel.”

**Gaenzle:** does the Project have photovoltaics, or why not? *We don’t.*

**Please provide for FINAL REVIEW:**

- a. Consider angling the wall separating the Marine St Townhouses and LJ Blvd Mixed Use Project.
- b. Consider moving the Project closer to La Jolla Boulevard, to enlarge East setback.
- c. Consider installing pedestrian crosswalk in-pavement flashers on La Jolla Blvd.
- d. Email (1) section and (2) site plan to Ms. Knepp to be forwarded to DPR Members. Members have assignment, from Chair, to visit site and observe setbacks and relationship to neighboring property.

**4. PRELIMINARY REVIEW 8/16/11**

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

Project Name:	<b>Hennessy’s Sidewalk Café</b>	Permits:	Neighborhood Use Permit
	7811 Herschel Avenue	DPM:	Glenn Gargas 619-446-5142
Project #:	PO #243179		ggargas@sandiego.gov
Zone:	LJPD - 1	Applicant:	Damian Gulak
			619-840-7385

Scope of Work:

(Process 2) Neighborhood Use Permit for a 180 SF sidewalk café (approximately 6 FT x 30 FT) within the public right-of-way for an existing restaurant located at 7811 Herschel Avenue, in Zone 1 of La Jolla Planned District, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, Transit Area Overlay Zone and within the La Jolla Community Plan area.

APPLICANT PRESENTATION:

Applicant presented DPR Members a four page handout of project drawings, and photos of the street scene. Sidewalk is 14 ft wide, 6 ft would be used for sidewalk café, leaving an 8 ft path clear. There would be a 3 ft high wrought iron rail “fence”. There would be four outside tables, 16 seats. Did the required DSD mailing to neighbors, no replies from neighbors. Applicant owns building. Total restaurant setting will be 98.

DISCUSSION:

*Applicant response in italics.*

**Benton:** Mr. Collins asked, this is a PDO issue, why come to us first? First there is the design issue of tables and chairs on the sidewalk area. Second is the issue of using the sidewalk for restaurant seating.

**Benton:** Our issue is for you to accommodate the 8 ft clear path.

**Liera:** What provisions are there to remove the fence if, i.e., the tenant or owner goes out of business and leaves the fence? *There will be an Encroachment Maintenance and Removal Agreement, EMRA, with the SD City.*

**Collins:** Your patio area was open to the sidewalk by a previous owner. Alternatively, have you considered opening this area back up? **Liera:** Open will be more enticing. **Costello:** i.e., Bird Rock Coffee Roasters

**Collins:** What about parking? **Presenter:** *No changes, there is no on site parking. The lot across the street is seldom full.* **Collins:** Absence of parking or a shared parking agreement is an issue.

**Liera:** Is the dark gray part of the sidewalk original? If so, it is historic and should not be damaged by boring holes for hold-down bolts.



**Collins:** Neighbors on each side could say that this will reduce their exposure, even if allowed by Code.

**Please provide for FINAL REVIEW:**

- a. Please go before the LJPDO Committee for a recommendation, then return to us for Final Review.
- b. Provide 8 ft clear path.
- c. Provide the Encroachment Maintenance and Removal Agreement.
- d. Consider providing parking, ie, shared parking agreement.
- e. Is the older part of the sidewalk historic?

Please contact the LJ DPR Committee coordinator at [alexisknepp@sbcglobal.net](mailto:alexisknepp@sbcglobal.net) or at 858-459-0805 with questions or comments.

## **La Jolla Shores Permit Review Committee Minutes Tuesday August 23, 2011**

**Committee members in attendance:** Helen Boyden (chair), Dolores Donovan, Janie Emerson, Tim Lucas, Michael Morton, Dale Naegle. Absent: Phil Merten, John Schenck

### **1. Non-Agenda Public Comment**

**Morton:** This PRC committee and CPA have reviewed and voted on the issue of whether the base zone FARs should apply. He wants to remind the committee that this is in process and nothing has taken effect. The committee is not to apply base zone FARs in their project reviews.

### **2. Chair Comments**

- To date we have no information on: LJS electric Undergrounding district and Gaxiola as to when they want to schedule. Also in this category is a Torrey Pines Road slope repair between Little and Roseland, southeast side of road
- Palazzo project appeal to City Council will likely be heard in the latter part of September,
- LJCPA voted to send comments on the 8490 Whale Watch project draft ND, based on letter drafted by Phil Merten. Hearing Officer hearing scheduled for August 24 [approved]
- LJCPA approved Kooklani plans that were revised to move swimming pools back and conform to Proposition D—approved by Planning Commission July 21<sup>st</sup>.
- LJCPA passed on consent Nooren plans, 8001 Calle de la Plata—see below
- LJCPA approved on consent the LJSRPC recommendation that the LJCPA hold a full hearing and discussion on the whether the underlying citywide FARs in all zones should be confirmed as applying in the La Jolla Shores Planned District. Hearing was held by the LJCPA on August 4<sup>th</sup> and item was passed.
- Hooshmand resubmitted plans dated July 29<sup>th</sup> –likely September 27 PRC
- 7<sup>th</sup> Update to Land Development Code adopted with direction on August 2—the first ordinance of 2012 fiscal year
- New plans received by Chair as of August 17.
  - o Zegarra Walls at Cto. Bello has become active –new cycles received
  - o 8289 LJ Scenic North. NOA July 25<sup>th</sup> to be heard September 27
  - o AT&T for 7990 Via Capri, not noticed as of August 17, 2011
  - o Hillel Student Center NOA dated August 11-no contact as of 8/17/11
- The Chair will be out of the country from September 1 to 17 and likely will not be able to carry on e-mail correspondence, though all hotels seem to have public computers

### **3. LJSRPC Housekeeping – Possible action items**

- a. Establish calendar for the remainder of 2011--Holiday break ?
- b. Proposal to adopt as PRC procedures current LJCPA procedures affecting the PRC directly
- c. Adopt other procedures for PRC operation, including committee members' roles

### **4.A. Via Rialto Storm Drain**

- Project No. 222828
- Type: Slope Repair and Storm Drain Improvements
- Location: At 7435 Via Rialto and West of 7435 Cto. Rialto and SW to adjacent canyon
- Project Manager: Patricia Grabski; 619-446-5276; [pgrabski@san Diego.gov](mailto:pgrabski@san Diego.gov)
- Applicant: Jeff Soriano, City Engineer; [jsoriano@san Diego.gov](mailto:jsoriano@san Diego.gov)

Project Description: Slope repair and storm drain improvements on environmentally sensitive lands. The project is located at 7435 Via Rialto and west of 7435 Caminito Rialto extending to the southwest into the adjacent canyon. The project is located within the Coastal Overlay Zone (non-appealable), Coastal Height Limit Zone and the SF (Single-Family) Zone of La Jolla Shores Planned District within the La Jolla Community Plan and Local Coastal Overlay Zone and Council District 1.

The construction phase of the project was completed on an emergency basis and was exempt from CEQA. This review is for the revegetation/erosion control plan.

**Seeking:** CDP and SDP for Environmentally Sensitive Lands

**Presented by:** Ron Fox & James Arnhart

Presentation on slope failure caused by storm drain that failed. Work on repairing the storm drain has been performed under an emergency permit. They had to get permit and access from homeowner in area to access the canyon. The existing storm drain has been slip-lined. High density poly pipe was added along with an energy dissipater at the bottom.

A senior landscape engineer at city has reviewed the plan and suggested a few minor changes in the plantings. Hydroseed will be used around the pipe. A 90 day drip bag system will be installed to give the new vegetation a chance to survive dry periods.

**Morton:** They should add a small pea sized gravel with the hydroseed to protect against a drought. The pea gravel will keep the seed from washing away.

**Boyden:** Why is the city involved? *Response: the canyon is part of the Colony Hill Homeowners Association, but the storm drain failed and caused the problem, so city responsible.*

**Naegle:** Has the homeowners association seen the plans and approved it? *Response: no – not this plan. The neighbors? R: this should be the forum for this.* Naegle: there should be another meeting with the homeowners group since they own the land. Since they were not directly informed of this review, then this really isn't a forum.

**Emerson:** Concerned that the homeowners association or the homeowners haven't been contacted regarding this plan. They are the ones being affected and it would only take one phone call to the association.

**Morton:** Question to Boyden: Have the Homeowners assoc contacted us or we them? *Boyden: No. All those who received the 300' notice had an opportunity to contact the LJCPA to receive notices of community hearings*

**Naegle:** This is one of the oldest homeowners; associations - since 1967.

**Morton:** What is the time frame of the project? What are the target dates to hiring a landscaper and doing the planting? *Response: They need to finalize the project and then hire a landscaper. The end of October is the earliest they could be planting. Doesn't know what the latest date is, but they need to get the planting done before the rainy season begins for the re-vegetation to be effective.*

**Donovan:** Can they attend a homeowners association meeting – is there funding/tasking for that? *Response: Yes*

**Lucas:** Concerns that the property owners were not properly noticed. The homeowners association has not been contacted, apparently for at least a year. The presenters do not know if a proper notice was posted at the site. Public and community input is very important in projects such as these.

**Motion:** Lucas **Second:** Emerson

To continue hearing this item until the property owners or homeowners association have been noticed or contacted.

**Motion carries: 4-1-1.** Approve: Lucas, Donovan, Emerson, Naegle; Oppose: Morton; Abstain: Boyden

#### 4.B. Lundberg Addition SCR

- Project No. 243479
- Type of Structure: Single Family Residence
- Location: 7820 Lookout Drive
- Project Manager: Jeanette Temple; 619-557-7908; [jtemple@sandiego.gov](mailto:jtemple@sandiego.gov)
- Owner's rep: Bill Hayer; 858-792-2800; [bhayer@hayerarchitecture.com](mailto:bhayer@hayerarchitecture.com)

**Project Description:**

Add 537 square feet on the second floor, partially over the garage of an approximate 5,770 square foot single family residence on a 0.326 acre site at 7820 Lookout Drive in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit [City]. This addition will not change the height or setbacks of existing structure. [Applicant]

Note: Changes to the CDP plan were permitted ministerially (without community review) to Exhibit "A" from 2004. These changes resulted in a change of design, addition of basement and increase in square footage from original plans. The "as built" current building was "permitted" by the City. The current application is to increase the square footage on the second floor beyond that "as built."

**Seeking:** Substantial Conformance Review to PTS# 12470, a Coastal Development Permit/Site Development Permit.

**Presented by: Bill Hayer, Architect**

He presented the overall history of project to present day. This is a substantial conformance review.

The house will remain the same as it is currently, except for the addition of 537 ft over the garage. The style of the house has changed somewhat to be more consistent with the neighborhood. The vertical elements are cleaner and the overall look and color scheme blends in better.

The house was originally permitted for 5,918 sq ft, and after it was built [at least] two ministerial permits were granted for expansion. The house then became 6,573 sq. ft. Part of this was the addition of a basement. The proposed expansion of the second floor will bring the size to 7,111 sq. ft.

Original: 5,918 -> ministerial approval 6,573 -> proposed 7,111

**Boyden:** Even though this is a substantial conformance review, it has to conform to the Municipal Code. She has visited the property and has seen a wall 5' 4" tall (her height) at the edge of the driveway that extends to about 7.5" from the curb. This is within the visibility triangle which extends back 1-' from the property line. The stone column mail box with an approximate 18" cross section and about 4.5" tall at the intersection of the driveway and curb also impacts the view as does the tall vegetation in this area.

**Morton:**

- Where are the setbacks? *Response: don't know. This is the LJ Shores and there are no specified setbacks.*
- Landscape and hardscape? *R: 43.9 % hardscape, building coverage = 35%.*
- Lookout Drive side yard setback averages for neighborhood? *R: average is 8', this project is 8'.*
- Is Lookout fence 50% open? *R: it is iron bar and more than 50 % open.*
- Did DSD review find issues with the mailbox? *R: No.*
- Has City engineering looked at this? *R: Civil engineering is completing an as-built survey.*
- Gate/wall not on original CDP actually it was, but in different format and slightly different orientation) Boyden: Height of wall is not specified on original plans. Wall is not on "as built" plans). One wall is in the right of way. *2-foot wall will be processed as an EMRA*
- What is the square footage of the second floor? *Response: Original second floor: 1,280 sq ft. Current: 1,267, so it was reduced from the original. The Proposed: 1,804 (524 added over the original)*

**Lucas:** I don't understand how a project that has had two additions with ministerial approval since the original SDP and CDP can be eligible for a substantial conformance review. This is the wrong process.

If we are to perform a SCR, we would have to compare the original permitted project design with the proposed design, which includes the additions that were made later. In that case the project has increased from 5,918 sq ft to 7,111, which is close to a 20% increase in size. I think that this is too much to be in substantial conformance.

**Motion: Morton. Second: Naegle**

The findings can be made that project, as proposed, substantially conforms to the original CDP and SDP.

**Motion fails: 2-3-1**

For: Morton, Naegle

Against: Donovan, Emerson, Boyden (Chair broke tie)

Abstain: Lucas

**Donovan:** The additional 524 feet is substantial.

**Motion:** Donovan, **Second:** Emerson

**Findings can not be met that the project is in Substantial Conformance with the original CDP and SDP.**

**Motion carries 3-2-1**

Approve: Donovan, Emerson, Boyden, (chair maintained previous position); Opposed: Morton, Naegle; Abstain: Lucas

**Motion:** Morton **Second:** Emerson

**The city should review the issue on whether the existing driveway wall conforms to the driveway visibility triangle requirements in the municipal code.**

**Motion carries: 5-0-1**

Approve: Donovan, Emerson, Lucas, Morton, Naegle

Oppose: None; Abstain: Boyden

**4.C. T-Mobile N Torrey Pines Road**

- Project No.: 236364
- Type of Structure: Wireless Communication Facility
- Address: 2849 1/3 La Jolla Village Drive
- Project Manager: Alex Hempton; 619-446-5349; ahempton@sandiego.gov
- Contact name: Anne Regan, DePratti, Inc. agents representing T-Mobile West Corp; 858-602-6522; [Anne.wulfange@gmail.com](mailto:Anne.wulfange@gmail.com)

**Project Description:** Wireless Communication Facility (WCF) in the public right-of-way consisting of 3 panel antennas mounted to a replacement light standard with above-ground equipment. The project is located on the south side of La Jolla Village Drive at 2849 1/3 La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way

**Seeking:** Conditional Use Permit (CUP), Process 3.

Boyden: Read a letter from Congregation Adat Yeshurun, permit holder of the eruv on La Jolla Village Drive that they are satisfied that the eruv will not be disturbed by the construction of the WCF—City had expressed a concern.

**Presented by:** Tim Henion

The project proposes flush-mounted antennas on an existing light standard. An indent to hold 3 cabinets will be dug into the bank and lined with a brick wall.

**Lucas:** Who owns the property? *Response:* It is in the city right-of-way. The adjoining property is owned by Hillel. Length of lease? *R:* The lease is for 10 years.

**Morton:** Can the wall be painted green, like the cabinets to blend in with the landscape? *Response:* Yes. Are they planning to install irrigation? *R:* No. Is the lease with the city? *R:* Yes.

Projects like these are many times the community's only chance to get improvements on city right of ways. It would be good to have irrigation and landscaping put in.

Boyden: Will there be landscape screening? *R:* No.

**Lucas:** The area has been stable for at least 35 years that I can remember, and installing irrigation could cause erosion and destabilization. I do not think that we have enough information to consider the installation of irrigation it at this meeting.

**Tim Henion:** We would need to find a source of water and would need to install a meter in the right of way. This would add to the disturbance that would need to be made.

**Motion:** Donovan. **Second:** Morton

**Findings can be made for a CUP, with drought tolerant planting added, and the wall painted green to match the cabinets and landscaping, as noted 8-23-11 on the plans presented dated 2-10-11.**

**Motion carries: 5-0-1.** Approve: Donovan, Emerson, Lucas, Morton, Naegle; Oppose none: Abstain: Boyden (chair)

**4.D. Nooren Residence. Fifth review (amended second version)-Applicant is requesting review of a modification to previously approved plans.**

- PROJECT NUMBER: 226965
- TYPE OF STRUCTURE: Existing Single family residential in Multi Family One (MF1) zone
- LOCATION: 8001 Calle de la Plata
- PLANNER: Jeffrey A. Peterson; 619-446-5237; [JAPeterson@sandiego.gov](mailto:JAPeterson@sandiego.gov)
- OWNERS REP: Michael Rollins; Cell 619-993-6003; [Michael@rollinscc.com](mailto:Michael@rollinscc.com)

**Project description:** Demolish an existing single family residence and construct a 2725 ~~3,700~~ square foot, two-story single family residence over a 656 ~~635~~ square foot garage on a 0.10 acre site. The proposed project will conform to the Council Policy 900-14 criteria by generating 50% or more of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaic). Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation, Coastal and Beach Impact Areas of the Parking Impact, Residential Tandem Parking, and Transit Area Overlay Zones. [City]

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

Note: the applicant wishes to gain committee approval for a revision to those previously approved by the PRC and LJCPA. Dimensions have not changed. Revisions appear to be substituting a parapet building sides and short walls parallel to street frontages.

Additional changes now involve eliminating the subterranean garage and other below ground areas.

**Previous Actions:**

**LJSPRC, June 28, 2011**

**Motion:** Merten Second: Schenck

Findings can be made for a CDP and a SDP based on the plans presented--dated 6/17/2011 and submitted to the City 6/28/2011.

**Motion carries: 4-0-3;** Approve: Lucas, Merten, Morton, Schenck; Abstain: Boyden (chair), Donovan, Emerson – Donovan not present for previous three hearings; Emerson not present for first two hearings--Prior to their nomination to the LJSPRC.

**LJCPA, July 7, 2011**

**Motion:** To accept the recommendation of the LJ Shores Permit Review Committee: (E) Nooren Residence:

Findings can be made for SDP & CDP based on the plans presented - dated 6/17/2011 and submitted to the City 6/28/11, and forward the recommendation to the City. (Allen/Fitzgerald, 12/0/1)

**Presented by:** David Keitel

The building footprint of the project is exactly the same. The style has been changed from Spanish to a bit more modern and clean. The peaked tile roof was changed to a flat roof, which has lowered the overall height of house 2 feet.

The LJSAB approved a version similar to that being presented today, but that version had subterranean parking for two cars. After further geotechnical and hydrological analysis, the underground parking is unfeasible due to concerns with water seepage and the removal of that water. It was deemed to be too expensive to do, on the order of \$400,000, so there is no underground parking. The driveway is now level and holds 2 cars.

**Nooren:** After the approval at the last meeting, the owners went back to the LEED architect and realized that the [same number of] solar panels could not be fitted to the roof. They had already made compromises by shrinking the design and lowering the height of the house, but they did not want to lose the LEEDS certification. They liked the location, orientation, and footprint of the new design, but not the Spanish style. They wanted it more modern, but with stone and stucco, that mirrored other houses in the neighborhood. As mentioned, the underground parking was not feasible.

**Lucas:** Size of parking spaces? *Response: 19' x 9', conforms to code. Since there is no slope to underground parking, the pad is level and the spaces will both be usable.*

**Morton:**

- Is the City requiring covered parking? *No.*
- Is this project on an expedited track due to LEEDS? *Yes*
- Will the solar panels be back from edges? *Yes, they will not be visible from street.*
- Solar panels lower than top of the chimney? *Yes*
- Eaves-line = 26.6', panels 28.6'
- Roof type? *Sheet membrane, white color.*
- Glazing on windows? *Clear with UV coating.*
- Building materials? *Sample was shown to committee.*

**Donovan:** Were there problems with the tile roof and solar panels in the previous design? *Response: They needed more area for panels than the peaked tile roof configuration allowed. Their goal is to produce 50% of their energy consumption There is no air conditioning, so this configuration allows for cooling airflow to circulate in the house. Could you receive the same LEED certification with the Spanish design? R: Possibly.*

**Morton:** How many panels? *R: Not determined, but it will cover a high percentage of the roof.*

**Naegle:** Won't the panels be visible? *R: They can make that conditional to not be visible. Was putting a parapet around the eaves considered? Yes, but the neighbors did not want the extra height.*

**Public comment:**

**Jack Armstrong** (neighbor to North): Is there a diagram of the footprint of the existing house and this proposed design? There was not one directly, but drawings were found to make a side by side comparison. Mr. Armstrong reviewed the drawings with the presenter.

**Michael Rollins:** The LJSPDO says unity with diversity. There are already a lot of Spanish houses in the neighborhood, so this one adds to the diversity but still fits in.

**Matt Peterson:** They did not have to go through the community review process again. They could have taken the previously approved design and gone directly to city planning and made the style change through a ministerial review. It is good of them to want to give the community a chance to review the project.

**Morton:** He is pleased that the owners have redesigned the project to achieve a design that they really want to live in. The Spanish revival style was developed for the Pan-American exposition in 1919. It is not the dominant style in the area. There is no official architecture of La Jolla or San Diego.

**Motion:** Morton **Second:** Naegle

**Findings can be made for a SDP and a CDP for the project, based on the plans presented dated 8/17/2011.**

Discussion on motion:

**Donovan:** Recognizes their commitment to sustainable architecture and to come back through community review with the new design. Thinks that the previous design fit the neighborhood better.

**Lucas:** The community overwhelmingly approved the design presented last time, based on input given at the previous PRC and CPA meetings. I understand that there were problems with placing panels on the Spanish-style tile roof and achieving the LEEDS certification. I prefer the Spanish style design. This design changes the feel from the Spanish style house existing on site, but I feel still meets the requirements of the LJS PDO.

**Motion carries: 3-2-1.** Approve: Lucas, Morton, Naegle; Oppose: Donovan, Emerson; Abstain: Boyden

#### **4.E. 1912 Spindrift (Third Review)**

- PROJECT NUMBER: 214654
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 1912 Spindrift
- Project Manager Glenn Gargas: Ph: 619-446-5142; [ggargas@sandiego.gov](mailto:ggargas@sandiego.gov)
- OWNERS REP: Lisa Kriedeman; 858-459-9291; [lkriedeman@islandarch.com](mailto: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: Applicant is returning with a “minor design change” to add garage to accommodate two cars in tandem to address reasons for LJCPA denial.

#### **Previous Actions:**

##### **LJSPRC January 25, 2011**

**Motion:** Lucas; second: Morrison

Findings can be made for the project as shown with the 2’ South and 6’ North side setbacks. The committee suggests that thinning of the trees be trimmed and that hedges and bluff shrubbery be landscaped and trimmed to improve neighborhood and public views along the property lines.

**Motion carries: 4-3-0;** Approve: Lucas, Morrison, Morton; Oppose: Merten, Naegle, Schenck; Tiebreak: Boyden (chair) approve

##### **LJCPA April 7, 2011**

Approved Motion: Motion: Recommend denial: Findings cannot be made for a Site Development Permit and a Coastal Development Permit: 1) The south setback does not comply with the La Jolla Community Plan. 2) Off street parking within the front yard does not comply with the La Jolla Shores Planned District Ordinance, (Merten/Little 9/5/1)

**LJCPA August 4, 1912 Spindrift CDP Approved Motion:** To appeal the decision of the Hearing Officer regarding 1912 Spindrift to the Planning Commission, (Little/Courtney, 8/4/1).

#### **Presented by: Matt Peterson**

Before the presentation was made, Helen Boyden (chair) read a letter from committee member Phil Merten, who could not attend the meeting: He was opposed to previous design because the required parking area was located in the front yard contrary to the SF regulations in the PDO and SDMC ... The new design with parking garage and car lift now meets the requirements.... He sees no further PDO issues with the project.



The presentation was then made of the new design:

The front portion of the house was modified. The kitchen in the southeast corner was moved, and a single-car width garage with a lift for a second car was added. The garage is 12' tall, so will fit two cars (but only one could be an SUV due to the height). There is a roof above the garage, instead of a 2-story high wall. This gives a step back of the second floor of the building, which the committee suggested at the previous meeting. The corner of the building is now 1-foot closer to the street, but there is still an 11' setback.

**Naegle:** What is the garage width? *It is 10'.*

**Boyden:** Is tandem parking or a lift allowed in this zone? *Yes.*

#### **Public comment**

**Uma Joshi**, neighbor at 1919 Spindrift Drive: Concerned about seeing the mass of this building across the street from her house. She has questions on the height of various points of the structure. *The response was: The west balustrade is 27.25' in height. The overall height of the house is 2' less than when they put markers on the trees to show the neighbors the effect of the project.*

Will they clean up the vegetation? *Yes, several large trees will be removed and bushes and hedges will be cleaned up or removed to open up views to the ocean.*

**Motion:** Naegle. **Second:** Morton

**Findings can be met for a SDP and CDP for the revised design with the attached garage and stepped back second story, dated 8/11/2011.**

**Motion carries: 4-1-1.** Approve: Emerson, Lucas, Morton, Naegle. Oppose: Donovan; Abstain: Boyden

### **3. LJSPRC Housekeeping – Possible action items**

Board discussion on procedures and recommendations from CPA ad hoc committee.

Helen Boyden gave a brief review of the recent meeting of the LJ CPA Ad Hoc Committee on rules and procedures. She handed out a document listing the current policies of the LJ CPA as posted on its website. She also presented first draft of policies for the LJS PRC committee to get the discussion going.

Issues raised during the committee discussion were:

- Having materials such as plans and other documentation to the committee 14 days prior to the first review. Several committee members felt that the 14 day condition should also apply on subsequent reviews, especially when large changes are made to a project. It is simply too much work for the chair to have to assemble and distribute documentation on projects at the last minute. It also works against having public input when major changes are made late and the public has no way to be informed of the project.
- The issue of exceptions for this 14 day condition will need to be addressed, as the city has in the past sent us projects for emergency review, or at the last minute due to special circumstances. This is an important forum for community input, so the committee has gone ahead and performed these reviews when the alternative was to have no review possible.
- Notification to neighbors of projects is important. There are city codes that govern the notification process. The applicant needs to have a proper notice posted on the property and also proof of mailing, or delivery of notice, to affected residents/neighbors per the city requirements.
- The first cycle Letter of Assessment needs to have been received from the city.

These and other issues will be discussed at the next meeting. Helen will be providing the committee the information materials that she normally sends prospective applicants, for committee input at the next meeting.

**AD HOC COMMITTEE ON OPERATING POLICIES**  
LA JOLLA COMMUNITY PLANNING ASSOCIATION

**MINUTES OF MEETING ON WEDNESDAY, AUGUST 10, 2011**  
LA JOLLA RECREATION CENTER, 615 PROSPECT ST. 5:30 PM

Present: Joe LaCava, Rob Whittemore, Devin Burstein, Helen Boyden.

Absent: Laura DuCharme Conboy,

1. Meeting called to order at approximately 5:35 pm.
2. Call for public comment: None.
3. Chair report.
4. Discussion of agenda item 3(A) – regarding the appeal procedures.
  - a. Approved Motion: Recommend that the LJ Community Planning Association adopt the Appeal Procedures created by the ad hoc committee. (Whittemore/LaCava 4/0/0) (These procedures are set forth in full on the subsequent pages attached to these minutes).
5. Adjourned at approximately 6:30pm.

**AD HOC COMMITTEE ON OPERATING POLICIES**  
LA JOLLA COMMUNITY PLANNING ASSOCIATION

**POLICY RECOMMENDATIONS**

After significant review and discussion, the ad hoc committee on operating policies and procedures offers the following recommendations to replace the policies currently in effect, which appear on the LJ Community Planning Association website:<sup>1</sup>

1. The ad hoc committee recommends that the LJ Community Planning Association retain the flexibility to use operating policies, adopted by a majority vote of the Trustees, and submitted by the President to the City for review and approval. (LaCava/Boyden 5/0/0).
2. The ad hoc committee recommends that the LJ Community Planning Association eliminate the policies of January 8, 2009 and March 6, 2008, and leave it to the Community Joint Committees and Boards to develop their own policies and procedures. (Boyden/Conboy 5/0/0).
3. The ad hoc committee recommends that the LJ Community Planning Association eliminate the policy of January 4, 2009, and leave it to the Community Joint Committees and Boards to develop their own policies and procedures. (Whittemore/LaCava 4/1/0).
4. The ad hoc committee recommends that the LJ Community Planning Association adopt the Appeal Procedures created by the ad hoc committee. (Whittemore/LaCava 4/0/0) (These procedures are set forth on the pages that follow).

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<sup>1</sup> References to prior policies by date refer to the manner in which they are listed on the LJ Community Planning Association website:

**The following is only a draft of proposed appeal procedures -- it is not official unless and until adopted by the La Jolla Community Planning Association.**

**LA JOLLA COMMUNITY PLANNING ASSOCIATION - APPEAL PROCEDURES**

The following constitute the Appeal Procedures of the La Jolla Community Planning Association (LJCPA). Any and all prior Appeal Procedures, whether or not specifically titled as such, are hereby superseded and no longer in force.

**Circumstances in which the Appeal Procedures Apply**

The LJCPA may appeal any adverse decision. The LJCPA Appeal Procedures apply when there has been a City of San Diego (Staff, Process 2; Hearing Officer, Process 3; Planning Commission, Process 4) decision that is in opposition to a LJCPA recommendation and/or finding (hereafter, an "adverse decision"). Examples of adverse decisions include, but are not limited to, the following:

- (1) The LJCPA recommends that a project be denied and the City approves the project.
- (2) The LJCPA determines that findings cannot be made and the City disagrees.
- (3) When a project has significantly changed after review by the LJCPA, such that the project heard by the City is materially different than the project heard by the LJCPA, then, if the City approves the project, the LJCPA may determine this to be an adverse decision.
- (4) An environmental document is certified by the City that the LJCPA determines should not have been certified.

**Procedures for Appeal of Adverse Decisions**

When there has been an adverse decision and the period within which to file an appeal does not expire before the next regularly scheduled LJCPA meeting, the question of whether to appeal shall be placed on the agenda for that meeting and voted on by the Trustees after voting on the matter. If a majority of the voting Trustees vote to appeal the adverse decision, the LJCPA President shall file the appeal and cause it to be pursued.

When there has been an adverse decision and the period within which to file an appeal expires before the next scheduled LJCPA meeting, the LJCPA President shall timely file an appeal of the adverse decision to ensure the appeal is not waived. Thereafter, the question of whether to ratify the appeal shall be placed on the agenda for the next regularly scheduled LJCPA meeting and voted on by the Trustees after hearing the matter. If a majority of the voting Trustees vote to ratify the appeal, it shall be pursued. If not, the LJCPA President shall inform the City that the LJCPA wishes to withdraw the appeal.

**Appeal of Environmental Documents**

Appeal of an environmental document, such as a CEQA exemption, negative declaration, mitigated negative declaration or an EIR, shall be considered a new appeal. The question of whether to appeal an environmental document approved by the City shall be placed on the agenda of the next regularly scheduled LJCPA meeting and voted on by the Trustees. If a majority of the voting Trustees vote to appeal the environmental document, the LJCPA President shall file the appeal and cause it to be pursued.

When the period within which to file an appeal of the environmental document expires before the next scheduled LJCPA meeting, the LJCPA President shall timely file an appeal of the environmental document to ensure the appeal is not waived. Thereafter, the question of whether to ratify the appeal shall be placed on the agenda for the next regularly scheduled LJCPA meeting and voted on by the Trustees. If a majority of the voting Trustees vote to ratify the appeal, it shall be pursued. If not, the LJCPA President shall inform the City that the LJCPA wishes to withdraw the appeal.

**WHEREAS, The LJCPA Trustees wish to have the opportunity to determine, at a regularly scheduled meeting, whether to file an appeal, the LJCPA President shall urge applicants and City Project Managers to schedule City hearings only on days that will allow a regularly scheduled meeting of the LJCPA to occur before the appeal period has expired in order to prevent the automatic filing of an appeal.**

**Continuation of Appeals**

When the LJCPA appeals an adverse decision or an environmental document, and, as a result, one body of the City sends the project back to a lower body for further review, if the project is again approved by the lower body, the LJCPA may continue with its previously filed appeal without a new meeting to reconsider the question. The applicant, however, may request to come back before the LJCPA for further discussion on whether to pursue the appeal. If such request is made, the item shall be placed on the agenda of the next regularly scheduled meeting.

**LJCPA Participation in Appeals**

The Trustees of the LJCPA believe it is important to participate in any appeal that the LJCPA has voted to pursue. Thus, when the LJCPA votes to appeal or ratifies an appeal, if the LJCPA President cannot or chooses not to appear at the appeal hearing, he or she shall appoint a Trustee, who voted to appeal or ratify the appeal, to appear at the hearing.

At any appeal hearing, the LJCPA President or appointed Trustee shall state that he or she is representing the LJCPA and shall advocate for the LJCPA's recommendation(s) and/or finding(s). Only the President or the appointed Trustee may appear as the official representative of the LJCPA, although other Trustees are encouraged to attend appeal hearings in their personal capacities.

**Questions Not Specifically Answered.**

If a question or issue regarding Appeal Procedures arises that is not specifically addressed herein, the LJCPA Trustees should decide the question or issue in accordance with the spirit of these written Appeal Procedures.