



PO Box 889, La Jolla, CA 92038
<http://www.LaJollaCPA.org>
Voicemail: 858.456.7900
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President: Tony Crisafi
Vice President: Joe LaCava
Treasurer: Orrin Gabsch
Secretary: Dan Allen

La Jolla Community Planning Association

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

Thursday, 3 January 2013

D R A F T AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 6 December 2012**
4. **Elected Officials Report** – Information Only
 - A. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@san Diego.gov
5. **Non-Agenda Public Comment**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
 - A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
7. Officer's Reports
 - A. **Secretary**
 - B. **Treasurer**
8. **President's Report**
 - A. 2013 membership & elections in March
 - B. Gaxiola Residence – applicant postponed presentation to Feb 2013
 - C. Tong EOT Planning Commission Hearing report from Dec. 13th hearing

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, Chair Paul Benton, 2nd & 3rd Tues, 4pm

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

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

A. 7720-7728 Fay Ave.

PDO Action: Proposed façade renovation complies with the PDO 7-0-0

7720-7728 Fay Ave. – Façade Renovation

B. La Jolla Village Information Center

PDO Action: The proposed signage complies with the PDO 7-0-0

1162 Prospect Street – new signage

C. (a) Bernate Ticino Residence

DPR Action: To require the Applicant to apply for a Coastal Development Permit to demolish the previous structure at 1328 Virginia Way, and to return to La Jolla Development Permit Review as part of the review process and present CEQA and other environmental documentation. 8-0-1

1328 Virginia Way - Sustainable Expedite Program (Process 2) CDP to construction a 4,918 sq ft, two story, above basement, single family residence with detached garage and guest quarters, on a 6,995 sq ft vacant lot.

C. (b) Bernate Ticino Residence

DPR Action: Findings can not be made for a Coastal Development Permit for construction at 1328 Virginia Way. Specifically, the proposed project is not in conformity with the specified implementation program (ie the Municipal Code requirement for a Coastal Development Permit for the demolition of the previous building). 8-0-1

1328 Virginia Way - Sustainable Expedite Program (Process 2) CDP to construction a 4,918 sq ft, two story, above basement, single family residence with detached garage and guest quarters, on a 6,995 sq ft vacant lot.

D. Costebelle Residence SDP Amendment

PRC Action: In recognition of the difficult nature of this site, we find that this project complies with the spirit and intent of the underlying regulations. We recommend approval of the project, based on plans dated 11/29/2012. 3-1-3

7940 Costebelle Way - Amend the previously approved SDP #4522, two-building SFR on a 26,994 sf lot=, partially built, abandoned & re-permitted with modifications (10-2225), currently under construction. Modifications include adding a third floor consisting of an art studio/bedroom/living room/kitchen complex and modifications to the lowest floor and mezzanine, with a net enlargement of GFA from 1,266 sf to 2,040 sf with no changes to any previously permitted 5,118 sf lower main building. Additions to deck and patio area, increased SF from 1126 sf by 1,622 sf of new disturbance to 2,748 sf.

10. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

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

B. COMMUNITY PLANNERS COMMITTEE – Meets 4th Tues, 7p, 9192 Topaz Way

11. **Sierra Mar Residence** – *per request of applicant* – Action Item
7755 Sierra Mar Dr. – CDP and SDP for an approximate 6,917 sf addition to an existing approximate 5,300 sf, historically designated, SFR and a 561 sf addition to an existing 757 sf garage and pool house, resulting in a total of approximate 12,974 sf SFR with a total of eight car garage and swimming pool on an 37,790 sf property. This is an existing historically designated SFR. This is a downsized addition to a project previously denied by the PRC/LJCPA.
Previous PRC Action: (October 2008) Denial of project based on bulk and scale and impact on neighbors/neighborhood, 3-0-0.
Previous LJCPA Action: (December 2008) To follow the recommendation of the Permit Review Committee to deny based on bulk, scale and impact on neighborhood. 10-0-0
Future Planning Commission Hearing scheduled for Feb. 21st, 2013
Applicant: Robin Madaffer & Claude Anthony Marengo

12. **La Jolla Beach Townhomes EOT** – *pulled by Trustee Costello* – Action Item
6633 La Jolla Blvd. - Extension of Time for approved Coastal Development Permit to demolish existing building and construct 4 residential for rent units on a 5,760 sq ft site
DPR Action (Nov. 2012): Findings can be made for an Extension of Time for a previously approved CDP to demolish existing building and construct 4 residential units on a 5,760 sq ft site at 6633 La Jolla Blvd. 6-0-1
Applicant: Claude Anthony Marengo

13. **Two 15 minute parking spots at 1026 Wall Street** – *pulled by Trustee LaCava* – Action Item
1026 Wall St. – Two 15 min. parking spaces.
T & T (Nov. 2012): Deny the request for two 15 minute parking spaces. 4-3-0
Applicant:

14. **Liem Residence**– *per request of applicant* – Action Item
7324 La Jolla Boulevard– CDP (process 2) for a proposed 1614 sq ft new 2-story single family residence with a 175 sq ft roof deck, detached 356 sq ft. 2 car carport with a 107 sq ft 2nd story play area (accessory, unconditioned structure) above the carport on a vacant 2500 sq ft lot
DPR Action: (Dec. 2012) Findings can be made for a Coastal Development Permit for a 1614 sq ft 2-story single family residence with roof deck, detached car carport on a vacant 2500 sq ft lot located at 7324 La Jolla Blvd. 5-4-0
Applicant: Jeanne Liem

15. **Draft 8th Update to Land Development Code** – Action Item
Possible Action: Whether to approve the updates to the Land Development Code.
There are a total of 50 issues included in the 8th Update, that are divided into issue categories including Permit Process, Measurement, Parking, Green Building Regulations, Planned District Ordinance, and Minor Corrections. See summary link:
<http://www.sandiego.gov/developmentservices/industry/landdevcode/index.shtml#projectsOpen>

16. **Adjourn** to next Regular Monthly Meeting, February 7, 2013, 6:00 pm



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La Jolla Community Planning Association

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

Thursday, 6 December 2012

DRAFT MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Bob Collins, Laura Ducharme-Conboy, Michael Costello, Tony Crisafi, Dan Courtney, Jim Fitzgerald, Joe LaCava, David Little, Nancy Manno, Phil Merten, Cindy Thorsen, Frances O'Neill Zimmerman.

Absent: Tom Brady, Devin Burstein, Orrin Gabsch, 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, (Manno/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Collins, Conboy, Costello, Fitzgerald, LaCava, Little, Manno, Merten, Thorsen.
Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 1 November Regular Meeting

Approved Motion: Motion to approve Minutes of November Meeting as corrected, (LaCava/Costello, 10-0-2).

In favor: Allen, Bond, Collins, Conboy, Costello, Fitzgerald, LaCava, Little, Merten, Thorsen.
Abstain: Crisafi, Manno.

4. Elected Officials Report - Information Only

A. San Diego City Council District 1 - Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Ms. Demorest announced that the new San Diego City Council districts have taken effect, and La Jolla is now entirely in District 1. She reported the Council took action on the open space dedications enabled by Senate Bill 1169. Unfortunately, the bike path in La Jolla could not be included. There will be a committee working on a bike path from Sorrento Valley to Rose Canyon Interested persons should contact her. **Trustee Courtney** asked about apparently absent seasonal decorations along Torrey Pines Road, and **Ms. Demorest** said those were not City projects and she had no information.

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://physicalplanning.ucsd.edu>

Ms. Delouri was not present.

Gail Forbes suggested an inquiry with UCSD whether there will be roadway changes as part of the work in Seaweed Canyon.

Kyle Heiskala introduced himself as an intern with the Student Sustainability Collective at UCSD. He is interested in urban and transit issues.

6. Non-Agenda Items for Trustee Discussion

Trustee LaCava reported that one CPG now has dedicated seats for teenagers (16 to 18 years old) to serve on their board. They will report back on their experience after a year or two.

7. Officer's Reports

A. Secretary

Trustee Allen stated LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. By providing proof of attendance one maintains membership and becomes eligible for election as a Trustee. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application. Forms are on-line at www.lajollacpa.org.

B. Treasurer

Assistant treasurer, **Trustee Fitzgerald**, gave the Treasurer's report. He presented the results for the past month. November Beginning Balance: \$308.40 + Income \$192.50 – Expenses \$97.01= December Beginning Balance: \$403.89.

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

8. President's Report

A. 7755 Sierra Mar – LJCPA appeal pending; applicant postponed hearing by Trustees to Jan. 2013

B. Tong EOT – LJCPA appeal pending; Planning Commission hearing on Dec. 13th

C. Hillel EIR

President Crisafi requested 30 day extension for EIR response submittal

Deadline had been 17 December. **Trustee Costello** asked what was the LJCPA's responsibility concerning the EIR. **President Crisafi** said a response to the document would be presented to the Trustees in January.

Trustee Manno pointed out that individual Trustees could comment on their own behalf to the City on the EIR. Later in the agenda **President Crisafi** said the Trustees would have the opportunity to comment on the EIR at the next PRC meeting as well as at the next month's Trustees meeting.

D. Recordings of past meetings

President Crisafi stated a new policy that CDs of meetings would be made to order on payment of \$5 at his office. There has been a problem of phone or e-mail requests resulting in CDs being made that were never picked up.

E. UCSD SIO MESOM Laboratory

In response to our October resolution proposing deed restriction relative to roof heights on the Scripps Institute of Oceanography campus west of La Jolla Shores Drive, UCSD will review whether to do an inventory of the views over the SIO campus in the vicinity of the MESOM building. There have been no written responses to the letters of September and October to UCSD and others on the MESOM building height.

F. Response to City Policies on Bylaws

The City had asked the LJCPA to incorporate our policies into our Bylaws and had inquired as to the status. The trustees had recommended approval of the required changes at the LJCPA's September 2012 meeting. The revised Bylaws will be presented for the membership to vote on at the Annual Meeting in March.

G. 7940 Costabelle

The City is looking into height of this house for which construction had been interrupted. The problem is issuance of building permit prior to recognition of the violation.

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, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm
T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

A. 7720-7728 Fay Ave.

PDO Action:
7720-7728 Fay Ave. – Façade Renovation

B. La Jolla Village Information Center

PDO Action:
1162 Prospect Street – new signage

C. La Jolla Beach Townhomes EOT – *pulled by Trustee Costello*

DPR Action: Findings can be made for an Extension of Time for a previously approved CDP to demolish existing building and construct 4 residential units on a 5,760 sq ft site at 6633 La Jolla Blvd. 6-0-1

6633 La Jolla Blvd. - Extension of Time for approved Coastal Development Permit to demolish existing building and construct 4 residential for rent units on a 5,760 sq ft site

E. Roberts Residence

DPR Action: Findings can be made for a CDP & SDP for the remodel of an existing 3,377 sq ft one-story single-family residence to a total of 8,058 sq ft, with some 2nd level, on a 49,145 sq ft lot at 9438 La Jolla Farms Road. 5-0-1

9438 La Jolla Farms Rd. - A Coastal Development Permit for the remodel of an existing 3,377 sq ft one-story single-family residence on a 49,145 sq ft lot. The proposed project expands the house to a 8,058 sq ft singlefamily residence. The majority of the proposed home is one story with the exception of a 861 sq ft lower level, which creates a 2-story portion on the south western portion of the footprint. In addition to expanding the existing house there will be an addition of a 2-story detached studio/exercise room (accessory building) and a detached 1-story garage/recreation/pool house (may serve as guest quarters). Site improvements include a new driveway, pool, garden walls and landscaping.

F. Rickards Residence

PRC Action: The findings can be made for an SDP and CDP based on plans dated October 8, 2012 and modified at November 27 PRC meeting to reduce curb cut to 12 feet. 6-1-2.

8469 Paseo del Ocaso - Demolish existing 2-story 3,761 sq ft SFR, garage and pool. Construct new two story 4416 sq ft SFR with roof deck and attached garage on a 5,500 sq ft Beach Parking Impact and Residential Tandem Overlay Zones.

G. Two 15 minute parking spots at 1026 Wall Street – *pulled by Trustee LaCava*

T& T Action: Deny the request for two 15 minute parking spaces. 4-3-0

1026 Wall St. – Two 15 min. parking spaces.

H. Remove Handicap Parking at 7525 High Street

T& T Action: The space should be removed but the City should first notify the affected area in order to give interested parties 30 days to object.

Approved Motion: Motion to postpone to the next meeting Items A & B on the Consent Agenda, (LaCava/Conboy, 11-1-2).

In favor: Bond, Conboy, Costello, Courtney, Fitzgerald, LaCava, Little, Manno, Merten, Thorsen, Zimmerman.

Opposed: Allen.

Abstain: Collins, Crisafi.

Approved Motion: Motion

To accept the action of the Development Permit Review Committee: (E) Roberts Residence: Findings can be made for a CDP & SDP for the remodel of an existing 3,377 sq ft one-story single-family residence to a total of 8,058 sq ft, with some 2nd level, on a 49,145 sq ft lot at 9438 La Jolla Farms Road, and forward the recommendations to the City,

To accept the action of the La Jolla Shores Permit Review Committee: (F) Rickards Residence: The findings can be made for an SDP and CDP based on plans dated October 8, 2012 and modified at November 27 PRC meeting to reduce curb cut to 12 feet, and forward the recommendation to the City,

To accept the action of the Traffic and Transportation Board: (H) Remove Handicap Parking at 7525 High Street: The space should be removed but the City should first notify the affected area in order to give interested parties 30 days to object, and forward the recommendation to the City,

(Merten/Collins, 13-0-1).

In favor: Allen, Bond, Collins, Conboy, Costello, Courtney, Fitzgerald, LaCava, Little, Manno, Merten, Thorsen, Zimmerman.
Abstain: Crisafi.

10. Reports from Other Advisory Committees– Information only

A. Coastal Access and Parking Board - Meets 1st Tues, 5pm, La Jolla Recreation Center.

No report. Not meeting in January.

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

Trustee LaCava reported that the CPC recommended approval of the Housing Element of the General Plan was adopted; the CPC also took action on the Code Update and he will relay that action later on tonight's agenda; there are vacancies on the City's Forrest Advisory Board that considers street trees.

11. Butterfield Residence – Action Item

5328 & 5334 Calumet Ave. – CDP & SDP to demolish 2 existing structures totaling 8,042 sq ft & execute a lot tie agreement, and construct a new 7,308 sq ft single story home, a spa, and a 2820 sq ft basement on a 15,201 sq ft site (Lot 15 is 7,272 sq ft and Lot 16 is 7,929 sq ft)

DPR Action (Oct. 2012): Findings can be made for a Coastal Development Permit and Site Development Permit to Demolish 2 existing structures at 5328 and 5334 Calumet Avenue, execute a lot tie agreement, and construct a new 7,308 sq ft single story home and a basement on a 15,201 sq ft site based on revised drawings dated 16 Oct 2012 signed by Kristi Hanson. 4-3-0

CPA Action (Nov. 2012): Pulled by Carmen Naranjo because of lot tie agreement.

Applicant's representative: Matt Peterson

Mr. Peterson and **Kristi Hanson**, project architect, made a presentation with handouts and projected photos and illustrations. Modifications have recently been made to the plans that respond to neighboring residents. Presenters emphasized there could have been two large houses (4,145 & 4,519 sq ft) built on the two lots. This house will be 5,171 sq ft not counting garage and "phantom floor". There are expanded and/or cleared views on both sides of the proposed house. **Don Schmidt** asked if view easements would be recorded, and the answer was that two easements, one on each side, will be recorded. **Melinda Merryweather** spoke. **Trustees Costello, Conboy, Little, Thorsen, Merten, LaCava, Fitzgerald** and **Allen** commented. A common topic was a trend to larger houses in the vicinity. There will be a five foot restricted zone along the bluffs and the structure will be 21 feet behind that.

Approved Motion: Findings can be made for a Coastal Development Permit and Site Development Permit to demolish two existing structures at 5328 and 5334 Calumet Avenue, execute a lot tie agreement, and construct a new 7,308 sq ft single story home and a basement on a 15,201 sq ft site based on revised drawings dated 4 December 2012, (LaCava/Conboy, 12-1-1).

In favor: Allen, Bond, Collins, Conboy, Costello, Courtney, Fitzgerald, LaCava, Manno, Merten, Thorsen, Zimmerman.

Opposed: Little.

Abstain: Crisafi.

12. Gaxiola Residence – Action Item

2414 Calle del Oro – SDP and CDP to demolish existing 1-story 3,178 sq ft residence and construct a new 2-story 11,696 sq ft residence (of which 4,744 is phantom floor) with 4 bedrooms, 7 bathrooms and 2 car garage, attached guest quarters (parking in driveway), swimming pool and retaining walls on a 29,120 sq ft lot. Square footage includes extensive non-habitable space.

PRC Action (Oct. 2012): The findings can be made for a SDP & CDP based on plans dated July 22, 2012 and presented today with square footage corrected to 11,696 including 4,744 sq ft phantom floor. 3-2-1.

CPA Action (Nov. 2012): Pulled by Myrna Naegle because of the split vote.
Applicant's representatives: Grisel Cedillo and Luis Gutierrez, Callisto Architects.

Plans and renderings were shown. **Trustee Merten** relayed that the votes in opposition at the PRC and the reason the project was pulled was for lack of architectural unity with the neighborhood, which is a factor in the La Jolla Shores Planned District, although the house will be set back on a large lot thus mitigating visual conflict. **Trustees LaCava, Courtney, Conboy, Collins** and **Manno** commented. As deliberations continued it became apparent that the project as proposed differed among the various graphics offered by the presenters, particularly a four-foot wall in the landscaping along the side and front was shown differently in the street-view rendering compared to the site plans.

Ms. Cedillo and **Mr. Gutierrez** were asked if they wanted the Trustees to proceed to a vote or if they would prefer to return next month with a more consistent presentation. They said they would return in January. **Trustee Costello** suggested they might also revisit the PRC beforehand.

13. Goldfish Point Re-Vegetation Plan – Action Item

Goldfish Point – re-vegetate Goldfish Point with native plants, maintaining diver access while limiting public access and controlling erosion

LJ Parks & Beaches (Nov. 2012): unanimous approval

Applicant's representative: Jim Neri, Neri Landscape Architecture

Mr. Neri presented the plan on behalf of the owner of the Shell Shop. He has been hired to develop an acceptable plan for replacement of the inappropriate plantings recently put there for which complaints had been filed. **Mr. Neri's** objective besides native plantings is to limit foot traffic on the eroded areas of the point by creating paths among the plantings and a limited number of openings in a low post and chain barrier. **Mr. Neri** said he proposes a link and hook at one point on the barrier to permit persons to walk beyond – particularly for divers heading into the water. Trustee discussion centered on alternatives to maintain public access. **Melinda Merryweather** questioned the appropriateness of any limit on public access. **Trustees Zimmerman, Bond, Thorsen, Merten, Collins, LaCava, Fitzgerald, Courtney** and **Allen** commented.

Failed Motion: To approve the conceptual plan presented with maintenance of public access to the water for all and with details to be worked-out, (Thorsen/Collins, 6-7-0).

In favor: Allen, Collins, Costello, Fitzgerald, Merten, Thorsen.

Opposed: Bond, Conboy, Courtney, Crisafi, LaCava, Little, Zimmerman.

Approved Motion: To approve the conceptual plan presented but without the link and hook, and in addition, with elimination of the present wooden gate (leaving a gap in the wooden fence); and to request return to the CPA after going through Park & Recreation design review, (LaCava/Thorsen, 10-1-2).

In favor: Allen, Bond, Conboy, Costello, Fitzgerald, LaCava, Little, Merten, Thorsen, Zimmerman.

Opposed: Courtney.

Abstain: Collins, Crisafi.

14. Draft 8th Update to Land Development Code – Action Item

Possible Action: Whether to approve the updates to the Land Development Code. There are a total of 50 issues included in the 8th Update, that are divided into issue categories including Permit Process, Measurement, Parking, Green Building Regulations, Planned District Ordinance, and Minor Corrections. See summary link:

<http://www.sandiego.gov/developmentservices/industry/landdevcode/index.shtml#projectsOpen>

Comments due by December 14, 2012

Trustee LaCava reviewed the actions of the Community Planners Committee on the City's proposed updates, which were tabulated in material provided in advance to the Trustees. **President Crisafi** went through the updates that he and others thought were important for the Trustees to consider.

Approved Motion: To recommend against update #12 (Sidewalk Cafes), (Fitzgerald/Courtney, 9-2-1).

In favor: Allen, Bond, Conboy, Costello, Courtney, Fitzgerald, Little, Merten, Zimmerman.

Opposed: Collins, LaCava.
Abstain: Crisafi.

Approved Motion: To recommend against update #14 (Allowance for Development Consistent with Previously Conforming Setbacks) and that clarification be made that there should be no extensions of existing previously conforming setbacks, (Courtney/Zimmerman, 8-3-1).

In favor: Bond, Costello, Courtney, Fitzgerald, Little, Merten, Zimmerman.
Opposed: Allen, Collins, Conboy, LaCava.
Abstain: Crisafi.

Failed Motion: To recommend against update #13 (Lower Process for Wireless Communication Facility Equipment Enclosures), (Courtney/Zimmerman, 5-6-1).

In favor: Allen, Courtney, Merten, Zimmerman.
Opposed: Bond, Collins, Conboy, Costello, Fitzgerald, LaCava, Little.
Abstain: Crisafi.

Approved Motion: To recommend modification of update #28 (Architectural Projections and Encroachments) adding that swimming pools in street yards are indeed architectural projections and must comply with existing rules and regulations, (Merten/Costello, 10-0-1).

In favor: Allen, Collins, Conboy, Costello, Courtney, Fitzgerald, LaCava, Little, Merten, Zimmerman.
Abstain: Crisafi.

Approved Motion: To refer update #30, 31, 32 & 33 to the Traffic and Transportation Board, (Fitzgerald/Collins, 9-1-1).

In favor: Allen, Collins, Conboy, Costello, Courtney, Fitzgerald, Little, Merten, Zimmerman.
Opposed: LaCava.
Abstain: Crisafi.

Approved Motion: To ask clarification of update #41 (Existing Grade) from Development Services Code Update Committee, (Zimmerman/Courtney, 9-1-1).

In favor: Allen, Collins, Conboy, Costello, Courtney, Fitzgerald, Little, Merten, Zimmerman.
Opposed: LaCava.
Abstain: Crisafi.

Approved Motion: To recommend against update #35 (Parking for Zero Emissions Vehicles, Carpools, and Bicycles) and that clarification be requested on the definition of fuel efficient vehicles, (Costello/Courtney, 10-0-1).

In favor: Allen, Collins, Conboy, Costello, Courtney, Fitzgerald, LaCava, Little, Merten, Zimmerman.
Abstain: Crisafi.

Approved Motion: That there are no exceptions taken to the remainder of the update issues, (Fitzgerald/Courtney, 10-0-1).

In favor: Allen, Collins, Conboy, Costello, Courtney, Fitzgerald, LaCava, Little, Merten, Zimmerman.
Abstain: Crisafi.

15. Adjourn, at 9:45 PM.

Next Regular Monthly Meeting, 3 January, 6:00 pm.

**UNAPPROVED MINUTES OF THE LA JOLLA
PLANNED DISTRICT ORDINANCE COMMITTEE
November 12, 2012**

Committee members present: Stiegler, Fitzgerald, Marengo, Palmer, Van Galder, Dershowitz, Clifford.

Chair Stiegler called the meeting to order at 4:05PM.

1. **Public Comment** – Issues not on today’s agenda (2 minutes maximum.) No public comment.
2. **Chair Report / Board Discussion**

Note: Chair Report and Board Discussion were deferred until after Project and Information Agenda items heard.

 - a. Review and Approve September Minutes
Motion to approve: Van Galder/Fitzgerald: 6-0-1
 - b. Letter sent by CPA regarding the role of the PDO committee in the city review process. (Fitzgerald)
No update/discussion.
 - c. Issues regarding PDO compliance and means to promote enforcement.
Discussion: PDO Committee is not authorized to enforce PDO; that is the role of City Code Enforcement.
3. **Recommendations to CPA**

A.
Project Name: Ohana Cafe
Address: 456 Pearl St
Project Number: 285370
PDO Zone:LJPD-4
Applicant: Becky Kuba and Larry Chou
Agent: Roger Clark
City Project Manager: Tamara Adams
Date of App Notice: 9/4/2012
Scope of Work: Planning on opening a cafe roughly 1120 sq ft in size.
Modifications include a small kitchen and customer area, interior renovations, and new sectional door. Existing bathroom to remain. Note noted by applicant but noticed for pending discussion: Signage and façade improvements.

Notes from September Meeting:

 - Presentation of current improvements. The committee offered advice that the façade improvements, as represented conformed to the PDO, except for the palm-frond fringe. Committee expressed concern regarding the fire safety of restaurant occupants and advised the applicant to have the City review the palm-frond fringe for compliance with fire regulations.. A potential sign area was presented. The sign could

not be reviewed for conformance with the PDO. Requested owner to present the actual design at the next meeting.

- Separate from the applicant's presentation, the Committee discussed the significant concern that this project once again represents the DSD's ongoing interpretation that an intensification of use is approvable in a commercial mall with significantly reduced parking requirements and without a hearing before the LJPDO.

Motion: No motion; applicant asked to return next month

Committee November action: No action. This item was placed on the PDO Agenda for November by the Chair to allow the applicant the opportunity to make a follow-up presentation to the Committee (see comment above). The applicant elected not to present to the Committee.

B.

Project Name: 7720-7728 Fay Ave.

Address: 7720-7728 Fay Ave.

Project Number: TBD

PDO Zone: LJPDO-3

Agent: Ariadne Ferretti, Island Architects

City Project Manager: TBD

Date of App Notice: TBD

Scope of Work: Façade Renovation

Discussion: Façade pillars, stone, stucco are unchanged. There is no increase in building square footage; no additional parking required because usage continues as retail; landscaping remains "as is." Applicant will return later with signage plan.

Motion: Proposed façade renovation complies with the PDO: Marengo/Fitzgerald: 7-0-0.

B.

Project Name: La Jolla Village Information Center

Address: 1162 Prospect Street, La Jolla

Project Number: n/a

PDO Zone: 1

Applicant: La Jolla Village Merchants Association

Agent: TBD

City Project Manager: TBD

Date of App Notice: N/A

Scope of Work: (Sample Description: Review signage for LJPDO code compliance in LJPDO zone? Existing storefront measures x linear feet and the proposed signage measures wxhxd with a square footage of x. The project will also be presenting proposed colors and materials.)

The location at 1162 Prospect, storefront is 30', and current sign space is 22"h x 24' long. As of the date of this request the sign design is currently being completed and a RFQ has been issued. The chosen sign company will present the drawings and details at the PDO meeting

for La Jolla Village Merchants Association in November. This is a fast track project in hopes to have the sign up by 1/1/13 for the opening of the new La Jolla Village Information Center.

Motion: The proposed signage complies with the PDO: Fitzgerald/Dershowitz: 7-0-0.

4. Recommendations to DPR Committee

A.

Project Name: Girard mixed-use

Address: 7610 Girard Avenue San Diego, CA 92037

Project Number: PTS#274439

PDO Zone: La Jolla Community Planned District 1, zone 1

Applicant: Ashley Prikosovits

Agent: Ashley Prikosovits, PQ Design Studio

City Project Manager: John Fischer

Date of App Notice: 10-18-2012, Initially submittal- 03-06-2012

Scope of Work: New Construction of 8 residential units with commercial space of 5,125 sq. ft. Currently undergoing a Coastal Development Permit and Map Wavier process.

Discussion: Applicant indicated that the project is a 3-story structure, that the residential units will range in size from 1400-2600 sq. ft, that 26 parking spaces (commercial and residential) will be provided, and that the landscaping will exceed the required 25% coverage. Committee expressed concern that the PDO does not allow a 3-story project in this section of Zone 1.

Although the project's design and aesthetic conforms to the PDO, the Committee's interpretation of the PDO regarding whether a 3-story structure is allowed on this site is in conflict with the City's initial interpretation on this matter to the applicant. As a result, the Committee made the following motion:

Motion: Move this project to the DPR Committee without a recommendation to allow the DPR Committee to review the 3-story compliance issue. Marengo/Clifford: 7-0-0.

5. Information Only

Project Name: Ivanhoe Office Remodel

Address: 7835 Ivanhoe

Project Number: 295265

PDO Zone: Zone 2

Applicant: Amy & Horacio Valeiras

Agent: LPA

City Project Manager: N/A

Date of App Notice: 11/5/12

Scope of Work: Remodel of 3,000 s.f. 2-story office building constructed in 1981. Review proposed front and rear façade remodels for compliance with LJPDO. Existing exterior walls, openings and building height will be maintained with the redesign. Signage is limited to the address numbers and is approximately 12"H x 30"W x 2"D. The project will also be presenting proposed colors and materials.

Discussion: Project will retain the existing use (office), building footprint, and exterior walls. The doors and windows will be changed. The Committee suggested using off-white and earth tones for the exterior siding to conform to the PDO. Existing driveway to parking area will be maintained but parking spaces will be enlarged—and still meet PDO parking requirements.

Chair adjourned meeting at 6PM.

Respectfully Submitted,

Anna Palmer, Secretary.

**UNAPPROVED MINUTES OF THE LA JOLLA
PLANNED DISTRICT ORDINANCE COMMITTEE
December 10, 2012**

Committee members present: Fitzgerald, Gabsch, Marengo, Palmer, Little, Dershowitz.

Acting Chair Fitzgerald called the meeting to order at 4:00PM.

1. **Public Comment** – Issues not on today’s agenda (2 minutes maximum.)
No public comment.
2. **Chair Report / Board Discussion**
Note: Chair Report and Board Discussion deferred until after Project and Information Agenda items heard.
 - a. Review and Approve November Minutes: November Minutes not available; approval deferred to January 2013 meeting.
 - b. Letter sent by CPA regarding the role of the PDO committee in the city review process. (Fitzgerald) Fitzgerald indicated that, as of this date, the CPA had received no response from the City to the letter.
 - c. Issues regarding PDO compliance and means to promote enforcement.
 - d. Update: At the November 2012 PDO Committee meeting, the Committee questioned whether the 3 stories for the Girard Mixed Use project were in compliance with the PDO (3 stories not allowed in a portion of Zone 1). In subsequent discussion with the City, the City confirmed that the project did not comply with the PDO and, as a result, the applicant withdrew the project from further Community review (DPR Committee and CPA).

3. **Recommendations to CPA**

A.

Project Name: Ohana Cafe

Address: 456 Pearl St

Project Number: 285370

PDO Zone:LJPD-4

Applicant: Becky Kuba and Larry Chou

Agent: Roger Clark

City Project Manager: Tamara Adams

Date of App Notice: 9/4/2012

Scope of Work: Planning on opening a cafe roughly 1120 sq ft in size.

Modifications include a small kitchen and customer area, interior renovations, and new sectional door. Existing bathroom to remain. Note noted by applicant but noticed for pending discussion: Signage and façade improvements.

Notes from September 2012 Meeting:

- Presentation of current improvements. The committee offered advice that the façade improvements, as represented conformed to the PDO, except for the

palm-frond fringe. Committee expressed concern regarding the fire safety of restaurant occupants and advised the applicant to have the City review the palm-frond fringe for compliance with fire regulations.. A potential sign area was presented. The sign could not be reviewed for conformance with the PDO. Requested owner to present the actual design at the next meeting.

- Separate from the applicant's presentation. the Committee discussed the significant concern that this project once again represents the DSD's ongoing interpretation that an intensification of use is approvable in a commercial mall with significantly reduced parking requirements and without a hearing before the LJPDO.

Motion: No motion; applicant was asked to return next month and address Committee concerns/issues.

Committee December action: No action. This item was placed on the PDO Agenda for December by the Chair to allow the applicant the opportunity to make a follow-up presentation to the Committee (see comment above). The applicant elected not to present to the Committee.

4. Recommendations to DPR Committee

A.

Project Name: Conger CDP & TM

Address: 801 Pearl Street

Project Number: PTS#294307

PDO Zone: Zone 4

Applicant:

Agent: Mr. Alex Faulkner, Alex Faulkner Designs

City Project Manager: Godwin, Paul

Date of App Notice: 09/11/2012 Deemed Complete on 10/04/2012

Scope of Work:

The proposed project is located at 801 Pearl Street, within the La Jolla Planned District, Zone 4, the Coastal Height Limitation Overlay Zone (Prop D, CHLOZ), Coastal Overlay Zone (Non-appealable area two), Parking Impact (coastal) Overlay Zone (PIOZ), and Residential Tandem Parking Overlay Zone (RTPOZ), Transit Area Overlay Zone (TAOZ) of the La Jolla Community Plan (LJCP) and Local Coastal Program (LCP). (New Issue)

—
2 The project proposes to remove an existing service station and construct a new mixed use project consisting of four retail spaces, one restaurant and twelve condominium units with a subterranean garage. (New Issue)

—
3 The project site has the following associated development permits which should be noted on the title sheet C-6403 and CUP 10-642-0. At the time it is unclear what these discretionary permit permitted because Staff was unable to obtain a copy of these permits prior to project review due date. With the next submittal Staff should have a copy of these permits. If there is no intent to amend or use the approved

permits, the permit conditions for Project No. 294307 will include a condition showing the approval of a new development permit will rescind the previous approvals. (New Issue)

4 The following discretionary permits are required at the indicated decision process: A Coastal Development Permit (CDP, Process Three, Hearing Officer as decision-maker) in accordance with SDMC Section 126.0702(a) for development in the Coastal Overlay Zone. A Planned Development Permit (PDP, Process Four, Planning Commission as the decision-maker) in accordance with SDMC Section 143.0410(b)(2) to redistribute density without regard to zone boundaries. A Tentative Final Map (TM, Process Four, Planning Commission as decision-maker) in accordance with SDMC Section 125.0430 for the subdivision of land. (New Issue)

Committee action: No action. Subsequent to the Agenda being published, the applicant indicated that they wished to reschedule their presentation to the January 2013 PDO meeting. The Chair offered the applicant the opportunity to make an information-only preview presentation of the project to the Committee. The applicant elected not to make a presentation.

5. **Information Only**

Project Name: [Wells Fargo Lighting](#)

Address: [Girard Avenue](#)

Project Number:

PDO Zone:

Applicant: Brian Keefe

Agent:

City Project Manager: [N/A](#)

Date of App Notice:

Scope of Work: Recently a series of extremely bright and glaring canopy lights was installed at Wells Fargo on Girard Avenue. A citizen is working directly with the branch manager and indirectly with the corporate properties manager to correct the situation. It was requested to bring this to the attention of the La Jolla CPA before registering a formal code compliance complaint to the city. The preference is to resolve this without escalation, and provide any support from the CPA that is available.

A letter is attached outlining the nature of the problem.

Committee Comments/Discussion:

Committee made several recommendations to Mr. Keefe, including: 1) writing an additional letter to the bank branch manager, highlighting the over illumination, Code violation due to exposed bulbs, and encouraging the bank to comply with PDO and avoid getting City Code enforcement involved; 2) contact LJVMA, as they are working with local businesses to achieve compliance with PDO codes. If these recommendations are not successful, the PDO Committee offered to write a letter to the CPA, bringing the issue to their attention.

4:35 Meeting was adjourned

Respectfully Submitted,

Anna Palmer, Secretary.

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT

For

December 2012

December 11 Present: Benton (Chair), Collins, Costello, Grunow, Kane, Liera, Merten, Welsh, Thorsen

December 18 Present: Collins, Costello, Grunow, Hayes (Chair Pro-Tem), Kane, Liera, Merten, Welsh, Thorsen

1. NON-AGENDA PUBLIC COMMENT 12/11/12

Costello: 1. The public comment dead line for the Hillel project has been extended until mid January. **2.** The Shaw project was pulled from the LJCPA Consent Agenda because records for any LJ Community Group voting to approve the project could not be located. **3.** The Butterfield project was approved at the LJCPA with an additional 3 ft on the South side yard setback, total 15 ft, and a North side yard setback of 11 ft. No obstacles or vegetation over 3 ft will be allowed in these view easements.

Thorsen: Construction trucks block traffic lanes on Inspiration Way.

Kane: This started when the LJHS was asked whether the Morton Bay Fig at the former Top O' the Cove site was "protected". The City had a tree survey done and a City policy passed SD Tree Protection Policy 900-19 of June 13, 2005. It is cultural resource, an inventory of trees on GIS Does this Group know what we might do with this? **Collins:** Give it to Jim Neri.

Liera: take it to all the Community Groups. **Merten:** have this as an Agenda item next week.

2. NON-AGENDA PUBLIC COMMENT 12/18/12

None.

3. FINAL REVIEW 12/11/12 (PREVIOUSLY REVIEWED 11/20/12)

Project Name: **BERNATE TICINO RESIDENCE**

1328 Virginia Way	Permits:	CDP
Project #: PO# 293008	DPM:	Laura Black 619-236-6327
Zone: RS-1-7		LBlack@sandiego.gov
	Applicant:	Sarah Horton 619-231-9905

Scope of Work:

Sustainable expedite program process two Coastal Development Permit to construction a 4,918 sq ft, two story, above basement, single family residence with detached garage and guest quarters, on a 6,995 sq ft vacant lot located at 1328 Virginia Way in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Ht Limit, Parking Impact, Residential Tandem Parking, Transit Area. Council District 1.

Presenters 12/11/12: Sarah Horton
Ricardo Torres

APPLICANT PRESENTATION 11/20/12:

The previous house was demolished. Need a CDP to build a single family 2-story house with guest house and basement. Project is sustainable expedite process. House is large but preserving as much yard as possible. The house is not stepping in the upper level, but have moved house away from the setbacks.

DISCUSSION 11/20/12:

Collins: Have you talked to the neighbors to the South? Two level guest structure?

Liera: How does this building fit the neighbors on each side? We need a section, for neighborhood context, to see how this fits in, with spacing, height ,etc, to the existing condition.

Collins: Is the garage two car? *Yes, two car with guest parking too.*

Welsh: Did the demolition have a Coastal Permit?

Leslie Davis, Preservationist: The demolished house was the Irving Gill Historic Craftsman Cottage known as "**Windemere**". The house was demolished under improper circumstances. Davis agreed to email links to newspaper articles to the Committee Chair. Project needs a full environmental review (CEQA), historic review too. There may be historic artifacts on the property. The project is eligible for California Register designation at the State level of significance, according to OHP Staff. La Jolla Historical Society was in process.

Liera: An expedited review has certain requirements, can you go over them? How much energy will this be producing, using, saving? *Efficient exterior wall insulation, solar panels 50% energy needs, dual pane low E windows, energy efficient appliances.*

Liera: You are asking for an expedited permit which would not be appropriate because of the demo process. **Collins:** When was the emergency demo?

Davis: 23 Dec 2011, with an "emergency" demo permit.

Welsh: The size of the previous house was 1360 sq ft.

Liera: We need to evaluate what is left on the site, maybe artifacts. Environmental documents will help evaluate loss and potential mitigation.

Collins: How long have you been working on this project? *Six months or something like that*

Costello: what are the side yard setbacks and profile height? *Both sides 4 ft 3 in, front 15 ft. profile is below 24 ft.*

Davis: would like to see environmental documents and no expedited permit.

Kane: The Windemere Cottage was demolished to avoid State Historical Review, and CEQA Review. Application timing is good example of "project splitting", in violation of CEQA requirements.

Presenters 12/11/12: Sarah Horton
Ricardo Torres
Scott Moomjian
Frank Bottini
Laura Black

APPLICANT PRESENTATION 12/11/12

Moomjian: *asked if DPR Members have a conflict of interest or personal bias and must recuse themselves.*

Chairman Benton: pointed out that our DPR By Laws and the Brown Act indicates a conflict of interest is financial (only).

Liera and Kane: stated they are members of the LJ Historical Society.

Grunow: stated his father is a member and President of the LJ Historical Society.

Provided For FINAL REVIEW 12/11/12:

1. Please provide a clear statement about the CEQA status of the previous project and its relation to this project and note if this came about as a result of project splitting. We would like to know from the Planner if indeed project splitting has occurred. There may be artifacts remaining on this site, please tell us how this will be addressed. Whether there is an Archeological study or as part of a CEQA study, there should be record of architectural drawings of the structure. **Black: no segmenting as per CEQA on this project.**
2. Are other environmental documents needed? **Black: Staff is in the second review of this project. The environmental analysis is on-going.**
3. California State Preservation Office said this is a significant historic property and definitely could be designated; is authorization needed from California State Office of Historic Preservation to proceed with development? **Black: I have not contacted the State office.**
4. Discuss project with neighbors on the south side of street.
5. Please provide a neighborhood context study, 1) a section (massing) showing neighboring houses on both sides with the proposed house, 2) a section going across the street, show relationship to building across the street.
6. Please provide GFA and FAR calculations and their break down.
7. Please provide a clear and detailed statement of how this project meets requirements for sustainable development.
8. Provide more articulation of the rear structures to help the appearance from the alley. The rear structure is rather plain compared to the main structure.
9. Please provide a materials sample board of the exterior.

Benton: Mr Moomjian, I would guess that members are going to continue asking questions about CEQA, timing, procedures, and correctness of the State's and City's actions. Are you willing to present the Architecture, etc, of the project knowing there is this other set of issues?

Moomjian: *I think we can separate what happened a year ago from today. The State did fail to designate after 3 motions. We have a new project and would like to move forward.*

Liera: Was there sufficient time between the two events (over-the-counter demo permit and the hiring of an Architect/CDP application) to call them separate? What regulation is there about elapsed time?

Black: *We don't have a set time between permitting. Doesn't think there was project splitting, the only thing we considered was demolition.*

Kane: So, if the City has no policy for this (lapsed time required between demolition permit and CDP application to avoid project segmentation), State law would apply? **Black:** *A demolition permit is not subject to CEQA. I'm not talking about a demo permit, I'm talking about project segmentation. I don't believe there was segmentation. There are those that do!*

Benton: I propose that we act on the advice of city staff and proceed. We can reserve comment for a later time. For the present, I recommend that we proceed, unless there are objections.

Merten: Is history of the project off the table?

Benton: Individual Members may reject what was said or further research the history of demolition of the building. We can proceed on, and vote on the project.

recorder setting 17 00 17 49

Thorsen: questions whether proper procedure was followed, especially whether this should be on the sustainable expedite program.

Benton: we can review the project as it stands, holding the historic issues aside if we wish

DISCUSSION 12/11/12:

Courtney Coyle, CEQA Attorney: Laura Black is not an expert on CEQA, not even an expert on the City Municipal Code, and not an attorney. She has no qualifications to comment on project segmentation, CEQA.

Kane: There are many persons from the public who would like to comment, is now OK?

SUBCOMMITTEE POLL 12/11/12:

(Kane / Costello 6-2-1) straw poll on holding Public Comment to discuss whether this project should be reviewed, focused on issues like CEQA conformance, project splitting.

In Favor: Costello, Grunow, Kane, Merten, Thorsen, Welsh

Oppose: Collins, Liera

Abstain: Benton

POLL PASSES

Benton: We will proceed to Public Comment on whether the project can be reviewed, focused on the issues of CEQA conformance, potential historic designation, and possible project splitting.

Coyle: This was demolition by neglect, windows were left open, etc. Then the actual demolition on 23 Dec 2011. Originally the applicant was OK with Historical Society taking the structure. There was no salvage of the old growth redwood. LJHS wanted an EIR if the building was to be demoed, so we could see what alternatives there were, ie re-location. Applicant had options. We were searching for sites to relocate. There was improper segmentation as per CEQA. The California Historical Resources Commission might have found for designation if given the proper information. The applicant's report given to the City's HRB did not mention this was an Irving Gill structure.

That information should have gone to the HRB: it might have made a difference.

recorder setting 17 00 27 39

1. HRB was not given the correct history of the building, Irvin Gill house.
2. A fair argument can be made for historical significance under CEQA
3. There was project splitting under CEQA.
4. There was project personnel continuity between the demo and the design phases.
5. California Historic Preservation Office process should have been allowed to continue.

Looking at the new design, the view of the rear structure is too plain, no character. The story board doesn't have photos showing the other buildings from the alley. This project should rightfully be seen as one with the previous demolition.

Merten: Was a CDP issued for demolition? *No*. Laura Black said demo was by an over the counter permit. But the Muni Code says "any" structure or demo requires a CDP. IE, 113.0103 Definitions, Coastal development includes "demolition"; 126.0702 A Coastal Development Permit issued by the City is required for all coastal development of a premises within the Coastal Overlay Zone; 129.0506 A Demolition/Removal Permit shall not be issued for a development that requires a development permit. DSD really dropped the ball in this case by not requiring a CDP. If this had been done properly, discussion with the Community, the DPR and CPA could have begun.

For example, Mr Moomjian provided a historical analysis on a project at Casa de Manana for Mr Underwood. The project was unique in the neighborhood in terms of construction, technique and details, but it was not historic. Staff considered it different enough to at least require thorough documentation of the building with drawings and photographs before demolition. That was a condition placed on the property before a CDP was issued. So Mr Moomjian is familiar with Historical Resources Board procedure, CDP conditions and demo permit conditions placed on coastal property. I'm concerned this project was treated atypically by Staff from the others.

Thorsen: Scott Moomjian is on the SD County Historical Sites Board, is that a conflict of interest to represent someone here against designation? *No*

Frank Bottini Owner / Lawyer: *House was condemned by the City, exception to CDP. All rules followed. Offered numerous times to donate house to the LJHS. Since it was condemned, no need for a CDP. There was a detailed Engineer's report saying how the house was not habitable and represented a threat to children coming onto the property. As the property owner we would be liable for any injuries. We complied with the law. We agreed to give an engineer's report to DPR.*

Costello: I will need that engineering report for the DPR Members to read and for our files.

(Note: Report not verified. Second request was made for report, no report ever presented)

Benton: We will need that report.

Heath Fox, Executive Dir. LJHS: This project was split in violation of CEQA. In 2010 Windemere Cottage was habitable and safe. Nothing should have been done while the CHPO review was under way. The owner systematically removed structural elements to destabilize the building and remove defining characteristics. Code Compliance should have cited the owner for incremental demolition. The owner knew the Gill history. These actions were on the wrong side of the spirit of the law.

Tom Grunow, President LJHS: was in the house in 2010 when it was on the market. The interior was special. Told the owner it had special significance in La Jolla. Said LJHS would work with the owner, it would not cost him time or money. LJHS had located a site for the Windemere Cottage to be re-located.

Athjna Singer: behalf of Preservation Chair LJHS: If an applicant applies for a demo permit shouldn't the applicant be required to reveal they will then build another structure? Since there was less than a year between demolition and the new project, was there project splitting?

Black: *We can't speculate what an owner will do.*

recorder setting 17 00 51 32

Dan Soderberg, Chair of Neighborhood Historic Preservation Coalition, VP SOHO: The City was notified twice that Windemere was being reviewed at the State Office for Historic Preservation for State designation. No action should have occurred during this process. We heard that the Cottage was not approved for designation, but that doesn't tell the whole story. 1) The Legacy 106 historic report by Ron May was not allowed to be entered into the HRB designation record (Moomjian objects). The author was not allowed to be questioned by the HRB. 2) Presentations to HRB were made that the historical integrity had been lost (owner removed windows). Integrity is not important for designation. 3) One HRB member never votes to designate if the owner objects to designation, he should have recused himself as a biased person.

Paul Johnson, AIA & Preservationist: I have experience with single walled construction. The historic value of the Windemere Cottage was extreme. There were only 6 single walled, two story constructions in San Diego. That makes it unique, as such it should have been designated.

Kane: You were in the building, was the structure sound? **Johnson :** To bring it up to Alternative Code compliance would have required some work, certainly to rehabilitation standards.

Kane: Would removing the eaves and brackets de-stabilize the building? **Johnson:** Yes, the joint was critical. They provided structural support.

recorder setting 17 01 00 34

Don Schmidt, LJHS: Definitely project splitting occurred, like moving Cave St cottages for a parking lot. Referred to the suppressed Legacy 106 historical report.

John Eisenhart, AIA: Specializing in historic structures. Hired by previous owner in April to Oct 2010. Worked with Jim Miller, Engineer, and they believed the building was structurally sound at that time. We were in the process of bringing it up to date, and placing an addition on the back. Concerned from a historic point of view that an owner can destroy a structure to obtain a condemnation, and demo permit. We don't want this to be a precedent setting situation.

Thorsen: questions CEQA, demolition. Concerned about conflict of interest by Moomjian.

Kane: here we have a continuity of intent and personnel, Golba and Moomjian, all to the same goal. There was a cynical approach to the development process. There was a break down of process at City Hall. Will the new Mayor look at this differently?

Collins: Let's hear the architecture; set aside the CEQA and history.

Benton: We make recommendations about the SD Land Development Code, any discussion on how we should proceed?

Merten: The Municipal Code says if there are conflicting provisions in the law the more restrictive / conservative stands. The City issued a demo permit without the benefit of CDP, that permit is deficient, not in compliance with the Coastal Act. Do we stop the review at this point? Or continue as suggested by Mr. Collins? We can ask the applicant to get an after the fact CDP and return, there is precedent for that. We can ask the applicant to assemble a well documented file with all relevant material for a historical record for the Community.

SUBCOMMITTEE MOTION:

(Costello/Kane 8-0-1) To require the Applicant to apply for a Coastal Development Permit to demolish the previous structure at 1328 Virginia Way, and to return to La Jolla Development Permit Review as part of the review process and present CEQA and other environmental documentation.

In Favor: Collins, Costello, Grunow, Kane, Liera, Merten, Thorsen, Welsh

Oppose: 0

Abstain: Benton

MOTION PASSES

SUBCOMMITTEE MOTION:

(Merten/Thorsen 8-0-1) Findings can not be made for a Coastal Development Permit for construction at 1328 Virginia Way. Specifically, the proposed project is not in conformity with the specified implementation program (ie the Municipal Code requirement for a Coastal Development Permit for the demolition of the previous building).

In Favor: Collins, Costello, Grunow, Kane, Liera, Merten, Thorsen, Welsh

Oppose: 0

Abstain: Benton

MOTION PASSES

recorder setting 17 01 30 16

4. PRELIMINARY REVIEW 12/11/12 + FINAL REVIEW 12/18/12Project Name: **LIEM RESIDENCE**

7324 La Jolla Boulevard	Permits:	CDP
Project #: PO# 300425	DPM:	Paul Godwin 619-446-5190
Zone: RM-1-1		PGodwin@sandiego.gov
	Applicant:	Jeanne Liem 408-391-1938

Scope of Work:

Coastal Development Permit (process 2) for a proposed 1614 sq ft new 2-story single family residence with a 175 sq ft roof deck, detached 356 sq ft. 2 car carport with a 107 sq ft 2nd story play area (accessory , unconditioned structure) above the carport on a vacant 2500 sq ft lot located at 7324 La Jolla Blvd. In the RM-1-1 zone, CHLOZ, N-App-2, PIOZZ – Coastal Impact, RTPOZ, TAOZ, Geo Haz 53

Presenter: Jeanne Liem**APPLICANT PRESENTATION 12/11/12:**

The lot, 25x100 ft, is off the alley. 2-story, with exterior stairs to a roof deck, car port. Pre-fabricated in Utah, move in six modules. 4 bedrooms, 2 parking spaces. Providing 17 ft front yard setback (15 required). 3 ft sideyard setback on South side, 6 ft on the alley side, North. Encroachments in front, bay window, and rear setbacks, carport with 3 sides open. Stucco finish and some cedar siding. Shingle roof. Energy efficient, and drip irrigation.

Collins: What is the structure length? **44 ft** Is the City asking for 2.5 ft for extra alley width? **No, there is room to maneuver our cars without a wider alley.**

Benton: Do you have a landscaping plan? **We are just keeping the 2 large pines trees in front and adding some ground cover.**

Kane: What is the lot coverage? **Not regulated in RM-1-1**

Merten: there are required findings for a CDP, one being a project must be consistent with the LJ Com Plan. RM-1-1 allows greater density. If there were two- story buildings next door this would be consistent. It also addresses transition between existing and new construction requiring that buildings greater than one-story will step back the upper level to provide a transition. A 3 ft setback gives a blank wall to the neighbor to the South. Not sure this fore fills that section of the LJ Com Plan.

Liera: You could articulate the setback. You could play with the windows. A two story building could go in a one story situation by articulation the roof line. Think about articulation of the sides. Look at Sea Lane and the narrow houses. They have the benefit of landscaping. You need a landscaping plan, how about flower boxes?

Kane: Think about a balcony with flower boxes.

Benton: See if you can't provide some articulation on both the North and South sides.

Collins: Maybe inset or angle the windows.

recorder setting 17 02 03 41

Provided for FINAL REVIEW 12/18/12:

1. Study articulation of both North and South sides. **North side will have battens on the cement fiber board, recessed windows. South side will have battens and a recessed wall.**
2. Study articulation of the front. **East side faces LJ Blvd. 2nd floor recessed 2 ft back. Cement fiber board for texture, color green. Some cedar siding too. Flower boxes.**
3. Provide a landscaping plan. **2 existing pine trees will remain, paving stone walkway, mulch under trees. Just mulch on South sideyard. Paving stones and mulch in backyard. No fence in alley, 3 ft solid fence in visibility areas.**

4. Provide a study of neighborhood context and character (a block in each direction?) *Some commercial and residential. Both new and older. seven narrow lots, six are 1 story, two are adjacent to 1 story houses.*
5. Provide a photo study of the neighborhood. *Provided a complete photographic survey of the block.*
6. Meet with neighbors. *Met with one, on the South side and the other across the alley. South neighbor's house is across from Liem's backyard, their garage is across from the Liem's house, they are happy with this.*
7. Please provide information about other 25 x100 ft lots with a second level on the block. *There are 6 each 25x100 ft lots with a 2 level on the block.*

DISCUSSION 12/18/12:

Merten: yours is not a common color pallet, but it works well in the location with the trees. There are examples of 2 level projects on narrow lots on Sea Lane, no problem. Here the neighbor to the South has a 1 level house, to the North is 1 level as well. Questions contrast of the tall narrow structure to low single level. **Collins:** Questions compatibility.

Liera: applicant didn't understand that by neighborhood context, we need a section showing neighbors houses on each side, East – West, North – South. Uneasy about the precedent this could set and that others will want to do the same. If you had done the analysis we asked you could see what this transition looks like. How you make the transition between old and new needs to be shown.

Liem: *Explains some examples down the alley.*

Liera: Fine, but you need to show the schematics of neighborhood. Could do more, recess, transition.

Hayes: Neighbors are OK with the fit, because the way the second story is positioned.

Kane: I agree with Angeles, we need to see how this fits with neighborhood. You have taken articulation request to heart.

Thorsen: this may be the best one can do with the limited lot.

Chair Hayes: should we vote today or do you wish to come back with a study and elevation drawings, ie North-South, and along the alley East-West? **Liem:** *would like a vote to today*

Merten: The rectilinear blocks and their juxtaposition of that mass in relation the neighbors is the hard part. The articulation you have done helps break up that blocky mass, but still not enough, Modular prefab construction has limited you, yields to blocky-ness.

Liera: The evolution of that block will mean that it will eventually all be two story.

Merten: This is a multifamily zone, and it may be in transition. In time the street may be more like this. But you are stuck in that transition phase where we need to respect the current neighbors.

Collins: prefab modular construction prevents you from meeting the CDP requirements.

Hayes: Who is in favor of a final vote today? Five Members. Do we have a Motion?

SUBCOMMITTEE MOTION 12/18/12:

(Thorsen /Hayes 5-4-0) Findings can be made for a Coastal Development Permit for a 1614 sq ft 2-story single family residence with roof deck, detached car carport on a vacant 2500 sq ft lot located at 7324 La Jolla Blvd.

In Favor: Costello, Grunow, Hayes, Thorsen, Welsh

Oppose: Collins, Kane, Liera, Merten,

Abstain: 0

MOTION PASSES

The Applicant was advised that with a close DPR vote, the LJCPA will usually not pass a Project on the Consent Agenda. The Applicant can save a month's time by requesting the LJCPA Pres. Cristafi place her on the 3 Jan 2013 Agenda for vote.

5. PRELIMINARY REVIEW 12/11/12

Project Name: **XIONG RESIDENCE**

1553 Copa De Oro Drive

Project #: PO# 281986

Zone: RS-1-4

Permits: CDP

DPM: Paul Godwin

PGodwin@sandiego.gov

Applicant: Pam Swanson 619-224-8604

Paul John 858-756-2526

Scope of Work:

Coastal Development Permit (process 2) for a 866 sq ft addition to an existing single family residence on a 0.24 acre site at 1553 Copa De Oro Drive in the RS-1-4 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit Overlay.

APPLICANT PRESENTATION 12/11/12:

Doing more rearranging of rooms and opening space than expanding, adding 866 sq ft, along with extensive remodeling. Expanding some to the South and West. Solving some drainage issues. Maintaining the existing driveway and most of the garage. Keeping most of the landscaping. Master bedroom and great room switching places. Extending the flat roof out, not going up into neighbor’s view. Lot is 3 to 7.5 ft above street. Is there an HOH in this area? *No*.

Please provide for FINAL REVIEW:

1. Please provide a materials board.
2. Review the encroachment of the great room.
3. Provide a landscape plan and calculate the landscaped area.
4. Provide a drawing or photo-montage of the proposed house with the neighbor houses on each side.
5. Please provide a section, drawing or photo-montage showing the proposed house and the house across the street.

recorder setting 17 02 23 22

6. PRELIMINARY REVIEW 12/18/12

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

Project Name: **GILLISPIE PLAYFIELD**

7411 Fay Avenue

Project #: PO# 284137

Zone: RM-1-1

Permits: CDP, CUP

DPM: Patrick Hooper

PHooper@sandiego.gov

Applicant: Scott Bernet 619-237-

9433

Scope of Work:

Coastal Development Permit and Conditional Use Permit to remove an existing single family residence at 7411 Fay Avenue and develop a playfield with associated landscaping, fences, walls, and signage adjacent to the Gillispie School in RM-1-1 Zone within Parking Impact, Residential Tandem Parking, Transit Area, La Jolla Community Plan and Local Coastal Program Land Use Plan.

Presenters: Allison Fleming
Mike Ryan
Beth Bowen
Scott Bernet

APPLICANT PRESENTATION 12/18/12:

Allison: they have grades 1-6, but no green play field. School purchased lot next door to remove old house and build a playground.

The Cycles Issues Letters, CILs, are for an old version of the project which has been abandoned, therefore no sign, no variance (needed for previous playing field location), no shared parking agreement. Only CDP. CUP for lot consolidation.

Bowen: playfield is 49 x 170 ft lot off Fay Ave. Setback 33 ft from Fay. On alley, 6 ft solid wall with wrought iron on top. Student access directly from inside school grounds. Artificial turf with subterranean drainage. There will be a curved brick feature with steps set back from Fay. It will have a donor wall, wrought iron on top. Students will be dropped off in existing driveway.

Kane: Is the building to be removed historic? *No, we had Scott Moomjian review it*

Liera: It looks like early modern construction

Kane: Shouldn't there be a Historical review? The issue is the loss of these old beach cottages.

Merten: what about your neighbor? **Allison:** they seem in favor, no negatives at all.

Liera: we need a section thru the field, the neighbor's property, showing 9 ft fence thru the setback to building next door

Collins: what about parking? *Parking spaces, 18 plus 7. no need for shared parking agreement.* Exclusive use by students? *Yes*

Costello: how many students? *265. (320 approved by CUP)*

Bowen: *lighting will be shielded.*

Merten: for a CUP, there are conditions for expanding in a multifamily area. The neighbor will be right next to the play ground, we will need a letter from the neighbor. They should be aware and ask you for conditions such as hours of use, limits on weekend use, noise, lights.

Please provide for FINAL REVIEW:

1. Historical review of the house
2. A section showing the neighbors house, the 9 ft wall, height of field, into the field
3. A list of Conditions for the CUP (for protection of neighbors).
4. Letter from the neighbor, with an understanding of limits of use for CUP

7. PRELIMINARY REVIEW 12/18/12

Project Name: **HUCKINS RESIDENCE**

1545 Virginia Way	Permits:	CDP
Project #: PO# 293001	DPM:	Laura Black
Zone: RS-1-7		LBlack@sandiego.gov
	Applicant:	Ricardo Torres 619-231-9905

Scope of Work:

Sustainable Expedite Program (process 2) Coastal Development Permit to construct a 3,818 sq ft, two-story, above basement, single family residence on a 7,000 sq ft vacant lot located at 1545 Virginia Way in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Ht Limit, Parking Impact, Residential Tandem Parking, Transit Area.

Presenters: Sarah Horton
Ricardo Torres
Jim Neri

APPLICANT PRESENTATION 12/18/12: Project is a 2 story 3,798 sq ft house on a 7,000 sq ft lot. allowed FAR = .58, proposed FAR = .53. Lot has a significant slope. Surrounded by large houses. 15 ft front setback, both side yards require 4 ft, providing 6 ft for both. Max height 23' 9". 9 ft slope differential front to back.

Jim Neri: landscape plan. There will be a front stairway going across front, then to side of house for a main entry. Project has required street trees. In front there is visibility triangle for the driveway, the plants will be 3 ft or less. A very thorough plan with front yard, side yards and back yard landscaped, patios, decks, and retaining walls.

Horton: there will be a roof deck in the middle of the building, not visible from street.

Merten: how do the front yard setbacks compare to the neighbors? A foot print drawing would do showing neighbors too. Even a Google overhead photo with your project drawn in.

Dr. Wichersham: The neighbor up hill. Concerned about the abutting two 6 ft retaining walls. If constructed without a space between how are they maintained? How does Wickersham maintain? **Torres:** *we will have a civil Engineer look at the issue.*

Please provide for FINAL REVIEW:

1. Site plans showing foot prints, setbacks of the project with neighboring houses to compare setbacks and relative positions.
2. Have an Engineer examine the issue of the abutting retaining walls and explain any issues and solutions to the Dr. Wickersham.
3. Provide a neighborhood FAR study, include lot size, floor area, FAR.

8. INFORMATIONAL PRESENTATION 12/18/12

Sharon Singleton on the **La Jolla Historic Cultural Landscape Survey**

Presenter: Sharon Singleton

PRESENTATION:

Presented large poster boards , maps of La Jolla each with different information, views, street trees and heritage trees, geology and parks

Started 10 years ago, visiting all of La Jolla and cataloging all the street trees, landscaping, sidewalks, that contributed to the cultural aspects of the Community. Made photographs, collected GIS data., view corridors, geology, cultural centers, interviewed people. Cataloged various cultural zones.

Jim Neri explained Heritage Trees, owners give consent.

Kane: How do we move this process forward?

Pat Ahern: we (LJP&B) use Jim Neri's Preliminary Coastal Plan even though it has not had official acceptance.

Neri: get it adapted as an element of the LJ Community Plan.

Merten: there is an update every decade or so.

Liera: It takes 7 yr to do an update.

Thorsen: let's get this an agenda voting item on 8 Jan 2013 DPR, send to the PDO and CPA. The objective being incorporation into the LJ Community Plan.

Liera: This can be approved as an overlay element to the Community Plan, get it done now, incorporate at the up-date.

La Jolla Shores Permit Review Committee
Special Meeting Minutes
Wednesday, December 19, 2012

Committee members in attendance: Helen Boyden (chair), Laura DuCharme Conboy, Dolores Donovan, Janie Emerson, Tim Lucas, Phil Merten, John Schenck. Not present: Myrna Naegle.

1. Non-Agenda Public Comment – 2 minutes each: No comments

2. Chair Comments

- The Rickards residence was passed by the LJCPA on consent
- The Gaxiola residence was continued by the LJCPA for re-presentation of the exhibits.
- The LJCPA has been informed that the EIR for the UCSD Hillel Center for Jewish Life project will be re-circulated. A new public review period will be established with a new date for the close of public comment. It is not known when this will occur. The basic 362 page document may be accessed at http://docs.sandiego.gov/citybulletin_publicnotices/CEQA/Hillel_EIR.pdf There are a number of appendices totaling a similar number of pages. They were all dated October 31, 2012 on the City website. The re-circulated document should be reposted on the City website. Tim Lucas reported that the applicant was making some edits. These usually appear as strikeouts and inserts.
- LJS AB agendas have an official posting URL of: <http://www.sandiego.gov/planning/community/profiles/lajolla/pddoab.shtml>
- The Viterbi project will not be heard until some issues are resolved with the City.

3. Costebelle Residence –Second hearing

- PROJECT NUMBER: 295796
- TYPE OF STRUCTURE: Single Family residence
- LOCATION: 7940 Costebelle Way
- PROJECT MANAGER: Paul Godwin; 619-446-5190; pgodwin@sandiego.gov
- OWNER'S REP: CA Marengo; 858-459-3769; camarengo@san.rr.com
- **Project Description:** Amend the previously approved Site Development Permit #4522, two-building Single Family Residence on a 26,994 sf lot at 7940 Costebelle Way, partially built, abandoned and recently re-permitted with modifications (10-2225), currently under construction. Modifications requested here to Building "A" include adding a third floor consisting of an art studio/bedroom/living room/kitchen complex (now two stories above street level) and modifications to the lowest floor and mezzanine, (entertainment room), with a net enlargement of GFA from 1,266 sf to 2,040 sf for Building "A" with no changes to any previously permitted 5,118 sf lower main Building "B." Additions to deck and patio area, raising that square footage from 1126 sf by 1,622 sf of new disturbance to 2,748 sf. Environmentally Sensitive Lands, Brush Management Zone, Coastal Height Limit and Geologic Hazard zones.

Previous PRC action, November 27, 2012 – see minutes for full details.

Motion: Naegle; second: Merten

Continue item for purposes of revising the plan to comply with the city's rules for maximum overall structure height.

Motion carries: 5-2-1; approve: Donovan, Lucas, Merten, Naegle, Schenck; oppose: Conboy, Emerson; abstain: Boyden (chair)

Seeking: Amendment to SDP for Environmentally Sensitive Lands. Process Three

12-19-2012 meeting

Presented by: CA Marengo

The plans being presented are dated 11/29/12 and a review copy has been submitted to the city as well. The stairwell has been modified so that there is a 6' gap from the stairwell to the pool. The lap pool has been shortened so that the stairwell/stairway structure is 6' away. The two structures on the lot are considered separate according to city code, so the height measurements for Prop D are made separately for each structure. This addresses one of the committees concerns from last time. This change has been reviewed and approved by Peter Chou at the city. There was a prop D height issue raised previously by a city reviewer regarding the rounded front of building "B," which had to do with which plane measurements were made in. They had attached a separate detailed drawing to address the issue, but the reviewer apparently didn't consider it. The city field crew went out again to the site and cleared the height issues as well, including the issue with building "B" that has the rounded front.

The building "A" structure plans have not changed since the November 27 meeting, including the 3-car garage. They are proposing a 516 sq ft third floor addition to this building and are seeking an SDP for it. The addition has a bedroom/artist studio, a full bathroom, a kitchen (stove, double sink, refrigerator) and a living room. This is considered either a guest quarters or a companion unit.

The committee felt that with a kitchen it would be categorized as a companion unit Both are considered allowable uses in the latest update to the LJ Shores PDO. There are three parking spaces in the garage, two for the main house and one for the companion unit, so the off-street parking requirements are met.

Marengo pointed out that the main house is three floors below in a separate structure, so having a kitchen here is a matter of convenience when a guest is staying there. The issue of a kitchen did not trigger any comments from the city reviewers.

Merten: The description of a companion unit is covered under chapter 14 article 1 of the SD Municipal Code. It appears that this article was not incorporated into the latest version of the PDO?

Boyden: The latest version of the PDO does incorporate Article 14 for these Separately Regulated Uses [document verified]. **Marengo:** When the code was previously updated, this article was not included due to issues in the coastal zone that needed to be worked out. **Boyden:** These changes to the LJSPDO were made in the Seventh Update to the Land Development Code that went to effect in October 2011 for areas outside the Coastal Overlay Zone. They will not go into effect in the Coastal Overlay Zone until approved by the Coastal Commission. This project is not in the Coastal Overlay Zone. **Boyden:** Guest units or Companion units are allowed, but they have to conform to the SDMC.

Conboy: Is this a flat roof structure? **Marengo:** Yes. **Conboy:** The code says that the maximum height for a flat roof structure is 21'. **Marengo:** They are at 19'. **Conboy:** That is measured from the street. **Boyden:** What is the maximum structure height? **Marengo:** You can't do it that way, that is not how it works. The maximum structure height is more than 30' due to the slope. **Emerson:** reading from the MC: The SDMC says that the maximum structure height for companion units located above a garage with a flat roof is 21'. The maximum for a sloped roof with at pitch of 3:12 is 30'. How do you measure maximum structure height? **Marengo:** I think you should just vote against it then, how much of this do I have to go through? I had my first review from you and got so much benefit from it that it was overwhelming and I don't know what to do with it all. So just vote on it and I can work it out. I have had two reviews with planning and coastal. **Emerson:** So how tall is this? There is a floor underneath this. **Marengo:** There are two floors underneath this. I would rather just take the vote and move on. I appreciate it. You guys spend so much extra time with me, and I don't want to cause all that attention. It just doesn't seem right. **Emerson:** So your premise is that it meets the 21' limit because it is measured from the street up? **Marengo:** Yes, it is under the 21' limit and it is on a sloped lot so it has a differential from the back side. If you are looking at what the code is supposed to be doing is controlling it from the visual aspect (from the street). The design has been through the site development and coastal planners twice. I feel confident with what we have done. We are in the building process and asking for an amendment to the project and are doing it the right way with community review, not just asking the city for a plan change.

Conboy: Can I see a side elevation? What are the elevations as the building extends? **Marengo:** It starts out at 19' and then the ground slopes significantly. It won't meet the 21' limit, because with a lot sloping this much it is impossible to meet such a requirement. Let's imagine that this is a regular house, and you have the same sort of regulations for a house on a slope (points to the elevations and outlines a building envelope). **Emerson:** Sure. **Marengo:** But we can read the code anyway we like Phil? I am sorry I am answering back, but you can only play this game so far, and then I've got to answer back. And it's going to happen on cycles, and I will cut my losses on some of them, but others I am not going to cut my losses on. And it is all recorded right here for you.

Merten: I would like to respond if I may. You have a steeply sloping site, and one of the things that this committee does is to make sure that your project complies with the community plan and key provisions of the SD Municipal Code. And in this particular case, the ordinance regarding companion units says that the structure heights should not be more than. . . **Marengo:** (interrupting) So you are going to ??? [could not discern the word] the whole thing. . . **Merten:** Please let me finish. **Boyden:** Let him finish. **Merten:** The section on structure height puts structure height in italics, which means it is referenced in the code. There is a section in the code which talks about measuring structure height in italics, and talks about measuring the height of the building from the lowest point of the building where it hits grade. That's how building height is measured. So I believe that your companion unit over the garage exceeds the structure height for this section. Now, I believe that there is some validity to the fact that this code section was probably written to control the height of the building from the street. I agree with that. But the important thing here is to make sure that whatever is approved, is approved in accordance with the rules. So I think there is a very good case to be made that you could be granted a variance for an over-height building which is only 19' above street level. So you simply get a variance, dot your "i's" and cross your "t's" and you don't set a precedent for the next applicant that comes in and tries to do something. **Marengo:** Come on, are we really going to go through this? That was a beautiful piece of poetry there? I mean, for a guy who does architecture who says that nothing should

have to go through a variance, every time I hear him give a presentation on what you could do, he goes , “oh this could be a perfect candidate for a variance”. How many times have you said that since sitting on this board? Every time. . . So let's just cut to the chase, you believe that it needs a variance, so that's a vote no. So if you [the board] want to vote no all the way across the board, vote no.

Emerson: Can I ask a question? If this is guest quarters instead of a companion unit, does that make a difference? **Boyden:** No. They both have the same height limit. **Schenck:** Is it detached? Is it defined that way? **Emerson:** So if it is a detached guest unit and has a hot plate instead of a stove, does that make a difference? **Marengo:** I believe that this is supposed to regulate a guest quarters that is off by itself as a separate structure, and this is not the case. So that's all I am trying to say. **Emerson:** I am just trying to understand here, and not put a round peg in a square hole. **Marengo:** I appreciate that, I am just trying to not get sucked into it and I keep getting sucked into it. **Boyden:** I realize that we can get tangled up into semantics and. . . **Marengo:** I just like the way it went on the previous review with Sasha, with the scribble out and draw in a driveway and do all that stuff on the plan and hand that in, and with me its like “oh, we can't do that,” and in the second review we have analyzed it further than just separating the pool. Now we are questioning other things, which you missed your point in the first half, where if you had done your job as a volunteer. . . and so you could continue this as long as you want. And you can give me the dissertation, but I have sat in your seat, I like to say I know enough of the code to stay out of trouble. But you love to talk about variances, I'm sorry, that's your thing, and for somebody who says follow the regs, you love to profess that variance thing because it leads to more subjectivity, and you love subjectivity. **Emerson:** The motion [from the previous meeting] did have to do with height according to this. . . **Marengo:** Agreed. But not for the same purpose. **Emerson:** Correct. **Marengo:** And we changed it specifically for that. **Boyden:** I appreciate your changing that. This is a very difficult property and a very unusual site. . . **Marengo:** Truthfully, vote it down if that makes you feel better and you think you are not setting a precedent. My own burden is on me. I know what I have to do. So if that is how you are reading it and believe that, and you think that is what the code is professing, then all I have is to blame myself for wanting to rush through that process. Simple as that. Because he [Merten] is just going to go to Tony to ask the CPA to deny it, so I am going to have this day in court at the hearing and not here. So why are we wasting our time.

Boyden: Any members have any further questions?

Lucas: Needed clarifications on what the city field team looked at when they came out. Marengo explained that a civil engineer and senior supervisor had come out when they first took over the site and measured the building “B” pad and building height and confirmed that they conformed to what had been permitted. The city field team came out and re-measured. . . **Boyden:** The field check had nothing to do with the proposed third story addition. **Marengo:** It had to do with a member of this committee's beliefs on what the plans were showing. Right, Phil [Merten]?

Merten: If I may clarify, so the committee knows. When he presented his plans the last time he had with him the building permit set of the project which is currently in construction. And that building set shows the stairway coming over the pool linking with the house and all that. Marengo recognized at the time that there were not the separations between those structures.

Marengo: I didn't want to argue with you. I didn't want to argue the point about the 6' vertical.

Merten: Apparently, you thought that the comment had some validity, because you altered the plans to create separation. **Marengo:** No. Let's not confuse things. What I did not want is what we are doing right now. **Merten:** What I did was I sent an email message to Tony Crisafi and

Joe LaCava, the president and vice president of the LJ CPA, stating that we were shown permit

plans of a building permit that was issued for a project that did not comply with the SD Municipal Code, because all of the structures were linked together, and therefore the height of the lower building in combination with the upper building exceeded the maximum allowable building height and exceeded the Proposition D limitations. And I said that I thought the building department should know that they issued a permit in error for a project that did not comply with the regulations. I am happy to see what CA Marengo is presenting here today. He dealt with that issue, he changed the pool and stairs, he separated them, so that his application for an amended permit now is in compliance in that regard. That is what I did I think that the city needs to know when they don't do a thorough enough review and issue a permit in error, that they ought to be called on it. CA has corrected it and done the right thing. **Marengo:** So instead of accepting that, we have gone one step further into height delineations of what a companion unit is. We don't stop with this. You came with this material prepared. That's not something you all of a sudden saw and thought, "wait a minute, let me see regulation 8.5 again. . . ." Let's not elongate this description process, 'cause you keep doing that. You keep professing everything we have heard before. I just want a vote.

Boyden: Anything else?

Lucas: Still needs some clarifications for the minutes on what exactly was measured or inspected by the city field team. Boyden gave a recap of the project history and the building "B" height issue that was caused by a City mis-read of the plans. Marengo responded to the question describing the plane of the rounded area of building "B," the partially constructed lower building. Building "A" has not been built yet, so there is nothing to be measured there. The plans are what are being reviewed and the building will be inspected during and after construction. He presented the latest city cycle response showing that they had cleared the building "B" height issue and stairway issue.

The committee had discussion regarding if the third floor addition had a 3 in 12 pitched roof, would it comply to the 30' height limit for an above garage living quarters, given the 10% offset you get for a sloped lot. The committee and Marengo speculated on that and also whether having a kitchen changes what the code requirements any. The consensus was that due to the steep slope of the lot that any of these changes wouldn't affect anything. Marengo believes that the height regulations for living quarters above the garage are measured from the street level. He sits on the code review team that looked at this regulation. It was intended to keep backyard buildings from getting larger and higher than the main house. No one contemplated a situation like this on a steep slope, like a Laguna Beach home. This design meets the intent of the code. They comply with the 525 sq ft maximum living space for the structure and the structure is less than 25% of the lot size.

Merten: Previously I brought up the parking regulations that you have to have a 20' driveway for two spaces of guest parking. The regulations also say that if you don't have a 20' driveway, you can put those guest parking spots on the street in front of your property. This site on a cul-du-sac does not have space in front of the property. However, there is ample street parking in the area and I think a variance should be granted. Per the SD Municipal Code, the purpose for a variance procedures is to provide relief for cases in which, for special circumstances, including topography, the strict application of development regulations would deprive the property owner from privileges enjoyed by other property owners in the vicinity and under the same land use designation. The way to make this legal, and cross all the "t's" and dot all the "i's" and not set a precedent is to simply request a variance on the height of his guest unit and a variance for not complying with the parking regulations, because there is a lot of

parking on the street away from this project. We are not just trying to comply with the intent, but with the actual regulations. The way to comply is to get variances.

Public Comment: None. No members of the community present.

Boyden: Discussion is now closed. We are ready for a motion.

Motion: Conboy **Second:** Emerson

In recognition of the difficult nature of this site, we find that this project complies with the spirit and intent of the underlying regulations. We recommend approval of the project, based on plans dated 11/29/2012.

Motion carries: 3-1-3

Approve: Conboy, Emerson, Schenck

Oppose: Merten

Abstain: Boyden (chair), Lucas (reason: Not clear as to what the new PDO requirements for a companion unit are based on recent updates to the Municipal Code. Also, the confrontational nature of this discussion has made it difficult to understand the potential height and parking issues, so an informed decision could not be made), Donovan (reason: Abstaining for reasons similar to those stated by Lucas with one additional reason. It isn't clear if it is possible to approve a project based on intent of the regulations as opposed to complying with or asking for a variance.).

Discussion on motion:

Merten: We have required other applicants to comply with the SD Municipal Code. I can not support this motion because we are granting this applicant something that we don't grant the other applicants.