

Ad Hoc Meeting on Residential Single-Family (RS) Zoning

La Jolla Community Planning Association

APPROVED MINUTES

Monday, August 24, 2015—THIRD MEETING—we will meet every 2 weeks

La Jolla Recreation Center

5:30 PM – 7 PM

Committee Members Present: Jim Ragsdale, Glen Rasmussen, Angeles Leira, Eric Lindebak; Sharon Wampler (Chair) = Quorum

Committee Member Absent: Diane Kane

Agenda items:

1a) On MOTION of Lindebak/2d by Rasmussen, the Minutes of the second meeting of July 27 were approved 4-0-1 as corrected.

1b) Chair (Wampler) Report: The Brown Act applies to these meetings, for transparency purposes, though the Chair still seeking clarification about voting. The required 72-hour notice is done via posting at the La Jolla Rec Center; email notices are a courtesy. The issue of the application of CE's is complex. Push is coming from residents seeking solutions to perceived abuses, with due consideration for responsible development in mind. Wampler attaches as **Exhibit A** her Notes for this meeting, which she discussed.

2) Public feedback via email/phone: Wampler (Chair) discussed email submittals from the following 6 individuals:

A. Avalee Cohen - heard about Ad Hoc committee in the BRCC newsletter. Contacted Glen Rasmussen to inquire for more details. She has concerns about builds on Chelsea.

B. Adrian McKibbin emailed to request an agenda and suggested the scheduled Aug 10 meeting did not meet the 72 hour noticing. Sharon clarified that the agenda was posted on August 6 at the LJ Rec Center as well as emailed to the LJCPA for posting on the website. She noted that physical posting of the agenda is what is required for public noticing and that email reminders of meetings are considered a courtesy.

C. Dave Ish sent information "regarding building moratoriums and other such controls placed on residential zoning" from the city of Monterey, CA. Information was provided by Haywood Norton, a retired Planner from the City of Monterey Planning Department.

D. Barbara Bry sent information from an architect in Coronado, CA explaining "how Coronado handles housing permits in the coastal areas."

E. Tim Golba, SD Planning Commission Chair, emailed a clarification for the July 27 meeting minutes regarding Mike Costello's comments on Categorical Exclusion as noted on the City of San Diego website. Emails and submitted documents are attached as **Exhibit B**. Included are the Development Services Department (DSD) website page defining Categorical Exclusions (CE) and a DRAFT Information Bulletin (IB) describing the 50% rule for coastal demolition. Tim indicated Mike was referencing CE language from "a draft document that was NEVER adopted and is not code..." The

appearance of this CE language on the City website may have confused attendees of these public meetings as to the application of the CE ministerial process. Currently the City uses the 50% Rule and the DRAFT IB serves as a demolition guideline for CE projects. He indicated Mike's statements are inaccurate and may be misleading for anyone reading the minutes. Sharon responded that at the July 27 meeting it was noted that the CE City website includes a statement: "...formal action to approve the categorical exclusion language has since been delayed at the Commission staff level," thus indicating it was never formally adopted.

F. Roger Draper expressed his sense of urgency that " a list of changes... are needed to maintain the integrity of La Jolla" immediately. He suggested several changes/restriction to code and construction practices.

3) Round Table Discussion/Public feedback at meeting:

Bob Whitney asked whether the North Park projects referenced by the Chair are CE's. Wampler indicated the issues are similar, but they are condos.

Leira stated the issues in La Jolla are important due to the high value of the property with resulting incentive to overbuild, reaching critical mass and more widespread concern.

Michael Morton asked if there is empirical research about how many CE's have produced such concerns, because "so far, it is just speculation" (or words to that effect).

Mike Costello stated he attempted to do exactly that through the City's website. The problem seems to be that building permits, including those with CE's, are not accessible. Only very recent builds are easily accessible online. There are 6 on Chelsea Avenue Mike knows about from serving on the DPR Committee.

Roger Draper: "We want to stop the next one."

Priscilla Moss: We can go through all this effort; the rules are set, views are blocked under the rules and they don't matter. Unless an opposing neighbor has lots of money and wants to go through a fight, these builders are insensitive to their neighbors, who are devastated—how can someone move into a neighborhood and be such an ogre? If only someone could talk to them.

Wampler: There are enforcement issues, but the rules are loose and need to be tightened.

Dave Ish had provided materials about such a moratorium in Monterey, due to the water shortage. Standard lots there are 5000 sf. For substandard lots, the Floor Area Ratio (FAR) is .4 with 25' maximum height.

Wampler states LA and Coronado use .4, but with "add-ons" as incentives for building form, up to .6. UJ starts at .6 FAR.

Roger Draper: This is urgent. We should include basements. We need to change to .4.

Ragsdale: Years ago, the City was updating the Community Plan (CP). I was involved for UJ, Penasquitos, Uptown and parts of the City of SD. In each case, where they were considering change and where there were PDO's, the City ADOPTED a moratorium to allow implementation and to stop a run on the old codes.

Mark Bucon asked Ragsdale his perspective. Does a CP take precedence over Land Development codes and zoning ordinances?

Ragsdale: CP's take precedence. Land Use codes and PDO's derive from CP's.

Leira: CP's are implemented by zoning. Many think zoning doesn't match CP's. The State code requires that zoning be consistent with the land use plan, however the City Attorney states we can choose not to follow that precept because we're a Chartered City.

Wampler: Much of a CP is qualitative and quantitative guidelines are easier to enforce. Karen Bucey says our CP is not slated for review for at least 2 years.

3b) Case Example: "Mansionization" issues in LA

Wampler states the FAR in LA now starts at .4. She has spoken with many involved in the recent moratorium, unanimously adopted by LA's City Council. Many people think "I can do anything I want on my property." Zoning regulates this by taking neighboring properties into account.

Rasmussen asked what LA's FAR was before the moratorium.

Wampler didn't recall.

Nancy Schwartz stated LA had very involved councilpersons. All council members should get copies of this committee's minutes.

Ione Steigler states LJ does not start at .6. It's a sliding scale depending on lot size. We don't have bonus FAR's in single-family residences.

Wampler: What is meant by "bonuses" are the parts of a building that are not counted in FAR's, such as non-habitable spaces—garages, covered porches, terraces and underground spaces.

Ione Steigler: "Garages are not exempt."

3c) Categorical Exemptions—suggested changes

Leira passed out a handout entitled "Evaluation of LJ Single Family Development Issues under Categorical Exclusion, Date 23 August, 2015, ALA." It is attached as **EXHIBIT C**.

Leira states that setbacks, height, spaces below buildings, landscaping and architectural style all affect "bulk and scale." CP's strive to take these into account for compatibility of new construction with existing homes.

Ragsdale: Most cities have design review. Here, there's a CE that excludes that and even notice to neighbors when a CE is granted.

Leira: Coronado has a well-defined CE that requires posting on the property to inform neighbors that they can object to the granting of the CE.

Wampler: Looking at other examples about what is working in other communities will help us move past objections requiring more restrictive ordinances.

Dave Ish: Start at a maximum FAR and work backwards.

Wampler: LA starts at .4 and with bonuses one can get up to .6.

Leira: LA bonuses allow for breezes; setbacks.

Wampler: "We may need a moratorium so there's not a run on the bank."

3a) (out of sequence) Passed Motion: Draft letter to LJCPA requesting stop-gap action

Wampler read the draft letter to the mayor proposed for consideration to be submitted for approval by the LJCPA (attached as **Exhibit D**).

Leira: On page 2, use 30% rather than 20%. It's safer to ask that an emergency ordinance be drafted for remodeling projects whose scope exceeds 30%. Some CE projects double what is existing. Most don't; we don't want to compound the problem.

Mike Costello: Make sure this is confined to La Jolla.

Nancy Schwartz: Do we want to include that those not who are not "invested" in the community are doing this? Also, maybe state in paragraph 8 that we are not opposed to 2 story homes, since a one-story neighbor can also go up.

Roger Draper: "I'm opposed the words 'towering over'."

Nancy Schwartz: My neighbors did it properly—they don't "tower over" my house.

Ragsdale: In the last sentence of the second-to-last paragraph, can we stop projects where a permit is pulled and/or they have not broken ground?

Nancy Schwartz: Maybe it depends on if there are “damages.”

Rasmussen: the City Attorney would render an opinion on the enforceability of that sentence.

Mike Costello: Include a bibliography of the worst examples, like in Bird Rock on Chelsea.

Ed Comartin: For 30 years this has been going on. What’s to make Mayor Faulconer care? We need political push.

Michael Morton: If projects are referred to the LICPA, they will review them for conformance to the municipal code.

Leira handed out a Draft Emergency Ordinance (first draft) attached as **Exhibit E**.

4) Next Steps:

Ed Comartin: I will go to Leira’s house and we’ll work on the draft, get input, call Channel 10 and provide it to the Mayor as Smart Growth Land Use.

Joe La Cava: Suggests that at the next meeting, present a draft ordinance as an action item. Make it clear the ball has been dropped by “La Jollans” and not the City. Thinks the draft letter is unproductive and it includes incorrect information at paragraphs 4 and 5. Thinks that if word gets out we’re stopping CE’s it will be counter-productive. The City wants input and data on whether the problem is FAR’s, lack of design review, the difference between the Coastal Act and the City codes, and/or CE’s. We don’t want to get mad at the City again. Thinks it’s too early to draft a letter; doesn’t think this committee has made its case; thinks we need empirical data. The Coastal Commission wants empirical data on CE’s.

Adjourned at 7:10 PM.

The next meetings will be September 10, September 28, October 12, October 26 and November 16. All meetings are at 5:30 – 7 pm at the La Jolla Recreation Center.

Respectfully Submitted,

Glen Rasmussen, acting secretary for the purpose of attempting to take accurate minutes.