

**UNAPPROVED MINUTES OF THE LA JOLLA  
PLANNED DISTRICT ORDINANCE COMMITTEE  
February 8, 2010**

**Present:** J. LaCava (acting chair), O. Gabsch (CPA), J. Fitzgerald, (LJTC), G. Rasmussen (CPA), T. Wagon seller (PLJ), C. Hasson (LJTC), J. Clark (PLJ); J. Parker (BRCC), R. Hill (LJTC).

**Also Present:** Bob Vacchi, City of San Diego Neighborhood Code Compliance Department ([rvacchi@sandiego.gov](mailto:rvacchi@sandiego.gov), direct line 619.236.5502, general number 619.236.5500), Dave Schwab (La Jolla Light), Erin Demorest (1<sup>st</sup> District Council Office), Earl VanInvegen (LJTC President), Esther Viti (Nell Carpenter Beautification Committee), Cindy Chasen, Mike Costello, and others unknown.

**A quorum was established at 4 pm.**

The January minutes were approved. Fitzgerald/Clark, unanimous (with two abstentions, not at January meeting).

### **NCC Presentation**

Bob Vacchi, Director of Neighborhood Code Compliance, made a presentation regarding how his department is functioning under the current budget. In La Jolla, a complaint is the only basis for initiation of Code Compliance action. There is only one Code Compliance officer in the entire City. The NCC complaints are prioritized as follows:

1. Imminent health and safety issues (such as illegal grading);
2. Serious Code violations, hazardous construction violations, substandard housing, demolitions;
3. Significant violations (garage conversions, illegal uses, 3x noise complaints, off-street parking violations);
4. Low priority (suspended enforcement) issues such as lighting glare, unpermitted accessory structures, unpermitted demolition (i.e., the kinds of issues that can be remedied by later action).

Complaints are anonymous. La Jolla has the fewest open cases in the City. Bob suggests a volunteer program, for example, contacting a business and advise of violations (“Hey, did you know that A-frame signs are a City Code violation?”)

Inspectors will self-initiate if they see violation (i.e. other than complaint driven).

The PDO Committee can function as their “eyes and ears” and they will work with us to customize a program for compliance.

Fines go into a Code Enforcement Fund in the general fund.

## **Public Comment**

Esther Viti announced monthly cleanups of the Nell Carpenter Beautification Committee.

## **Agenda Items**

**Smashburger**, 1000 Prospect. Brian Longmore made a presentation for this return to a restaurant use at the former Boll Weevil location. It was a candy store the last two years. The City approved the plans without the need of a Coastal Development permit, and the City advised that they do not need PDO input. Therefore, they are presenting on an informational basis regarding façade changes. Dave Whisenhunt is the owner of the franchise. Dave indicated that Smashburger is a cooking technique. They propose to sell beer and wine, salads; chicken sandwiches. Their restaurant is casual and affordable. They will have red awning. They have approved signage.

J. LaCava questioned whether the change in use from the candy store use was similar enough to allow the rules from Boll Weevil to carry forward. It has a food preparation area. Parking is an issue. J. Fitzgerald questioned whether they need a Neighborhood Use permit. The owner indicated it is a pedestrian restaurant, not a destination restaurant. It was pointed out the PDO Committee does not address Code issues other than those involving the PDO. No action was taken.

**Herschel Retail.** Alex VanOsten (architect) made another presentation. The last time, the PDO Committee approved the flat gray metal mullions on the front windows. Today, the owners request a change to the rear portion of the property on the alley to enclose three of the four parking spaces and to turn the storage area in the rear to a residential “loft” use (there are no windows).

It was pointed that the PDO only allows the rear 50% of structures within the PDO to be residential. The loft storage area exceeds that. The demising wall, making the residential area more than 50%, is proposed structurally at the furthest north end of the domed structure. The discussion included the perception that enclosing three parking spaces would imply that they are not for retail, that perhaps a covenant could be worked out so that retail employees could park in them, but it was indicated that residential is the lesser use and there is only one parking space required for that use, per Code.

The applicant chose not to seek a vote at this meeting, but will discuss with the owner the information provided by the committee members.

The meeting was adjourned at 5:00 p.m.

Respectfully Submitted  
*Glen Rasmussen, Secretary*