

DRAFT AGENDA –

Regular Meeting | Thursday, 5 September 2019 – 6 p.m.

6:00 p.m. 1.0 Welcome and Call to Order: Tony Crisafi, President

This is a full agenda, recorded meeting therefore, the following rules will be enforced:

- A. Mobile devices off or on silent mode.
- B. All public and trustee comment will be addressed to the chair.
- C. Public and trustee comment will be limited to 2 minutes
- D. Comments will be directed to the project or matter using third person, singular or plural when they are addressed to the chair.
- E. Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- F. Upon consensus, Chair will close discussion and call for a motion
- G. Chair will switch order of trustee comment as per July, 2019 meeting request
- H. Please notify chair of any organized public presentation requests prior to meeting

6:05 p.m. 2.0 Adopt the Agenda

6:10 p.m. 3.0 Meeting Minutes Review and Approval:

3.1 1 August 2019 – Regular meeting minutes

4.0 Officer Reports:

4.1 Treasurer - Mike Costello's report

Beginning Balance as of 7/31/19 \$492.78

Income

• Collections, Aug 1, 2019	\$ 98.00
• CD Sales	\$ <u>5.00</u>
Total Income	\$ 103.00

Expenses

• Agenda printing	\$ 96.20
Total Expenses	\$ <u>96.20</u>
Net Income/(Loss)	\$ 6.80

Ending Balance of 8/31/19 \$499.58

4.2 Secretary-

5.0 Elected Officials – Information Only

- 5.1 Council District 1: Councilmember Barbara Bry.
Rep: **Mauricio Medina**, 619-236-6611, mauriciom@sandiego.gov
Torrey Pines Slope restoration – 10 minutes
- 5.2 78th Assembly District: Assembly member Todd Gloria
Rep: **Mathew Gordon** 619-645-3090 mathew.gordon@asm.ca.gov
- 5.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore
Rep: **Chevelle Newell Tate**, 619-645-3133, Chevelle.Tate@sen.ca.gov

6.0 President's Report – Information only unless otherwise noted

6.1 The Children's Pool SCR (PTS627990) appeal to City Council docketed for Sept 17, 2019 @ 2:00

6.2 Brown Act Workshop Announcement: Date: November 14, 2019

6.3 Advanced CEQA Training considers environmental impacts of a project

Date: October 24, 2019

Time: 6:00 – 8:00 p.m. RSVP required to attend

Locations: 202 C Street, San Diego (City Concourse, Silver Room)

6.4 Message from Trustee Rasmussen

6.5 Sidewalk vending ordinance

6.6 CPC – Dave Gordon/Matt Mangano

6:30 p.m. 7.0 Public Comment

Opportunity for public to speak on matters not on the agenda, 2 minutes or less.

7.1 City of San Diego – Community Planner: Marlon Pangilinan, mpangilinan@sandiego.gov

7.2 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> or Robert Brown

7.3 General Public

7.3.1 Airport development plan update Ashley Martinez, San Diego Airport Authority.

8.0 Non-Agenda Trustee Comment

Opportunity for trustees to comment on matters not on the agenda, 2 minute

6:45 p.m. 9.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.

9.1 Community Planners Committee

<http://www.sandiego.gov/planning/community/cpc/index.shtml>- Dave Gordon

9.2 Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html>

9.3 UC San Diego advisory Committee

9.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair

9.5 Airport Noise Advisory Committee – Matthew Price

9.6 Playa Del Norte Stanchion Committee

7:00 p.m. 10.0 Consent Agenda – 10.1 – 10.5

The public is encouraged to attend and participate in Community Joint Committee & Board meetings before the item/project is considered by the LJCPA.

PDO – Planned District Ordinance Committee, Chair Deborah Marengo, 2nd Monday, 4:00 pm

DPR – Development Permit Review Committee, Chair Brian Will, 2nd & 3rd Tuesday, 4:00 pm

PRC – La Jolla Shores Permit Review Committee, Chair David Gordon, 3rd Monday, 4:00 pm

T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 4:00 pm

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. The public may comment on consent items.

10.1 – Price Residence SDP/CDP Project No. 629043 2nd review, Process 3 - Coastal Development Permit and Site Development Permit for the construction of a 1575 sq ft second story addition and 371 sq ft companion unit on a 135 sq ft existing single story house at 8144 Paseo Del Ocaso. The 0.12 acre site is in the La Jolla Shores Planned District, coastal overlay zone of the La Jolla Community Plan Area, Council District 1.

LJPRC Motion: Findings cannot be made due to bulk and scale, no articulation of second story side set

Backs and driveway length as required by code, CSD & LJSPDO 6-0-0

10.2 – Vail Soil Nail Wall – 1643 Valdes Dr. Project No. 621967 Variance NDP (Process 3) – Variance and Neighborhood Development Permit for non-standard soil nailing wall, encroaching into the public right of way to stabilize the eroded area on property with existing single-family house at 1643 Valdes Dr. The 0.13 acre site is located in the RS-1-7 base zone, coastal overlay (non-appealable) of the La Jolla Community Plan Area District Council 1.

LJDPR Motion: Findings can be made to approve 5-0-1

10.3 – Scarano Companion – 1437 Virginia Way Project No. 634538 CDP (Process 2) – Coastal Development Permit to convert an existing 527 s.f. guest room into a companion unit on a site with an existing 2,248.8 s.f. single family residence . The 0.25 acre site is in the RS-1-7 zone and the coastal (non-appealable 2) overlay zone within the La Jolla Community Plan Area, District Council 1.

LJDPR Motion: Findings can be made to approve 5-0-1

10.4 – Israni Residence – 7310 Vista Del Mar Project No. 604651 CDP and SDP (Process 3) – Coastal Development Permit and Site Development Permit to demolish existing single dwelling unit and construct new single dwelling unit for a total of 7,000 s.f. The 0.32 acre site is located in the coastal (appealable) overlay zone in the La Jolla Community Plan area on environmentally sensitive lands (ESL). District Council 1.

LJDPR Motion: Findings can be made to approve 3-2-1

10.5 – Stupin Residence – 5191 Chelsea St. Project No. 633674 CDP (Process 3) – Coastal Development Permit to demolish an existing single family residence and construct a new 4,493 s.f. 2 story single family residence with roof deck and attached garage. The scope of work also includes a 1,883 s.f. basement. The 0.183 acre site is located in the RS-1-7 zone and coastal (appealable) overlay zone within the La Jolla Community Plan area, District Council 1.

LJDPR Motion: Findings can be made to approve 5-0-1

See Committee minutes and/or agenda for description of projects, deliberations, and vote. Anyone may request a consent item be pulled for full discussion by the LJCPA.

The following agenda items, are ACTION ITEMS unless otherwise noted, and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

11.0 – 11.4 LJCPA Review and Action Matter

11.0 – Proposed changes to be on the list for the SDMC 13th Code Revision re: Serial Permitting & Garage to Carport conversions. Forward attached letters to the City of San Diego

11.1 – Micro Mobility Parking Corrals for La Jolla – Forward attached moratorium request to City.

11.2 – Sierra CDP Project #638256 7421 Monte Vista Ave. CDP (Process 3) – Coastal Development Permit to remodel the existing 1,400 s.f. single family residence and construction of a 491 s.f. 2nd story addition with a 243 s.f. covered deck and a 400 s.f. roof deck at a site located at 7421 Monte Vista Ave. The 0.06 acre site is in the RS-1-7 zone and coastal (appealable area) overlay zone within the La Jolla Community Plan Area and District Council 1.

LJDPR Motion: Findings can be made to approve 5-0-1

11.3 – La Jolla Childrens Pool sluice gates: Forward attached letter to the City

11.4 – Manoogian Wedding Procession – Request for temporary street closure on portions of Ivanhoe Ave. and Prospect St. for brief wedding procession from Congressional Church to La Valencia Hotel in the afternoon of Saturday, September 14, 2019 (Claire Manoogian)

T&T Motion to Approve Temporary Street Closures 8-0-0

XX. Adjourn to next regular LJCPA Meeting: Thursday, October 3, 2019

DRAFT Minutes –

Regular Meeting | Thursday, 1 August 2019 – 6 p.m.

1.0 Welcome and Call to Order: 6:06 p.m. Tony Crisafi, President

This is a full agenda, recorded meeting therefore, the following rules will be enforced:

- Mobile devices off or on silent mode.
- All public and trustee comment will be addressed to the chair.
- Public and trustee comment will be limited to 2 minutes
- Comments will be directed to the project or matter using third person, singular or plural when they are addressed to the chair.
- Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- Upon consensus, Chair will close discussion and call for a motion
- Chair will switch order of trustee comment as per July, 2019 meeting request
- Please notify chair of any organized public presentation requests prior to meeting

Quorum Present: Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

2.0 Adopt the Agenda

Neil: Modify Item 10.4 ,it should be DPR motion, not LJPRC

Motion: Adopt the agenda with modifications: (Brady/Mangano) **Vote:** 13-0-1: **Motion carries.**

In Favor: Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: 0

Abstain: 1 (chair)

3.0 Meeting Minutes Review and Approval:

3.1 18 July 2019 – Regular meeting minutes:

Neil: Item 2, add Neil to In Favor vote, Item 11.0 add Neil to In Favor vote, remove Little, Item 11.1 add Neil to In Favor vote, remove Ish.

Motion: Approve minutes as corrected: (Gordon/Fitzgerald) **Vote:** 13-0-1: **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: 0

Abstain: 1 (chair)

4.0 Officer Reports:

4.1 Treasurer - Mike Costello's report

Beginning Balance as of 7/18/19		\$444.27
Income		
Collections	\$ 141.00	
CD Sales	<u>\$ 0</u>	
Total Income	\$ 141.00	
Expenses		
Agenda printing	\$ 92.49	
Total Expenses	<u>\$ 92.49</u>	
Net Income/(Loss)	\$ 58.51	
Ending Balance of 7/31/19		\$ 492.78

4.2 Secretary- Weissman

If you want your attendance recorded today, you should sign in at the back of the room. LJCPA is a membership organization open to La Jolla residents, property owners and local business and non-profit owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. If you do not attend one meeting per year, your membership will expire. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at **three** LJCPA meetings in the preceding 12-month period. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a Trustee.

5.0 Elected Officials – Information Only

5.1 Council District 1: Councilmember Barbara Bry.

Rep: **Mauricio Medina**, 619-236-6611, mauriciom@sandiego.gov

Mauricio: With the passage of SB 946, the City of San Diego had to rescind its sidewalk vending and pushcart regulations. The sidewalk vending and pushcart ordinances were

heard at the Economic Development and Intergovernmental Relations Committee last week. At that meeting there was discussion about district requirements vendors will have to adhere to in order to operate on city streets. For example, one can't be within 15 ft. of a scooter, bike rack, tree wells, the encroachment permit areas of the La Jolla Shores Boardwalk and the space between. Sidewalk vendors will be prohibited from the Cove to 200 Coast Blvd. We are still taking suggestions until the issue is heard before the entire Council in Sept. or Oct.

Kane: Does this include the Children's Pool? Yes.

Little: Why does the state need to address vendors and pushcarts; are the merchants associations fighting this? **Reply:** Some people at staff meetings expressed desire to recognize people who were relying economically on sidewalk vending, to decriminalize it and bring it out of the shadows. Vendors will be required to take out permits. We are working with merchant's associations to reconcile and accommodate them.

Kane: Give us an update on City's response to our scooter proposal. **Reply:** City staff reviewed and will start installing 40 corrals. A sheet showing locations was passed around. Get it Done App is slow to update like controlling an oil tanker. They are working on it. For now, make your requests as "other." Other questions have not been answered.

Weiss: What is the argument from the other council members who oppose Barbara Bry's proposal to ban the scooters until they can sort it out. I ask the LJCPA to do what the Shores Association did with the Deco Bikes and say NO. Get it Done App is great example of why we shouldn't do it now. I have seen scooters even in the disabled ramps which is so wrong; there is no way to enforce. Put it on the agenda for next month. The CPA did not *want* 40 corrals, they just have to live with them. What we're seeing is that no one is complying, enforcement has been difficult. **Reply:** Barbara Bry is calling for a moratorium to sort it out and see how to move forward. It has not come before the whole council yet; I can't speak for the others. It would be beneficial for this board to make recommendations to the other council districts and the Mayor's office. The experience and impacts in the beach communities are different than in other communities so it is important for other districts to hear it from a recognized community group.

Other comments: Scooters are stacked up in corrals, dumped all over, scooters are put there by companies, but there is no requirement for users to leave them there.

5.2 78th Assembly District: Assembly member Todd Gloria

Rep: **Mathew Gordon**, 645--3090 mathew.gordon@asm.ca.gov not present

5.3 39th Senate District: State Senator Toni Atkins, SenatePresident pro Tempore

Rep: **Chevelle Newell Tate**, 619-645-3133, Chevelle.Tate@sen.ca.gov - not present

6.0 President's Report – Information only unless otherwise noted

6.1 The Children’s Pool SCR (PTS627990) appeal to City Council docketed for Sept 17, 2019 @ 2:00 PM

Costello: Will we have someone there?: **Crisafi:** I will be there; there will be others

6.2 Hershfield environmental appeal docketed for Sept 17, 2019

On agenda later.

7.0 Public Comment

Opportunity for public to speak on matters not on the agenda, 2 minutes or less.

7.1 City of San Diego – Community Planner: Marlon Pangilinan, mpangilinan@sandiego.gov not present

7.2 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> or Robert Brown - not present

7.3 General Public - none

8.0 Non-Agenda Trustee Comment

Opportunity for trustees to speak on matters not on the agenda

Little:

1. Confirmed that two motions can be on floor at the same time, but they must be handled in the order they were entered.
2. For years we have allowed conditions on a motion and DSD said that was OK. But the experience is that the conditions are ignored by staff. We’re fooling ourselves. When the project is built without the conditions included no one is happy and the CPA is criticized.
3. We need to clarify with the City about the situation of private meetings between trustees and applicants complying with the Brown act.

Crisafi: It takes a lot of coordination and communication to get information on the agenda. The Hershfield communications were documented through the mailbox. The information that was included in this month’s and last month’s packet would not have been available without communication with the applicant. The meetings with the Hershfields and their reps were approved by Marlon and he confirmed that the communications were proper. It is difficult to communicate at the full trustee level when there is a deadline set because of an appeal to decide whether to withdraw that appeal or continue to attend the appeal and produce arguments for the appeal representing the community.

Little: We need a ruling from Marlon. **Reply:** This information would not have been on the agenda if there were no way to communicate. It has been well documented through the mailbox.

Crisafi: There is no requirement to not allow conditions at the Shores PRC, but the problem is that they get ignored. DPR also does not prohibit conditions in their bylaws. A continuous cycle of review at the subcommittee level would be ideal, but that doesn't happen now.

Little: The issue is attaching a condition to the final motion to approve or not approve.

Crisafi: New forms for community groups to submit to DSD about votes on discretionary projects include a section on conditions both at subcommittee level and group level allowing communication with the planner and acknowledgment that changes are understood.

Mangano: Let's return to this when Marlon is present.

Fitzgerald: When we add conditions we put ourselves in the position of managing or modifying the project. Our role is to vote whether a project conforms or doesn't conform to the appropriate code. This was our policy adopted many years ago and it has served us well. We don't want to redesign projects from the floor.

Crisafi: We are dealing with individuals at DSD. Some planners communicate with the community groups better than others. No judgement intended here.

Costello: The Hearing Officer has no way to implement the conditions; they only consider the approval. The opportunity to deny a project is a bargaining chip that can be employed during the approval process; then the conditions become a part of the final approval.

Gordon: No requirement to not include conditions in the bylaws. Conditional approvals should be used judiciously but should not be ruled out as they can be useful at times.

Courtney: Code enforcement people have been dealing with people operating unlicensed board and care facilities that squeeze people into single family residential homes, often neglecting them. Please report if you see something like this in your neighborhood. Also I don't want to see Code Compliance charging permit fees for banners on overpasses. This could turn into another revenue generator for the City. Banners should be illegal to protect and preserve the natural beauty of La Jolla.

Ish: Trustee Rasmussen has had a heart transplant; he is now in ICU doing well, coming home Friday.

Neil: Costello, please clarify that you prefer to negotiate a change to a project during review and are opposed to attaching conditions. **Reply:** Yes

9.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.

9.1 Community Planners Committee

<http://www.sandiego.gov/planning/community/cpc/index.shtml>- Dave Gordon

Mangano: This meeting was dominated by capital improvement plans which we prioritized and did right the first time several months ago. A city planner discussed a

plan to create a grid for give and take policies for low income housing and higher density development to come before City Council 7/30.

Kane: Was there any discussion about scooters? We are hit here with issues that don't seem to be showing up in other communities.

Mangano: This was not discussed. This could be a useful tool to move our issues up the ladder and garner support so we are not alone as resisting entities.

Shannon: There is not a lot of acceptance for issues in the beach areas. Some of the others think of the beach communities as privileged or as play areas.

Gordon: There was overwhelming support against SB 50 and 330.

9.2 Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html>

Brady: This Board will meet this month. Last year when Costello made a presentation against short term rentals there was overwhelming support.

9.3 UC San Diego advisory Committee - no report

9.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair.

Kane: We met again shortly after our last meeting. We passed a number of issues to our council office because they will be meeting with city staff to come to some resolution. I don't know what happened but will meet with Barabra Bry in a few weeks to see where these issues stand. In the works are additional signage at the dip at Torrey Pines Road and Hillside Dr. Officer Christine Garcia did opine after a meeting with the City Attorney that trucks that get stuck there can be issued a ticket. Call 691-531-2000 to report stuck trucks and someone will come out and cite the driver.

9.5 Airport Noise Advisory Committee – Matthew Price – no meeting

9.6 Playa Del Norte Stanchion Committee - no meeting

10.0 Consent Agenda – 10.1 – 10.4

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. The public may comment on consent items.

10.1 – La Jolla Wine & Art Festival - Request for Temporary Street Closures on portions of Girard Ave, Wall Street, and Silverado Street for the 11th annual fundraiser event benefiting La Jolla Public Schools on Saturday and Sunday October 12-13, 2019

T&T Motion to approve Temporary Street Closures 8-0-0

10.2 – Manoogian Wedding Procession - Request for Temporary Street Closures on portions of Ivanhoe Ave and Prospect Street for brief wedding procession from Congressional Church to La Valencia Hotel the afternoon of Saturday September 14, 2019 (Claire Manoogian)

T&T Motion to approve Temporary Street Closures 7-1-0

10.3 – 2677 Brookmead Lane CDP Project No. 630967 (Process 3) Coastal Development Permit for the construction of a new single dwelling unit and attached garage for a total of 11,100 square feet of construction on a vacant lot located at 2677 Brookmead Lane. The 1.28 acre project site is located in the RS-1-2 zone and the Coastal (Appealable) Overlay Zone within the La Jolla Community Plan area and Council District 1.

DPR Motion: Findings can be made to approve and motion passes 6-0-1

10.4 – Bird Rock Condos – 5656 La Jolla Blvd CDP/TM Project No. 595139 (Process 3) Coastal Development Permit & Tentative Map for the creation of four residential condominium units under construction at 5656 La Jolla Boulevard. The 0.17 acre site is in Zone 4 of the La Jolla Planned District, Coastal (Non-Appealable) overlay zone within the La Jolla Community Plan Area. Council District 1.

DPR Motion: Findings can be made to approve and motion passes 4-1-1

See Committee minutes and/or agenda for description of projects, deliberations, and votes. Anyone may request a consent item be pulled for full discussion by the LJCPA.

Courtney: Pull item 10.2, doesn't think public streets should be closed for private groups.

Motion: Approve consent agenda with exception of item 10.2: (Mangano/Gordon) **Vote:** 14-0-1:

Motion Carries.

In Favor: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: 0

Abstain: 1 (chair)

The following agenda items are ACTION ITEMS unless otherwise noted, and may be de novo considerations. Prior actions by committees/boards are listed for information only.

11.0 – 11.3 LJCPA Review and Action Matters

11.0 – Proposed changes to be on the list for the SDMC 13th Code Revision re: Serial Permitting & Garage to Carport conversions. See attached information.

DPR Motion: Findings can be made to approve and motion passes 5-0-1 for the following:

Recommend to CPA the following code edits to SDMC 126.0704(a): Improvements to existing structures are exempt, except. (to add a new number following item number 5).

“The demolition or removal of 50% or less of the exterior walls of the existing structures if the proposed application is received within 5 years of final inspection of a previous 50% exempt remodel on the same structure. An exemption will be allowed within the 5 year time frame if 50% of the exterior walls of the original structure (as it existed 5 years ago) will still remain.”

Draft #2 prepared by Dave Ish handed out: “Suggested additions to the San Diego Municipal Code: ‘Combination’ or ‘Serial’ Permitting.

Jackson: DPR motion is correct in the agenda, but not in your document.

Ish: Recommended two additions to the above DPR Motion:

1. 4th line after ‘inspection’ *and receipt of an occupancy permit for the entire house.*
2. Add to last line *but is subject to community review and the CDP process.*

Shannon: Are there other loopholes in this same issue that are not covered in this recommendation?

Ish: The original intent was to help homeowners remodel, but some developers have taken advantage by expanding the footprint of house with 1 permit and then go back and get a 2nd permit within a matter of months making a much larger house.

Little: Will DSD really check the records back 5 years when granting a new permit?

Crisafi: Require the applicant have records of prior remodels as part of proposed new application. DSD doesn’t typically retain floor plans or demolition plans with matrix of walls being demolished. Documentation of walls is not on the permit.

Ish: The walls are not reviewed; 2nd permit uses prior expanded walls as existing 50%.

Kane: How to enforce? City does not keep records. Brian Will at DPR wanted to make time frame between issuance of permits long enough so someone wouldn’t be encouraged to continue the process.

Jackson: Is what Dave is proposing a good idea? If it is a good idea, then we should approve it. Then make recommendations for enforcement. We shouldn't turn down a good idea because we haven't solved the enforcement problem.

Motion: LJCPA recommends the Code changes in the DPR motion with the two additions recommended by Dave Ish above. The recommendation is as follows:

“Improvements to existing structures are exempt, except the demolition or removal of 50% or less of the exterior walls of the existing structures if the proposed application is received within 5 years of final inspection and receipt of an occupancy permit for the entire house of a previous 50% exempt remodel on the same structure. An exemption will be allowed within the 5 year time frame if 50% of the exterior walls of the original structure (as it existed 5 years ago) will still remain but it is subject to community review and the CDP process.”

Mangano: This is a good idea, but we should refine the wording. We need to be careful with wording and how it will be received throughout the process.

Ish: This is going to be placed on the list for the 13th code update that will happen in the future. There is plenty of time for discussion and questions as this works its way through the update process.

(Neil/Costello) **Vote:** 14-0-1: **Motion carries:**

In Favor: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: 0

Abstain: 1 (chair)

Ish: DPR motion Garage to Carport: Recommend to CPA the following code edits to SDMC

113.0234(a)(6).

“The intent of this FAR exemption is to provide relief from FAR restrictions for a simple structure that provides overhead shelter for automobiles where the visual impact to the neighborhood is at a minimum. Carports shall be exempt from FAR if they are composed of a roof and posts only with a maximum 4 posts (up to 8”x8” each) and no walls or doors/gates, the carport may be attached on one side only to the main house, any other “open parking structure” is countable as FAR.” (Kane/Costello) Approved 5-0-1

Motion: Approve DPR recommended Code edits above. (Kane/Mangano) **Vote:** 14-0-1 **Motion carries.**

In Favor: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: 0

Abstain: 1 (chair)

11.1 – Micro Mobility Parking Corrals for La Jolla – City proposal for placement of numerous defined spaces within the public street for parking of dockless scooters and bicycles.

<https://www.latimes.com/opinion/story/2019-07-18/scooters-bird-uber-airbnb-tech-public-space>

T&T Motion to recommend to city installed micro-mobility corrals @ 81 locations and require city to have the owners & operators of the devices geo-fenced so that the rider is charged until device is left in a corral. Passes 6-3-0. Trustee action to not approve by motion/second/vote.

Crisafi: I would like the trustees to vote to confirm last month’s vote and dispose of this T & T motion.

Costello: Shouldn’t we be supporting Barbara Bry trying to do something about scooters until more effective enforcement is in place? Reference to article linked above: these companies are dumping things on our streets and the City is making it legal. Keep scooters off street.

Crisafi: Trustees should speak with authority on this matter maybe with another motion next month. Another motion tonight would be confusing and not authoritative.

Neil: Mayor is moving ahead regardless of what we do. With this motion we are not condoning the scooters, only controlling them. We have succeeded by bringing down to

only 40 corrals in La Jolla. In Little Italy there are many more; corrals only work if there are enough corrals.

Motion: Set aside T & T motion and confirm last month's motion regarding Micro Mobility Parking Corrals for La Jolla. (Neil/Brady) **Vote:** 10-2-3: **Motion carries.**

In Favor: Brady, Courtney, Gordon, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: Fitzgerald, Fremdling,

Abstain: Costello, Ish, Crisafi (Chair)

Costello: I am abstaining because we need to enforce the law as it currently is and not condone an illegal activity taking up our precious right of way which ADA people have fought for for so long.

11.2 – Hershfield Residence – CDP #2134597 & SDP #2134595 Project and environmental appeal. See attachments

Action Item: To ratify or retract the previous appeal to withdraw action on information presented by the LJCPA President & the applicant.

Crisafi: The motion last month was to withdraw the appeal with chair providing a hard plan on 8/1. The applicant presented a set of plans that is the documentation needed to enforce what was agreed upon last month to reduce high parapet by 4 ft., remove all hip roofs, to reduce lower roof parapet to the height of parapet that was presented to LJPRC.

Chandra Slavin, architect, passed around to trustees drawings corrected by the architect with red markings showing changes made and described changes:

- Reduced lower parapet to 338.58 MSL.
- Redlined all roof plans to make more official
- This markup shows lower roof parapet and removal of all hip roofs
- The City Planner took those docs to planning department and they approved as SCR.
- 7 ft. parapet behind garage on south elevation is also being lowered

Crisafi: There is a condition that they abide by this only if CC&R's expire. I don't think this is acceptable because there are other structures in this development with flat roofs, even though the CC&R's call for sloped roofs. If we do accept that condition, which some trustees have indicated willingness to accept, then I would withdraw the appeal. If you don't accept the condition, I would have to take to Barbara Bry's office and make the argument for the appeal to get that condition removed.

Jackson: I don't understand. As far as the city is concerned this is the plan. The CC&R's are irrelevant. **Crisafi:** Yes, unless Mr. Hershfield agrees to remove the condition that has been put on the title sheet of the plan. This agreement is contingent on the expiration of the CC&R's.

Slavin: This is the wording of the condition:

Roofline to be lowered 4ft. to 338.58 MSL, garage door to be 10 ft. high, both contingent on that certain declarations and restrictions dated Nov. 17, 1959, recorded in official records in San Diego . . . declaration expiring as scheduled on Dec. 31, 2019.

Discussion followed as to the meaning of this condition: If CC&R's don't expire, will they have no approved plans and will have to return to starting over from scratch? This is the plan the city approved with a condition. If condition is not met, there is no plan; they will have to come back here?

Slavin: This plan is in the record, but we can't submit it because it is contingent on CC&R's expiring.

Crisafi: If the appeal is withdrawn and the CC&R's don't expire, the original plan without the changes described above has been approved by the city and will be built. If and when the CC&R's expire the plan documented above will be submitted and treated as a Substantial Conformance. We have to trust that the CC&R's expire.

Slavin: My presentation from last time has not changed. A number of design modifications have been made to address the comments on the appeal.

- Removal of trellis
- Lighter color stucco
- Two hip roofs on lower part of the house removed.

Courtney: These changes do not address the biggest problems with this house. A 14,000 sq. ft. house in a neighborhood of 3 – 4,000 ft. houses. A huge basement cutting into the slope. We have a long history in the Shores of resisting increasing house sizes setting precedent (FAR creep) and changing neighborhood character.

Little: To neighbors -- Do you believe CC&R's will expire?

Faye Strum: neighbor, CC&R's have been renewed in the past. I don't know of anything now. I don't understand why applicant has put this condition. This is a huge house; with changes it is still 1 ft. higher than the current house. I and many neighbors are concerned about the size of the house, what is going to happen to the neighborhood. What about the appeal? **Little:** size of house is already approved; too late now to change.

Kane: Why let the CC&R's expire if you are concerned about the neighborhood character? **Slavin:** This house as designed meets all requirements of the CC&R's.

Gordon: We are not supposed to consider CC&R's; they are likely to expire; flat roofs are already in existence in neighborhood; bulk & scale is about how it looks from the street and these modifications make it more compatible. The taller structure is already approved by the city. The problems weren't just the size; it was also the austere look, the setbacks. We should support the withdrawal of the appeal.

Neil: Why is there no grading permit? **Slavin:** It is under the code limit for a grading permit. It was thoroughly reviewed by city engineers.

Motion: Based on changes incorporated by applicant since last meeting that are now part of the official record my motion is to confirm withdrawal with documented drawings dated 7/30/19 of roof plans, elevations and building sections, documented

height limitations at 338.58 MSL upper roof parapet, lower parapet at 335.05 MSL above sea level. (Fitzgerald/Gordon) **Vote: 13-1-1: Motion carries.**

In Favor: Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Kane, Little, Mangano, Neil, Shannon, Weissman

Opposed: Courtney

Abstain: Crisafi (chair)

11.3 – La Jolla Childrens Pool sluice gates: Whether to open the sluice gates at the Childrens Pool to clean the sand and keep it from building up creating a hill

Merryweather: I am asking the CPA to approve a letter to the City of San Diego to clean the Childrens Pool, to investigate the opening of the sluice gates. Those gates were put into the wall with a purpose. Ellen Browning Scripps said, “I cannot build you this wall without these gates in it because without the gates you will end up with not a pool, but a hill of sand.” A manmade pool in the ocean was meant to be shared by children, swimmers, diver and seals. The City turned it into a shared use and it has become fouled by seal excrement. Maintenance has never been done by the City and it is time they do it by opening those gates.

Costello: The littoral current brings sand down the coast of southern California. It will fill with sand. The Childrens Pool was built with 4 sluice gates; one is now leaking. An EIR was written by the City with several plans to clean up the sand at Childrens Pool. None of the plans were implemented. Now is the time. It is simple to do and will solve a lot of problems.

Little: I move to write a letter requesting the City to open the sluice gates.

Kane: I did an exhaustive study of the Childrens Pool. Tests were done; there was no evidence that there were sluice gates to open. They were never open. There are openings in the wall that are plugged with concrete. Opening these things is not a simple task plus there is 7 ft. of sand built up to move out.

Mangano: Infrastructure for sluice gates is not there; only a hole that was filled with concrete during construction. Ask Melinda to send a draft letter through the CPA email to look at next time. It would be an infrastructure project more difficult than just punching a hole in the wall.

I would also note that the Childrens Pool is in submittal for a national historic designation. The pool as an entity and area on the national scale. It is a benefit to keep this close to La Jolla and not let the City of SD take control when we ask them to foot a large project.

Kane: We support an authentic rehabilitation of the Childrens Pool inserting sluice gates that were never there, to make them functional and to return the pool to its original function.

Crisafi: Would the maker of the motion accept that a letter be crafted and be brought back to the trustees for vote next time?

Little: I believe there are sluice gates that have been plugged so I won't change my motion.

Motion: (repeat) Write a letter to City of San Diego to open sluice gates at Childrens Pool: (Little/Brady) **Vote:** 8-5-2; **Motion carries.**

In Favor: Brady, Costello, Fremdling, Ish, Little, Neil, Shannon, Weissman

Opposed: Courtney, Fitzgerald, Gordon, Jackson, Kane,

Abstain: Mangano, Crisafi (chair)

Motion: Craft a letter recommending to the City to pursue making the sluice gates work to flush the Pool: (Gordon/Courtney) **Vote:** 8-3-2, **Motion carries.**

In Favor: Brady, Costello, Courtney, Fremdling, Gordon, Mangano, Shannon, Weissman

Opposed: Fitzgerald, Kane, Neil

Abstain: Ish, Crisafi (chair)

XX. Adjourn 8:44 p.m. to next regular LJCPA Meeting: Thursday, September 5, 2019 at 6:00 pm.

LA JOLLA SHORES PERMIT REVIEW COMMITTEE MINUTES LA JOLLA COMMUNITY PLANNING ASSOCIATION

Revision 1

Monday, August 19th, 2019 @ 4:00 p.m.

La Jolla Recreation Center, 615 Prospect St., La Jolla, CA

Meeting Room 1

1. **4:00pm Welcome and Call to Order:** David Gordon, Chair (dgord@aol.com)
 - a. Committee members in attendance: Janie Emerson, Myrna Naegle, Angie Preisendorfer, Matt Edwards, Ted Haas.
 - b. Committee members absent: Andy Fotsch, Tony Crisafi
2. **Adopt the Agenda** – Motion to adopt: Motion: Janie Emerson, 2nd: Myrna Naegle
3. **Approve July Minutes** – Motion: Ted Haas, 2nd: Janie Emerson
4. **Non-Agenda Public Comment:** None.
5. **Non-Agenda Committee Member Comments:** None
6. **4:05pm Chair Comments**
 - a. Chair, David Gordon repeated a request from last month that Janie Emerson provide copies of the LJSPRC Bylaws and Charter as she is apparently the only one that has a copy of the recently approved documents. Janie again stated that she is refusing to provide an electronic copy. Chair, clarified that the Community Planning Association would take a paper copy and digitize it. Janie claimed that there were two original copies of the original signed documents and she had one and one was provided to the CPA. Chair stated that he checked with all current and last year's officers of the CPA and none had them or recalled receiving them. Janie committed to provide a copy of each document
7. **Project Review:**
 - a. **4:10-4:40pm PRICE RESIDENCE SDP/CDP (2nd Review)**
 - Project #: 629043
 - Type of Structure: Single-Family Residence

- Location: 8144 Paseo Del Ocaso
 - Applicant's Rep: David Hall (619) 442-6125
david@JacksonDesignandRemodeling.com
 - Project Manager: Xavier Del Valle (619) 557-7941 xdelvalle@sandiego.gov
- Project Description:** (Process 3) Coastal Development Permit (CDP) and Site Development Permit (SDP) for the construction of a 1575 sq ft second story addition and 371 sq ft companion unit on a 135 sq ft existing single story house at 8144 Paseo Del Ocaso. The 0.12-acre site is in the La Jolla Shores Planned District, Coastal Overlay Zone of the La Community Plan Area, Council District 1.

From the July 15 minutes:

Applicant elected to come back with modifications and information. The issues to be addressed are:

- 1) FAR for bulk & scale in neighborhood (street scene and data requested)
- 2) Driveway set back 20' from property line
- 3) Articulation of the 2nd story on north and south sides.

David Hall Project Representative presented:

2nd floor was pushed back from the front elevation approx. 6'

FAR relatively the same .74 from .74.5

Did not provide a street scene as requested

16' Driveway no change except that the garage door was recessed approximately 10". Driveway length from sidewalk to garage door now 16'10"

No change of articulation of the second floor side set backs as requested

As stated at last month's meeting, Code Sect 1510.0401 Sect D re Off street parking existing use and enlargement. Parking is BIG issue in the beach area.

Committee members stated that these issues are important and need to be addressed in order to receive approval.

David Gordon stated that he would consider allowing the current design with respect to articulation of the sides of the building (north and south) as the articulation and character when viewing from the street included (front to rear) articulation and the design appeared to transition well.

Janie Emerson stated that she was not willing to accept the lack of articulation on the sides as that would set a precedent and articulation is required by the La Jolla Shores Planned Development Ordinance.

Applicant requested a vote and stated that he would take his chance at the next step (LJCPA).

Motion: Findings Cannot be made on Project #: 629043 (Process 3) Coastal Development Permit (CDP) and Site Development Permit, Bulk and Scale, No Articulation of second story side set backs, and driveway length as required by code, CSD & LJSPDO.

VOTE 6-0-0

Adjourn 4:53

Next PRC meeting Monday, September 16th, 2019 @ 4:00 p.m.

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE

La Jolla Community Planning Association
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LA JOLLA COMMUNITY PLANNING ASSOCIATION

Meeting Minutes – Tuesday Aug 13, 2019 – 4:00 pm
La Jolla Recreation Center – 615 Prospect Street, Room 1
La Jolla, California

-
1. *Public comments are an opportunity to share your opinion with the committee members. Comments should not be directed at the applicant team*
 2. *Plans are available for in-depth review by contacting the project manager at the city's Development Services Department before the meeting.*
 3. *Public comments will be strictly limited to 2 minutes per person. Please review the following meeting minutes. If another member of the public has already said the same thing tonight or at a previous meeting, please move on to new information. It is not necessary to repeat previous comments.*
 4. **Applicants:** *Please present your project as succinctly as possible. Speak clearly and CONCISELY.*
-

1. NON-AGENDA PUBLIC COMMENT

- 2 minutes per person
-

1. APPROVAL OF MEETING MINUTES

- Meeting July 16, 2019
-

2. FINAL REVIEW 8/13/2019

Project Name: Vale Soil Nail Wall – 1643 Valdes Dr
Permits: Variance - NDP
Project No.: 621967 DPM: Pancho Mendoza
Zone: RS-1-7 Applicant: Mahmoud Oriqat
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/621967>

LA JOLLA- (Process 3) Variance and Neighborhood Development Permit for nonstandard soil nailing wall, encroaching into the public right of way, to stabilize the eroded area on Property with existing single-family house at 1643 Valdes Dr. the 0.13-acre site is located in the RS-1-7 Base Zone, Coastal overlay (non-appealable) of the La Jolla Community Plan Area. Council District 1.

6/11/2019 – APPLICANT PRESENTATION

- APPLICANT DID NOT PRESENT

6/18/2019 – APPLICANT PRESENTATION – Mahmoud Oriqat

- Mary Elisabeth (Betty) Vale – why necessary? Roots from two trees began to expand outside the steep “cut” slope face (15-18’ tall.) at soils engineers suggestion they removed the trees. Too late, sandstone has been destabilized and crumbles into street. Dangerous. Contractor can replicate look of existing sandstone. Soil nail wall like Torrey Pines project. Storm drain system is blocked.
- Valdes is a dead-end so any failure will block only access to remaining 8 homes.
- Soil nail is the only way to work in this tight area. City is in favor but requires discretionary action (taller than 6’)
- 100 linear feet. Maximum height = 18’, 12’ and 13’ at ends
- Mimick the look of the sandstone

- Brow Ditch to divert drainage to ends of wall and then through a curb outlet.

6/18/2019 – PUBLIC COMMENT

- 1 – it has worked in the past, willing to see construction, built similar wall with planting pockets, would never know it's there. Everyone suffering from erosion. Geotech did an excellent job on their wall.
- 2 – OBGYN need to get-in, get out, want this work done, confident in applicants ability to ensure access, applicant willing to provide temporary parking down hill of any short term blockage.
- 3 – believe this is a good project
- Alcorn – room in front of wall for planting? (applicant response: none) Is the driveway above close to top of wall? Will there be a guardrail? There is an opportunity to improve/enhance safety on property (applicant response: existing fence)

6/18/2019 – COMMITTEE DELIBERATION

- Jackson –
 - narrow street, what will access to neighbors be? (applicant response: contractor provides traffic control with flagmen – room to stage pump out of ROW and hose/pump to shotcrete wall) Jackson: prefer to see a plan before it starts construction.
 - Are there any neighborhood objections? (applicant response: none to her knowledge)
 - What could go wrong in construction? (applicant response: geo engineer will be involved throughout construction) Jackson: example: there were undocumented utility lines on Torrey Pines. (applicant response: this one is on private property)
- Gaenzle, would like to understand more about the wall
- Gaenzle – I ask questions to understand the project. Is the property across the street higher or lower.
- Leira – concerned where project encroaches into ROW. Concerned with concentrated flow at curb outlet.
- Gaenzle – suggest something be done to prevent fall off top of wall from driveway
- Jackson – we are concerned with community impact and how the project impacts it's surroundings. Be prepared to explain water flow and construction management to maintain neighborhood.

6/18/2019 – FOR NEXT MEETING

- Tape/photoshop together a collage of photos with best attempt to draw proposed wall on “streetscape”.
- Provide 5 sections to illustrate wall, where is edge of asphalt and where is PL. extend section to include driveway above. Show where encroaches into ROW (big enough to see)
- larger aerial photo and how does it blend with nearby walls. Similar to page 2 of handout. 11x17 is not adequate
- email copy of drainage study, Demonstrate drainage, where does it go after curb outlet, where does it go currently
- Principals/Details on how you will manage construction and maintain access for neighbors

8/13/2019 – APPLICANT PRESENTATION

- Satellite overlay, site photos, 100' of wall, height varies 12' to 18.5'
- Presented 5 sections. DG between wall and curb at road. At West end, wall lays back to match existing slope.
- List of procedures by contractor how to maintain access.
- Drainage: Showing in aerial photo the path of the main watershed that goes around the site from the top of the hillside via natural canyons around the site and not affected by the site. There is very little “water shed” between ex driveway and wall, not disrupting any flows, not adding new flows.
- Shave off the part that overhangs

8/13/2019 – PUBLIC COMMENT

- Sally Miller: Wonderful presentation

8/13/2019 – COMMITTEE DISCUSSION

- Costello: Please send soils report. How many soil nails? (response: 51 nails)
- Kane: How long are nails? Noise? Duration? I felt vibrations from Torrey Pines work. (response: est 3 nails/day, less 2 months full construction, length up to 33')
- Kane: Soil export (Response: 1 or 2 trucks max).

8/13/2019 – COMMITTEE MOTION

- Findings CAN (Costello/Kane)
- In Favor: Costello, Jackson, Kane, Leira, Welsh
- Opposed: 0
- Abstain: Will (as chair).
- Motion PASSES 5-0-1

3. PRELIMINARY REVIEW 8/13/2019

Project Name: Sierra CDP – 7421 Monte Vista Ave
 Permits: CDP
 Project No.: 638256 DPM: Xavier Del Valle
 Zone: RS-1-7 Applicant: Lindsay King
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/638256>

LA JOLLA - (Process 3) Coastal Development Permit to remodel the existing 1,400-SF single family residence, and constructing a 491-SF 2nd story addition with a 243-SF covered deck, and a 400-SF roof deck at a site located at 7421 Monte Vista Ave. The 0.06-acre site is in the RS-1-7 Zone and Coastal (Appealable Area) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Second story addition towards rear of building, existing is single story, flat and shingle roofing,
- No changes to existing grade, first floor only addition is the outboard structural columns to support the second floor.
- Adding bedroom, bathroom, and study. Plus deck and roof deck above second floor with roof planter to step back from neighbors.
- 5’-6” below Coastal Height Limit: Maintain ex 8’-2” first floor ceiling, 10’ ceiling second floor
- Continue existing material pallet, sand colored stucco, red tile, wrought iron, dark stained wood structural beams and rafter tails, patio columns.
- Only lot coverage increase is from second floor overhang
- Maximizing FAR at .7
- Project drains to landscape areas, minimal increase lot coverage should not create additional drainage. Stepping back at second floor.
- 3-3 and 5” on S.

8/13/2019 – PUBLIC COMMENT

- Sally Miller: Will they block any public views? (neighbor is already 2 story) no impact to westerly view.

8/13/2019 – COMMITTEE DISCUSSION

- Jackson: Does the deck look into any neighbors bathrooms. (cannot see into East or South neighbors, do not anticipate any privacy complaints)
- Leira: Second floor is dominant and stark, would like to see satellite photo with proposed second floor, addition could better “blend” with existing roof in front more gracefully, also please provide photo montage. (plantings provide stepback)
- Kane: add some vines, Wall around deck is mix of stucco and railing? (Yes, wrought iron front and left, stucco rear and right side) Please bring 3D from more angles.
- Costello: warning that wrought iron will rust
- Kane: what is across rear PL? (neighbors house is 1 story)
- Kane: suggested stained glass at octagonal window.

8/13/2019 – DELIVER FOR NEXT TIME

- Aerial photo, with proposed
- Photo montage of neighboring structures

- More 3D images
- Coming back next week

4. PRELIMINARY REVIEW 8/13/2019

Project Name: Scarano Companion – 1437 Virginia Way
 Permits: CDP
 Project No.: 634538 DPM: Xavier Del Valle
 Zone: RS-1-7 Applicant: Kim Grant
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/634538>

LA JOLLA - (Process 2) Coastal Development Permit to convert an existing 527 SF guest room into a companion unit on a site with an existing 2,248.8 SF single family residence at 1437 Virginia Way. The 0.25-acre site is in the RS-1-7 Zone and the Coastal (Non-Appealable 2) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Not historic, recently remodeled and made to look closer to original, existing guest room at alley.
- Now work to exterior, only work is to upgrade interior kitchen in unit, adding street tree as required.
- Clients live in adjacent home to North. They will rent.
- Cycle request to repair alley, applicant intends to argue against that.

8/13/2019 – PUBLIC COMMENT

- none

8/13/2019 – COMMITTEE DISCUSSION

- Costello: talked to neighbors (yes, no comments)

8/13/2019 – COMMITTEE MOTION

- Motion make final (Kane/Leira)
- In favor: Jackson, Kane, Leira, Welsh, Will
- Opposed: Costello
- Abstain: 0
- Motion FAILS 5-1-0

8/13/2019 – DELIVER FOR NEXT TIME

- Please reach out to neighbors and share plans (adjacent and across alley)
- Would like to return next week.

5. PRELIMINARY REVIEW 8/13/2019

Project Name: Israni Residence – 7310 Vista Del Mar
 Permits: CDP/SDP
 Project No.: 604651 DPM: Glenn Gargas
 Zone: RS-1-7 Applicant: John Dodge
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/604651>

LA JOLLA (Process 3) Coastal Development Permit and Site Development Permit to demolish existing single dwelling unit and construct new single dwelling unit for a total of 7,000 square feet located at 7310 Vista Del Mar. The 0.32 acre site is located in the Coastal (Appealable) overlay zone in the La Jolla Community Plan Area on Environmentally Sensitive Lands (ESL). Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Beachfront at Marine Street Beach
- Planning cycles closed out as well as CCC cycles.
- Emergency seawall (1983) did not go back for CDP, so coastal bluff is pushed back further into lot. Almost 20' back from existing glass wall and boundary of improved back yard.
- Working to 40' setback from that new bluff line determination
- Designed to 10' view corridor rather than minimum allowed.
- 3,500sf basement not all included in FAR. Maids quarters, two bedrooms, game room, opens towards coast
- Previous lots were split and consolidated. Existing results in very wide side yard
- Front yard terrace with lightwell to basement
- At grade patio in NW corner within bluff setback. 5' below street elevation.
- Coastal requiring low walls and pool to be removed.
- Existing house is as high but approx 2/3 as wide
- All drainage to sump pumped to street.
- Stone wood and stucco exteriors,

8/13/2019 – PUBLIC COMMENT

- Sally Miller: View corridors are in La Jolla community plan.
- Chris Freundt: Square Footage is 6800sf, 3800sf basement, Find the design and scale issues. House was shown on REBA caravan. (Applicant - intends to build this) neighbors concerned about size and walkout basement.
- Dana Young – community mostly Spanish small homes, concerned setback on South side is too little, prefer 5' setback.
- Ed Esquinazi (sp?) – echo Chris comments, seems massive.
- Dana Young – Thrilled return to natural bluff, where will gates be. Concerned wall in front of SW corner does not get built taller. (applicant willing to make that last item a condition)
- Julie Hamilton – Will the rip rap be removed, any fence requires a CDP so put it on your plans.

8/13/2019 – COMMITTEE DISCUSSION

- Leira: would like to see AC compressors addressed ahead of time so that view corridor does not get polluted by things that weren't thought out.
- Leira: How treating hardscape and Landscape? (Mix of tropical plants) Request site plan with hardscape, softscape, and permeable. (Part of front patio is roof over basement (impermeable), other planters and mix of permeable/impermeable.
- Leira: Aerial photo and context photos, like new architecture, but care about neighborhood fabric. Montage with adjacent buildings. Prefer to see as much permeable as possible, closest to existing drainage patterns.
- Kane: Colored landscape plan, not crazy about basements and light wells, bluff has failed, this site is overdue. Concerned about construction impact of basement and soil export
- Welsh: Context, would your client consider no fence on beach side
- Costello: Neighborhood character and transition to existing. Statistics on FAR, overall size, 6 homes in every direction. Averages and Standard Deviations. Would like to see increase setback for southerly neighbor.
- Fremdling: Proposed is far better looking than what is there now. Appreciate 10' view corridor. Existing is a fortress. 14,000sf lot is larger than neighbors. Neighborhood is eclectic, mix of architectural styles.
- Jackson: context, project is listed for sale.

8/13/2019 – DELIVER FOR NEXT TIME

- Satellite Photo, Neighborhood photos, street view montage
- Colored landscape plan with plant labels (species)
- Construction plan to manage work in narrow
- Statistics on FAR, overall size, lot sizes, 6 homes in every direction. Averages and Standard Deviations. How many homes have basements
- See character of 5 oceanfront homes
- Fence details
- Please color in all bluff boundaries and setbacks.

6. PRELIMINARY REVIEW 8/13/2019

Project Name: Stupin Residence – 5191 Chelsea St
Permits: CDP
Project No.: 633674 DPM: Xavier Del Valle
Zone: RS-1-7 Applicant: Tim Golba
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/633674>

LA JOLLA - (Process 3) Coastal Development Permit to demolish an existing single family residence, and construct a new 4,493-SF two-story single family residence with roof deck and attached garage at a site located at 5191 Chelsea Street. The scope of work also includes a 1,883-SF basement. The 0.183-acre site is located in the RS-1-7 zone and Coastal (Appealable) Overlay Zone within the La Jolla Community Plan area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Aerial and street context presented.
- Similar footprint to existing, maintain backyard with South sunlight.
- Fully buried basement, not daylighted.
- Second floor master and kids bedrooms.
- 3824 sf habitable, 1883sf basement, 669sf garage
- Modern farmhouse architecture.
- 3D renderings, pulled back from corner so as not to overwhelm.
- Roof deck pulled back and mostly hidden behind roof slope.
- City cycle issues cleared.
- Rolled curbs,
- Dead flat lot after first approx. 3' embankment at Chelsea.
- Existing has partial second floor, proposed will have full second floor
- No windows align with neighbors
- Permeable pavers

8/13/2019 – PUBLIC COMMENT

- Sally Miller: any fence in front yard? (applicant: nothing, low veg. only)
- John Bannon: resident immediately to East: don't like rooftop deck, deck looks into his kids bedroom. (applicant: roof deck is far from his yard).

8/13/2019 – COMMITTEE DISCUSSION

- Jackson, where are AC condensers, between proposed garage and neighbors garage.
- Welsh: light well safety, (flat grate not handrails)
- Costello: for 30 years there has never been a moment without at least one house under construction on that loop. The progression to present is currently the houses are much larger, longer lasting construction time. Currently five houses are under construction. Would request on exhibit A no construction on weekends, and please keep the porta-facilities regularly maintained. Dust mitigation please.
- Costello: discuss plans with neighbors. Discourage roof deck, very few people actually use them.
- Costello: appreciate softened corner.
- Costello: properties typically outlast the current owner
- Leira: look at coastal breezes, don't believe roof deck will be used.
- Welsh: are there metal roofs in the neighborhood (yes, some, Kynar finish no glare)
- Kane: Staging? (room to fit in rear yard due to L shaped lot)

8/13/2019 – DELIVER FOR NEXT TIME

- Diagonal section for view from deck to neighbors pool.
- Consider removing deck
- Wind patterns

- Construction impact mitigation on Exhibit A: no construction on weekends, maintain porta-facilities twice weekly, a dust mitigation plan.
- See you next week

7. PRELIMINARY REVIEW 8/13/2019

Project Name: La Jolla Mesa – 5911 La Jolla Mesa
 Permits: CDP/SDP
 Project No.: 639439 DPM: Xavier Del Valle
 Zone: RS-1-2 Applicant: Tripp Bennett
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/639439>

LA JOLLA - (Process 3) Coastal Development Permit and Site Development Permit for an addition to an existing 4,135 SF one-story single family residence over a basement at 5911 La Jolla Mesa Dr. The scope includes construction of a 1,175 SF master suite to the existing home, and a 907 SF companion unit over a basement. The 0.77-acre site contains ESL, and is in the RS-1-2 Zone and the Coastal (Non-APP. 1) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- The applicant requested to record this meeting. (no objection, applicant will share recording with Julie Hamilton)
- Building permit in place for existing one story, Active CCRs in place, CCRs don't allow second floor so project has to go out. Some back and forth with CCR jury, current clients have kids and want that extra footprint and accessory building. These were on the plans approved by CCR jury. They went back again to CCR jury and they were approved again.
- Site drops away from the street level.
- Addition at basement level. Single story at street level, then basement walk out and extends as single story at lower area where no floor above.
- FAR .21, 6,906 gross (includes all basement area), 33,815 lot size
- Roof deck from main street level, over extension of basement
- Detached companion unit even though no kitchen.
- Wood siding shingles and stone.
- Nothing proposed is taller than existing as viewed from neighborhood/street

8/13/2019 – PUBLIC COMMENT

- Julie Hamilton:
 - Portion of these lots is designated parks and open space, need to see boundary before anything else.
 - Requested no roof deck of applicant, if done, requested cable or glass rail.
 - Companion unit is now 8' taller than previously reviewed
 - Serial permitting is a concern
 - Concerned about their private views being blocked.
 - Months of review and concerned if there are changes, would like more time to review.
 - Previously, there was good communication, recent activity has had less communication.
 - Serial permitting even if a CDP still requires excess burden on neighbors
- John Frangos
 - LLC has owned this property since April 2016
 - Hillside review zone across my lot (per existing plans) would like to know where that line continues on subject property
 - CCRs/HOA: original plans were reasonable, then some more, then some more. Feb 2018 approval letter from CCR review, some elements have shifted since then.
 - Request story poles for latest revision of cabana.

- Pool has risen in height, requires massive earth movement. 11' higher?
- Would like to know more about drainage
- Concerned about roof deck

8/13/2019 – COMMITTEE DISCUSSION

- See deliverables only

8/13/2019 – DELIVER FOR NEXT TIME

- Land use open space designation boundary
- Hillside Review boundary
- Satellite image wider
- Cross section to demonstrate recent grading
- Section showing 6' solid front wall proposed
- Do not want to see HOA/CCR issues unless tied to staff cycles.
- Layman's exhibit on drainage

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE

LA JOLLA COMMUNITY PLANNING ASSOCIATION

Meeting Minutes – Tuesday Aug 20, 2019 – 4:00 pm
 La Jolla Recreation Center – 615 Prospect Street, Room 1
 La Jolla, California

1. *Public comments are an opportunity to share your opinion with the committee members. Comments should not be directed at the applicant team*
2. *Plans are available for in-depth review by contacting the project manager at the city's Development Services Department before the meeting.*
3. *Public comments will be strictly limited to 2 minutes per person. Please review the following meeting minutes. If another member of the public has already said the same thing tonight or at a previous meeting, please move on to new information. It is not necessary to repeat previous comments.*
4. ***Applicants: Please present your project as succinctly as possible. Speak clearly and CONCISELY.***

1. NON-AGENDA PUBLIC COMMENT

- Corey – Will write a story about “Lost La Jolla” most significant lost homes in LJ.

2. APPROVAL OF MEETING MINUTES

- Meeting Aug 13, 2019

3. FINAL REVIEW 8/20/2019

Project Name: Scarano Companion – 1437 Virginia Way
 Permits: CDP
 Project No.: 634538 DPM: Xavier Del Valle
 Zone: RS-1-7 Applicant: Kim Grant
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/634538>

LA JOLLA - (Process 2) Coastal Development Permit to convert an existing 527 SF guest room into a companion unit on a site with an existing 2,248.8 SF single family residence at 1437

Virginia Way. The 0.25-acre site is in the RS-1-7 Zone and the Coastal (Non-Appealable 2) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Not historic, recently remodeled and made to look closer to original, existing guest room at alley.
- Now work to exterior, only work is to upgrade interior kitchen in unit, adding street tree as required.
- Clients live in adjacent home to North. They will rent.
- Cycle request to repair alley, applicant intends to argue against that.

8/13/2019 – PUBLIC COMMENT

- none

8/13/2019 – COMMITTEE DISCUSSION

- Costello: talked to neighbors (yes, no comments)

8/13/2019 – COMMITTEE MOTION

- Motion make final (Kane/Leira)
- In favor: Jackson, Kane, Leira, Welsh, Will
- Opposed: Costello
- Abstain: 0
- Motion FAILS 5-1-0

8/13/2019 – DELIVER FOR NEXT TIME

- Please reach out to neighbors and share plans (adjacent and across alley)
- Would like to return next week.

8/20/2019 – APPLICANT PRESENTATION

- Rosa Lindsey, Owner spoke to neighbors. All neighbors had no objections

8/20/2019 – PUBLIC COMMENT

- none

8/20/2019 – COMMITTEE DELIBERATION

- none

8/20/2019 – COMMITTEE MOTION

- Findings CAN be made for the Coastal Development Permit to convert an existing 527 SF guest room into a companion unit (Welsh/Costello)
- In Favor: Costello, Fremdling, Jackson, Leira, Welsh
- Opposed: 0
- Abstain: Will (as chair)
- Motion PASSES 5-0-1

4. FINAL REVIEW 8/20/2019

Project Name: Sierra CDP – 7421 Monte Vista Ave
Permits: CDP
Project No.: 638256 DPM: Xavier Del Valle
Zone: RS-1-7 Applicant: Lindsay King
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/638256>

LA JOLLA - (Process 3) Coastal Development Permit to remodel the existing 1,400-SF single family residence, and constructing a 491-SF 2nd story addition with a 243-SF covered deck, and a 400-SF roof deck at a site located at 7421 Monte Vista Ave. The 0.06-acre site is in the RS-1-7 Zone and Coastal (Appealable Area) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Second story addition towards rear of building, existing is single story, flat and shingle roofing,
- No changes to existing grade, first floor only addition is the outboard structural columns to support the second floor.
- Adding bedroom, bathroom, and study. Plus deck and roof deck above second floor with roof planter to step back from neighbors.
- 5'-6" below Coastal Height Limit: Maintain ex 8'-2" first floor ceiling, 10' ceiling second floor
- Continue existing material pallet, sand colored stucco, red tile, wrought iron, dark stained wood structural beams and rafter tails, patio columns.
- Only lot coverage increase is from second floor overhang
- Maximizing FAR at .7
- Project drains to landscape areas, minimal increase lot coverage should not create additional drainage. Stepping back at second floor.
- 3-3 and 5" on S.

8/13/2019 – PUBLIC COMMENT

- Sally Miller: Will they block any public views? (neighbor is already 2 story) no impact to westerly view.

8/13/2019 – COMMITTEE DISCUSSION

- Jackson: Does the deck look into any neighbors bathrooms. (cannot see into East or South neighbors, do not anticipate any privacy complaints)
- Leira: Second floor is dominant and stark, would like to see satellite photo with proposed second floor, addition could better "blend" with existing roof in front more gracefully, also please provide photo montage. (plantings provide stepback)
- Kane: add some vines, Wall around deck is mix of stucco and railing? (Yes, wrought iron front and left, stucco rear and right side) Please bring 3D from more angles.
- Costello: warning that wrought iron will rust
- Kane: what is across rear PL? (neighbors house is 1 story)
- Kane: suggested stained glass at octagonal window.

8/13/2019 – DELIVER FOR NEXT TIME

- Aerial photo, with proposed
- Photo montage of neighboring structures
- More 3D images
- Coming back next week

8/20/2019 – APPLICANT PRESENTATION

- Presented requested items: Aerial, Photos of surrounding houses from roof, photo montage, add'l 3D views,
- Owner spoke to neighbors with 3 letters in support

8/20/2019 – PUBLIC COMMENT

- none

8/20/2019 – COMMITTEE DELIBERATION

- Leira: previous exhibit had awkward transition at balcony. This one looks better (Applicant: preferred to maintain continuous low wall at patio)
- Welsh: Maintain existing footprint (Applicant: only extends for structural posts)
- Leira: appreciate seeing the aerial, it is helpful to get oriented.
- Costello: like the exhibits

8/20/2019 – COMMITTEE MOTION

- Findings CAN be made for the Coastal Development Permit to remodel the existing 1,400-SF single family residence, and constructing a 491-SF 2nd story addition with a 243-SF covered deck, and a 400-SF roof deck (Costello/Jackson)
- In Favor: Costello, Fremdling, Jackson, Leira, Welsh
- Opposed: 0
- Abstain: Will (as chair)

- Motion PASSES 5-0-1

5. FINAL REVIEW 8/20/2019

Project Name: Israni Residence – 7310 Vista Del Mar
 Permits: CDP/SDP
 Project No.: 604651 DPM: Glenn Gargas
 Zone: RS-1-7 Applicant: John Dodge
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/604651>

LA JOLLA (Process 3) Coastal Development Permit and Site Development Permit to demolish existing single dwelling unit and construct new single dwelling unit for a total of 7,000 square feet located at 7310 Vista Del Mar. The 0.32 acre site is located in the Coastal (Appealable) overlay zone in the La Jolla Community Plan Area on Environmentally Sensitive Lands (ESL). Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Beachfront at Marine Street Beach
- Planning cycles closed out as well as CCC cycles.
- Emergency seawall (1983) did not go back for CDP, so coastal bluff is pushed back further into lot. Almost 20' back from existing glass wall and boundary of improved back yard.
- Working to 40' setback from that new bluff line determination
- Designed to 10' view corridor rather than minimum allowed.
- 3,500sf basement not all included in FAR. Maids quarters, two bedrooms, game room, opens towards coast
- Previous lots were split and consolidated. Existing results in very wide side yard
- Front yard terrace with lightwell to basement
- At grade patio in NW corner within bluff setback. 5' below street elevation.
- Coastal requiring low walls and pool to be removed.
- Existing house is as high but approx 2/3 as wide
- All drainage to sump pumped to street.
- Stone wood and stucco exteriors,

8/13/2019 – PUBLIC COMMENT

- Sally Miller: View corridors are in La Jolla community plan.
- Chris Freundt: Square Footage is 6800sf, 3800sf basement, Find the design and scale issues. House was shown on REBA caravan. (Applicant - intends to build this) neighbors concerned about size and walkout basement.
- Dana Young – community mostly Spanish small homes, concerned setback on South side is too little, prefer 5' setback.
- Ed Esquinazi (sp?) – echo Chris comments, seems massive.
- Dana Young – Thrilled return to natural bluff, where will gates be. Concerned wall in front of SW corner does not get built taller. (applicant willing to make that last item a condition)
- Julie Hamilton – Will the rip rap be removed, any fence requires a CDP so put it on your plans.

8/13/2019 – COMMITTEE DISCUSSION

- Leira: would like to see AC compressors addressed ahead of time so that view corridor does not get polluted by things that weren't thought out.
- Leira: How treating hardscape and Landscape? (Mix of tropical plants) Request site plan with hardscape, softscape, and permeable. (Part of front patio is roof over basement (impermeable), other planters and mix of permeable/impermeable.
- Leira: Aerial photo and context photos, like new architecture, but care about neighborhood fabric. Montage with adjacent buildings. Prefer to see as much permeable as possible, closest to existing drainage patterns.

- Kane: Colored landscape plan, not crazy about basements and light wells, bluff has failed, this site is overdue. Concerned about construction impact of basement and soil export
- Welsh: Context, would your client consider no fence on beach side
- Costello: Neighborhood character and transition to existing. Statistics on FAR, overall size, 6 homes in every direction. Averages and Standard Deviations. Would like to see increase setback for southerly neighbor.
- Fremdling: Proposed is far better looking than what is there now. Appreciate 10' view corridor. Existing is a fortress. 14,000sf lot is larger than neighbors. Neighborhood is eclectic, mix of architectural styles.
- Jackson: context, project is listed for sale.

8/13/2019 – DELIVER FOR NEXT TIME

- Satellite Photo, Neighborhood photos, street view montage
- Colored landscape plan with plant labels (species)
- Construction plan to manage work in narrow
- Statistics on FAR, overall size, lot sizes, 6 homes in every direction. Averages and Standard Deviations. How many homes have basements
- See character of 5 oceanfront homes
- Fence details
- Please color in all bluff boundaries and setbacks.

8/20/2019 – APPLICANT PRESENTATION

- Deliverables:
 - Neighborhood Density map, FAR as percent of allowed, project is not out of ordinary
 - Neighborhood FAR in absolute numbers
 - Lot sizes
 - Which homes have basements
 - Architectural style in neighborhood
 - Highlighted setbacks
 - Photos – character of oceanfront homes
 - Street view montage, everything along block is built 6-8'+ right on property line at sidewalk.
 - Neighborhood bulk is predominantly two story maximizing the lots
 - Colored Landscape plan

8/20/2019 – PUBLIC COMMENT

- Valerie Armstrong: Think it is huge house, concerned that currently short term rental, property for sale.
- Chris Freundt: exhibit of which homes are smaller than proposed basement.
- Dory Defranko: explain difference between 8.8 setback and 10' view easement (Applicant: we will be bound by 10' deed restriction). Plants in view easement? (nothing over 3') Concerned with existing structures to be demo'd were not permitted. (Applicant: tried best to design within rules and be considerate to neighbors) (LJ is unique in that there is code compliance patrol)
- Ellen Smith: Would like to see proposed superimposed on street montage.

8/20/2019 – COMMITTEE DELIBERATION

- Leira: would like to see rendering in street montage
- Will: please show proximity of second floor to sidewalk on existing vs proposed. (Applicant: demonstrated this, Both are within 12" height of each other. Except for stair tower and addition to the north, second floor is approximately the same as existing)
- Leira: Where is the similar modern house (on Dunemere, 3rd back from ocean)
- Welsh: Is old glass coming out at coast (Applicant: yes) Where is North neighbors corner at street (on PL)
- Will: where does West side look like 3 stories (Applicant: approx. 1/3 of building width, 24' wide)
- Welsh: How high above sand? (approx. 24')
- Leira: Talk to us about landscaping. (applicant responses below)
 - Replant West side to drought tolerant with NO supplemental irrigation, Native CA plants, all permeable.
 - Small deck at NW, likely with stone finish or sim. Permeable is an option.
 - Trees in front of house, owner prefers resort-like trees, purple orchid max 20', NZ Christmas, fruitless olive, with exception of palms, no trees taller than house. no trees in side view corridor.

- SW corner tree should be low enough that neighbor can see over.
- Will: explained GFA
- Leira how tall is basement (9'-9"). Prefer to have seen home superimposed on street view. Like overhangs, like openness.
- Welsh: How does house compare to existing palm. (visual improvement stepping back from PL)
- Costello: would like to see additional rendering.
- Jackson: Southern Elevation? Would like to see justification for basement. (Applicant: SW corner of house has countable basement, existing basement was excavated and permitted in 1985)
- Will: renderings are very difficult and not believe. We do this every month.

8/20/2019 – COMMITTEE MOTION

- Findings CAN be made for the Coastal Development Permit and Site Development Permit to demolish existing single dwelling unit and construct new single dwelling unit (Jackson/Fremdling)
- In Favor: Fremdling, Jackson, Welsh
- Opposed: Costello, Leira
- Abstain: Will (as chair)
- Motion PASSES 3-2-1

6. FINAL REVIEW 8/20/2019

Project Name: Stupin Residence – 5191 Chelsea St
 Permits: CDP
 Project No.: 633674 DPM: Xavier Del Valle
 Zone: RS-1-7 Applicant: Tim Golba
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/633674>

LA JOLLA - (Process 3) Coastal Development Permit to demolish an existing single family residence, and construct a new 4,493-SF two-story single family residence with roof deck and attached garage at a site located at 5191 Chelsea Street. The scope of work also includes a 1,883-SF basement. The 0.183-acre site is located in the RS-1-7 zone and Coastal (Appealable) Overlay Zone within the La Jolla Community Plan area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- Aerial and street context presented.
- Similar footprint to existing, maintain backyard with South sunlight.
- Fully buried basement, not daylighted.
- Second floor master and kids bedrooms.
- 3824 sf habitable, 1883sf basement, 669sf garage
- Modern farmhouse architecture.
- 3D renderings, pulled back from corner so as not to overwhelm.
- Roof deck pulled back and mostly hidden behind roof slope.
- City cycle issues cleared.
- Rolled curbs,
- Dead flat lot after first approx. 3' embankment at Chelsea.
- Existing has partial second floor, proposed will have full second floor
- No windows align with neighbors
- Permeable pavers

8/13/2019 – PUBLIC COMMENT

- Sally Miller: any fence in front yard? (applicant: nothing, low veg. only)
- John Bannon: resident immediately to East: don't like rooftop deck, deck looks into his kids bedroom. (applicant: roof deck is far from his yard).

8/13/2019 – COMMITTEE DISCUSSION

- Jackson, where are AC condensers, between proposed garage and neighbors garage.
- Welsh: light well safety, (flat grate not handrails)
- Costello: for 30 years there has never been a moment without at least one house under construction on that loop. The progression to present is currently the houses are much larger, longer lasting construction time. Currently five houses are under construction. Would request on exhibit A no construction on weekends, and please keep the porta-facilities regularly maintained. Dust mitigation please.
- Costello: discuss plans with neighbors. Discourage roof deck, very few people actually use them.
- Costello: appreciate softened corner.
- Costello: properties typically outlast the current owner
- Leira: look at coastal breezes, don't believe roof deck will be used.
- Welsh: are there metal roofs in the neighborhood (yes, some, Kynar finish no glare)
- Kane: Staging? (room to fit in rear yard due to L shaped lot)

8/13/2019 – DELIVER FOR NEXT TIME

- Diagonal section for view from deck to neighbors pool.
- Consider removing deck
- Wind patterns
- Construction impact mitigation on Exhibit A: no construction on weekends, maintain porta-facilities twice weekly, a dust mitigation plan.
- See you next week

8/20/2019 – APPLICANT PRESENTATION

- Site plan, “twice weekly porta potti cleaning, no working Saturday.”
- Wind and dust: dump truck on crystal to keep dust on street, not neighborhood and easier to keep clean. Will hang windsock on site. Will adjust as necessary.
- Roof deck issue:
 - Trimmed the roof deck back from north east edge, removed 1/3 area, continued mansard roof all sides
 - Section plus 25’ high drone photo, foliage blocks view of pool.
 - Roof deck is ONLY ocean view. Not just a needless addition.
- A little more light to neighbor at East, pulling back from (ex) two story

8/20/2019 – PUBLIC COMMENT

- John Bannon: concerned of seeing two story home. Appreciate change to roof deck. Wanted to confirm main floor is the same height as existing (applicant: yes)

8/20/2019 – COMMITTEE DELIBERATION

- Costello: anecdote of dust, neighbors construction team, covered their house in plastic to protect. Please make sure you select a conscientious contractor. “These are our neighbors and friends”. (applicant: contractor will provide phone number to neighbors)
- Costello: any effort to talk to neighbor to South (owner: there was a casual conversation but plans not reviewed)
- Jackson: should there be a neighborhood association
- Costello: would like to see other neighbor approached. (applicant willing to meet southerly neighbors before Sept CPA)

8/20/2019 – COMMITTEE MOTION

- Findings CAN be made for the Coastal Development Permit to demolish an existing single family residence, and construct a new 4,493-SF two-story single family residence with roof deck and attached garage (Jackson/Costello)
- In Favor: Costello, Fremdling, Jackson, Leira, Welsh
- Opposed: 0
- Abstain: Will (as chair)
- Motion PASSES 5-0-1

7. FINAL REVIEW 8/20/2019

Project Name: La Jolla Mesa – 5911 La Jolla Mesa
Permits: CDP/SDP
Project No.: 639439 DPM: Xavier Del Valle
Zone: RS-1-2 Applicant: Tripp Bennett
Project Info: <https://opendsd.sandiego.gov/Web/Projects/Details/639439>

LA JOLLA - (Process 3) Coastal Development Permit and Site Development Permit for an addition to an existing 4,135 SF one-story single family residence over a basement at 5911 La Jolla Mesa Dr. The scope includes construction of a 1,175 SF master suite to the existing home, and a 907 SF companion unit over a basement. The 0.77-acre site contains ESL, and is in the RS-1-2 Zone and the Coastal (Non-APP. 1) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- The applicant requested to record this meeting. (no objection, applicant will share recording with Julie Hamilton)
- Building permit in place for existing one story, Active CCRs in place, CCRs don't allow second floor so project has to go out. Some back and forth with CCR jury, current clients have kids and want that extra footprint and accessory building. These were on the plans approved by CCR jury. They went back again to CCR jury and they were approved again.
- Site drops away from the street level.
- Addition at basement level. Single story at street level, then basement walk out and extends as single story at lower area where no floor above.
- FAR .21, 6,906 gross (includes all basement area), 33,815 lot size
- Roof deck from main street level, over extension of basement
- Detached companion unit even though no kitchen.
- Wood siding shingles and stone.
- Nothing proposed is taller than existing as viewed from neighborhood/street

8/13/2019 – PUBLIC COMMENT

- Julie Hamilton:
 - Portion of these lots is designated parks and open space, need to see boundary before anything else.
 - Requested no roof deck of applicant, if done, requested cable or glass rail.
 - Companion unit is now 8' taller than previously reviewed
 - Serial permitting is a concern
 - Concerned about their private views being blocked.
 - Months of review and concerned if there are changes, would like more time to review.
 - Previously, there was good communication, recent activity has had less communication.
 - Serial permitting even if a CDP still requires excess burden on neighbors
- John Frangos
 - LLC has owned this property since April 2016
 - Hillside review zone across my lot (per existing plans) would like to know where that line continues on subject property
 - CCRs/HOA: original plans were reasonable, then some more, then some more. Feb 2018 approval letter from CCR review, some elements have shifted since then.
 - Request story poles for latest revision of cabana.
 - Pool has risen in height, requires massive earth movement. 11' higher?
 - Would like to know more about drainage
 - Concerned about roof deck

8/13/2019 – COMMITTEE DISCUSSION

- See deliverables only

8/13/2019 – DELIVER FOR NEXT TIME

- Land use open space designation boundary
- Hillside Review boundary
- Satellite image wider
- Cross section to demonstrate recent grading
- Section showing 6' solid front wall proposed
- Do not want to see HOA/CCR issues unless tied to staff cycles.
- Layman's exhibit on drainage

8/20/2019 – APPLICANT PRESENTATION

- Clients are here today.
- Reviewed requested Deliverables
 - Open space boundary (planners say to default to ESL, city will request a covenant of easement. "red" Overlay confirming line for ESL. Development within 5' proposed ESL line.
 - Hillside Review defers to "Steep Hillside" based on 25% for 50 feet or taller or 200% slope 10' tall.
 - Reviewed satellite views
 - Site sections: towards street and each longitudinal with neighboring homes shaded in. nothing proposed taller than street level. All down hill.
 - 6' solid wall replaced with 3' solid rock and 2' open on top. This is new and needs to go through CCR committee although less than previous. Trying to mimic neighbor. Wall is 2' back from PL with 2' planting.
 - Drainage: Collect and route to rip rap dissipator. Discharging to landscaped area.

8/20/2019 – PUBLIC COMMENT

- Julie Hamilton:
 - Development should minimize disturbance to hillside. Worried about natural features.
 - 10' between deck and edge of ESL. Building is further out than neighbor's buildings.
- Kiara O'Shea (owner): grade was going to hinder wishlist. Pool at grade would be 20'+ down from main house. Would not be used. Want to look for long-term livability.
- John Frangos: CCR approved plans have pool and cabana, it was fine with me. It was 5' lower. Disagrees with city determination of where open space line occurs.
- Stacy Kanaan: CCR juror and neighbor. Architect has been cooperative up until ... discussion of CCR approvals and private view concerns. Concerned about scale of project and harmony with neighbors. Will there be some way for neighbors to talk about it with applicant team?
- Ziegfried Reicht: what if everyone did that? No other structures go out that far
- Julie Hamilton: Began in 2016. Changes were being made and did not know until 11th hour. Would like to resolve this between neighbors.

8/20/2019 – COMMITTEE DELIBERATION

- Leira: consider less solid and more open front wall/fence.
- Leira: can you add pervious pavers around pool? (applicant's engineer: They are problematic)

8/20/2019 – DELIVER FOR NEXT PRESENTATION

- Discuss issues with neighbors
- Look at alternative to fit within slope like lowering the pool and cabana.

8. PRELIMINARY REVIEW 8/20/2019

Project Name: Playa del Sur TM
 Permits: TM/CDP
 Project No.: 630623 DPM: Xavier Del Valle
 Zone: RM-3-7 Applicant: Robert Bateman
 Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/630623>

LA JOLLA (Process 3) Tentative Map and Coastal Development Permit for the creation of 5 condominium units located at 290-298 Playa Del Sur Street. The 0.16-acre site is located in the RM-3-7 Zone and Coastal Overlay Zone (a portion of the lot located within the Appealable and Non-Appealable Area) within the La Jolla Community Plan Area, and Council District 1.

8/20/2019 – APPLICANT PRESENTATION

- Create condos for 5 units currently under construction.
- Previously recommended for approval in 2017.

8/20/2019 – PUBLIC COMMENT

- none

8/20/2019 – COMMITTEE DELIBERATION

- Leira: what is private and public areas? (applicant: these are more like townhomes) Undergrounding? (applicant: there are poles there but this project will underground) Condos used to have to agree not to oppose undergrounding. (applicant: it's more than that, we are already required to make our connections underground).
- Jackson: why condominium after and not during original CDP? Insurance driven?
- Welsh: no public spaces? (none, acting like individual homes)
- Leira: does city have requirement for public space in condos.
- Will: request committee to ask these condo questions during original presentation.

8/20/2019 – DELIVER FOR NEXT PRESENTATION

- Identify private/public space and treatment of common space. (applicant: there is none) How is it interpreted space between buildings.
- When is this street scheduled to underground. Will the applicant agree not to oppose undergrounding?

Attachments

SUGGESTED LETTER TO CITY - CODE REVISION UPDATE #13 - GARAGE TO CARPORT CONVERSIONS

TO: Renee Mezo, Project Manager RMezo@sanidiego.gov

CC: Council President Pro Tem Barbara Bry barbarabry@sanidiego.gov

RE: FOR INCLUSION IN THE #13 CODE REVISION UPDATE - COMPOSITION OF A CARPORT AND EXEMPTION FROM THE FAR

Dear Ms. Mezo,

The La Jolla Community Planning Association at its regular meeting August 1, 2019 adopted the following motion and requests that this be included in the 13th Code Revision Update
The La Jolla Community Planning Association recommends the following code edits to SDMC 113.0234(a)(6).

'The intent of this FAR exemption is to provide relief from FAR restrictions for a simple structure that provides overhead shelter for automobiles where the visual impact to the neighborhood is at a minimum. Carports shall be exempt from FAR if they are composed of a roof and post only with a maximum 4 posts. (up to 8"X 8" each) and no walls or doors/gates. The carport may be attached on one side only to the main house, any other "open parking structure" is countable as FAR.

Motion: Passed 14-0-1

Current Code

Article 3: Land Development Procedures Division 2: Rules for Calculation and Measurement (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

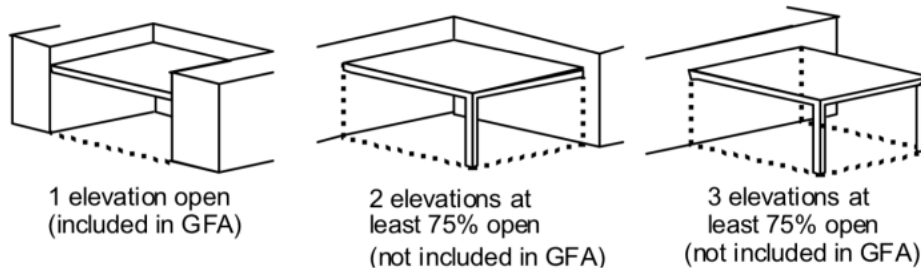
(6) Gross floor area includes on- or above-grade parking structures, garages, and carports that are constructed and maintained with less than two elevations of the element that are at

least 75 percent completely open, as shown in Diagram 113-02M, except where the parking structure design meets the exemptions identified in Section 113.0234(d)(3).

Diagram 113-02M

Garages/

Carports



Justification for Code Change

There is no promotion (or improvement) of neighborhood quality, character or livability that justifies the conversion of a garage to a carport as called out in §131.0403 Purpose of the RS (Residential--Single Unit) Zones.

Developers and City Staff have used an interpretation of the code and accompanying Diagram 113-02M to add square footage to the livable area of the house thus significantly increasing its bulk and scale. This results in negative impact on the surrounding neighborhood character.

Carports lack security, leading to their enclosure with screens, lattice, vines/bushes/plants and other barricades to make it more 'garage' like. These actions, often by subsequent owners who are not aware of the requirement to keep the carport 75% open, are not in keeping with the open design of a carport shown in LDC Diagram 113-02M. City staff is burdened with enforcing compliance for frequent and flagrant

disregard of this code section. Neighbors are turned into code compliance officers to police these activities, leading to unnecessary conflict and ill-will. Eliminating this provision of the code will increase property security, reduce bulk and scale, eliminate neighborhood conflict and reduce staff work related to non-compliance. Those desiring a cover over their automobile will be able to provide such within the guidelines addressed in the LJCPA motion.

Please advise La Jolla CPA Trustee Dave Ish dish@san.rr.com , (858) 750-0395 when this issue is going to be reviewed so that he can provide input on behalf of the CPA.

Thank you very much.

Best regards,

Tony Crisafi

President

La Jolla Community Planning Association

SUGGESTED LETTER TO CITY - CODE REVISION UPDATE #13 - SERIAL/COMBINATION PERMITS

TO: Renee Mezo, Project Manager RMezo@sandiego.gov

CC: Council President Pro Tem Barbara Bry barbarabry@sandiego.gov

RE: FOR INCLUSION IN THE #13 CODE REVISION UPDATE - SERIAL/COMBINATION PERMITS

Dear Ms. Mezo,

The La Jolla Community Planning Association at its regular meeting August 1, 2019 adopted the following motion and requests that this be included in the 13th Code Revision Update. Improvements to existing structures are exempt, except the demolition or removal of 50% or less of the exterior walls of the existing structures if the proposed application is received within 5 years of final inspection and receipt of an occupancy permit for the entire house of a previous 50% exempt remodel on the same structure. An exemption will be allowed within the 5 year time frame if 50% of the exterior walls of the original structure (as it existed 5 years ago) will still remain but it is subject to community review and the CDP process.”

Motion Passed: 14-0-1

Current Situation and Justification for Update

There appears to be no approved formal San Diego Municipal Code for ‘combination’ or ‘serial’ permitting for residential development.

There is reference to so-called ‘serial’ permitting in a DRAFT document Information Bulletin Coastal Demolition.

Under the ‘50% Rule’ no Coastal Development Permit and likewise no community review is required for ‘remodel’ projects where 50% or less of the exterior walls are removed.

Developers are taking full advantage of DSD allowing footprints of houses to be expanded by adding temporary exterior walls and using those walls to determine what constitutes 50% of “existing” walls. These walls are only constructed to expand the overall size of the house in advance of more extensive development.

The result is a totally new structure built with no community review. Additionally, the City and community is denied developer impact fees which would support infrastructure improvement.

In creating a building that is out of scale with the surrounding neighborhood, this practice is contrary to the intent of the San Diego Land Development Code Chapter 13: Zones, Article 1: Base Zones Section 131.0403 clearly states that the Purpose of the RS (Residential--Single Unit) Zones is to promote neighborhood character, quality and livability while minimizing adverse impacts to adjacent properties.

Please advise La Jolla CPA Trustee Dave Ish dish@san.r.rr.com , (858) 750-0395 when this issue is going to be reviewed so that he can provide input on behalf of the CPA.

Thank you very much.

Best regards,

Tony Crisafi

President

La Jolla Community Planning Association

DRAFT SCOOTER MORATORIUM LETTER

Honorable Kevin Faulconer, Mayor & Member of City Council:

The La Jolla Community Planning Association strongly supports our District 1 Councilmember Pro Tem Barbra Bry in her call for a moratorium on dockless scooters.

The CPA would have overwhelmingly voted to ban these nuisances from our community in July, had that option been available to the organization. Instead, to comply with the recent Dockless Scooter Ordinance, we were compelled to provide specific location for “corrals” in our pedestrian oriented commercial district. This was after we declined to locate corrals in residential neighborhoods due to citizen complaints. The CPA chose to conditionally approve approximately half of the 80 locations provided by the Transportation Department in light of community concerns. Nonetheless, our condition regarding geofencing to contain the scooters

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in specific locations before and after use has not been implemented, ordinance enforcement proves ineffective, and the “Get It Done” ap. to report scofflaws cannot be modified to reflect community needs in a timely manner. Our community continues to be endangered by recreational joy riders.

While a solution to “Last Mile” transportation is highly desirable, the Dockless Scooter isn’t it—at least not yet. Until the city can provide needed infrastructure, as outlined in our corral conditions, the city’s Scooter Ordinance as written does not adequately address community needs. We ask that the Mayor and City Council immediately suspend/rescind the Scooter Ordinance. We further support the issuance of an RFP to determine “best practices” for scooter integration into our city’s transportation system.

This would include analyzing where and how scooters are being used, who is using them and why; accident types, frequencies, cost and liability; and mode shift data. Full cycle energy costs—including scooter production, transportation from factory to consumer, daily staging and recharging costs, lifecycle expectancy and recycling potential—are critical to assess whether these devices are actually contributing to San Diego’s Climate Action Plan. Finally, investigation into the business model of using public space for private profit requires examination and alternatives. Only when these issues are thoroughly investigated, analyzed and discussed in a public forum will the community be able to determine whether Dockless Scooters are a viable form of public transportation or a fleeting fad.

We are dismayed with the city’s slow and ineffective response to this public safety crisis. We believe a “time out” would provide a much needed re-set to the current chaos in our public realm. Should San Diego eventually proceed with a Dockless Scooter program, we expect our public officials to negotiate tough parameters for their use with reputable providers and to have a viable and responsive enforcement mechanism to ensure public safety and quality of life in “America’s Finest City.”

La Jolla Community Planning Association

PO Box 889, La Jolla, CA 92038 ♦ <http://www.LaJollaCPA.org> ♦ info@LaJollaCPA.org

August 19, 2019

Herman Parker, Director

Park & Recreation Department

City of San Diego, MS37C

202 C Street

San Diego, CA 92101

Dear Mr. Parker,

Subject: Clean Children’s Pool

The La Jolla Community Planning Association requests that the city take action to clean the Children’s Pool & beach including the following:

1. Remedy the unsanitary condition of the beach per City of San Diego Environmental Impact Report.
2. Consider opening and restoring the sluice gates to the original design function to mitigate the buildup of sand and to flush the beach & pool of unhealthy bacteria levels.
3. Consider the pending application for the National Historic Designation of the pool & site in order to ensure adherence to the secretary of interior standards for National Historic Designation.
4. Report plan & progress to the community via the La Jolla Community Planning Association.

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Respectfully submitted for imminent action,
The La Jolla Community Planning Association
Tony Crisafi, President
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Sidewalk Vendor Regulations

Chapter 3

Business Regulations, Business Taxes,
Permits and Licenses

Article 6:

Division 1: Sidewalk Vendor

§36.0101 Title

This Division shall be known as the Sidewalk Vendor Ordinance. This Division regulates sidewalk vendors in the public right-of-way.

§36.0102 Definitions

The following words and phrases whenever used in this Division shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) Above ground structure means any structure affixed to a sidewalk including street lights, tree wells, parking meters, utility structure, utility boxes, bike racks, scooter corrals, newspaper racks and public benches, tables, walls, and stairs.

(b) Ballpark District means 6th Avenue through 14th Street between Market Street, Harbor Drive and Commercial Street in downtown.

(c) Beach access points means public stairways, ramps, seawalls and other physical access points to the beach.

(d) Business Tax Certificate means a tax certificate issued by the City Treasurer pursuant to Chapter 3, Article 1 of this Code.

(e) City Sports Facilities means any of the following facilities that are owned, operated, managed, or leased by the City: the multipurpose

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sports structure located in Mission Valley in the City of San Diego currently known as SDCCU Stadium; the open-air baseball facility, located in East Village in the City of San Diego currently known as Petco Park; the indoor arena located in Point Loma in the City of San Diego currently known as Pechanga Arena.

(f) Conveyance means any non-motorized wheeled device used to carry persons or property and includes pushcarts, pedal-driven carts, wagons.

(g) Encroachment Permit means any permit issued for encroachment on the public right-of-way including public right-of-way enhancement program permits, right of way permits, but excluding permits for hardscape improvements.

(h) Goods means goods, wares, personal property, merchandise or any

other similar item which is generally sold.

(i) Hardscape mean paving material including tiles mortared pavers, wood timbers, colored or patterned concrete with a tile, brick, or stone appearance, or a paving material with enhanced concrete that has an exposed aggregate, colored, or salt finish.

(j) Heavily Trafficked Sidewalk means Fifth and Fourth streets between Broadway and Harbor Drive located in downtown in the City of San Diego; Kettner Blvd., India Street and Columbia Street from Beech Street to Laurel Street located downtown in the City of San Diego, Imperial Ave. from Park Blvd.. to 17th Street. located downtown in

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the City of San Diego, San Diego Ave. between Conde Street and Twiggs Street in Old Town in the City of San Diego; Newport Ave from Abbott Street to Sunset Cliffs Blvd in Ocean Beach; Ventura Place from Mission Blvd to Ocean Front Walk in Mission Beach; Garnet Ave from Ocean Front Walk to Cass Street in Pacific Beach; Coast Blvd from Cave Street to Coast Blvd South in La Jolla.

(k) Individual means a natural person at least eighteen years of age.

(l) Loading zone means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(m) Major transit stop means a site that contains any of the following: an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

(n) Permittee means the authorized recipient of a duly issued vending permit.

(o) Permitted Event means any event that has a special event permit, park use permit, or lake use permit including farmers markets, street fairs, races, and private events.

(p) Portable cooking equipment means any flammable-gas-fueled appliance used to heat, cook, or prepare food or beverages on a sidewalk vendor conveyance.

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(q) Public nuisance has the same meaning as stated in Municipal Code Section 11.0210.

(r) Public park means any property designated, dedicated or developed by or on behalf of the City of San Diego for park or open space use.

(s) Public right-of-way means a public easement for streets, alleys, or other uses, other than a sidewalk.

(t) Residential means any street, block, or area occupied predominantly by private residences.

(u) Roaming sidewalk vendor means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

(v) School means an institution of learning that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

(w) Sidewalk means a paved or hardscaped path or walkway owned by the City or other public entity that is specifically designed for pedestrian travel. It excludes any area primarily designed for use by vehicles, bicycles, the conveyance of storm water, planted with landscaping, or primarily consisting of dirt or sand.

(x) Sidewalk vendor means a person who sells food, beverages or goods from vending equipment or from one's person, upon a public sidewalk.

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It includes both roaming sidewalk vendors and stationary sidewalk vendors.

(y) Summer Moratorium means the calendar days between the Saturday prior to Memorial Day and the preceding Saturday and Sunday through Labor Day.

(z) Stationary sidewalk vendor means a sidewalk vendor who vends from a fixed location.

(aa) Vend or vending means an offer to sell or the sale of food, beverages or goods, expose or display for sale, solicit offers to purchase, or to barter goods, food or beverages, or to require someone to negotiate, establish or pay a fee before providing goods, food or beverages, even if characterized as a donation, on a public street, alley, highway, parking lot, sidewalk, or public right-of-way.

(bb) Vending equipment means any conveyance, table, stand, display, showcase, rack, or any other free-standing equipment used for sidewalk vending purposes.

(cc) Vending permit means a written City of San Diego approval required prior to vending.

§36.0103 Vending Permit Requirement

(a) All sidewalk vendors must obtain a vending permit prior to vending on any sidewalk. Permits shall be issued by the or designee, unless otherwise specified in the San Diego Municipal Code.

(b) A vending permit shall be valid for one calendar year from the date of

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issuance and must be renewed annually. A vending permit may only be issued to an individual and shall not be sold, assigned or transferred. A vending permit that is sold, assigned, or transferred is void.

(c) To obtain a vending permit, an applicant must submit the following information on a permit application form provided by the City's Finance Department:

- (1) The name, address and telephone number of the applicant;
- (2) Proof of valid, government-issued identification (i.e., driver's license, state identification card, taxpayer identification number, social security card, birth certificate or passport);
- (3) If the sidewalk vendor is an agent of a company, partnership, or corporation, the name and business address of the principal.
- (4) A current valid business tax certificate;
- (5) Proof of a valid California Department of Tax and Fee Administration seller's permit that notes the City of San Diego as a location or sub-location, which shall be maintained for the duration of the vendor's permit;
- (6) For those sidewalk vendors selling food, proof of a valid San Diego County Health Certificate and San Diego County Food Handlers Card;
- (7) A certification by the vendor that to his or her knowledge and belief, the information contained on the form is true.

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- (8) Such other information as the City Manager or designee deems reasonably necessary to administer this Division.
- (9) Each vending permit application shall be accompanied by a nonrefundable permit fee as established by resolution of the City Council.

(d) Separate Application Required

A separate application is required for each individual who intends to vend even if the individual:

- (1) is employed or engaged by another individual or a business; or
- (2) will use vending equipment which another individual or a business owns.

(e) Release and Indemnification Requirements

(1) If the City issues a permittee a vending permit, as a condition of such permit issuance, permittee agrees to waive and release the City and its officers, agents, employees and volunteers from and against any and all claims, costs, liabilities, expenses or judgments including attorney's fees and court costs arising out of any vending activities or any illness or injury resulting therefrom, and hereby agrees to indemnify and hold harmless the City from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the City or its employees.

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(2) If the City issues a permittee a vending permit, as a condition of such permit issuance, permittee further must acknowledge that the use of any sidewalk is at the sidewalk vendor's own risk, the City does not take any steps to ensure any sidewalk is safe or conducive

to the vending activities, and the sidewalk vendor uses the sidewalk at his or her own risk.

§36.0104 Permit Denial and Revocation

(a) Any false or misleading statements or information provided in a vending permit application shall be grounds for denial of the application and/or imposition of penalties as outlined in accordance with this Division.

(b) A vending permit application shall be denied if the applicant has had a prior vending permit revoked within the past 36 calendar months. A vending permit shall be revoked or denied for any of the following reasons:

(1) False information or facts supplied by the applicant upon which the issuance of the vending permit was based;

(2) Failure of the applicant to promptly notify the City Manager or designee of any material changes to the facts provided in a vending permit application subsequent to the issuance of a vending permit;

(3) Repeated failure of the applicant to comply with the regulations set forth in this Division;

(4) Violations of other local, state, or federal laws while operating

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as a sidewalk vendor including through the use of any vending equipment for the commission of such violations that demonstrate endangerment of public health or safety.

(c) If the application is for the renewal of a vending permit, the applicant must pay all previous administrative fines, completed all community service or completed any other alternative disposition associated in any way with a previous violation of this Division.

(d) Revocation of a vending permit shall be served in writing no less than 30 calendar days before revocation to the address listed on the initial application or to any subsequent address provided to the City by the permittee.

(e) Any applicant whose application for a vending permit is denied or whose permit is revoked may appeal such decision to the City Manager or designee by filing a written notice of appeal within 10 calendar days after receipt of the notice of denial or revocation. The City Manager or designee shall review and render a decision on the appeal within 90 calendar days. The decision made by the City Manager or designee shall be final.

§36.0105 Sidewalk Vending Generally

(a) Sidewalk Vendors must visibly display their sidewalk vending permit at all times when vending including any photo identification issued by the City.

(b) Vending activities on residential blocks may only occur between the hours of 8:00 a.m. and sunset.

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(c) Vending activities on non-residential blocks may only occur between the

hours of 8:00 a.m. and 10:00 p.m. or the hours of operation imposed on other businesses on the same street block, whichever is least restrictive.

(d) A vending permit does not provide an exclusive right to operate on any sidewalk or portion thereof.

(e) No vending shall take place except on a sidewalk in accordance with the provisions of this Division or pursuant to the issuance of a City permit under the Code.

(f) Any minor assisting with or engaged in vending must be physically accompanied by an individual with a valid vending permit. Any and all actions of the minor including any violations committed by the minor are attributable to the individual with a valid vending permit.

(g) Only roaming vendors may operate in residential areas.

(h) Sidewalk vendors are responsible for ensuring that the 10-foot area immediately surrounding the vending space is kept clean and free of trash and debris associated with their vending operation.

(1) All sidewalk vendors must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public.

(2) Sidewalk vendors shall not dispose of customer trash in existing trash receptacles on sidewalks.

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(i) Sidewalk vendors engaged in the vending of food or beverages must have hand sanitizer located in a conspicuous location readily available for use by customers.

(j) Sidewalk vendors are prohibited from displaying any goods, food, or beverage for sale on the ground or on any above ground structure.

(k) No vending shall take place in a parked vehicle or to any individuals traveling within motor vehicles along a public roadway.

(l) A sidewalk vendor is prohibited from leaving vending equipment or goods unattended at any time.

(m) A sidewalk vendor is prohibited from connecting to an external source of power, water, or any other utilities while located on public property.

(n) To maintain accessibility standards, every sidewalk vendor must ensure that no obstruction is placed on the sidewalk that would reduce the width of the sidewalk to less than forty-eight (48) inches, except for the temporarily brief duration of time for a roaming sidewalk vendor to conduct a sale. Notwithstanding the forgoing all sidewalk vendors must immediately move to provide broad access to the sidewalk so as not to impede the flow of pedestrian or other traffic.

(o) No stationary vendor shall be located on a sidewalk less than six (6) feet in width.

§36.0106 Vending Locations

(a) No roaming vendor shall stop to make sales and no stationary sidewalk

vending of any kind shall take place, in the following locations:

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(1) In the public right-of-way or any area that blocks pedestrian or vehicle access;

(2) Any public property that does not meet the definition of a sidewalk, including but not limited to any alley, beach, pier, square, street, street end;

(3) Any parking lots;

(4) On any slope greater than five (5) percent;

(5) Any location that obstructs traffic signals or regulatory signs;

(6) The Ballpark District on event and game days;

(7) Within 18 inches from the edge of a curb;

(8) Within 5 feet of any:

a. fire hydrant or fire escape;

b. Above ground structure.

(9) Within 15 feet of any:

a. other sidewalk vendor;

b. intersection, driveway or building entrance, or within any space designed for vehicular parking;

c. Heavily trafficked sidewalk;

d. any beach access points;

e. loading zone, bus stop, parking space or access ramp designed for persons with disabilities;

f. outdoor dining or patio area

g. public restroom;

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h. location with a valid encroachment permit displayed.

(10) Within 25 feet of:

a. Any fire lane;

(11) Within 100 feet of:

a. The vehicle entrance of any fire station, police department, hospital, lifeguard station or any other structure dedicated to health and safety emergency matters;

b. Any major transit stop;

c. Any City street or sidewalk closures.

(12) Within 500 feet of:

a. Any permitted event;

b. Any school while children are going to or from the school, during a recess period or within 30 minutes before or after the school's opening or closing hours;

c. The Convention Center, located on Harbor Drive, on convention days;

d. City Sports Facilities on event and game days.

(b) A roaming sidewalk vendor shall not vend on any exclusively residential street block for longer than 60 minutes at any given time.

(c) Vending activities are prohibited in the following locations: Sunset Cliffs Natural State Park; Ocean Front Walk in Mission Beach, Pacific Beach; La Jolla Shores Boardwalk.

§36.0107 Vending in Public Parks and Beach Areas

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Vending activities in public parks and beaches must also comply with the following:

(a) Vending shall be permitted between 8:00 am and sunset in public parks and beach areas.

(b) The City Manager has the authority to enact rules and regulations to prohibit vending in any space which would obstruct, damage or otherwise adversely affect the public's use and enjoyment of natural resources and recreation opportunities or contribute to an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the public park.

(c) Vending activities that adversely affect the health, safety and welfare of persons engaged in active sports activities and spectators of active sports activities are prohibited.

(d) Stationary sidewalk vendors shall not be allowed within any area of a public park if the park operator has signed an agreement for concessions that exclusively permits the sale of food or goods by a specified concessionaire.

(e) Vending activities are prohibited in the following locations in Balboa Park: the 25-foot area surrounding the Botanical Building and Lily Pond, El Prado, Village Place, Pan American Way, Presidents way, the Prado, and all covered walkways.

(f) Sidewalk vendors may need to obtain an additional park sales permit to vend in the following parks: Balboa Park, Mission Bay Park, Ocean Beach

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Park, Mission Beach Park, Scripps Ellen Browning Park, Kellogg Park, Ocean Boulevard Park; South Mission Beach Park, and Torrey Pines City Park.

(g) Vending is prohibited during the Summer Moratorium in Balboa Park, Mission Bay Park, Presidio Park, Belmont Park and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla,

§36.0108 Sidewalk Vending Equipment and Goods

(a) Notwithstanding any specific requirements of this Article, no sidewalk vendor shall use vending equipment in such a way as to endanger the safety of person or property or to cause a public or private nuisance.

(b) Sidewalk vendors are prohibited from displaying food or goods directly on the ground.

(c) No sidewalk vendor shall occupy a space exceeding six feet in length and four feet in width including vending equipment but excluding the space the sidewalk vendor's physical body occupies.

(d) No portion of the vending equipment may extend or overhang more than 4", unless the extended object is located 27" or less from the ground.

(e) Sidewalk vendors are forbidden from using sound-making devices in conjunction with vending, including but not limited to loudspeakers, public address systems, bells, chimes or other noise-making devices.

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(f) Sidewalk vendors are prohibited from erecting freestanding structures adjacent to vending activities, including but not limited to signs, umbrellas, ice chests, chairs, tables or benches.

(g) No vending equipment shall be attached to or make contact with any utility pole, street sign, bus stop, trash can, traffic pole or any other public structure.

(h) Roaming sidewalk vendors are prohibited from using any portable cooking equipment, flammable-gas-fueled appliance, or any open flame.

(i) All sidewalk vendors are prohibited from:

(1) deep fat frying;

(2) Using portable generators;

(3) Using outdoor wood burning ovens or charcoal barbecues;

(4) Using gasoline or kerosene.

(j) Stationary sidewalk vendors may use portable cooking equipment in accordance with the following:

(1) Operate a minimum of 20 feet from any permanent structure and a minimum of 30 feet from a grass, grain, brush, or forested covered area.

(2) Not leave portable cooking equipment unattended while in use.

(3) Not wear loose-fitting clothing when cooking.

(4) Not smoke while operating the portable cooking equipment.

(5) Regularly clean the portable cooking equipment and remove grease and food buildup.

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(6) Only propane, natural gas, and butane cylinder tanks shall be used.

(7) Each tank used or stored on the conveyance must be 20 gallons or less. A sidewalk vendor may have up to two 20-gallon tanks on a conveyance.

(8) Tanks must be stored in an upright position during use and positioned in such a way as to prevent it from falling, tipping, and tampering.

(9) Tanks must be disconnected while the conveyance is in transit or not in use.

(10) Tanks must have a shut-off valve and a pressure regulator. Hoses must be of an approved type of use with the equipment. A sidewalk vendor must test all connections to the tank for potential leaks using soap and water before each use.

(11) Any conveyance that stores a tank must have two ventilations openings on opposite sides at the cylinder valve level and at least

one ventilation opening required at the floor level. Each opening shall be a minimum of 10 square inches, screened with a minimum 16 mesh and shall vent to the exterior of the conveyance.

(12) Conform to the following fire extinguisher Requirements:

(i) Keep an easily accessible, properly charged and maintained 10 BC-rated fire extinguisher on the conveyance at all times and know how to use it. The sidewalk vendor must ensure the extinguisher has been serviced within the last 18

year and have a California State Fire Marshal service tag attached to it.

(ii) Mount the extinguisher securely to the vending equipment.

(iii) Locate the extinguisher away from the cooking area.

(k) Sidewalk vendors are prohibited from selling the following goods: alcoholic beverages; tobacco or electronic vaping products; smoking and drug related paraphernalia; cannabis products; weapons, including knives, guns, or explosive devices; BB devices and imitation firearms; pharmaceuticals; or other products prohibited by local, state and federal laws.

§36.0109 Penalties and Fines

(a) Any violation of this Division by any individual holding a valid vending permit shall be punished as follows:

(1) An administrative citation and \$100 penalty for a first violation.

(2) An administrative citation and \$200 penalty for a section violation within one year of the first violation.

(3) An administrative citation and \$500 penalty for a third and each subsequent violation within one year of the first violation.

(b) Any person found vending without a vending permit, if required pursuant to Section §36.0103, shall immediately cease vending and the activity is punishable by the following in lieu of the administrative fines set forth in subdivision (a):

(1) An administrative fine of \$250 for a first violation.

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(2) An administrative fine of \$500 for a second violation within one year of the violation.

(3) An administrative fine of \$1,000 for a third violation within one year of the first violation.

(4) An administrative fine of \$1,000 for each subsequent violation within one year of the first violation and impoundment of vending equipment pursuant to Section §36.0111 of this division.

(5) If vendor provides proof of a valid vending permit issued by the City within 60 calendar days of violation, the administrative fines shall be reduced to the administrative fine schedule set forth in subdivision (a).

(c) Any sidewalk vendor, owner or operator who fails to pay an administrative

fine pursuant to subdivisions (a) and (b) of this section shall not be charged with an infraction or misdemeanor; additional fines, fees, assessments or any other financial conditions beyond those authorized in Subdivisions (a) and (b) of this section shall not be assessed.

§36.0110 Vending Permit Revocation

(a) The issuance of four or more administrative citations or verifiable Municipal Code violations related to sidewalk vending within a 12-month period shall result in revocation of all vending permits pursuant to this division.

(b) Vending permit revocation is subject to a 30-day prior written notice. A permittee may appeal such decision to the City Manager or designee by 20

filing a written notice of appeal within 10 calendar days after receipt of the notice of denial or revocation. The City Manager or designee shall review and render a decision on the appeal within 90 calendar days. The decision made by the City Manager or designee shall be final.

(c) In the event a vending permit is revoked, an application to reestablish any vending permit pursuant to this division shall not be accepted for a minimum period of 36 months from the date the prior vending permit was revoked.

§36.0111 Impounding of Vending Equipment

(a) In addition to the administrative fines taken pursuant to Section §36.0109 above, any enforcement office as defined in the San Diego Municipal Code Section XXXXXX, may, upon an individual's fourth or greater violation of this division, impound vending equipment and any perishable or non-perishable goods therein.

(b) Any owner of impounded vending equipment or any perishable or nonperishable goods may, within 10 days, request an administrative hearing before a hearing office appointed by the City.

(c) By 5:00 p.m. on the next business day following impoundment, a violator will be contacted regarding the details given in the impoundment citation. The equipment will then be released to the owner provided that proper proof of ownership is presented, and the City receives payment in full of all administrative costs incurred as a result of the violation. Any unclaimed items will be considered abandoned and forfeited to the City after 90 days following impoundment.

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§36.0112 Applicability

(a) Nothing in this Division prevents the full enforcement of violations of other local, state and federal laws consistent with state laws regulating vending on the sidewalk.

(b) Sidewalk vendors are a health-regulated business subject to Section 42.0102. This division does not affect the regulation of mobile food trucks as described in Section 141.0612, sales out of vehicles as described in Section 54.0122 or farmers' markets as described in Section 141.0503.

(c) All individuals engaged in vending subject to the provisions of this

Division must comply with the aggressive solicitation prohibitions contained in Chapter 5, Article 2, Division 40 of this Code.

§36.0113 Non-Applicability

(a) The following persons, entities or activities are exempt from the requirements of this Division:

(1) Any vendor or individual engaged solely in artistic performances, free speech or petitioning activities;

(2) Agencies of any federal, state or local governments;

§36.0113 Vending that Constitutes an Imminent and Substantial Safety Hazard

The City may request any sidewalk vendor to leave the premises or to remove any vending equipment, food, beverages, or goods if such sidewalk vendor is creating an imminent and substantial safety hazard by the location of the vending equipment or the nature of the food, beverages, or goods being offered for sale. If the sidewalk vendor refuses to leave the premises or to remove any vending
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equipment food, beverages, or goods constituting an imminent and substantial safety hazard, the City may impound the vending equipment or the goods being offered for sale. Any vending equipment or goods that have been impounded will **be subject to the provisions of Section 36.0111.**