

# La Jolla Community Planning Association

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

Contact Us:

Mail: PO Box 889, La Jolla, CA 92038

Web: [www.lajollacpa.org](http://www.lajollacpa.org)

email: [info@lajollacpa.org](mailto:info@lajollacpa.org)

President: Tony Crisafi

Vice President: Matt Mangano

2<sup>nd</sup> Vice President: Dave Gordon

Secretary: Suzanne Weissman

Treasurer: Mike Costello

## DRAFT AGENDA –

Regular Meeting | Thursday, 06 February 2020 – 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. Public & trustee comment will be limited to 2 minutes.
- C. Comments will be directed to the project or matter stated in third person for the purpose of respect & clarity
- D. Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- E. Chair will alternate order of trustee comment. Upon consensus, Chair will close discussion and call for a motion.
- F. Please notify chair of any organized public presentation requests one week 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 06 January 2020 – Regular meeting minutes

*If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's*

*Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.*

**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

MEMBERSHIP COMMITTEE

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. Projects may be pulled from consent agenda by anyone present. Items will be moved to full review at the present of following regular LJCPA meeting.

**4.1 – Proposal for diagonal parking on Eads Ave. between Rushville & Genter Streets**

**T&T Motion to deny proposal 7-0-1**

**4.2 – Review of Valet Service Permit for La Plaza Building – Recommend reduction of four parking spaces to two white spaces and change the signage to reflect clear instructions on where to park in front of La Jolla Plaza Building – 7863 Girard Ave. @ Wall St.**

**T&T Motion to accept recommendation to reduce white parking spaces 5-3-0**

**4.3 – Said Residence - 7834 Esterel Dr. – Project No. 646224, Process 3, SDP for the addition to an existing single family residence consisting of 945 s.f. to basement, 551 s.f. to first floor and a new detached 1,200 s.f. companion unit over 546 s.f. of basement parking. The .49 acre site is located in the La Jolla Shores Planned District Zone base zone of the La Jolla Community Plan Area, Council District 1.**

**PRC motion to approve 7-1-0**

**4.4 – 7760 Herschel Ave. – Project No. 632775, Process 3, CDP & TM for the construction of a four residential unit condominium building for a total of 14,817 s.f. of construction on a vacant lot. The 0.16 acre site is located in the LJP2-2 basezone of the Coastal (non-appealable) overlay zone of the La Jolla Community Planning Area, Council District 1.**

**DPR motion to approve 3-1-1**

**4.5 – Municipal Code Update – Recommendations for the upcoming 2020 Municipal Code Updte. Identify items/deficiencies in the land development code that do not serve the community. Draft a letter on behalf of the CPA (for CPA ratification), outlining key areas requiring code updates and possible corrections.**

**DPR motion to approve 4-0-1**

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.

## **5.0 Officer Reports:**

### **5.1 Treasurer - Mike Costello's report – See attachment 1**

### **5.2 Secretary**

#### **5.2.1 Membership committee report**

## **6.0 Elected Officials – Information Only**

### **6.1 Council District 1: Councilmember Barbara Bry.**

Rep: **Steve Hadley**, 619-236-6611, [srhadley@sandiego.gov](mailto:srhadley@sandiego.gov)

### **6.2 78<sup>th</sup> Assembly District: Assembly member Todd Gloria**

Rep: **Mathew Gordon** 619-645-3090 [mathew.gordon@asm.ca.gov](mailto:mathew.gordon@asm.ca.gov)

### **6.3 39<sup>th</sup> Senate District: State Senator Toni Atkins, Senate President pro Tempore**

Rep: **Miller Saltzman**, 619-645-3133, [Miller.Saltzman@sen.ca.gov](mailto:Miller.Saltzman@sen.ca.gov)

## **7.0 President's Report – Information only unless otherwise noted**

### **7.1 Annual trustee election will be held on March 5, 2020. Announcement, item 10.1**

### **7.2 La Jolla Community Foundation invites Community Planning Group members to view**

**And discuss the Streetscape Plan – the village of La Jolla improvements – on Thursday, March 5th from 4:00 to 6:00at the La Jolla Recreations Center. A short presentation will be made at the LJCPA meeting.**

## **8.0 Public Comment**

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

### **8.1 City of San Diego – Community Planner: Marlon Pangilinan, [mpangilinan@sandiego.gov](mailto:mpangilinan@sandiego.gov)**

### **8.2 UCSD - Planner: Anu Delouri, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu),**

### **8.3 General Public**

## **9.0 Non-Agenda Trustee Comment**

Opportunity for trustees to comment on matters not on the agenda, 2 minutes or less

## **10.0 Reports from Election Committee, Ad Hoc and non-LJCPA Committees - Information only unless noted.**

**10.1 Elections Committee, Kathleen Neil** - Election Committee Announcement: There are 7 Open Trustee seats; six 3-year terms expiring in 2023, and one 2-year term. Nancy Manno, Chair. The chair will announce the names of those members who have declared their candidacy. Others who have attended three LJCPA meetings from March 2019 through this evening may declare their candidacy until gavel down tonight. The election will be held from three to seven PM on March 5, 2020 in the Irving Gill Room of this building. Photo identification will be required. All those current members listed as having an expiration date of 2/29/2020 will be removed from the membership if they have not attended in the months beginning March

2019 to tonight. They will not be able to vote next month. New members joining tonight will have an expiration date of February 28, 2021. Interested candidates may speak for 2-minutes each.

- 10.2 Community Planners Committee, Dave Gordon
- 10.3 Coastal Access & Parking Board
- 10.4 UC San Diego advisory Committee
- 10.5 Hillside Drive Ad Hoc Committee – Diane Kane, Chair
- 10.6 Airport Noise Advisory Committee – Matthew Price
- 10.7 Playa Del Norte Stanchion Committee

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.

**6:45 11.0 – LJCPA Review and Action Matter – 11.1 – 11.3**

**11.1 – Presentation from Vanessa Mapula Garcia representing SDG&E – Franchise renewal agreement with the City of San Diego.**

**11.2 – Matthew Vasilakis from Climate Action Campaign, presents on an alternative to SDG&E - a non profit public power agency with 100 renewable energy called Community Choice Energy who's goal is to secure a franchise agreement with SDG&E. email dated Dec 17, 2019 in my inbox.**

**11.3 – Follow up the misinformation of beach erosion advertisements**

Reply to CPA letters regarding beach erosion advertisements and additional information. Reply included link to newly created website [www.saveoursand.org](http://www.saveoursand.org). Save Our Sand organization seems to be promoting the single option of building a series of groins to collect sand along the coast. They encourage contacting your political representatives via an automatic link. They do not seem to be promoting the discussion and debate on the best ways to protect the coast in light of the effects of rising sea levels. Regarding the funding of both the full page advertisements, the webpage and perhaps the Save Our Sand organization itself, comes from Decapod, LLC a Delaware corporation with one member, namely Christy R. Walton. It appears that Ms. Walton resides in San Diego area and supports numerous organizations including the San Diego Natural History Museum and the Mingei International Museum. Ms. Walton is an heiress of the Wal-Mart fortune.

**XX. Adjourn to next regular LJCPA Meeting which will be held on Thursday, March 5, 2020 at 6:00 pm.**

**Attachment 1**

**La Jolla Community Planning Association**

**Treasurer's Report for February 6, 2020 Regular Meeting**

<b>Beginning Balance</b> as of January 1, 2020	\$206.41
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**Income**

- |                            |          |
|----------------------------|----------|
| • Collections, Jan 9, 2019 | \$118.00 |
| • CD Sales                 | \$ 00.00 |

<b>Total Income</b>	<u>\$118.00</u>
---------------------	-----------------

**Expenses**

- |                                 |         |
|---------------------------------|---------|
| • Agenda printing, Dec. 5, 2019 | \$72.41 |
| • other                         | 00.00   |

<b>Total Expenses</b>	<u>\$72.41</u>
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<b>Net Income/(Loss)</b>	\$45.59
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<b>Ending Balance</b> of January 31, 20200	\$252.00
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President: Tony Crisafi

Vice President: Matt Mangano

2<sup>nd</sup> Vice President: Dave Gordon

Secretary: Suzanne Weissman

Treasurer: Mike Costello

## DRAFT MINUTES—

Regular Meeting | Thursday, January 9, 2020 – 6 p.m.

### 1.0 Welcome and Call to Order: Tony Crisafi, President, presiding, 6:01 pm

**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 & trustee comment will be limited to 2 minutes.
- Comments will be directed to the project or matter stated in third person for the purpose of respect & clarity
- Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- Chair will alternate order of trustee comment. Upon consensus, Chair will close discussion and call for a motion.
- Please notify chair of any organized public presentation requests prior to meeting – preferably a week.

**Quorum present:** Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman, Will. **Absent:** Courtney, Kane

### 2.0 Adopt the Agenda

**Motion:** Adopt agenda, (Brady/Fitzgerald) **/Vote:** Unanimous, Chair abstains, **Motion carries.**

### 3.0 Meeting Minutes Review and Approval:

#### 3.1– Regular meeting minutes

**Neil:** Question whether 3<sup>rd</sup> paragraph of Secretary Report, item 5.2, should state that to be a trustee a person must have attended 3 meetings as a member (28 days after submitting application) or just have attended 3 meetings in the prior 12 months?

**Boyd:** Clarified by stating that you don't have to attend 3 meetings after becoming a member; you only have to attend 3 meetings. For example: one could attend in March and June, 2019, then join in Feb. 2020, and be qualified for a trustee.

Minutes will remain as written. There is a minor correction for \$2.00 in the Treasurer's Report making the Ending Balance \$545.16.

**Motion:** Approve minutes as amended (Jackson/Neil) **Vote:** 13-0-2, **Motion carries.**

**In Favor:** Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Weissman, Will

**Opposed:** none

**Abstain:** Shannon, Crisafi (chair)

## 4.0 Consent Agenda – 4.1 – 4.5

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**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

### **4.1 – 8441 Whale Watch Way – Morgan Residence – Project No. 635054,**

Process 3, SDP & CDP to Demolish an existing residence & construct a two-story, 11,952 s.f. single family residence on 0.46-acre property. Property is within the s.f. zone of the La Jolla Shores Planned District, Coastal (Non-appealable Overlay zone and within the La Jolla Community Plan Area within Council District 1.

**PRC motion to approve 6-0-0**

### **4.2 – Completion of concrete re-paving project on section of Coast Blvd. near The Cave Store – City project to restore the street following emergency repairs.**

**T&T motion to approve 9-0-0**

### **4.3 – Leidy Residence – 6216 Avenida Cresta – Project No. 639782,**

Process 3, CDP for a new 7,172 s.f. two story single family residence with basement, 788 s.f. garage, 629 s.f. guest quarter and a detached 423 s.f. companion unit. The .24 acre site is in the RS-1-5 and Coastal Overlay (appealable) zone within the La Jolla Community Plan area, Council District 1.

**DPR motion to approve 4-0-1**

### **4.4 – 7815 Cuvier and 614 Sea Lane – Project No. 641955,**

Process 3, CDP & tentative map waiver for an addition to two existing single story units that total 1,167 s.f. each. The scope includes a 2nd story addition with roof deck that will create two detached residential condos that total 2,034 s.f. and 2,160 s.f. The .13 acre site is in the RM -1-1 zone and the coastal (non-appealable) overlay zone within the La Jolla Community Plan area, Council District 1.

**DPR motion to approve 4-0-1**

### **4.5 – 5421 Bellevue Ave. LLA – Project No. 558873**

Process 2, CDP for a lot line adjustment and consolidation of lots 11,12, 13 & 14 in block 26 of Bird Rock Addition of Map 1083 to make two parcels located at 5421 Bellevue Ave. The site is in the RS-1-7 coastal (non-appealable) overlay zone within the La Jolla Community Plan area and Council District 1.

**DPR motion to approve 6-0-1**

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.

None pulled. **Motion:** approve consent agenda, (Gordon/Mangano) **Vote:** unanimous, chair abstains.  
**Motion carries.**

## 5.0 Officer Reports:

### 5.1 Treasurer - Mike Costello's report –

#### La Jolla Community Planning Association Treasurer's Report for January 9, 2020 Regular Meeting

Beginning Balance as of December 1, 2019	\$545.16
<b>Income</b>	
• Collections, Dec. 5, 2019	\$148.00
• CD Sales	\$ 00.00
<b>Total Income</b>	<u>\$148.00</u>
<b>Expenses</b>	
• Agenda printing , Dec. 5, 2019	\$72.41
• City Treasurer (Rec Center over-time)	00.00
• GoDaddy ( LJCPA email & website)	\$414.34
<b>Total Expenses</b>	<u>\$486.75</u>
<b>Net Income/(Loss)</b>	(-) \$338.75
<b>Ending Balance</b> of December 31, 2019	\$206.41

City staff agreed to continue to not charge for overtime on this room saving us about \$540.

**Little:** How does price of website compare to other options.

**Jackson:** The website was out of date from years ago; it was about \$100 to bring it up to date. About \$300 went for 3 year service with email account. This is not the cheapest but not most expensive either.

### 5.2 Secretary -

If you want your attendance recorded today, you should sign in at the back of the room or let me know that you want your attendance recorded. You are welcome to attend without signing in or joining.

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/](http://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 completing the application and attending one meeting. You can maintain your membership by documented attendance at 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.



The attendance spreadsheet is posted on the LJCPA website. If you have any questions let me know. The spreadsheet updated through January will go onto the website in a day or two. We will have a Membership Committee meeting before the next election after the February Regular CPA meeting probably on Feb. 10 or 11. The meeting will be noticed.

## **6.0 Elected Officials – Information Only**

### **6.1 Council District 1: Councilmember Barbara Bry.**

Rep: Steven Hadley, 619-236-6972, [srhadley@sandiego.gov](mailto:srhadley@sandiego.gov)

**Hadley:** Passed out copies of the Bry Bulletin. Councilmember Bry received the letter sent last month requesting more timely notice and more time to respond to policy issues that come to the city such as the task force on planning groups. The councilmember will share that with the mayor when she meets with him the concerns we have with things that come out too late for this group to respond. I also promise to get anything that may be of interest to you to you as soon as we hear of it to give you a heads up. I am also working to get a brush clearing contract in final stages of being awarded to focus on Fay Ave. extensions among other things. With the current rains it is fairly easy to distinguish the brown weeds from green vegetation. We are working with the mayor's office to move along some of the under-grounding in the Muirlands area where SDGE has had trouble with soil and trenching. They are not coming back with a resolution and dragging on. In the meantime, we will get them to post electronic signs when they are having closures on Nautilus and other streets causing rerouting and traffic delays. Also we are working on Hillside Dr. I discovered by looking on Google Maps that in March of last year, trucks more than 4 tons were prohibited from going up Hillside. The new signage now allows trucks up to 5 tons to turn up that road. My question to traffic engineers is why we are allowing bigger trucks than a year ago to turn up Hillside Dr.

Last thing I am working on is a letter to Air B&B asking them to take the home on Blackgold Rd. off their platforms after the second newsworthy call about people being not only harassed but also harmed. Councilmember Bry is not against capitalism, people sharing their homes, but when our police resources are being used to baby sit unrestricted parties, these things need to be addressed and she is willing to do that.

The State of the City meeting is next Wednesday night at 6:00 pm at the Balboa Theater. Please connect with me there: find me and I will connect you with City staff there. The State of the District Address by Councilmember Barbara Bry will be on Wednesday night, January 29, 6:30 pm at University City High School Library.

**Little:** What a difference it makes to get scooters off the board walks. Will there be another vote on that?

**Reply:** Yes, there is a 2<sup>nd</sup> reading of that ban on scooters on Mission Beach, Pacific Beach and the Shores

**Little:** What is your reading on how that vote will go? **Reply:** we expect it to pass. The reason for a 2<sup>nd</sup> vote is that it is called for in an ordinance perhaps allowing time for people to change their vote.

**Gordon:** A recent announcement that Lime Scooters are leaving SD.

**Manno:** Is your office aware that the brush around Hillside Dr. is classified by the fire Department as extremely hazardous. I have heard nothing about the city doing anything to clear that brush. **Reply:** we have maps showing parks that are open space. We rely on private property owners to address brush on their property.

### **6.2 78th Assembly District: Assembly member Todd Gloria**

Rep: Mathew Gordon 619-645-3090, [mathew.gordon@asm.ca.gov](mailto:mathew.gordon@asm.ca.gov) Not present

### **6.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore Rep: Miller**

Saltzman, 619-518-8188, [Miller.saltzman@sen.ca.gov](mailto:Miller.saltzman@sen.ca.gov) Not present

## **7.0 President's Report – Information only unless otherwise noted**

**7.1** Annual trustee election will be held on March 5, 2020. Announcement, item 10.1

**7.2** La Jolla Community Foundation invites Community Planning Group members to view and discuss the Streetscape Plan – the village of La Jolla improvements – on Thursday, January 16<sup>th</sup> from 4:00 to 6:00 at the La Jolla Recreations Center – flyer attached

**Little:** Who is this group? **Crisafi:** privately funded through LJ Community Fdn. Part of the SD Foundation, an independent non-profit that relies on private donations. The MAD gets funding from property owners.

**Little:** What authority do they have to make changes? **Reply:** They have no authority; they have to get community approval and raise money to do improvement

## **8.0 Public Comment**

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

**8.1 City of San Diego – Community Planner:** Marlon Pangilinan, [mpangilinan@sandiego.gov](mailto:mpangilinan@sandiego.gov) Not present.

**8.2 UCSD – Senior Community Planner:** Alyssa Helper: [ahelper@ucsd.edu](mailto:ahelper@ucsd.edu)

We are hosting an open house about the proposed future College Living and Learning Neighborhood. Wednesday, January 22, 2020, 5 – 7 pm., UC San Diego Faculty Club, Atkinson Pavilion.

This is an opportunity to express concerns, support.

Recently broke ground on Franklin Antonio Hall Project, engineering building. We are now resuming our Community Advisory Group focusing on implementation of the Long Range Development Plan. We met on Dec. 11, including 3 members from this group; next meeting will be in February.

## **8.3 General Public**

**Joe LaCava:** I'm running for SD City Council District 1. I am giving this update as absentee ballots will be out on February 3. I have knocked on 600 doors and have been endorsed by Sherri Lightner, Donna Frye, Kristine Kehoe, Save SD Neighborhoods and the Sierra Club. Some folks wanted me to come back and answer questions about the ideas the City of SD is trying to do to change the nature of city planning groups as reported in the LJ Light three weeks ago. I am happy to do that next month at the will of the Chair.

**Costello:** Regarding the question about slates from the grand jury report; do we have to change our bylaws?

**La Cava:** This is a work in progress; nothing is final, but you should pay attention because some of the suggestions will disincentivize people from joining community planning groups. The idea of a slate is that outside members may recruit members they want to get elected, put a slate together, advertise it to the voters encouraging them to vote for that slate. The understanding has been that the planning group itself cannot put together a slate because we want open democracy; we want as many individuals to come forward. At a recent hearing city staff indicated they were going to change that and allow planning groups to put together their own slate. That was a shock and counter intuitive to the idea of being more inclusive encouraging individuals to show up. That is not policy yet.

**Phil Merten:** The project on 7615 Hillside Dr. on a lot steeply sloping down the street:

- Maximum height is 30' above grade per the Municipal Code.
- Overall maximum structure height on a sloping lot if there is 10' maximum elevation difference under the house the maximum height would be 40'.
- This project is a 3 story, 30' structure
- Immediately behind it is a second structure consisting of 25' high retaining walls with storage space underneath connected to the main structure.
- The Municipal Code states that if you have 2 structures that are separated by 6 horizontal feet, each structure is measured separately.
- On this site we have a 30' structure connected to a 25' structure with an overall height of 55'.
- The City has issued a notice of correction to the contractor.

- Since this project was permitted under an SDP and a CDP, changes and modifications to this building to bring it into compliance should come back to the community for review.
- The City has said they will approve the modifications and move ahead when they approve the modified drawings.
- I am requesting that you request the City to bring the modifications back to you for review and comments before the City approves any modifications.

**Ray Weiss:** I sent a message to the Development Permit Review committee on July 11, last year asking when the project at 1220 Park Row will be heard again with accurate measurements and drawings as was requested last February. As yet there has been no response to these requests by the applicant. Surely the applicant cannot stonewall the committee indefinitely? Is there a plan to hear this project again or to compel the applicant to comply? The residents of Park Row care deeply about the impact of the code violations on their community. Brian Will, chair of the DPR committee inquired at the City and was told by the Project Manager that this was still an open matter. Does City staff have any obligation to move these stalled projects along? Could this group write a letter requesting the City to act on this project? I would like to see this inaction by the City changed.

## 9.0 Non-Agenda Trustee Comment

Opportunity for trustees to comment on matters not on the agenda, 2 minutes or less

**Fitzgerald:** Recommend trustees and audience go on website and look at recommendations for CPGs and comments from City Attorney. There are some very significant changes proposed. The material on the CPA website shows the City recommendations, what the CPG group recommended—the extent of the changes is eye opening.

**Will:** I will read an email from Project Manager, Xavier del Valle, on the Park Row project: “My apologies for the delayed response. I believe the ball is in our court regarding several issues that have been raised about the project. Since several staff working on the project are no longer with the City, we have delayed our response to the applicant. Based on our past meetings with the applicant on the outstanding issues, we anticipate another submittal in the near future and will deliver another set of plans for your review.”

**Ish:** Has there been a response from the UT or La Jolla Light about our letter about the Beach Groins?

**Crisafi:** By email I was referred to the advertising department, I think to place an ad with our letter.

**Ish:** Could a letter be sent as a letter to the editor? Also I spoke with the City concerning the 13<sup>th</sup> code update. It is now called the 2020 Update. The code monitoring committee has been disbanded; all code revisions are now going through the Community Planners Committee. There is a time constraint because the update with the issues we have concerning the serial permits and carports will be on the agenda at the CPG soon and then will go to the Planning Commission. I suggest that the 50% rule and other concerns be put on the agenda at DPR this month so they can go to the CPA next month.

**Manno:** Will the DPR recommendations be an action item for the CPA in February? **Reply:** Yes.

**Costello:** The Coastal Commission meeting will be on February 12 – 14 in LA – Orange County. The Substantial Conformance Review on blocking of the ramp to the Childrens’ Pool will be on that agenda. The permit for the lifeguard tower a decade ago specifically stated the ramp would remain open. The City, without consulting anyone, blocked the access ramp. I will let you know as soon as I have the date and time.

Also SB 50 may come up for a vote again. Could Councilmember Bry help us out to oppose that?

**Little:** SB 50 is a terrible thing; it will make every residence a 4-plex.

**Shannon:** SB 1069 and AB 68 are already on the books. SB 1069 allows accessory dwelling units and AB 68 provides for a 2<sup>nd</sup> accessory dwelling unit thus allowing 3 units on any lot. A lot of new legislation is in already in place and City staff has not kept up with implementing them.

**Neil:** Could you prepare a brief description of these bills for distribution to the trustees.

## **10.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.**

### **10.1 Election Committee – Kathleen Neil**

- There are 7 seats open for the election March 5, 2020, 6 for 3 year terms, 1 for 2 year term.
- A candidate forum will be held at the February 6, regular CPA meeting. Interested candidates can speak for 2 minutes each or can submit candidate statement to be read if they cannot attend.
- Eligible members who have attended 3 LJCPA meetings from March 2019 through February 2020 may declare their candidacy until the end of the Feb. 6, meeting.
- The election will be held from 3 to 7 pm on March 5, 2020 in this building
- The election now has 4 members, Kathleen Neil, Nancy Manno, Mike Costello, Janie Emerson

### **10.2 Community Planners Committee – Dave Gordon**

A special Community Planners Committee meeting was held on Dec. 10, that I was unable to attend. The Planning Department is asking for the public to complete a survey to ask for public opinions on planning groups. The survey is on the website until Jan. 16. Also the Land Use and Housing committee met to review the matrix covering the Grand Jury Report, City Attorney and CPG recommendations for planning groups.

### **10.2 Coastal Access & Parking Board – did not meet**

### **10.3 UC San Diego advisory Committee –**

**Mangano:** I recommend all to attend the UCSD open house on Jan. 22, reported earlier. I commend UCSD as an economic driver and powerhouse in the community and for their thoughtful expansion plans. At the meeting they reviewed the phasing and sequencing plans for the huge future construction to have minimum impact on the campus and the surrounding community.

**Gordon:** I commend UCSD for being thoughtful of our community when they do not have to abide by all local rules. They have been mandated by the Regents to expand the campus by 35%. They are trying to minimize the impact to our community by moving more housing onto campus, getting more people off the roads and staging construction within the campus. The new living and learning center near the LJ Playhouse will cause the closing of the current parking lot but they are trying to develop plans for parking and transportation asking for community input.

**Boyden:** I am concerned about the lack of a plan for parking at the LJ Playhouse for the period during construction before the underground parking is available. Gordon: a plan will be in place before construction begins.

### **10.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair – did not meet**

### **10.5 Airport Noise Advisory Committee – Matthew Price - did not meet**

### **10.6 Playa Del Norte Stanchion Committee – did not meet**

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 – LJCPA Review and Action Matter**

### **11.1 CPA to draft a letter regarding recent approval of a vested Coastal Development Permit at 7819**

**Lookout Drive without community input via Substantial Conformance Review. The CDP was vested with a legal lot Line adjustment. Subsequent designs for the proposed single family residence have not been routed through the LJCPA. Proposed action is to clarify and correct the Substantial Conformance Review process with respect to Community review.**

The proposed letter was passed out at meeting and is attached to these minutes as Exhibit A

**Crisafi:** I move to continue this item to next month since Diane Kane who initiated this item is not here.

Discussion followed whether an item on the agenda can be postponed if a presenter is not present. A presenter came forward from the audience so all agreed to hear the item.

**Deseree Kellogg, neighbor:** We are requesting to send a letter to the mayor requesting City staff to reverse its decision to approve an expired permit from 2005 for a project that significantly differs from the original permit.

- In 2005 the structure was 22% smaller, called for minimal grading. Now they are excavating the entire site with a swimming pool in front yard in violation of the Municipal Code.
- We request public input at the Community Planning Association before approval

**Phil Merten:** According to DSD this building application is still under review and has not yet been issued. I am not familiar with this particular project, but I am very familiar with the regulations that control it.

- According to the description on the agenda a CDP was issued to construct a new home and a lot line adjustment.
- Lot line adjustment are required to go through the coastal development permit process.
- My understanding is that recently through the Substantial Conformance Review process modifications to the design of the structure and a realignment of the property line -- Lot Line Adjustment (LLA) -- were approved.
- The LLA is the issue in this case. This particular site is next to a site that Tony's office has been handling.
- The Municipal Code states that a LLA can occur provided the resulting parcels are in conformance with the MC. The La Jolla Shores Planned District Ordinance says that lots approved subsequent to the adoption of the LJSPDO must comply with the ordinance.
- The ordinance says that any lot created or modified must not be smaller than the average size of all parcels within 300 ft. of the site.
- One of these parcels is well below the average size of parcels within 300 ft. of it.
- This LLA needs to be looked at carefully. It made a substandard, non-conforming lot by reducing one of the lots, increasing the density of that lot which is prohibited by the Code and cannot be a finding for a CDP.
- The City issued IB 500 which says that any LLA that increases density on a parcel cannot be approved by a SCR. Those LLA's can only be approved by a CDP, not an over the counter review by City staff.
- I think this LLA approval by a ministerial SCR was probably issued by staff who are unfamiliar with the regulations, no illegal intent implied.
- Any development permit issued in contradiction of the MC is not legal and not valid. Bottom line this is a situation that needs careful review by this group.

**Boyden:** SCR's do come to the Permit Review Committee. In this case an amendment to the permit is required that should be treated as a new permit.

**Merten:** The City's newsletter on SCR's says that those reviews shall be done by City staff with no public notification -- a change in policy.

**Crisafi:** In the past LLA's and permit vesting have been handled differently regarding the SCR processes going to the community. It is not mandatory to send a SCR to the community for review. If the proposed dwelling unit under this CDP requires an amendment, we could simply ask for the opportunity to review the proposed residence. That might be more effective to state under current code that is required.

**Kane:** One of the problems is there is no information on this on Open DSD; the lot doesn't exist, none of the previous permits are mentioned there, the address is not there. There have been 3 coastal permits and a LLA and none of this is online. When we asked to see the plans we were told they were proprietary and could not be viewed. We have asked politely to review them and chat with staff about our concerns. We have received no response.

**Crisafi:** I don't disagree with the letter; it could be distilled to get the point across asking DSD whether a SCR or coastal amendment is appropriate and to release the drawings to the public.

**Neil:** Are we going to entertain a motion or try to revise the letter? I see creep occurring regarding development that is not open and not available for review.

**Manno:** I have the same concern as Trustee Neil. This letter covers a number of things, is much too long and complicated. It needs to make 2 or 3 main points demanding a response.

With further discussion the trustees agreed that the biggest issues are that no information on the project has been available for public review, time is of the essence, we need to get someone's attention.

**Brady: Motion:** I move we send this letter as an attachment to a letter from the CPA president that conveys our major concern that there is no information available to the public and we want to a review. (Brady/Little)

**Crisafi:** I will send a cover letter by email outlining our main concerns for the record, to make information available to the public and request community review so the neighborhood can provide input to DSD.

**Vote:** Unanimous, Chair abstains. **Motion carries.**

Final audience comment, **Phil Merten:** A California Supreme Court decision in 1924: regardless of what has happened in the past, when a project is built on a specific date it has to comply with rules and regulations on that date. That undermines everything you have heard from the City of SD ecause we all rely on previous approvals. That supreme court decision has not been changed since 1924.

XX. Adjourn at 7:58 pm. to next regular LJCPA Meeting: Thursday, February 6, 2020 at 6:00 pm.



## EXHIBIT A

The Honorable Kevin Faulkner  
Mayor of City of San Diego

Dear Mayor Faulkner:

The La Jolla Community Planning Association (LJCPA) is officially recognized to advise the City of San Diego on land use matters within the La Jolla Community Plan boundaries. Our duties include recommendations for improvements to the La Jolla Community Plan, as well as conformance of individual development projects with the Land Development Code, Community Plan and General Plan. In our small community, the LJCPA recognizes the impact of every new development on surrounding residents, and we are dedicated to scrupulously maintaining the standards of our Community Plan.

The LJCPA has recently become aware of two different situations that we believe violate the City's land use regulations as they apply in La Jolla Shores. As the CPA with responsibility for the area, we expected to be consulted before approvals were issued. However, in both cases, Staff has proceeded to approve intrusive and non-conforming developments on Lookout Drive without seeking advice about Community Plan conformance or community impacts from the LJCPA. We believe Staff has set a very adverse precedent with both these cases that must be reversed to protect the future of our La Jolla community.

Stale or Expired Permits. During the height of the building boom before 2008, tentative parcel maps, Coastal Development Permits and Site Development Permits were approved for many projects that were never built. Now that the home building industry has recovered, many developers are trying to revive permits after more than a decade of inactivity. In cases where a developer had already made a substantial financial investment in the property before halting work, Municipal Code §126.0108 allowed the permit to remain in suspension until the market rebounded so the expenditures would not be wasted. However, for smaller projects where LLA/PM recordation did not require a substantial financial investment, the City added a requirement to its CDPs: "Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City following all appeal. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted." This permit condition was intended to insure the approval would not remain in effect indefinitely unless the owner had commenced physical construction, at least without giving the City and CPA an opportunity to revisit the appropriateness of the development.

The LJCPA has been very concerned to learn that Staff has been treating LLA/PM and Coastal Development Permits as "vested" in direct violation of the CDP condition requiring physical construction. The proposed building permit at 7837 Lookout Drive is a poster child for this concern. LLA 107757, CDP 107758 and LLA/PM 107759 were approved in 2005, concurrently with CDP 104484 and SDP 104485. The CDP required commencement of "construction, grading or demolition" (i.e. physical alteration of the property) within 36 months. Instead, although the LLA/PM was recorded in 2008, the lots remained physically untouched for more than 14 years, until a building permit application was submitted in 2019 for new construction. Staff accepted the application because the LLA/PM had been recorded, without considering whether the CDP and related approvals had expired because of a total failure to comply with the physical construction condition. The LJCPA strongly objects to any interpretation of the Municipal Code or CDP condition that allows a site development plan to be suspended without any activity for more than a decade, and then modified without additional community review to ensure that it remains consistent with the PDO and LUP.

Substandard Lot Sizes. The La Jolla Planned Development Ordinance (PDO) sets minimum lots sizes as "the average dwelling unit density (units per acre) of the developed Single-Family Zone within 300 feet." On Lookout Drive, the average lot size exceeds 11,000 square feet. Therefore, the minimum lot size on Lookout Drive is 11,000 square feet under the PDO and 8,000 square feet under Local Coastal Program Land Use Plan (LUP). When reviewing a proposed development at 7727-7729 Lookout Drive, the LJCPA discovered the City had approved a lot line adjustment/parcel map (LLA/PM) containing lots of only 5,000 square feet in 1997. The LJCPA cannot explain why lots less than half the size required under the PDO were approved in violation of San Diego Municipal Code §102.0207, which prohibits approval of a LLM/PM unless all lots meet mandatory minimum lot sizes. In the case of the Lookout Drive LLA/PM #17817, more than half the lots were +/-5,000 square feet in a +11,000 square foot neighborhood. In the case of 7837 Lookout Drive, the City allowed recordation of LLA/PM 107759 in 2008 with only substandard lots, including a reduction in the square footage of one lot below its original size.

It is not too late for the City to correct its erroneous approval of these LLC/PM in La Jolla Shores. If they were approved without valid Coastal Development Permits, as seems likely, there is not statute of limitations because they were never effective in any event. The remedy for invalid LLA/PMs under Municipal Code 125.0710 is lot merger, which can be implemented any time after the City is notified of the original error. Building permits issued in reliance on expired or invalid CDPs are subject to immediate revocation, even after construction.

The LJCPA is disappointed that it has been unable to resolve these important and precedential issues with Staff. However, without further discussion and explanation, we believe these projects and any similar applications violate multiple City regulations in violation of San Diego Municipal Code §121.0308(a). The LJCPA therefore requests Mayor Faulkner to exercise his authority under Municipal Code §121.0308(b) to require rescission of the approvals in accordance with the Land Development Code.

Thank you for your attention to our commitment to protecting the La Jolla Community.

DRAFT



# La Jolla Community Planning Association

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

Contact Us:

Mail: PO Box 889, La Jolla, CA 92038

Web: [www.lajollacpa.org](http://www.lajollacpa.org)

President: Tony Crisafi

Vice President: Matt Mangano

2<sup>nd</sup> Vice President: David Gordon

Secretary: Suzanne Weissman

Treasurer: Michael Costello

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January 16, 2020

The Honorable Kevin Faulconer, Mayor & Member of the San Diego City Council  
Jessica Lawrence, Director of Finance Policy and Council Affairs, city of San Diego

Subject: PTS #620768 Project address 2020 Soledad Ave. (7819 Lookout Drive), La Jolla, CA 92037

Dear Mr. Faulconer and Ms. Lawrence,

Per City of San Diego bulletin 500, July 2019, substantial conformance review, section II, the La Jolla Community Planning Association respectfully requests that the Schroedl Project located at 2020 Soledad Ave. (7819 Lookout Drive), La Jolla, CA. 92037, PTS No. 620768 adhere to process 2 noticing requirements for the following reasons:

1. Project is in the Coastal Zone with the CDP #235512 dated 8/15/107
2. The property is on an up-slope and of minimal depth with high potential visual impacts of the proposed project to the existing neighborhood character.
3. The adjacent properties, as well, are previously conforming lots and SFR developments of minimal setbacks, mature landscapes & established sloping landforms. Where new development is proposed, prior awareness of adjacent property conditions can be discussed and mitigation measures recommended at the community level.
4. The neighbors have expressed concerns to the La Jolla CPA & requested that the attached letter be forwarded to the city as well. The trustees voted unanimously to forward the item as presented.

January 15, 2020

The Honorable Kevin Faulconer, Mayor & Member of the San Diego City Council  
Jessica Lawrence, Director of Finance Policy and Council Affairs, city of San Diego

The La Jolla CPA understands the established parameters of the SCR process and will conduct a fair review of the proposed development in recommending that which is believed to be in substantial conformance with the approved Exhibit A, CDP document.

Thank you very much for your attention and consideration to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tony Crisafi', with a stylized flourish at the end.

Tony Crisafi, Chair

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

Meeting Minutes – Tuesday Jan 14, 2020 – 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**

- Costello: CPA Elections in March
- Kane: Shared article in "Timekeeper" outlining Senate Bills that impact development density. Get a copy and review it.
- Will: (email from David Leib): LJ Scenic South Bridge at TNT Wednesday. Next Thursday night workshop on street stimulation.
- Costello: Petition against SB50. Mike will email it to you.

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**2. APPROVAL OF MEETING MINUTES**

- Meeting Dec 17, 2019
- 

**3. PRELIMINARY REVIEW 1/14/2020**

Project Name: 7760 Herschel Ave – CDP/TM  
Permits: CDP/TM  
Project No.: 632775 DPM: Glenn Gargas  
Zone: LJPD-2 Applicant: Richard Gombes  
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/632775>

LA JOLLA - (Process 3) Coastal Development Permit & TM for the construction of four (4) residential unit condominium building for a total of 14,817 square feet of construction on a vacant lot located at 7760 Herschel Avenue. The 0.16 acre site is located in the LJPD-2 base zone of the Coastal (Non-Appealable) overlay zone of the La Jolla Community Planning Area. Council District 1.

**1/14/2020 APPLICANT PRESENTATION:**

- LJPD-2 has requirements. 29 units/acre (on 7,000sf lot goes to 4.66 units. Chose not to round up)
- FAR – 1.3 = 9,090sf proposed. (14,817 includes the subterranean area)

- 2 parking spaces per unit (underground from alley). Closing driveway will create 4 additional space on street.
- 0' setbacks on all 4 sides. Face of curb to building minimum 16'. Which is about 1.5' back from front PL. Major bulk of building actually 26' back from curb (more than required). Roof access penthouse is 40' back from curb.
- 2 buildings, front and back, 2 units each, courtyard between, unit D has alley access only. Penthouses maxed at 100-120sf for roof access stairs.
- Roof is mostly solar, penthouse, and small deck area for each unit. No living space in penthouse only stairs.
- Units are 3x 2 bedrooms and 1x 3 bedroom, bonus family rooms in basement with lightwell at front units. None at rear.
- Floor to floor heights are 9-4, 10-4, 7-4 (floor to ceiling). Highest 21-1" fascia 26' back from curb. 29-1 to top of penthouse above sidewalk.
- Elevators garage to second floor, do not access roof
- 4x 2-car private garages in basement (1 is tandem).
- Showed photo of street and rendering of building in-situ
- Required street trees = one. 3 more provided in front yard.
- 25' common aisle between parking garages. May require 3 point turns but wider than many underground parking.
- Construction management? Shoring? Not completely explored yet. Were able to use portion of sidewalk at Lifetime gym. On site crane to load offload.
- Condominiums

1/14/2020 PUBLIC COMMENT:

- Email from Lisa Kostner in opposition
- Lynda Christel: Own the cottage next door to South.
  - The entire lot will be excavated for basement level. Concerned for tenants in cottage.
  - How long will construction last? (applicant response: 18months)
  - Concerned about residential on commercial street.
  - How close to our building on side? (applicant: zero at some locations, heavily articulated and open in center with landscaping. Glass at side of entrance to driveway to reduce bulk. Glass walled colonnade shares view to landscaped patio)
  - Why storage in penthouse? (Area was required to be enclosed anyway)
  - Currently 2 handicapped spaces, (actually 2 has been reduced to 1, currently 1)
- Sharon Wampler: Clarification on parking lots (this project is ½ of the existing parking)
  - How many trees to be removed? (6 trees and some along South PL.)
  - Not satisfied with transition to neighboring building

1/14/2020 COMMITTEE DELIBERATION:

- Can you build this without encroaching onto neighboring parking lot?
- Costello: Parking is being removed. Does this parking lot satisfy any other development's required parking? (Only Chase). Concerned about parking. (22 spaces lost, 4 added on street, plus 8 in basement)
- Kane: Trees? (+/- 10 removed, 9 proposed) What is the approved street tree, will it change with MAD? (
- Leira: Could you add another tree? (utilities won't allow) Aerial photo of Herschel from Silverado to Kline. Condominium please show the exclusive use vs shared spaces. Want to alleviate downstream issues with HOA. Living areas in basement look like additional apartment? (Laundry, Family/game room) How high are walls fronting Herschel? (5') Would like to see section
- Kane: Can you superimpose cottage elevation on your South Elevation.

1/14/2020 REQUEST TO DELIVER NEXT PRESENTATION:

- Does Chase have enough required parking without this?

- Elaborate on utilities that prevent 2<sup>nd</sup> street tree or propose to add it.
- Research existing vs new MAD street tree.
- Aerial (satellite) photo of entire street from Silverado to Kline.
- Would like to see section cut E/W from street to curb, to sidewalk, to street wall, patio, landscape, and building mass behind.
- Ghost in the cottage North Elevation on your South elevation.

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#### 4. DISCUSSION ITEM 1/14/2020

Project Name: Municipal Code Update

To discuss recommendations for the upcoming 2020 Municipal Code Update. Identify items/deficiencies in the land development code that do not serve the community. Draft a letter on behalf of CPA (for CPA ratification), outlining key areas requiring code updates and possible corrections.

- General:
  - 13<sup>th</sup> revision will now be called 2020 revision.
  - Code Monitoring committee has been disbanded. Updates will go before Community Planners Committee instead. By end of year presented to Planning Commission.
  - Is this the only time we can submit revisions? Send it, but also follow-up.
  - How do we follow this? Go to CPC.
  - Keep us in the loop. Give us a workshop.
- Serial Permitting - propose moratorium
  - Review and summarize previous letter approved by CPA
- Carport
  - Review and summarize previous letter approved by CPA
- FAR Lot size calculation where exist hillsides and beachfront.
- 50% and Alternate Coastal Exempt?
  - Should be holistic not mathematic? Shot down by city staff.
    - Whatever it is has to be black and white as reviewed by entry level staff.
  - Research CEQA
  - Previous to 2000 worked fine. What was there?
  - Diane's paper
  - Some new structures x%smaller than allowable could be exempt
  - Incentive based (Coronado System)
  - What can we allow exempt that we can all live with.
  - "50/50 rule:" (not within appealable zone)
    - New or Remodels exempt if GFA is less than 50% of allowable FAR
    - or additions if adding 50% Floor Area or less (even if beyond 50% of FAR)
  - What can be updated now without a new revision to the CCC approved Coastal Program?
- Second floor stepback quantified and required whether at setback line or not.
- Noticing
  - Projects not on open DSD.
  - Big Sign with all information. Plans.
  - Website. Text Messaging. To data. Project Summary.
- Construction Staging and Shoring at PLs

- Basement
  - Everywhere in LJ is fault lines, ground water, unknown impacts.
  - Increase geo-scrutiny or flat out hazard zone ban on basements
  - Basements as living areas? Prorated basement FAR exemption?
- Height:
  - Will: Coastal and Zoning have separate rules. Point Loma exploitation is not possible in single family zones.
  - David Little: City attorney said lower of existing/proposed applies to Prop D as well.
  - David Little: PDO code limits to two stories. Would request height limit not just stories.
  - Add a maximum height to better enforce the PDO 4a two story height limit to 27'.
  - Leira: Height Limit applies equally to flat and pitched roofs.
  - Similar logic as accessory structure limits should be followed to limit max height for flat buildings less than 30' allowed for pitched roof.
    - Or lower height limit and less than x% of your building can go to 30'
  - Clarify that All height measurements are from lower or existing or proposed.

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

Meeting Minutes – Tuesday Jan 21, 2020 – 4:00 pm  
La Jolla Recreation Center – 615 Prospect Street, Room 1  
La Jolla, California

- 
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  4. ***Applicants:*** *Please present your project as succinctly as possible. Speak clearly and CONCISELY.*
- 

**1. NON-AGENDA PUBLIC COMMENT**

- 6216 Avenida Cresta – neighborhood of red tile roofs, new modern house will change the project. Put heart and soul into restoring Tom Shepard. Not happy about modern in neighborhood.

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**2. APPROVAL OF MEETING MINUTES**

- Meeting Jan 14, 2020

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**3. FINAL REVIEW 1/21/2020**

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Permits: CDP/TM  
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**1/14/2020 PUBLIC COMMENT:**

- Email from Lisa Kostner in opposition
- Lynda Christel: Own the cottage next door to South.
  - The entire lot will be excavated for basement level. Concerned for tenants in cottage.
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  - Concerned about residential on commercial street.
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- Sharon Wampler: Clarification on parking lots (this project is ½ of the existing parking)
  - How many trees to be removed? (6 trees and some along South PL.)
  - Not satisfied with transition to neighboring building

**1/14/2020 COMMITTEE DELIBERATION:**

- Can you build this without encroaching onto neighboring parking lot?
- Costello: Parking is being removed. Does this parking lot satisfy any other development's required parking? (Only Chase). Concerned about parking. (22 spaces lost, 4 added on street, plus 8 in basement)
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- Leira: Could you add another tree? (utilities won't allow) Aerial photo of Herschel from Silverado to Kline. Condominium please show the exclusive use vs shared spaces. Want to alleviate downstream issues with HOA. Living areas in basement look like additional apartment? (Laundry, Family/game room) How high are walls fronting Herschel? (5') Would like to see section
- Kane: Can you superimpose cottage elevation on your South Elevation.

**1/14/2020 REQUEST TO DELIVER NEXT PRESENTATION:**

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- Elaborate on utilities that prevent 2<sup>nd</sup> street tree or propose to add it.
- Research existing vs new MAD street tree.



- Aerial (satellite) photo of entire street from Silverado to Kline.
- Would like to see section cut E/W from street to curb, to sidewalk, to street wall, patio, landscape, and building mass behind.
- Ghost in the cottage North Elevation on your South elevation.

**1/21/2020 APPLICANT PRESENTATION:**

- Requested items from previous meeting.
  - Letter from Chase, knew that this is coming for 3 years, tenants notified, They have adequate parking. May begin parking enforcement to ensure what they have is available for customers.
  - Utilities/Trees: Trees must be 5' from utilities and 10' from sewers. No remaining space for street tree. Second tree allowed to be provided on-site and has been. Will have 15' canopy.
  - MAD/"enhance La Jolla" tree: MAD has not specified a tree.
  - Provided satellite image of block
  - Street section. Light well with trees, Face of building aligns with next door cottage.

**1/21/2020 PUBLIC COMMENT:**

- Christel Letter (Cottage owner #1)
- Kostner: Small lot, big box building, Chase building 55 year lease of parking, How does this affect my investment. Concerned that future development is compromised by proposed building. This project will take charm out of community
- Popov: (Cottage owner #2) The Coastal plan designed to save historic buildings. Overall neighborhood theme and scale set by cottage. Mandated to maintain the character, harmonious visual relationship between new and old. Zone 2 limited to 2 stories. Contends the building is 4 stories. Community character: proportionally relate to surrounding buildings. Neighboring trees will die. Bulk and Scale is too big. Contribute to the overall theme, harmonious.
- Reynolds: Opposed, neighborhood scale is way off. No transitional relief.
- Little: Is this in the two story zone? PDO 2-stories required. Penthouse looks like a 3<sup>rd</sup> story.

**1/21/2020 COMMITTEE DELIBERATION:**

- Leira: prefer a second street tree.
- Leira: Agree it is too bulky. Question the penthouse. Contrast to woody nice parking lots. Quite a change. Mitigation is not enough. Removing penthouse would be better. Would prefer sideyard relief. More landscaping.
- Kane: Would have preferred to see the other sites line up as a streetscape. Agree penthouse is a problem. (Applicant: Alcorn building across the street is 29-6 tall. This building is the same height but high point is 40' back. Great effort to articulate and reduce perceived height of building) What is the transition. (Building is atypical on neighborhood, all other push solid wall to all 4 properties. Except the cottage).
- Fremdling: Concerned that building is close to/at PL. Appreciate architectural style but don't like it here. Nobody uses roof top decks. Penthouse is too tall.
- Jackson: This block is not charming to me. Mish-mosh of architecture. This is a concentrated block and feeling like the cottage almost belongs somewhere else. Feels taller than it needs to be. Like that its residential and bring people in. Wish it were shorter, but feels like the right thing.
- Leira: 2 stories 30' building have a different impact than 3 story 30' building. It feels bigger. Problem with penthouse. (applicant feels like penthouse is the fulfillment of the building, 40' back from front PL)
- Kane: if remove penthouse roof is flat and might look worse. Agree, it looks officy
- Will: Footprints of neighboring buildings. Pattern of development is almost all 4 walls on PL. Residential is good. Light well lines up well with cottage.
- Leira: wants the penthouse out. Never use the roof on your house.
- Fremdling: appreciate having owner and architect here. Would like to see penthouse go.

- Will: If no roofdeck, building would be taller and full width, Bulk and Scale is reduced by limiting floor to ceiling heights to allow for that penthouse.
- Jackson: Don't like suggesting good building but somewhere.
- Kane: Thank for the conversation. Thank public for sections on Community plan and PDO. Agree the block is going this way. Lucky to have this and building would NOT benefit from removing the penthouse.
- Kane: Asked for clarification on division of outdoor space.

**1/21/2020 COMMITTEE MOTION:**

- Findings CAN be made for CDP and TM for ... (Kane/Jackson)
  - In favor (Jackson, Fremdling, Kane)
  - Opposed (Leira)
  - Abstain (Will, as chair)
- Motion **PASSES** 3-1-1

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#### **4. ACTION ITEM 1/21/2020**

Project Name:     Municipal Code Update

To discuss recommendations for the upcoming 2020 Municipal Code Update. Identify items/deficiencies in the land development code that do not serve the community. Draft a letter on behalf of CPA (for CPA ratification), outlining key areas requiring code updates and possible corrections.

**1/14/2020 – DISCUSSION:**

- General:
  - 13<sup>th</sup> revision will now be called 2020 revision.
  - Code Monitoring committee has been disbanded. Updates will go before Community Planners Committee instead. By end of year presented to Planning Commission.
  - Is this the only time we can submit revisions? Send it, but also follow-up.
  - How do we follow this? Go to CPC.
  - Keep us in the loop. Give us a workshop.
- Serial Permitting - propose moratorium
  - Review and summarize previous letter approved by CPA
- Carport
  - Review and summarize previous letter approved by CPA
- FAR Lot size calculation where exist hillsides and beachfront.
- 50% and Alternate Coastal Exempt?
  - Should be holistic not mathematic? Shot down by city staff.
    - Whatever it is has to be black and white as reviewed by entry level staff.
  - Research CEQA
  - Previous to 2000 worked fine. What was there?
  - Diane's paper
  - Some new structures x%smaller than allowable could be exempt
  - Incentive based (Coronado System)
  - What can we allow exempt that we can all live with.
  - "50/50 rule:" (not within appealable zone)
    - New or Remodels exempt if GFA is less than 50% of allowable FAR
    - or additions if adding 50% Floor Area or less (even if beyond 50% of FAR)
  - What can be updated now without a new revision to the CCC approved Coastal Program?

- Second floor setback quantified and required whether at setback line or not.
- Noticing
  - Projects not on open DSD.
  - Big Sign with all information. Plans.
  - Website. Text Messaging. To data. Project Summary.
- Construction Staging and Shoring at PLs
- Basement
  - Everywhere in LJ is fault lines, ground water, unknown impacts.
  - Increase geo-scrutiny or flat out hazard zone ban on basements
  - Basements as living areas? Prorated basement FAR exemption?
- Height:
  - Will: Coastal and Zoning have separate rules. Point Loma exploitation is not possible in single family zones.
  - David Little: City attorney said lower of existing/proposed applies to Prop D as well.
  - David Little: PDO code limits to two stories. Would request height limit not just stories.
  - Add a maximum height to better enforce the PDO 4a two story height limit to 27'.
  - Leira: Height Limit applies equally to flat and pitched roofs.
  - Similar logic as accessory structure limits should be followed to limit max height for flat buildings less than 30' allowed for pitched roof.
    - Or lower height limit and less than x% of your building can go to 30'
  - Clarify that All height measurements are from lower or existing or proposed.

**1/21/2020 – DISCUSSION:**

- Jackson: Created a new formatted letter from bullet points above
- Leira: discussion on “scale and character”. “On the street?”
  - How do we as a committee better address “character” without directing style?
  - If exempt projects are smaller, the style has a minimal impact on character

**1/21/2020 COMMITTEE MOTION:**

- Forward the letter as amended (Jackson/Kane)
  - In favor (Jackson, Fremdling, Kane, Leira)
  - Opposed
  - Abstain (Will, as chair)
- Motion **PASSES** 4-0-1

**LA JOLLA TRAFFIC AND TRANSPORTATION BOARD**  
**Regular Meeting: Wednesday January 15, 2020**

**Members Present:** Brian Earley (Vice Chairperson) LJSA, Tom Brady LJCPA, Donna Aprea LJTC, Nancy Warwick LJTC, Erik Gantzel BRCC, Ross Rudolph LJSA, Natalie Aguirre LJVMA, Robert Mackey LJVMA

**Members Absent:** Dave Abrams (Chairperson), Patrick Ryan BRCC

**Approve Minutes of:** December 18, 2019 **Motion to Approve Minutes: Rudolph, Second: Gantzel 7-0-1 (Mackey)**

**Public Comments on Non-Agenda LJ&T Matters:**

**Brian** made a public service announcement that if anyone was in the audience for the La Jolla Scenic North and South Connection this is going to be a Discussion Item on our February 19 Meeting and is not on our Agenda today. We are waiting for additional historical documents and other information being gathered at the City and through other sources.

**Sally Miller-** does not want Roundabouts on our list of possibilities, they have been disputed in the Bird Rock area and she does not want the Board to even think about putting in another one; also the City is repaving Nautilus Street and the Traffic Light at Muirlands Middle School has been malfunctioning for well over a year. She has spoken to Dave about this multiple times. Dave informed her that he was told by City Staff that when the street is repaved the traffic light will be fixed, and she wants assurance that will happen because the street is being repaved now. Brian responded that he will check with Dave.

**Joan Huffman-** is asking if we can do something about the signal on Nautilus Street at the intersection of Muirlands East. As you travel up the hill you have a signal at Muirlands West and then a few feet further you have the Muirlands East signal. The Muirlands East signal should be a blinking red light so that the cars at the three intersecting streets can stop and then go ahead if it is clear. As it is now, traffic during school getting out gets backed up all the way to the High School on Fay Ave because traffic is just sitting there. There is very little traffic coming off the hill from Muirlands East. Drivers are going through the red light as there is no one going up that hill or coming down it. Even as she was on her way to this meeting the driver in front of her blew through the traffic light. She is asking the Board to look into a safer solution for that Intersection.

Joan is also asking if anyone suggested a crosswalk from the Vons parking lot to the Juice Caboose across Fay Ave. There are people constantly walking across the street, bikes and scooters just shoot right out of Vons parking lot at the same time that drivers are rushing down

Fay to make the green light and they do not slow down because they do not want to get stuck at the red light on Fay. She is concerned someone is going to get killed or seriously hurt. She has seen so many close calls. It would be lifesaving if someone could help with that.

**Steve Hadley** Representative for Council Member Barbara Bry. Mayor's annual State of the City is tonight at 6 pm at Balboa Theatre. Council Member Bry has a State of the District January 29 6:30 pm at University High School.

**A gentleman in the Audience** asked if it's LJ&T that handles the crosswalks, street lights, or whatever, at this level or do they have to be decided at the City level or higher. Also, for Agenda items such as the Eads Ave Parking do, we make recommendations to a Planning Commission and they give the recommendations to the City Council or do we go directly to the City Council with our recommendations. How does this all work? Brian explains that LJ&T is a subcommittee of the LJCPA. We report our findings based on input from the Community to La Jolla Community Planning Association and their recommendations go on to the City of San Diego Traffic Engineers. The gentleman is asking who makes the ultimate decisions. Brian responded LJCPA decisions go on to the City and the City makes the ultimate decisions.

**Agenda Item 1: La Jolla Blvd Safety Ad-hoc Committee- Status Update**  
(Ira Parker) **Discussion Item**

La Jolla Blvd Pedestrian Safety Ad-hoc Committee Members: Ira Parker (Chair), Dave Abrams, Erik Gantzel, and Tom Brady are looking at pedestrian safety issues on La Jolla Blvd. La Jolla Blvd extends from Coast South all the way up to Mission Blvd. The City put flashing yellow lights along the crosswalks to enhance pedestrian safety but Ira believes they are not working out as well as they should. Drivers are not paying attention to them when pedestrians are in the crosswalks with the lights flashing and pedestrians have a false sense of security walking in the crosswalks with the lights flashing. The Committee is looking at additional safety measures to avoid an injury or fatality on the Boulevard.

The Committee held two meetings; one meeting was person to person and then a conference call with all four of the committee members. They focused on identifying what the issues are and then how to address them. Ira's background is in Public Health and they are organizing their goals based on that system. They are developing and discussing preliminaries for deep strategic elements that as times go by will be altered and modified, identifying stakeholders and existing efforts that might be going on in the City, and developing an action item list. The City passed a Vision Zero Initiative in 2015 (*Zero Traffic Related Fatalities and Severe Injuries by 2025*) putting roughly 5 million dollars aside for pedestrian and bike safety and the Committee is going to find out more about that effort. They are going to conduct a La Jolla Blvd field trip to look at the different intersections and determine if anything can be done to improve it; identify and seek input from stakeholders who would be Individuals, Neighborhood

Associations, local Businesses, Schools, Surfriders and anyone that would have an interest in safety measures along the Boulevard. They are looking into education of both pedestrians and drivers and modifying speed limits with some traffic calming measures. Modifying speed limits may be a challenging effort because speed limits are set by how fast 85% of drivers are driving it. These are just some of the issues they will be working on and Ira will be giving periodic updates as they move forward.

**Agenda Item 2: Proposal for Diagonal Parking on Eads Ave between Rushville and Genter Streets (Cont'd Item) - Request for consideration of plan that would provide additional parking spaces (David Bourne) Action Item**

*David Bourne is a 37- year resident of La Jolla and currently has a project he is developing at 801 Pearl Street; the former 76 gas station. As part of getting his project approved by La Jolla Community Planning Assn he put it on social media. There were many comments posted about how parking was short on Eads Avenue because La Jolla High School students were parking on Eads and they were taking up all of the parking spaces. He thought it would be a good idea to address that specific issue by suggesting that diagonal parking on just one side of one section of Eads between Genter St and Rushville would create 12 extra parking spaces. He explains if they were put on both sides of the street it would not meet the current code standard but if they were only on one side of the street it would meet the current code standard and open up 12 extra parking spaces for the cost of Paint. It seems to be a good solution to a problem that came up on social media and he pointed out it had nothing to do with his project he was just trying to offer a solution to a problem on Eads Avenue.*

Mr. Bourne is not at this meeting but he has a representative. The representative is not involved with Mr. Bourne's project at 801 Pearl Street but he does know the history of the parking issue on Eads. Mr. Bourne heard everyone talking about parking on Eads and they looked down the street and figured if the parking was done differently, they could get more parking spaces for the street and it would be good for everyone. They did gain several spaces so they felt it was a situation that would help and not necessarily hurt.

Brian explained the City did do an initial review of Eads based on Mr. Bourne's suggestion and looked at both parking configurations. Gary Pence, City Traffic Engineer, estimates four additional spaces would be gained from converting current parallel parking to diagonal; but eleven additional parking spaces could be achieved with a head-in (90-degree) option. The key numbers when evaluating are 20 feet of curb length for a parallel spot, and 12.5 feet of curb length for the angle spot (minus the 20 feet adjacent to a driveway). The head-in would work fine on Eads because the street is wide enough and has relatively low volume of traffic.

Residents of Eads reacted very strongly to the statement there was low volume of traffic on the street and wanted to be sure it was the section from Genter to Rushville that was evaluated. Erik explained it was converting the parallel parking on the East side of the street to angled

parking from the entire stretch of Genter to Rushville. The proposal was for a lot more parking spaces but the City determined it would gain about 4 additional spaces. Brian recognized there was opposition to the proposal and opened it up for Public Comment.

**Tom Carroll** lives on the 7200 block and has another home on the 7500 block on Eads. He is very familiar with just about every kind of parking out there. The 7500 block of Eads has diagonal parking on both sides of the street and on that block one car has to stop to let another car pass because both cars do not have free flow. Traffic however continues to flow on the 7200 block of Eads. Clearly, there is a safety issue with diagonal parking on both sides of the street especially on the 7200 block that deals with newly licensed La Jolla High School students. The 7200 block is the very last block on Eads with single family homes. Every other block on Eads is apartment buildings and condos. This is not about comparing Eads Ave to the roundabouts on La Jolla Blvd. La Jolla Blvd is about retail and commercial; this block on Eads Ave is about a residential neighborhood. He is asking the Board to please leave their street alone.

**A Resident** who lives on Eads between Genter and Pearl. Says David Bourne was making his presentations to the Planning Commission and had indicated he wanted to change the parallel parking between Genter and Pearl on the East side of the Street halfway down into diagonal parking. From what he is hearing now that is not the case and he is happy to hear that because there would have been significant issues if that was the proposal.

In light of where the proposal is being made from Rushville to Genter; in the mornings when people are dropping off their children at the high school and picking them up in the afternoon as well as the students who drive to school Eads Ave becomes a speedway and if that is converted to diagonal parking from Rushville to Genter it is only going to cause more problems with respect to safety and security on speeding cars coming up and down that street because it will not be wide enough to accommodate two-way traffic in that area.

**Rich Aronow** represents many residents on the street who are opposed to this proposal. It just adds to turning it more into a parking lot for the High School students. He has small children and safety is a big concern.

**Resident on Eads** says drivers double-park dropping their children off at the high school, everyone does it, and it appears to be a routine thing, so if the parking becomes angled and they continue to double park it impacts the drivable space.

**Todd Robinson** lives in the affected area. One point he wants to make clear is as you drive down Eads coming from Genter to Pearl when it transitions from parallel to angled parking you can barely fit two cars on the street at the same time. One car has to stop to let the other car go and it is a real safety issue with respect to the high school students because they are newly

licensed drivers. If you have a parking situation that impacts the drivability of that street right next to a high school you are asking for an accident to occur with these students trying to race away from the high school.

If parking on this block is converted to angled parking that would be the only space in La Jolla where single family dwellings are subject to angled parking. Anywhere you have angled parking you either have commercial development or multi-family dwellings. This would be the only time in the Village their block, which has only single-family dwellings, would be modified with no request for that modification being made.

**Sally Miller:** when trucks diagonal park they are sticking out in the drivable area and you have to swerve around them; this is affecting the whole of Eads. She wants to see some kind of a line drawn so that a parked vehicle cannot stick out in the drivable area if they are too long.

**Pam Aronow:** Rushville has a one-way direction, but coming right off of Fay it is both ways so when drivers are coming down Fay to enter Eads there are no stop signs and drivers just spin right into parking spaces on Eads without looking where they are going. Other cars might be backing up or there could be people crossing the street so this just adds to the safety issue on that block.

#### **Board Comments:**

Brian explains to the audience the Board believed the proposal was a benefit to the community because eleven head in parking spaces or four angled spaces could be restriped on Eads and we are always looking for additional parking spaces.

**Tom** cannot support going to diagonal parking from Rushville to Genter on the East side of the street. He clarified Mr. Bourne did not propose diagonal parking for the East side of the street from Genter to Pearl. He did not do that, and it was the La Jolla Community Planning Association that approved his development of 801 Pearl Street after much discussion.

**Robert** thanked the residents of Eads Ave who came to speak to the Board but the residents thanked the Board for allowing them to come and speak. Robert is always for the neighbors in a neighborhood. In absence of a strong reason why it needs to happen, other than some general increase in parking spaces, there is nothing he heard that leads him to believe it has to be right on that particular block. There are safety concerns and half the residents on the block showed up to this meeting so they are well represented and he would make the Motion to deny the request for additional parking spaces on that block.

**Motion to Deny Proposal for Diagonal Parking on Eads Ave between Rushville and Genter Street: Mackey, Second: Warwick 7-0-1 (Aprea recused)**



**Agenda Item 3: Review of Valet Service Permit for La Plaza Building- Four parking spaces in front of 7863 Girard Ave at Wall Street (Natalie Aguirre) Action Item**

*At the March 2014 LJT&T Meeting Sunset Parking (dba Laz Parking) requested six white loading zone spaces to operate valet service at the La Plaza Building located at 7863 Girard Ave at the corner of Wall Street. LJT&T approved four white loading zone spaces and LJCPA ratified LJT&T's recommendation for four white loading zone spaces at their April 2014 Meeting. In May 2014 Sunset/Laz Parking filed for the permit to operate valet services 7 days a week from 11am to 2:00 am. The permit is up for renewal.*

Natalie has been working in the Village, across from 7863 Girard Ave, for 3 years and has seen them operate valet just 2 days week from 3pm to 6pm Friday and sometimes on Saturdays. When Valet is not onsite tourists and locals will pull into the spaces to park. The parking restriction signage on these 4 white loading zone spaces is confusing. There are three signs; a green/white 90-minute parking 8:00am to 11:00 am daily, underneath that sign is another one; a red/white No Parking 2:00-6:00 am Friday, and underneath that one is the third one; 3-minute passenger loading zone 11:00am to 2:00am which is for the valet service. Drivers do not understand the signage and they park there. Natalie sees traffic enforcement officers circling the block over and over again not paying attention to other areas in La Jolla just writing a majority of their parking tickets to these four spaces at 7863 Girard. Drivers are being ticketed for exceeding 3 minutes and those spaces have become a money maker for the City. Patrick is not at this Meeting but he has noted in the past that these are the most ticketed spaces in the entire City of San Diego.

Natalie has copies of the May 6, 2014 La Jolla Light that covered the April 2014 LJCPA Meeting and wrote about the four white loading zone spaces for 7863 Girard. The 2014 LJT&T Board reluctantly approved the request for four white loading zone spaces but had reservations and predicted there would be problems with cars not being parked according to the valet permit; which stated cars would be removed from the street and parked in the former Brooks Brothers Parking Garage. Natalie clarified that is exactly what is happening today. When valet operators are on site cars are not often immediately moved off the street to where they are supposed to go; they are moved to a regular 90-minute parking space; exactly what the 2014 LJT&T Board predicted would happen. *(Most of the current LJT&T Board Members did not serve on the 2014 LJT&T Board).*

La Jolla merchants are struggling for business at the same time that locals and tourists are saying they do not like to come into La Jolla because there is no parking or they find a parking space and are ticketed. Natalie described it as shameful that everyone: Laz, the City, the parking enforcement officers all know about the heavy number of parking tickets being written on those 4 spaces and they all allow it to continue. She has been trying very hard since last year to put a stop to it and it has come down to this meeting. Natalie has the La Plaza application for

a valet parking permit with their hours of operation 11:00 am to 2:00am including all that they promise to do which they have not been fulfilling. If their hours of operation are 11:00 am to 2:00 am then a valet should be there on site from 11:00am to 2:00am. On Prospect Street there are signs for valet services and those valets start right at the designated time. It should be like that for 7863 Girard Ave. If Laz cannot fulfill that then this Board should consider reducing the amount of the white zone spaces from 4 to perhaps 1 or 2 or just not approve the permit application for them at all.

**Bryan Barnes** is representing the Ownership for the La Plaza Building and the merchants who occupy the building. They just recently purchased the building and the issues that are coming up are new to them. Bryan met with a representative from Laz Parking, Natalie and Dave to resolve some of the issues. Valet services must operate from white loading zone spaces and the hours of operation are the standard 11:00am to 2:00am time frame for any valet service. It doesn't mean valets have to be on site during those times; they just have to operate within those times. There is a cost associated to operate a Valet Service. He took a survey of the tenants in the building who use the Service and it is their two restaurants, Catania and Sushi on the Rocks, who use the Valet Service mostly on Friday and Saturday evenings from 3pm to 9pm. Those are their busiest times so operationally and economically it makes sense to have Valet at that location.

Currently, they lose a small amount of money every month for the limited time they use the service. However, they are here advocating to maintain the Permit as is. They just recently purchased the property, there are a high amount of vacancies in the building and they are working on new leases. They are currently in the process of signing a new tenant to the largest corner vacancy in the building and if or when the tenant does move in, they will generate a lot more traffic to that corner and to the street overall. Additionally, they hired a public relations firm to help generate traffic to that corner. They are trying to maintain their ability to right size their valet parking operation as traffic builds on their property and eventually they will end up expanding their days and hours of operation. They are asking the Board not to hamstring them by reducing the hours, spaces, or eliminating the service all together.

**Natalie** wants the 11:00am to 2:00am hours of operation to change. Ticketing of innocent drivers who do not understand the parking restrictions has to stop. She has had multiple conversations with many people over the hours of operation at 7863 Girard Ave. Their application for the Valet Service must reflect their true hours of valet operation and then the signage needs to reflect that change. Tanner French, City Planner for Parking Services agreed that parking signage can be changed at that location.

**Ross** asked her what is the justification for any business to get a valet reserved as opposed to another business that has to rely on street parking. Natalie responded as a retailer and a merchant it's based on need and used Georges on the Cove as an example of the need for valet.

La Plaza does not need that kind of valet; the Parking Garage they are using to move cars off the street closes at 10:00pm. There is no way they will be valeting cars at 2:00am to that parking garage. Ross clarified his question; why does their business need white zone parking spaces as opposed to her business or another merchants business. Natalie responded restaurants would drive the need for valet services.

**Jodie Rudick**, Director of the La Jolla Village Merchants Assoc, is in the audience and Brian asked her if she had anything to add to the discussion. Jodie attended the meeting walk-through with Laz Parking, Tanner French, and Dave. There are several moving issues that are being thrown into the entire conversation. The parking signage is really unclear and the City says that is a quick fix to change the signage to better reflect and better situate it so that when a driver pulls into the space, they know right away what the parameters are for that space. Jodie acknowledged that La Plaza Ownership agreed to a compromise for a reduction of white zone parking spaces from four to two spaces that would be allocated to valet and would free up two spaces for the street. Bryan Barnes appeared to have a change of heart over giving up the spaces after talking to Dave. If they believe they will be generating the traffic they think they will then two white zone spaces will not be efficient to operate the valet service. Jodie advised that right now they do not have a permit. Bryan responded that the Permit is being held up pending resolution of this meeting.

**Gerhard Bendl** owns Bendl's Custom Shirts of La Jolla directly across the street from La Plaza Building. They removed four parking spaces from Girard at a time when parking on the street is at a premium. His customers are telling him there is no place to park and they do not want to come to La Jolla. He hears this all the time, every day. They look for the valet across the street and it's not staffed. Drivers who do park there are being ticketed. La Plaza needs to change their hours of operation and free up those spaces at the busiest times of the merchants' day.

**Sally Miller** commented that Valet Service is a privilege to have and if they are abusing it there should be consequences.

**Corey Levitan** informed the Board that if we went to that corner on Google Maps there is a traffic enforcement officer issuing a parking ticket.

**Brian** asked if the same parking arrangement that La Plaza had with the Brooks Brothers parking garage is in effect with Lifetime who took over the Building from Brook Brothers. Bryan responded they have an easement and there are parking spaces allocated for La Plaza valet parking; 120 parking spaces is on the Title for their Property and the adjacent property owners.

**Nancy** speaks as a retailer and believes that his tenants, the ones not in the restaurant business would benefit from having 90-minute parking spaces. Valet is a problem for a lot of retailers including his own. Nancy explains a lot of customers do not want valet. They see a 90-minute

parking space in front of their building and they just want to park and go shopping. Bryan disagreed and said it could work the other way around too with customers not wanting to drive around looking for a parking space.

**Mark Vallecorsa** advised that we are discussing this as a valet zone but in reality, it's a loading zone for that period from 11:00am to 2:00am. They are operating a Valet within that time frame but there is no requirement that says this is valet parking only. It's a public passenger loading zone. The public can drive there drop off their passengers and look for a place to park. It's available to everyone to use.

**Andy Cushman** of Laz Parking applied for the Permit. The 11:00am to 2:00am is the operating range. The time limit is not dictating the zone in any way. The zones are a passenger loading zone and valets can only operate out of a loading passenger zone. The business has to apply for the passenger loading zones first before they can apply for a Valet Permit to operate from it. He wants to be clear on this that it is not one and the same. The business has applied for and received approval for the passenger loading zones. As long as the passenger zone is there, they can have any company they want operate a Valet from that zone. The time limit of 11:00am to 2:00am is for the life of the passenger loading zone, not the valet service.

#### **Board Comments:**

**Robert** would make a Motion possibly two Motions are needed to fix the signage and other issues but asked Jodi to explain her moving parts comment one more time. Jodie responded create signage that reflects the valet service hours as they currently stand. The applicant can come back to request adjustments. Brian advised it is an annual permit.

**Brian** told the Board he is looking for a two-part Motion. One is to fix the signage using hybrid signs and another Motion for a reduction of spaces. Ross said the reduction of spaces should be the first Motion. There is no point to fixing the signs if the geography is going to be different.

**Tom** is making the Motion to reduce the approval of the application to two white zone spaces. Tanner's compromise is very appropriate and Jodie comments about signage is critical.

**Robert** is asking if the Motion is reducing the loading zone spaces or the valet spaces. Erik responded that there is no such thing as valet spaces. It's a loading zone space. Brian assured the Motion to reduce the spaces will reflect the white loading zoning spaces.

**Nancy** questioned the timing of those passenger loading spaces. If the hours of operation for their valet service were to be perhaps 5:00pm to 10:00pm would it matter if there were 4 spaces for the stores to use. Could they be more for valet spaces if the time frame was just in the evenings only?

**Erik** clarified Nancy's comment; maintain 4 loading zone spaces but change the signage so those spaces can be utilized by anyone during the day except for when they are needed by the restaurants in the evenings. Erik does not know if he has the information necessary to vote on a Motion to change the signage to a specific time. It should be a specific time that is more suitable for whatever the business is, like for instance Eddie V's, but he is not ready to say yes for 5pm to 10pm.

**Ross**-changing the enforcement of a white curb from yes you can park here to no you cannot park here is where the confusion is. If the parking meter people see a white curb, they are going to ticket a car. A comment from the audience disagreed; it's all in the signage. Whether the curb is white or not they are going to enforce according to what the signage is. As long as Tanner gets the signage done correctly that is what they will enforce.

**Brian** is asking if the Board wants to specify certain times as Nancy had pointed out but Natalie thinks that should be a different Motion. Brian responded it could be worked out in a new permit application from Laz. Natalie does not believe we have the current application from them.

**Motion to recommend reduction of four white loading zone spaces to two white loading zone spaces and change the signage to reflect clear instructions on where to park in front of La Plaza Building – 7863 Girard Avenue: Brady, Second: Rudolph 5-3-0 (Aprea, Warwick, Gantzel)**

**Adjournment: 5:40pm**

**Next Meeting: Wednesday February 19, 2020**

**Respectfully Submitted: Donna Aprea, Secretary**

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

**Revision 0**

**Tuesday, January 21<sup>st</sup>, 2020 @ 4:00 p.m.**

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

**1. Welcome and Call to Order and Introduction of Committee Members**

- a. Meeting called to order at 4:02pm
- b. Committee members present: Janie Emerson, David Gordon, Myrna Naegle, Andy Fotsch, Ted Haas, Tony Crisafi, Matt Edwards, Angie Preisendorfer.
- c. Committee members absent: None.

**2. Adopt the Agenda:** Motion by Janie Emerson, 2<sup>nd</sup> by Matt Edwards.

**VOTE: 6-0-0**

**3. Approve December Minutes:** Motion by Janie Emerson, 2<sup>nd</sup> by Myrna Naegle.

**VOTE: 5-0-1**

Note: Ted Haas and Tony Crisafi arrived just after these votes.

**4. Non-Agenda Public Comment:** None.

**5. Non-Agenda Committee Member Comments:**

- a. Janie Emerson commented UCSD is having an Open House January 22, 5-7 PM at the Faculty Club, to discuss the new Living and Learning center for 8th College near LJ Playhouse.
- b. David Gordon discussed the traffic and interactive street lights around the university, and the finding of alternate parking for the La Jolla Playhouse.

**6. Chair Comments**

- a. Chair reiterated that he will be resigning as Chair effective following the March 2020 LJSPRC meeting (as announced at Dec 2019 LJSPRC meeting).

**7. Project Review:**

**a. SAID RESIDENCE SDP (1<sup>st</sup> Review)**

- **Project #:** 646224
- **Type of Structure:** Single-Family Residence
- **Location:** 7834 Esterel Drive
- **Applicant's Rep:** Mark Lyon (858) 459-1171 [mark@mdla.net](mailto:mark@mdla.net)
- **Project Manager:** Tim Daly (619) 446-5356 [TPDaly@sandiego.gov](mailto:TPDaly@sandiego.gov)
- **Project Description:** (Process 3) Site Development Permit (SDP) for the addition to an existing single family residence consisting of 945 sq ft to basement, 551 sq ft to first floor and a new detached 1,200 sq ft Companion Unit over 546 sq ft of basement parking located at 7834 Esterel Drive. The 0.49 acre site is located in the La Jolla Shores Planned District Zone (LJSPD-SF) base zone of the La Community Plan Area, Council District 1.
- **Presentation and Discussion:**
  - Applicants Reps Sara Carpenter and Mark Lyon discussed the project pursuing historical designation of the Russell Forester design.
  - Master bed room and kitchen expansion, and the separate companion unit. showed a grad line on project that was requested
  - New plan shows removal of roof deck.
  - Story poles install delayed due to inclement weather, not required per city but installed for neighbors
  - Revised landscape plan includes planting hedge and not removing existing planting on the west facing set back.

- **Public Comment:**

Christine Wichard – (Neighbor) concerned about west setback planting, privacy to her property.

Applicant Rep stated that the existing planting will be augmented to add more plantings.

Unidentified Neighbor - asked about the Companion Units height with the basement garage, Applicants Rep stated total including subterranean garage 17’

- **Committee Comment:**

Janie Emerson – Suggested moving the companion unit closer to existing house to have more privacy to west neighbor. Applicant’s Rep stated the setback at 17’ & 19’.

Myrna Naegle – Asked about the grading on the lot. Applicant’s Rep stated the existing grade was mostly in effect. some slight grading for drainage and subterranean garage under the Companion Unit.

Matt Edwards – Asked about the curb cuts needed. Applicant’s Rep stated removal of existing circular drive curb cut and concrete path. Applicant’s Rep responded that added curb cut would be for new garage with 25’ driveway.

Andy Fotsch – (In response to neighbor comment concerned that owner or subsequent owner might pursue a lot split) Noted that a lot split would not be allowed by City zoning.

- **Motion:** Findings can be made for Project 646224 for Site Development Permit (SDP) for the addition to an existing single family residence consisting of 945 sq ft to basement, 551 sq ft to first floor and a new detached 1,200 sq ft Companion Unit over 546 sq ft of basement parking located at 7834 Esterel Drive. as presented today on January 20, 2020.

Motion by Andy Fotsch, 2<sup>nd</sup> by Ted Haas

**VOTE: 7-1-0**

**b. K-4 RESIDENCE SDP (1<sup>st</sup> Review)**

- Project #: 522708
- Type of Structure: Single-Family Residence
- Location: 7595 Hillside Drive
- Applicant’s Rep: Jess Gonzales (CDGI) (619) 292-5520 jessgonzales4299@gmail.com
- Project Manager: Tim Daly (619) 446-5356 TPDaly@sandiego.gov
- **Project Description:** (Process 3) Site Development Permit (SDP) and Coastal Development Permit (CDP) for the demolition of an existing dwelling unit and construction of a 7,091 square foot, two-story over basement dwelling unit located at 7595 Hillside Drive. The 0.797 acre site is located in the Single Family (SF) Zone of the La Jolla Shores Planned District (LJSPD) within the La Community Plan Area, Council District 1.
- **Chair Comment:**  
Chair explained that while traffic control is a valid concern for the community, it is not in the purview of LJSPRC or the LJCPA. Recommended contacting City Council, Police , Fire Departments, regarding parking issues, safety, traffic control.
- **Presentation and Discussion:**
  - Applicants Rep describing the existing house is condemned by the City and is currently falling into the hillside, problems with vagrants.
  - About the same roof line from the street view, house built into the canyon lower than street.

- **Public Comment:**

Nancy Manno - mentioned road traffic, owner/ designer/ contractor ability to control all vehicles.

Ali Ehsan (applicant's Attorney) - stated that the owner wanted to be a good neighbor, would be working to control traffic issues.

Chair - Reminded all that traffic issues are not in the purview of the LJSPRC.

David Chaziri (neighbor) - Via Casa Alta, related some vagrant issue.

John Gilchrist (neighbor at 7590 Hillside Dr) – stated that he was not contacted by the owner or architect in a timely matter. Also noted he and his wife hired Phil Merten.

Phil Merten – Gave detailed presentation on his opinions of problems with the project. Mr Merten admitted he was hired by a neighbor and also that he had not discussed any of his concerns with the applicant. The Chair pointed out that he was limited to 3 minutes (like all other members of the public) and Mr. Merten said that was not enough time. The Chair pointed out that the LJSPRC policy (as stated in every agenda for more than a year, is that “[Any member of the public planning to make a formal presentation or a discussion longer than 2 minutes will need to schedule time on the agenda with the chair prior to the meeting](#)”. Mr. Merten claimed that his presentation wasn't a formal presentation. He then proceeded to make his presentation which included several copies of a 7 page handout that included multiple color photos. Mr. Merten continued his presentation. In order to avoid public arguments and disruption of the meeting, the Chair allowed him to continue for nearly 15 minutes. Mr. Merten discussed problems with measurements of height on grade site plan. Claimed project height is 45' (15' higher than allowed by code). He also claimed that Muni code requires 20' driveway length or 2 off street parking neither of which is in this current design. He also stated that the retaining wall on rear/East side is 25% above grade. Applicant's rep said that he would re-design the garage to allow for a 20 ft driveway. A copy of Mr. Merten's handout is included with these minutes.

- **Committee Comment:**

David Gordon (Chair) - pointed out that the issue regarding setbacks (as well as other issues) have been cleared by the City on the cycle issues.

Several Committee Members – expressed concern about driveway length that it should be at least that of the 20 ft code requirement and adequate to ensure vehicles parked on the driveway do not impede pedestrian and vehicle access along the public right of way.

Matt Edwards - expressed concern that the driveway site lines may not be adequate for safety.

Janie Emerson – expressed concern that property setbacks (as shown 17'9" from curb and side setbacks of 14' and 3'8")

Committee – requested applicant return with and address concerns for following:

- Applicant provide parking in driveway adequate for two vehicles and address visibility triangle, safe egress/ ingress.
- height limit conforms with municipal code.
- Provide 300' neighborhood survey.
- Front retaining wall in general conformity within building code.
- Updated landscape plan.
- Retaining wall east/canyon side conformity with municipal code.
- Consider guardrail at front of property.

- **No Motion or VOTE**

Adjourn to [next PRC meeting Monday, February 18<sup>th</sup>, 2020 @ 4:00 p.m.](#)



## Upcoming 2020 La Jolla Shores Permit Review Committee Meeting Dates

~~Tuesday, January 21, 2020~~

Tuesday, February 18, 2020

Monday, March 16, 2020

Monday, April 20, 2020

Monday, May 18, 2020

Monday, June 15, 2020

Monday, July 20, 2020

Monday, August 17, 2020

Monday, September 21, 2020

Monday, October 19, 2020

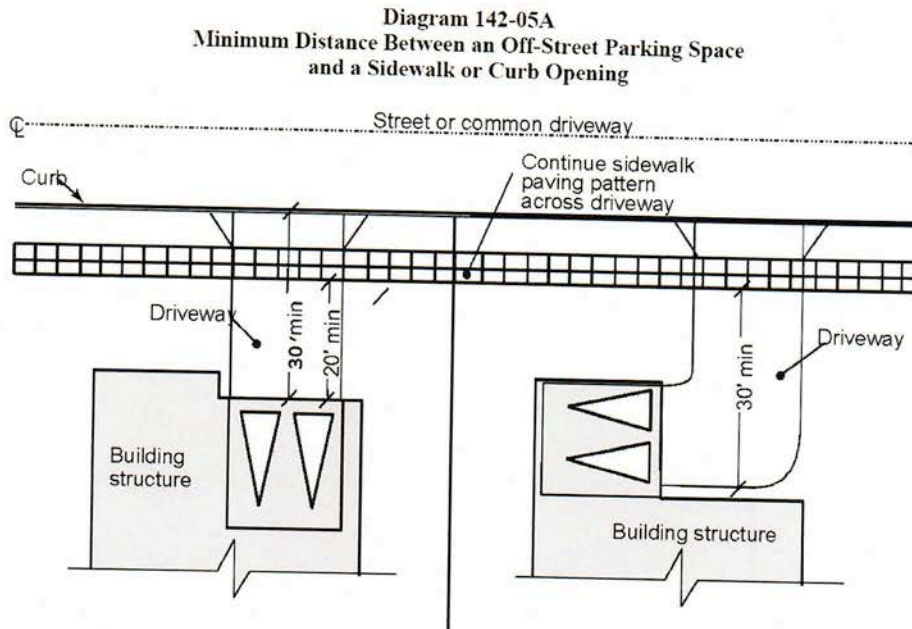
Monday, November 16, 2020

Monday, December 21, 2020

Note: The following comments pertain to drawings dated 9-30-2019 that were presented to the La Jolla Shores Planned District Advisory Board on Dec. 10, 2019.

### **INADEQUATE DRIVEWAY LENGTH and STREET PARKING**

The La Jolla Shores Planned District Ordinance specifically incorporates SDMC Chapter 14, Article 2, Division 5 Parking Regulations. The Parking Regulations require a minimum 20 foot long driveway in accordance with Diagram 142-05



<sup>1</sup> *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to section 142.0525(c)(4).

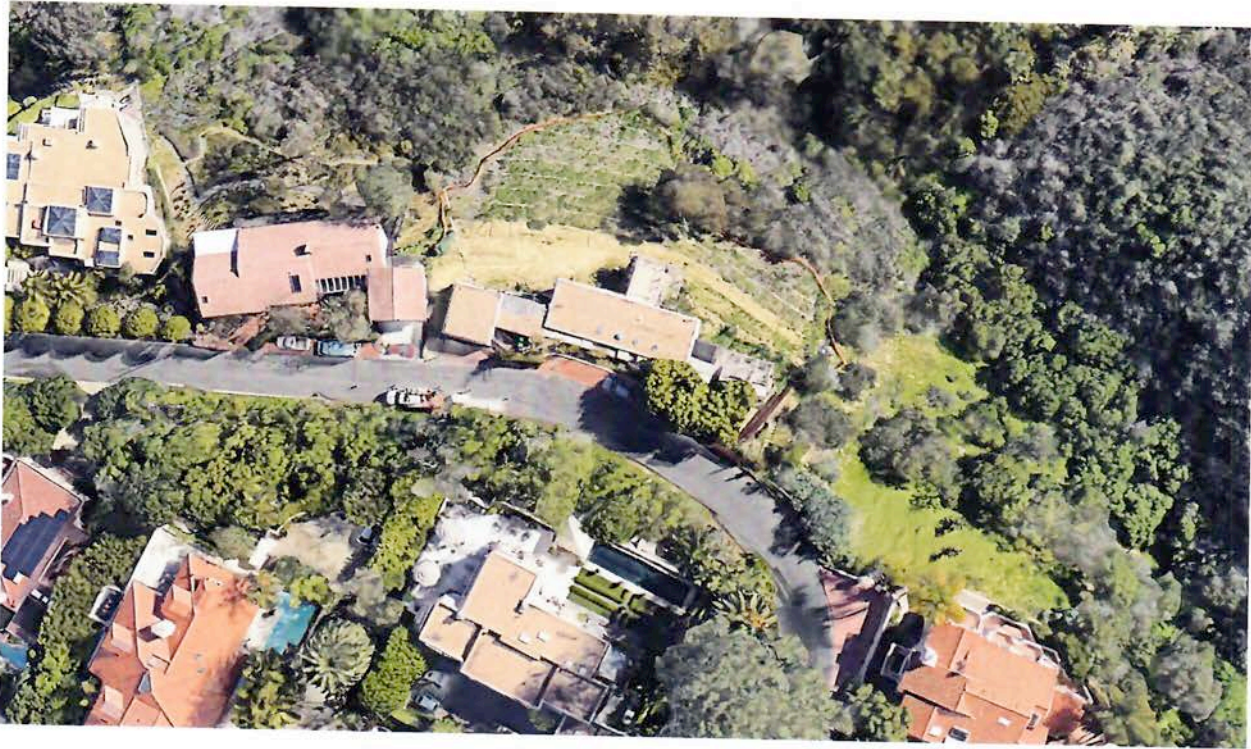


Contrary to the Parking Regulations the project fails to provide the required minimum driveway length to accommodate off-street guest parking, and eliminates the existing badly needed parallel out-of-the-roadway parking spaces on the narrow street.

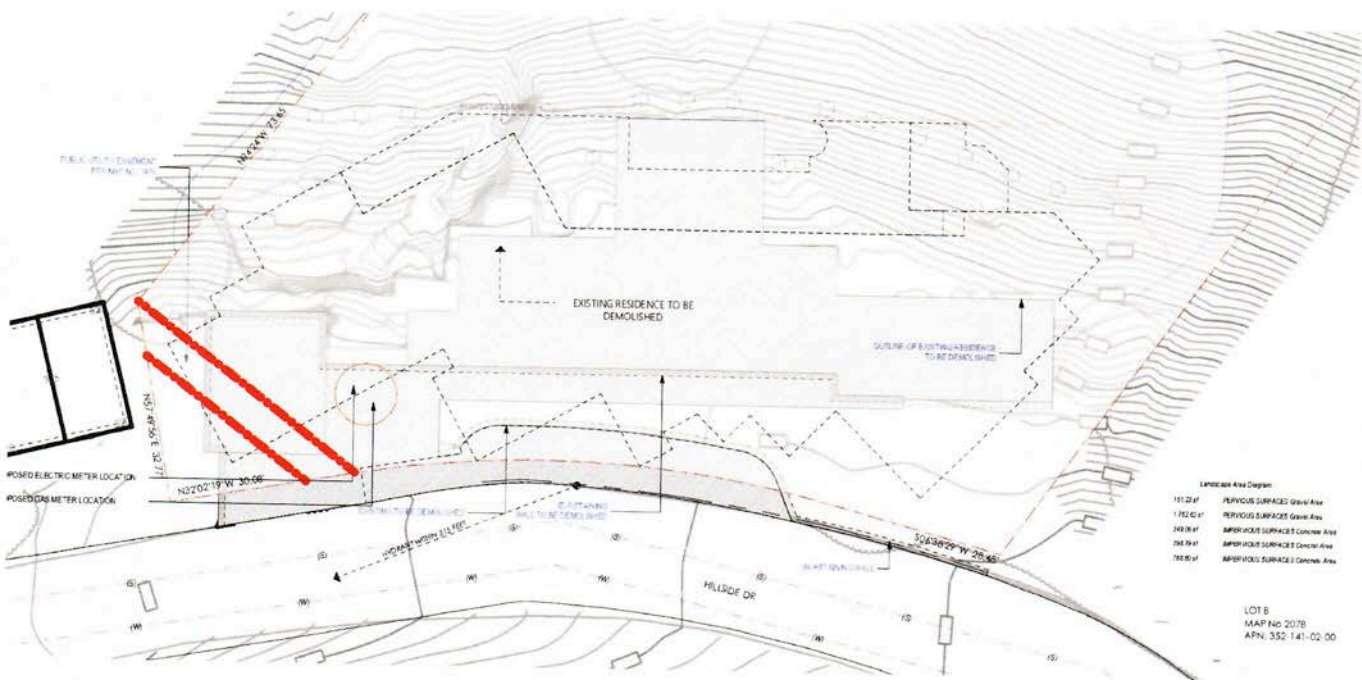


## INADEQUATE DRIVEWAY LENGTH and STREET PARKING

Aerial view of the existing out of the roadway parallel parking spaces.



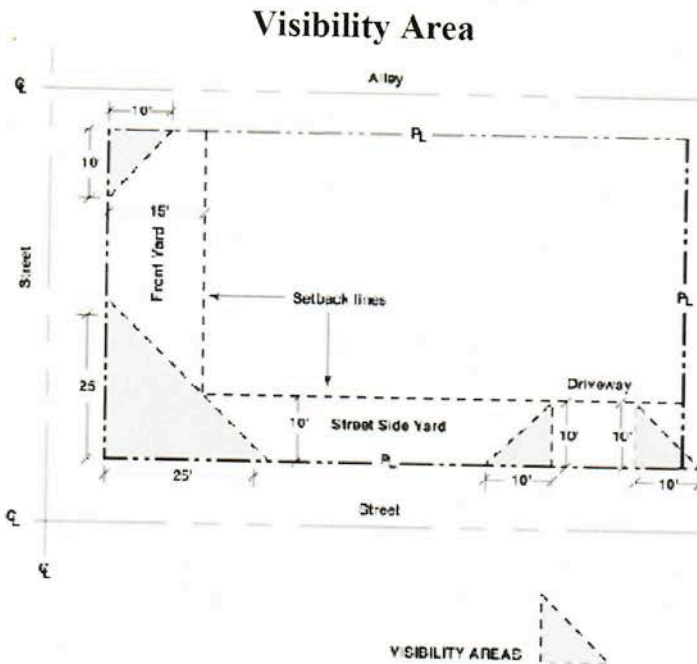
Proposed demolition of the existing out-of-the-roadway parallel parking spaces.



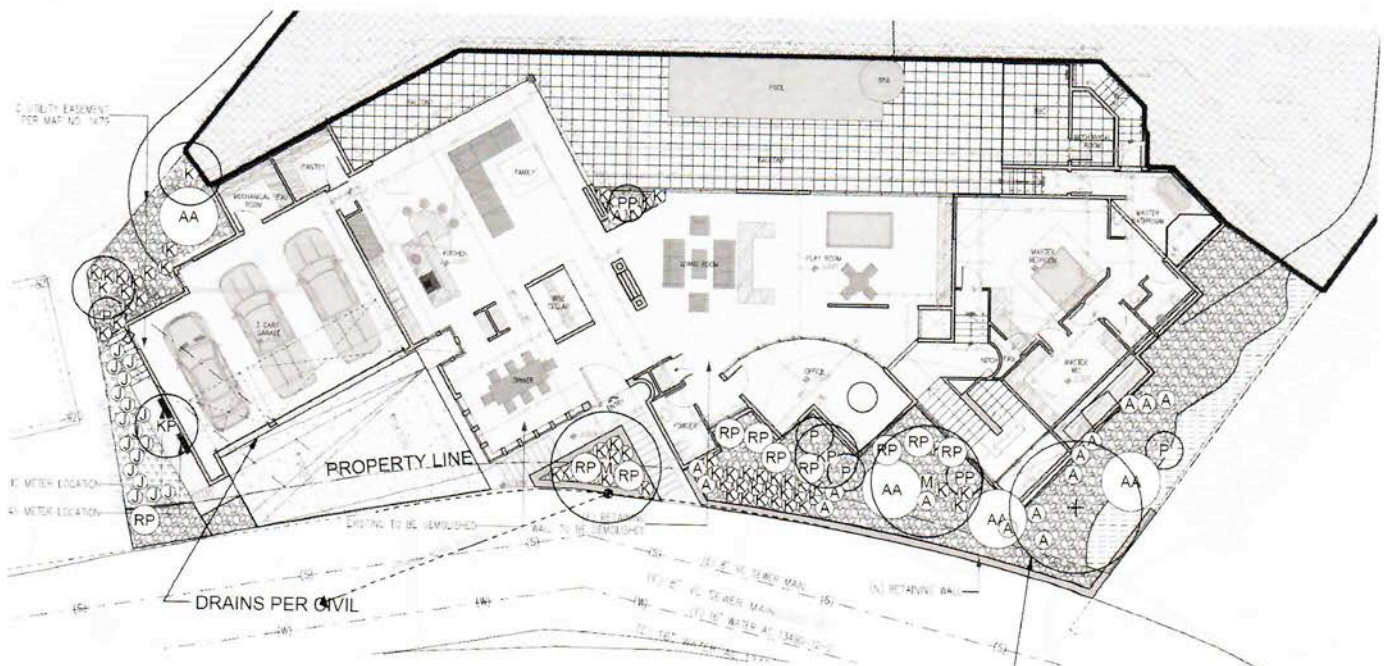


## LACK of REQUIRED VISIBILITY TRIANGLES / AREAS

LDR-Engineering Review Comment No. 56 asks the applicant to show the driveway 'visibility triangles' (visibility areas).



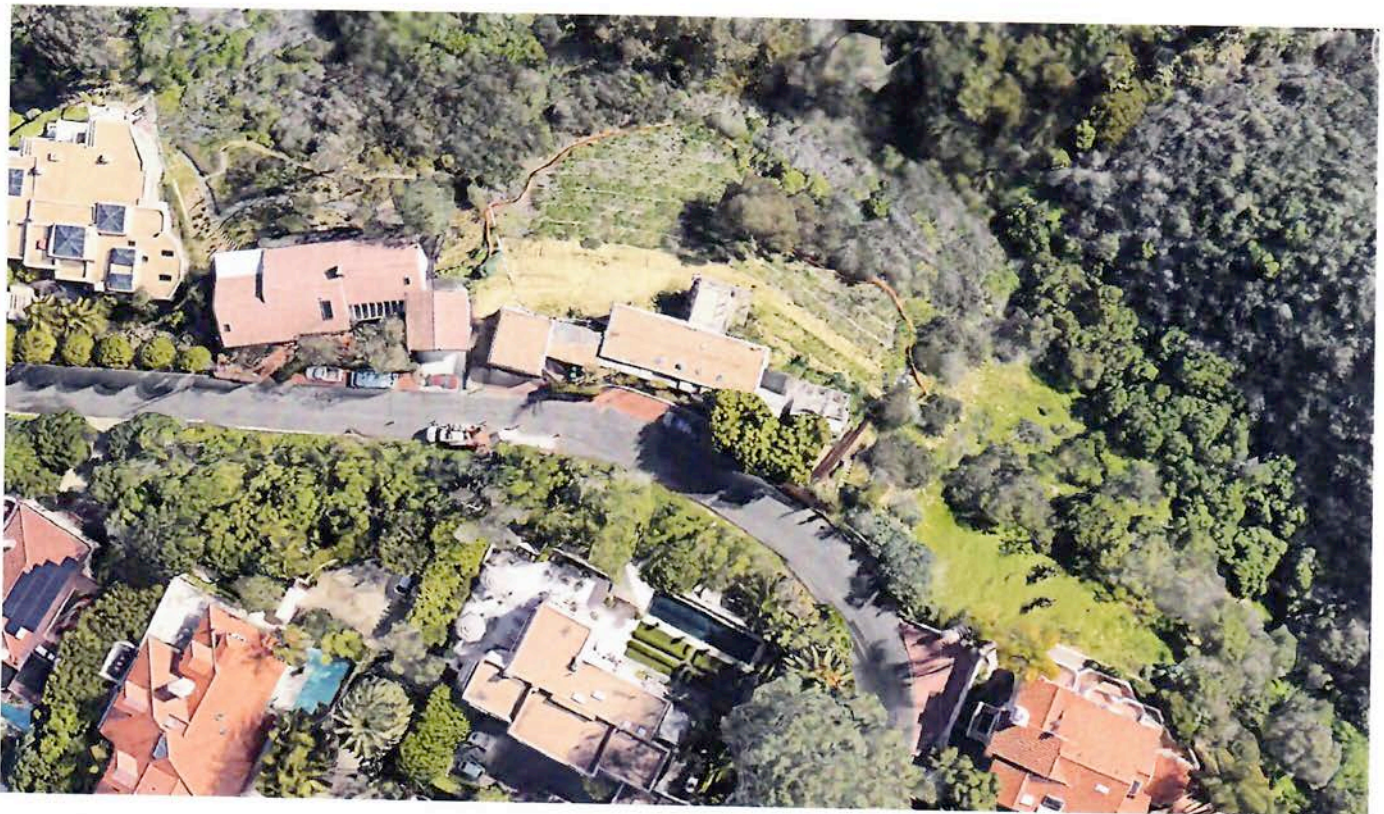
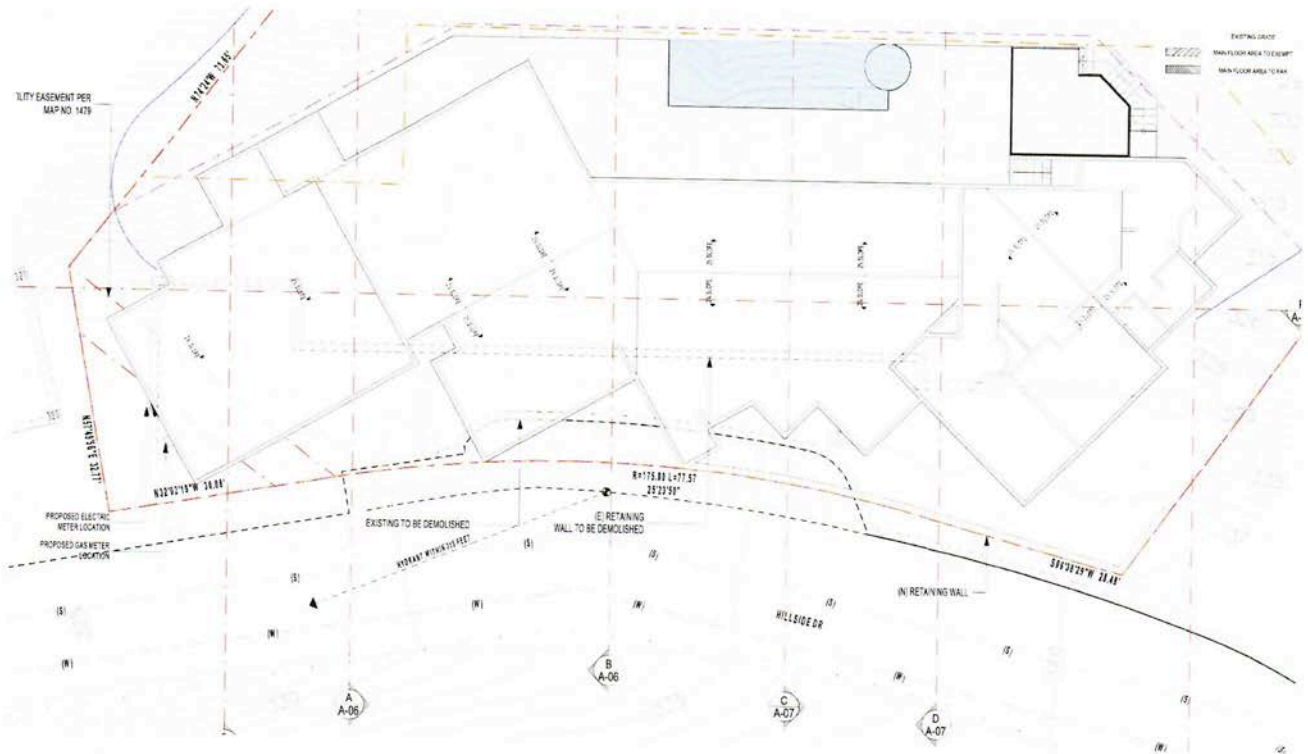
A 10' x 10' clear visibility area is required where a driveway enters a street. The proposed Dining Room extends into the southern visibility area and blocks the line of sight. On the north side of the driveway, the garage is less than 10 feet from the property line and blocks the line of sight.





## FRONT YARD SETBACK Not in Conformity with Those in the Vicinity

As depicted previously and below, two front corners of the proposed house actually touch the front property line. The LJSPDO says: Building and structure setbacks shall be in general conformity with those in the vicinity. None of the homes in the vicinity touch the front property line.



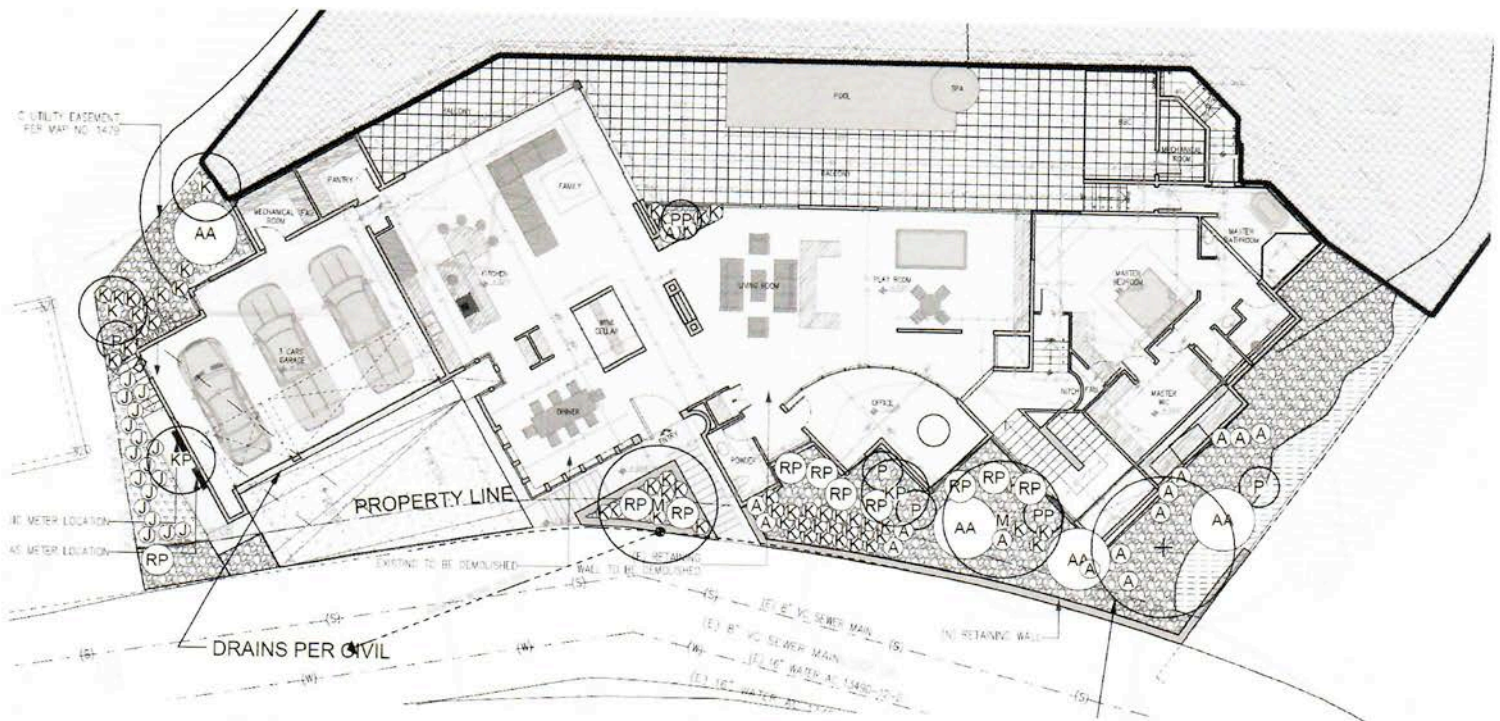


### FRONT GARDEN RETAINING WALLS Within the Street Right-of-Way

As depicted on the SITE PLAN A.01, DEMO PLAN D.01, and LANDSCAPE CONCEPT PLAN L-1, the project proposes exterior entry stairs and retaining walls within the public right-of-way to create a front yard sunken garden at the Main Floor Level.

LDR-Engineering Comment No. 44 directs the applicant to remove the retaining walls and entry stairs from the ROW.

The lack of any setback of the retaining wall structures is not in conformity with the setbacks in the vicinity, and eliminates the existing out-of-the-roadway parallel parking.



## EXCEEDS MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT

The project presented to the LJSPDAB exceeded the maximum allowed Overall Structure Height by 3.5 feet. According to the topographic information on the architect's drawings the lowest point of existing grade within 5 feet of the structure is Elev. 296.5', and according to the Exterior Elevations the highest point of the roof is Elev. 340', for a difference and **Overall Structure Height of 43.5'**; where 40' is the maximum allowed.

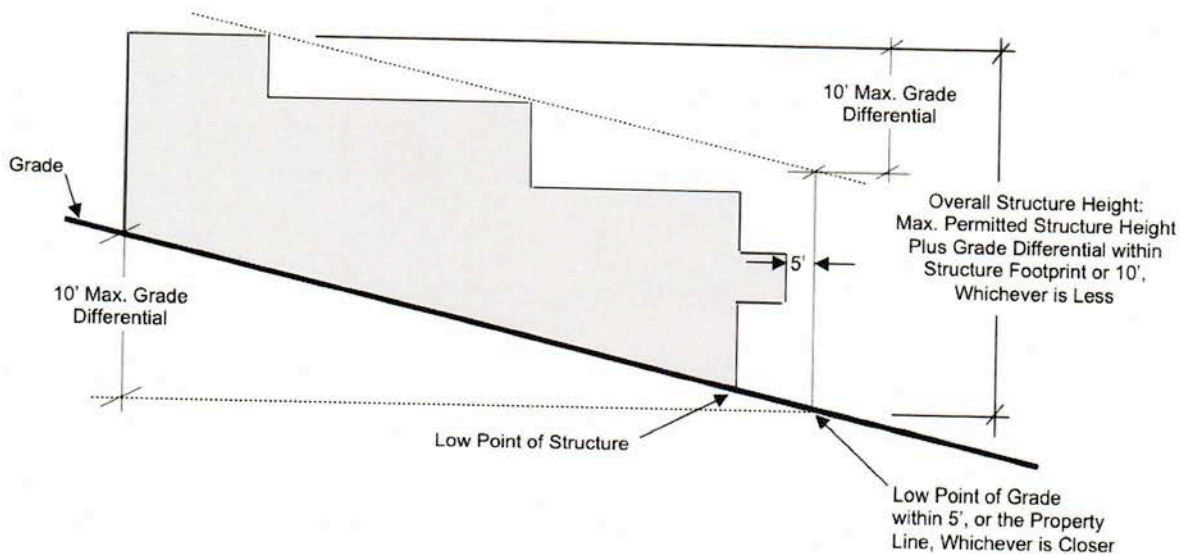
San Diego Municipal Code  
(2-2019)

Chapter 11: Land Development Procedures

- (B) Overall Height Measurement. The overall *structure height* is measured from the lowest point of *existing grade* or *proposed grade* within 5 feet of the *structure's* perimeter (building wall, balcony, bay window, or similar *architectural projection*) or at the *property line*, whichever is closer, to the highest point of the *structure*, projected horizontally to directly above this lowest point of *grade*. The overall *structure height* shall not exceed the maximum permitted *structure height* of the applicable zone plus an amount equal to either the maximum *grade differential* within the *structure's* footprint or 10 feet, whichever is less. The *structure height* shall not exceed the maximum allowed by the applicable zone at any one point. This is illustrated in Diagram 113-02LL.

Diagram 113-02LL

### Overall Structure Height





## EXCESSIVE RETAINING WALL HEIGHT Disrupts the Architectural Unity of the Area

The City wide retaining wall regulations say:

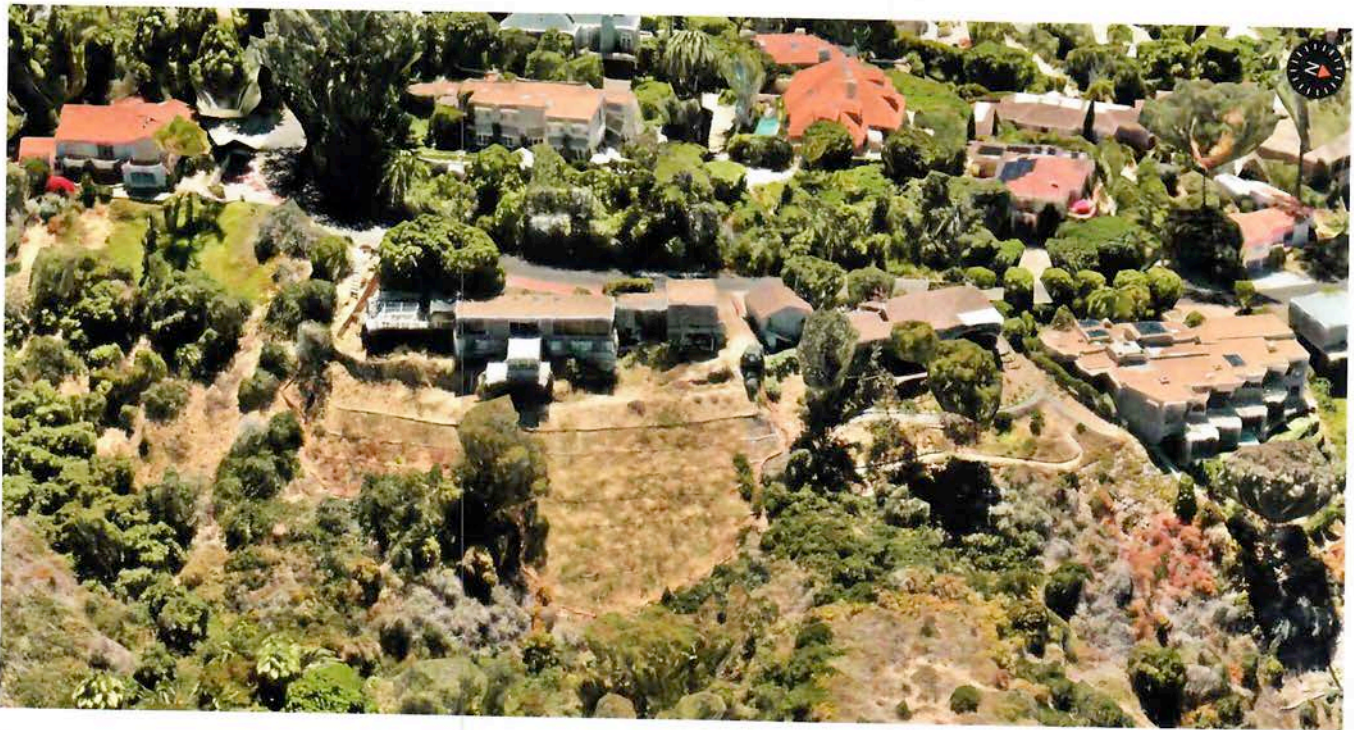
(e) *Retaining Wall Height Outside of Required Yards*

*Retaining walls* located outside of the required *yards* shall not exceed 12 feet in height.

Some have argued that this regulation is not applicable in the LJSPD. However, the LJSPDO says:

(b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.



The proposed 15' high retaining walls supporting the swimming pool are not only 25 percent higher than the maximum allowed elsewhere in the city, the proposed high retaining walls projecting from the steep hillside are so different from anything in the area that they will disrupt the architectural unity of the area.



# La Jolla Community Planning Association

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

Contact Us:

Mail: PO Box 889, La Jolla, CA 92038

Web: [www.lajollacpa.org](http://www.lajollacpa.org)

President: Tony Crisafi

Vice President: Matt Mangano

2<sup>nd</sup> Vice President: David Gordon

Secretary: Suzanne Weissman

Treasurer: Michael Costello

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January 16, 2020

The Honorable Kevin Faulconer, Mayor & Member of the San Diego City Council  
Jessica Lawrence, Director of Finance Policy and Council Affairs, city of San Diego

Subject: PTS #620768 Project address 2020 Soledad Ave. (7819 Lookout Drive), La Jolla, CA 92037

Dear Mr. Faulconer and Ms. Lawrence,

Per City of San Diego bulletin 500, July 2019, substantial conformance review, section II, the La Jolla Community Planning Association respectfully requests that the Schroedl Project located at 2020 Soledad Ave. (7819 Lookout Drive), La Jolla, CA. 92037, PTS No. 620768 adhere to process 2 noticing requirements for the following reasons:

1. Project is in the Coastal Zone with the CDP #235512 dated 8/15/107
2. The property is on an up-slope and of minimal depth with high potential visual impacts of the proposed project to the existing neighborhood character.
3. The adjacent properties, as well, are previously conforming lots and SFR developments of minimal setbacks, mature landscapes & established sloping landforms. Where new development is proposed, prior awareness of adjacent property conditions can be discussed and mitigation measures recommended at the community level.
4. The neighbors have expressed concerns to the La Jolla CPA & requested that the attached letter be forwarded to the city as well. The trustees voted unanimously to forward the item as presented.

January 15, 2020

The Honorable Kevin Faulconer, Mayor & Member of the San Diego City Council  
Jessica Lawrence, Director of Finance Policy and Council Affairs, city of San Diego

The La Jolla CPA understands the established parameters of the SCR process and will conduct a fair review of the proposed development in recommending that which is believed to be in substantial conformance with the approved Exhibit A, CDP document.

Thank you very much for your attention and consideration to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Crisafi", with a stylized flourish at the end.

Tony Crisafi, Chair

Issue	Problem	Proposed Resolution
50% Rule CDP Exemption	The current rule seeks to exempt modest remodeling from CDP requirements. Instead, it permits massive expansion of small buildings, promotes awkward designs, and inhibits certain kinds of reasonable remodeling such as replacement of solid walls with windows	Limit 50%-rule CDP exemptions to projects that (a) increase existing GFA by no more than 50%, or (b) new or remodel whose result is a building using not more than 50% of allowable FAR, and (c) do not involve a property that has used the 50%-rule exemption within the past 36 months.
Serial Permitting	Currently a succession of 50%-rule exemptions can be obtained without any interval, each relying on the augmented walls allowed by earlier permits. Entire structures can be thus replaced without ever obtaining a CDP	Once a 50%-rule exemption is granted, another cannot be obtained until either (a) 36 months have passed since a certificate of occupancy has been obtained following an earlier project, or (b) the subsequent permit leaves at least 50% of the original structure (the base for the earlier permit) intact.
Multi-project coordination/sequencing	Multiple construction projects have a cumulative impact on the community, especially when projects compete for scarce parking, staging, or other access to a neighborhood or a street.	The city needs to set reasonable limits on number of open construction permits within a given radius or on streets with limited access.
Carports	Carports (and open sided garages) are routinely used to increase the GFA of a home without exceeding FAR restrictions. Carports often feature pitched roofs and garage doors and are often illegally enclosed after final inspection.	Except in very limited circumstances, the GFA of carports or open-sided garages must be counted against allowable FAR.
Basements	Basements add considerable density to the community while currently being exempt from FAR. Moreover, especially in hilly areas basements can create or exacerbate geological problems stemming from water flows, seismic faults, and the like.	The GFA of all basements (as defined by the current height above grade limitations) should count towards FAR at a 50% discount. This provides some benefit to the owner/developer to be able to increase overall project size by going underground, but also provides benefit to the community by partially reducing the size of development above ground. Furthermore, due to the high seismic sensitivity throughout San Diego we believe all projects with basements shall provide a full geotechnical study at permit submittal.

Issue	Problem	Proposed Resolution
Beachfront/Hillside Lot FAR	Beachfront and Hillside projects may currently rely on total rather than buildable lot area to compute allowable FAR. Hillside lots have an alternate method only when steep hillsides exceed 50% of the lot area.	Lot size for FAR calculation on Beachfront and hillside properties should use the current hillside calculation method regardless of how much property area is steep slopes. Currently Hillside properties may only utilize the non-steep slope area (or the minimum lot size for the zone, whichever is greater) plus 25% of the steep hillside area. This should be applied for all properties whose boundaries extend out into coastal bluffs and beaches.
Project Noticing	Currently only small, uninformative notices are required when projects request a CDP. Additional information on projects is very difficult for neighbors and other interested parties to obtain.	Projects seeking a CDP should be required to post a large sign on the site, as many other cities do, including a project rendering, basic project data, and a link to view the complete set of plans.
Prop D Height Limit	Currently the Prop D height limit is measured differently than the City's residential height limit, and in a way that encourages gaming the system.	The Coastal "Prop D" Height Limit shall be measured from the lower of existing or proposed grade, exactly as the zoning height limits are measured.
Residential Height Limit	The 30' residential height limit was intended for steeply pitched roofs and chimneys, but permits flat-roofed structures that are too large.	No more than 50% of the building footprint should be allowed to exceed a 25' height limit.

# La Jolla Community Planning Association

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2<sup>nd</sup> Vice President: David Gordon

Secretary: Suzanne Weissman

Treasurer: Michael Costello

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January 23, 2020

The Honorable Kevin Faulconer, Mayor & Member of the San Diego City Council  
Jessica Lawrence, Director of Finance Policy and Council Affairs, city of San Diego

Subject: PTS #361774 Project address 7615 Hillside Dr., La Jolla, CA 92037

Dear Mr. Faulconer and Ms. Lawrence,

Per City of San Diego bulletin 500, July 2019, substantial conformance review, section II, the La Jolla Community Planning Association respectfully requests that the Wu Project located at 7615 Hillside Dr., La Jolla, CA. 92037, PTS No. #361774 adhere to process 2 noticing requirements for the following reasons:

1. The document deviates from the coastal development permit, project number 361774.
2. The wall and house currently attached due to modifications that were not approved, violates city height limit regulations and creates significant public view impacts upon the community as identified in the La Jolla Community Plan.

The La Jolla CPA understands the established parameters of the SCR process and will conduct a fair review of the proposed development in recommending that which is believed to be in substantial conformance with the approved Exhibit A, CDP document.

Thank you very much for your attention and consideration to this request.

Sincerely,



Tony Crisafi, Chair

**MINIMUM STANDARDS FOR  
Substantial Conformance Review**

1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101-4101

July 2017

The goal of Substantial Conformance Review (SCR) is to determine if the proposed project is consistent and in conformance with a previously approved permit. This includes a review of the revised project against the approved exhibits, permit conditions, environmental documentation, applicable land use policies and the public record for the prior permit. Staff will recommend approval of the modified project (utilizing the guidelines for measurement - see Attachment A) if the change falls within the parameters of the prior approval. A Substantial Conformance Review decision is either at staff-level (Process 1) or is a decision by staff that requires input from the Community Planning Group and is appealable to the Planning Commission (Process 2). (Please note that all Process 1 SCR applications are distributed to the affected community planning group as a courtesy notification). If the only prior discretionary action, however, was a tentative map or vesting tentative map and a final map for the project has been approved, then this service is not available.

For Wireless Communication Facility SCR's see information bulletin 536.

**I. SUBSTANTIAL CONFORMANCE REVIEW - PROCESS 1**

Unless otherwise stated as a permit condition or as required by the Municipal Code, Substantial Conformance Review is an optional service available to customers who are proposing to modify their project after a discretionary permit has been approved by the City. This optional service is offered to allow customers to provide only the information needed to make a conformance determination without having to go to the expense of preparing complete construction documents. The process does not include a review for conformance with other City regulations, which is performed when an application for a construction permit approval such as a building, grading, or public improvement permit is made.

**Documents referenced in this Information Bulletin**

- [Information Bulletin 512](#), How to Obtain Public Noticing Information
- [Information Bulletin 536](#), Submittal Requirements and Procedures for Wireless Communication Facilities
- General Application, [DS-3032](#)
- General Application, [DS-3035](#)
- Deposit Account/Financially Responsible Party, [DS-3242](#)

Instead of a SCR, customers may choose to include their project changes as part of a complete construction permit application (building permit, grading permit, public improvement permit, etc.). Staff will review the project change for conformance with the prior permit as part of the process of checking the plans against applicable regulations. If the project changes are not deemed to be in conformance with the previously approved discretionary permit, minor to significant project redesign or an amendment to the previously approved permit may be required. The customer makes the choice to risk a full construction permit submittal or to opt for the more tailored SCR service.

**II. SUBSTANTIAL CONFORMANCE REVIEW - PROCESS II**

Some prior approvals require Substantial Conformance Review to go through a Noticed Decision process (Process 2). This higher decision process is either a condition within the development permit itself or is required by the Municipal Code (e.g., SCR's within the Coastal Overlay Zone).

**III. SUBMITTAL REQUIREMENTS**

Phone (619) 446-5300 to schedule a submittal appointment for SCR. At this appointment, provide the information in the quantities shown below. You may provide one copy of everything for a determination by staff of the final number of copies that



would be required as the quantities may vary depending upon the magnitude of the change:

**A. Provide ten (10) copies of the following:**

1. A letter detailing the modifications being proposed to the project that was previously approved;
2. The final approved permit and resolution(s) of the subject permit; and the approved Exhibit A drawings and documents that are being affected by the proposed project modifications.  
**NOTE:** These items may be provided on one (1) CD-R with one (1) paper copy of permit and Exhibit A drawings.
3. Marked up Exhibit A drawings and documents or new drawings at the same scale as the approved exhibits that clearly show and highlight the proposed project modifications.
4. Plans with 6 sheets or less may be bound (stapled) and folded to 8 1/2" x 11" with the Title Block facing out. Plans with 7-19 sheets must be folded separately to 8 1/2" x 11" with the Title Block facing out. Plans with 20 or more sheets may be bound (stapled) and tri-folded.

**B. General Application (DS-3032) Part I**

**C. Deposit Account / Financially Responsible Party (DS-3242)**

**D. Public Notice Package**

Required for SCR's in the Coastal Zone or when a Process 2 SCR is required by a previously approved development permit. See Information Bulletin 512, "How to Obtain Public Noticing Information," for more details.

**E. Supplemental Discretionary Project Application (DS-3035)**

Provide when a Public Notice Package is required.

**IV. FEES**

The following fees and deposit are required at the time of project submittal or at issuance.

**A. General Plan Maintenance Fee**

This fee is charge at project submittal for all Substantial Conformance Review projects. The General Plan Maintenance Fee provides funding for the maintenance of the City's General Plan and is collected on behalf of the Planning Department. It is non-refundable and is collected once per project.

General Plan Maintenance Fee..... \$275

**B. Mapping Fee**

This fee is charged at submittal when there are plans, drawings, maps or other geographical documents utilized for project review.

Mapping Fee.....\$10

**C. Discretionary Project Close Out Fee**

This fee is charged at submittal to pay for plan processing, notarizing documents, permit recordation, and archiving the project file after final hearing or appeal is completed.

Discretionary Project Close Out Fee ..... \$545

**D. Records Fee**

This fee is assessed at issuance for imaging and archiving the documents in records.

Records Fee-SCR (process 1) .....\$46

Records Fee-SCR (process 2)

Less than 75 pages .....\$92

76 to 1,000 pages ..... \$525

Each Additional 500 pages over 1,000..... \$250

**E. Substantial Conformance Review Deposit**

A Trust Fund account is established with an initial deposit. This initial deposit is drawn against to pay for the review of your project. During project review, the Financially Responsible Party (as identified on the Deposit Account / Financially Responsible Party form, DS-3242) will receive a monthly deposit statement reflecting the charges made against the account.

The Financially Responsible Party may receive invoices for additional deposits for subsequent reviews of the project in order to maintain the minimum balance as shown below. The payment of this in-

voice will be required in order to continue processing your project. At the end of the project, any remaining funds will be returned to the Financially Responsible Party.

Initial Deposit..... \$3,000

Subsequent

Review/Minimum Balance..... \$1,000

## ATTACHMENT A

### GUIDELINES FOR MEASUREMENT OF SUBSTANTIAL CONFORMANCE REVIEW

#### **BACKGROUND:**

At the time a discretionary project is approved by the City, it is acknowledged by both the Development Services Department and the developer that the plans being approved are "conceptual plans." The plans are of sufficient detail to show department staff and citizens what the project will be and how it will look. However, the developer, because of cost and the uncertainty of whether the project will be approved, does not prepare construction documents for the discretionary review phase of the project. After a project is approved, a developer may find it necessary to modify the project. These guidelines give some guidance as to the limits that such projects can be modified without requiring a formal amendment to the project.

A FINDING OF SUBSTANTIAL CONFORMITY CANNOT BE MADE IF CHANGES OR MODIFICATIONS TO A PROJECT ARE INCONSISTENT WITH FACTORS OR ISSUES THAT WERE SPECIFICALLY DISCUSSED AND/OR OR ADDRESSED BY STAFF AND/OR THE DECISION-MAKER AT A PUBLIC HEARING.

GENERALLY, THE MORE SIGNIFICANT THE CHANGE, THE MORE DIFFICULT IT WILL BE TO DETERMINE SUBSTANTIAL CONFORMITY. CONVERSELY, IT CANNOT BE ASSUMED THAT SEEMINGLY MINOR CHANGES WILL BE FOUND IN SUBSTANTIAL CONFORMITY IF IT WAS A SPECIFIC PROJECT ISSUE IDENTIFIED WITHIN THE PROJECT FILE, STAFF REPORT, RESOLUTION OF APPROVAL, AND/OR IN THE PUBLIC HEARING MINUTES.

#### **DETERMINATION:**

Following are issues to be considered and evaluated when reviewing a Substantial Conformity Review Application.

**Land Use – No significant change in land use (permitted uses) from that which was approved can be found to be in substantial conformity to the original permit.** Unless the permitted uses section of permit specifies uses permitted by the underlying zone, only those land use categories identified on the permit are to be allowed.

**Intensity of Development – No increase in density for residential projects may ever be granted under substantial conformance.** A minor decrease in the residential density of a project may be considered, so long as it remains consistent with the minimum designations of the adopted policies and plans and does not affect the sizing of public facilities within the Community. The issues of concern here are consistency with the environmental document and permit which typically only analyze and permit maximum densities, and the ability to size and finance public facilities based on the approved density.



**For mixed-use projects** – The density/intensity of each use approved within the project may be transferred (but not eliminated) between uses provided the overall traffic generation for the site is not exceeded and no other environmental impacts are generated.

**For commercial and industrial projects, no increase in Floor Area Ratio (FAR) or coverage may be granted inconsistent with a permit or exhibits** – Only a minor decrease in FAR or coverage (generally no more than 10 percent–so long as it does not affect the sizing of public facilities within the Community) can generally be found to be in substantial conformance.

The wholesale substitution of one type of housing product for another (e.g., going from an approved multi-family apartment building to an attached town-house design) is not generally in substantial conformance. Such a change is quite complex and would affect several other of the design issues discussed here.

**Site Design** – Site design changes can run the gamut from minor siting changes on a building to completely reorienting the footprint of one or more buildings or relocating parking, driveways, landscaping or some other approved element of a project.

This can be the most difficult of issues to evaluate. It could be possible to reverse the footprint of an entire shopping center and have no adverse results however doing the same for a single-family residence would adversely affect adjacent properties and be considered inappropriate without an amendment to the permit.

**Site design changes proposed for an approved project should not significantly alter nor affect the other issues discussed here** – Coordination of SCR review with other departments/divisions is generally necessary when there are site design changes proposed. Consultation with the Community Planning Group is critical in significant site design changes to ensure that the expectations of the Community during the original approval process are upheld. In many cases the modified site design is a result of more refined site studies, construction plans or specific tenant needs.

**Parking/Circulation** – Typically, minor changes to an approved project's parking and traffic circulation should be considered or approved under substantial conformity review.

**Architecture** – Review of proposed changes to the architectural style of an approved project should weigh the significance that the department and/or the decision-maker(s) placed on the appearance/architectural style of the project when it was approved. Where findings of neighborhood compatibility were required to be made, even minor changes to architectural elements or materials could be considered significant. Though the City does not regulate private views, increasing the height of a flat roof structure to a gabled roof could affect neighbors and lead to some controversy over why the design change occurs after the public hearing. The overriding goal should be that the modified plans result in a project that is "better than or equal to" the conceptual plans that were approved. This is an aesthetic determination, not an economic one.

**Accessory Uses/Structures** – Proposed Changes to a project's accessory uses or structures need to be reviewed within the context of the significance given to them in the course of the project review and approval process. Applicants cannot propose an Olympic size swimming pool and then convert the area to an open grassy space. However, substituting facilities of a similar nature and size may be acceptable. The addition of accessory uses/structures needs to consider whether the use or structure is truly accessory in nature to the approved use and project design and how it physically fits into the project.

**Community Plan and Planning Group** – No project can be found to be in substantial conformance if the proposed changes are inconsistent with any of the elements within the applicable community plan. For Process 1 SCR's, the relevant community planning group is provided with the SCR package as a courtesy notice only. However, if any input is provided by the planning group prior to the final staff decision, that input will be one of the factors considered by staff prior to a final decision.

**Environmental Documents** – No projects can be found to be in substantial conformance if it exceeds the elements described and analyzed in an environmental document. Increased density, grading, traffic, biological impacts, etc., needs to be closely scrutinized and evaluated.

**Landscaping** – The overriding principle is that wholesale modification in the overall amount of landscaping should not be approved. Minor changes may be appropriate but these must be viewed in the context of the full landscape program for the project. Eliminating significant amounts or types of landscape treatment only because of the cost is not substantial conformance. However, the replacement of landscape materials with drought tolerant plants may be allowed if the resulting landscape complies with the regulations of the San Diego Municipal Code.

**Conditions** – Conditions contained within a permit cannot be changed through substantial conformance review. Substantial conformance review can be used to make minor changes to an approved project or facility as described in a permit or shown on an Exhibit "A" as long as those changes comply with all conditions of the permit. Any changes that are inconsistent with permit conditions are not allowed.