

La Jolla Community Planning Association

PO Box 889, La Jolla CA 92038

<https://lajollacpa.org>

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Draft Minutes Trustee Meeting 3 June 2021, 6pm

President: Diane Kane

1st Vice President: Greg Jackson

2nd Vice President: Brian Will

Secretary: Suzanne Weissman

Treasurer: Bob Steck

Regular Monthly Meetings: 1st Thursday, LJ Recreation Center, 615 Prospect St
(Meetings are being held online during the pandemic health emergency)

Registration: <https://lajollacpa.org/ljcpa-online-meeting-instructions/>

Materials: <https://lajollacpa.org/ljcpa-trustee-meeting-6-3-2021-materials-comments/>

Viewing, listening, and speaking at meetings require registration. To have attendance counted toward membership or voting, registration must be in the member's name. Meetings are recorded, and recording is publicly available.

Refer to projects or issues, not to applicants or opponents. For action items, chair calls on public, then Trustees, closes discussion upon consensus, and calls for motions. Trustees vote by roll call or show of hands.

The **public is encouraged to participate** in Committee/Board meetings before LJCPA discussion:

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 Andy Fotsch, 3rd Monday, 4:00 pm

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

Quorum Present: Ahern, Boyden, Costello, Courtney, Hostomska, Ish, Jackson, Kane, Manno, Neil, Rasmussen, Rudick, Shannon, Steck, Weiss, Weissman **Absent:** Davidson, Will

1. Call to Order (6:00pm, action items)

1.1. Approve Agenda (action)

Motion: Approve Agenda: (Jackson/Neil) **Vote:** Unanimous, Chair abstains, Motion carries.

1.2. Approve Minutes (action)

Motion: Approve Minutes: (Jackson/Boyden) **Vote:** Unanimous, Chair abstains, Motion carries.

1.3. Nominate & Elect Treasurer (action)

Dave Ish nominates Larry Davidson for Treasurer (Ish/Costello) **Vote:** Unanimous,

Larry Davidson approved as Treasurer.

2. Non-Agenda Public Comment (information only)

Opportunity for public to speak on matters not on the agenda, 2 minutes or less. No votes or action unless properly noticed at least 72 hours in advance.

Merten: DSD has failed to comply with the Land Development Code by issuing construction permits without Coastal Development Permits required by the Code and for issuing construction permits for projects that clearly violate the Municipal Code. Examples are contained in a letter I sent to you recently. I request that you place on a future meeting agenda a discussion on what you, as a planning group, should do to protect La Jolla and our city from DSD's failure to comply with the LDC.

Kane: I would like to add that to the July agenda. I have found additional examples; the Coastal View Overlook Committee has found a lot of discrepancies with that program. It

appears that Code Compliance has been systematically dismantled over the last 10 years, a systematic failure of Government that demands some response from our officials. I would like some investigation from this group and support for raising the issue at the Community Planners Committee to see what other groups are experiencing.

Sally Miller: I feel it is a horrendous idea to allow any private business to commandeer our public land for their profit. The proposal put forth by Whish & Ladle and Puesto to take over parking for a 'plaza' in front of their businesses is selfish. Previously we have held valet parking spaces to row to four spaces. If this project passes more restaurants will follow with a domino effect.

3. Consent Agenda (consolidated action item)

The Consent Agenda enables LJCPA to ratify recommendations from joint Committees or Boards that findings CAN or CANNOT be made. Those recommendations thereby become LJCPA's. The public may comment on consent items, but there is no presentation or debate. Anyone may request a consent item be pulled for full discussion by LJCPA at a subsequent meeting.

3.1. Cuvier St Vacation (679621, Williams) pulled

(Process 5) Cuvier Street right-of-way vacation, CDP, and lot-line adjustment located south of Prospect Street, next to the La Jolla Recreational Center (615 Prospect) and The Bishop's School. The site is located in the LJP-6 and OP-1-1 Zones, and Coastal (Non-appealable-2) Overlay zone within the La Jolla Community Plan and CD 1.

- **DPR 5/11/21: findings CAN be made, 5-0-2**
- **T&T 5/19/21: APPROVE the proposed vacation of Cuvier St and the redistribution of diagonal parking spaces on Prospect Street and La Jolla Blvd, 10-0-0**

3.2. 6309 Hartley Dr (675657, Ragan/Hayer)

(Process 2) Coastal Development Permit for a proposed detached 911-square-foot Accessory Dwelling Unit with covered patio for an existing single-family residence located 6309 Hartley Drive. The 0.9-acre site is in the RS-1-2 Zone and Coastal (Non-Appealable) Overlay Zone, within the La Jolla Community Plan area and CD 1.

- **DPR 5/18/21: findings CAN be made, 7-0-1**

3.3. 6031/6051 Folsom Dr (684563, Temple/Crocker)

(Process 3) Coastal Development Permit and Site Development Permit to demolish an existing single family residence and consolidate two lots located at 6031 and 6051 Folsom Drive for the construction of a new 2 story single family residence over a new below grade parking garage for a total of 8,409-sf. The 0.54-acre site contains ESL and is in the RS-1-7 zone. *(Applicant note: the total floor area comprises 6,457 sq ft GFA plus 1,952 sq ft of basement.)*

- **DPR 5/18/21: findings CAN be made, 7-0-1**

3.4. La Jolla Blvd Pedestrian Safety (Parker)

Accept the LJ Blvd Pedestrian Safety Subcommittee Report and Recommendations regarding pedestrian safety and enhancements on La Jolla Boulevard and forward to the City for review and implementation.

- **T&T 5/19/21: APPROVE, 9-0-0**

3.5. Roundabout by “The Cross” (Issakov)

Recommend the City move forward with the installation of a Roundabout at the Intersection of La Jolla Scenic Dr South/Via Capri/Soledad Park Rd as funding becomes available

- **T&T 5/19/21: APPROVE, 9-0-0**

3.1 Pulled

3.5 Pulled by Courtney

Motion: Approve items 3.2, 3.3, 3.4 (Jackson/Courtney) **Vote:** Unanimous, Chair abstains, Motion carries

4. Elected Officials, Agencies & Other Entity Representatives

4.1. Council 1 (Joe LaCava): Steve Hadley, 619-236-6611, srhadley@sandiego.gov

Hadley: No report. I am here for questions.

4.2. SD Mayor’s Office (Todd Gloria): Matt Griffith, griffithm@sandiego.gov not present

4.3. Assembly 78 (Chris Ward): Rachel Granadino, 619-413-0674, rachel.granadino@asm.ca.gov

Granadino: Assembly member Ward was appointed Majority Whip in the Assembly. Many bills are on the way to the Senate. Visit our website for a complete list of our legislative package. If you have any issues with any state related agencies, feel free to send an email to me.

Kane: Can you give a brief description of housing related bills put forth by Assembly Member Ward?

Granadino:

- AB 482 extends sunset date of legis. enacted in 2017 which authorized housing authorities in City of SD and County of Santa Clara to develop mixed income housing including middle income individuals.
- AB 500 requires local governments to amend their local coastal programs by a specified date to identify circumstances and locations under which ADU's, Jr.ADU's, and supportive housing projects would be exempt or would qualify for waiver of CDP. It also returns Coastal Commission's statutory authority to provide affordable housing for low and moderate income individuals in Coastal Zone.

- AB 724 requires relevant state agencies to establish by Jan. 1, 2023, an expedited track for local governments cities, counties, and established continuum of care entities to receive funding when approved for homelessness services.

Rasmussen: How does Mr. Ward feel about downzoning as a means of densification?

Reply: I can't answer; please send questions to me.

Costello: Ask Mr. Ward about people leaving state due to high taxes required to fund these many programs.

4.4. Senate 39 (Toni Atkins): Cole Reed, 619-645-3133, cole.reed@sen.ca.gov see below

4.5. SD Planning: Marlon Pangilinan, mpangilinan@sandiego.gov not present

4.6. UCSD Planning: Anu Delouri, 858-610-0376, adelouri@ucsd.edu not present

5. Policy Discussions & Reviews (action items as noted)

5.1. TIME CERTAIN 7PM

Proposed housing-related State legislation, especially SB9 (Sen. Atkins) (action)

Atkins: Let me begin with some context. Housing has always been an Issue. I have wanted to help CA residents achieve homeownership. We need 1.8 million homes to meet our own housing demand; we build about 80,000 per year. Most of the work I have done has been about funding, subsidizing low-income affordable housing in urban core. Housing prices, homelessness and housing insecurity continue to increase. SB9 incorporates concerns from similar bill last year and builds on ADU law:

- It streamlines process for homeowners to create a duplex or subdivide existing lot.
- It benefits homeowners, not investors, prevents profiteers from evicting tenants by excluding properties where tenant has resided in last 3 years, removes issue of speculation by investors.
- It has established a maximum number of units allowing no more than 4 units on a single-family lot. Currently a sf parcel can allow 3 units; this adds one more unit.
- It protects historic districts, preserves environmental quality and the look of communities, prevents tenants from being displaced.
- It provides opportunities for the 'missing middle.'
- Not every lot is conducive for this; not everyone will want to turn their home into a duplex.
- It considers single-family neighborhoods for character, setbacks, FAR's, height to comply with local ordinances. Prohibits development of small lot subdivisions, ministerial lot splits on adjacent lots by the same individual; will not be a tool for investors.
- Excludes very high fire hazard severity zones, prime agricultural land, hazard waste sites, earthquake, and flood zones.

- It supports increasing production, respects neighborhood character, provides homeownership opportunities for family use.

Merten: A zoning ordinance is a covenant between Government and the people. People work for years to achieve homeownership in a single-family neighborhood. Changes in zoning covenants should only be made by the government with the consent and a vote of the people. Additional housing units should be constructed in existing underdeveloped multi-family zones in accordance with existing zoning regs. **Reply:** We have looked at underdeveloped multifamily, but we still have not produced enough housing to accommodate people who want to live here. Zoning is a function of state and local government with goal that it be a partnership. We are looking at all options.

Jackson: We have had bad experiences in LJ with quality of ministerial approvals. Folks downtown exercise ministerial approvals in situations when they should not or incorrectly, or in ways that do not serve the community. SB 9 moves many things to ministerial review and that is worrisome. Also we found a lot of unused capacity in LJ where existing zoning permits more housing than is there now. We hope that you investigate why this existing capacity is not being used effectively. **Reply:** I would like to hear examples of ministerial approval issues. I have heard complaints about DSD as long as I have been in SD. Mayor Todd Gloria now has responsibility to oversee DSD and Planning. I want to be a partner able to provide resources to communities to do things the right way. I will have conversation with him again. I understand trust issues with communities; I will take a look.

Kane: The ADU ordinance is working well in LJ because it requires a CDP and comes to the community for review. People adding ADU's are homeowners who have lived in LJ a long time and are building units for family members. Units are high quality, architect designed. Community input helps get high quality development. What will ensure that the property is affordable when built? **Reply:** SB9 is part of a package of bills; it will not solve every problem. Production does help over time with costs. Some bills for larger projects do have a percentage requirement for affordable housing. Smaller units will cost less.

Boyden: Ministerial review will not consider neighborhood character. Planning Commission will not pay attention to our Community Plan

Courtney: Clarify maximum number of units on single-family lot. **Reply:** only 4 total, 2 and 2 on one single-family lot. Cannot do a duplex and ADU on one split lot. There are also minimum lot sizes.

Atkins: In response to concerns about density, loss of local control, parking, not every homeowner will take this opportunity to split lot and build duplexes. We are not restricting local jurisdictions from addressing issues such as need for parking, requirements for affordable units and other items related to local characteristics. I appreciate the work you do; I take your concerns seriously. I want to continue to work with you. The big crisis in CA is the lack of housing. We don't have enough affordable housing to attract workers in many fields.

Kane: Can your staff send us a list of things that allow for community control? **Reply:** I will have Deanna in our office and Cole get you that information.

Further discussion after Senator Atkins left

Wampler: How will this build intergenerational wealth for homeowners rather than speculative builders acquiring the property, splitting the lot, building 4 units and selling for a profit? The Sunshine factor will bring investment and high costs. Have they considered how much of SD housing stock is already owned by corporations, investors, Air B&B?

Rick Kent: I am concerned about affordability for teachers, firefighters etc. who cannot afford to live in the community they serve. I question if a blanket bill across the whole state changing everyone's zoning will do that. More units may bring prices down temporarily, demand will increase and soon prices will rise again to establish a new equilibrium.

Fitzgerald. This will mean commercialization and densification of single-family neighborhoods. Single-family owners or their heirs will sell to highest bidder and single-family neighborhoods will become multi-family.

Kane: Increasing supply to meet demand will only increase demand. There is unlimited demand for coastal property. Applying law statewide is draconian, an assault on local control, zoning, and planning.

Rasmussen: Currently a 6,000 sf. lot can be split into 2 3,000 sf. lots with one unit and an ADU on each. That is 4 units. How is SB9 different?

Shannon: Adding more homes will bring more people, congestion without necessary infrastructure.

Costello: This is an action item. I move we send a letter of nonsupport opposing this bill including comments made tonight. Manno 2nd.

Kane: In the interest of time should we draft letter and get ratification later?

Emerson: We need to send to heads of appropriate committees in the Assembly as well as Atkins. Assembly can amend; speed is important.

Jackson: Have President designate group of no more than 3 people to summarize points made tonight and write letter on our behalf to all necessary parties in the assembly, Senator Atkins, and the Governor. We do not have time to draft this tonight.

Discussion continued as to whether the letter express opposition to the bill or just list the comments all of which expressed our concerns and did not support the bill.

Ahern: State reasons for opposition then say therefore we oppose the bill.

Weiss: Add to letter: unintended consequences of this bill have not been adequately investigated and are likely to cause serious, irreversible problems.

Committee: Emerson, Costello, Weissman, Weiss, Kane

Motion: Draft letter stating that we oppose this bill as written summarizing our comments made at this meeting expressing our concerns as reasons for our opposition: (Costello/Manno)

Vote: 13-2-1: Motion carries

In favor: Ahern, Boyden, Costello, Hostomska, Ish, Manno, Neil, Rasmussen, Rudick, Shannon, Steck, Weiss, Weissman

Opposed: Courtney, Jackson

Abstain: Kane (Chair)

6. City/State/UCSD Project Reviews (action items as noted)

6.1. Scripps Park Comfort Station (action)

Approve letter to City requesting changes in construction fencing around this project; draft letter is on Materials page.

Ahern: Showed pictures of Scripps Park with fencing around Comfort Station construction project that blocked views to the ocean. The fencing has remained even though much of the construction is finished. Several people visited the site and offered a plan to reduce the fence to allow park features, views and easier movement. The letter asks to expedite completion of sidewalk, remove fencing along the bridge club, reduce footprint of current construction site, open bridge club and its facilities including the wedding part and widen useable area overlooking La Jolla Cove. Further explanation of the plan to modify the fencing to open the views while the Comfort Station construction continues. We are asking the City to help us to use the park for residents and visitors.

Neil: This will greatly improve the park.

Jackson: Is the City's hesitancy because of liability? **Reply:** We did discuss ways to reduce the liability.

Shannon: Pleased to see City respond favorably.

Miller: How wide is sidewalk just poured? Could it be widened? **Reply:** Probably too late for that. It is the standard width.

Motion: Approve Letter shown in Materials. (Steck/Jackson) **Vote:** Unanimous, Chair abstains: Motion carries.

7. Local Project Reviews (action items as noted)

7.1. 7362 Brodiaea Way (680384, Sammon) (action)

(Process 2) Substantial Conformance Review in reference to CDP 1367758 & SDP 1466667. Change in plans consisting of removal of proposed driveway and garage at Encelia Dr. Garage is now proposed as a complete underground structure within the approved building envelope.

- **DPR 4/20/21: findings CAN be made, 5-1-1**

Roger Sammon: Architect with Island Architects for project.

Presented slides showing plans with changes overlaid on original plan:

- Property located next to La Jolla Heights Natural Park open space in Community Plan
- Originally approved by DPR in Dec.2018, by CPA Feb. 2019.
- Design changes required review by CPA for Substantial Conformance:
- Garage removed from main building pad and placed in a basement no longer visible from public view.
- Driveway moved from high part of slope down to south end.
- Basement plan not visible except for small clerestory windows on north elevation.
- Main difference in main level is removal of garage, height increased 1 inch, no change in pool cabana, no change in retaining walls, setbacks, FAR decreased from .34 to .32, ~5,000 sq. ft. basement added not visible, disturbing little area, less import of dirt.
- Drawings presented showing driveway looking up with retaining walls and views from La Jolla Shores beach and Torrey Pines Rd.

Neil: Project does not meet criteria for SCR. It should instead have been heard as an amendment to the SDP/CDP. Its stormwater, landscaping and visuals require more than the few hours allotted under SCR. Changes in new project involve digging a new underground garage, changes to stormwater retention vault both of which will impact stormwater. The northwest property line abuts top of LJ Heights Natural Park so any increases in height, changes to landscape or stormwater will impact this very high fire severity zone and an area of special biological significance. We need to send a message to DSD that we care about development, public and private, next to our important parks just as we have done with our extensive reviews of the La Jolla View Reservoir.

Courtney: How much living space in addition to the garage is in basement? What is total square footage including basement? **Reply:** Around 2,000 sf. of living space. I can't answer total sq. footage because it is not included in FAR calculation. Per slide, total sf. is ~14,000sf, lot size 27,878.

Merten: Retaining walls adjacent to new driveway not shown fully on west elevation contribute to impact of this building on this sensitive site. **Reply:** Retaining walls have not changed from original project.

Sammon: To address questions in Chat: The driveway is a bioswale at the same elevation. The elevation of retaining walls and slope is same as original project. Previous project had a .34 FAR; FAR as proposed is .32, allowable is .45. Entire lot size is 27,878 sf.; total sf of structure is 14,607: that is the ratio of sq. footage to lot area, not FAR. All slopes are manufactured, were previously graded, therefore not considered steep slopes.

Motion: LJCPA does not recommend a SCR for this project due to addition of underground parking and living space, stormwater and landscaping in this very high severity fire zone and area of special biological significance near the LJ Nature Reserve. (Neil/Courtney)

Discussion on motion:

Kane: Do you want to add that it should be an amendment? **Neil:** I don't want to endorse an amendment; if it were an amendment, it would involve a lot more staff review time.

Costello: Why will the city staff pay attention to this? How can we defend this? **Neil:** I am not opposed to saying it should be an amendment to the CDP if that makes it clearer. City staff indicated in the cycle issues they looked at stormwater, landscaping, fire zone and area of biological significance as stated in my motion. We need to let them know we think these issues are important, otherwise they will pay no attention. An amendment will get more review time.

Boyden: What are we asking for in this motion? **Neil:** I am saying that we do not consider this project suitable for a SCR process – that the changes are not so minor that it qualifies as a substantially conforming project.

Weissman: We do not agree that this project substantially conforms to the prior project. The big change is the 6,000 sq.ft. basement and required excavation.

Boyden: This rewording is helpful because this project does not conform to previous project.

Neil: This project will also have an impact on the stormwater vault; this is not the same project.

Motion (restated) This project does not substantially conform to the prior project because it adds a 6,000 Sq. ft. basement/garage requiring excavation that was not in the prior project; it also raises stormwater retention issues that have not been resolved. (Neil/Courtney - agreed to restatement of motion) **Vote:** 14-1-1: Motion carries.

In favor: Ahern, Boyden, Costello, Courtney, Hostomska, Ish, Manno, Neil, Rasmussen, Rudick, Shannon, Steck, Weiss, Weissman

Opposed: Jackson

Abstain: Kane (Chair)

8. Officer Reports (action items as noted)

8.1. Treasurer

Beginning Balance as of May 1, 2021 \$729.70

No activity during period

Ending Balance of May 31, 2021 \$729.70

Donations can be made by mailing a check made out to the LJ CPA. Email the Treasurer via info@lajollacpa.org for instructions and address.

8.2. Secretary

Weissman: Membership information is on website. Your attendance tonight will count toward your membership.

8.3. President

1. Committee appointments (action)

Motion: Approve committee appointments as shown in Materials (Jackson/Boyden) **Vote:** Unanimous, Chair abstains: Motion carries

2. City budget priorities & LJ requests

Motion: Approve City Budget Proposals as shown in Materials. (Jackson/Boyden) **Vote:** Unanimous, Chair abstains: Motion carries

Kane: I want to follow up on Mr. Merten's comments about Code Compliance and add a few more items that have been ignored, then add this to next month's agenda as an action item and to share it with the CPG's to see if citywide problem.

Jackson: Could we ask the LJ Light to ren an article about this and ask for replies from others regarding Code Compliance issues that have been ignored? More examples would be helpful.

Kane: The revised Draft Master Parks Plan has been released. Our group consisting of retired planners, landscape architects still have concerns. Mainly that it will go to City Council in July leaving less than 30 days for community review. I would like approval to work with Parks and Beaches to draft a response to this plan to get to City Council and Mayor in advance of Council meeting in July.

Motion: Approve President Kane to work with P & B and LJSA to draft a response to the revised Draft Master Parks Plan. (Costello/Jackson) **Vote:** Unanimous, Chair abstains. Motion carries.

9. Reports from Standing, Ad Hoc, and Other Committees (information only)

9.1. View Corridors No report

9.2. La Jolla View Reservoir

Ahern: Representatives from City of SD and community members met last week about the proposed 3.1 million gallon reservoir located in LJ Heights Natural Park. There has been a lot of resistance from hikers, Sierra Club, Natural Plant Society and more. Jack McGrory and I and others have been working with the City to reassess need for a 3.1 million gallon reservoir. City Reps said they had preliminary information that, due to reduced water usage, there is a triple reduction in need for water and the possibility to build a smaller water tank although the reservoir still needs to be elevated to perform if pumps go out. Other options, alternative locations, and safety concerns were discussed at this meeting. It will take time to get a final report. This is setting a precedent for the community to work with the City to find a win-win on City projects.

Also, after a long delay, the improvements needed for safety on the beach access walkway on Spindrift to the beach by the Marine Room is getting some traction from the City Transportation and Storm Water Department who is responsible for this. The Committee will now be part of the LJSA with Brian Earley as chair and several other residents working together.

Hadley: Joe LaCava encouraged City staff to work directly with the community on the Reservoir Project and is pleased with the progress.

10.Non-Agenda Trustee Comment (information only)

Opportunity for Trustees to comment on matters not on the agenda, 2 minutes or less. No votes or action unless properly noticed at least 72 hours in advance.

Courtney: Consider merchants other than restaurants and pedestrians who will be impacted by takeover of sidewalks and parking by proposed plaza project.

Rasmussen: On the bike path going south from fire station past Bonair, past drainage, to paths going east there is an area where a group of kids has destroyed native plants, cut down trees, left garbage all over. We tried to clean some of it and are working with Steve trying to get Environmental Services to remove the fire hazard. Go take a look.

11.Adjourn to next LJCPA meeting

Regular meeting 1 July 2021, 6pm

Prepared by:

Suzanne Weissman

Secretary