

Reasons for Voting No on Bird Rock Station

We have printed this with permission from Sherri Lightner, a community member of knowledge, integrity and commitment. Among her many roles, Sherri is a on the La Jolla Town Council, and is a former CPA trustee. She also sits on the Coastal Development Permit Committee, where Mark Lyon and Michael Krambs presented their three-story "Bird Rock Station" project last Tuesday (January 30th). Sherri wrote this to the Committee Chair, Phil Merten, who is also a CPA Trustee.

Abbreviations: LJTC = La Jolla Town Council
LJPDO = La Jolla Planned Development Ordinance (our zoning laws)
CDP = Coastal Development Permit
PDP = Planned Development Permit (the mechanism Lyon is trying to use to circumvent the PDO)
BRCC == Bird Rock Community Council
SDMC = San Diego Municipal Code

My no vote was for, but not limited to, the following reasons:

1. It was not clear what permit was under consideration. I asked about the findings ... None of the findings for these permits were discussed or presented by the applicant. The findings for the Site Development Permit cannot be made - this determination was made at the LJPDO meeting. The findings for the Site Development Permit for the La Jolla Planned District cannot be made, because the project is not limited to two stories; does not take garage access from the alley and may not meet the rear yard setback of the PDO Zone 4.
2. The LJTC and CPA both voted in May 2006 to deny proposals for three stories and increased FAR's. The hearing of this project violated direction by both of the parent groups.
3. It is not clear that the old project meets the supplemental findings for the PDP. There was not sufficient time to fully discuss the "old plan" at this meeting. What is the amenity provided the residential units? What is the coverage of the old design?
4. The motion was out of order - the committee was told we would be hearing the revised design (emails for the January 9, 16 and 30 CDP meeting), which we did and then the motion was for the old design. The entire meeting and public testimony was on the new design. Additional testimony should have been allowed from the public on the old design once that was the subject of the motion.
5. There was no recommendation from BRCC - largely because the drawings were not submitted until the day of the January 30 CDP hearing. We should have waited for this because it is clear that the project will not go to Planning Commission for 3-4 months.
6. The drawings were not received from the City as part of a "package" from the City. [I thought that they were delivered to Mr. Merten by Bob Korch of the City, but have since found out that the drawings were delivered by Mark Lyon.] Re: the PDP and the SDMC provisions for when it can be used: The two story height limit is an important feature of the base zone. A three story building proposal in a zone restricted to two stories should require a variance not a deviation.
7. Public benefit for the proposed deviations has not been demonstrated. It was asserted that extra parking would be a community benefit, however, irrespective of the number of stories the amount of parking will be the same - given the amount of excavation required.
8. The finding "will not adversely affect the Land Use Plan," cannot be made, because on page 103 of the LJ Community Plan the LJPDO is incorporated into the Plan. This project does not conform to the LJPDO and consequently will adversely affect the Land Use Plan.
9. Another provision of the Land Use Plan is the requirement for alley access to the garage. The failure to meet this recommendation also adversely affects the Land Use Plan.

- 10.** There was no recommendation from Traffic and Transportation, although the applicant was asked to return to them.
- 11.** There was no clear definition of the tenant for the ground floor. A restaurant use is included as one of the possible uses. If there is a restaurant use the onsite parking is insufficient.
- 12.** It was not demonstrated that a two-story project could not be done.
- 13.** The letter from the City Attorney used by the applicant to seek a three story deviation to the PDO Zone 4 two story height limit was not signed.
- 14.** The effects of cumulative impacts from the introduction of three stories has not been addressed. I prepared a point by point commentary on the applicants PDP submission - it is attached but there really was not time to discuss it.