



La Jolla Community Planning Association

Regular Meetings: 1st Thursdays | La Jolla Recreation Center, 615 Prospect Street

Contact Us

Mail: PO Box 889, La Jolla, CA 92038

Web: <http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

Email: info@LaJollaCPA.org

President: Joe LaCava

Vice President: Bob Steck

2nd Vice President: Patrick Ahern

Secretary: Helen Boyden

Treasurer: Nancy Manno

REVISED D R A F T AGENDA

Special Meeting | Wednesday, 9 July 2014

6:00p

1.0 Welcome and Call To Order: Joe LaCava, President

→ Please turn off or silence mobile phones

→ Meeting is being recorded

2.0 Adopt the Agenda

3.0 Meeting Minutes Review and Approval: 5 June 2014

4.0 Elected Officials Report – Information Only

4.1 Council District 1 – Council President Pro Tem Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@san Diego.gov

4.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@san Diego.gov

4.3 39th Senate District – State Senator Marty Block

Rep: **Allison Don**, 619-645-3133, Allison.don@sen.ca.gov

4.4 78th Assembly District - Majority Leader Toni Atkins

Rep: **Toni Duran**, 619-645-3090, Toni.Duran@asm.ca.gov

5.0 Non-Agenda Comment

Opportunity for the public to speak on matters not on the agenda and within LJCPA jurisdiction, two minutes or less.

5.1 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>

6.0 Trustee Comment

Opportunity for trustees to comment on matters not on the agenda and within LJCPA jurisdiction, two minutes or less.

7.0 Officers' Reports

7.1 Secretary

7.2 Treasurer

8.0 President's Report – Information only unless otherwise noted.

8.1 Special Election – Voting Results (See Item 15)

8.2 Planned District Ordinance Appointment: _____ - Action Item

8.3 City Council approved funding to reimburse planning groups.

8.4 Confirmed Rec Councils have role in reviewing private projects in public parks

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.

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- 8.5 Torrey Pines Corridor Update – Rescheduled for T&T July Meeting** (Watch for special day/time)
- 8.6 Children’s Pool Popping Season Closure** – Coastal Commission Hearing, San Diego, Aug 13-15
- 8.7 REMEDY: AT&T-Cliffridge – Correct Minutes of April 3rd (See attachment)** – Action Item
- 8.8 Whale Watch Way Residence – Consider Appeal of HO’s June 25th Decision** – Action Item

Previous PRC Action (Jan ’14) – Findings cannot be made, 5-0 Excerpt of minutes attached.

Previous LJCPA Action (Feb ’14) – Ratify PRC action, 15-0-1

Previous City Action (Jun ’14) – Hearing Officer approved project

9.0 REPORTS FROM AD HOC and NON-LJCPA COMMITTEES - Information only

- 9.1** Ad Hoc Committee on Short-term Vacation Rentals <http://www.lajollacpa.org/minutes.html#vr>
- 9.2** Community Planners Committee <http://www.sandiego.gov/planning/community/cpc/index.shtml>
- 9.3** Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html>

10.0 CONSENT AGENDA – Ratify or Reconsider Committee Action

The Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

→Anyone may request a consent item be pulled for reconsideration/full discussion.

→Items “pulled” from Consent Agenda automatically trailed to the next LJCPA meeting.

→See committee minutes for description of projects, deliberations and vote.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm.

10.1 AMIN RESIDENCE

DPR Motion: Findings **CAN** be made for a Coastal Development Permit to amend CDP No. 617242 for the construction of a 6,818 square foot, single family residence on a vacant 0.71-acre located at **7001 Country Club Drive**. 6-0-1.

10.2 HART RESIDENCE

DPR Motion: Findings **CAN** be made for a Coastal Development Permit to remodel and add a 2,085-square-foot, second story addition to an existing 3,154-square foot single-family residence on a 0.33-acre site located at 6101 Camino De La Costa. 5-1-1.

10.3 LASKA RESIDENCE ADDITION, 8151 Calle Del Cielo

CDP and SDP for a 2,856 sq. ft. second floor addition, remodel and add 427 square feet to the first floor with basement addition, and new 3-car garage of 854 sf to an existing single family residence on 20,101 square feet.

PRC Motion: Findings **CAN** be made on a Coastal Development and Site Development permit. 5-2-0.

10.4 VITERBI RESIDENCE, 2712 Glenwick Place

CDP, and SDP for Environmentally Sensitive Lands for previous grading/slope repair on an approximately 0.14 acre portion of a site containing an existing single family residence to remain.

PRC Motion: Findings **COULD** be made for a Coastal Development and Site Development Permit for Environmentally Sensitive Lands subject to the changes noted in red on the plans and dated 6/24/2014.

11.0 Skylark Canyon Sewer Replacement – Information Only

This project will rehabilitate 1,390 linear-feet of existing 8-inch sewer mains and laterals, including rehabilitation of manholes within the La Jolla Community. No vehicles would enter the canyon, and all equipment will be hand-carried or brought in using wheelbarrows to the manhole. All staging will occur on street surfaces. Francis S. Marquez, City of San Diego. See attachment.

Time
Certain
6:30pm

12.0 Wu Residence, 7615 Hillside Drive – Action Item

PROCESS 3 - CDP and SDP to demolish an existing structure and the construct a 7,345 sq. ft. two story single family dwelling unit with a basement. The site is located at 7615 Hillside Drive. The site is located in the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limit.

*Previous Action by PRC (May '14): Findings **CAN** be made for a Coastal Development Permit and a Site Development Permit to demolish the existing structure and construct a 7,345 sq ft house at 7615 Hillside Drive, Project No. 361774, based on plans presented today, dated March 15, 2014. 3-1-1.*

PRC meeting minutes attached.

Previous Action by LJCPA (Jun '14): Pulled from Consent Agenda

13.0 LA JOLLA BEACH TOWNHOMES TM, 6633 La Jolla Boulevard – Action Item

Coastal Development Permit and Tentative Parcel Map (Process 3) to convert 4 residential dwelling units under construction into condominiums on a 0.115 acre property. The site is located at 6633 La Jolla Boulevard, in the RM-3-7 zone of the La Jolla Community Plan area and Coastal Zone (non-appealable), Coastal Height Limitation, Parking Impact, Residential Tandem Parking, and Transit Area Overlay Zones, within the La Jolla Community Plan area.

*Previous Action by DPR (June '14): Findings **CAN** be made for a Coastal Development Permit and Tentative Parcel Map to convert 4 residential dwelling units to condominium ownership consisting of one 3-bedroom unit and three 2-bedroom units under construction into condominiums on a 0.115 acre property at 6633 La Jolla Boulevard. The bedroom count is to be as indicated in the marked Tentative Parcel Map dated June 10, 2014 and included in the Condominium Association bylaws. 6-0-1. **See DPR meeting minutes attached.***

14.0 City's Response to Election Challenge – Action Item

Consideration and possible adoption of the City's recommendations to "cure and correct operations" as detailed in the City's letter of June 26, 2014 (attached.)

Previous Action (June 26, 2014): City of San Diego response to complaint.

Previous Action (May 16, 2014): Complaint against LJCPA filed with City of San Diego

Previous Action by LJCPA (Mar 25, 2014): Response to Election Challenge

Previous Action (Mar 11, 2014): Election Challenge filed with LJCPA

15.0 Special Election Results – Action Item

Polls closed at 7:00 pm on July 3rd. Upon final verification of the count, the Election Committee reported the results to the LJCPA President. Tonight the LJCPA President will certify and announce the results. The Chair of the Elections Committee took custody of the election ballots. **Any challenge to the election results must be filed with the Chair of the Elections Committee (Bob Steck, Bob.Steck@edwardjones.com) in writing within one week of the announcement of the results of the election; that is by no later than Wednesday, July 16th at 10:00 pm.** If no challenge to the election results has been made within said time period, the ballots shall then be destroyed. Newly elected trustees will be seated at the August meeting. (Source: LJCPA Bylaws, dated June 27, 2013)

16.0 LA JOLLA SHORES PLANNED DISTRICT ORDINANCE – Action Item

→ITEM MAY BE CONTINUED TO AUGUST 7TH IF MEETING RUNS LONG.

Does the LJCPA want to revisit possible amendments to the Shores PDO? This could include working with the La Jolla Shores Association and the La Jolla Shores Planned District Ordinance Advisory Board to engage the La Jolla Shores community, the City of San Diego, and Council District 1 in an open conversation about a targeted update.

Previous Action by PRC (June '14): That the PRC ask the CPA to appoint an ad hoc committee to research the process for a mini-update to the LJSPDO. 6-0-0.

17.0 Adjourn to next Regular Monthly Meeting, 7 August 2014, 6:00 pm



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DRAFT MINUTES

Regular Meeting | Thursday, 5 June 2014

Trustees Present: Patrick Ahern, Cynthia Bond, Helen Boyden, Bob Collins, Dan Courtney, Janie Emerson, Gail Forbes, Joe LaCava, Nancy Manno, Robert Mapes, Phil Merten, Alex Outwater, Jim Ragsdale, Bob Steck, Ray Weiss, Rob Whittemore, Frances O'Neill Zimmerman

1.0 Welcome and Call to Order: Joe LaCava, President, 6:06 PM

2.0 Adopt the Agenda

Approved Motion: To adopt the posted agenda (Collins, Manno: 10-1-1)

In favor: Boyden, Collins, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss

Opposed: Zimmerman

Abstain: LaCava, Chair

3.0 Meeting Minutes Review and Approval: 1 May 2014

Approved Motion: To accept the Minutes of May 1, 2014 as posted and distributed. (Manno, Merten: 9-1-2)

In favor: Boyden, Collins, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Steck

Opposed: Zimmerman,

Abstain: LaCava (Chair), Weiss (Absent)

4.0 Elected Officials Report – Information Only

4.1 Council District 1 – Council President Pro Tem Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@sandiego.gov

He announced the “Meet the Mayor” with Mayor Faulconer and Police Chief Shelley Zimmerman –see 9.7 below. The Torrey Pines Road Corridor update will be presented at T&T at its June 26th meeting. Construction on the Children’s Pool Lifeguard Tower is on hold due to nesting birds. The LJ Cove tower is on track for completion by December 2014. The LJ Fireworks Foundation is trying to work out logistics for July 4.

4.2 Mayor’s Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@sandiego.gov was not present

4.3 39th Senate District – State Senator Marty Block

Rep: **Allison Don**, 619-645-3133, Allison.don@sen.ca.gov

She stated that it was the time in the legislative calendar that bills filed in either the State Senate or Assembly had to pass the originating house or be dropped. Senator Block filed thirteen bills. Mention was made of SB 850 creating a pilot program to allow community colleges to grant bachelor degrees; SB 939 on human trafficking; SB 1382 to increase oversight of non-medical Residential Care Facilities for the Elderly.

4.4 78th Assembly District - Majority Leader Toni Atkins

Rep: **Toni Duran**, 619-645-3090, Toni.Duran@asm.ca.gov was not present

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5.0 Non-Agenda Comment

Opportunity for the public to speak on matters not on the agenda and within LJCPA jurisdiction, two minutes or less. Issues are not subject to debate, discussion, or action.

5.1 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> was not present.

5.2 Other comments

LJSA Chair Tim Lucas said the regular June 11th meeting agenda would include Kellogg Park comfort station, proposal to truck in dirt to Pottery Canyon, work on the LJ Shores lifeguard tower, AT&T cell tower proposal (see 9.8 below). The Avenida de la Playa storm drain is 95% complete, with the street opened for public use. See ljsa.org for details.

Member Ann Steck noted that there was no sidewalk next to the Children's Pool construction site.

Pedestrians were walking in the street instead of using the sidewalk on the other side of the street adjacent to Casa de Manana.

6.0 Trustee Comment

Opportunity for trustees to comment on matters not on the agenda and within LJCPA jurisdiction, two minutes or less. Issues are not subject to debate, discussion, or action.

Trustee Ahern announced that Safde-Rabines architects had been chosen from a group of nine responders to an RFP to design the new comfort stations at La Jolla Cove. An open charrette meeting will be held to get public input on the design.

Trustee Zimmerman thanked **President LaCava** for his response to the AT&T matter. She said that she had not known that meetings were being taped and requested that this be announced at every meeting. She asked trustees to provide her with their e-mail addresses.

President LaCava said he would announce the recording practice in the future and that individual trustees could provide **Trustee Zimmerman** with their e-mail addresses, but said that the City asked CPG members not to communicate via e-mail.

7.0 Officers' Reports

7.1 Secretary

Trustee Boyden stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You may document your attendance by signing in at the back, providing the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded, or providing independently verifiable proof of attendance.

You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. 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.

Please note that members who failed to attend a meeting between March of 2013 and February 2014 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated.

Reference was made to the deadlines for becoming a member to vote in and to qualify as a candidate in the July 3, election. See Item 8.0 below.

7.2 Treasurer

President LaCava presented the treasurer's report which had been prepared by **Treasurer Nancy Manno**. He reminded trustees and attendees that collections at the meetings are the only source of income for the LJCPA and

that all contributions must be in cash. He thanked the members for their generosity in supporting the organization. He also stated that there is a City proposal to provide each CPG with \$500.00 per year to cover expenses.

Beginning Balance as of 5/01/14	\$ 214.74
Income	
- Collections	\$ 112.00
Total	\$ 326.74
Expenses , including Agenda printing & Telephone Expenses	\$(101.04)
Ending Balance as of 5/31/14	\$225.70

8.0 Candidate Statements – Special Election (2 vacancies) July 3rd – Information Only

Candidates present their qualifications and reasons for running (2 minutes each.)

→ *To be listed on the July 3rd ballot, candidacy had to be announced prior to adjournment of this meeting.*

→ See <http://www.lajollacpa.org/elections.html> for eligibility requirements & announced candidates.

Members Cindy Greatrex, Mike Costello, and Michael Morton announced their candidacies before the meeting was adjourned.

9.0 President's Report – Information only unless otherwise noted.

9.1 Reminder: Special Election, 2 seats, July 3rd, 3pm-7pm

President LaCava stated how the election had been advertised, in the LJ Light, via e-mail and on the website. He provided **Election Committee Chair, Trustee Bob Steck** with lists and materials needed to vet members and candidates for the election.

9.2 Coastal Access & Parking Board Appointment: Ann Steck – Action Item

Approved Motion: To appoint Ann Steck to the CA&PB. (Emerson, Ahern: 15-0-2)

In favor: Ahern, Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Whittemore, Zimmerman

Abstain: LaCava, Chair; Forbes (not familiar with appointee)

9.3 Planned District Ordinance Appointment: No appointment made

9.4 Ratify Joint Committee/Board Appointments, other Organizations – Action Item (see attached)

Approved Motion: To Ratify the Joint Committee/Board Appointments from other Organizations (attached list) (Manno, Ragsdale: 15-0-1)

In favor, Ahern, Bond, Boyden, Courtney, Emerson, Forbes, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Whittemore, Zimmerman

Abstain: LaCava, Chair

9.5 Oversized Vehicle Ordinance ready to go into effect.

This is an adopted ordinance that provides for permit/limits for parking these vehicles on city streets. It will be implemented as early as mid-summer after the permitting process (hopefully online) and signage is completed. No action by the Coastal Commission is needed.

9.6 Election Challenge, Part 2

A complaint against the entire LJCPA has been made to the Mayor who is doing an independent investigation of the same issues as the previous challenge.

9.7 Meet the Mayor, June 16th, 5:00 pm, La Jolla Recreation Center –see 4.1 above

9.8 AT&T-Cliffridge – To be reheard, July 3rd (Project will also be heard at LJSA, ljsa.org)

President LaCava said that concern had been expressed about the procedures with respect to motions made at the April 3 LJCPA meeting with the original vote count first being announced as 7-6-1 and then changed to 7-7-0. An informal challenge has been raised. Additionally, many residents interested in this project were not aware of either the project or the meetings and wanted a chance to offer their opinions. **President LaCava** had consulted with the Officers and suggested that the project could be heard at the July 3rd meeting. He asked for direction as to whether to rehear the project in full at the July 3rd meeting or to reaffirm the original 7-6-1 vote to deny the project.

Trustees Whittemore, Emerson, LaCava, Ahern, and Merten spoke to clarify that we were not discussing the project, but only the procedures involved. **Residents Catherine Carron, Marc Kuritz, Mary King, Katherine Patoff, and Greg Carron** criticized the change of vote by the chair after the vote had been announced and the next item on the agenda called. They wished to have the original LJCPA 7-6-1 vote to deny recorded as the correct vote of the LJCPA. **LJSA Chair Tim Lucas** criticized the City for ignoring the LJSA in the review process of the AT&T project. He stated it would be heard at the upcoming, June 11 regular meeting of the LJSA, though the applicant was not expected to attend. The project is also scheduled to be heard by the La Jolla Shores PDO Advisory board at its 9 AM, June 17 meeting. **Trustee Zimmerman** read her letter objecting to the procedures followed and motions made at the April 3 LJCPA meeting. **Trustees Whittemore, Manno and Weiss** stated that the matter should be reheard in its entirety. **Trustees Courtney, Emerson, Outwater, Forbes and Merten** also commented.

Subsequent to the motion below, **President LaCava** stated that the matter would not be reheard at the July 3rd LJCPA meeting, but that interested parties could attend the LJSA and the LJS AB meeting mentioned above. After all the community hearings, the project will be scheduled for a Planning Commission hearing, likely in September. Public notice to neighbors, advisory groups and interested parties is usually given two weeks in advance.

Approved Motion: To correct the record of April 3, 2014 to show that the LJCPA voted to deny (7-6-1) the AT&T proposal to put up a cell phone tower at the Cliffridge Park sports facility next to Torrey Pines Elementary School. (Zimmerman, Emerson: 11-4-2)

In favor: Ahern, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Steck, Zimmerman
Opposed: Bond, Ragsdale, Weiss, Whittemore
Abstain: LaCava, Chair; Forbes (Absent)

9.9 Henely Residence – Coastal Commission Hearing, Huntington Beach, June 12th – The LJCPA as well as other parties appealed this to the Coastal Commission. **President LaCava** has written a letter to the Coastal Commission to support the LJCPA appeal (attached)

9.10 Children's Pool Popping Season Closure – Coastal Commission Hearing, San Diego, as yet undetermined date in August

10.0 Reports from Ad Hoc and Non-LJCPA Committees- Information only

10.1 Ad Hoc Committee on Short-term Vacation Rentals <http://www.lajollacpa.org/minutes.html#vr>

The minutes are online. They are hoping for final action in June.

10.2 Community Planners Committee <http://www.sandiego.gov/planning/community/cpc/index.shtml>

Took no action in June

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

No action taken at last Tuesday's meeting. **Member Dan Allen** is stepping down as Chair.

11.0 Consent Agenda – Ratify or Reconsider Committee Action

The Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

→ Anyone may request consent item be pulled for reconsideration/full discussion.

→ Items "pulled" from Consent Agenda automatically trailed to next LJCPA mtg.

→See minutes from each committee for full details on each project & deliberations.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm.

No action items from PDO Committee

11.1 Miller Residence CDP

DPR Motion: That the findings can be made for a Coastal Development Permit to allow the construction of a new two-story, 9,876 square foot single-family dwelling unit, 973 square foot habitable accessory structure, a 1,699 square foot garage and associated improvements on a 1.0 acre site at 1540 La Jolla Rancho Road. 5-0-1.

11.2 Neptune Place Map Waiver

DPR Motion: The findings can be made for a Map Waiver to convert 18 residences under or nearly under construction (building permit pending) into condos on a 0.511 acre property at 6767 Neptune Place. 5-0-1.

11.3 La Jolla Music Society Summerfest

T&T Motion: Approve street closure 8am to midnight on July 30th. 9-0.

11.4 Amendment to Eddy V's Valet Parking Permit –Trustee Courtney agreed not to pull after learning that it would be re-presented to T&T.

T&T Motion: Deny request to amend their permit to also have valet parking to include Saturday & Sundays between 10:30 am to 11:30 pm. 7-0-2.

11.5 Ragen Residence, 7956 Paseo Del Ocaso

LJSPRC Motion: Findings can be made for Coastal Development Permit and a Site Development Permit for the Ragen residence, 7956 Paseo del Ocaso, Project No. 357715, as depicted on marked up drawings on May 27, 2014, to reflect 6' high perimeter fences. The notations were made on plan sheet numbers: 0.0 and 1.3. 4-0-1.

11.6 Wu Residence, 7615 Hillside Drive --Pulled by Member Myrna Naegle as she feels it is incompatible with the neighborhood.

LJSPRC Motion: Findings can be made for a Coastal Development Permit and a Site Development Permit to demolish the existing structure and construct a 7,345 sq ft house at 7615 Hillside Drive, Project No. 361774, based on plans presented today, dated March 15, 2014. 3-1-1.

Item 11.6 Wu Residence pulled from the Consent Calendar by Myrna Naegle to be heard in a full hearing July 3, 2014

There were no recommendations from the PDO Committee this month

Approved Motion: To accept the recommendations of the DPR Committee that for: 11.1 Miller Residence CDP: the findings can be made for a Coastal Development Permit to allow the construction of a new two-story, 9,876 square foot single-family dwelling unit, 973 square foot habitable accessory structure, a 1,699 square foot garage and associated improvements on a 1.0 acre site at 1540 La Jolla Rancho Road. 5-0-1; and for 11.2 Neptune Place Map Waiver: the findings can be made for a Map Waiver to convert 18 residences under or nearly under construction (building permit pending) into condos on a 0.511 acre property at 6767 Neptune Place. 5-0-1; to accept the recommendations of the T&T Committee for: 11.3 La Jolla Music Society Summerfest to approve street closure 8am to midnight on July 30th. 9-04 and for: 11.4 Amendment to Eddy V's Valet Parking Permit to deny request to amend their permit to also have valet parking to include Saturday & Sundays between 10:30 am to 11:30 pm. 7-0-2; and the recommendation of the LJSPRC that for 11.5 Ragen Residence, 7956 Paseo Del Ocaso: Findings can be made for Coastal Development Permit and a Site Development Permit for the Ragen residence, 7956 Paseo del Ocaso, Project No. 357715, as depicted on marked up drawings on May 27, 2014, to reflect 6' high perimeter fences. The notations were made on plan sheet numbers: 0.0 and 1.3. 4-0-1. (Collins, Zimmerman: 16-0-1)

In favor: Ahern, Bond, Boyden, Collins, Courtney, Emerson, Forbes, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Whittemore, Zimmerman

Abstain: La Cava, Chair

12.0 Midway Street Bluff Repair – Action Item

George S. Freiha, PE, City Project Manager. Repair the erosion-damaged bluffs, restore and reconstruct the existing look out area and improve the ADA path of travel. City will present 30% design plans.

Mr. Freiha stated that the design, now 35% complete, is expected to be finished by the end of 2014 with construction to begin in mid-2015. They are applying for a CEQA exemption. The cost will be \$180,000 to \$200,000. In response to a queries from **Trustees Courtney, Collins, and Ahern**, and **Members Tim Lucas and Bill Robbins** he stated that the wall and shotcrete will match the neighboring properties; drought resistant plants will be provided with a temporary irrigation system with water trucked in; they hope to get a waiver for the summer moratorium; and that not much maintenance would be needed.

Member Don Schmidt stated that the area had been deteriorating since 2000 and the construction of Sea Haus had exacerbated the drainage damage; the bluff is dangerous; the area is used as a latrine; and palm fronds block drainage.

Member Don Schmidt and **Trustee Ragsdale** stated that the project had not been reviewed by the BRCC. **Trustee Merten** suggested full size plans and a 3 D representation would be helpful. **Trustee LaCava** said the scope of the project had increased since first proposed. He had proposed a plan to work away from the bluff to avoid triggering Coastal Commission review. **Mr. Freiha** responded that any project here would trigger a CEQA response and Coastal Commission review.

Approved Motion: To refer to the BRCC and then to DPR for review to include presentation of full size completed plans and appropriate CEQA docs. (Emerson, Courtney: 15-0-1)

In favor: Ahern, Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Whittemore, Zimmerman

Abstain: LaCava, Chair

13.0 Bay View Reservoir Solar Panels – Information Item

Dirk Smith & Mohammad Rahman, City of San Diego, City project proposes to install photovoltaic solar panels on top of the Bay View Reservoir at 9175 Parkview Terrance, La Jolla, CA 92037.

Mr. Weill of DSD introduced the project which is part of the City effort to convert to 50% renewal energy by 2040, but they are working to achieve this sooner.

By **Messrs. Smith and Rahman**: This project is located at the southeastern border of La Jolla, adjacent to Kate Sessions Park. In answer to queries from **Trustees Collins, Courtney, Merten** and **Members Don Schmidt, Mike Costello, and Peggy Davis**, the applicant stated that: All energy produced will be used on site; the panels will be anti-glare in nature; they will contact the neighbors; it is not in the Coastal Overlay Zone and does not require an SDP; it is subject to CEQA but is exempt as it is not an expansion of use; the panels cover 80% of the roof, are 10" high at a 10 degree angle and pulled 6' back from the edge; because of topography it will not be visible from the ROW, but only to neighboring residences; it will produce 300-500 kw and cost \$1.5 to \$2.0 million dollars.

14.0 Urban Forest Management Plan – Information Item

Public outreach as part of the City's development of an Urban Forest Management Plan.

Presented by **Kristina Cary**, UCSD graduating ecology major, working with the City of San Diego on this plan. She went over the many benefits of trees in an urban area, including reducing heat from concrete in the urban heat island of downtown San Diego. She distributed a questionnaire asking for opinions on the relative value of these benefits and also possible downsides of urban trees.

The program dates back to 2008, but had been delayed due to lack of funding. The City has now received a grant of \$75,000 from Cal Fire for public outreach to develop a plan. The goals of the program are to take an inventory of what we have, decide what we want, implement and monitor the plan. Stakeholder meetings will be held at UTC Forum Hall on September 22, 2014 and January 26, 2015 and Balboa Park War Memorial Building on September 29, 2014 and February 2, 2015 where experts will be available to answer questions and get feedback. The goal is to have a draft implementation plan by early 2015 and a City Council hearing by Spring 2015.

Members Mike Costello and Don Schmidt and Trustee Ahern commented on Diane Kane's work on defining the cultural landscape. **Trustees Collins, Ragsdale, Courtney, Forbes, and Weiss,** and Member **Tim Lucas** also commented, addressing such issues as currently designated street trees, unauthorized tree removal, "Heritage Tree Project" "People for Trees," City required maintenance agreements for street trees, possibility of a fee, status of City Urban Forester position, suggestions for the form.

Ms. Cary said suggestions should be put on the survey form to insure their consideration and agreed to forward specific information on the upcoming public meetings to **President LaCava**.

15.0 City of San Diego BikeSharing Program (aka DecoBike) – Information Item

Presentation on City of San Diego program and proposed bike station locations.

Reference: Map of Proposed Stations and FAQ: <http://www.lajollacpa.org/BikeShareLaJolla.pdf>

Deputy Director of Transportation Engineering Operation Linda Marabian said that in July 2013 the City Council approved a bike sharing plan and contracted with DecoBike to provide it. Outreach began in August 2013 with a link to the DecoBike website to inform and to collect suggestions for locations of bike stations. An e-blast was sent to CPGs and BIDs and Parking districts, inviting them to three city wide meetings. From these efforts thousands of anonymously submitted suggestions were collected. DecoBike evaluated them from the point of view of establishing a viable network. City evaluation of the suggested sites included pedestrian safety, red curbs, grassy areas, private property, and utilities. After the City and DecoBike agreed on a network, letters were sent to the previously mentioned groups as well as occupants and property owners adjacent to the sites and neighbors as well. Attachments describing the relevant sites were included. Feedback was asked for. A downtown San Diego group had 75 locations and based on feedback, 75% of them were relocated and new people affected were contacted. She is here to listen to the group's concerns.

Angela Landsberg, Community Outreach Representative for DecoBike presented:

The bike sharing program is designed to provide rental bikes 24/7 for ½ to one mile trips and a rental period from ½ to 2 hours. Rentals can be on a membership or short term basis--so to serve both residents and tourists. The City is fully indemnified. There are 180 bike stations allocated to San Diego, but the actual locations are not yet determined. The stations are solar powered and have spaces for either 8 or 16 bikes. Stations are modular and can be moved. The program has green benefits and is designed to mesh with public transit. Stealing has not been found to be a problem; there are proprietary devices to secure individual parts of the bikes. Station monitoring is provided 24/7. You also can't get a flat tire. The City did a nationwide RFP and DecoBike was the only proposal that was completely privately funded.

Many persons commented including **Bobby Sukhanil, Jack Prober and Members Cindy Greatrex, Tim Lucas, Mike Costello, Jim Fitzgerald, Don Schmidt, Esther Viti, Odile Costello and Trustees Manno, Courtney, Ahern, Forbes, Outwater, Whittemore, Mapes, Ragsdale, Zimmerman, Emerson, LaCava, and Bond**.

Issues raised included: Why no other permits required? Don't like the sponsorship or billboard aspects. We're being asked Where? But not Whether? Why not only on private property? Sidewalks being taken over by cafes and valets already. Did whole City participate in where to put them in La Jolla? How big are the kiosks (not known)? Conformity with PDO? Challenges in other cities? (Lag time for tourists to get memberships, empty kiosks). Monitoring? (Real time 24/7, can punch in complaints of bike condition, etc.) Other cities? (Miami, New York and Long Beach, CA). In La Jolla Shores will be in competition with other rental businesses for bikes and kayaks which go through an expensive RFP process and pay other fees to City, therefore; LJSA not amenable. Suggest inside private garages. Not a franchise. Cost? (see DecoBike website). Stations will block view of approved design features of local buildings. Aesthetics? Miami is flat, bikes are heavy and La Jolla has hills. How to restrict those under 18 from renting? La Jolla already has a shortage of public space.

Expressed by many: Should have come to LJ groups with proposal earlier before proposing sites. The applicant requested a group response by July 1st deadline for group reply on site preferences. It was noted that this was not possible.

16.0 Adjourn at 9:20 PM to next Regular Monthly Meeting, **3 July 2014, 6:00 pm**

Note: Special Election, Polls open 3:00 pm to 7:00 pm, 3 July 2014

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

June 10, 2014 Present: Benton (Chair), Collins, Costello, Kane, Leira, Mapes, Welsh
Appointees Jim Ragsdale and Henry Chiu

June 17, 2014 Present: Benton (Chair), Collins, Costello, Kane, Leira, Mapes, Will
Appointees Jim Ragsdale and Henry Chiu

1. NON-AGENDA PUBLIC COMMENT 06/10/14

Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person.

a) *Mike Costello confirmed that he is running for a seat as Trustee of the CPA.*

b) **Seating of new members:** It is noted that as per the DPR meeting of May 13, 2014, the new members will be seated and permitted to vote as follows:

1. *Jim Ragsdale: today's meeting is the second of three to be attended before voting*
2. *Henry Chiu: today's meeting is the second of three to be attended before voting*

2. NON-AGENDA PUBLIC COMMENT 06/17/14

Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person.

a) **Seating of new members:** It is noted that as per the DPR meeting of May 13, 2014, the new members will be seated and permitted to vote as follows:

1. *Jim Ragsdale: today's meeting is the last of three to be attended before voting*
2. *Henry Chiu: today's meeting is the last of three to be attended before voting*

3. FINAL REVIEW 06/10/2014 (PREVIOUSLY REVIEWED 05/13/14)

Project Name: **AMIN RESIDENCE**

7001 Country Club Drive

Permits:

CDP

Project #: 355717

DPM:

John S. Fisher, (619) 446-5231

Zone: RS-1-4

jsfisher@sandiego.gov

Applicant:

C.A. Marengo, 858-459-3769

Scope of Work:

Coastal Development Permit to amend CDP No. 617242 to delete the consolidation of Lots 4-6 La Jolla Country Club Estates, Map No. 2167 and the construction of a 6,818 square foot, single family residence on a vacant 0.71-acre located at 7001 Country Club Drive in the RS-1-4 Zone within the La Jolla Community Plan.

APPLICANT PRESENTATION 06/10/14: (Claude Anthony Marengo)

The presenter showed the materials sample board. The presenter summarized the overall composition in the elevations and sections, and the overall height of the new building. The presenter reviewed the elevations and sections, and the overall configuration and height of the proposed project. The site development was described. A Landscape Plan was not provided.

DISCUSSION 06/10/14:

A discussion of the design focused on the site development, the proposed retaining walls, and various aspects of the new building and the materials. A discussion of the landscape elements related to the application of shrubbery and plantings in relation to the various walls. The landscaping is governed by the CC&Rs, not presented nor discussed in detail. The lot consolidation of lots 4, 5 and 6 is not pursued: this project is entirely on Lot 4. The driveway to the north presently serves five residences: the setback of the house anticipates the future widening of the principal driveway to the north.

SUBCOMMITTEE MOTION 06/10/14: Findings CAN be made for a Coastal Development Permit to amend CDP No. 617242 for the construction of a 6,818 square foot, single family residence on a vacant 0.71-acre located at 7001 Country Club Drive.

(Leira / Costello 6-0-3)

In Favor: Collins, Costello, Mapes, Kane, Leira, Welsh

Oppose: None

Abstain: Benton as Chair

Motion Passes

4. FINAL REVIEW 06/10/2014 (PREVIOUSLY REVIEWED 05/13/14)

Project Name:	LA JOLLA BEACH TOWNHOMES TM	Permits:	CDP, TM
	6633 La Jolla Blvd.	DPM:	Glen Gargas, (619) 446-5142
Project #:	353968		ggargas@sandiego.gov
Zone:	RM-3-7	Applicant:	William Mack, 858.259.8212

Scope of Work:

Coastal Development Permit and Tentative Parcel Map (Process 3) to convert 4 residential dwelling units under construction into condominiums on a 0.115 acre property. The site is located at 6633 La Jolla Boulevard, in the RM-3-7 zone of the La Jolla Community Plan area and Coastal Zone (non-appealable), Coastal Height Limitation, Parking Impact, Residential Tandem Parking, and Transit Area Overlay Zones, within the La Jolla Community Plan area.

APPLICANT PRESENTATION 06/10/14: (Claude Anthony Marengo, William Mack, Barry Fast)

The presenter noted that this is a focused application for the purpose of the Tentative Map; other matters discussed relating to the bedroom count, the number of parking spaces, and the development of the project were reviewed. The required open space areas were reviewed. The trash storage area at the southeasterly portion was noted. The access of each parking space was reviewed, showing the maneuvering space and the access to the driveway. Disabled access parking spaces are reached from the alley: an accessible route for the disabled person is shown in the plan. One bedroom was deleted from one of the Units, per Delta 1. The proposed map documents the approved configuration of the building, with the subdivision of the units. No environmental issues have been raised in the map review process.

DISCUSSION 06/10/14:

On the Tentative Map, the bedroom count is listed. A notation was added by the Applicant that shows three of the units have 2 bedrooms, and one of the units has 1 bedroom.

SUBCOMMITTEE MOTION 06/10/14: Findings CAN be made for a Coastal Development Permit and Tentative Parcel Map to convert 4 residential dwelling units consisting of one 1-bedroom unit and three 2-bedroom units under construction into condominiums on a 0.115 acre property at 6633 La Jolla Boulevard. The bedroom count is to be included in the Condominium Association bylaws.

(Benton / not seconded)

Motion Fails for lack of a second.

SUBCOMMITTEE MOTION 06/10/14: Findings CAN be made for a Coastal Development Permit and Tentative Parcel Map to convert 4 residential dwelling units provided one of the units is a 1-bedroom and it contains only one bedroom with an adjacent bathroom.

(Leira / Collins 2-4-3)

The motion was discussed and tabled. The Applicant offered to return at the end of the agenda to present additional information.

In Favor: Collins, Leira

Oppose: Costello, Kane, Mapes, Welsh

Abstain: Benton as Chair

Motion Fails

SUBCOMMITTEE MOTION 06/10/14: Findings CAN be made for a Coastal Development Permit and Tentative Parcel Map to convert 4 residential dwelling units to condominium ownership consisting of one 1-bedroom unit and three 2-bedroom units under construction into condominiums on a 0.115 acre property at 6633 La Jolla Boulevard. The bedroom count is to be as indicated in the marked Tentative Parcel Map dated June 10, 2014 and included in the Condominium Association bylaws.

(Benton / Mapes 4-2-3)

In Favor: Costello, Kane, Mapes, Welsh

Oppose: Collins, Leira

Abstain: Benton as Chair

Motion Passes

On June 11, Applicant contacted the Chair and requested to return to the DPR to present new information

June 17, 2014 procedures: To reconsider the matter, Rule 37: Majority vote required.

Upon deliberation if the previous motion is to be rescinded, Rule 35: a 2/3 vote will be needed.

FINAL REVIEW 06/17/2014 (PREVIOUSLY REVIEWED 05/13/2014, 06/10/14)

APPLICANT PRESENTATION 06/17/2014: (Claude Anthony Marengo)

The presenter reviewed the bedroom calculations and the resulting parking space requirements. The total required parking is 8 spaces. Unit 4 will have 3 bedrooms and the other 3 units will have 2 bedrooms each.

SUBCOMMITTEE MOTION 06/17/14: RESCIND the Approved Motion of June 10, 2014 to approve the Coastal Development Permit and Tentative Parcel Map to convert 4 residential dwelling units to condominium ownership consisting of one 1-bedroom unit and three 2-bedroom units under construction into condominiums on a 0.115 acre property at 6633 La Jolla Boulevard.

(Costello / Mapes 5-1-1) 2/3 vote required

In Favor: Collins, Costello, Kane, Leira, Mapes

Oppose: Will

Abstain: Benton as Chair

Motion Passes

SUBCOMMITTEE MOTION 06/17/14: Findings CAN be made for a Coastal Development Permit and Tentative Parcel Map to convert 4 residential dwelling units to condominium ownership consisting of one 3-bedroom unit and three 2-bedroom units under construction into condominiums on a 0.115 acre property at 6633 La Jolla Boulevard. The bedroom count is to be as indicated in the marked Tentative Parcel Map dated June 10, 2014 and included in the Condominium Association bylaws.

(Costello / Will 6-0-1)

In Favor: Collins, Costello, Kane, Leira, Mapes, Will
Oppose: none
Abstain: Benton as Chair

Motion Passes

5. FINAL REVIEW 06/10/2014 (PREVIOUSLY REVIEWED 12/17/2013, 01/21/2014)

Project Name:	HART RESIDENCE	Permits:	CDP
	6101 Camino de la Costa	DPM:	Renee Mezo, (619) 446-5001
Project #:	342370		rmezo@sandiego.gov
Zone:	RS-1-7	Applicant:	Chris Balzano, 619.692.9393

Scope of Work:

CDP (Process 3) to remodel and add a 2,085-square-foot, second story addition to an existing 3,154-square foot single-family residence on a 0.33-acre site located at 6101 Camino De La Costa. The site is in the RS-1-7, Coastal (appealable) Zone and the Coastal Height and Parking Impact Overlay Zones within the La Jolla Community Plan. **(See note below).**

***Applicant is returning to DPR to present changes to the design as follows:** *There have been some revisions to the design, but nothing that affects the concerns that were brought up at the hearings. In general, the “second story” has been moved to be an addition on grade at the back of the sloping lot.*

APPLICANT PRESENTATION 06/10/14: (John Pyjar)

The presenter noted that this is a new design compared to previous presentations. The proposed project was presented, reviewing the configuration of the proposed residence, including the highest portion at the easterly portion of the site. The overall design steps up the slope in segments that are largely one story in height. The design of the top story is reconfigured so that it is further to the east on the slope. The roof of a lower portion of the house will be used as a roof deck. The existing garage is maintained at the existing lower level, accessible in a lowered drive area.

DISCUSSION 06/10/14:

A discussion of the design focused on various aspects of the new building and the appearance of the proposed building, as were the scale and the relation to the pedestrian way to the south and the adjacent properties. The stepping and scale of the house were discussed, including the new configuration with the uppermost floor to the rear of the property, and the planting and fence in relation to the pedestrian way at the south side of the property.

Please Provide for FINAL REVIEW:

- Please provide a section that is made on a north/south axis, showing the relation of the building and the walls to the pedestrian way.
- Please provide a photomontage with the elevation of the proposed house in scale to the neighboring houses.
- Please provide a detail and/or section showing the rooftop landscaping.
- Please provide a landscape plan and elevation of the view from the south, along the pedestrian way, showing the planting and the fence in relation to the house.

FINAL REVIEW 06/17/2014 (PREVIOUSLY REVIEWED 12/17/2013, 01/21/2014, 06/10/14)

APPLICANT PRESENTATION 06/17/14: (John Pyjar, John Hart)

The Applicant presented the additional materials previously requested June 10. The section drawings show the relation of the building to the topography, the street, and the pedestrian way. The photographic panoramic view

shows the existing building with the new house in its proposed location. The Applicant presented the four principal elevations with the landscape elements. It is noted that the pedestrian way to the south is roughly 2 to 3 feet higher than the adjacent private property in the easterly portion of the lot.

DISCUSSION 06/17/14

A discussion of the design focused on various aspects of the street elevations, landscaping, and the relationship to the adjacent properties. The intensity of development was noted, and its relation to the neighborhood with existing relatively large buildings. Although members of the public who own nearby properties had attended the June 10 meeting to invite members of the Committee to visit their homes, no members of the Committee made such visits. The continuation of the driveway does not conform to the community request that the driveway is to be served from the alley when it is available.

SUBCOMMITTEE MOTION: Findings CAN be made for a Coastal Development Permit to remodel and add a 2,085-square-foot, second story addition to an existing 3,154-square foot single-family residence on a 0.33-acre site located at 6101 Camino De La Costa.

(Will / Collins 5-1-1)

In Favor: Will, Collins, Mapes, Leira, Kane

Oppose: Costello due to the request for a variance for the driveway

Abstain: Benton as Chair

Motion Passes

6. FINAL REVIEW 06/17/2014 (PREVIOUSLY REVIEWED 08/20/2013, 03/18/2014, 05/13/14)

Project Name: **ESLAMIAN RESIDENCE CDP**

7350-7354 Fay Ave.

Permits: CDP

Project #: PO# 297495

DPM: Paul Godwin, (619) 446-5190

Zone: RM-1-1

pgodwin@sandiego.gov

Applicant: Bill Metz, 619-276-1885

Scope of Work:

(Process 2) Property is developed with three dwelling units (one unit at the front facing Fay Ave and two units at the rear next to the alley). Project would demolish both units at rear of the property (7350 & 7352) and build one, 3-story unit. The single-family residence at 7354 Fay Avenue would remain. The project would also legalize the unpermitted addition at the rear of the unit which is currently an open Code Enforcement Case No. 202689, in the RM-1-1, Non-Appealable Zone 2, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone-Coastal impact, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, Geologic Hazard Zone 52.

APPLICANT PRESENTATION 06/17/14: (Bill Metz)

The proposed project was presented with the various drawings and the materials previously requested. The elevations and the proposed composition were discussed. No materials sample board was presented. The proposed parking space count is 5 spaces total, including an extra parking space accessible by an existing driveway from Fay Avenue.

DISCUSSION 06/17/14

A discussion of the design focused on various aspects of the building elevations, the interior courtyard, and the relationship to the adjacent properties. The intensity of development was noted, and the relation of the proposed 3-story building in relation to the neighborhood. A discussion ensued about the driveway access to Fay Avenue. This is not required to provide for the number of units, per SDMC 142.0560.j.8.c. The committee made it clear that the pedestrian-friendly environment is enhanced by the elimination of driveways and the removal of parking in the front yards of the homes, which is one of the reasons to remove the driveway. The Applicant requested a continuance to study this matter further.

7. PRELIMINARY REVIEW 06/17/2014

Project Name: **BOURGEOIS/KENNEDY CDP**
604 Gravilla Place
Project #: 327381
Zone: RM-1-1

Permits: CDP
DPM: Jeannette Temple, (619) 557-7908
jtemple@sandiego.gov.
Applicant: Dave Eslinger, (858) 201.9021

Scope of Work:

Coastal Development to demolish and reconstruct the front single dwelling unit known as 604 Gravilla Place, APN 351-491-12-02 (as defined as Unit No. 2 in Document No. 2001-0482493, recorded July 13, 2001 in the Office of the County Recorder). The site is located in the RM-1-1 zone Coastal Overlay, Coastal Height Limit Overlay, Parking Impact Overlay and Residential Tandem Parking Overlay zones within the La Jolla Community Plan area.

APPLICANT PRESENTATION 06/17/14: (Katherine Kennedy, Glenn Bourgeois, Dave Eslinger)

The proposed project was presented, including a site plan, building elevations and sections. Material samples and colored renderings were presented. The proposed development has a floor area of 2,338 sf, which permits development less than the maximum 2,344 sf permitted by the CC&Rs of the property. The condominium subdivision of the property appears to be in question.

DISCUSSION 06/17/14

A discussion of the design focused on various aspects of the street elevations, landscaping, and the relationship to the adjacent properties. The intensity of development was noted, and its relation to the neighborhood with relatively large buildings. The relatively large scale of the driveway was discussed. The Applicant prefers to retain the footprint, the design features, and the parking of the previously-existing unit which was completely demolished. The Architect pointed out that the design is limited by the CC&Rs, reviewed the front yard setback method, and showed that parking is required to only conform to the previously-existing parking (3 spaces total; no parking for the rear unit; reduced setback from the street, and noted that windows are prohibited at the east side fronting the drive to the rear unit.

Please Provide for FINAL REVIEW:

- Please provide reasoning for the 20-foot wide curb cut.
- Please provide the planter at the center of the driveway.
- Please provide examples of the additional landscape elements discussed in the meeting.
- Please provide windows, detailing and enhancements to the east wall fronting the side driveway.

La Jolla Shores Permit Review Committee B Minutes

Tuesday June 24, 2014

Committee members in attendance: Phil Merten (interim chair), Laura DuCharme Conboy, Dolores Donovan, Janie Emerson, Myrna Naegle, Bob Steck (departed before vote on Action Item), John Schenck.

Absent: Tim Lucas

Audience: 8

1. Welcome and Call to Order

Interim Chair Phil Merten called the meeting to order at 4:00 p.m. and explained the permit review process to the audience.

2. Adoption of Agenda

Donovan moved to adopt the agenda. Emerson seconded. The motion passed 7-0-0.

3. Non-Agenda Public Comment

Mrs. Washburn, a member of the audience, asked the Chair to introduce himself, which he did.

4. Committee Member Comments

Conboy announced the La Jolla Historical Society Summer Camp for Children and asked any architects in the audience who might wish to volunteer to contact her.

5. Chair Comments

Merten announced

- The Wu residence approved last month by the PRC was pulled from the CPA consent agenda and a full hearing will be held at the July 3 CPA meeting.
- A hearing on the proposed residence at 8490 Whale Watch Way will be held tomorrow morning, Wednesday, June 25, before Hearing Officer. Merten will represent the CPA to convey the views of the PRC at the hearing. (The CPA recommended denial of permits by a vote of 15-0-0.) At tomorrow's hearing, information regarding the mitigated negative declaration will be presented. The City Council will consider that information when it hears the appeal on the environmental aspects of the proposed residence at 8490 Whale Watch Way.
- Dolores Donovan has agreed to take over the duties of PRC Secretary from Tim Lucas.
- In July the PRC will hold an election for the position of Chair.

6. Project Review

6A. Laska Residence Addition

- Project No. 363511
- Type of Structure: Single Family Residence
- Location: 8151 Calle Del Cielo,
- Applicant: Brian Yamagata 619-231-9905 briany@golba.com
- Project Manager: Jeff Peterson 619-446-5237 JAPeterson@sandiego.gov

Project Description: PROCESS 3 - CDP and SDP within the Sustainable Building Expedite Program for a 2,856 sq. ft. second floor addition, remodel and add 427 square feet to the first floor with basement addition, and new 3-car garage of 854 sq.ft. to an existing single family residence on 20,101 sq. ft lot. The project incorporates a

roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the projects's projected energy consumption. The project site is located at 8151 Calle Del Cielo in the Single Family Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone , Coastal Height Limit, within the La Jolla Community Plan area.

Merten: The project is on the expedite fast track because it will have solar panels producing more than 50% of the electrical necessary to meet the finished house's requirements.

Presentation by Sasha Varone

This is a family with four children. Hence the need for several bedrooms. The design of this flat-front two-story home is modern; the materials are stucco and stone. The client is an environmental advocate and he plans to use the house as a prototype to show clients; hence there are many green features. One such feature is the green roof on the garage, which will function as a play space for the children, since the lot has no other area in which they can play. The remainder of the roof is divided between a roof-top deck and space for the solar panels.

Additional information elicited by Committee questions

The elevation at the curb is 138 and at the garage 140. The highest point is 150; the low point is 128. The highest point is at the SE corner of the lot.

The side setbacks are 11'10 ¾ "; the rear setback remains as it is at present due to the steeply rising hill behind the house. Overall, the set-backs will remain the same as at present.

Height is 24'4" from grade level. Grade level will remain what it is at present.

FAR is .29. (Merten comments: slightly more than half of what would be allowed on a 20,000 sf lot under city-wide Floor Area Ratio limitations.

Committee Comments

Naegel: the style is not compatible with the houses to the left or right, which are single story older homes.

Donovan: the neighbors behind and above on Calle del Oro are not aware of the proposed remodel of the house.

Can you put up story poles to allow them to comment? A. They were notified pursuant to the 300-yards rule.

Donovan: The notices look like junk mail and few persons open junk mail.

Conboy: even if they had opened the notices, the information does not include the date of the hearing.

Emerson: I know of two neighbors who are quite concerned but are out of the country. Can we continue this to next month?

Audience comments

Margo Washburn, 2485 Vallecitos Ct: I f there is a window at the north east side it will look right into my bedroom where I watch TV every night. A: The corner room you currently look into will be a non-bedroom with a fireplace. There is a covered patio at the rear on that side. Upstairs are bedrooms.

Washburn: Can you put in trees that will break this large concrete structure? A. There will be a fence and some plantings.

Donovan: could you put in story poles so the neighbors above can see what they're getting? A. We will talk to the owners about that.

Emerson: two other neighbors who are very concerned are out of the country.

Conboy: Also we need to know the elevations. The City requires a topographic survey running 50 feet from the site, but no applicants ever do it. Such a survey would eliminate the need for story poles.

Conboy: Your design is linear and suddenly the entrance gets busy and that emphasizes the unbroken linear. If this house is not brought off well, it will just look inexpensive rather than elegantly simple.

Merten: Tim Lucas lives in the two-story house across the street. He was initially concerned that the design might crowd the neighbor to the south. On the north, there will be a view directly onto the neighbor's front yard and driveway. Lucas was concerned about the contemporary character of the project. His conclusion seemed to be a sort of reluctant acceptance of the house.

Conboy: Motion that findings can be made on a Coastal Development and Site Development permit. Schenck seconds. Motion passes 5-2-0. (Merten, Conboy, Schenck, Steck and Donovan voting YES. Naegle and Emerson voting NO.)

6B. Viterbi Residence

- Project No. 273802
- Type of Structure: Single Family Residence
- Location: 2712 Glenwick Place
- Applicant: Michael Smith 858-259-8212 ex 110 msmith@plsaengineering.com
- Project Manager: Glenn Gargas, 619-446-5142 GGargas@sanidiego.gov

Project Description: PROCESS 3 - CDP, and SDP for Environmentally Sensitive Lands for previous grading / slope repair on an approximately 0.14 acre portion of a site containing an existing single family residence to remain, at 2712 Glenwick Place in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay Zone (non- appealable), Coastal Height Limit Overlay Zone.

Presentation by Michael Smith, of PLSA Engineering ENGINEERING

Reforestation and repair of a slope that suffered a landslide in 2011. This was the third landslide. First two repairs done with cribbing. Third repair, immediately subsequent to 2011 landslide, was commenced without a permit. Mr. Viterbi is now trying to bring the repair into compliance with city codes. Project seeks only to restore the site to its pre-existing slope and grade.

Applicant was before PRC exactly nine months ago and was asked to return with a landscaping plan with rendering showing what the proposed terraced walls and plantings would look like.

The current repair will be done with steel pylons going into the hill. They will not be flexible; they are intended as anchors. They meet the 1.5 factor of safety required by the industry. J.C. Baldwin is the contractor and it has done a multitude of such reinforcements.

LANDSCAPING

Walls will be of concrete covered with textured colored concrete stained to blend with the soils in the area. The grade beam will be steel-reinforced shot-crete. Native plantings will cover the walls within 3-5 years. Re-vegetation is in two parts: 1) brush management Zone 1 (first 35 feet out from the house) will be irrigated (it is supposed to be irrigated to reduce fire hazard) and will have Mediterranean plantings – bougainvillea, rock roses – a more colorful look; 2) brush management Zone 2 follows the first 35 feet and goes down to the bottom of the lot.

Committee Questions and Comments

Naegle: the City was concerned about the drainage. Have you dealt with those concerns? A: Yes, but we have not submitted a drainage study to the City.

Naegle: the City also concerned with the water quality study. Has that been dealt with? A: The issues are pollutants and concentration. Also source control. The first two have been dealt with. As to source, we have made

the argument that no new impervious area is being created. It is all new landscaping and over 2/3 is restoration of native plantings.

Conway: I would like to move that findings can be made for a Coastal Development Permit and a Site Development Permit for Environmentally Sensitive Lands, but cannot do so until the proposed drainage conduits have been noted on the blueprints in red. Is that acceptable? A: Yes

Merten: you can leave the red-annotated plans with me as Chair, to serve as a basis for comparison with the plans you eventually file with the City. A: O.k.

[At this point Smith and the landscape architect retired to the back of the room to annotate the plans. The Committee moved on to Agenda Item 3. Smith notified the Committee when he was ready, at which time the Committee interrupted discussion on Item 3 to return to the Viterbi matter.]

Conboy moved that findings could be made for a Coastal Development and Site Development Permit for Environmentally Sensitive Lands subject to the changes noted in red on the plans and dated 6/24/2014. Emerson seconded. Motion passed 6-0-0. The red-annotated plans were left with Committee Chair Merten, who will compare them to the plans to be filed with the City.

3. Action Item; SMC Ch. 13 (Zones) provision): Should the LJCPA ask the City Attorney to render an official opinion/interpretation of the Municipal Code as to whether or not SDMC Chapter 13, (Zones) Regulations apply to projects within the La Jolla Shores Planned District. (See La Jolla Shores Planned District Ordinance, SDMC Sec.1510.0107 Applicable Regulations)

Interim Chair Merten presented the action item, saying it boiled down to whether the Committee wanted to take action to ask for clarification from the City on whether the City's Basic Zones FARs apply to areas within LJSPDO.

Public comment

Rob Whittemore: The issue is: do we want FARs in the Shores? To me the answer is 'yes we do'. The absence of FARs is responsible for much of the conflict in the Shores on building permits and design. My personal belief is that if we had FARs, the size of developments would be quite reduced overall. Others disagree on that point. This Committee may know better than I whether FARs in the Shores is a good idea.

In 20XX the City Council imposed a temporary FAR of .6. But it was never enforced. Some are concerned that imposition of FARs would reduce property values. However, I served on the LJSA Long Range Vision Committee and we studied other communities, such as Rancho Santa Fe, Del Mar and Carmel, and we found that when those communities applied restrictions much more severe than we have here, property values went up, not down. Many community organizations, including the La Jolla Shores Association, the LJCPA, the LJCPR, and the La Jolla Shores Advisory Board, voted to have the City reaffirm its commitment to FARs in the Shores. Generally, I think there is enormous community support to do so.

On the precise question of whether to ask the current City Attorney for a written opinion, I think that if you do so, he will probably reverse Aguirre's opinion stating that FARs applied in the Shores, which still stands.

Whitney, addressing Merten: I'd like to know how this got on the agenda. Did you put it on or did Rob ask you to put it on? A: I put it on because it has been clear from the projects we have reviewed that there is a lot of confusion and that FARs would resolve it. It has been on the agenda for a couple of months.

Conboy: I think is high time that we open this discussion up and get it in front of the City Council. Building in the Shores is not an easy task. Architects want rules. I don't know that the LJSPDO generates better design. Now is a great time to talk about it. Sitting around waiting for the City Attorney is a waste of time. I think we should modify the PDO – we need to get the City Council to get the funds to modify the PDO.

Whitney: Whittemore wants to amend the PDO to add FARs to stop my building.

Merten: Any amendment will probably not apply to projects now before us.

Emerson: What is the amendment process? [no answer]

Whitney: I think you should form a Committee to amend the PDO. No point in asking the City Attorney for an opinion.

Golba (Planning Commissioner): Nine years ago Rob and I discussed this and decided against amending the PDO because it would take too long. Here we are 9 years later saying the same thing. PDOs exist because the city base zones don't fit everywhere. If you are going to do this, it should be fine-tuned to particular areas. Bob Vacchi, the new Development Services Director, said on the record that his goal was to do 50 ministerial PDO updates. Mission Beach just did one and ended up downgrading some areas. A committee should be formed to do it in detail: east side, west side, north, etc. Let's PROPOSE something to the City, not let them do it themselves. We should NOT go city-wide – that just opens a can of worms. The PDO revision committee has to be formed by a recognized city planning group, e.g. the CPA. You should refer to it as "mini-update."

Schenck: where does the (future) PDO revision committee go with its recommendations? A. Initially, to the CPA.

Segal: The Shores needs certainty in order to stop all this fighting. Not everyone will agree, but overall certainty is best. My personal feeling is that ultimately it will be the courts that decide.

Rob: why don't we ask Sherri's office to ask for the citywide FAR to apply on an interim basis?

Emerson: We should get the name of the person who headed the effort in Mission Beach and ask him/her what the Mission Beach committee did.

Naegle: We should ask Joe LaCava to appoint some people to get started.

Emerson: We can put it on the CPA agenda for July 3.

Golba: Vacchi's mindset is we can do these mini-updates without getting into the community plan, which would take forever.

Merten: Let's ask the CPA to appoint an ad hoc committee to investigate the feasibility of a mini-update to the LJSPDO.

Naegle: Shouldn't the La Jolla Shores Advisory Board be asked to participate?

Emerson: It will be up to the CPA whether they want to make the ad hoc committee a multi-body group.

Merten: Joe La Cava has opined that if this is done, there should be extensive notice to all members of the community – the LJSA, etc.

Whitney: Isn't the LJSA a park & rec committee, not a land use committee?

Emerson: land use is part of its brief. Historically the LJSA was land use. Then a few years ago they were asked to opine on park and rec. They still appoint five representatives to the La Jolla Shores Permit Review Committee and the representatives report back to them.

Donovan: Motion that the PRC ask the CPA to appoint an ad hoc committee to research the process for a mini-update to the LJSPDO. Conboy seconds. Motion passes 6-0-0.

Adjournment

The meeting was adjourned at 6:25 p.m.

La Jolla Community Planning Association

~~**Regular Meeting, July 3, 2014**~~

Special Meeting, July 9, 2014

Agenda Item 8.7

REMEDY: AT&T-Cliffridge – Correct Minutes of April 3rd

Exhibit – ~~July 3 2014~~ LJCPA Meeting

D R A F T for Trustee Ratification

Thursday, 3 April 2014

FINAL MINUTES – REGULAR MEETING

*** RECORD CORRECTED July 3, 2014 ***

...

14. AT&T Cliffridge Park – Full review (Pulled by Member Tim Lucas)

...

~~Failed Motion: Findings cannot be made for a CUP for this project; and that AT&T seek a location further away from playgrounds and schools.~~ (Courtney, Zimmerman: ~~7-7-0~~ 7-6-1)

In favor: Collins, Courtney, Emerson, Mapes, Ragsdale, Whittemore, Zimmerman

Opposed: ~~Ahern~~, Bond, Boyden, Manno, Merten, Outwater, Weiss

Abstain: Ahern (Chair)

~~Note: The Chair had stated at the beginning of the meeting that he would only vote to break a tie. Initially he abstained in consonance with his initial pronouncement. However, after hearing the statement of Robert's Rules 11th edition, page 50-51 "When the chair votes when his vote makes a difference . . ." [Also covered in detail on pp 53-54] the Chair stated that he was going to vote "no," because he wanted a motion that would have more specificity to preserve the integrity of the LJCPA.~~

~~Failed Motion: Findings cannot be made for a CUP for this project, citing in particular, the project size and scale compared to adjacent towers, the potential to expand, its proximity to schools and playgrounds, the potential damage to leased playgrounds for which the current tenant is responsible; and that AT&T seek a location further away from playgrounds and schools.~~

~~(Courtney, Zimmerman: 6-7-0)~~

~~In favor: Courtney, Emerson, Mapes, Ragsdale, Whittemore, Zimmerman~~

~~Opposed: Ahern, Bond, Boyden, Manno, Merten, Outwater, Weiss~~

~~Approved Motion: Findings can be made for a CUP, in support of the vote of the subcommittee, and that the project be constructed in a manner least destructive to the surrounding playing fields. (Weiss, Bond: 7-6-0)~~

~~In favor: Ahern, Bond, Boyden, Manno, Merten, Outwater, Weiss~~

~~Opposed: Courtney, Emerson, Mapes, Ragsdale, Whittemore, Zimmerman~~

La Jolla Community Planning Association

~~Regular Meeting, July 3, 2014~~

Special Meeting, July 9, 2014

Agenda Item 8.8

Whale Watch Way Residence

Extract from PRC Minutes, Meeting of January 28, 2014

4B. Whale Watch Way Residence

- Project No. 328415
- Type of Structure: Single Family Residence
- Location: 8490 Whale Watch Way
- Applicant: James Gates, 619.682.4083, 619-823-4083 jg@publicdigital.com
- Project Manager: John Fisher, 619-446-5231 JSFisher@sandiego.gov

Project Description: PROCESS 3 - CDP, and SDP to demolish an existing single family residence and construct a 7,001 two-story, over basement single family residence on a 20,093 sq. ft. lot at 8490 Whale Watch Way. The site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking.

Previous Committee Action on 12-18-2013

Most of the committee wanted the applicant to provide a photo simulation to show the project in context with the neighboring properties to determine if it would be disruptive of the architectural unity of the neighborhood. The applicant declined to provide the additional information.

Motion: (Schenck, Naegle) Findings can not be made for a Coastal Development Permit and a Site Development Permit for Project Number: 328415, based on the limited information provided to the committee. **5-1-0.** Approve: Lucas, Merten, Naegle, Schenck, Steck; Oppose: Conboy

1-28-30

Presented by: James Gates

This is a modern representation of a courtyard home as designed by Zaha Hadid of London. The landscaping is being done by Gross.Max, a well-known landscaping architecture firm. The previous version of this project was approved a year ago by the planning commission and city council. The client decided to redo the design and have a smaller house. This committee and the CPA had voted against the original project. This project is around 50% of the GFA as the original project. The committee at the last meeting requested additional exhibits. He will present the requested cross-sections and elevations.

Project summary:

- Existing house is two story (Single story plus loft), and will be demolished.
- Grading will be done and a grading plan was presented.
- Lot size 20,093 sq ft.
- Landscaped area is 10,100 sq ft., which is just under 50% of the lot. This includes the interior courtyard.
- Hardscape= 4,590
- Lot coverage= 5330 sq ft, 26%
- Basement= 2480 sq ft. (excluded from FAR calculation)
- First floor= 2,728 sq ft. Second floor= 4273 sq ft.
- FAR .45, based on 7,001 sq ft bldg above grade + 2038 sq ft projections
- The house is a single family house with 3 bedrooms
- patterned concrete walls on sides and rear, precast
- Garden area wall is 20' tall to 25' tall at the North end. 35' setback at the 25' high point. As wall gets taller, the rear (East) setback increases.
- In campus parking impact zone, so curb cut will be reduced to 12'
- A two car garage with a turntable is in the basement.
- A Private pool is on the ground floor (interior pool).
- Equipment and pool filter will be in a subterranean vault at north east corner of lot.
- East property line setbacks at plan datum points: 38' 6", 12', 8' (from north to south)
- North property line setback at plan datum points: 8', 11' 10" (from west to east)

Two cross sections were presented showing the proposed structure in relation to the neighboring houses. The highest point on the house is 27', but varies from 20' to 24' above grade. **Emerson:** What is the height of the neighbors houses? **Gates:** House at east is 15' above grade. House at north 17'.

Renderings of portions of the house were presented. Part of the structure is limestone, and part is pre-cast architectural white concrete with patterns. The East side of the structure, the garden wall, has been changed. Originally it was a monochromatic surface (straight wall). Now there is a lot of variety of geometry in the wall, there is even a chunk that cuts into the garden from the side. The setbacks used to be at 6', now they go from 8' to 38' 6", so there is now more relief in the structure. The house on the east was never designed to have a view of the ocean directly to the west. The actual view for that house is to the side (south-west) down Whale Watch Way (WWW). By siting the proposed structure and driveway the way they have, and clearing out the overgrown plantings, the view down WWW has been enhanced, and will be significantly better than it is now. There is also a gate in the garden wall, so the structure is not such a fortress, which was a comment at the previous meeting.

Naegle: Do you have the rendering of the first proposal? **Gates:** No. But if you look at the renderings being presented today, you will see that the West side and the South side are close to the original proposal. The east and north sides, facing neighboring houses, is where they did substantial carving of the planes to make them better.

Public comment

Julie Hamilton (attorney representing La Jolla Shores Tomorrow): Question about the east-west cross section, and the east wall: **Gates:** He explained the cross section. The east wall is a multi-faceted structure with texture. He also went over the setbacks: east property line = 8' to 12' to 38' 6", west property line: 8' to 11' 10" **Hamilton:** The setbacks on this project are not consistent with those in the neighborhood. They are much smaller on some sides. "Unity with variety...", this adds a whole new level of variety. It really is inconsistent with anything else in the vicinity, so it isn't consistent with the Design Manual.

Gilda Caringi (neighbor on east): East wall is 106' in length. Doesn't care how it is faceted or textured, its still a long, tall wall. That will be her view 24 hours a day. **Gates:** We took care to open up a view down WWW that you don't presently have. We think you will be happy with the results. **Caringi:** I won't be happy with the results. Are there windows on the east? **Gates:** There are facets, and a gate leading into the garden. **Caringi:** Isn't this just a fancy way of putting a garden behind a 30' wall? A lot of the landscaping is behind this wall. There is not much room for landscaping in front of the wall. If this house is approved, would future homes in the neighborhood be built like this with 2-story high walls surrounding huge interior garden areas, with little or no outer landscaping? Are we setting the new architectural mode for the neighborhood?

Marge Calmanson (neighbor on north): Agrees with Carlingi's comments regarding setting a precedent for a house that doesn't look like anything else in the LJ Shores. She too will have a 30' tall cement wall on the north face of the structure. It doesn't fit into the area. The area is totally different from what this project is. She thinks that they should present an overall picture of the proposed house, not just sections.

Merten: How much are you raising the pad level? **Gates:** Three feet. **Lucas:** If you are raising the pad level, does this make the house and garden wall appear taller? **Gates:** All prop D measurements were based on the existing grade, 3' lower. **Merten:** Based on these plans, the garden wall is about 22' to 23' above the finished grade, and about 23.5' above the existing grade.

Naegle: Distance from the neighbor house on the east to this wall? **Gates:** about 35'. **Naegle:** So there could be some landscaping? **Gates:** There will be a naturalistic planting outside the garden wall. **Naegle:** She appreciates what they have done to mitigate the size of the home, but is concerned with neighborhood compatibility. She doesn't see how the committee can find this is compatible. **Gates:** La Jolla has a history of distinct architectural styles, some of which were groundbreaking. Some of the houses built in the 1940's, 1950's and 1960's probably opened some eyes at the time, and now they are some of our biggest jewels, things to be proud of. This house absolutely is on the cusp of innovation. **Naegle:** In the 1970's. LJSPDO was created to respond to this huge type of home. The LJSPDO is very definite about compatibility. Her greatest concern is that they can't make the argument that this home is compatible in any way with the neighborhood. **Gates:** The LJSPDO also states that diversity is one of the major goals. **Naegle:** As long as it doesn't disrupt the architectural unity of the area. This project will disrupt the architectural unity of the area.

Lucas: My biggest concern is the neighbor to the east. Her view is going to be of a big large concrete wall. It may have

some angles, some forms, and some dimples in it, but I don't know of any residential houses that are looking at something like this. Yes, the view to the ocean is already obstructed to the west, and they probably wouldn't have one even if the house wasn't there. However, the existing house is set back further and there is existing landscaping on both sides, which is more pleasant to look at than the big wall being proposed. I could understand if we were in the desert and big walls were common because of the sand storms, but we aren't. We are in La Jolla, and I can't think of one house in the neighborhood that has this type of big wall surrounding a structure.

Schenck: Has a compatibility issue also.

Merten: Thinks that the design of the building is a sculpture and something that would be very interesting and very fun to live in. Our concerns with the earlier design had to do with the size of the building. In order to bring down the GFA for this version, the perimeter walls were kept in place, but part of the building was hollowed out (the courtyard), so that the hollowed out portion was no longer counted as gross floor area under the municipal code. Viewed from Whale Watch Way the container of the building is very similar to the earlier proposed structure. Doing some quick eyeball calculations, if there was a floor in the garden at the ground level, it would be roughly 3500 sq ft. And if there was a second level it would be roughly 3500 sq ft. Added together this totals 7,000 sq ft if the garden areas was enclosed, and the FAR goes up from .45 to .80. In counting this "ghost" floor area (generic "ghost", not the city code definition), the perceived mass of this building is on a par with a building of .80 FAR. Under the municipal code, this open area isn't counted, because the municipal code didn't have this kind of building in mind when it was written. The code says, for example, if you have a roof deck, if the walls extend more than 48" around it, that deck has to be counted in the GFA. Likewise, an exterior balcony, if it is less than 40% open, that space has to be counted in the GFA. We have these building walls that for all intents and purposes, look like the building itself, but there is a hollow area behind them. The perceived mass with these 20' to 24' walls is quite large. LJS PDO says that we are supposed to look at the provisions in the LJS Design Manual, and see how a building relates to those provisions, and the surrounding neighborhood. We don't consider CCR's, but the CCR's limit development to a single story. This would be the first 2-story development within this neighborhood. Granted, it may have some similarities to modern developments to the north-west, but this is a different neighborhood. The LJS Design Manual says that building form should be made sympathetic to the scale, form, and proportion of the older development. It says that roofs are very important unifying elements in a neighborhood. It says that roof forms on any given street or cluster should be required to provide continuity of the roof forms on that street or cluster. What we have here is a really interesting building, and a nice piece of sculpture, but it is at odds with the LJ Shores Design manual. This proposed structure is really in the wrong neighborhood. It would be great on three acres in an area where we didn't have to meet the requirements of the LJS PDO and LJS Design Manual. Yes, unity with variety, and we don't want to see the same thing going on, but it is a matter of degree of how much variety we have.

Lucas: I appreciate these extra exhibits you have presented. I think that from two sides this is a reasonable structure. I have issues with how the east side relates to the neighbor structure and view. The north side has issues too, but at least that neighbor has an ocean view to the west. It is a nice sculpture, but not compatible with the neighborhood.

Motion: Lucas Second: Naegle

Findings cannot be made for Site Development Permit or a Coastal Development Permit for Project No. 328415. It is not compatible with the neighborhood in form, bulk and scale. In particular, the east side of the building envelope is incompatible with the neighboring structures. The size, form, and relationship of the proposed project will disrupt the architectural unity of the neighborhood.

Motion carries: 5-0-0. Approve: Emerson, Lucas, Merten, Naegle, Schenck

La Jolla Community Planning Association

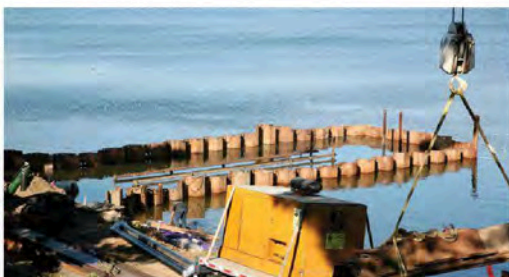
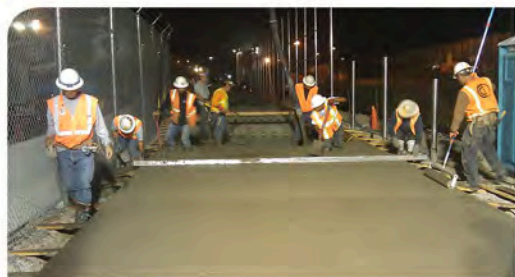
~~Regular Meeting, July 3, 2014~~

Special Meeting, July 9, 2014

Agenda Item 11.0

Skylark Canyon Sewer Rehabilitation

Project Information Sheet and Map



Infrastructure Projects:

- Airports
- Bikeways
- Bridges
- Drainage Control Facilities
- Flood Control Facilities
- Libraries
- Parks
- Recreation Centers
- Police Stations
- Fire Stations
- Lifeguard Stations
- Street Improvements
- Street Lights
- Traffic Signals
- Utilities Undergrounding
- Water Facilities
- Sewer Facilities
- Water Pipelines
- Sewer Pipelines

Skylark Canyon Sewer Rehabilitation

Background

The City of San Diego has more 3,000 miles of wastewater pipelines that help dispose of sewage for more than 2 million residents of San Diego County. Some pipelines that are more than 100 years old are deteriorating, and are in need of replacement, repair and upgrades. To avoid future service disruptions, such as sewer main stoppages and spills, the aging pipelines are replaced or rehabilitated. The new pipelines will bring the existing sewer mains up to modern standards, accommodate community growth and reduce maintenance requirements.

Project Overview

This project will rehabilitate 1,390 linear-feet of existing 8-inch sewer mains and laterals, including rehabilitation of manholes within the La Jolla Community. No vehicles would enter the canyon, and all equipment will be hand-carried or brought in using wheelbarrows to the manhole. All staging will occur on street surfaces.

During the sewer pipeline rehabilitation process, old and deteriorated sewer pipes are lined with a hard plastic liner. This liner reinforces the old pipes, improves system reliability, and ultimately extends the service life of the old pipes without the need to create a trench to dig up and replace the old sewer pipe. In the rehabilitation process, the old pipes are accessed through existing manholes or cleanouts.

Project Schedule

Completion of Project Design: December 2013

Construction: September 2014 through February 2015

*All dates are approximate and subject to change.

Project Budget

The project's planning, design, and construction budget is \$ 1,196,764.



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RIGHT OF WAY DIVISION



Legend

 SEWER REHABILITATION



La Jolla Community Planning Association

~~Regular Meeting, July 3, 2014~~

Special Meeting, July 9, 2014

Agenda Item 12.0

Wu Residence

Extract from PRC Minutes, Meeting of May 27, 2014

6B. Wu Residence

- Project No. 361774
- Type of Structure: Single Family Residence
- Location: 7615 Hillside Drive
- Applicant: Francisco Mendiola 619-804-4463 Francisco@CDGIUS.com
- Project Manager: John S. Fisher, 619-446-5231 JSFisher@sandiego.gov

Project Description: PROCESS 3 - CDP and SDP to demolish an existing structure and the construct a 7,345 sq. ft. two story single family dwelling unit with a basement. The site is located at 7615 Hillside Drive. The site is located in the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone , Coastal Height Limit, within the La Jolla Community Plan area.

Presented: Francisco Mendiola, Jess Gonzales, James Wu

This project had a previous CDP, but project was never built. This is a new, more compact project to fit in better. It is close to the footprint of the current house, which was built in 1964. This was a rental property for many years. New owner purchased the property recently and had three main principles for the design of the project. The new building had to be in context with the neighbors. The house had to fit the slope of the hillside. The design should follow the inside functions of the house. The resulting project being presented here is smaller and more compact than the previously approved design. A comparison.

- Proposed house entry and garage is in a similar location to the existing house.
- Setback in front is similar to the existing= 1' to property line, 15' to street.
- Side setbacks: 7' & 10'
- FAR= 32%, Lot coverage=17.8%, Landscape=71.8%, Footprint=13.57%
- Meets 30' height limit.
- House is two stories, plus basement on hillside below.
- A pool will be added away from the basement (not connected to the building). Pool equipment will be below the pool structure, covered for sound insulation.

- Second floor is shifted to the east, so neighbor above still has their view over the garage and side setback. This proposal is less bulky than the immediate neighbors.
- Present house has empty space under the first floor. The proposed design, is very similar, but the space is being filled in by the basement in this design.
- This house is a flowing, somewhat modern style. Neighbor house on east is Contemporary style. House on west is Tudor style. The neighborhood is very eclectic mix of styles.
- Neighbor property to east is higher. The proposed second floor is about the height of the neighbor garage.
- Property is on a steep hillside, but has been filled, so is not considered sensitive habitat.
- The proposed basement space is pulled back from the previously approved design, so it is disturbing the hillside less.
- 10' drainage easement on east side of property. Site drainage will be through this easement.
- A detailed model was presented to the committee showing the proposed house on the slope.
- A materials board was shown. Tan and brown colors. Wood trim.

Naegle: The city cycles notes that the house front yard setback is not in conformance with the other setbacks in the neighborhood. **Gonzales:** They have spoken with the city planner Peter Cho, and have provided him the setback survey. He agrees that they are in conformance, but he can not clear the issue until the plans have been submitted.

Steck: Are the neighbors concerned about their views? **Mendiola and Gonzales:** They have spoken with the neighbors and showed them the plans. They were quite pleased with how the house is set low and farther back from the hillside.

Lucas: Talk about the footer used to secure the house? **Mendiola and Gonzales:** They are using caissons. The system is a newer one, and require less depth than the previously approved project. Also, the house is pulled back, so requires less structure underneath. **Lucas:** Cycles noted that project exceeded the FAR on a steep slope. **Gonzales:** The slope has been disturbed so this is not considered sensitive habitat. The planner agrees and will clear this when the plans are submitted.

Lucas: Cycles also say that the design had a circular driveway which is not permitted due to not having enough frontage to the property. **Mendiola:** The city planner would not accept a second driveway. This has been changed and is shown as a single curb cut in these plans today. **Lucas:** I know of a house in my neighborhood that had a second driveway approved afterwards by the city, even though it did not meet the required frontage. This is a narrow street with poor visibility, having a second entrance would enhance the safety of this project. **Merten:** They would need to follow the variance process. They could apply for this afterwards.

Merten: The pool is not connected to the house structure, and the area between is going to be grass? **Mendiola and Gonzales:** Yes. Separated by 6'. **Merten:** You could install pavers or grasscrete in this space, but if a slab was ever poured, that would be considered a connection to the house. In that case, the height limit would be calculated differently, and would be in violation of the 30' height limit.

Public Comment:

James Wu (owner): Has lived in Muirlands for 20 years and his children went to La Jolla High School. Is very grateful for the public school system here. He wants to be a part of the LJ Shores community.

Kim Whitney: What are the ceiling heights for the levels? **Mendiola:** From 8' to 10'.

Board Discussion:

Merten: How is site drainage being handled? **Mendiola and Gonzales:** Through natural drainage and site percolation. There is also a drainage easement, with a channel, on the east of the property that the house runoff will drain to. The house footprint is similar to the existing house, so the runoff should be very similar. **Merten:** Based on their presentation, they are trying to stabilize the hillside and will not spill drainage over the sides. It will be relatively easy for them to tap into the drainage easement and route runoff to it.

Myrna: She doesn't think the design is compatible with the neighborhood. There are some very small scale Spanish homes in the area. Thinks that this style is out of character. **Gonzales:** There is an eclecticism to the street, with lots of styles. There is no overriding architecture to this area.

Discussion on the motion:

Emerson: Does not understand the rules that determine if the lower portion is a basement or a floor. This lower section has lots of windows. **Merten:** Whether called a basement or a floor, doesn't really affect the design. **Emerson:** Would still like more information on these regulations.

Lucas: Thinks that this is a very respectful house to the neighborhood. The size of the house visible from the street fits in with other houses nearby. This has a smaller footprint than what was approved before. This is a very difficult building site. My biggest objection is with the city's reluctance to allow you to have a second curb cut to allow safe driveway access on La Jolla Shores Permit Review Committee, May 27, 2014, Minutes, Page 3 of 3

this narrow, winding, road with limited visibility. I urge you to pursue a variance to get a second driveway curb cut.

Merten: Will support the project. The mass of the house has been broken up, so it fits with other houses in the neighborhood. Although it has a different curvilinear expression from the rest of the houses, there are a lot of different styles on the street. The colors and scale of the house work, it is not increasing the profile on the street as compared to other houses. The setbacks are larger than the adjacent neighbors.

Motion: Steck Second: Lucas

Findings can be made for a Coastal Development Permit and a Site Development Permit to demolish the existing structure and construct a 7,345 sq ft house at 7615 Hillside Drive, Project No. 361774, based on plans presented today, dated March 15, 2014. Motion carries 3-1-1

Approve: Lucas, Merten, Steck; Oppose: Naegle; Abstain: Emerson (Needs more information, does not understand the regulations determining a basement versus a lower floor)

La Jolla Community Planning Association

~~Regular Meeting, July 3, 2014~~

Special Meeting, July 9, 2014

Agenda Item 14.0

City's Response to Election Challenge



THE CITY OF SAN DIEGO

June 26, 2014

Mr. Stephen Schreiner
Solomon Ward Seidenwurm & Smith LLP
Wells Fargo Plaza
401 B Street, Suite 1200
San Diego, California 92101

Mr. Joe La Cava
President, La Jolla Community Planning Association
P.O. Box 889
La Jolla, California 92037

Re: La Jolla Community Planning Association's March 2014 Trustee Election.

Dear Mr. Schreiner and Mr. La Cava:

The Mayor's office is in receipt of a letter from Solomon Ward Seidenwurm & Smith LLP, dated May 16, 2014 regarding the recent La Jolla Community Planning Association's (CPA) March 2014 Trustee Election. It is the intent of this letter to address the issues raised in the May 16, 2014 letter by outlining the applicable bylaws and Council Policy 600-24 sections below and describing ways in which the La Jolla CPA can act to cure and correct operations. Planning staff has consulted with the City Attorney's office in regards to the issues raised in the letter and recommends the following:

1. Failure to appoint or ratify and Election Committee

To the extent that the La Jolla CPA election subcommittee did not publicly appoint or ratify an election committee and chairperson, the La Jolla CPA did remedy the error by ratifying the election subcommittee actions at the April 3, 2014 La Jolla CPA. The April 3, 2014 meeting minutes lists item 3 Elections, A. Ratification of Election Committee as an action item, and it passed 11-0-1. (See Attachment 1, page 1). This issue appears to have been remedied.

2. Terms for elected Trustees

According to the La Jolla CPA Corporate Bylaws, Article III, Section 3, second paragraph states:

"The LJCPA will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for six consecutive years to continue

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June 26, 2014

Letter to Mr. Schreiner and Mr. La Cava

on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years."

Both Jim Fitzgerald and Joe La Cava served over six years and received more than 2/3's of the votes and were therefore eligible to be elected.

3. Ballot format for termed out candidates running beyond six years

According to Council Policy 600-24 Administrative Guidelines there is a set format of information that is recommended to be included on the ballot for candidates who have served more than six years. Staff has reviewed the ballot and found that while it listed the requirement for termed out candidates to receive a 2/3 vote, it did not mention that "new candidates would have priority over candidates exceeding the term limits." The other recommendations for ballot information appear to have been met. At the end of the voting, and prior to the Certification of the Election on April 3, 2014, there were seven elected candidates for seven spaces on the Board. Mr. Morton, being one of them, however, was not seated.

4. Attendance records to determine eligible candidacy for Board Members

Mr. Whittemore's attendance was officially signed in two times and additional information was later provided by the Secretary of the Board that she had corrected the attendance sheet for February 2014 to document that Mr. Whittemore had indeed attended a third meeting. The City recommends following the La Jolla Bylaws, adopted June 2013 and Council Policy 600-24 Administrative Guidelines. The La Jolla Bylaws state in Article V, Elections, Section 3:

"In order to be a candidate in an election to become a Trustee, a Member of the LJCPA must have documented attendance at three of the LJCPA's meetings in the proceeding 12-month period."

According to the La Jolla Bylaws, Mr. Whittemore did qualify to be a write-in candidate and should be seated as a Trustee.

In response to additional issues and suggested remedial actions raised in your letter, staff has the following comments:

5. Trustees are allowed to resign at any time for any reason; personal or professional. There is no direction regarding resignations by Trustees in Council Policy 600-24, the Administrative Guidelines nor in the La Jolla Community Planning Association Corporate Bylaws, adopted June 2013. Mr. Ovanesoff, who received votes but was not elected in March withdrew his candidacy and has chosen to serve on the La Jolla Planned District Ordinance subcommittee this year. Mr. Fitzgerald resigned at the April 3, 2014 meeting. (See March 6, 2014 meeting minutes). (Nos. 1 and 3, page 4 of Solomon letter.)

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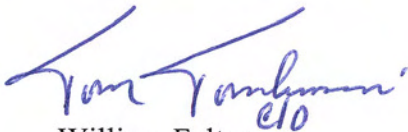
Letter to Mr. Schreiner and Mr. La Cava

There is still open an eighteenth seat of the La Jolla CPA Trustees. Staff recommends that Mr. Michael Morton, who was elected in March but not seated, be seated in the vacant seat on the Board.

6. The recommendation regarding Mr. Whittemore's candidacy is discussed in item 4 of this letter. (No. 2, page 4 of Solomon letter.)
7. The decision to place Mr. Mapes in a one year term instead of a three year term was dictated by the number of votes that he received. It is the policy of the Trustees that the person receiving the least amount of votes be placed in the available seat with the least amount of years to serve. He received the least amount of votes per newly elected member and therefore was given the one year term seat available. (No. 3, page 4 of Solomon letter.)

Please feel free to call Lesley Henegar, Senior Planner, at 619-235-5208 if you have any further questions regarding the La Jolla CPA March elections.

Sincerely,



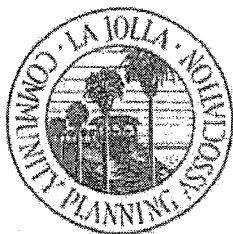
William Fulton
Director, Planning, Neighborhoods and
Economic Development

WF:lh

Attachments:

1. Meeting minutes from La Jolla Community Planning Association, April 3, 2014
2. La Jolla CPA General Election Final Results

cc: Lesley Henegar, Senior Planner, Planning, Neighborhoods and Economic Development
Brian Schoenfisch, Program Manager, Planning, Neighborhoods and Economic Development
Nancy Bragado, Planning, Neighborhoods and Economic Development



PO Box 889, La Jolla, CA 92038
http://www.LaJollaCPA.org
Voicemail: 858.456.7900
info@LaJollaCPA.org

President: Joe LaCava
First Vice President: Bob Steck
Second Vice President: Patrick Ahern
Secretary: Helen Boyden
Treasurer: Nancy Manno

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
La Jolla Recreation Center, 615 Prospect Street

Thursday, 3 April 2014

FINAL MINUTES – REGULAR MEETING

Trustees Present: Patrick Ahern, Cynthia Bond, Helen Boyden, Bob Collins, Dan Courtney, Janie Emerson, Jim Fitzgerald, Nancy Manno, Robert Mapes, Phil Merten, Alex Outwater, Jim Ragsdale, Ray Weiss, Rob Whittemore, Frances O'Neill Zimmerman.
Absent: Gail Forbes, Joe LaCava, Bob Steck.

1. Welcome and Call To Order: Patrick Ahern, Second Vice-President, at 6:05 PM

2. Adopt the Agenda

Approved Motion: Motion to modify the posted draft Agenda to remove item 15 and postpone it for 30 days. (Collins, Whittemore: 11-0-1)

In favor: Bond, Boyden, Collins, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore
Abstain: Ahern (Chair)

3. Elections

A. Ratification of Election Committee – Action Item
Member Bob Whitney commented.

Approved Motion: To ratify the Election Committee as appointed in January: Janie Emerson, Helen Boyden, Tom Brady, Jim Fitzgerald and Gail Forbes with Mr. Fitzgerald later withdrawing as he became a candidate. (Manno, Merten: 11-0-1)

In favor: Bond, Boyden, Collins, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore
Abstain: Ahern (Chair)

B. Officers' Response to the Election Challenge- Information Only

The La Jolla Association's (represented by Member Bob Whitney) and Trustee LaCava's responses to the Officers' Response have been posted in the Public Document and will be considered a part of the minutes. Also included in the Public Documents as well, are the original challenge, the Officers' Response and a response from the City Attorney.

Outgoing President Crisafi reported that the LJCPA election was held on March 6, 2014. On March 11, a challenge to the election was received from the La Jolla Association. On March 19, the officers met to discuss the challenge and issued a response on March 25. On March 31, a response to the Officers' Response was received from The La Jolla Association. These documents are on file and on the table in the back of the room. **Mr. Crisafi** had been in contact with **Lesley Henegar, Community Planner for La Jolla**, and had provided her with all the relevant information and documents. Responses received from **Ms. Henegar** and the **City Attorney's** office indicate they are taking no exception to the Officer's Response at this time.

C. Certify Election

Trustee Boyden read the vote count for the election as presented by the Election Committee Chair, **Trustee Emerson**. Seventy-nine (79) members cast ballots. Candidates on the ballot in alphabetical order: Bob Collins, 66 votes; Jim Fitzgerald, 68 votes; Joe LaCava, 68 votes; Michael Morton, 14 votes; Alex Outwater, 67 votes; Peter Ovanessoff, 26 votes. Write-in votes: Robert Mapes, 49 votes; Jim Ragsdale, 54 votes; Rob Whittemore, 58 votes. Candidates elected to three-year terms were: Bob Collins, Jim Fitzgerald, Joe LaCava, Alex Outwater; Jim Ragsdale, Rob Whittemore. Candidate elected to a one-year term: Robert Mapes.

In response to queries from **Trustee Ahern** and **Member Bob Whitney**: **Mr. Ovanesso** stated that he had withdrawn and **Mr. Fitzgerald** that he was resigning.

Trustee Whittemore rose to a point of order and stated that seven trustees had been elected; **Mr. Ovanesso** had not been elected and therefore was not able to withdraw. **Member Michael Morton** inquired about **Joe LaCava's** election, given his rebuttal to the Officers' Response. The Chair stated that **Joe LaCava** had been elected. **Member Bernie Segal** stated that, though it was moot, he thought that procedural complaints to do with the running of the election could have and should have been raised prior to the election, not after it when the complainant was dissatisfied with the result. Additionally, he commented that persons who ran and received votes should not subsequently withdraw.

Approved Motion: To certify the election results as read by the Secretary: (Emerson, Manno: 11-0-1)

In favor: Bond, Boyden, Collins, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore

Abstain: Ahern (Chair)

D. Recognition of Outgoing Trustees –

The following were acknowledged: **Tom Brady, Tony Crisafi, Dave Little, Myrna Naegle**. They were thanked for their service. **Mr. Crisafi** was thanked for his leadership during the last three years, particularly by **Trustee Whittemore**. **Mr. Crisafi** expressed appreciation for the help provided by many during his tenure.

E. Swearing in of Incoming Trustees –

The chair, **Second Vice President Patrick Ahern**, invited newly elected and re-elected Trustees present to come forward: He administered the LJCPA Oath of Office to: **Trustees Bob Collins, Jim Fitzgerald, Robert Mapes, Alex Outwater, Jim Ragsdale** and **Rob Whittemore**. **Trustee Joe LaCava** was absent. **Elected Trustee Jim Fitzgerald**, thanked the community for their support and submitted his resignation as he felt there were seven other candidates qualified and able to serve.

4. Election of Officers

A. President

Trustee Whittemore nominated **Trustee LaCava** for President of the LJCPA.

After queries from **Member Tim Lucas** and **Trustee Weiss**, **Trustee Boyden** read an e-mail dated April 3 from **Trustee LaCava** saying he was willing to be nominated for this office.

Approved Motion: To elect Joe LaCava as President of the LJCPA (Whittemore, Emerson: 13-0-1)

In favor: Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Ahern (Chair)

B. First Vice President

Trustee Emerson nominated **Trustee Whittemore** for First Vice President of the LJCPA. He declined.

Trustee Boyden nominated **Trustee Steck** for First Vice President of the LJCPA.

Trustee Boyden read an e-mail from **Trustee Steck** saying he would be happy to be nominated for this position.

Approved Motion: To elect Bob Steck as First Vice President of the LJCPA (Boyden, Manno 12-1-1)

In favor: Bond, Boyden, Collins, Courtney, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman

Opposed: Emerson

Abstain: Ahern (Chair)

C. Second Vice President

Trustee Manno nominated **Trustee Ahern** for Second Vice President of the LJCPA.

Approved Motion: To elect Patrick Ahern as Second Vice President of the LJCPA (Boyden, Manno 13-0-1).

In favor: Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Ahern (Chair)

D. Secretary

Trustee Manno nominated **Trustee Boyden** for Secretary of the LJCPA.

Approved Motion: To elect Helen Boyden as Secretary of the LJCPA (Manno, Whittemore 12-0-2)

In favor: Bond, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman
Abstain: Ahern (Chair), Boyden

E. Treasurer

Trustee Whittemore nominated **Trustee Manno** for Treasurer of the LJCPA.

Approved Motion: To elect Nancy Manno as Treasurer of the LJCPA (Whittemore, Merten: 12-0-2)

In favor: Bond, Boyden, Collins, Courtney, Emerson, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman
Abstain: Ahern (Chair), Manno

Member Tim Lucas rose to a point of information: Was there now a vacancy on the Board of Trustees? The Chair stated yes and **Trustee Whittemore** stated that there would be an election within 120 days with an Election Committee to be appointed, likely next month.

Given the absence of newly-elected **President LaCava** and **First Vice President Steck**, **Second Vice President Ahern** continued to chair the meeting.

5. Meeting Minutes Review and Approval – 6 March 2014

Approved Motion: To approve the Minutes of the LJCPA Membership meeting of March 6, 2014 (Whittemore, Emerson: 12-0-2)

In favor: Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Whittemore, Zimmerman
Abstain: Ahern (Chair), Weiss (Absent)

Approved Motion: To approve the Minutes of the LJCPA Regular meeting of March 6, 2014 (Emerson, Collins: 8-0-5)

In favor: Bond, Boyden, Collins, Courtney, Emerson, Manno, Merten, Zimmerman.
Abstain: Ahern (Chair), Weiss (absent). Mapes, Outwater, Ragsdale, Whittemore (the four not being trustees then)

6. Elected Officials Report - Information Only

A. Council District 1 – City Council President Pro Tem Sherri Lightner
Rep: Justin Garver, 619.236.7762, jgarver@sandiego.gov was not present

B. 39th District, California State Senate - State Senator Marty Block
Rep: Allison Don, 619.645.3133, allison.don@sen.ca.gov was not present

C. 78th Assembly District - Majority Leader Toni Atkins
Rep: Toni Duran, 619-645-3090, Toni.Duran@asm.ca.gov was not present.

7. Non-Agenda Public Comment - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

A. UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://physicalplanning.ucsd.edu>

She was welcomed back. She stated that a 30-day scoping period for an Environmental Impact Report on the Center for Novel Therapeutics would end on April 28, 2014. A 120,000 gsf 3-story building is proposed for the 30-acre Science Research Park on the UCSD East Campus. It is anticipated to achieve a Platinum LEED rating. Information is available from a flyer in the back of the room and at <http://physicalplanning.ucsd.edu/projects/index/html>

B. General Public Comment

Member Bob Whitney asked that the election material be kept. **Trustee Emerson** said it has been under seal since the election and would remain under seal.

Member Tim Lucas praised and thanked the poll workers at the election. He announced the Wednesday, April 9, meeting of the La Jolla Shores Association. The agenda includes discussion of a George Hauer-proposed Mexican restaurant at the site of the former La Jolla Shores Market, a proposed cell tower (see item 14 on today's LJCPA agenda) and undergrounding issues on Ave. de la Playa.

Member Don Schmidt stated that there had been a draft MND (comment period now closed) for remediation in Pottery Canyon Park, a dedicated City park and designated historic site, that would include 1000 cu yds of fill and 65 truck trips, possibly to deal with runoff. He requested that Joel Hyatt be asked to attend the next LJCPA meeting to discuss this as information only. **Member Sally Miller** commented. **Trustee Boyden** stated that the LJCPA could still make comments for the public record.

Member Cindy Greatrex, President of the La Jolla Town Council, announced with regret the death of **LJTC officer Robert Hildt**, who was also a member of the LJCPA T&T committee. A memorial service will be held at the La Jolla Community Center on April 12 from 3 to 5 PM. She also praised the leadership of immediate past **President Tony Crisafi**.

Member Phyllis Minick of La Jolla Parks and Beaches spoke of progress on the sidewalk adjacent to the Children's Pool, referring to an article in the April 3 La Jolla Light. The City assessment process is going forward and they hope to have it complete by the next LJCPA meeting.

8. Non-Agenda Items for Trustee Discussion - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes
Trustee Boyden reported on a letter received from **Member Peggy Davis** expressing appreciation to the City and construction workers for the handicapped ramps recently installed in the La Jolla Shores area providing for public safety.

Trustee Phil Merten, thanked the Election Committee and stated that the bylaws required public announcement of the vote count on the day of the election. He pointed out that the proposed Mexican restaurant, see above, will need a CDP because of change of use and intensification of use with an increased parking requirement.

Trustee Emerson verified and displayed the prescribed form of the election count report.

Trustee Weiss reported that he had had an accident resulting in a broken wrist on a sidewalk adjacent to Torrey Pines Road that was narrowed by overhanging shrubbery. There had been a letter in the La Jolla Light. He inquired about the status of the TPR Corridor project. **Trustees Boyden, Ahern, Whittemore** and **Manno** commented. **Trustee Collins** requested that a letter requested expedited attention to this matter be sent to the City and asked that it be on the agenda next month. **Member Tim Lucas** stated that it could be pointed out at the monthly community leaders' meeting with CD1.

Trustee Whittemore stated that pier lights at the SIO pier were so bright they cast a shadow at his home on El Paseo Grande. **UCSD representative Anu Delouri** said she would look into it. Others commented on other lights in the beach area. **Trustee Courtney** said the Children's School parking lot lights were also a problem.

9. Officers' Reports

A. Secretary

Trustee Boyden stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. 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.

If you want to have your attendance recorded without signing in at the back, then hand to the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded.

Please note that members who failed to attend a meeting between March of 2013 and February 2014 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated.

Reference was made to the attendance/membership material on the LJCPA website. Explanation was given on how to interpret it.

B. Treasurer

Outgoing Treasurer Fitzgerald presented the financial report for the past month: March Beginning Balance: \$5.27 plus income from donations and CD sales of \$310.00 less Expenses for agenda printing and telephone of \$111.18, leaving a balance as of March 31st of \$203.45.

He commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations are in cash to preserve anonymity.

Mr. Fitzgerald stated that he had valued his service of the LJCPA and those present thanked him for his service.

Trustee Whittemore asked if we could investigate whether the LJCPA would be eligible to apply for a monthly grant from the LJ Community Foundation to defray LJCPA expenses.

10. President's Report

A. Report from Stakeholders Ad Hoc Committee on Short-term Vacation Rentals—Committee Chair, **Trustee Boyden** reported that the committee minutes from the March 26th meeting were included in the packet. Presentations had been made by the Vacation Rental Industry and a group of affected homeowners. Several solutions were proposed. The next meeting will be held on April 23rd at 5 PM; possible solutions will be discussed.

B. City Council Update- Children's Pool Seasonal Closure – to be closed from December 15th through May 15.

C. Volunteers for LJCPA positions on subcommittees (DPR, PDO, PRC, T&T) – All appointments are for one year. The LJCPA President will be making appointments which will be presented for ratification at the May LJCPA meeting. Please contact info@lajollacpa.org if you are interested. **Member Tony Crisafi** stated that LJCPA appointees need to be LJCPA members.

D. Upcoming item: Movement of the restrooms at La Jolla Cove/Scripps Park under consideration by La Jolla Parks and Beaches.

E. Improvements at Whale View Point are going through an implementation process.

F. There will be a Special Election to fill the vacancy within 120 days from today (April 3, 2014) to fill the trustee vacancy as prescribed by the bylaws.

11. Consent Agenda – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

No PDO and PRC meetings in March – No action from DPR in March

A. So Fine on Kline Festival Street Closure – September 20, 2014

T&T Motion: To approve street closure Friday at 7pm to Saturday at 8pm 6-0

B. La Jolla Half Marathon Street Closure on Sunday April 27th 2014

T&T Motion: To approve street closure 6-0

***C. Valet Parking in front of La Plaza La Jolla 7863-7877 Girard Ave pulled by Trustee Zimmerman**

T&T Motion: to approve 4 white loading zones. 11am – 2am 7 days a week 5-1

***Consent items pulled: C. Valet Parking in front of La Plaza La Jolla 7863-7877 Girard Ave - pulled by Trustee Zimmerman**

Approved Motion: To accept the recommendations of the T&T Committee approving (A) So Fine on Kline Festival Street Closure – September 20, 2014 from Friday at 7PM to Saturday at 8pm (6-0) and (B) La Jolla Half Marathon Street Closure on Sunday April 27th 2014. (6-0) and forward the recommendations to the City. (Collins, Courtney: 13-0-1)

In favor: Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Ahern (Chair)

12. Reports from Other Advisory Committees - Information only

- A. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center - No report
- B. COMMUNITY PLANNERS COMMITTEE – Meets 4th Tues, 7pm, 9192 Topaz Way – No report

13. Remove Commercial Loading Ramp – full review (Pulled by then Vice President LaCava)

7414 Marine (near corner of Herschel & Marine)
T&T Feb 2014 Action: Motion to approve 7-0

Trustee Boyden reported that this item had been tabled by the T&T committee at its March 27th meeting. No one was present to make a presentation.

Approved motion: To remand consideration of the commercial loading ramp at 7414 Marine street to the T&T committee for its consideration at its next meeting. (Merten, Emerson: 13-0-1)

In favor: Bond, Boyden, Collins, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman
Abstain: Ahern (Chair)

14. AT&T Cliffridge Park – Full review (Pulled by Member Tim Lucas)

PRC Motion: Findings can be made for a conditional use permit for Project No. 325685, based on the A01 drawing dated 1-27-2014, which indicates all trenching is to be outside of the fence of the adjacent ball field. 4-3-0
8311 Cliffridge Avenue- Conditional Use Permit (CUP), for a Wireless Communication Facility (WCF) consisting of twelve (12) panel antennas mounted on a 30-foot tall faux eucalyptus tree (monoeucalyptus) with equipment located in an adjacent enclosure. The site is located in Cliffridge Park.

Presented by **Debra DePratti Gardner**, representing AT&T, which is proposing to build a new cell tower installation adjacent to the existing Sprint and T-Mobile sites on the west side of Cliffridge Park outside the boundaries of the Pony Field. Meetings and negotiations have been held including City staff, Little League reps, and various community members to arrive at the current proposal. The installation will not only increase capacity, but will help fill in the coverage gap in this area. The installation will include a 30' monoeucalyptus, 12 antennas, a 240 sf equipment building to be located below the brow of the hill and not visible from the ball field. AT&T has agreed with the City to remove the invasive iceplant and revegetate that area and the construction site with native plants.

Comments from **PRC Member Myrna Naegle** and **Sam Armstrong** focused on potential radiation dangers. **Ms. Gardner** stated that the installation would emit only 4.6% of the EMF allowed by the FCC and that the total radiation from all the equipment at that point would be 7.1% of the allowable EMF.

Member Tim Lucas said he saw an increase in size from the two earlier installations in this area. He felt that the City should return to a Master Plan for Parks. He grants that there is poor coverage in this area and the City is obligated by Federal law to facilitate improved coverage. In response to his questions, **Ms. Gardner** said that additional antennas but not ground equipment can be co-locatable with the AT&T installation. She said it is not likely another carrier would come in as Sprint and T-Mobile are already there, and Verizon has plans for an installation at Allen Field. In response to questions about access for construction, **Ms. Gardner** said they would be using a wide gate into right field during the times when the field was not in use for sports.

Mike Wintringer, La Jolla Youth, the tenant for the fields, said the fields were in use 10 months of the year and they need six weeks for maintenance. **Ms. Gardner** said AT&T would repair any damage.

Mary Coakley stated that there was general agreement with the City that cell installations should be located in non-usable areas of City parks, that this location was acceptable to her, but she was concerned with lack of City communication with the tenant and was concerned with the small windows to repair construction damage.

Trustee Comments:

Trustee Boyden stated that health concerns could not be factored into decisions about installation locations. There is demonstrable poor cell phone reception in the neighborhood. **Trustee Merten** stated that the demand for this type of service is growing exponentially; time of exposure to any radiation will be intermittent; this is one of the best locations in La Jolla for this type of installation; construction can be piecemeal to minimize damage to the fields.

Trustee Emerson is concerned about the size and the 360-degree-array and the precedent it will set. **Trustee Weiss** cited the inverse square law with respect to drop-off of radiation, but was concerned about field damage. **Trustee Zimmerman** said that allowing AT&T to build a cell tower there is an unwarranted commercial intrusion on La Jolla's limited park greenspace, in this case rented by La Jolla Youth Sports, and unjustifiable as it presents an unknowable health risk to children and teachers at adjacent Torre Pines Elementary School. In response to a query from **Trustee Outwater, Tim Hinyon**, construction manager, said the field would have to be accessed, but they would use lightweight pickups to bring in the tree in pieces and the building would be made from individual cinder blocks. They would use plywood to avoid creating tire ruts in the field. **Trustee Courtney** said customers had other choices than AT&T.

Approved motion: To call the question on the subsequent motion (2/3 required) (Emerson, Boyden: 12-0-1)

In favor: Bond, Boyden, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Weiss, Whittemore, Zimmerman
Abstain: Ahern (Chair)

Failed Motion: Findings cannot be made for a CUP for this project; and that AT&T seek a location further away from playgrounds and schools. (Courtney, Zimmerman: 7-7-0)

In favor: Collins, Courtney, Emerson, Mapes, Ragsdale, Whittemore, Zimmerman
Opposed: Ahern, Bond, Boyden, Manno, Merten, Outwater, Weiss

Note: The Chair had stated at the beginning of the meeting that he would only vote to break a tie. Initially he abstained in consonance with his initial pronouncement. However, after hearing the statement of Robert's Rules 11th edition, page 50-51 "When the chair votes when his vote makes a difference . . ." [Also covered in detail on pp 53-54] the Chair stated that he was going to vote "no," because he wanted a motion that would have more specificity to preserve the integrity of the LJCPA.

Failed Motion: Findings cannot be made for a CUP for this project, citing in particular, the project size and scale compared to adjacent towers, the potential to expand, its proximity to schools and playgrounds, the potential damage to leased playgrounds for which the current tenant is responsible; and that AT&T seek a location further away from playgrounds and schools. (Courtney, Zimmerman: 6-7-0)

In favor: Courtney, Emerson, Mapes, Ragsdale, Whittemore, Zimmerman
Opposed: Ahern, Bond, Boyden, Manno, Merten, Outwater, Weiss

Approved Motion: Findings can be made for a CUP, in support of the vote of the subcommittee, and that the project be constructed in a manner least destructive to the surrounding playing fields. (Weiss, Bond: 7-6-0)

In favor: Ahern, Bond, Boyden, Manno, Merten, Outwater, Weiss
Opposed: Courtney, Emerson, Mapes, Ragsdale, Whittemore, Zimmerman

Member Don Schmidt stated, following the above sequence of actions, that the LJCPA should consider the use of a certified parliamentarian to assist in procedural matters.

15. Coastal Access & Parking Board- Action Item (Removed per Agenda Modification)

16. Exchange Place Pipe Replacement – Action Item

Suggested replacement of a small portion of water pipe, 900 feet, on Exchange Place, just south of Prospect Place from Cave Street to Torrey Pines Road during the summer moratorium. The process will take 2 to 3 weeks. Please note that the requested portion of the work is located in a residential area. TC construction will provide a brief presentation.

Presented by Vic Salazar of Vic Salazar Communications and Foreman Brian Wilson

Mr. Salazar commented on the progress of this project and is requesting permission to extend two to three weeks into the summer moratorium for a portion of Exchange Place, west of Torrey Pines Road. They will be working at the same time on a portion of Exchange Place to the east of Torrey Pines Road that will not be affected by the moratorium. The firm feels it would be beneficial not to have to move equipment out of the area and then back again. The entire project is not expected to be finished until 2015.

Member Don Schmidt expressed concern the work might take more than 3 weeks into the July peak summer month. July.

Trustee Weiss said not finishing this summer would just prolong disruption in his neighborhood, but praised the efficiency of the contractor. **Trustees Emerson, Merten, Outwater, Courtney** and **Whittemore** commented on timing and construction practices.

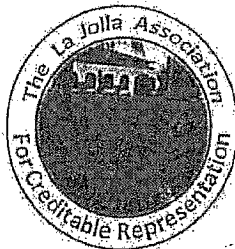
Approved Motion: To deny the exception to the summer moratorium because it is for the contractor's convenience and it is the responsibility of the LJCPA to preserve the community of La Jolla for its residents and tourists. (Emerson, Whittemore: 8-4-1)

In favor: Boyden, Courtney, Emerson, Mapes, Merten, Outwater, Ragsdale, Whittemore

Opposed: Bond, Manno, Weiss, Zimmerman

Abstain: Ahern (Chair)

17. Adjourn at 9:06 PM- Next Regular Monthly Meeting, May 1st, 2014, 6:00 pm



March 11, 2014

Mr. Tony Crisafi
La Jolla Community Planning Association
PO Box 889
La Jolla, CA 92038

VIA Email: info@lajollacpa.org

Re: Challenge of the March 6, 2014 La Jolla Community Planning Association Trustee Elections results.

Mr. Crisafi:

The annual election of the La Jolla Community Planning Association (LJCPA) was held on March 6, 2014 at the La Jolla Recreation Center. The polls reportedly opened at 3:00 pm and closed at 7:00 pm. Ballots were collected and counted. The tally was presented to the LJCPA President during the monthly meeting, and the results were announced. As outlined in the LJCPA bylaws, if a challenge is not filed within seven days of the election, the results become final. The La Jolla Associations (LJA) members voted to challenge the election results. The appeal is based on the following facts;

1. Article V Section 6 of the LJCPA bylaws states if a challenge of the election results is filed, it must be filed in writing within seven days of the election results and be filed with the Chair of the Elections Committee. Agendas for November and December 2013, January and February 2014 (Exhibit 1), reveal the LJCPA President never publicly appointed nor did the LJCPA Board of Trustees publicly ratify the 4-7 member Election Committee or a Chairperson as required by Article V-Section 5 (A) of the LJCPA bylaws. Given the appointment or ratification never publicly transpired, in lieu of sending this written challenge to a Chairperson of a non-ratified Election Committee this challenge is being emailed to info@lajollacpa.org.

2. Pursuant to Article V Section 2 of the LJCPA bylaws, an Election Committee is to be established no later than the first week of January. Among other tasks the Election Committee is required to make a good faith effort to; (a) solicit Members to become candidates, (b) utilize all appropriate means to publicize the LJCPA's eligibility requirements for candidacy and the date of the upcoming election, (c) seek enough potential new candidates to exceed the number of Trustee seats open for the election, thereby allowing those who have served six consecutive years to leave the group for at least one year.

Since an official Election Committee was never publicly selected or ratified by the Board of Trustees at a publicly noticed meeting and the above agendas do not reflect any official election updates were presented at the LJCPA's monthly meetings, by an Election Committee Chair, it is apparent an official good faith effort to seek new candidates never happened. The fact that three write-in candidates filed their intentions to seek office the night of the election is further evidence an official good faith effort did not occur.

8070 La Jolla Shores Drive, PO Box 424, La Jolla California 92037
Email: thelajollaassociation@gmail.com Website: <http://www.lajollaassociation.com/>

Including the three unexpected write-in candidates there were nine candidates for the six available Trustee seats (**Exhibit 2**). Two of the candidates, Mr. Joe La Cava and Mr. Jim Fitzgerald, however served their six years maximum term allowed by **Article III Section 3** of the LJCPA bylaws. Council Policy 600-24 and the 600-24 Administrative Guidelines clearly describes, if a candidate with service beyond the maximum years allowed appears on the ballot with new candidates the ballot is required to; (a) identify which candidate exceeds the planning group's allowable six year term limits, (b) the candidate must receive a two-thirds vote of all ballots cast by eligible community members participating in the regular election, to be elected, (c) the ballot should also indicate this candidate will not be seated if there are a sufficient number of new candidates to fill the vacant seats, i.e., a new candidate has priority over candidates exceeding the term limits.

The LJCPA bylaws, 600-24 and the 600-24 Administrative Guidelines require Mr. La Cava and Mr. Fitzgerald be termed-out and not be granted another three year term. Election policy requires two new qualified candidates that ran for office is seated as LJCPA Trustees.

3. Pursuant to **Article V Section 3** of the LJCPA bylaws; to qualify as a Trustee candidate in an election, a member must have documented attendance at three LJCPA meetings in the preceding 12-month period. Based on the LJCPA's Attendance and Membership List (**Exhibit 3**) write-in candidate Mr. Rob Whittemore does not meet this qualification. The LJCPA records show Mr. Whittemore attended just two meetings, one in March and the other in June of 2013.

The LJCPA bylaws, 600-24 and the 600-24 Administrative Guidelines require write-in candidate Mr. Rob Whittemore be deemed disqualified and the candidate with the next highest amount of votes be seated as a LJCPA Trustee.

The LJA and our community fully anticipate the LJCPA Trustees will correct the above mentioned election errors and honor Council Policy 600-24 and the LJCPA bylaws.

La Jolla Association



Founding Committee Member

8070 La Jolla Shores Drive, PO Box 424, La Jolla California 92037

Email: thelajollaassociation@gmail.com Website: <http://www.lajollaassociation.com/>



La Jolla Community Planning Association

March 25, 2014

Bob Whitney
Founding Committee Member
The La Jolla Association
PO Box 424
La Jolla CA 92037
Email: thejollaassociation@gmail.com

Re: Election Challenge

Dear Mr. Whitney,

I am in receipt of your letter dated March 11, 2014 challenging the election results of March 6, 2014 on behalf of The La Jolla Association. Your interest in the La Jolla community and your taking the time to bring forward and document your concerns regarding to adherence the provisions of the LJCPA's Bylaws is truly appreciated.

ARTICLE IX Section 3. Council Policy Violations and Remedies of the Bylaws states:

- A. In cases of alleged violations of the LJCPA Bylaws or Council Policy 600-24 by a Trustee, the Board of Trustees shall conduct an investigation consistent with the Administrative Guidelines and these Bylaws.
- B. A complaint that a that a Trustee violated one or more provisions of the LJCPA's Bylaws or Council policy 600-24 may be submitted to the LJCPA President by any individual, including another Trustee. The complaint should be filed within 90 days of knowledge of the alleged violation.
- C. If, after a thorough investigation by the President and at least two other Officers, the Board of Trustees determines that a Trustee has violated a provision of these Bylaws or Council Policy 600-24, the Board of Trustees shall, where feasible, seek a remedy that corrects the violation and allows the Trustee to remain on the Board of Trustees.
- D. If corrective action or measures are not feasible, the Board of Trustees may remove a Trustee by a two-thirds vote of the Board; except for specific cases outlined in Article III, Section 4 where a majority vote is sufficient for removal.

In accordance with these provisions the LJCPA officers have conducted a thorough investigation regarding your challenge. The results of this investigation will be reported to the Board of Trustees and at the meeting scheduled for April 3, 2014.

Please be advised that the Officers do not think that The La Jolla Association has standing to raise these issues since the Association is not a member of the LJCPA. The members of the LJCPA are "individuals" meeting the eligibility requirements of ARTICLE I Section 4. The La Jolla Association is not an "individual at least 18 years of age." We believe that only actual members have legal standing to raise the issues regarding Bylaw violations. Nevertheless, as the LJCPA seeks to serve the entire community of La Jolla in as fair a manner as possible the Officers have decided to address each of your concerns and advise corrective action where possible.

You have raised four issues and they will be addressed each in the order that you presented them.

1. First Allegation: An official Election Committee was never publicly selected or ratified by the Board of Trustees at a publicly noticed meeting.

Response to First Allegation: The LJCPA Bylaws, at ARTICLE VI SECTION 2.C. Rules Regarding All Committees and Boards, state in pertinent part, "All committee appointees appointed by the LJCPA shall be appointed by the President and ratified by the Trustees." There is no requirement that the President publicly select committee members, rather the requirement is that the Board of Trustees ratify the appointees. In fact I did fail to request the Board of Trustees to ratify the members of the Election Committee. I was unable to complete my selection prior to the January meeting and, therefore, failed to put the matter on the January agenda. Subsequently, an Election Committee was appointed by me on January 28, 2014 and followed correct procedures regarding the election. The other LJCPA officers have advised me to take corrective action regarding my failure to have the Board of Trustees ratify my appointments. They have advised, and I have agreed, to put the matter of Board of Trustee ratification of the Election Committee members on the April 3, 2014 Agenda immediately following the adoption of the agenda. This will enable the Board of Trustees to ratify the Election Committee retroactively if that is the action the Board decides to take. In a perfect world this would not be necessary, but this is the best corrective action that is feasible. Further, because of my lack of timeliness, the committee was appointed after the first of January. Nevertheless, the committee was in fact appointed and carried out its duties. As a result, the LJCPA officers feel that there has been substantial conformance with the requirement that the Election Committee be established "no later than the first week of January" and The Board of Trustees will be advised that no corrective action is necessary or possible. Hopefully, your raising this issue will ensure that future committees will be appointed on or before the stated time.

2. Second Allegation: An official good faith effort to seek new candidates never happened.

Response to Second Allegation: The Elections Committee did in fact "solicit Members to become candidates" and the LJCPA did in fact "make a good faith effort to utilize means appropriate to publicize the LJCPA's eligibility requirements for candidacy and the upcoming election" as required by ARTICLE V Elections, Section 2 of the Bylaws. Several members of the Elections Committee personally contacted individuals who were eligible to serve or could have been eligible by attending the February meeting. All of the persons contacted by one of the members of the committee were interested in land planning issues; but none of them was able to serve for various reasons. You assert that the fact that three write-in candidates filed their

intentions to seek office the night of the election is further evidence that an official good faith effort did not occur. To the contrary, the fact that three write-in candidates filed their intentions to seek office is a direct result of the Election Committees' efforts and shows that those efforts were effective. Further, as you know, the three meeting requirement for being a candidate to serve as a trustee is stated by the Secretary at each regularly scheduled meeting of the LJCPA. In addition, a press release announcing the elections was prepared, sent to the appropriate media and was, in fact, published. The LJCPA website gave notice of the upcoming election and the minutes of the LJCPA January and February meetings contain statements referring to the March 2014 election. Thus the Officers will report to the Board of Trustees that your second allegation is without merit and that no corrective action need be taken.

3. Third Allegation: The LJCPA Bylaws, Council Policy 600-24 and the Administrative Guidelines to Council Policy 600-24 require Mr. La Cava and Mr. Fitzgerald be termed out and not be granted another three-year term. You assert that election policy requires two new qualified candidates that ran for office be seated as LJCPA Trustees.

Response to Third Allegation: Article III Section 3 of the LJCPA Bylaws states:

Trustee Terms

Trustees of the LJCPA shall be elected to serve for the fixed terms of 3 years with expiration dates during successive years to provide continuity. Except as noted in this Section, no person may serve on the LJCPA for more than six consecutive years. After a one-year break in service as an LJCPA Trustee, an individual who has served for six consecutive years shall again be eligible for the election to the LJCPA Board of Trustees.

The LJCPA will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for a six consecutive years to continue on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years.

Council Policy 600-24 ARTICLE III, Section 4 states:

"Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held. After a one-year break in service as a planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee.

This Policy provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats' as follows:

A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open

seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership. The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section." (Emphasis added)

Furthermore, according to Article III Section 2 when it became a fact that there were not enough eligible candidates to fill the vacant seats trustees La Cava and Fitzgerald became eligible to run. Consequently after their candidacy was announced per Article V Section 2, trustees LaCava and Fitzgerald met the requirements of a qualified candidate having rights equal to all other candidates plus the requirements to earn 2/3 of cast votes in order to gain a seat.

The logical application of these provisions in the instant case is that when there are insufficient candidates to fill the seats by the end of the February 2014 meeting then a member may serve in excess of six years (per the LJCPA Bylaws) and that member may appear on the ballot with new candidates. Once on the ballot the only remaining requirement is that these candidates receive enough votes to be elected and at least a two-thirds majority of the votes cast. The fact that one or more write-in candidates were elected is irrelevant. Your interpretation leads to the absurd result that Mr. LaCava and Mr. Fitzgerald could be eliminated by a single write-in vote. Such an outcome clearly contradicts the intentions of the LJCPA membership and the City Council.

For the foregoing reasons the Officers will report to the Board of Trustees that your third allegation is without merit do find that Mr. LaCava and Mr. Fitzgerald were duly elected for additional three year terms.

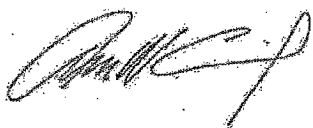
4. Fourth Allegation: Mr. Rob Whittemore did not meet the three meeting requirement of **Article V Section 3** and is therefore disqualified.

Response to Fourth Allegation: **Article V** Section 3 states, "In order to be a candidate in an election to become a Trustee, a Member of the LJCPA must have documented attendance at three of the LJCPA's meetings in the preceding 12-month period." It is not required that a member sign the attendance sheet in order to document his attendance, although that is the most convenient way to do so. Attendance may be documented in other ways. Mr. Whittemore did sign in for the March and June 2013 meetings. He also attended the February 2014 meeting. His attendance at the February meeting is documented by an email from him stating he attended the meeting and that a number of attendees and Trustees saw him there, and requested recognition that he did so attend. I am also in receipt of an email from the LJCPA Secretary, Helen Boyden, vouching for the fact that Joe LaCava and she spoke with Mr. Whittemore at the end of the February 2014 meeting. Ms. Boyden later corrected the attendance sheets showing that Mr. Whittemore did, in fact, document attendance at three meetings as required, although that may not yet be reflected on the LJCPA website. The Chair of the Elections Committee, Janie Emerson, verified Mr. Whittemore's attendance at the February meeting before accepting him as

an eligible write-in candidate. Thus the Officers will report to the Board of Trustees that your fourth allegation is without merit and do find that Mr. Whittemore be seated at the April 2014 meeting.

I hope that this response to your allegations will suffice to satisfy your challenge of the March election. Of course, the Board of Trustees will make the final determination. As you know, I have termed out and will no longer be serving as a Trustee or as President. Please forgive any perceived shortcomings on my part. This is a volunteer organization and I believe that, as a whole, this board contributes a valuable service to La Jolla and to the City of San Diego.

Very truly yours,



Tony Crisafi, President
La Jolla Community Planning Association

cc: LJCPA Trustees
Lesley Henegar, Planning Department
Council President Pro Tem Sherri Lightner
Council Rep Erin Demorest
Council Rep Justin Garver
Candidates for Election

La Jolla CPA General Election Final results

Alphabetical order: ^{10 people voted} 79 total votes Jane

Candidate	Individual Tally Sheet Totals	Total Votes
Candidate 1	Bob Collins	66
Candidate 2	Jim Fitzgerald	68
Candidate 3	Joe La Cava	68
Candidate 4	Michael Morton	14
Candidate 5	Alex Outwater	67
Candidate 6	Peter Ovanessoff	26
Candidate 7		
Candidate 8		
Candidate 9		
Write-ins	Robert Mapes	49
Write-ins	J. Ragsdale	54
"	Rob Whittemore	58

Candidates winning seats:

Rank	Term	Candidate	Total Votes
1	3 year	Jim Fitzgerald	68
2	3 year	Joe La Cava	68
3	3 year	Alex Outwater	67
4	3 year	Bob Collins	66
5	3 year	Rob Whittemore	58
6	3 year	Jim Ragsdale	54
7	1 1/2 year	Robert Mapes	49
8	2 year		

Certified by: Jane Newton Date: 3/6/14

Counted by: Michael Smith Wm Zoller Andy Hejwemann

Poll workers: Gabbi, Tom, Jean, Debbie, Janie