

# La Jolla Community Planning Association

**President: Tim Golba Vice President: Lance Peto Secretary: Sherri Lightner**

## REGULAR MEETING – July 5, 2007

**Present:** Dave Abrams, Darcy Ashley, Orrin Gabsch, Lynne Hayes, Sherri Lightner, Phil McConkey, Marty McGee, Phil Merten, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Ray Weiss, Rob Whittemore

**Absent:** Tim Golba, Todd Lesser, Mark Lyon, Paul Metcalf

**Late:** Abrams, Morton, Perricone, Weiss

### AGENDA ITEMS:

#### 1. Welcome and Call to Order:

**THE CHAIR, VICE PRESIDENT LANCE PETO, CALLED REGULAR MEETING TO ORDER 6:07 PM.**

#### 2. Request for Agenda Modifications

- Add Item 5 to the Vice President's Report – Update on the Bylaws.
- Joe LaCava – Pull Items 10. B. – 3 through 7 from the agenda.

#### 3. Approval for the June 7, 2007 Minutes

**Regular Meeting: No corrections were made.**

**APPROVED MOTION: To approve the minutes for the Regular June 7, 2007 CPA Board.**

**(McConkey/Hayes: 7-0-2) Abstentions: McGee and Thiele – Not present at the meeting.**

**Affirmative Votes: Ashley, Gabsch, Hayes, Lightner, McConkey, Merten, Whittemore**

**Abstention: McGee, Thiele**

6:10 Morton and Weiss arrive.

#### 4. Vice President's Report – Lance Peto

- 1.) CPC updates – No updates.
- 2.) Committee Appointments – The appointments (on the attached sheet) were presented.

**APPROVED MOTION: The Board ratifies the CPA committee appointments. (Gabsch/Merten: 11-0-0)**

**Affirmative Votes: Ashley, Gabsch, Hayes, Lightner, McConkey, Merten, Morton, Weiss, Whittemore**

#### 3.) Armstrong Residence Appeal and Hearing Date – Phil Merten

On Thursday, July 12 at 9 AM, the Planning Commission will hear the variance application for the Armstrong Residence. At the Coastal Development Permit Review Committee (CDP) meeting the second week in June, the committee unanimously denied the variance request – not one of the four required findings could be made.

#### 4.) Children's Pool Lifeguard Tower update – Phil Merten

The LJTC Parks and Beaches Committee (P&B) has been involved in communicating with City Staff re: the Children's Pool's Lifeguard station. The P&B meeting last week included participation of the CPA. The comments at the P&B meeting had a common theme. In order to give the lifeguards all the space and amenities they want and satisfy the community's desire for maximum physical and visual access at the site, the bulk of the station should be underground with the structures viewing functions the only thing above the ground. We need to begin to make the decision makers aware that we need an absolutely pristine solution for this beautiful site. With the seals this is the second most visited site in the City. We may need to fund raise to finance this. Want to slow this down so that we get a more acceptable design. The LJTC and CP are on the same page with this one.

#### 5.) Bylaw Update – November 20, 2007 is the cut-off date for submitting revised bylaws for approval. The Bylaws committee will be reconvened shortly. Mr. Whittemore will be looking into the necessary changes. We want to get the revisions to the City ASAP. The committee remains at 18 members.

#### 5. Treasurer's Report – Lynne Hayes

**Previous ending balance: \$786.54 Collected at June Meeting: \$97.00 Expenses: \$51.64 Ending Balance: \$831.90**

## 6. Public Comment

The Chair announced that there are two time certain on the agenda: the City Attorney at 6:30 and UCSD at 7:00. We will take public comment until the time certain.

- **COMPACT** – No report – Gail Forbes not present.
- **Bird Rock Community Council** – Joe La Cava reported that July 19<sup>th</sup> is the date of the Taste of Bird Rock from 5 – 9 PM. Tickets are already on sale. They can be purchased at Bird Rock Coffee Roaster and the Bird Rock Mail Boxes Store. There are two construction projects underway in Bird Rock. Phase I (neighborhood traffic calming measures) will be completed by the end of August. Phase II will start in September and should be complete in 9 months. Long's has begun excavation.
- **UCSD Community Planner** – Anu Dehlouri – Agenda Item 12.

**Sheila Harden – Community Relations for CCDC (Center City Development Corporation).**

Question – Why is not CCDC giving money back to the City of San Diego? Her answer is from Nancy Graham. Ms. Graham will come to one of our meetings to answer questions later this year. The loan money is Federal money, which the City cannot use. A repayment plan does exist. The City has chosen to keep their investment in CCDC – keeping the money in place. There are free tours on the 1<sup>st</sup> and 3<sup>rd</sup> Saturdays of the month from 10 AM to 12 Noon (619) 235-2222. Visit the website for additional information [www.ccdc](http://www.ccdc).

6:25 PM Abrams, Perricone

**Mary Coakley** – Map Project Update – The Preview of the Map event was a success – received \$55,000 from the Kumeyaay Nation. We hope to break ground in September with completion by Thanksgiving. We want to set up a website and are looking for a volunteer to help with this. The Map project will be at San Diego City Council on July 25. We would like the CP to send a letter of support for the project.

**MOTION: The LJCPA President to send a letter to the City of San Diego expressing the LJCPA's strong support of the map project at the new restroom facility in Kellogg Park. (Merten/Ashley: 13-0-0)**

**Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Merten, Morton, Perricone, Thiele, Weiss, Whittemore**

**Joy Sonyato (sp?)** – Expressed concern the Community Planning Groups (CPG) are in trouble. Would like to begin a dialogue with all of the CPG's

**Joe LaCava** – There seems to be a proliferation of vacation rentals in the single-family residential neighborhoods. Concern with the proliferation of commercial enterprises in the single-family neighborhoods.

**Orrin Gabsch** – The June meeting minutes we asked for the Noya Residence to be followed up on. Could we add it as an agenda item? Could the Parking Advisory Board be added as a regular agenda item to the CPA agenda? On July 19<sup>th</sup> the Park and Rec Board is conducting a citywide workshop on making the park requirements more flexible. Could the LJTC and CPA cooperate and make sure to attend?

**Mary Coakley** – We owe a huge debt to the Police, Lifeguard, and Park & Rec for the work they did on the 4<sup>th</sup> of July. After the fireworks Kellogg Park was a mess, but Park & Rec was out there at 5:30 AM the next morning and by 10 AM the Park was clean.

**Nancy Manno** – Request an agenda item be added for committee reports.

**Gentleman for the audience** – Does this group have any interaction with the PB (Pacific Beach) Planning Board? – Yes at the CPC meetings.

**Ed Ward** – Concern expressed about the Community Parking District Advisory Board's (CPD) 9 members and concern that 3 are from Promote La Jolla. Are there any members that are not on the PLJ Board? Response from Mr. McGee that other groups are represented.

**Darcy Ashley** – Comment about mini dorms.

## 7. City of San Diego Planning Department: No report.

## 8. Keely Sweeney – CD 1 Representative for Council President Peters –

**MINIDORMS** – on July 9 the San Diego City Council (SDCC) will be hearing 6 or 7 changes to the Municipal Code that DSD (Development Services Department) has been working on. If you have specific questions contact Ms. Sweeney.

**OVERSIZE VEHICLES** – Still working on the proposed ordinance. The 72-hour rule does not solve the problem. Attorney's office pointed out that Santa Barbara has had problems with enforcement because the signage was not sufficient.

**MOBILE BILLBOARDS** – Mobile billboards are on cars, trucks, airplanes, and possibly on the water. A City Attorney legal opinion will be sought on how to regulate them.

**TELECOMMUNICATIONS** – Jim Waring has requested a legal opinion on this matter.

**WATER & SEWER** – The SDCC has voted to return to bimonthly billing. Will go back to this in the spring of next year.

**Mr. Gabsch question on NEWSRACK ORDINANCE** – The ordinance is in effect now and the City will be ready to enforce soon. Response is complaint driven. Stickers that were to be placed on the permitted Newsracks are of concern because they may be peeled off. A suggestion from the audience was that the stickers could be scored with a razor blade to make removal/reuse of the stickers difficult.

**Mr. Merten question on LIFEGUARD TOWER** – Asked about the new design approach for the Children's Pool Lifeguard Tower. Scott Peters is worried about the timeline. They cannot hold off indefinitely. Hopefully when the architect comes back, it will be with a design, which is responsive to the community's concern. Mr. Beaver commented that about four years ago a committee of P&B was formed and chaired by Jerry Anderson. The committee attempted to minimize the footprint – not to the extent currently proposed but less than the City's original proposal. The City has now come back, ignoring all of that previous work to minimize the size. Mr. Whittemore asked what the timeline is for bonding – possibly the end of the year. The June ballot will include a Charter Amendment re: CPG's. Need to get the citizens to vote on the Charter. Mr. McGee wanted to know the timeline for bonding – Answer: there is no hard date. Mr. Weiss asked if a compromise on the design was possible. Not a question of the large ugly facility with the adequate sized lifeguard facilities. Hopes for a greatly improved project. Ms. Thorsen commented that the beach is unusable by people at present so there is no rush for the tower.

**MAYOR'S COFFEE** – The Mayor will host an open house coffee soon. The specifics will be available later.

9. Thyme Curtis - CD 2 Representative for Kevin Faulconer – Not present.

#### 10. COMMITTEE REPORTS & CONSENT ITEMS:

##### A) Coastal Development Permit Review Committee:

- (1) **7444 Miramar Street Vacation** – Conditional approval at June 12, 2007 CDP meeting by a 5-4-0 vote. **Pulled from the Consent Agenda. See Agenda Item 15.**
- (2) **Armstrong Residence, 5746 La Jolla Mesa Drive** – Denied unanimously at the June 12, 2007 CDP meeting by a 9-0-0 vote. **ON CONSENT.**
- (3) **T-Mobile La Jolla Soledad, 5595 1/3 Soledad Road** - Forwarded at the June 12, 2007 CDP meeting to full CPA. **Pulled from the Consent Agenda. See Agenda Item 14.**
- (4) **Jvirblis Residence, 625 Wrelton** – Approved unanimously at the June 19, 2007 CDP meeting by an 8-0-0 vote. **ON CONSENT.**
- (5) **Bache Residence, 347 Vista de la Playa** – Approved unanimously at the June 19, 2007 CDP meeting by a 7-0-1 vote. **ON CONSENT. Mr. Morton recused.**
- (6) **Hunt Residence, 6319 Camino de la Costa** – Approved at the June 19, 2007 CDP meeting by a 5-2-0 vote. **ON CONSENT.**
- (7) **Shaw Properties, 6633 La Jolla Boulevard** – Approved unanimously at the June 19, 2007 CDP meeting by a 6-0-1 vote. **ON CONSENT. Mr. Morton recused.**
- (8) **Fashion Walk Residence, 5930 Camino de la Costa** – Conditional, unanimous approval at the June 19, 2007 CDP meeting by a 4-0-1 vote. **ON CONSENT. Mr. Morton recused.**

**APPROVED MOTION:** To accept recommendation of the CDP Committee on Items (2), (4) and (6) and forward recommendations to the City. (Merten/Hayes: 11-0-0)

**Affirmative Votes:** Abrams, Ashley, Gabsch, Hayes, Lightner, Merten, Morton, Perricone, Thiele, Weiss, Whittemore

**Stepped Out:** McConkey, McGee.

**APPROVED MOTION:** To accept recommendation of the CDP Committee on Items (5), (7) and (8) and forward recommendations to the City. (Merten/Hayes: 10-0-0)

**Affirmative Votes:** Abrams, Ashley, Gabsch, Hayes, Lightner, Merten, Perricone, Thiele, Weiss, Whittemore

**Recused:** Morton

**Stepped Out:** McConkey, McGee.

**B) Planned District Ordinance Review Committee:**

- (1) **1<sup>st</sup> Pacific Bank, 7817 Ivanhoe** - Unanimously approved signage at the June 4, 2007 PDO meeting by a 6-0-0 vote.

**APPROVED MOTION:** To accept the recommendation of the PDO Committee and forward the recommendation to the City. (Hayes/Merten: 11-0-0)

**Affirmative Votes:** Abrams, Ashley, Hayes, Lightner, McConkey, McGee, Merten, Morton, Thiele, Weiss, Whittemore

**Recused:** Gabsch

**Stepped Out:** Perricone.

- (2) **Vista Girard, 7449 Girard Avenue** – Unanimously approved at the June 18, 2007 PDO meeting by an 8-0-0 vote.

**APPROVED MOTION:** To accept the recommendation of the PDO Committee and forward the recommendation to the City. (Hayes/Whittemore: 12-0-0)

**Affirmative Votes:** Abrams, Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Merten, Morton, Thiele, Weiss, Whittemore

**Stepped Out:** Perricone.

- (3) **Olivetown homes, 7417 Olivetas** – PULLED – still in committee review.  
(4) **Bibby's Crepe Café, 723 Pearl Street** – PULLED – still in committee review.  
(5) **Massage Envy, 7650 Girard Avenue** – PULLED – still in committee review.  
(6) **Herschel Building, 7855 Herschel** – PULLED – still in committee review.  
(7) **Burger Sidewalk Café, 1101 Wall Street** – Pulled – still in committee review.

**C) La Jolla Shores Permit Review Committee (LJSPRC)**

- 1.) **Johnson Residence, 1857 Viking Way** – Approved 4-0-0 at the June 26, 2007 meeting.

**APPROVED MOTION:** To accept recommendation of the LJSPRC Committee and forward recommendation to the City. (Hayes/Thiele: 12-0-0)

**Affirmative Votes:** Abrams, Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Merten, Morton, Thiele, Weiss, Whittemore

**Stepped Out:** Perricone.

- 2.) **Szekely Residence, 8456 Westway Drive** – Approved 4-0-0 at the June 26, 2007 meeting.

**APPROVED MOTION:** To accept recommendation of the LJSPRC Committee and forward recommendation to the City. (Hayes/Whittemore: 10-0-1)

**Affirmative Votes:** Abrams, Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Merten, Thiele, Weiss, Whittemore

**Recused:** Morton

**Abstention:** Weiss – friend of the Szekely's.

**Stepped Out:** Perricone.

- 3.) **Rosen Residence, 2522 Calle del Oro** – Approved unanimously 4-0-0 at the June 26, 2007 meeting.

**APPROVED MOTION:** To accept recommendation of the LJSPRC Committee and forward recommendation to the City. (Hayes/Morton: 11-0-0)

**Affirmative Votes:** Abrams, Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Morton, Thiele, Weiss, Whittemore

**Recused:** Merten

**Stepped Out:** Perricone.

**D) Traffic & Transportation Board (T&T): No action items.**

**12. UCSD PROJECTS – Update on upcoming UCSD projects – Time certain 7 PM – Informational Presentation**

Anu Delouri (AD) and Milt Phegley (MP) of UCSD Community Planning presented a power point presentation. It is available on line at <http://commplan.ucsd.edu>. Questions were taken after the presentation.

Mr. Thiele – Is the new construction LEED certified building – in particular shouldn't all new buildings be at the LEED silver level? Response from MP: State funding is not there to maximize LEED. UCSD is required to look at it, but required to provide the buildings within the budget.

Ms. Thorsen – Question related to open space and traffic/parking impacts. Response from AD: The designated open space of 27% will not be affected. Response MP: LRDP (Long Range Development Plan) goal is to stay within certain traffic limits mandated by the community plan. There are powerful incentives to consider alternatives for traffic and parking issues. Response AD: Example of SDSU. Access to Light Rail has reduced the parking demand by 3000 spaces. Mr. Varon – MTS hub will be at UTC. Will the increase of the student population in on campus housing actually increase the demand for parking, because students bring cars? What is the current ratio of spaces to students? Resp: The parking ratio is about 0.35 to 0.4 per capita. There is a vacancy of 20% at peak occupancy. The LRDP EIR identified that there were about 1000 off-campus vehicles associated with the campus. In 2014 there will be trolley access to the campus (SANDAG). Mr. Lucas – Why are comments on UCSD proposals, like the Venter Project, ignored. Comments on the MND related to the Land Use Plan and the improper use were ignored in the responses received on the document. Why is the hearing date November 13, 2006 – that date is passed? Response MP: The date for hearing by the Regents is July; there must be an error in the cover letter. Ms. Thorsen: Related to the comment about SDSU – Why does SDSU think it is OK to continue to expand? Response MP: SDSU's growth is consistent with their LRDP update. The LRDP needs to be consistent with local community plans.

**11. CITY ATTORNEY MIKE AGUIRRE –Community Bill of Rights and Update on Cell Phone towers in Residential neighborhoods – Informational Presentation**

City Attorney Mike Aguirre spoke and then took questions. Would like to see the Community Planning Groups have more power similar to the planning groups in Los Angeles. He is requesting support for changes to the City's Charter, which would grant more power to the Planning Groups. The changes to Charter Section 227 have already been drafted. It guarantees an individual's right to participate in planning and to provide feedback to the SDCC on the budget and city services. The Charter change will give authority to the people. Would also like to include language in the Charter, which will require Community Plan updated every 10 years and allocates money to do it. Commented on the situation in Otay Mesa where the developers with projects (residential in industrial zones) in process with DSD were actually paying for the Community Plan, which would rezone industrial to residential. That contract was just cancelled.

We have just been asked to cut our water consumption by 20 gallons per day. We cannot grow by 300,000 people. We, as a City need to commit to sustainability, not growth. San Diego is long on development and short on infrastructure. We are overdeveloped with an attenuated infrastructure. SIO is involved in the Global Warming discussions. We need to get SIO to help us redo the General Plan to account for the effects of global warming. DSD needs to transition to planning and environmental protection. The developers have been running the City for a long time. We need to get the developers to work with the great research activities at SIO. San Diego is not in a growth mode. We should get the infrastructure together and invest in low-impact development. We need to get the financial resources to do the plan.

Cell towers – The general trend in law is not good. The case law is problematic to restrict the placement. Tom Selany in the City Attorney's office has been working on this issue. This is becoming a statewide issue – preempting local control.

Questions/Answers:

Corporate status is not a problem for Planning Groups. Must adhere to the requirements for planning groups.

What is happening with the differing positions – DSD and the City Attorney's office related to the base zone regulations for the La Jolla Shores Planned District? Call the office tomorrow for follow-up.

Will water use reduction help? We need to get recycling of water really going – not for drinking water. We are in a desert. We need to at least have secondary treatment and figure out something for recycling.

Need reservoirs? We do not have the capacity now for 300,000 more homes. Maybe we need to look at desalinization.

Does City government have a right to negotiate a contract, which benefits the City to the detriment of the public?

Mr. Weiss thanked Mr. Aguirre for the endorsement of SIO. Four more years like the last year then Lake Powell and Lake Mead will be dry.

Can we get a moratorium on placement of cell towers in the public right of way?

We need to get back more of our property tax money back. We get 17 ½ cents on the dollar. LA gets 30 cents on the dollar.

We built 299,000 airplanes from 1941-1945. Let's master this.

**13. Kusman Residence, 8335 Camino del Oro –Pulled for Trustee review based on square footage.**

**Approved 4-1-0 at the LJS PRC on May 22, 2007.** Presentation by Matt Peterson followed by Comments from Rob Whittemore. Mr. Peterson described the proposed project. The lot is 6400 sq. ft. The project was first submitted in 2005 and was approved by the LJS PRC by a vote of 4-1 in May. It was pulled from the consent agenda for hearing at tonight's meeting. The subcommittee heard the project three times. The project has been redesigned and revised. The applicant met with Dale Naegle and City staff – Mr. Naegle is a LJS PRC member. The driveway on El Paseo Grande was eliminated and the other driveway was reduced to 12 feet. The walls were thickened. The FAR reduced from 0.85 to 0.76 ½. The landscape coverage is 30%. The roof deck was eliminated. The chimneys are at 30 feet. The existing house is at 19 feet. Mr. Whittemore commented that he asked to pull the project because of the FAR, which is larger than the permitted 0.58 for the 6400 sq. ft. lot. He had a discussion with Mr. Golba about the Brown Act and met with Mr. Peterson.

**APPROVED MOTION: To approve the proposed project, since the findings can be made. (McGee/Thiele: 7-2-3)**

**Affirmative Votes: Abrams, Hayes, Lightner, McConkey, McGee, Perricone, Thiele**

**No Votes: Ashley, Lightner.**

**Abstentions: Gabsch, Weiss, Whittemore.**

Reasons: Weiss: Can see both sides. Gabsch: Agrees with Weiss and concerned with the lack of neighborhood compatibility. Whittemore: Does not want to prejudice standing on the Baia residence project.

**Gone: Morton.**

**14. T-Mobile Soledad. Mike Morgansen**

Proposal is for a 30-foot tall light standard. There is a light pole on the other side of the street from this location. There are deficiencies in the coverage and there are no alternative sites that provide the necessary coverage. They cannot use the Mt. Soledad or Kate Sessions. Applicant presented a visualization of the installation and the coverage maps without and with the site. There was an opposition presentation by Rosa Lee Saliba, the adjacent property owner. This placement is contrary to goal of undergrounding all utilities. This is a major installation, not a minor installation. It is on a City scenic route. Workmen need to service the site – how noisy and intrusive will that be? Will the safety of children who play on the site may be negatively affected. Property values in the neighborhood will be negatively affected. Buyers are sensitive about certain features, including a telecommunications installation. These features affect the buyer's choice and the property owner will need to lower the price in order to attract buyers. Wants to see the study that shows they have tried other locations, not just taken the cheapest site. Michael Saliba – Have they considered the reservoir site? – Answer – could not negotiate lease at that site. The underground vault, which is part of this installation, will interfere with the water and sewer service at the home. The vault is 20 ft long by 12 ft wide by 10 ft. deep.

**APPROVED MOTION: To deny the T-Mobile Soledad proposal as the findings for the Neighborhood Use Permit cannot be made. (Hayes/Whittemore: 10-1-1)**

**Affirmative Votes: Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Merten, Perricone, Thiele, Whittemore**

**No Votes: Abrams**

**Abstention: Weiss**

**Gone: Morton**

**Discussion of the Motion:** How do competitors provide coverage? There is a problem for the other carriers. Can I get an antenna in my backyard? It is the last preference. Who gets the revenue from the installation? The City.

**Ms. Hayes called question**

**Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lightner, McConkey, McGee, Merten, Morton, Perricone, Thiele, Whittemore**

**Abstention: Weiss**

**The maker of the motion, Mr. Merten, withdrew another motion related to the possible approval of the installation by the City.**

**15. 7444 Miramar Street Vacation – Continued to the next meeting. Not sufficient time to hear.**

**Meeting adjourned at 9:10?? PM. Next regular meeting at 6:00 p.m. on August 2, 2007. Recreation Center Auditorium.**

Submitted by Sherri Lightner, 7/14/07