

La Jolla Community Planning Association

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

REGULAR MEETING – August 2, 2007

Present: Dave Abrams, Darcy Ashley, Orrin Gabsch, Tim Golba, Lynne Hayes, Todd Lesser, Sherri Lightner, Mark Lyon, Phil McConkey, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Robert Thiele, Ray Weiss, Rob Whittemore

Absent: Lance Peto, Marty McGee

Late: Abrams, Perricone, Weiss

AGENDA ITEMS:

1. Welcome and Call to Order:

THE CHAIR, PRESIDENT TIM GOLBA, CALLED THE REGULAR MEETING TO ORDER 6:07 PM.

2. Request for Agenda Modifications

- Mr. Gabsch requested that an update on the Noya Residence be added to the agenda. It was added as Agenda Item 4-3.
- Mr. Gabsch requested that there be regular reports from the Community Parking District and the Parks & Beaches Committee (so long as work on the Children's Pool Lifeguard Station continues) to the Board. These items were added under Agenda Item 6. There will be no reports this month. The reporting should commence next month.
- Ms. Ashley questioned the hearing of Agenda Item 14, since there is a lawsuit pending and possibly additional changes to the situation.

APPROVED MOTION: To table Agenda Item 14 (La Jolla Children's Pool rope barriers during pupping season) until resolution of the court case and the parallel permit is available for review. (Ashley/McConkey: 8-3-0)

Affirmative Votes: Ashley, Gabsch, Hayes, Lesser, Lightner, McConkey, Metcalf, Whittemore

No Votes: Lyon, Merten, Thiele

Abstentions: None

Mr. Morton arrived.

Mr. Golba passed the Chair to Ms. Lightner.

3. Approval for the July 5, 2007 Minutes

Regular Meeting: Minutes to be corrected to indicate that Mr. Gabsch abstained from the approval of the minutes. There were no further corrections and the minutes were deemed approved as corrected.

5. Treasurer's Report – Lynne Hayes

**Previous ending balance: \$831.90 Collected at July Meeting: \$152.00 Expenses: \$127.00
Ending Balance: \$856.40**

Chair was returned to Mr. Golba.

4. President's Report – Tim Golba

- 1.) CPC updates – The General Plan Update was discussed at the last meeting. It is planned that it will go to the Planning Commission the end of August or early September. There is a subcommittee, which is working on an indemnification ordinance for planning groups. There is a draft available and it should be on this month's CPC agenda.
- 2.) Armstrong Hearing date of September 6, 2007. This project was directed to reduce significantly the requirements for variances related to the use of high retaining walls in the side yard setbacks. The revised design should come back to the CDP committee, but the Planning Commission hearing is before the next CPA meeting.
- 3.) Noya Residence – The City will not do anything to stop this and it is in the hands of a private attorney. Mr. Merten questioned what would be done relative to the Armstrong residence hearing.

Mr. Abrams arrived.

APPROVED MOTION: When the drawings [for the Armstrong Residence] are received by CDP, the committee is to review the plans and authorized to transmit the findings of their review to the Planning Commission. (Merten/Whittemore: 13-0-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Metcalf, Morton, Thiele, Whittemore

No Votes: None

Abstentions: None

Mr. Weiss arrived.

6. Public Comment

Sheila Harden – Community Relations for CCDC (Center City Development Corporation). Ms. Nancy Graham meets with the public, Coffee with Nancy - Visit the website for additional information www.ccdc.

Mary Coakley – L Jolla Recreation Council Board is sponsoring two movies in Scripps Park. On Friday, August 3 My Big Fat Greek Wedding is being shown and on Sunday, August 5th March of the Penguins is featured. There is no charge and the movies start at 8:30 PM. A flyer with the information was handed out. Map Project Update – The Map was approved t San Diego City Council on Tuesday. Donations are still needed and Slater-Price's matching challenge of \$25,000 has not yet been met.

Sherri Lightner – The court hearing for the lawsuit filed by Taxpayers for Responsible Land Use was scheduled for tomorrow, August 3rd but has been continued by the judge to an unknown date.

Joe LaCava – Encouraged the Board to not abstain from voting on matters and requested that the Association make arrangements to stay later if necessary to complete the items docketed on the agenda.

- **COMPACT –** No report – Gail Forbes not present.
- **Bird Rock Community Council –** Joe La Cava reported that the Taste of Bird Rock sold 1000 tickets. Three of the neighborhood traffic calming improvements have been completed.
- **UCSD Community Planner –** Anu Dehlouri – The deadline to submit comments for the University House DEIR is tomorrow. She announced that she would not be at our meetings for the next several months. Milt Phegley will be attending until she returns from Maternity Leave.

Mr. Lucas asked about the status of the Venter Institute. The Final ISMND is done and the Regents voted to support the project.

Ms. Perricone arrived.

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

9. Thyme Curtis - CD 2 Representative for Kevin Faulconer – The rooming house ordinance will be going to the SDCC on October 8 or 9, 2007. Maryanne Green is the City Attorney working on it. It will be discussed at the Pacific Beach Planning Group's meeting on August 22, 2007, 6:30 PM at the Cass Street Library. There will be a PB Community Parking Board meeting on August 9, 2007, 6:30 PM at the Cass Street Library. There was a joint workshop with the SD City Planning Commission and the Land Use and Housing Committee (SDCC's) on parking and affordable housing. The rooming house ordinance applies to homes with three or more bedrooms. They cannot be leased to 3 or more people. The ordinance will not restrict the number of occupants.

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

SDCC – has been busy working on Environmental Policy Issues.

WATER & SEWER – The SDCC has voted to return to bimonthly billing. Will go back to this in the spring of next year. There will be rebates for sewer charges as a result of the Shames lawsuit.

RECYCLING ORDINANCE FORUMS – The Mayor is hosting forums on August 8 and 29, 2007 from 9-11 AM at 9601 Ridgehaven Court.

UNDERGROUNDING – The director will be at the LJTC meeting next week.

10. COMMITTEE REPORTS & CONSENT ITEMS:

A) Planned District Ordinance Review Committee:

- (1) **July 2, and July 16, 2007 Minutes** – for information only.
- (2) **Recommendations to the CDP committee** – for information only.
 - A. Olivetas Townhomes – 7417 Olivetas
Project appears to conform except the motor court cannot be counted towards the landscape requirement. (4-2-0)
 - B. 5785 L Jolla Blvd., 5785 L Jolla Blvd.
Project does not conform to PDO with proposal for 3rd story and no loading zone; further does not meet landscape, parking, and color palette requirements. (9-0-0)
- (3) **Final Review for CPA Consent** – None

APPROVED MOTION: To accept the recommendations of the PDO committee [10. A) (2)].
(Ashley/Gabsch: 15-0-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Metcalf, Morton, Perricone, Thiele, Weiss, Whittemore

No Votes: None

Abstentions: None

B) Coastal Development Permit Review Committee:

- (1) **Draper Avenue Townhomes, 7516 Draper Avenue** – Approved 8-0-0. **On Consent.**
- (2) **Pearl Street Townhomes, 1030 Pearl Street** – Approved with conditions 5-3-0. **Pulled.**
- (3) **Olivetas Townhomes, 7417 Olivetas** – Approved 4-3-0. **Pulled.**
- (4) **Silber Residence, 5227 Chelsea Avenue** – Approved 5-0-2. **On Consent.** Mr. Lyon recused.
- (5) **Terry Residence, 5220 Chelsea Avenue** – Approved 5-0-1. **On Consent.** Mr. Lyon recused.
- (6) **Almeria Court, 2380 Almeria Court** – Approved 6-0-1. **On Consent.**
- (7) **Parkinson Residence, 7304 Country Club Drive** – Approved 6-0-1. **On Consent.**
- (8) **La Jolla Condos, 7570 La Jolla Blvd.** – Approved 6-0-1. **On Consent.**
- (9) **Diller Residence, 7413 Fairway Road** – Approved 4-0-2. **On Consent.**
- (10) **Ngala Residence, 1550 Via Corona** – Approved 5-0-1. **On Consent.**
- (11) **Vista Girard, 7449 Girard Avenue** – Approved 6-0-0. **On Consent.**
- (12) **Windansea Tentative Map, 231 Bonair Street** – Approved 7-0-1. **On Consent.** Mr. Morton recused.
- (13) **McCaleb Residence, 5520 Chelsea Avenue** – Approved 6-0-0. **On Consent.**
- (14) **Forgione Residence, 5511 Calumet Avenue** – Approved 8-0-0. **On Consent.**

REQUEST PULLING: Ms. Lightner and Mr. Whittemore pulled items (2) and (3).

APPROVED MOTION: To accept recommendation of the CDP Committee on Items (1), (6), (7), (8), (9), (10), (11), (13) and (14) and forward recommendations to the City. (Hayes/Lyon: 15-0-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Metcalf, Morton, Perricone, Thiele, Weiss, Whittemore

No Votes: None

Abstentions: None

APPROVED MOTION: To accept recommendation of the CDP Committee on Items (4) and (5) and forward recommendations to the City. (Hayes/Thiele: 14-0-0)

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

No Votes: None

Abstentions: None

Recused: Lyon

APPROVED MOTION: To accept recommendation of the CDP Committee on Item (12) and forward recommendations to the City. (Abrams/Lyon: 14-0-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Metcalf, Perricone, Thiele, Weiss, Whittemore

No Votes: None

Abstentions: None

Recused: Morton

C) La Jolla Shores Permit Review Committee (LJSPRC) – No meeting.

D) Traffic & Transportation Board (T&T):

1.) Princess Street/Spindrift Mini-park

MOTION: Deny the Kretowicz mini park proposal due to significant pedestrian and traffic safety issues related to the site. (Beaver/Heaton: 6-0-0) **On Consent.**

ACTION: Chair to follow-up on prior actions by the Board requesting removal of special paving in Princess cul de sac and signage. Requested by Mr. Heaton and Mr. LaCava.

NOTE: The Board was concerned that the action proposed by the California Coastal Commission did not allow for local public comment.

2.) Olivet Street Vacation

MOTION: Deny the proposed vacation (at Olivet and Cabrillo) because there is a loss to the neighbors and the loss of street frontage for Parcel 12 is not acceptable. (Beaver/Heaton: 6-0-0) **On Consent.**

APPROVED MOTION: To accept recommendation of the Traffic and Transportation Board on Items 1.) and 2.) and forward recommendations to the City. (Whittemore/Ashley: 15-0-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Metcalf, Morton, Perricone, Thiele, Weiss, Whittemore

No Votes: None

Abstentions: None

12. Taste at the Cove – Endorsement of upcoming Annual event on September 6, 2007.

Pierre Charman presented information about the event. The event is a benefit for the San Diego Sports Medicine Foundation for students with sports injuries (for elementary, high school and college).

It will be held in Scripps Park on September 6. There will be a motocross demonstration, which will be done on plywood ramps.

APPROVED MOTION: To approve the event. (Metcalf/Lyon: 14-1-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lyon, McConkey, Merten, Metcalf, Morton, Perricone, Thiele, Weiss, Whittemore

No Votes: Lightner: In opposition to the motocross event.

Abstentions: None

Comment on the Community Parking District: Mr. Weiss announced that the next meeting of the CPD would be on August 15, 9 AM at the Athenaeum. Things are heating up.

13. La Jolla Children's Pool Lifeguard Station

Presentation of changed design by City representative Jihad Sleiman, Lifeguard Lt. John Greenhalgh and architects James Robbins and Jose Luis Laguna. The next presentation incorporating comments will be at the Parks and Beaches Committee meeting this month on August 27, 2007. The project will then come back to the September CPA meeting as an action item.

The changes are to move the Lifeguard program downstairs – that is the locker room, wet lockers and new elevator (connects the plaza level to the lower level and provides ADA access to the lower walkway). This level also has 7 unisex bathrooms – one of which is sized for wheelchairs, two sinks and two showers. The plaza level includes the ready room, office, First aid footbath and laundry. The observation area is accessed from a second stair. The building will no longer cover walkway. Q: What is essential to have above ground? Above ground – Observation Tower, Ready Room, First Aid/Foot Bath. Observation that the lower level cannot be expanded because of constraints related to bluff protection. Comments from the Board that the City, as a public agency, is exempted from State Law re: Coastal Act. Question: Does the California Coastal Commission understand that putting more below ground enhances the public's visual and physical access? Can the office go in the basement? Why not ramp access to the basement? Will there be alternative exterior renderings at the presentation next month? Can the project take advantage of

the abandoned pump station? Comment from the public that historically a lot of the caves in the area were filled with cement. Would that allow further expansion of the below grade portion of the tower?

APPROVED MOTION: The design is going in the right direction and thanks to the City team working on this for the efforts thus far. (Lyon/Lesser: 15-0-0)

Affirmative Votes: Abrams, Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Metcalf, Morton, Perricone, Thiele, Weiss, Whittemore

No Votes: None

Abstentions: None

14. La Jolla Children's Pool Rope Barriers during pupping season. TABLED.

15. 7444 Miramar Street Vacation – Conditionally approved at June 12, 2007 CDP meeting by a 5-4-0 vote.

The street vacation request is for the entire width of the street. CDP asked if the abutting neighbors were supportive and there was no response from these neighbors. The CDP approved by a 5-4 vote allowing the vacation of the 7444 Miramar portion of the entire vacation. RBF consulting presented information describing the proposed vacation. Paul Match representing the Jaffee Children's Trust Property at 1302 Rhoda Drive spoke in opposition to the proposed vacation, which would benefit his client by adding 3000 sq. ft. to the property.

Ms. Lightner read the SDMC section with the required findings for a street vacation.

APPROVED MOTION: Deny request for vacation at 7444 Miramar. (Lesser/Weiss: 13-2-0)

Affirmative Votes: Ashley, Gabsch, Hayes, Lesser, Lightner, Lyon, McConkey, Merten, Morton, Perricone, Thiele, Weiss, Whittemore

No Votes: Abrams, Metcalf. Abrams no vote because he supported the half street vacation.

Abstentions: None

Mr. Thiele left.

16. Panini Café, 811 Prospect Street – Conditionally approved at April 10, 2007 CDP meeting by a 4-1-1 vote.

There were 25 total slips in opposition to the proposal. Eight people wanted to speak. The CPA received thirty-eight letters in opposition. A code compliance referral on the existing patio led to an application for an SDP/CDP. There was a permit issued in 1985 (Jim Alcorn Architect) for an outdoor patio in the same location as the existing patio. The CDP committee approved the project with number of conditions, all of which are acceptable to the applicant except the 9 PM time for no patrons on the patio. The applicant would like that to be 10 PM. There was a presentation in opposition by Mary Eikel of the Devonshire House. Objected to the retroactive permitting. Compared it with other restaurants with patios. In the cases (Brockton Villa, Cody's and Piatti) presented the patio dining was on the opposite side of the building from the residential uses. There is no such transition with Panini's. Zone 5 (zone for Devonshire House) does not allow sidewalk cafes. Presented a 1989 letter from the City of San Diego requiring an EIR for the addition of a conference center and dining patio (?). The cost of enclosing the patio was claimed by the applicant to be too expensive. She believes that it is still cheaper than installing air conditioning in the Devonshire House. The applicant has not consistently adhered to the 9 PM stop time for serving. Opposition from Jeff Edwards: He had no objection to the previous restaurant use, but now it is like having 10-15 people in his home all day. Cannot close windows. Need to at least observe the conditions approved by the CDP committee. Opposition from Kevin Sullivan: Objects to the noise. He cannot shut his windows. Is it possible for the tenant to use tablecloths to diminish the noise of the cutlery and dishes on the tables? Requests denial of the project. Nancy Lowe: Objected to the parking situation. Asserted that there is not enough parking and the patrons use all of the on street parking spaces. Opposition from Kerry Pfeiffer: The smells from the restaurant are objectionable. Opposition testimony from Kay Guarino and Lois Dunning. Opposition from Anastacia Yermaur: There is an absentee owner. The manager does what he wants. Because of the bar, they need to have outdoor dining. Not fair play by Panini. Deny the permit.

APPROVED MOTION: Deny granting of the permit for the outdoor dining area. Stop serving outdoors in this area and move the patio to the other side of the building. (Whittemore/Weiss: 9-3-1)

Affirmative Votes: Ashley, Gabsch, Hayes, Lightner, Lyon, McConkey, Metcalf, Weiss, Whittemore

No Votes: Abrams, Lesser, Morton

Abstentions: Perricone

Recused: Merten.

Some questions/comments during discussion of the motion. Why doesn't the permit from 1985 apply? Shouldn't it run with the land? Parking analysis is needed. Were there any zoning changes? No. 10 PM closing time for outdoor dining. Is there a possibility of planting more mature trees and enlarging the planter on the property line share with the Devonshire House? Why is there not a solid wall required on the shared property boundary since PDO Zone 1 abuts the solely residential Zone 5?

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

Submitted by Sherri Lightner, 8/10/07