



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

President: Joe LaCava
Vice President: Tony Crisafi
Treasurer: Jim Fitzgerald
Secretary: Nancy Manno

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 4 November 2010

La Jolla Recreation Center, 615 Prospect Street

FINAL MINUTES – REGULAR MEETING

Present: Michele Addington, Tom Brady, Michael Costello, Dan Courtney, Tony Crisafi, Laura Ducharme Conboy, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Greg Salmon, Rob Whitemore.

Absent: Devin Burstein, Glen Rasmussen, Ray Weiss

1. Welcome and Call To Order: **Joe LaCava**, President @ 6:08 PM

2. Adopt the Agenda

Trustee Whitemore requested an amendment be made to the Agenda:

Approved Motion: Motion to adopt the Agenda as amended to include a discussion of the Minutes protocol, (Whitemore/Addington 11/0/1).

In favor: Addington, Brady, Conboy, Costello, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Whitemore.

Abstain: LaCava.

Trustee Whitemore noted, after a careful reading of Roberts Rules; the manner in which the Minutes have been prepared, i.e., listing speakers, noting the substance of discussions, is a correct procedure for the Minutes of the LJCPA.

3. Meeting Minutes Review and Approval: 07 October 2010

Approved Motion: Motion to approve the October 07, 2010 Minutes, as corrected: (Gabsch/Fitzgerald 10/0/3).

In favor: Brady, Conboy, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Manno, Merten, Whitemore.

Abstain: Addington, LaCava, Little.

4. Elected Officials Report – Information Only

A. Council District 2 – Councilmember Kevin Faulconer

Rep: **Thyme Curtis**, 619.236.6622, tcurtis@san Diego.gov

Ms. Curtis was not present.

B. Council District 1 – Councilmember Sherri Lightner

Rep: **Erin Demorest**, 619.236.7762, edemorest@san Diego.gov

Ms. Demorest reported: (1) Proposition C, considered by the LJCPA, was approved by the voters. **Ms.**

Demorest, on behalf of Councilmember Lightner thanked the LJCPA trustees for their support of Proposition C.

(2) Councilmember Lightner did not support San Diego City Council draft ordinance re "Big Box" stores. (3)

Community Member **Robert McKuhn** asked for an update re the Torrey Pines Corridor; thanked Councilmember

Lightner for her continued support. (4) **Trustee Gabsch** thanked Councilmember Lightner for her vote against

the S. D. City Council "Big Box" draft ordinance.

5. Non-Agenda Public Comment

Issues not on the agenda and *within CPA jurisdiction*, two (2) minutes or less.

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

Ms. Delouri reported: The UCSD Fall Newsletter is available on the UCSD Website. **Ms. Delouri** invited the community to join in the many Campus celebrations and events commemorating the 50th Anniversary of the University of California San Diego.

William Fluharty, La Jolla Scout Troop 506, reported: For his Eagle Project, he intends to perform restoration work on the St. James By-The-Sea Episcopal Church wall.

Community Member **John Leek**, San Diego Council of Divers, Friends Of The Children's Pool, presented an update on The Children's Pool beach clean-up and the, (now enforced), City rules governing signage at The Children's Pool.

Trustee Lucas acknowledged the extraordinary contribution made by LJCPA **President Joe LaCava** in regard to his advocacy of the LJCPA position concerning the Whitney Project and his presentation on behalf of the LJCPA to the San Diego Planning Commission concerning the Whitney Project.

6. President's Report – Action Items Where Indicated

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

There were extensive discussions regarding the Medical Marijuana ordinance and Medical Marijuana dispensaries. President LaCava anticipates further discussions and an accelerated movement by San Diego City Council, to establish a realistic community ordinance.

Trustee Fitzgerald inquired re **President LaCava's** testimony at SD City Council referencing the Small Business Preservation/Big Box Stores ordinance. **President LaCava** noted the Community Planners Group Committee did hear the Proposal and rejected the Proposal 14/12.

B. Bishops Library – Appeal Hearing Officer Decision, Ratify

President LaCava noted the LJCPA recommended denial of the Bishops School Library Project, and the SD City Hearing Officer approved the Bishops Library Project. Prior to requesting a Motion from the Trustees to ratify the appeal of the Hearing Officer decision, **President LaCava** disclosed, in regard to the Bishop's Library, that there had been a violation of the Brown Act: Ten Trustees, (a quorum), discussed the Hearing Officer's decision. The remedy for the violation is to bring the Bishops Library Appeal to the LJCPA for a public vote. There ensued a discussion among **Trustees Little, Costello, Whittemore** and **President LaCava** regarding the Brown Act requirements in general and the requirements specific to this particular situation. There followed a general discussion among these same Trustees regarding the LJCPA appeal process. Additional comments and questions regarding the Project variance and the ratification of this specific appeal were made by **Trustees Lucas** and **Gabsch**.

Approved Motion: Motion to ratify the appeal of the Hearing Officer's Bishops School Library decision, (Fitzgerald/Addington 8/6/1).

In favor: Addington, Brady, Conboy, Costello, Courtney, Fitzgerald, Little, Whittemore.

Oppose: Crisafi, Gabsch, Lucas, Manno, Merten, Salmon.

Abstain: LaCava.

C. Fire Pits – A possible permanent solution: SD City is working with ConVis.

D. Children's Pool Rope Barrier – Appeal, Planning Commission, Dec 9 (tentative).

E. Coastal Access to Charlotte Park – Possible Settlement with Coastal Commission: This is a very complex issue: Ms. Merryweather, LJCPA Member, is working on a presentation for possible future discussion.

F. Land Development Code Update #7 – Public comments due November 5: President LaCava, Trustees Merten, Crisafi have reviewed the relevant documents, and are satisfied with the Update.

President LaCava: Additional comments, not noted on the Agenda: (1) Helicopter noise: there has been some minimal progress. The Navy has a hotline for citizens to report excessive noise, (619.545.8233). (2) The Cardenas Project was appealed to the SD City Council, by the Applicant; the appeal was upheld; project now remanded back to lower decision makers to review environmental concerns. Applicants are believed to have made a decision to sue SD City regarding this action. (3) Update/explanation re Beaumont Coastal Overlook bluff repair at Calumet

7. Officer's Reports

A. Secretary – Nancy Manno

Presented by **President LaCava**, for secretary **Nancy Manno**: If you want your attendance recorded today, please sign-in at the back of the room. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become a Trustee. If you want your attendance recorded without signing-in at the back, then hand to me 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. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application, which is available at the membership table and on-line.

B. Treasurer – Jim Fitzgerald

Beginning Balance: \$119.03 + Income \$151.89 – (Expenses \$125.16) = Ending Balance: \$145.76.
Expenses: include printing, telephone and annual Post Office Box rental expense. **Trustee Fitzgerald** commented on the generosity of the Membership 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 must be in cash to preserve anonymity.

8. 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 full discussion.

Items pulled from this Consent Agenda are trailed to the next CPA meeting.

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

DPR – Development Permit Review Committee, Chair Tony Crisafi, 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

T&T – No meeting in October

A. UNION BANK SIGNAGE

PDO ACTION: To approve the Project as presented including representation by Applicant that the signage coverage on the Union Bank building is in conformance with the PDO. 6-0-0.

7807 Girard Avenue – Replace existing signs with new Union Bank signs.

B. MEHL RESIDENCE

DPR ACTION: To Approve the CDP and SDP as presented. 5-1-1.

5380 Calumet Ave - Coastal Development Permit & Site Development Permit to demolish an existing residence and construct a 4,369 square foot single family on a 0.19-acre site in the RS-1-7 Zone.

C. 5322 CALUMET RESIDENCE BLUFF REPAIR

DPR ACTION: Findings can be made for a Coastal Development Permit and a Site Development Permit to stabilize the coastal bluff. 7-0-0.

5322 Calumet Ave - Coastal Development Permit & Site Development Permit (a required follow up Permit to Emergency CDP, PTS#208734) to stabilize the coastal bluff for an existing single-family residence in the RS-1-7 Zone.

D. 1900 SPINDRIFT DRIVE Trustee Crisafi recused.

PRC ACTION: Findings can be made for neighborhood development permit as presented in the plan presented, revision 10/26/10, which will be submitted to city. 5-0-1.

1900 Spindrift Drive - Construction of new driveway, curb cut and aprons, re-grading of new driveway and connection to existing motor court & associated site wall reconfiguration. All excavation to remain on site.

E. WHITWORTH RESIDENCE: Pulled: President LaCava

PRC ACTION: Findings can be made for project, plans as submitted to city dated 10/25/2010. 4-0-1.

8462 El Paseo Grande - Construction of a second story 3-bedroom guest quarters above an existing single-family residence on a 0.27 acre site in the SF Zone. Addition of second story with three bedrooms, three baths and two balconies over portion of existing structure. Addition of interior stairs for access to second floor. Modification to exterior finishes and roof of existing structure underneath proposed second story.

Approved Motion: Motion:

To accept the recommendation of the Planned District Ordinance Committee: (A) To approve the Project as presented including representation by Applicant that the signage coverage on the Union Bank building is in conformance with the PDO: 7807 Girard Avenue – Replace existing signs with new Union Bank signs, and forward the recommendation to the City of San Diego.

To accept the recommendation of the Development Permit Review Committee: (B) To Approve the CDP and SDP as presented: 5380 Calumet Ave - Coastal Development Permit & Site Development Permit to demolish an existing residence and construct a 4,369 square foot single family on a 0.19-acre site in the RS-1-7 Zone, and forward the recommendation to the City of San Diego.

To accept the recommendation of the Development Permit Review Committee: (C) Findings can be made for a Coastal Development Permit and a Site Development Permit to stabilize the coastal bluff: 5322 Calumet Ave - Coastal Development Permit & Site Development Permit (a required follow up Permit to Emergency CDP, PTS#208734) to stabilize the coastal bluff for an existing single family residence in the RS-1-7 Zone, and forward the recommendation to the City of San Diego.

(Merten/Salmon 14/0/1)

In favor: Addington, Brady, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Salmon, Whittemore.

Abstain: LaCava.

Approved Motion: Motion: To accept the recommendation of the La Jolla Shores Permit Review Committee: (D) Findings can be made for neighborhood development permit as presented in the plan presented, revision 10/26/10, which will be submitted to city: 1900 Spindrift Drive - Construction of new driveway, curb cut and aprons, re-grading of new driveway and connection to existing motor court & associated site wall reconfiguration. All excavation to remain on site, and forward the recommendation to the City of San Diego.

(Gabsch/Addington 13/0/1)

In favor: Addington, Brady, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Salmon, Whittemore.

Abstain: LaCava

Recused: Crisafi

Trustee Costello noted in reference to bluff stabilization at 5322 Calumet and 5380 Calumet; he would share his copy of the Soils Report with those Trustees who are interested in our local coast and bluff erosion problems; causes and attempted amelioration.

President LaCava, in regard to the LJCPA Consent Agenda, noted he intends to present, by way of explanation, statistics and information to the San Diego City Planning Commission: During the past year: 1) Of the nine appeals heard by the SD Planning Commission, six were from La Jolla. 2) The LJCPA reviewed and made recommendations on as many Projects as did the SD Planning Commission. 3) LJCPA approved 78% of Projects presented, appealed 5% of Projects presented. 5) The volume of business conducted by the LJCPA is greater than any other Planning Group within San Diego City. Our frequency of appearances before the Planning Commission is directly related to our volume of business.

9. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – Inactive

B. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center

President LaCava reported he is optimistic: the City/Promote La Jolla issues are expected to be settled, funds should be restored. This committee has continued to function throughout this difficult period.

10. Cave Street Parking Lot and Relocation of Historic Structures

1261/1263 Cave Street - Coastal Development Permit & Site Development Permit to remove 2 historical structures from a 7,700 sf lot. A Conditional Use Permit to add a parking lot to the Cave Street site in the RM-1-1 Zone.

2503 Ardath Road – A Site Development Permit to Demolition of existing building on Ardath Road. Relocation of two (2) existing historically designated residences from Cave Street to Ardath Road. New three (3)-garage. Addition of 209 sq. ft. to guesthouse and 376 sq. ft. to main house. Total of 2865 sq. ft. for both relocated houses and 734 sq. ft. for the garage. *PREVIOUS ACTION:* Pulled from September consent agenda by applicant
PREVIOUS RECOMMENDATION: DPR voted 5-1-1 that findings cannot be made. (See backup)
PREVIOUS RECOMMENDATION: PRC voted 4-1-0 to deny the project as presented and suggested changes. (For other related motions see backup material).

President LaCava noted this is a somewhat unusual presentation in that the Project involves two different parts of La Jolla, therefore Part One of the project was heard by the Development Permit Review Committee, (Cave Street Parking Lot and Relocation of Historic Structures to Ardath Road), and Part Two by the Permit Review Committee, (Cave Street/2503 Ardath Road – Historic Houses Relocation).

Presented: Attorney **Marie Burke Lia** for the Applicants: accompanied by **Mr. James Alcorn**, Architect responsible for Cave Street Parking Lot portion of Project, **Mr. Jeffrey Shorn**, Architect responsible for Relocation/Rehabilitation/Ardath Road portion of Project and **Ms. Phyllis Ingram**, representing property owner: Fourth Church of Christ, Scientist. The Cave Street property is leased to Allison-Zongker, the Ardath Road property is owned by Allison-Zongker.

Ms. Lia spoke initially to Part One: Parking Lot/Relocation of Historic Structures. **Ms. Lia** presented an aerial photograph and graphics describing the proposed Project property, the surrounding properties, and presented a detailed historical description of the Project. **Ms. Lia**, continuing the Presentation, described the involvement of the La Jolla Historical Society in this Project, and spoke, in considerable detail, to Part Two: Cave Street/Ardath Road-Historic Houses Relocation. **Ms. Lia** made reference to the reason for the Dual Permit request: Cave Street Lot site falls under 1999 Municipal Code and 1975 La Jolla Community Plan. Ardath Road site falls under 2000 Municipal Code and 2004 La Jolla Community Plan.

Mr. Alcorn presented his plans for the proposed Parking Lot project.

Mr. Shorn presented his plans for the renovation and rehabilitation of the, (Historic Houses), Cottages.

LJ CPA Member **Mr. Don Schmidt**, speaking on behalf of the La Jolla Historical Society: On August 23, 2010 a Motion presented to the full Board of the LJHS, presented by Leslie Davis, on behalf of the LJHS Preservation Committee:

“The Preservation of Sites and Structures Committee of LJHS recommends to the board of LJHS that it oppose the move of the LaCrosse cottage and its sibling cottage off of their present site on Cave Street”.

Reasons given by the Committee were: 1. Keeping them in the vicinity of their original location maintains the historical context of the cottages. 2. Keeping the cottages at their present location maintains the historical context of the village. 3. Unlike the Cuvier location proposed earlier in the decade, there is no public benefit to the current proposal to move them to Ardath Road and no visibility to the public.

The vote on the Motion: nine in favor, two against, four abstentions.

Mr. Schmidt acknowledged the LJ Historical Society is not an official part of the La Jolla planning process, however the LJHS thought it important that the LJ Community be made aware of the LJHS position relative to these historical structures. In response to a question from **Trustee Costello**, Mr. Schmidt noted the San Diego Preservation Group, Save Our Heritage Organization, has stated SOHO is opposed to moving these Cottages off their current site.

Trustees Courtney, Lucas, Brady commented/questioned re parking, a parking structure, proposed number of spaces. **Trustee Little** questioned the renovation/rehabilitation process. **Trustee Costello**, in response to **Trustee Crisafi** read the DPR Subcommittee Motion of August 2010, with focus on 1975 LJ Community Plan. **Trustee Conboy** noted two abutting parking lots defeats the purpose of the 1975 LJ Community Plan. **Trustee Merten** referring to the 1975 LJ Community Plan: the language of the Plan speaks to the value of preserving historic structures, preserving visual historic connections within the community.

Trustee Gabsch, in agreement with **Trustee Merten's** reference to the Allison-Zongker need for additional parking, referred to the specious, (in his opinion), reliance on the Wilbur Smith Parking Study. **Trustee Whittemore** referring to the Municipal Code v applicable law, questioned why this project is not required to comply with the current LJ Community Plan and current Municipal code. **Ms. Lia** responded: A Surface Parking Lot Permit application was filed in 1999 and the application was deemed complete in 1999; therefore provisions of the 1999 Municipal Code and the 1975 LJ Community Plan were both in effect at the time the application was deemed complete. **Trustee Crisafi**, referring to **Trustee Merten's** previous remarks, cited two sections of the LJ Community Plan, and specifically: "relocation of an historic structure to another site within the community should be utilized only after all other means to retain the structure on the original site have been exhausted." **President LaCava** expressed concern re: continued reliance on a ten-year-old Permit Application, noted the appearance of special accommodation. Requesting clarification, **Trustee Lucas** asked why was a permit not issued. **Ms. Lia** responded: a permit could not be issued because the structures on the subject property were subsequently identified as historical, triggering a complex process. **Trustee Crisafi** commented on the minimal value of twenty parking spaces vs. keeping the Cottages intact, the visual environment should take precedent.

President LaCava invited the Applicants representatives to respond to the Trustees comments. **Ms. Lia** presented a well-documented, vigorous and courteous rebuttal to the Trustees concerns.

Trustee Costello reading from page 67, The La Jolla Community Plan, March 1975:" We now live in an era marked by rapid change. Our familiar surroundings and old structures are being altered and replaced at an unprecedented rate. It is becoming increasingly difficult to see our position clearly with regard to past, present and future. We need a means of recognizing and preserving our cultural and physical roots. We need to have a higher regard for our older buildings and other historical features. At some point in time, certain buildings, trees, street lamps and other objects transcend their value as pieces of real estate or functional objects and become symbols of greater depth and meaning to the people of a community. They become reference points for changing daily life. Additionally these elements have a unique capacity to contribute to the total environmental quality of a place because of the variety in scale and texture which they provide in the urban landscape. In so doing, they are as important as schools, roads, parks and churches."

Speaking to **Trustee Costello's** Motion: **Trustee Whittemore**: Removing historical structures to preserve and enhance is counter intuitive. The concept of a permit application deemed complete has a fundamental flaw. **Trustees Lucas, Salmon** spoke in opposition to the Motion. **Trustees, Brady, Gabsch, Conboy** spoke in support of the Motion.

Approved Motion: Motion to ratify the Development Permit Review Committee Motion:

1. Findings cannot be made for a Coastal Development Permit and Site Development Permit to relocate the two historic structures because the proposal moves the cottages out of the context of the Village. Proposal does not comply with LJ Community Plan. (Staff refers to current and 1975 La Jolla Community Plan due to filing period of proposal).

References: 1975 LJ Community Plan, Community Resources, pages 67, 68 (69 too) (historical context). Current LJ Community Plan, #3 on page 128, 130. Current LJ Community Plan, Plan Recommendations #1, page 131 re: relocation of structures to Ardath Road site B.

2. The cumulative scale of the surface parking lots is inconsistent with the scale of the remaining single family homes in the vicinity specifically on Cave Street and Silverado Street, including corner where they intersect, (Costello/Conboy 12/2/1).

In favor: Addington, Brady, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore.

Opposed: Lucas, Salmon

Abstain: LaCava

Approved Motion: Motion to deny site development permit for the Ardath Road site: the finding cannot be made for the Cave Street dwellings to be moved to the Ardath Road site, (Crisafi/Whittemore 12/2/1).

In favor: Addington, Brady, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore.

Opposed: Lucas, Salmon. Abstain: LaCava

6. President's Report - Revisited

President LaCava requested input from Trustees regarding the difficulties encountered when there are several complex Agenda items. **Trustee Merten** suggested the Trustees consider calling a special meeting when there are projects requiring lengthy consideration. Trustee Manno, in agreement, suggested those projects heard late in the evening often did not receive the attention deserved. **Trustee Addington** suggested project documents distributed prior to the meetings would be helpful. **Trustee Crisafi** referring to a just instituted DPR policy said one person would be responsible for gathering information/documents on a specific project, enabling a summary to be presented to committee members. **Trustee Fitzgerald** suggested a reordering of the Agenda, moving complex items forward would be helpful and agreed that additional meetings would not be a burden.

Trustee Little requested clarification of the LJCPA appeal process. **President LaCava** responded: originally his policy was to automatically appeal whenever there is a decision contrary to a LJCPA recommendation. **President LaCava**, in an attempt to establish a minimum threshold, now requires at least one Trustee or La Jolla Community member to request an appeal of a decision contrary to a LJCPA decision.

Trustees Gabsch, Conboy, Fitzgerald, Courtney, Salmon, Costello asked for clarification, commented on the appeal process, and discussed various policies and solutions regarding LJCPA policies.

President LaCava thanked the Trustees for their consideration and active involvement in evaluating policies.

11. Adjourned: 9:10 PM to Next Regular Meeting on December 2, 2010, 6:00 PM