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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
La Jolla Recreation Center, 615 Prospect Street

Thursday, 3 March 2011

F I N A L MINUTES – ANNUAL MEMBER MEETING

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

1. Welcome and Call To Order: **Joe LaCava**, President @6:05 PM

2. Verify Quorum (Need 20% of total Membership or 43)
Quorum verified.

3. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda of the Annual Member Meeting, (Darcy Ashley/Helen Boyden/ Unanimous)

4. Officer's Reports

A. Treasurer: Jim Fitzgerald

Beginning Balance: \$86.01 + Income \$286.45 – (Expenses \$164.27) = Ending Balance: \$207.89.

Expenses include: Printing, telephone. Trustee Fitzgerald 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 must be in cash to preserve anonymity.

B. 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.

5. **Bylaw Amendments – See attached**

P R O P O S E D BYLAW CHANGES
*** *Only includes those sections with changes* ***
Strikeout = Text to be deleted; Underline = Text to be added
La Jolla Community Planning Association Corporate Bylaws
Adopted & Effective 3 March 2011 ~~5 March 2009~~

ARTICLE VI LJCPA Trustee Duties; Meetings and Committees

Section 2. B. Committees

(3) COMMUNITY JOINT COMMITTEES AND BOARDS

In order to achieve the diversity and equality of representation of the La Jolla community and to meet the objectives of Council Policy 600-24 regarding broad representation of the various geographic sections of the community and diversified community interests, Community Joint Committees and Boards have been formed and are required. The LJCPA shall appoint its Members to the following Community Joint Committees and Boards as long as each Community Joint Committee and/or Board continues to meet.

a. COMMUNITY JOINT COMMITTEES

(i) DEVELOPMENT PERMIT REVIEW (DPR) COASTAL DEVELOPMENT PERMIT (CDP) COMMITTEE Trustees of the LJCPA shall appoint five Members of the LJCPA to serve on the DPRCDP Committee. The purpose of the Development Permit Review Coastal Development Permit Committee is to review and make recommendations regarding all discretionary permit applications filed for projects located within the La Jolla Community Plan boundaries, excluding the La Jolla Shores Planned District. This Committee receives public input in a review process that uses the regulations and guidelines established in the San Diego Municipal Code and La Jolla Community Plan in effect at the time of the project submittal to the City of San Diego. The DPRCDP Committee holds regularly scheduled public meetings. The DPRCDP Committee will normally consist of ten members, five appointed by the LJCPA and five members appointed by the La Jolla Town Council.

(ii) LA JOLLA SHORES PERMIT REVIEW COMMITTEE (LJSPRC)

The Trustees of the LJCPA shall appoint onethree Members and one alternate of the LJCPA to serve on the La Jolla Shores Permit Review Committee. The purpose of the La Jolla Shores Permit Review Committee is to review and make written monthly recommendations regarding all applications for permits referred to it within the boundaries of the La Jolla Shores Planned District. This review is intended to insure compliance with the La Jolla Community Plan and Local Coastal Program Land Use Plan, the La Jolla Shores Planned District Ordinance, the La Jolla Shores Planned District Urban Design Manual, and City of San Diego ordinances concerning Sensitive Coastal Resources, Resource Protection, Hillside Review, Zoning Variances, Conditional Use Permits and Special Permits. The LJSPRC holds regularly scheduled public meetings. The LJSPRC will normally consist of eight members, five members appointed by the La Jolla Shores Association and three members appointed by the LJCPA.~~five members, two members and one alternate appointed by the La Jolla Shores Association, two members and one alternate appointed by the Community Planning Committee of the La Jolla Shores and one member and one alternate appointed by the LJCPA.~~

(iii) PLANNED DISTRICT ORDINANCE (PDO) COMMITTEE: The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the PDO Committee. The purpose of the PDO Committee is to insure uniform and consistent enforcement of the La Jolla Planned District Ordinance (LJPDO), to assist the City of San Diego City in clarifying the LJPDO, to assist applicants in understanding and interpreting the LJPDO and the permit process, and to develop recommendations for changes to the ordinance. The PDO Committee reviews and makes written monthly recommendations regarding all applications for Coastal Development Permits within the

La Jolla Planned District to the LJCPA, the La Jolla Town Council, and the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc. This committee forwards its recommendations to the Development Permit Review Coastal-Development Permit Committee when associated with a discretionary permit otherwise direct to the LJCPA-where applicable to enable the respective organizations Coastal-Development Committee to incorporate these recommendations in its review and public comment discussion. The PDO Committee holds regularly scheduled public meetings. The PDO Committee will normally consist of nine members, three appointed by the LJCPA, three appointed by the La Jolla Town Council and three appointed by the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc.

b. COMMUNITY JOINT BOARDS

(i) LA JOLLA COASTAL ACCESS AND PARKING (LJCAP) BOARD

The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the LJCAP Board. The purpose of the LJCAP Board is to review and make recommendations concerning all coastal access and parking issues within the La Jolla Community Plan boundaries. The LJCAP Board holds regularly scheduled public meetings. The LJCAP Board normally consists of nine members, three members appointed by the LJCPA, three members appointed by the La Jolla Town Council, and three members appointed by the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc.

(ii) LA JOLLA TRAFFIC AND TRANSPORTATION (T & T) BOARD: The Trustees of the LJCPA shall appoint two Members of the LJCPA to serve on the T & T Board. The purpose of the Traffic and Transportation Board is to serve as the focal point for traffic and transportation matters concerning the community of La Jolla with governmental agencies and with the public, and to investigate, evaluate and propose recommendations to the LJCPA, the La Jolla Town Council, the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc., the La Jolla Shores Association, and the Bird Rock Community Council. The T & T Board holds regularly scheduled public meetings. The T & T Board will normally consist of ten members, two members appointed by the LJCPA, two members appointed by the La Jolla Town Council, two members appointed by the La Jolla Shores Association, two members appointed by the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc., and two members appointed by the Bird Rock Community Council.

(iii) LA JOLLA COMMUNITY PARKING DISTRICT (LJCPD) ADVISORY BOARD

The La Jolla Community Parking District Advisory Board was established by resolution of the City of San Diego. Trustees of the LJCPA shall appoint one Member of the LJCPA to serve on the La Jolla Community Parking District Advisory Board. The purpose of the LJCPD is to advise the City of San Diego on the creation of parking policies and practices that are in the best interests of the community of La Jolla. The LJCPD normally consists of nine members, one appointed by the LJCPA, three appointed by the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc., one appointed by the La Jolla Town Council, one appointed by the La Jolla Shores Association, one appointed by the Bird Rock Community Council and two at large.

C. Rules Regarding All Committees and Boards

The Board of Trustees of the LJCPA shall review recommendations of each Community Joint Committee and Board and take action, as the Board of Trustees deems appropriate. All committee appointees appointed by the LJCPA shall be appointed by the President and ratified by the Trustees. The President, with the ratification of the Board of Trustees, may appoint representatives of the LJCPA to other community joint committees or boards as deemed to be in the best interest of the community of La Jolla.

Members ~~of the LJCPA~~, who are duly appointed to serve on a Community Joint Committee or Board, may be indemnified by the City in accordance with Ordinance No. O-19883 ~~O-17086~~ NS,

and any future amendments thereto, provided they satisfy any and all requirements of the ~~Ordinance~~Administrative Guidelines.

All committee recommendations to the City must be brought forth to the Board of Trustees for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the LJCPA without a formal vote of the Board of Trustees.

Section 7. Trustee Training

Each LJCPA Trustee is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. ~~O-19883~~ ~~O-17086~~ NS, and any future amendments thereto. Newly seated Trustees must complete a basic orientation training session within 12 months of being elected or to the Board of Trustees or the Trustee will be ineligible to serve.

ARTICLE VIII LJCPA Policies and Procedures, Community Participation

Section 3. Community Participation

(1) Public Input

During all discussions, the President shall solicit testimony from the public attending each meeting. Votes taken on public issues shall include a tabulation of the votes of those in attendance, recorded as such in the minutes of the meeting.

(2) Community Outreach

Regularly scheduled meetings and annual elections shall be publicized in local neighborhood newspapers as well as on the LJCPA website. Announcements shall be sent via electronic communications to all organizations, including but not limited to the La Jolla Town Council, the local manager/advisory board of the Business Improvement District-Promote La Jolla, Inc, The La Jolla Shores Association, the Bird Rock Community Council, and individuals who have notified the Membership Committee of their interest in receiving any and all electronic notices. Notices shall be posted publicly at the La Jolla Recreation Center.

**** End of Proposed Changes ****

Approved Motion: Motion to adopt the La Jolla Community Planning Association Corporate Bylaws amendments, (Robert Collins/Esther Viti / Unanimous)

6. Adjourn to Regular Meeting @ 6:15 PM

F I N A L M I N U T E S – R E G U L A R M E E T I N G

1. Welcome and Call To Order: Joe LaCava, President @ 6:20 PM

Present: Tom Brady, Devin Burstein, Michael Costello, Dan Courtney, Laura Ducharme Conboy, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten.

Absent: Tony Crisafi, Greg Salmon, Rob Whitemore.

2. Adopt the Agenda

Trustee Gabsch requested deletion of Agenda Item 12, Valet Parking Spaces on Prospect Street, noting there was insufficient information available for action. **Trustee Courtney** noted the Traffic & Transportation sub committee had not resolved the issue presented and had produced conflicting recommendations. **President LaCava** inquired if there were interested persons present, ready to discuss the issue, and their preference to either discuss the issue immediately, or continue the issue to the LJCPA April 2011 meeting. Four gentlemen were identified and, in agreement, stated they would prefer to have the issue continued to/placed on the 07 April 2011 LJCPA Agenda.

Approved Motion: Motion to adopt the Agenda with Agenda Item 12 deleted and continued to the LJCPA April 07, 2011 meeting, (Gabsch/Merten 10/0/1)

In favor: Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Manno, Merten.
Abstain: LaCava.

3. Annual Elections

A. Elections – Today, Thursday, March 3, 3:00 pm to 7:00 pm. Bring your ID.

B. Results – Announced when available.

C. Challenge – Results can be challenged until Thursday, March 10, 5:00 pm. If no challenge the ballots will be destroyed.

4. Meeting Minutes Review and Approval: 03 February 2011

Approved Motion: Motion to approve the Minutes of February 03, 2011, as corrected, (Gabsch/Fitzgerald 10/0/1).

In favor: Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Manno, Merten.
Abstain: LaCava.

5. Elected Officials Report – Information Only

A. Council District 2 – Councilmember Kevin Faulconer

Rep: **Thyme Curtis**, 619.236.6622, tcurtis@saniego.gov

Ms. Curtis was not present.

B. Council District 1 – Councilmember Sherri Lightner

Rep: **Erin Demorest**, 619.236.7762, edemorest@saniego.gov

Ms. Demorest was present, reported: Councilmember Lightner has prepared a draft “Comprehensive Policy for a Sustainable Water Supply in San Diego” statement; an initial draft is available online for public comment. Councilmember Lightner would welcome public input.

6. 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://commplan.ucsd.edu/>

Ms. Delouri was present, reported: March 2011 “Update for Community Groups” is available on line and additional information is available on the UCSD Community Planning website. The Winter issue of the UCSD Newsletter is available on line.

Ms. Esther Viti, LJCPA Member: **Ms. Viti**, Chair of the Nell Carpenter Beautification & Streetscape Clean Up Committee, of the La Jolla Town Council, invited the Community to continue to participate in the, now weekly, every Saturday, La Jolla clean up. The committee will focus on the Girard Avenue area. **Ms. Viti** thanked the La Jolla Light newspaper for their support of this valuable community effort.

President LaCava, at the request of Allen D. Johnson, M.D., 6306 Muirlands Drive, La Jolla, distributed to the Trustees, a three page document outlining his, (Dr. Johnson's), concerns regarding the Friedman Project, (6318 Muirlands Drive), along with nine pages of e mail documents relating to the Friedman Project. President LaCava suggested the Trustees read the documents at their convenience.

Ms. Catt Fields White presented information regarding the proposed Bird Rock Farmers Market.

7. Trustee Comment:

Trustee Little: suggested revisiting the newly adopted Appeals Policy.

Trustee Gabsch: reiterated a need to discuss an Appeals Policy. Suggested applicants with substantial changes to a project might more properly return to the DPR Committee, rather than presenting a substantially changed project to the LJCPA.

Trustee Costello: suggested an ad hoc committee to review the Appeals Policy might be appropriate.

Trustee Costello: thanked the LJCPA Trustee candidates for their participation in the election process.

Trustee Courtney: commented on the welcome progress of the Torrey Pines Road Project.

8. Officer's Reports:

A. Secretary

Presented during the Annual Member Meeting.

B. Treasurer

Presented during the Annual Member Meeting.

9. President's Report – Action Items Where Indicated

A. Community Planners Committee – No action in February

B. Ray Weiss – Accepted his resignation.

Trustee Weiss resigned his position as Trustee at the close of the February 03, 2011 LJCPA meeting.

C. Bishops Library – Planning Commission Appeal denied, LJCPA exhausted ministerial remedies.

President LaCava expressed his frustration regarding the City's process. **Trustee Little** questioned process.

President LaCava offered a detailed explanation of the process.

D. 8490 Whale Watch Way – Hearing Officer Hearing continued, date uncertain.

Trustee Merten commented: City Staff has produced a grossly inaccurate FAR calculation for this project:

Trustee Merten asked, in as much as his request for a correction has been ignored; would **President LaCava**, on behalf of the LJCPA, pursue this issue. **President LaCava** agreed to do so, however suggested LJCPA should first work with the Applicant's new consultant.

E. La Jolla Shores Advisory Board – "minor in scope" review process has been sustained.

F. Princess Street/Beach Access – Coastal Commission hearing postponed to June 2011 or later.

Addition to the President's Report:

President LaCava reported he had received a notice of alleged violations regarding the action taken by the LJCPA, in regard to the 1912 Spindrift Drive Project at the LJCPA February 03, 2011 meeting. Trustees were given a copy of a memo prepared by **President LaCava**, addressed to the Trustees, describing the alleged violations;

President LaCava's analysis of the alleged violations; and the proposed remedy: to set aside the vote taken at the February 03, 2011 meeting. **President LaCava** stated a new hearing on the 1912 Spindrift Drive Project will be scheduled and the Applicant has been notified. The hearing will be scheduled either at a Special Meeting or at the regular LJCPA April meeting. **President LaCava** reiterated his belief that although the allegations were without merit, the LJCPA should err on the side of caution.



La Jolla Community Planning Association

TO: Trustees of the La Jolla Community Planning Association
RE: Alleged Violation of Our Bylaws and more particularly Council Policy 600-24
DATE: March 3, 2011

Pursuant to ARTICLE IX Rights and Liabilities of the LJCPA, Sections 3 and 4, I have received a notice of alleged violations regarding last meeting's action on 1912 Spindrift.

I have reviewed the allegation carefully and discussed it with the LJCPA Officers as provided for in the by-laws. The Vice President was not included in the discussion because of his association with the project. Furthermore, I have discussed certain aspects with the City of San Diego for further guidance.

I have concluded that the 2 of the allegations are without merit and that the LJCPA and its trustees operated within full conformance to our bylaws, Policy 600-24, the Administrative Guidelines, and Robert's Rules. Therefore no further action is required.

I do find that one allegation has merit but only so far as to appearance and possible [public] doubt. I find no evidence of actual improprieties or decisions based on anything other than the merits of the project.

Ultimately, the credibility of the LJCPA rests solely on the confidence of the community, in the broadest sense of the word, and the city in how we conduct our hearings ensuring there is not even an appearance of impropriety or an inability to reach a fair decision.

By the authority vested in the office of the President by IX.4.B.(3) I find that we must act promptly and without hesitation to remedy this situation. In such matters there is only one recourse -- to rehear the project at the earliest convenience of the applicant and the LJCPA.

I do not make this decision lightly and I regret the inconvenience to the applicant.

Sincerely,
La Jolla Community Planning Association

A handwritten signature in cursive script that reads "Joseph LaCava".

Joe LaCava, President

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President LaCava also distributed to the Trustees two letters alleging violations of the Brown Act, Council Policy 600-24, LJCPA Bylaws regarding the Whitney Mixed Use Project.

10. 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 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

PDO – No Action in February

A. Styles Residence

DPR ACTION: Findings can be made for an Extension of Time, 6-0-0.

401, 403, 405 Nautilus: Extension of Time for a Coastal Development Permit and Neighborhood Development Permit for partial demo, remodel, and additions to three existing homes for a total 4,737 sf., on a 6,500 sf. lot. RM-1-1 zone.

B. Diarq-Westway Residence

PRC ACTION: Findings can be made for an SDP and a CDP with the annotations on drawing with 3 five-foot retaining walls instead of one sixteen-foot retaining wall.

8436 Westway Drive - Demolition of existing 2-story 3,297 sf house. Construction of new 2-story 7,453 sf (current permit is for 8,503 sf) single-family residence on a 20,094 sf lot, including hardscape, retaining walls, terraces, cantilevered pool and spa and relocation of driveway. Applicant is requesting an amendment to current Site Development Permit and Coastal Development Permit.

C. Island Divine Event

T&T ACTION: Recommend approval as presented, 5-0-1.

Scripps Park – April 30, 2011, 2pm – 7pm. Reserved on-street parking along the Park will be half of what was used last year.

D. La Jolla Half Marathon

T&T ACTION: Recommend approval as presented, 5-0-1.

Torrey Pines Road and into Village – April 17, 2011. Same setup as previous years.

E. Disabled On-street Parking – 325 Prospect Street

T&T ACTION: Recommend approval as presented, 5-0-1.

F. “No Pedestrian Crossing” and “Use Crosswalk” Signage

T&T ACTION: Recommend denial as presented, 5-0-1.

La Jolla Scenic Drive South, between Nautilus and Soledad Mountain Road.

G. Proposed Stop Sign on Kearsarge Road at Soledad Avenue

T&T ACTION: Recommend approval as presented (Kearsarge Road only), 4-1-1.

H. Parking Spaces on 1500 block of Coast Walk: *Pulled: Applicant.*

T&T ACTION: That the City shall restore the six parking spaces in the area of Coast Walk in question, if feasible, and that the City report to the T&T Board what it intends to do before commencing any work. 5-0-2.

Approved Motion: Motion:

To accept the recommendation of the Development Permit Review Committee: (A): Styles Residence: 401, 403, 405 Nautilus: Findings can be made for an Extension of Time for a Coastal Development Permit and Neighborhood Development Permit for partial demo, remodel, additions to three existing homes, and forward the recommendation to the City.

To accept the recommendation of the Permit Review Committee: (B): Diarq-Westway Residence, 8436 Westway Drive - Demolition of existing 2-story 3,297 sf. house, construction of new 2-story 7,453 sf., (current permit is for 8,503 sf.), single-family residence on 20,094 sf. lot, including hardscape, retaining walls, terraces, cantilevered pool, spa, relocation of driveway. Applicant is requesting an amendment to current Site Development Permit and Coastal Development Permit. Findings can be made for an SDP and a CDP with the annotations on drawing with 3 five-foot retaining walls instead of one sixteen-foot retaining wall, and forward the recommendation to the City.

To accept the recommendation of the Traffic & Transportation Committee: (C): Island Divine Event Scripps Park, April 30, 2011, 2pm – 7pm: Reserved on-street parking along the Park: Recommend approval as presented, and forward the recommendation to the City.

To accept the recommendation of the Traffic & Transportation Committee: (D): La Jolla Half Marathon: Torrey Pines Road/into Village – April 17, 2011: Recommend approval as presented, and forward the recommendation to the City.

To accept the recommendation of the Traffic & Transportation Committee: (E): Disabled On-street Parking – 325 Prospect Street: Recommend approval as presented, and forward the recommendation to the City.

To accept the recommendation of the Traffic & Transportation Committee: (F): “No Pedestrian Crossing” and “Use Crosswalk” Signage: La Jolla Scenic Drive South, between Nautilus and Soledad Mountain Road: Recommend denial as presented, and forward the recommendation to the City.

To accept the recommendation of the Traffic & Transportation Committee: (G): Proposed Stop Sign on Kearsarge Road at Soledad Avenue, (Kearsarge Road only): Recommend approval as presented, and forward the recommendation to the City.

(Courtney/Merten 11/0/1)

In favor: Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten.
Abstain: LaCava.

12. Valet Parking Spaces on Prospect Street: Continued to LJCPA Meeting April 07 2011 with consent of Interested Parties, present at the 03 March 2011 Meeting.

Prospect Street between Cave Street and Herschel – Private proposal to add 3 new valet spaces at the east end of the block. Options debated at Traffic & Transportation (T&T) were (1) add the spaces in addition to the existing valet zone; (2) make no changes to the block; (3) shift the existing zone several spaces to the east; or, (4) relocate 3 of the existing spaces to a separate location a half block east.

Previous Action (Feb '11): Pulled from Consent Agenda.

Previous T&T Action (Jan '11): For the interested parties to conduct a study or survey that will indicate the number of businesses and residents for or against the options, 5-1-0.

Previous T&T Action (Sep '11): To not support any new valet spaces until there is a master plan.

11. 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: This Board has become active; issues regarding settlement have been resolved; no current action reported.

13. Whitney Mixed Use – Whether to Ratify the Appeal to City Council

2202 & 2206 Avenida de la Playa - Coastal Development Permit and Site Development Permit to demolish existing structures, construct 2 residential units and 2,300 square feet of commercial space (3-stories, 9228 SF total) with basement parking on a 0.09 acre (3952 SF) site in the CC Zone of La Jolla Shores Planned District.

Previous Action (Feb '11) – City scheduled hearing at City Council for March 29, 2011.

Previous Action (Jan '11) – President filed appeal of Planning Commission Decision pursuant to LJCPA policy

Previous Action (Jan '11) – Planning Commission rehears projects, approves 5-0

Previous Action (Nov '10) – City Council sets aside approvals and remands back to Planning Commission

Previous Action (Sep '10) – Planning Commission denies appeal, approves project, 4-1

Previous Action (Aug '10) – Appeal Hearing Officer Decision, 12-2-2.

Previous Action (Oct '09) – LJCPA recommends denial, 14-1-1

President LaCava suggested a course of action: That the LJCPA suspend their Appeals Policy Rules: (Filing shall be ratified at the next meeting of the LJCPA; otherwise it is to be withdrawn), specifically and solely for: Agenda Item 13, Noticed and listed on the LJCPA March 03, 2011 Agenda.

Mr. Bob Whitney, Community Member, commented on the Appeal Process.

Ms. Julie Hamilton, Attorney representing La Jolla Shores Tomorrow, commented on the Appeal Process.

Trustees Little, Burstein commented on the Appeal Process.

Approved Motion: Motion to Suspend the Rules regarding the Appeal Policy, (Gabsch/Manno 9/1/1)

In favor: Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten.

Opposed: Burstein

Abstain: LaCava.

NOTE: Trustee Burstein opposed: Stating it was unnecessary to suspend the rules

Failed Motion: Motion to ratify the Appeal, with conditions: Whitney Mixed Use Project, (Little). Motion failed for lack of a second to the Motion.

Approved Motion: Motion to ratify the appeal, (Whitney Mixed Use Project), for the reasons given on the Appeal Application: 1. The environmental issues raised by the LJCPA in our letter dated April 02, 2010 were not adequately addressed in the MND and were not adequately considered by the Planning Commission in certifying the MND. 2. The environmental issues raised by the City Council on November 16, 2010 in their action and direction to the Planning Commission were not adequately addressed by staff nor considered by the Planning Commission in certifying the MND, (Merten/Fitzgerald 8/1/1)

In favor: Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Manno, Merten.

Opposed: Burstein

Abstain: LaCava

NOTE: Trustee Burstein opposed: Stating it was unnecessary to ratify the appeal.

14. Palazzo – Whether to Appeal Project to City Council

2402 Torrey Pines Road – Coastal Development Permit for 50 residential condos, (previously approved for 30 units, this application originally for 52), on a vacant 1.21 acre site (former Andrea Villa Hotel) in the V Zone of Shores Planned District. Single driveway to align with existing Torrey Pines Road/Ardath Road signalized intersection with modifications to signals with full right in/out, left in/out. Note: Subsequent to LJCPA action Applicant modified project to include an on-site loading zone and slightly increased side yard setbacks. Note: Due to an intervening legal holiday appeal period ends Friday, March 4.

Previous Action (Feb '11) – Planning Commission approves project, 5-0

Previous Action (Jun '10) – LJCPA recommends denial 12-2-1.

President LaCava presented a review of the Palazzo Project, and noted that three private appeals had already been filed.

President LaCava invited the Applicants representative & Project Architect, **Steve Jones** to speak. **Mr. Jones** initially declined ... later spoke in support of the Project and changes that had been made to the Project. **Trustee Merten** presented an analysis of the issues regarding the Palazzo Project and changes made to the project.

Community Member **Ms. Denise McGuire**, Del Charro Woods, **Ms. Julie Hamilton**, Attorney, representing Del Charro Woods, Community Members **Mr. Morad Samii**, **Mr. Bob Collins**, **Ms. Helen Boyden**, Chair, PRC, **Trustee Courtney**, **Trustee Fitzgerald** spoke in support of an Appeal. **Trustee Gabsch** expressed his serious concerns regarding traffic issues relating to the Palazzo Project, advocated for an Appeal.

Approved Motion: Motion to Appeal the Palazzo Project, 2402 Torrey Pines Road, (Courtney/Fitzgerald 8/1/1).

In favor: Birstein, Costello, Courtney, Fitzgerald, Gabsch, Little, Manno, Merten.

Opposed: Conboy

Abstain: LaCava.

Election Chair Tim Lucas presented the vote count to President LaCava, who then announced the Election results: Elected to a three year term: Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joseph LaCava, David Little, Ray Weiss. Elected to a two-year term: Dan Allen. Elected to a one-year term: Cynthia Bond.

President LaCava thanked Election Chair & Trustee Tim Lucas for, once again, running a flawless election, and thanked all of the Community Members who graciously contributed their time assisting Trustee Lucas. Trustees and Community Members expressed their gratitude.

15. 6604 Muirlands Residence– Whether to Appeal Project to Planning Commission

6604 Muirlands - A Coastal Development Permit, Vesting Tentative Parcel Map and Variance to demolish one existing single family residence, subdivide one parcel to create two lots and construct a new single family residence on each new lot with reduced front yard setback. The project site on a 20,456 sf site located in the RS-1-4 Zone. Note: Subsequent to DPR action, applicant redesigned project to eliminate request for Variance as well as made other changes in response to DPR concerns.

Previous Action (Feb '11) – Hearing Officer approves project

Previous Action (Oct '10) – LJCPA ratifies recommendation of denial on consent

Previous Action (Sep '10) – DPR recommends denial, 6-0

At the invitation of **Mr. Golba**, **President LaCava**, speaking for Trustee Crisafi, (absent/personal emergency), summarized Trustee Crisafi's notes from the Hearing Officers Public Meeting, (23 February 2011), regarding concerns/reasons for DPR sub-committee denial of project, noted variance request had been eliminated, expressed appreciation of Applicant's work with neighbors, acknowledged Applicant's satisfactory response re articulated design/30' view corridor, need to step massing down, driveway apron locations, 8' retaining wall in front setback. Expressed concern re Applicant choosing not to return to DPR with project modifications.

Tim Golba, Architect: Presented for the Applicant, Coffman Residence – 6604 Muirlands Drive: **Mr. Golba** presented his summary of the Hearing Officers Public Meeting, (23 February 2011), along with specific responses to Trustee Crisafi's (representing the LJCPA/DPR Sub-Committee), concerns, (documented in Trustee's Project package). **Mr. Golba**, with a Power Point Presentation, then addressed the Project: Setback Compatibility, Sidewalks, Bulk & Scale, Lot Split, Site Lines and the evolution of the Project. **Mr. Golba** responded to Trustees and Community Members questions and comments.

DPR Sub-committee Members **Bob Collins**, **Cindy Thorsen** expressed approval of the Project as modified and presented. Community Member **Darcy Ashley** and **Todd Lessler**, Chair L J Traffic & Transportation Sub-Committee, expressed approval of the Project as modified and presented. Trustees/DPR Sub-Committee Members **Conboy**, **Costello** expressed approval of the Project as modified and presented.

Community Member **Ms. Amy Chelshire** expressed concern re driveway access/egress, asked the LJCPA to appeal the Project, recommend denial of the Project, primarily regarding the Lot Split issue.

Trustee Little expressed concern re a Lot Split and circumvention of the DPR Sub-Committee; will abstain from voting. **Trustee Lucas** expressed concern re historical significance, drainage issues and the precedence of a Lot Split. **Trustee Gabsch** complimented **Mr. Golba** on the Project, however **Trustee Gabsch** stated he would abstain from voting, to emphasize his strong opinion that the Project should properly have returned to the DPR Sub-Committee and to note his concern re precedence of a project circumventing the DPR Sub-Committee.

Approved Motion: Motion: Not to appeal Project, (Coffman Residence, 6604 Muirlands Drive), to the Planning Commission, (Burstein/Conboy 8/1/3)

In favor: Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Manno, Merten.

Opposed: Lucas.

Abstain: Gabsch, LaCava, Little.

16. Community Gardens, Citywide – Possible Action

Note: Because of the lengthy agenda there is the possibility that this item will not be heard.

Citywide proposal to amend the Municipal Code to allow Community Gardens by right in all Commercial lots subject to certain operational restrictions; City may also consider allowing on-site sale of produce. City Council is encouraging further amendment to allow Community Gardens by right in Residential Zones as well (sales would not be allowed). The City is gathering input as to what operational, zoning, and location restrictions should be imposed on Community Gardens in residential zones.

President La Cava presented: Requested comments: Trustees **Brady, Burstein, Costello, Courtney, Fitzgerald, Little, Lucas, Merten** expressed concerns regarding indemnification, pesticide use, permitting process, complications re the use of residential property for commercial purposes. **President LaCava** will communicate Trustees questions, concerns, and comments to the Community Planners Committee.

Trustee Comments, Agenda Item 7, resumed:

President LaCava, in response to **Trustee Gabsch's** reference to documents distributed to Trustees by **President LaCava**, regarding allegations of Brown Act violations by the LJCPA and LJCPA Appeals Policies: **President LaCava** is in conversation with the City, believes that the allegations are without merit, will report the results of his discussions with the City to the Trustees.

Trustees Burstein, Conboy, Courtney, Little commented on the Appeals Policies: discussed the advisability of forming a committee to examine the LJCPA Appeals Policies, suggested the formation of a committee be noticed on the April 07, 2011 Agenda for full discussion.

17. Adjourn @ 9:00 PM to next Regular Monthly Meeting, April 7, 2011, 6:00 pm

Looking ahead to our April meeting: Seat Newly Elected Trustees
Election of Officers

Looking ahead to our May Meeting: Appointments to Joint Committees and Boards
<http://www.lajollacpa.org/committees.html>