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President: Tony Crisafi
Vice President: Rob Whittemore
Treasurer: Jim Fitzgerald
Secretary: Dan Allen

La Jolla Community Planning Association

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

Thursday, 04 August 2011

FINAL MINUTES – REGULAR MEETING

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

1. Welcome and Call To Order: Tony Crisafi, President, at 6:05 PM

2. Adopt the Agenda

Approved Motion: Motion to Adopt the Agenda, (Costello/Merten, 11-0-1).

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore.
Abstain: Crisafi.

3. Meeting Minutes Review and Approval: 07 July 2011

Approved Motion: Motion to approve the Minutes of July 7th 2011, (Bond/Fitzgerald, 10-0-2).

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, Gabsch, Manno, Merten, Whittemore.
Abstain: Little, Crisafi.

4. Elected Officials Report - Information Only

A. Council District 2 - Councilmember Kevin Faulconer
Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles was not present.

B. Council District 1 - Councilmember Sherri Lightner
Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

On the topic of City Council redistricting, **Ms. Demorest** advised of a target 25 August of the final district map which will go into effect 25 September if not challenged. She also reported that the medical marijuana ordinance is rescinded on account of a successful petition drive for a referendum; enforcement of present regulation is ineffective; the City Council plans to revisit the issue in a year, which is as soon as allowed by the procedures concerning referenda. Councilmember Lightner has prepared a draft comprehensive city water policy, which has been endorsed by the Chamber of Commerce and various environmental groups.

C. Council District 5 - Councilmember Carl DeMaio

Ashley Simmons announced a "3-1-1" application for smartphones to report problems with city services.

5. 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 provided copies of the university updates. She announced the MESOM (Marine Ecosystem Sensing, Observation and Modeling Laboratory) Building will begin construction in August, and the Coastal Commission will consider the proposed rehabilitation of University House at their 10 August meeting.

LJCPA Member **Esther Viti** announced that the Nell Carpenter Beautification Committee continues to conduct a volunteer community cleanup each Saturday from 9 to 12AM; volunteers meet in front of the Athenaeum on Wall Street.

Community Member **Jenna Rudy** and LJCPA member **Andrea Dahlberg** announced the La Jolla Art and Wine Festival is planned for the weekend 1-2 October from 10AM to 6PM on upper Girard Avenue. This will be the event's third year. Local public elementary schools are beneficiaries.

6. Non-Agenda Items for Trustee Discussion

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

Trustee Allen informed that La Jolla Parks and Beaches passed a resolution on the subject of added parking in paved section of Coast Walk, which was also subject of a report from the La Jolla Traffic & Transportation Board at the March meeting of the LJCPA, as follows:

The City should be asked to provide three things that are needed in order to define the constraints on additional parking along Coast Walk (east of the bridge to Torrey Pines Road):

1. A bluff stability and drainage analysis to determine the geological constraints,
2. Map of the lines of the public right-of-way,
3. An analysis of traffic safety and fire department access issues of potential parking arrangements.

Given these constraints the community should then evaluate additional parking in the area.

Trustee Manno asked the President to have the resolution from La Jolla Parks and Beaches concerning parking at Coast Walk on the agenda for the September meeting.

Trustee Courtney commented on the Torrey Pines Road project that was discussed at last month's meeting, from which he was absent. In particular he noted that a number of residents continue to advocate a traffic signal in the central segment of Torrey Pines Road for pedestrian safety.

Trustee Whittemore brought up the topic of the Brown Act (California open public meeting law), under which we are obliged to operate, and its complexity. **Trustees Conboy, Costello** and **Little** joined the discussion.

Trustees Whittemore, Conboy and **Costello** asked the President to invite an expert from the City Attorney's office to make a presentation to the Trustees at a future meeting and the LJCPA committee chairpersons and answer questions on the application of the Brown Act.

President Crisafi announced his policy will be to use the e-mail "info@ljcpa.org" for distributing to the Trustees only official LJCPA information -- generally information related to or originating from the City -- and not inputs and/or opinions from individual Trustees or members of the Public. Any Trustee should use her or his own e-mail service to address the other Trustees.

Trustee Courtney commented that officer elections of the La Jolla Traffic & Transportation Board are overdue.

7. Officer's Reports

A. Secretary: Dan Allen

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 July Balance: \$307.58 + Income \$185.02 – (Expenses \$375.74) = Ending Balance: \$116.86.
Expenses include the July-December rental of the meeting room.

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.

8. President's Report

A. Ad Hoc Committee on Operating Policies report – Information Only

Chair: Devin Burnstein

President Crisafi reported the next meeting will be 10 August at 5:30PM at the Recreation Center, Room 1.

B. In Progress: Special Trustee Election for 1 Trustee Seat – Only current, eligible LJCPA Members are eligible to vote. Polls are open to 7 pm. Members voting must present photo identification.

C. Avenida de la Playa Storm Water Project – The City has asked for two representatives from CPA to attend weekly meetings in August. La Jolla Shores resident John Shank and **Trustee LaCava** have volunteered. LJCPA member and PRC chair **Helen Boyden** advised that this project was discussed at the La Jolla Shores Association meeting with significant antipathy from business members.

D. Playa Grande LLC (Whitney Mixed Use) vs. La Jolla Community Planning Association – **President Crisafi** updated that the LJCPA is being represented by Deputy City Attorney Heather Stroud; she will provide any information directly to the Trustees, and she should be on distribution with a copy if there is any e-mail or other correspondence by any Trustee on the subject.

E. Kooklani I & II – The Planning Commission heard this project 21 July. It had been appealed in May by LJCPA. The applicant made substantial modifications. Subsequently the Planning Commission requested a recommendation from LJCPA. At the July meeting the Trustees voted that findings can be made for substantial conformance. **President Crisafi** thanked the applicant for responding in the compressed time frame and likewise commended the efforts of LJCPA member and PRC chair **Helen Boyden** and **Trustees LaCava** and **Merten**. The application had been with the City approximately four years.

9. 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, 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

A. The Hampton

DPR action: Motion that findings can be made to approve Coastal Development Permit to construct a single family residence at 6005 Avenida Cresta, 7-0-1

6005 Avenida Cresta - CDP to construct a 3,291 SF single family residence on a vacant 0.12 acre site

B. Hyde Residence

DPR action: Motion that findings can be made for a Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence at 9735 La Jolla Farms Road, 8-0-0.

9735 La Jolla Farms Road - Coastal Development Permit to demolish existing residence and construct a 8,175 SF Two story single family residence on a 1.10 acre site

C. Remove Red Curb - northbound La Jolla Blvd, Colima to Midway

T& T action: Motion to approve, 7-6-0-0 (1)

Northbound La Jolla Blvd, Colima to Midway

D. 2 hour Parking 8500 Block of Nottingham Place

T& T action: Motion to approve, 9-0-0

2 hour parking limit 8500 Nottingham Place, 8AM – 6PM, Mon-Fri

E. West Muirlands Speed Change

T& T action: Motion to raise speed limit from 25mph to 30mph on West Muirlands from Fay to Nautilus, 9-0-0

West Muirlands from Fay to Nautilus

F. End of Summer Fire Run

T& T action: Motion to approve, 6-0-2

Street Closures on Prospect to Felspar

G. Yield Sign at corner of Via del Norte & Beaumont

T&T action: Sign approved, 7-0-0

Request to install YIELD signs facing traffic on Beaumont Ave (NB and SB directions)

Approved Motion: Motion:

To accept the recommendations of the Development Permit Review Committee: (A) The Hampton: Findings can be made to approve Coastal Development Permit to construct a single family residence at 6005 Avenida Cresta; (B) Hyde Residence: Findings can be made for a Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence at 9735 La Jolla Farms Road, and forward the recommendations to the City.

To accept the recommendation of the Traffic & Transportation Board: (C) To approve removal of red curb on northbound La Jolla Blvd, Colima to Midway; (D) To approve 2 hour Parking 8500 Block of Nottingham Place; (E) to raise speed limit from 25mph to 30mph on West Muirlands from Fay to Nautilus; (F) To approve the End of Summer Fire Run; (G) Request to install YIELD signs corner of Via del Norte & Beaumont facing traffic on Beaumont Ave (NB and SB directions) , and forward the recommendations to the City.

(Merten/Fitzgerald, 13-0-1)

In favor: Allen, Bond, Burstein, Conboy, Courtney, MCostello, Fitzgerald, Gabsch, Little, Manno, Merten, Whittemore, Weiss.

Abstain: Crisafi.

10. 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, La Jolla Recreation Center

C. Community Planners Committee – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego

There were no reports.

11. Via Rialto Emergency Storm Drain Repair Project – Information only

CDP and SDP for completed emergency repairs to a damaged storm drain located at 7435 Caminito Rialto and extending west into an unnamed canyon behind the residential property.
Ron Fox, Assistant Engineer, City of San Diego, (619) 533-7505, rfox@sandiego.gov

There was no presentation.

At this point President Crisafi recused himself and left the room. Vice President Whittemore assumed the chairmanship of the meeting.

12. 1912 Spindrifft CDP

Discussion of pending CPA action based on outcome of Hearing Officer Hearing (August 3rd)
1912 Spindrifft - Demolish existing residence and construct a 4699 3,475 sf, two-story single-family residence on a 13,511 sf parcel. La Jolla Shores PDO.

PRC Action Jan 2011: The findings for a CDP and SDP can be made, 4-3-0

Previous Action Feb 2011: Hearing of Feb '11 set aside, call for rehearing by the President

Previous action April 2011: Recommend denial: Findings cannot be made for a Site Development Permit and a Coastal Development Permit: 1) The south setback does not comply with the La Jolla Community Plan. 2) Off street parking within the front yard does not comply with the La Jolla Shores Planned District Ordinance 9-5-1

Matthew Peterson, representative of the owner and applicant, provided a handout and raised the question why this item is on the agenda since any intended action item is unclear.

Vice President Whittemore reported that the Hearing Officer approved the project and so the issue tonight is whether or not to appeal that decision to the Planning Commission. It may be that policy is to appeal automatically. However, the issue tonight is to decide explicitly, since the Trustees previously have voted both for and against the project – both times by split votes.

Trustee Little emphasized the issue of need to revise LJCPA policy on appeals. **Trustee Burstein** spoke in favor of not appealing due to limited resources and an unlikely favorable outcome to such an appeal. **Trustees Fitzgerald** and **Manno** agreed that the agenda item is whether or not to appeal and not to review the project.

Mr. Peterson iterated the points made in a copy of an e-mail to the LJCPA, copies of which he distributed, summarizing that the issue is whether or not this is an issue to the community as a whole. LJCPA member **Claude-Anthony Marengo** pointed out the precedent that would be set by a successful appeal.

Trustee Merten outlined the history of discussions with the City Development Services Department on enforcement of the La Jolla Shores Planned District Design Manual. He also emphasized the key issue is allowing parking in front yards. **Trustees Bond, Costello, Gabsch, Little, Fitzgerald** and **Courtney** participated in subsequent discussion. In response to a question from **Trustee Costello**, LJCPA member and PRC chair **Helen Boyden** pointed out the vote in favor of the project of the LJ Shores Permit Review Committee was 4 to 3. LJCPA members **Dale Nagle** and **Kathleen Neil** provided added comment supporting the appeal. **Ms. Neil** pointed out the connection of this issue with tonight's agenda Item 14. **Trustees Weiss** and **Conboy** also participated in further discussion.

Failed Motion: To not appeal the decision of the Hearing Officer regarding 1912 Spindrifft to the Planning Commission, (Fitzgerald/Burstein, 4-8-1).

In favor: Burstein, Conboy, Fitzgerald, Manno.

Against: Allen, Bond, Courtney, Costello, Gabsch, Little, Merten, Weiss.

Abstain: Whittemore.

Recused - out of room: Crisafi.

Approved Motion: To appeal the decision of the Hearing Officer regarding 1912 Spindrifft to the

Planning Commission, (Little/Courtney, 8-4-1).

In favor: Allen, Bond, Courtney, Costello, Gabsch, Little, Merten, Weiss.

Against: Burstein, Conboy, Fitzgerald, Manno.

Abstain: Whittemore.

Recused - out of room: Crisafi.

At this point President Crisafi returned to chair the meeting and invited Trustee LaCava to announce the result of the special trustee election.

Trustee LaCava announced, with pleasure, that **Cynthia Thorsen** had been unanimously elected to serve as a LJCPA Trustee. The Trustees and Members enthusiastically welcomed **Ms.Thorsen**. **Ms.Thorsen** will be sworn in at the September LJCPA Meeting.

13. Herschel Ave. Mixed Use Lofts

7844 Herschel Avenue - CDP, SDP & Map Waiver to waive the requirements of a TM to create 6 residential condos and 1 commercial condo by converting a portion of existing commercial space to 3 residential units and 1 commercial unit and construct 3 residential units on a 0.16 acre site

DPR Action June 2011: Motion to approve Coastal Development Permit, Site Development Permit & Map Waiver to create 5 residential condos and 1 commercial unit at 7844 Herschel Ave. 3-2-0

PDO Action May 2011: The Committee found the project in conformance with the PDO, 7-0-0.

Previous LJCPA action July 2011: Pulled for review

Allen DiDenado, architect for the developer, presented.

Trustee Merten stated that the only significant issue is the manner in which the project is providing parking.

Trustee Costello elaborated that question is the security of parking arranged in the building next door. **Mr. DiDenado** stated that 11 of the 13 required spaces are granted by easement that runs with title granted by the adjoining project in 1975 to the project HOA. The easement expires in 2075. He notes also that the project is now for five residential condominiums and not six residential and one commercial condominium.

Trustee Gabsch asked several questions having reviewed the easement documentation. **Mr. DiDenado** and LJCPA member **Claude-Anthony Marengo** responded. **President Crisafi** and **Trustees Merten, Conboy** and **Courtney** participated in additional discussion.

Approved Motion: To approve the project, (Conboy/Costello, 14-0-1).

In favor: Allen, Bond, Burstein, Conboy, Courtney, Costello, Fitzgerald, Gabsch, LaCava, Little, Manno, Merten, Whittemore, Weiss.

Abstain: Crisafi.

14. Consideration of the issue concerning citywide floor area ratios of Chapter 13 of the San Diego Municipal Code applying in the La Jolla Shores Planned District.

Incorporate the citywide floor area ratios of Chapter 13 of the San Diego Municipal Code to the La Jolla Shores Planned District, in addition to all the other development criteria currently specified in the LJSPDO and the LJ Community Plan.

Previous LJSPRC action June 2011: The PRC Committee recommends the LJCPA have a full hearing and discussion on whether the underlying citywide FARs in all zones should be confirmed as applying in the La Jolla Shores Planned District. 5-0-1.

Previous LJCPA action July 2011: Moved to schedule for this meeting to review

Trustee Whittemore made a presentation about floor area ratios (FARs) and distributed a written historical discussion of the La Jolla Shores Planned District and Planned District Ordinance (PDO) as related to the City's Land Development Code.

LJCPA member **Claude-Anthony Marengo** questioned an 18 April 2007 memo from the office of the City Attorney asserting that the FARs in of Chapter 13 of the San Diego Municipal Code apply to the La Jolla Shores Planned District. There was disagreement on whether there is a signed copy of another document that rescinds the memo.

LJCPA member and PRC chair **Helen Boyden** emphasized that the La Jolla Shores PDO was not being implemented properly. LJCPA member **Peggy Davis** spoke about mass, scale and setbacks in recent development in La Jolla Shores.

LJCPA member **Tom Golba** and **Mr. Marengo** suggested that, rather than enforce the FARs in combination with the presently applied La Jolla Shores Design Manual and review process, a better course of action would be to update the La Jolla Shores PDO and the zoning classifications in La Jolla Shores.

President Crisafi and LJCPA members **Kathleen Neil** and **Bernie Segal** spoke on the issue of setbacks being also included along with FARs, since Chapter 13 includes more than FARs.

Trustee Fitzgerald discussed the philosophy of regulation using "overlays". **Trustee Merten** addressed the broader significance of the invocation of Chapter 13 of the Land Development Code in the La Jolla Shores PDO. **Trustee Little** encouraged asking the City Council to finally resolve the issue. **Trustee Conboy** expressed concern about "bulk creep" in La Jolla Shores.

Trustee LaCava stated his concern that there ought to be broader "buy in" by the community before action on the issue, and he made a motion to table the pending motion, then withdrew his motion to table.

There was further discussion by **Trustees Manno, Fitzgerald, Weiss, Courtney, Burstein** and **Costello**.

Approved Motion: To close debate and proceed to vote on the pending motion, ("Call The Question"), (Little/Whittemore, 10-4-1).

In favor: Allen, Bond, Burstein, Conboy, Costello, Courtney, Gabsch, Little, Whittemore, Weiss.

Against: Fitzgerald, LaCava, Manno, Merten.

Abstain: Crisafi.

Approved Motion: La Jolla Community Planning Association recommends that the City Council confirm that City-wide FARs in all zones – commercial, residential, etc. – apply in the La Jolla Shores Planned District without diminishing the effect of the other provisions of the La Jolla Shores Planned District Ordinance, (Whittemore/Little, 8-5-2).

In favor: Bond, Conboy, Costello, Fitzgerald, Gabsch, Little, Whittemore, Weiss.

Against: Allen, Burstein, Courtney, LaCava, Merten.

Abstain: Manno, Crisafi.

Trustee Manno's stated reason for abstention: Insufficient information presented to make a considered decision.

15. Adjourn at 9:38 PM. Next Regular Monthly Meeting, September 1st, 2011, 6:00 pm.