



# La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us

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President: Joe LaCava

Vice President: Cindy Greatrex

2<sup>nd</sup> Vice President: Bob Steck

Secretary: Helen Boyden

Treasurer: Jim Fitzgerald

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## FINAL MINUTES

### Regular Meeting | Thursday, 7 May 2015, 6:00 pm

**Trustees present:** Patrick Ahern, Helen Boyden, Tom Brady, Bob Collins, Mike Costello, Dolores Donovan, Janie Emerson, Jim Fitzgerald, Cindy Greatrex, Joe LaCava, David Little, Alex Outwater, Jim Ragsdale, Glen Rasmussen, Brian Will, Fran Zimmerman

**Trustees absent:** Bob Steck, Ray Weiss

#### 1.0 Welcome and Call To Order at 6:02 PM by Joe LaCava, President

He asked that those present turn off their cellular phones and announced that the meeting was being recorded in audio by the LJCPA and video by a person who does not want to identify himself.

#### 2.0 Adopt the Agenda

**Approved Motion: To adopt the agenda as posted (Emerson, Donovan: 14-0-0)**

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, LaCava, Little, Outwater, Ragsdale, Will

#### 3.0 Swearing In Newly Elected Trustee –President LaCava swore in newly elected trustee Glen Rasmussen.

#### 4.0 Meeting Minutes Review and Approval: 2 April 2015

**Approved Motion: To approve the minutes as distributed (Ragsdale, Fitzgerald: 14-0-1)**

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will

Abstain: LaCava

#### 5.0 Elected Officials – Information Only

##### 5.1 Council District 1 – Council President Sherri Lightner,

Rep: Justin Garver, 619-236-6611, [JGarver@sandiego.gov](mailto:JGarver@sandiego.gov) reported that public meetings with respect to the Mayor's fiscal 2016 budget proposal were ongoing, concluding with one on Monday, May 11 at 6 pm. The Children's Pool Lifeguard Station construction will restart on June 1. Park and Rec Dept. will present amendments to their Capital Improvements Program at the City Council 2 pm meeting on Tuesday, May 12; these include funding for the Cove Pavilion and Coast Blvd. Walkway improvements at the Children's Pool.

##### 5.2 Mayor's Office – Mayor Kevin Faulconer,

Rep: Francis Barraza, 619-533-6397, [FBarraza@sandiego.gov](mailto:FBarraza@sandiego.gov) was not present.

##### 5.3 39<sup>th</sup> Senate District – State Senator Marty Block

Rep: \_\_\_\_\_, 619-645-3133. No representative present.

##### 5.4 78<sup>th</sup> Assembly District – Speaker of the Assembly Toni Atkins

Rep: Toni Duran, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov) was not present.

#### 6.0 Non-Agenda Comment

Opportunity for public to speak on matters not on the agenda, 2 minutes or less.

**6.1 City of San Diego – Community Planner: Karen Bucey, [KBucey@sandiego.gov](mailto:KBucey@sandiego.gov) was not present.**

**6.2 UCSD - Planner: Anu Delouri, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/> was not present and attendees were referred to the website.**

**6.3 Others**

**David Haney** complained that the City was issuing permits for mini-cellphone towers (DAS) via Process One and residents did not have an opportunity to weigh in on them. He is opposed to the one being installed by his La Jolla residence due to microwave radiation.

**John Malugen**, representing San Diegans for Clean Elections, presented a proposal for public funding of elections that would cost \$6.00/year/resident. [sdcleanelections.org]

**7.0 Trustee Comment**

**Trustee Emerson** announced that the City Council rehearing for the One Paseo project would be held on Monday, May 18.

**Trustee Zimmerman** recounted an article in the La Jolla Village News which stated that the executive director of the Mount Soledad Memorial Association was “just about ready to own our memorial. We’re almost in a position to begin negotiating with the city to have control of the entire park. . . .” She asked what we could do to find out more. **President LaCava** stated that this was just a proposal and it had been proposed before. He will ask LJ Parks and Beaches for information on the subject.

**Trustee Little** referred to **David Haney’s** presentation and cited pending possible amendments to the SDMC to agree with the federal law which could cause us to violate the 30’ height limit and side yard setbacks. He challenged **President LaCava’s** handling of various appeals. **President LaCava** stated that the bylaws had been amended to allow the “automatic” appeal without LJCPA ratification when the deadline for appeal does not allow for timely consideration by the LJCPA trustees.

**8.0 Officers’ Reports**

**8.1 Treasurer Jim** Fitzgerald thanked the public for its generous contributions which augment the current city yearly allowance to the LJCPA of \$500.00 and passed around the new collection box which had been produced by **Tim Golba**.

<b>Beginning Balance</b> as of 04/01/2015	<b>\$ 353.42</b>	<b>\$ 353.42</b>
<b>Income:</b>		
Collections: April 2nd Meeting	\$ 153.00	
CD	0.00	
	<hr/>	
<b>Total Income</b>	<b>\$ 153.00</b>	<b>\$ 153.00</b>
<b>Expenses:</b>		
Agenda printing	\$ 69.95	
AT&T Telephone	73.04	
Wells Fargo Check Printing	44.54	
	<hr/>	
<b>Total Expenses:</b>	<b>\$ 187.53</b>	<b>(\$ 187.53)</b>
<b>Ending Balance</b> as of 04/30/2015		<b>\$ 318.90</b>

**8.2 Secretary**

**Trustee Boyden** stated that if you want your attendance recorded today, you should sign in at the back of the room. There are three sign-in lists: white ones for LJCPA members and government representatives and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: [www.lajollacpa.org/](http://www.lajollacpa.org/). We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You may document your attendance by signing in at the back, providing the Secretary 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, or providing independently verifiable proof of attendance.

You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period. Please note that members who failed to attend a meeting between March of 2014 and February 2015 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated.

#### **9.0 President's Report** – Information only unless otherwise noted.

**9.1 Bylaw Amendment** – The City is still in the process of reviewing the bylaws changes passed at the March membership meeting.

**9.2 HLJH Residence, 820 Rushville** – The LJCPA filed a timely appeal, but it was withdrawn by **President LaCava** to remedy a complaint filed by the applicant. Another party also filed an appeal. **President LaCava** had consulted with others and it was felt that if the LJCPA did not withdraw, the appeal hearing would center on this controversy instead of the project. He stated that he would represent the LJCPA at the appeal hearing. In response to **Trustee Little**, it was stated that it was too late to file another appeal. The irregularity centered on language in the DPR motion, which the LJCPA accepted on consent. **Trustee Costello** asked that what went wrong could be documented so that a similar situation could be avoided in the future. **Ed Comartin** and neighbor **Judy Swain** then criticized **President LaCava** (who had already indicated his intention to attend and present the LJCPA position) for abandoning the neighbors' and the LJCPA's opposition to the project. **Trustee Outwater** stated that the matter had been handled in a transparent manner. **John Berol** noted that it could be stated at the hearing that the LJCPA had voted to appeal. **President LaCava** said the case against the project could be strengthened by attendance of those opposed to the project at the PC hearing scheduled for June 11.

**9.3 Whale Watch Way** – Appeal Hearing, Planning Commission, May 14. Community attendance and support would be advantageous to the LJCPA opposition to the project.

**9.4 Whitney Mixed Use** – Planning Commission denied the appeal and approved the project but required the third story east side setback be increased to lessen the effect on the neighbor. The LJCPA has appealed the environmental document to the City Council based on action taken at the December 2013 LJCPA meeting and the LJCPA by-laws.

**9.5 Short-Term Vacation Rental** – Smart Growth & Land Use Committee Hearing was extended to May 29<sup>th</sup> due to many speakers on the subject.

#### **9.6 Appointments to Community Joint Committees and Boards** – Action Item

**Approved Motion: To ratify the President's recommendations as amended by moving Trustee Zimmerman from the T&T Committee to the LJ PDO Committee (Emerson, Greatrex: 15-0-1)**

(see attached)

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will, Zimmerman

Abstain: LaCava

#### **10.0 Reports from Ad Hoc and non-LJCPA Committees** - Information only unless noted.

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

President LaCava stated the CPC was considering the SDMC changed referred to by **Trustee Little** which would allow existing wireless antennas to be modified to a certain extent in height or width by a Process One permit to conform with federal law.

(See <http://www.sandiego.gov/planning/community/pdf/cpc/agendas/2015/spectrumact.pdf>)

Any “stealth” (e.g. fake tree) would have to be replaced by similar. Additionally, the City’s position is that wireless installations with a ten-year CUP would have to go through the entire permitting process when the ten years was up. The installation referred to by **David Haney**, a Distributed Antenna Systems, is a Process One permit. These are 2’ by 4’ boxes, usually installed on light poles a few hundred feet apart, and were developed in response to expressed community desire for less conspicuous antennas, possibly emitting less radiation.

**10.2 Coastal Access & Parking Board** <http://www.lajollacpa.org/cap.html> --no report.

### **11.0 Consent Agenda – Action Item**

**The public is encouraged to attend and participate in Community Joint Committee & Board meetings before the item/project is considered by the LJCPA.**

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4:00 pm  
DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4:00 pm  
PRC – La Jolla Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4:00 pm  
T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4:00 pm

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. The public may comment on consent items.

- **See Committee minutes and/or agenda for description of projects, deliberations, and vote.**
- **Anyone may request a consent item be pulled for full discussion by the LJCPA.**
- **Items “pulled” from Consent Agenda are automatically trailed to the next LJCPA meeting.**

PDO & PRC – No recommendations to LJCPA this month

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#### **11.1 Tyrrian Residences, 6752-6762 Tyrrian Street**

DPR Recommendation: Findings can be made for a Coastal Development Permit, Map Waiver & Site Development Permit for deviations to construct one 1,461 sq ft residence; remodel and add 762 sq ft to an existing residence; and one existing residence to remain for a total of three residential condominiums at 6752-6762 Tyrrian St. 6-0-1.

#### **11.2 Herschel Triplex, 7569 Herschel Avenue**

DPR Recommendation: Findings can be made for a Coastal Development Permit to demolish 1 dwelling unit with detached garage and construct a three unit 'for rent' multi-family dwelling unit building at 7569 Herschel Ave. 6-0-1.

#### **11.3 Tasende Gallery, 820 Prospect**

DPR Recommendation: Motion to deny as findings cannot be made for a Coastal Development Permit to remodel the existing mixed use building to include restaurant use and residential addition. The use and location are not consistent with the Community Plan. The plans lack specificity of use and mitigation of noise, parking, odors. The impact of use and the intensity of use not consistent with the established residential use of the area. 5-1-1.

#### **11.4 Altman Residence, 9696 La Jolla Farms Road**

DPR Recommendation: Findings can be made for a Site Development Permit & Coastal Development Permit to Amend CDP/SCR to demolish existing accessory structure & construct a detached guest house, garage and storage structure at 9696 La Jolla Farms Rd. 6-0-1.

#### **11.5 End of Summer Fire Run (Aug 23<sup>rd</sup>, Street closures, LJ to PB via La Jolla Blvd)**

T&T Recommendation: Recommend Approval. 6-0.

**11.6 La Jolla Half Marathon (Apr 26<sup>th</sup>, Street closures)**

T&T Recommendation: Recommend Approval. 6-0.

**11.7 Sidewalk Expansion and Extension (Ave de la Playa at El Paseo Grande)**

T&T Recommendation: Recommend Approval. 6-0.

**No items were pulled from the consent agenda.**

**Approved Motion: To accept the recommendations of the DPR Committee for: 11.1 Tyrian Residences, 6752-6762 Tyrian Street that the findings can be made for a Coastal Development Permit, Map Waiver & Site Development Permit for deviations to construct one 1,461 sq ft residence; remodel and add 762 sq ft to an existing residence; and one existing residence to remain for a total of three residential condominiums at 6752-6762 Tyrian St.; for 11.2 Herschel Triplex, 7569 Herschel Avenue that the findings can be made for a Coastal Development Permit to demolish 1 dwelling unit with detached garage and construct a three unit 'for rent' multi-family dwelling unit building at 7569 Herschel Ave.; \*11.3 Tasende Gallery, 820 Prospect that the findings cannot be made for a Coastal Development Permit to remodel the existing mixed use building to include restaurant use and residential addition. The use and location are not consistent with the Community Plan. The plans lack specificity of use and mitigation of noise, parking, odors. The impact of use and the intensity of use not consistent with the established residential use of the area; and 11.4 Altman Residence, 9696 La Jolla Farms Road that the findings can be made for a Site Development Permit & Coastal Development Permit to Amend CDP/SCR to demolish existing accessory structure & construct a detached guest house, garage and storage structure at 9696 La Jolla Farms Rd. and to accept the recommendations of the T&T Committee recommending the approval of 11.5 End of Summer Fire Run (Aug 23<sup>rd</sup>, Street closures, LJ to PB via La Jolla Blvd); and recommending approval of 11.6 La Jolla Half Marathon (Apr 26<sup>th</sup>, Street closures) and recommending approval of 11.7 Sidewalk Expansion and Extension (Ave de la Playa at El Paseo Grande) and forward the recommendations to the City. (Collins, Fitzgerald: 15-0-1)**

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will, Zimmerman  
Abstain: LaCava

**\*With respect to item 11.3, the chair stated that the applicant told him that a restaurant was no longer planned for the project, but this had not been formally presented to the LJCPA.**

**12.0 Torrey Pines Slope Restoration, Torrey Pines Road (southside) westerly of Roseland Dr – Action Item**

Site Development Permit (SDP) for the reconstruction of a sloughing slope and replacement of the existing gunite retaining wall with a new retaining wall. The new wall would be approximately 335 foot long and would have a simulated boulderscape face and would vary in height from 13 feet to 25 feet. The top of the new wall would have 44-inch high posts and cable safety railings with a concrete brow ditch immediately behind the wall. Jason Guise, Project Manager, City of San Diego.

*City (Oct '13) – Issued Notice of Right to Appeal Environmental Determination*

Presentation by **Jason Guise** and **Bill Mercer** included color renderings with comparison to what is there now and color line drawings of affected properties on TPR between Little and Roseland streets. The project is fully funded and is at the 90% design phase. The project site has two or more sections of existing degraded gunite which will be replaced by a soil nail wall with a "natural" finish and secured by 30' nails into the hillside for which the City will get easements from property owners on the streets above. The wall will slope at approximately 15 degrees. The City owns the property the wall will be built on, but the presenters did not know how far in from the roadway the City property went. The project does not include a sidewalk, the purview of which is the TPR corridor project. Vines are projected to grow up the wall. The City determined that the project is categorically exempt from CEQA, likely because it is replacing an existing structure. They would like to start construction later this year and finish by the end of 2016 and expect to keep two lanes of traffic open in each direction during construction.

Some of the above description came in response to queries from: **Trustees Boyden, Outwater, Rasmussen, Ragsdale.**

**Don Schmidt** and several trustees criticized the City for not presenting to the subcommittees first; it was a matter of cost the presenters said. **Phil Merten** had e-mailed trustees with an analysis quoting the SDMC requiring several levels of stepback for tall retaining walls. **Trustee Costello** also stated that the City should follow its own rules. **Trustees Emerson, Brady, Zimmerman** criticized the appearance of the walls as creating an ugly structure in a major entrance to La Jolla.

**Trustees Little** and **Fitzgerald** likened the walls to CalTrans freeway walls which may create an echo chamber with vehicle noise bouncing off the walls.

**Trustee Outwater** summarized saying objections included: 1) need for more information; 2) lack of visual appeal; 3) need to step back the walls. **Trustee Rasmussen** questioned whether stepping back was feasible. **President LaCava** questioned whether the SDMC had different requirement for sloped walls.

**Approved Motion: The project does not conform to the SDMC regulations for retaining walls and is not aesthetically pleasing in this highly visible location. Please redesign the project to address these issues and return to the LJCPA subcommittees with a complete set of plans. (Little, Zimmerman: 15-0-1)**

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will, Zimmerman  
Abstain: LaCava

### **13.0 Climate Action Plan – Action Item**

Update on draft City of San Diego’s Climate Action Plan presented by the Climate Action Campaign.  
See <http://www.sandiego.gov/planning/genplan/cap/index.shtml>

**Brian Elliott** of the CAC presented the salient points of the Climate Action Plan as modified by Mayor Faulconer. 1) With respect to transportation—how do we change from a car-based city to a multi-modal city, moving in incremental steps using smart growth and planning, with community involvement at every step. One of the goals is to reduce car-based commuting to 50%. 2) Establishing a goal of 100% of clean renewable energy by 2035, citing the community choice aggregation as used in Marin and Sonoma Counties. He asked the LJCPA to write a letter to the board and City Council members in support of the Climate Action Plan without watering it down.

In response to **John Berol** it was stated that we were not eliminating SDG&E; we still need to use their transmission lines and perhaps SDG&E would be encouraged to seek more clean renewable energy,

**Don Schmidt** stated that there was no money for transit. **President LaCava** stated that there was \$200 billion available through SANDAG if the City of San Diego would use their 40% of the vote to go after it instead of pushing for more freeways, and if the CAP passes the City would have to.

**Pat Granger** stated she found Park and Rides helpful and wanted more.

**Trustee Fitzgerald** wanted to see cost/benefit analysis required.

**Trustee Ahern** inquired about opposition to the plan. One response was that people became supportive when they learned details. It was noted that the revised plan no longer requires additional energy retrofits by homeowners upon sale of property or that the requirement that 100% of the clean renewable energy come from CCAs.

**Trustee Little** feared a reduced standard of living from likely increased density.

**Trustee Costello** added concerns over conversion of desert/mountain land to solar/wind. He wants more information. Plan is available at website above.

**Trustees Outwater and Ragsdale** also commented.

**Approved Motion: Bring back the item next month so that trustees will have an opportunity to study the plan more thoroughly: (Outwater, Donovan: 14-1-1)**

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Outwater, Ragsdale, Rasmussen, Will, Zimmerman

Opposed: Little

Abstain: LaCava

### **14.0 Residential Development Regulations – Information Item**

Presentation by private residents in Bird Rock on how current regulations and categorically exempt projects affect the character of single family neighborhoods.

Bird Rock residents **Dr. Sharon Wampler** and **Dana Williams** presented, saying that developers (citing as an example one that has purchased about 10 houses in Bird Rock and Pacific Beach alone) purchase a home with an eye to maximizing the development potential using the 51% categorical exemption rule to avoid going through the CDP process and then flip the property resulting in McMansions. They presented examples. They noted that Los Angeles has passed a moratorium on this type of activity in 20 neighborhoods in response to the Beverly Grove Alliance. There have been proposals in the past (1997) to limit Categorical Exemptions for CDPs to less than the otherwise allowable heights and FARs and requiring second story setbacks, but they have stalled at the Coastal Commission. They cite a misalignment between the SDMC and community plans. The presenters suggested implementing something specific to La Jolla, refining the codes, revisiting design review, establishing setbacks and limiting FARs in these instances. They have contacted the City. They suggested writing a letter to the City stressing this is an important issue and perhaps establishing a subcommittee to make a recommendation to the City.

**Don Schmidt** cited the problems with the City not evaluating the 10% Categorical Exemptions for properties located between the ocean and the first public roadway.

**Trustees Zimmerman, Outwater, Ragsdale, and Donovan** commented, the latter citing analogies with the La Jolla Shores PDO. **Trustee Little** stated that Categorical Exemptions were not going away, but that they needed to be reined in. **Trustee Brady** noted that this was not an action item, the reply being that establishing a subcommittee was an administrative action and did not need "action" notice.

**President LaCava** suggested that any subcommittee study the differences between properties built under Categorical Exemptions and those approved for CDPs by the LJCPA. The LJCPA proposal to fund a study of the LJSPDO was not included in the Mayor's budget. It takes special funding to make any changes to the SDMC that are not "corrections." The strong mayor plan makes it more difficult to make such changes. **Trustee Emerson** suggested that a representative from the Shores be on the committee.

**Approved Motion: To form a subcommittee for the purpose of recommending SDMC changes to the City that would: 1) Revise the use of Categorical Exemptions in remodels, particularly single family residence remodels and 2) Effect SDMC changes that place single family remodels and new single family construction to be more closely aligned with the La Jolla Community Plan and the community character of La Jolla with respect to bulk and scale. (Little, Costello: 14-0-2)**

In favor: Ahern, Boyden, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will, Zimmerman  
Abstain: LaCava (Chair), Brady (felt it should have been noticed as an action item)

#### **15.0 Resolution regarding the City Council's approval of One Paseo.**

**Trustee Emerson** recused and left the room until the close of the meeting.

**Jeff Powers representing Protect San Diego Neighborhoods** presented a draft resolution modified from that shown last month.

**Ray Ellis**, a member of the **Del Mar Mesa Planning Group** which opposed One Paseo, and **Tom Mullaney** from Mission Hills spoke in support of the resolution.

**Approved Motion: To forward to the City Council the resolution, presented and corrected for consistency today, with respect to the important role of Community Planning Groups, and urging the Council to reconsider its approval of the One Paseo project. (Fitzgerald, Costello: 14-0-1) (see attached)**

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will, Zimmerman  
Abstain: LaCava  
Recused: Emerson

**16.0 Adjourned at 8:55 PM to the next LJCPA Meeting, Thursday, June 4, 6:00 pm**