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

## La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month

**Thursday, 2 December 2010**

La Jolla Recreation Center, 615 Prospect Street

### FINAL MINUTES – REGULAR MEETING

Present: Michele Addington, Tom Brady, Devin Burstein, Michael Costello, Dan Courtney, Tony Crisafi, Laura Ducharme Conboy, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Nancy Manno, Phil Merten, Glen Rasmussen, Ray Weiss.

Absent: Tim Lucas, Greg Salmon, Rob Whittimore.

1. Welcome and Call To Order: **Joe LaCava**, President @ 6:06 PM. President LaCava acknowledged the very welcome return to La Jolla, of **John Beaver**, LJCPA member and treasured community member.

2. Adopt the Agenda

**Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Addington 12/0/1).**

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

Abstain: LaCava.

3. Meeting Minutes Review and Approval: 04 November 2010

**Approved Motion: Motion to approve the November 04, 2010 Minutes, as corrected, (Costello/Addington 9/1/4).**

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

Opposed: Little.

Abstain: Burstein, LaCava, Rasmussen, Weiss.

4. Elected Officials Report – Information Only

A. Council District 2 – Councilmember Kevin Faulconer

Rep: **Thyme Curtis**, 619.236.6622, [tcurtis@sandiego.gov](mailto:tcurtis@sandiego.gov)

Ms. Curtis was not present.

B. Council District 1 – Councilmember Sherri Lightner

Rep: **Erin Demorest**, 619.236.7762, [edemorest@sandiego.gov](mailto:edemorest@sandiego.gov)

**Ms. Demorest** reported: The San Diego City Council, by proclamation, will recognize La Jolla community member, Ms. Esther Viti, for her extraordinary community service. And this proclamation, presented by District One Councilmember Sherri Lightner, will be presented to Ms. Viti at the La Jolla Town Council meeting on December 09.

Additionally, **Ms. Demorest** reported: An information meeting for the Torrey Pines Corridor Project has been scheduled for January 19, 2011 at 6:00 PM at the La Jolla Rec. Center. Presenting their preliminary design work will be those persons who are currently involved in the Torrey Pines Corridor Project. There will be a follow-up meeting, scheduled for February 04, 2011 at the La Jolla Traffic and Transportation meeting where questions and comments, generated by the previous Torrey Pines Corridor Project "Information Meeting," will be solicited from interested community members.

Community member, **Ms. Sally Fuller**, thanked **Ms. Demorest** for the artwork now visible on La Jolla trash containers, (**Ms Demorest** credited the La Jolla Art Association for the work). For the lights on Girard Avenue. For the "wonderful" sign now in place at he Children's Pool beach, (**Ms Demorest** credited the Parks and Recreation Department).

#### 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](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/>

**Ms. Delouri** noted: There are project information updates available on the UCSD Community Planning Newsletter and Website. **Ms. Delouri** reminded the La Jolla community of the continuing UCSD 50<sup>th</sup> Anniversary celebrations.

**Ms. Esther Viti**, Chair of the Nell Carpenter Beautification Committee, invited the Community to continue to participate in the monthly La Jolla clean up.

**Mr. John Leek** reported on the Ranger Program at the Children's Pool. **Mr. Leek** invited the Community to participate in the Planning Commission appeal re: the Children's Pool rope barrier.

Trustee **Orrin Gabsch** commented on the 9,415 square foot restaurant, (Eddie V's Edgewater Grill), planned for the former Chart House site and the comments made by Mr. James Alcorn and Ms Marie Burke Lia, during the November LJCPA meeting, stating the restaurant in question was required to provide nine parking spaces.

**President LaCava** suggested the restaurant building permit might be examined in order to ascertain the reason for suggesting nine parking spaces would be adequate.

#### 6. President's Report – Action Items Where Indicated

**A. Community Planners Committee – no report**

No actions taken at the November meeting.

**B. Whitney Mixed Use – City Council upheld appeal, remanded back to Planning Commission for request for additional and expanded environmental analysis.**

**C. Children's Pool Rope Barrier – Appeal, Planning Commission, Dec 9**

President LaCava will appear on behalf of the LJCPA, representing the LJCPA's position.

**D. Bishops Library – Appeal, Planning Commission, Dec 16**

President LaCava will appear on behalf of the LJCPA, representing the LJCPA's position.

**E. La Jolla Shores Lifeguard Station – Groundbreaking and start of construction.**

The City requested **President LaCava** notify the La Jolla community of the groundbreaking and construction.

**President LaCava** noted the City is experiencing significant difficulties regarding scheduling for construction of the Children's Pool Lifeguard Station. There is a very small window of opportunity for construction.

**F. Elections Committee – Call for Volunteers**

President LaCava reminded Trustees the annual LJCPA election will be held in four months and volunteers are urgently needed.

#### 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: \$145.76 + Income \$149.02 – (Expenses \$71.38) = Ending Balance: \$223.40.

Expenses: include printing, telephone. **Trustee Fitzgerald** reminded Trustees: LJCPA will incur an expense of \$282.00, December 2010, for LJ Rec. Center six months, January - June 2011 rental. **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, 2<sup>nd</sup> Mon, 4pm

DPR – Development Permit Review Committee, Chair Tony Crisafi, 2<sup>nd</sup> & 3<sup>rd</sup> Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4<sup>th</sup> Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4<sup>th</sup> Thurs, 4pm

T&T – No meeting in November

DPR – No Action Items

### **A. La Jolla Masonic Lodge #518**

PDO ACTION: *Paint scheme Bunting and Splodgy conforms to the PDO. 7-0-1*

5655 La Jolla Boulevard – Repaint exterior.

### **B. Prodigy School of Arts**

PDO ACTION: *Proposed signage conforms to the PDO. 8-0-0*

5725 La Jolla Boulevard – New signage.

### **C. Galicot Residence Extension of Time**

PRC ACTION: *Findings can be made to grant the extension of time. 5-0-2.*

8320 Calle del Cielo - Extension of Time for CDP 212253 and SDP 216293. Demo existing residence and construct an approx 9,000 sq. ft. single family residence with garage, guest quarters, pool and cabana.

*Previous CPA Action: Substantial Conformance Review approved on consent (May 2010)*

*Previous PRC Action: Revised plans are in Substantial Conformance with CDP, 4-0-1. (April 2010)*

### **D. Whitworth Residence**

PRC ACTION: *The findings can be made for the project, plans dated 10/25/2010, and submitted to the City as amended on replacement sheet A-1.1 dated 11/16/2010, with the annotation made on plan for 75% open for light and a straight through public view. 5-0-1.*

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.

*Previous CPA Action: Pulled from Nov 2010 Consent Agenda, applicant opted to return to PRC.*

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

### **E. Trunkey Residence**

PRC ACTION 1: *Findings can be made based solely by the grading plans presented. 5-1-1.*

PRC ACTION 2: *Noting to the CPA that the motion was based only on the grading plans due to the urgency of the situation and ask the CPA to write a letter urging that work on the shear pins and micropiles begin immediately to protect the slope over the winter. 6-0-1.*

7595 Hillside Drive - Slope repair on environmentally sensitive lands. There will be a comprehensive Revegetation/Restoration Planting plan featuring native plants.

*See PRC minutes for clarification on motions; will have to return to PRC for consideration of the full CDP.*

## **Approved Motion: Motion:**

**To accept the recommendation of the Planned District Ordinance Committee: (A) La Jolla Masonic Lodge #518, 5655 La Jolla Boulevard: Repaint exterior, (Paint scheme Bunting and Splodgy conforms to the PDO), and forward the recommendation to the City.**

**To accept the recommendation of the Planned District Ordinance Committee: (B) Prodigy School of Arts, 5725 La Jolla Boulevard – New signage, (Proposed signage conforms to the PDO), and forward the recommendation to the City.**

**To accept the recommendation of the La Jolla Shores Permit Review Committee: (C) Galicot Residence Extension of Time: 8320 Calle del Cielo: Findings can be made to grant the extension of time for CDP 212253 and SDP 216293, and forward the recommendation to the City.**

**To accept the recommendation of the La Jolla Shores Permit Review Committee: (D) Whitworth Residence, 8462 El Paseo Grande: The findings can be made for the project, plans dated 10/25/2010, and submitted to the City as amended on replacement sheet A-1.1 dated 11/16/2010, with the annotation made on plan for 75% open for light and a straight through public view, and forward the recommendation to the City.**

**To accept the recommendation of the La Jolla Shores Permit Review Committee: (E) Trunkey Residence, 7595 Hillside Drive: PRC ACTION 1: Findings can be made based solely by the grading plans presented. PRC ACTION 2: Notification to the CPA that the action was based only on the grading plans due to the urgency of the situation and ask the CPA to write a letter urging that work on the shear pins and micropiles begin immediately to protect the slope over the winter, and forward the recommendation to the City.**

**(Merten/Fitzgerald 14/0/1)**

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

Abstain: LaCava,

**9. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only**

**A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – *Inactive***

**B. COASTAL ACCESS AND PARKING BOARD – Meets 1<sup>st</sup> Tues, 4pm, Rec Center**

**President LaCava** reported: A settlement between San Diego City and Promote La Jolla has been reached. Missing funds will be restored. **President LaCava** noted action early next year will determine how Parking Board finances will be managed and how City authorization for the Parking Board actions will be determined.

**10. Brown Act – Information Item**

Discussion of the Brown Act and how it applies to the CPA and its subcommittees; including, serial communications, discussion of non-project specific matters, etc.

Agenda Item 10 will be tabled until the 06 January 2011 LJCPA meeting due to the absence of **Trustee Whittemore**.

**11. CPA Appeal Policy – Possible Action**

Consideration of a policy on the question of whether to file an appeal of a city decision when the appeal period does not allow for action at a Regular Meeting. See attachment for draft; other drafts may be offered at the meeting.

**President LaCava** presented a draft document/ a summary of the current LJCPA appeal process and suggested alternative approaches.

**Trustee Costello** presented a draft document/a summary of his concerns regarding the current appeals process and suggestions for a more formal appeals procedure.

**Trustee Little** presented his suggestions for an appeal procedure in the form of a Motion: There was discussion among the Trustees regarding **Trustee Little's** Motion and **Trustee Costello's** and **President La Cava's** suggested procedures.

**The Question was called: 12/1/1**

In favor: Addington, Brady, Burstein, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Manno, Merten, Rasmussen, Weiss.

Opposed: Little.

Abstain: LaCava.

**Failed Motion: Motion to (1) Obtain a definitive procedure for appeals in all scenarios. (2) Since as a practical matter the LJCPA President cannot be expected to participate in every appeal and hearing, the goal is to establish an appeal procedure whereby the Trustee who voted in the majority can pursue any appeals or hearings and “speak” for the LJCPA. (3) Eliminate the very flawed practice of requiring the Trustees to vote whether to proceed with an appeal – essentially a second vote on the project. (4) Eliminate the problem of having the appeal deadline come before the next CPA meeting. (This is automatic if objective 3 is met), (Little/Rasmussen 2/11/2).**

In favor: Little, Rasmussen.

Opposed: Addington, Brady, Burstein, Conboy, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Manno, Merten.

Abstain: LaCava, Weiss.

**President LaCava** presented a draft document/ a summary, with seven options for Trustee consideration regarding the Appeal Process and Procedure. Trustees discussed **President LaCava's** suggestions.

**Trustee Weiss** offered a Motion incorporating **President LaCava's** “Options Using Automatic Triggers,” (numbers five and seven). Trustees discussed the Motion and the applicability of “Automatic Triggers.”

**The Question was called: 12/2/1**

In favor: Addington, Brady, Burstein, Conboy, Courtney, Crisafi, Fitzgerald, Gabsch, Manno, Merten, Rasmussen, Weiss.

Opposed: Costello, Little.

Abstain: LaCava.

**Approved Motion: Motion to (1) Appeal only decisions for approval when the CPA recommendation for denial was passed by consensus, (2/3rds or more of voting Trustees recommending denial of the project), (2) Appeal only decisions for approval when the CPA recommendation for denial was based on full consideration at a CPA meeting and not simply ratifying a subcommittee recommendation, (Weiss/Burstein 8/6/1).**

In favor: Addington, Brady, Burstein, Fitzgerald, Gabsch, Manno, Merten, Rasmussen, Weiss.

Opposed: Conboy, Costello, Courtney Crisafi, Little.

Abstain: LaCava.

The Trustees continued a general discussion of the appeals process and procedures.

**Approved Motion: Motion: The LJCPA is to consider a vote to appeal after Staff decision, Hearing Officer hearing, Planning Commission hearing is in opposition to a LJCPA Recommendation or Finding, and the appeal period falls during a regular LJCPA meeting, (Crisafi/Courtney 11/3/1).**

In favor: Brady, Burstein, Conboy, Courtney, Crisafi, Fitzgerald, Gabsch, Manno, Merten, Rasmussen, Weiss.

Opposed: Addington, Costello, Little.

Abstain: LaCava.

The Trustees continued a general discussion of the appeals process and procedures.

**Approved Motion: Motion: In the event the LJCPA President cannot appear at any hearing, he shall appoint an interested Trustee who voted with the majority to pursue the appeal, and be able to state at the hearing that he or she represents the LJCPA. Any representing Trustee and President shall represent the LJCPA vote, findings and resolutions, (Courtney/Addington 14/0/1).**

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

Abstain: LaCava.

## **12. CPA Issues and Concerns – Discussion Item**

Open forum on any aspect of CPA's mission, policies, actions, and operations. Discussion may result in formation of ad hoc committee(s).

President LaCava suggested that Agenda Item 12 be revisited at another meeting because of the late hour.

**13. Adjourn** to next Regular Meeting, January 6, 2011, 6:00 pm