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



## La Jolla Community Planning Association

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

**Thursday, 2 February 2012**

### MINUTES – REGULAR MEETING

Present: Dan Allen, Cynthia Bond, Tom Brady, Laura DuCharme-Conboy, Michael Costello, Dan Courtney, Tony Crisafi, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Cindy Thorsen, Rob Whittemore, Ray Weiss.

Absent: Jim Fitzgerald.

**1. Welcome and Call To Order: Tony Crisafi**, President, at 6:06 PM

**2. Adopt the Agenda**

Item 9F will be an Action Item; Item 9A will be heard as Item 17.

**Approved Motion: Motion to adopt the Agenda as modified, (LaCava/Gabsch, 13-0-1).**

In favor: Allen, Bond, Brady, Conboy, Costello, Gabsch, LaCava, Little, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

**3. Meeting Minutes Review and Approval – 5 January 2011**

**Approved Motion: Motion to approve the Minutes of 5 January, (LaCava/Thorsen, 13-0-1).**

In favor: Allen, Bond, Brady, Conboy, Costello, Gabsch, LaCava, Little, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

**4. Elected Officials Report - Information Only**

**A. Council District 2 - Councilmember Kevin Faulconer**

Rep: Katherine Miles, 619.236.6622, [kmiles@sandiego.gov](mailto:kmiles@sandiego.gov)

Ms. Miles 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** announced a rally to save the La Jolla post office building Saturday, 4 February at 9:30 PM at the La Jolla Historical Society; concerning the lawsuit that will cause the Fourth of July fireworks more costly to permit, there is state legislation to revise CEQA to provide relief; the Councilmember apologizes for the postponement of the 8490 Whale Watch Way appeal hearing at the City Council meeting 17 January; the Torrey Pines Road V-Calm signs are operating, and a status report on the Torrey Pines Road improvement and a schedule will be forthcoming. Finally, concerning the request that the City Attorney determine whether the city-wide FARs apply in the La Jolla Shores Planned District, the City Attorney replies that resolution of the question should be addressed by a Planned District Ordinance amendment.

**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](mailto:adelouri@ucsd.edu), <http://physicalplanning.ucsd.edu>**

**Ms. Delouri** provided written updates on campus development projects and for further information referred to the website [physicalplanning.ucsd.edu](http://physicalplanning.ucsd.edu).

### **General Public Comment**

**Peggy Davis**, concerning the Gatti project, is requesting the resignation of Michael Morton from the La Jolla Shores Permit Review Committee; she provided a handout.

**Vaughn Woods** asked what the process is for removal of members of our joint committees and boards.

**Bob Whitney** iterated his concern expressed last month concerning qualifications for members of joint committees and boards.

## **6. Non-Agenda Items for Trustee Discussion**

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

**Trustee LaCava** made an announcement about the movement to save the La Jolla post office building.

**Trustee Costello** spoke in defense of the LJCPA about an allegation made last month of favoritism in ratification of a member of joint committees or board.

**Trustee Little** asked if it was appropriate to have voting items put on the agenda under the President's Report.

***At this point the sequence of the agenda was modified to hear Item 12.***

## **12. Colony Pipeline Relocation Project – Information only**

Colony Hill water pipeline relocation located on Caminito Aviola, Via Avola, Via Capri, Via Rialto, and Caminito Rialto. Existing pipelines will be permanently abandoned due to 2009 landslide damage, new pipelines installed in more stable soil, and service restored to residents that have been receiving highline water service.

Presenting: Eugene Gay, Orion Construction, [eugene@orionconstruction.com](mailto:eugene@orionconstruction.com)  
Chris Gascon, Project Engineer, City of San Diego.  
Rania Amen, Senior Civil Engineer, City of San Diego.

Several questions from the public were addressed, including those from area residents **Mark Ochendusko** and **Dick Brem**. There may be future work, and the City will get back to the homeowners' association on that topic.

***At this point the sequence of the agenda was restored.***

## **7. Officer's Reports**

### **A. Secretary: Dan Allen**

**Trustee Allen** stated that if one wants his or her attendance recorded today, he or she can sign-in at the back of the room. There are two sign-in lists: one for LJCPA members and one for non-members. LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. This is a meeting of the Trustees, who are elected by the LJCPA members. By providing proof of attendance you maintain membership and become eligible for election as a Trustee. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application, copies of which are available from **Trustee Thorsen** and on-line at our website: [www.lajollacpa.org](http://www.lajollacpa.org). Persons are entitled to have attendance recorded without signing-in and such case must provide the Secretary before the end of the meeting a piece of paper with printed full name, signature and a statement asking attendance be recorded.

### **B. Treasurer**

**Trustee Whittemore**, for absent Trustee Fitzgerald, presented the results for the past month. January Beginning Balance: \$4.66 + Income \$221.05 – Expenses \$86.85 = February Beginning Balance: \$138.88. Expenses include Agenda printing, telephone expenses and semi-annual Recreation Center meeting space rent. **Trustee Whittemore** 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. Traditionally all donations are in cash to preserve anonymity. However, there may be a mechanism for donations by check or bequest.

## 8. Candidate Statements

Ten persons stood to announce their candidacy as Trustees and to make statements. They were: Darcy Ashley, Devin Burstein, Cynthia Bond, Tom Brady, Dan Courtney, Nancy Manno, Phil Merten, Bernie Segal, Cindy Thorsen and Fran Zimmerman. Mr. Segal subsequently withdrew his name.

There are, therefore, nine candidates for the eight open seats – six regularly expiring seats, the seat resigned by Devin Burstein 21 December and the seat to be resigned by **Trustee Whittemore** effective 5 April.

## 9. President's Report – Action Items where indicated

### A. *moved to Item 17*

### B. Whitney Lawsuit update

The Playa Grande LLC (Whitney) lawsuit was dismissed 2 December.

### C. Trustee elections – Thursday, 1 March 2012, 3:00 pm - 7:00 pm, La Jolla Recreation Center

### D. Annual Member Meeting – Thursday, 1 March, 6:00 pm

### E. 8490 Whale Watch Way – Appeal of Environmental Document Hearing re-scheduled for 6 February, 2 PM at the City Council.

### F. Hennessy's Sidewalk Café – Action Item

7811 Herschel Ave - Installing wrought iron fence as an encroachment into the public right-of-way. On the Feb 16th Planning Commission agenda.

*Previous Action: PDO ACTION (Sept 2011): Sidewalk café use conforms with the PDO 6-0-0*

*Previous Action: On the Consent Agenda for the October LJCPA meeting; removed to be heard at the DPR*

*Previous Action: DPR ACTION (OCT 2011): FINAL REVIEW - motion fails – no recommendation to report*

*Previous Action: Trustees vote at November meeting that findings can NOT be made for a Neighborhood Use Permit for a sidewalk café, 11-2-2*

It was learned since the previous actions, that a permit was given to replace two trees in front of the property. That apparently was not carried out yet and, if done, would alter the pedestrian area, which was the principal point of contention in the November Trustees' discussion.

## Approved Motion: Motion to ratify the appeal of Hennessy's Sidewalk Café, (Courtney/Little, 15-0-1).

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

## 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

### A. Bird Rock Fine Wine

**PDO ACTION: Bird Rock Fine Wines appears to conform to the LJPDO as retail use to include a wine bar for tastings and applicant will use existing standard building signage program. 9-0-0**

5687 La Jolla Boulevard - Planning to open a wine retail store with limited tasting facilities in premises which are currently zoned for retail.

**B. The Rush Indoor Cycle Studio**

**PDO ACTION: Approval of the signage for Rush Indoor Cycle Studio; signage shall not exceed 2 square feet for each lineal storefront footage. 9-0-0**

5628 La Jolla Blvd – new signage.

**C. Kretowicz Residence EOT – *Pulled by Trustee LaCava* (“Was told there are unresolved issues, and an Extension of Time requires different considerations.”)**

**DPR ACTION: Deny EOT as no new condition is required to comply with state or Federal law. Findings cannot be made for an Extension of Time (EOT) for Site Development Permit as needed to continue processing the Coastal Development Permit. 4-3-0**

7957 Princess Street - EOT for SDP 482270 for previously constructed improvements and additions to an existing SFR to remain on a 22,725 SF site.

**D. San Diego Sports Commission Triathlon**

**T & T ACTION: Motion to approve. 7-1**

Inaugural ITU World Triathlon San Diego, May 11-12 – Street Closures

**E. Valet Parking at 7979 Ivanhoe and 484 Prospect St. – *Pulled by Trustee LaCava* (“T&T has not taken final action yet; send it back to T&T.”)**

**T & T ACTION: *unclear***

7979 Ivanhoe and 484 Prospect St. - valet parking zone

**Approved Motion: Motion**

**To accept the actions of the Planned District Ordinance Committee: (A) Bird Rock Fine Wines: Bird Rock Fine Wines appears to conform to the LJPDO as retail use to include a wine bar for tastings and applicant will use existing standard building signage program, (B) The Rush Indoor Cycle Studio: Approval of the signage for The Rush Indoor Cycle Studio; signage shall not exceed 2 square feet for each lineal storefront footage, and forward the recommendations to the City, To accept the action of the Traffic & Transportation Board: (D) San Diego Sports Commission Triathlon: Approval of street closures for the Inaugural ITU World Triathlon San Diego, and forward the recommendation to the City, (Gabsch/Bond, 15-0-1).**

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

***At this point the sequence of the agenda was modified to hear Item 13.***

**13. La Jolla Cove Lifeguard Station – ADA Ramp & Tower - Action Item**

Proposed modification to Cove lifeguard station concept by addition of an accessible ramp from the street level to the mid-level deck to comply with ADA requirements. Note the City is combining review of ADA ramp & tower. Jihad Sleiman, Project Engineer, City of San Diego, 619.533.7532

*Previous Action: CPA conceptually approved lifeguard station, April 2003.*

*Previous Action: La Jolla Town Council Parks & Beaches Committee supported Option 2, Sept 2010.*

*Previous Action: CPA conceptually approves Lifeguard Tower mid-level landing access, preferred Option 2, Oct. 2010, 12-4-2.*

**Jihad Sleiman** of the City of San Diego Public Works Department and **Rick España**, of Roesling Nakamura Terada Architects, presented. Mr. Sleiman iterated the extensive community review. Several **Trustees** expressed concern that ADA access will not be provided all the way to the sand. The response was the City Attorney has reviewed the situation and determined that because of the natural terrain, ADA access is not required. Site and

coastal permits are required. Construction is planned to begin in 2012.

**Approved Motion: Motion to approve Cove lifeguard station ADA Ramp & Tower designs as presented, (LaCava/ Costello, 14-0-2).**

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Gabsch, Crisafi.

*At this point the sequence of the agenda was restored.*

**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, La Jolla Recreation Center.

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

**D. La Jolla Parks & Beaches, Inc.** – Meets 4th Mon, 4pm, La Jolla Recreation Center

**14. Shahbaz Residence** – Action Item

6412 Avenida Manana - Coastal Development Permit to demolish an existing 3,869 SF residence and construct an 7,884 SF two story single family residence and an attached 3 car garage on a 0.57 acre site

*DPR ACTION (OCT 2011): Findings can be made for a Coastal Development Permit to demolish an existing 3,869 SF residence and construct a 7,884 SF two story single-family residence and an attached 3-car garage on a 0.57-acre site. 4-1-2*

On the Consent Agenda for the November LJCPA meeting and pulled by Trustee Costello as “out of neighborhood character”, on the December LJCPA agenda as an Action Item but deferred to January LCCPA meeting by the applicant, and on the January LJCPA agenda as an Action Item but deferred to the February LCCPA meeting by the applicant.

The project was presented by **Matt Peterson** assisted by project architect **Bijan Arfaa**. They provided written material with context photos. **Trustee Costello** distributed an analysis relating the relative size of the project. It appears to be three times the size of neighboring homes. The lot is large and extends down-slope to the Fay Avenue extension bike path. The house will be one story at the street. Neighbors **Leon Polinsky** and **Mr. & Mrs. Russell** spoke in opposition. **Trustees Merten, Conboy, Merten** and **Gabsch** spoke favorably about the project.

**Approved Motion: Motion to approve the Coastal Development Permit (CDP) for the Shahbaz Residence, (Weiss/Brady, 11-4-1).**

In Favor: Bond, Brady, Conboy, Courtney, Gabsch, LaCava, Lucas, Manno, Merten, Whittemore, Weiss.

Oppose: Allen, Costello, Little, Thorsen.

Abstain: Crisafi.

**15. Sea Ridge Custom Residence** – Action Item

427 Sea Ridge Drive - CDP and SDP to construct a two-story approximately 7,858 SF single family residence plus a basement (approximately 10,454 SF of habitable space).

*DPR ACTION (DEC. 2011): Motion that findings can be made for a Coastal Development Permit and Site Development Permit to construct a two-story 7,858 SF single-family residence plus a basement (10,454 SF of habitable space). 4-3-1*

In 2008 the City approved the project. The project had not been built, and the applicant requested an extension of time. The request for extension of time was heard in December by the DPR. The City staff approved the request the following day. It was on the Consent Agenda for the January LJCPA meeting and was pulled by Trustee Thorsen. The appeal period has expired. The architect for the applicant was present, but did not present and had been advised that his client was not aware of this agenda item for this evening’s meeting. There was

public notice of the agenda, but city policy requires an affirmative effort to notify an applicant, which nobody present could confirm was done. Neighbors were present objecting to the project. **Trustee Costello** exhibited a printout that shows the house is advertised as a vacation rental, and he states that this was unknown at the December DPR meeting. **Trustee Weiss** pointed out that the advertisement was for the existing house and not the subject project when completed.

The **Trustees** discussed several points: The item is an Action Item from a prior meeting. Any action by the Trustees will be moot. The apparent sense of the Trustees was that they could not act because the LJCPA did not have substantiation of what effort had been made to notify the applicant.

**Motion Made (Main Motion): Motion to hear the item, (Whittemore/Courtney).**

**Approved Motion: Motion/Amendment to postpone the Main Motion to the March meeting, (Whittemore/Courtney, 11-3-2, but 12-3-1, according to the voting sheets).**

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.  
Oppose: Gabsch, LaCava, Little.  
Abstain: Crisafi.

**16. Sea Ridge Custom Residence & the City Review Process – Discussion**

Discussion of City review process with regards to timing of the Hearing Officer Hearing & Community Reviews using the Sea Ridge Residence as an example of timing conflicts.

This item was partly discussed together with the preceding item, and it is continued to next month.

**17. Ad Hoc Committee on Bylaws – Report by Phil Merten, Chair**

**Trustee Merten** discussed the 27 January draft Bylaw revisions, provided in print to the Trustees, which concern Section VIII, on the subject of project and environmental document review and appeal. **Trustee Whittemore** read some specific revisions and corrections. **Helen Boyden** suggested changes. **Bob Whitney** had provided the Trustees copies of alternative draft revisions. **Trustees LaCava, Costello** and **Thorsen** commented. Principal issues include the "no conditional approvals" by joint committees and boards, the necessity for 2/3 vote and an affirmative vote of a minimum of eight Trustees regarding automatic appeals of projects and environmental documents, and whether or not the LJCPA should have Policies in addition to Bylaws.

**Motion Made (Main Motion): Motion to return to the Ad Hoc Committee the draft Bylaw revisions for consideration of the changes offered by the public and the Trustees in discussion tonight, and to submit the Bylaw revisions as will be finally drafted by the Ad Hoc Committee to the Membership at the Annual Member Meeting, Thursday, 1 March, (Whittemore/Thorsen).**

**Approved Motion: Motion to amend the Main Motion to instruct the Ad Hoc Committee to change Article VIII, Section 5, of the draft Bylaw revisions to require a simple majority of Trustees for appeal of projects or environmental documents and require the 2/3 vote of Trustees present or a minimum of eight affirmative Trustee votes, (Whittemore/Thorsen, 8-6-1).**

In Favor: Allen, Bond, Brady, Costello, Courtney, Lucas, Thorsen, Whittemore.  
Oppose: Conboy, Gabsch, LaCava, Little, Manno, Merten.  
Abstain: Crisafi.

**Approved Motion: To approve the pending motion (Main Motion), (11-3-1).**

In Favor: Allen, Bond, Brady, Conboy, Costello, Gabsch, Lucas, Manno, Merten, Thorsen, Whittemore.  
Oppose: Courtney, LaCava, Little.  
Abstain: Crisafi.

**18. Adjourn at 9:45 PM.** Next Regular Monthly Meeting, 1 March 2012, 6:00 pm.