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President: Tony Crisafi
Vice President: Joe LaCava
Treasurer: Orrin Gabsch
Assistant 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, 6 September 2012

FINAL MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Bob Collins, Michael Costello, Dan Courtney, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, Tim Lucas, Nancy Manno, Cindy Thorsen, Frances O'Neill Zimmerman.

Absent: Devin Burstein, Laura Ducharme-Conboy, Tony Crisafi, David Little, Phil Merten.

1. Welcome and Call To Order: Joe LaCava, Vice President, at 6:03 PM

Swearing in of Incoming Trustee – Bob Collins

Vice President LaCava administered the LJCPA Oath of Office to new Trustee **Bob Collins** who was elected in the Special Election at the August meeting to fill a 3-year term that ends in April 2014.

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Gabsch, 10-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.
Abstain: LaCava.

3. Meeting Minutes Review and Approval – 2 August Regular Meeting

Approved Motion: Motion to approve Minutes of 2 August Meeting, (Manno/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.
Abstain: LaCava.

4. Elected Officials Report - Information Only

A. San Diego City Council District 2 - Councilmember Kevin Faulconer

Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles was not present.

B. San Diego City Council District 1 - Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Councilmember Lightner reported that the Children's Pool lifeguard tower construction contract has been let and startup is scheduled this fall; the Children's Pool rope barrier was postponed at the Planning Commission and will be heard in late September at the earliest; she is working with the Save La Jolla Post Office Task Force; action on the Cove stench requires approval from the Coastal Commission and from the Regional Water Quality Control Board, and meetings with those agencies have been scheduled; on Torrey Pines Road improvements, \$1 million is available to remove obstructions on the north sidewalk, the slope stabilization on the south side in the region opposite Little Street will begin late in 2013, and there is a shortfall of \$20 million to proceed with the remainder of the Torrey Pines Road Plan.

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://physicalplanning.ucsd.edu>

Ms. Delouri was not present.

General Public Comment

John Beaver expressed his concern that the building under construction on the west side of La Jolla Shores Drive at UCSD Scripps Institute of Oceanography (MESOM building) is destroying the ocean view there. He read his letter, which was published today in both La Jolla weekly papers.

Paul Metcalf stated a clarification that his client, Encore Trust, will abide by the terms of the approval of their project (LJCPA meeting March 2012) and there are no plans to add back a guesthouse.

6. Non-Agenda Items for Trustee Discussion

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

On the subject that **Mr. Beaver** addressed, **Trustee Fitzgerald** recalled the presentation to the La Jolla community by UCSD on the plans for the MESOM Building at Scripps Institute of Oceanography at which time there was assurance the views over the site would not be impaired. **Trustee Allen** related that the "photo simulations" of the MESOM Building are still on the UCSD Physical and Community Planning website (<http://commplan.ucsd.edu/MESOM/MESOM%20Photosimulation%20RFS.pdf>) demonstrate more ocean views with the proposed building than can be seen with the current construction. He read from the May 2011 Mitigated Negative Declaration for the project: "The proposed project has been designed such that the topography of the site would conceal almost all of the building below the grade of the road. No significant ocean views are blocked, and no significant adverse effects to aesthetics would occur as a result of the proposed project"

Approved Motion: To suspend the Rules to consider the matter of the UCSD Scripps Institute of Oceanography MESOM building, (Allen/Zimmerman, 11-0-1).

(Not on the posted agenda; 2/3 vote required per Brown Act if there is need to take immediate action and the need for action came to the attention of the body subsequent to the agenda being posted)

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

Approved Motion: To send a letter to the UCSD Chancellor and to the Coastal Commission asking that construction be stopped on the MESOM Building until the discrepancy can be explained, (Allen/Zimmerman, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

7. Officer's Reports

A. Secretary

Trustee Allen stated LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. By providing proof of attendance one maintains membership and becomes 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. Forms are on-line at www.lajollacpa.org.

B. Treasurer

Trustee Gabsch asked assistant treasurer, **Jim Fitzgerald**, to give the Treasurer's report. **Trustee Fitzgerald** presented the results for the past month. August Beginning Balance: \$347.33 + Income \$173.02 – Expenses \$99.86 = September Beginning Balance: \$420.49. Expenses for the month included agenda printing and telephone expenses.

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 are in cash to preserve anonymity.

8. President's Report – Action Items where indicated

Vice President LaCava gave the report.

A. Children's Pool Rope Barrier – Planning Commission Hearing Aug. 30 canceled

B. Tong EOT - Hearing Officer continued this item to Oct. 10, 2012

C. Palazzo SCR – Notice of Decision noticed Aug. 17; no appeal made

D. FY2014 Capital Improvement Program Budget – CPGs invited to submit recommendations

There are three training sessions for this process. Trustees wishing to attend should contact Vice President LaCava. LJCPA will take action in October and/or November.

E. Development Services Reorganization

A memorandum from Kelly Broughton, Development Services Department Director, along with a new organization chart was e-mailed earlier to the Trustees.

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, Chair Paul Benton, 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. 5628 La Jolla Blvd

PDO Action: Signage and façade colors comply with the PDO 6-0-0.

5628 La Jolla Blvd.- Review signage and façade colors for LJPDO code compliance in LJPDO zone

B. Herringbone Sidewalk Café Permit

DPR ACTION: findings can be made for a Neighborhood Use Permit for a 151 SF sidewalk café for a restaurant at 7837 Herschel Avenue. 7-0-1

7837 Herschel Ave- 151 sq ft sidewalk café permit with railing at 3 ft 6 inches tall and clearances of 8 ft throughout and 3 street trees

C. EC English School

DPR ACTION: Findings can be made a for Site Development Permit and Conditional Use Permit to increase the number of students to 300 and number of employees to 25 for an English language vocational school in the existing building at 1010 Prospect Street. 6-0-2

1010 Prospect Street – SDP and CUP to amend CUP 93-0685 to increase the number of students and employees from English language vocational school in an existing building.

D. Tong Residence EOT

DPR ACTION: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road. 7-0-1

961 La Jolla Rancho Rd. - Extensions of Time for Coastal Development Permit 139245 and Site Development Permit 141335 for Environmentally Sensitive Lands to demolish an existing Single Dwelling

Approved Motion: Motion

To accept the action of the Planned District Ordinance Committee: (A) 5628 La Jolla Blvd: Signage and façade colors comply with the PDO, and forward the recommendation to the City,

To accept the actions of the Development Permit Review Committee: (B) Herringbone Sidewalk Café Permit: findings can be made for a Neighborhood Use Permit for a 151 SF sidewalk café for a restaurant at 7837 Herschel Avenue, (C) EC English School: Findings can be made a for Site Development Permit and Conditional Use Permit to increase the number of students to 300 and number of employees to 25 for an English language vocational school in an existing building at 1010 Prospect Street, and forward the recommendations to the City,

(Collins/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.
Abstain: LaCava.

Approved Motion: To accept the action of the Development Permit Review Committee: (D) Tong Residence EOT: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road, and forward the recommendation to the City, (Costello/Gabsch, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

10. Reports from Other Advisory Committees - Information only

A. Coastal Access and Parking Board - Meets 1st Tues, 5pm, La Jolla Recreation Center.

The continuing and newly appointed members of the Board met September 4 and elected **Dan Allen** chairman. Only two of three seats on the Board assigned to LJCPA are filled, and so volunteers are encouraged to come forward. Meeting time was changed to 5PM.

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

Trustee LaCava reported that the CPC is working on participation of Community Planning Associations in the development of the list of 2014 Capital Improvement Projects, as also announced in the President's Report.

11. Valet Permit 909 Prospect St - Action Item

909 Prospect St. - Request for Valet Parking permit for Barfly restaurant.

T & T ACTION (July 2012): Motion to approve, 4-1-1.

LJCPA ACTION (August 2012): Pulled from Consent Agenda by Nancy Manno.

Applicant: Troy Martin, owner of Finest City Valet

Mr. Martin explained that the white curb is already designated. There was valet parking there previously.

Utilization of the valet service is open to the public and not just to patrons of adjacent businesses. The fee will be \$10 flat rate. A City valet permit is \$700 initially and \$300 each year thereafter.

Approved Motion: To approve valet parking for Barfly restaurant, 909 Prospect Street, (Brady/Thorsen, 10-1-1).

In favor: Allen, Bond, Brady, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Opposed: Collins.

Abstain: LaCava.

12. 9th Annual La Jolla Concours d'Elegance – Action item

Friday April 6th to April 7th - Street Closures

T&T ACTION (JULY 2012): Approved, contingent on showing support of businesses on Wall and Prospect Streets, 5-0-2.

CPA ACTION (AUG 2012): Pulled from Consent Agenda by Dan Courtney

Applicant: Laurel McFarlane, Trip Bennett

Mike Dorvillier presented graphics of street activities. A handout was distributed showing sign-off by a long list of businesses in the area. This will be the 9th year of the event and the 5th in conjunction with the La Jolla Historical Society. **Trustees Lucas, Zimmerman, and LaCava. Gail Forbes** asked questions. The street closures will be the same as last year except that more of Girard Avenue will be utilized, but without traffic pattern changes from last year. Estimate is that beneficiaries La Jolla Historical Society and Monarch School get \$60 thousand out of \$200 thousand of admissions.

Approved Motion: To approve Street Closures for La Jolla Concours d'Elegance, April 6th to 7th, (Gabsch/Brady, 10-1-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.

Opposed: Zimmerman.

Abstain: LaCava.

13. Red Curb 7205 Olivetas - Action Item

7205 Olivetas – red curb opposite the driveway of 7205 Olivetas

T & T ACTION (JULY 2012): Not approved, 3-3.

CPA ACTION (AUG 2012): Pulled from Consent Agenda by Mathew Welsh, applicant

Applicant: Mathew Welsh

Ron McLeod, owner, explained that the curb opposite his driveway had been red for 20 years but the City would not repaint the curb after a recent repaving without LJCPA approval; he has written OK from 6 of 7 neighbors. **Mr. Welsh** provided a handout and showed a survey of red curbs in the neighborhood, and there are 10 similar situations where the curb across from a driveway is red apparently for the convenience of leaving the driveway. **Trustees Brady, Collins, Courtney, Costello, Fitzgerald, LaCava, Lucas, Thorsen and Zimmerman** commented. **Claude-Anthony Marengo** commented.

Approved Motion: Approve a red curb opposite the driveway of 7205 Olivetas, (Zimmerman/Thorsen, 9-3-1).

In favor: Allen, Bond, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Opposed: Brady, Collins, Courtney.

Abstain: LaCava.

At this point (7:10PM) Vice President LaCava recused himself. Treasurer Gabsch assumed the chairmanship of the meeting.

14. Wu/Tsai Residence - Full Review by Trustees per request of Applicant - Action Item

9882 La Jolla Farms Road - Demo existing 10,383 sq ft house & build a new 9,708 sq ft home with attached 1051 sq ft 4 car garage, pool, and 951 sq ft companion unit/pool house

DPR ACTION (Aug. 2012): Findings can be made a for a Coastal Development Permit to demolish existing 10,383 SF residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms. 6-0-1

Applicant: Matt Peterson

Trustee Lucas expressed concern that there was no notice posted on the property. **Mr. Peterson** responded that the posting of the notice at the time of the meeting was not required for the hearing to proceed. **Mr. Peterson** made a presentation with projected graphics and distributed hard copies. **Paul Metcalf** expressed concerns of client, Encore Trust, which had been e-mailed to the Trustees. Three neighbors spoke in favor of the project: **Irv Wheeler, Josh Bruser and Joseph Wong**. **Trustees Allen, Brady, Courtney, Costello, Fitzgerald, Lucas, Manno and Thorsen** had questions or participated in discussion.

Approved Motion: Findings can be made a for a Coastal Development Permit to demolish existing 10,383 SF residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms, (Courtney/Collins, 10-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Courtney, Fitzgerald, Lucas, Manno, Thorsen.

Abstain: Gabsch.

Recused - out of room: LaCava.

At this point (7:40PM) Vice President LaCava returned to chair the meeting.

15. Ad Hoc Committee on Operating Procedures – Action Item

Action: Consideration whether to recommend to the Membership at the next annual meeting that the Bylaws be amended pursuant to the Ad Hoc Committee's motions #1 & #2 from their August 2012 meeting, listed below:

1. That the LJCPA Bylaws be amended to state that the LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained solely to represent individuals or groups of people who are opposed to a proposed project/discretionary permit which is under consideration by the City of San Diego and the LJCPA (Crisafi/LaCava 3-2-1).
2. That the LJCPA Bylaws be amended to create the office of a Second Vice-President. (For the purpose of chairing a meeting or hearing when the President and Vice-President are unable to chair the meeting or hearing) (Whittemore/Costello 3-1-2).

Trustees Bond, Courtney, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Thorsen and Zimmerman commented. **Michael Morton, Bob Whitney, Gail Forbes and Helen Boyden** commented. The Trustees discussed both Ad Hoc Committee motions #1 & #2. General agreement favored #2. Wording of #2 was revised to use the same terms of reference as in the present Bylaws.

Concerning Ad Hoc Committee's Motion #1, arguments against it were a) that it would have a "chilling" effect on potential Trustee candidates by not allowing them to take clients, if elected, and b) that it would be unfair to members of the public in opposition to a project/discretionary permit who would not be able to engage all potential advocates. Arguments in favor were that the present arrangement gives the appearance of impropriety and reduces the standing of the Association in the general public eye because a) the implication that the Trustees would be swayed by one of them representing a person or group in opposition in a hearing, and b) the sense that in the process before and after a hearing there is an ability for an LJCPA officer to willfully or inadvertently obstruct a project/discretionary permit, more than there is an ability to advance a project. An alternative was discussed that would have LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained to represent individuals or groups of people who are in favor *or opposed* to a proposed project/discretionary permit.

Approved Motion: To recommend to the Membership at the next annual meeting (March 2013) that the LJCPA Bylaws be amended to create the office of Second Vice-President, and that in the absence of the Vice President, the Second Vice President shall perform all the duties and responsibilities of the Vice President, (Courtney/Gabsch, 10-0-1).

In favor: Allen, Bond, Collins, Costello, Courtney, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.

Abstain: LaCava.

Failed Motion: the LJCPA Bylaws be amended to state that the LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained solely to represent individuals or groups of people who are opposed to a proposed project/discretionary permit which is under consideration by the City of San Diego and the LJCPA, (Thorsen/Manno, 4-6-1).

In favor: Gabsch, Lucas, Manno, Thorsen.

Opposed: Allen, Bond, Collins, Courtney, Costello, Fitzgerald.

Abstain: LaCava.

16. Adjourn, at 8:45 PM.

Next Regular Monthly Meeting, 4 October, 6:00 pm.