

# 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: Bob Steck

Vice President: Helen Boyden

2<sup>nd</sup> Vice President: Brian Will

Secretary: Dede Donovan

Treasurer: Janie Emerson

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## MINUTES

### Regular Meeting | Thursday, 2 November 2017

**Trustees Present:** Ahern, Boyden, Brady, Costello, Courtney, Donovan, Emerson, Gordon, Merten, Palmer, Shannon, Steck, Weiss and Will

**Trustees Absent:** Collins, Greatrex, Little, Rasmussen,

**1.0 Welcome and Call to Order:** President Steck called the meeting to order at 6:00 PM

**2.0 Adopt the Agenda:**

Mike Costello wants the Blue Heron Appeal to be an Action Item.

Janie Emerson objected to the Item No. 14 (Proposal for New Language for SD LDC Sec. 126.0704) being on the agenda. The LJCPA has not heard this issue, but other organizations have. The proposed language was submitted to the City Attorney however the LJCPA has not yet heard back from the C.A.

**Motion:** Adopt Amended Agenda with the Blue Heron Appeal as an Action item. (Donovan/ Gordon)

**Motion Passed: 10-1-1** (Steck abstained)

**3.0 Meeting Minutes Review and Approval:**

Ray Weiss would like the Minutes to reflect the name of the Minutes preparer.

Dave Gordon wants the Minutes Amended to show that he was not late to the October meeting.

**Motion to Approve Amended October Minutes.** (Emerson/Will) **Motion Passed: 9-0-3**

(Abstain: Steck; Weiss and Merten did not attend October meeting)

**4.0 Officer Reports**

**4.1 Treasurer:** Treasurer Emerson passed the collect box and stressed the importance of contributing.

**Treasurer's Report:**

<b>Beginning Balance</b> as of 10-1-17:	<b>\$ 291.24</b>
<b>Income – Total</b> (Collections):	<b>\$ 109.00</b>
<b>Expenses</b> – P.O.Box Rent: \$ 154.00; Agenda Printing: \$ 65.94; AT&T Telephone: \$ 79.68	<b>Total Expenses: \$ 299.62</b>
<b>Net Income/(Loss)</b>	<b>(\$ 190.62)</b>
<b>Ending Balance</b> as of 10-31-17	<b>\$ 100.62</b>

**4.2 Secretary:** Secretary Donovan delivered the Secretarial Statement on attendance requirements for membership and for eligibility to vote in the March Elections; and explained that she will be the Minutes note taker for December thru March.

## **5.0 Elected Officials Report:**

**5.1** Council District 1: Councilmember Barbara Bry – Rep: **Mauricio Medina**, 619-236-6611, [mauriciom@sandiego.gov](mailto:mauriciom@sandiego.gov): Announced City meeting re: Short Term Rentals was postponed to November 12 @ 10:00 AM at Golden Hall. Councilmember Bry's proposal is the only one that prevents investors from purchasing properties to convert to STRs.

Tom Brady: asked if the letter/memo to the City Attorney is available to the public.

Mauricio Medina did not know.

Ray Weiss: asked why the plant materials that block the view corridor along Torrey Pines Road have not been trimmed.

Medina: said the owners of the properties on Torrey Pines Road have been contacted. Failure to trim vines is a code compliance issue.

Dave Gordon: If the plants and vines are on City property the City should trim the vines.

**5.2** 78<sup>th</sup> Assembly District: Assemblymember Todd Gloria  
Rep: **Javier Gomez** 619-645-3090 [javier.gomez2@asm.ca.gov](mailto:javier.gomez2@asm.ca.gov) : Not Present

**5.3** 39<sup>th</sup> Senate District: State Senator Toni Atkins  
Rep: **Chevelle Newell Tate**, 619-645-3133, [Chevelle.Tate@sen.ca.gov](mailto:Chevelle.Tate@sen.ca.gov): Not Present

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

### **6.1 Oath of Office: Trustee elected in September Special Election:**

Cindy Greatrex not present. Will be sworn in at December meeting.

### **6.2. Project Updates**

**a. Blue Heron Appeal filed June 13, 2017**—continuance denied at City Council meeting at 2:00 PM, Tuesday, October 10, Environmental appeal denied 6-0-0. Information given that a group has filed an appeal to the Planning Commission based on geological concerns. No date as yet. Mike Costello explained the third-floor roof deck is out of character with the other homes on the oceanfront and presents a noise problem.

**Motion:** To withdraw Appeal due to lack of interest by homeowners. (Costello/Will) Motion Withdrawn – see discussion immediately below.

Helen Boyden: Committees objected to the project and the Appeal should go forward.

Dolores Donovan: The LJCPA represents the homeowners and if the homeowners are tired of opposing of the project, the CPA should not Appeal the project.

Janie Emerson stated the LJCPA's position on the project has not changed, the LJCPA determined the project did not comply with the rules and therefore the LJCPA should appeal the project.

Ray Weiss agreed with J.E. and the proper procedure is to appeal the Hearing Officer's decision.

Mike Costello asked for help on the Appeal. Withdrew his motion. Kathleen Neil supported the LJCPA at the Hearing Officer's meeting.

**Motion** to Appeal the Hearing Officer's approval of the project to the Planning Commission (Costello/Gordon). **Motion Passed 10-1-1** (Steck abstained)

### **6.2. Project Updates continued**

b. Beginning on Monday, November 20, the PRC will meet on the 3<sup>rd</sup> Monday of the month at 4 PM in Room 1 of the Rec Center.

**6.3 Ratify Mike Czajkowski** as an LISA appointee to the La Jolla Shores Permit Review Committee.

**Motion** to ratify Mike Czajkowski appointment to the PRC (Boyden/Gordon)

**Motion Passed 12-0-1** (Steck abstained)

**6.4 UCSD Draft EIR for the proposed Torrey Pines Living Learning Neighborhood** was issued November 1 with a 45-day comment period expiring December 15 according to **Anu Delouri**. A public hearing regarding the project will occur on Nov. 29 at the UCSD Faculty Club at 6:00 PM. Send written comments to **Delouri** during the 45 day public review period.

**Anu Delouri** adds that a **Mitigated Negative Declaration** will be issued for a **new San Diego Fire Station** at the UC North Campus near North Torrey Pines Road and Genesee Avenue where the tennis courts currently exist. The MND will be issued on roughly Nov. 6 –9 for a 30 day public comment period.

**6.5 Appoint Election Committee** for the March election (Janie Emerson and others TBA)

President Steck asked for volunteers for the Election Committee. Janie Emerson will serve on the committee, but will not Chair the committee.

## **7.0 Non-Agenda Public Comment**

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

**7.1 City of San Diego – Community Planner: Marlon Pangilinan**, [mpangilinan@sanidiego.gov](mailto:mpangilinan@sanidiego.gov)

No Comments

**7.2 UCSD - Planner: Anu Delouri**, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://complan.ucsd.edu/>

An EIR for the Voigt/Reed Parking Structure is out for the 30-day public review and comment.

**7.3 General Public:**

Sally Miller announced the Parks and Beaches committee will meet on November 6 to consider the addition of a skate board park to the LJ Recreation Center.

## **8.0 Non-Agenda Trustee Comment**

Opportunity for trustees to comment on matters not on the agenda, 2 minutes or less.

Dede Donovan thanked the Trustees for taking notes for the Minutes over the past months.

Dede Donovan expressed her opposition to a proposed 14 story UCSD dormitory building on North Torrey Pines Road.

Janie Emerson asked for help in soliciting candidates to run for Trustee at the March election.

Helen Boyden asked for a volunteer to manage new LJCPA website. Attendance records and Meeting agendas will be posted on the website.

David Gordon commented on Merten's letter to the trustees; said the City Project Manager was not honest regarding the Cycle Comments for the Cielo Subdivision project; and that Merten representing neighbors and receiving compensation is a conflict of interest by a Trustee.

Bob Steck said Merten is not the first nor the last to be a paid representative of a resident.

Dede Donovan said Trustees should adopt a legal approach to Trustee credibility and refrain from characterizing other Trustees as dishonest or using other pejorative terms to describe fellow Trustees at public meetings.

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

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

John Shannon commented on an interpretation of measuring building height from a raised finished grade on a project in Point Loma, stating that the interpretation constitutes a loop hole that needs to be closed. He also reported that ten percent of City Planning jobs are not being filled in San Diego because the high cost of living was keeping qualified candidates away.

**9.2 Coastal Access & Parking Board** <http://www.lajollacpa.org/cap.html>

No Comments.

**9.3 UC San Diego Long Range Development Plan CAG** <http://lrpd.ucsd.edu>

Anu Delouri said although some La Jolla groups (Town Council, La Jolla Shores Assoc.) attended a recent meeting: Overview of UCSD Campus Sustainability, no one from the LJCPA attended the meeting.

**10.0 Consent Agenda- Action Items:**

**Item 10.1, Robbins Residence** was pulled from the Consent Agenda by \_\_\_\_\_

**Motion:** to Approve Consent Agenda Item 10.2 (Emerson/Will). **Motion Passed: 13-0-1** (Steck abstaining)

**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 Monday, 4:00 pm

DPR – Development Permit Review Committee, Chair TBD, 2nd & 3rd Tuesday, 4:00 pm PRC – La Jolla Shores Permit Review Committee, Chair Dave Gordon 3<sup>rd</sup> Monday, 4:00 pm

T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 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 trailed to the next LJCPA meeting.

**10.1 Robbins Residence CDP [Project No: 521651] 314 Ricardo Place**

(Process 3) The project is a Coastal Development Permit for an 807-square-foot second story addition with deck and roof deck to an existing 2,802-square-foot residence at 314 Ricardo Place. The 0.164-acre-site is in the RS-1-7 zone, Coastal Appealable and Non-appealable overlay zones Parking Impact Overlay Zone (Coastal and Beach) within the La Jolla Community Plan Area.

**DPR Motion:** (10/17/2017) Findings **CANNOT** be made based on impacts to scale and character to the neighborhood. Larger second floor front setback would be consistent with neighborhood character. (Leira/Ragsdale 5-1-1)

**Pulled from Consent Agenda by the Project Applicant**

**10.2 GREENBERG RESIDENCE (4th Review)[Project #: 556536]; 8276 Paseo Del Ocaso (Process 3)**

Coastal Development Permit and Site Development Permit to demolish an existing 2,069 sq ft one story single family residence dwelling and construct a 4,364 sq ft two story dwelling with a 814 sq ft basement located at 8276 Paseo Del Ocaso. New roof deck area and roof-mounted PV system. Provide other miscellaneous site improvements as shown on the site plan such as new lap pool, site walls, fences, and hardscape. The FAR is 0.83 and the 0.12 acre site is located within the Coastal Overlay Zone (non-appealable area), in the LJSPD-SF zone(s) of the La Jolla Shores Planned District Area within Council District 1. (Note – applicant revised square footage and F AR; new numbers (above) were updated prior to the meeting).

**PRC Motion: (10/24/2017)** Findings **CANNOT** be made for a CDP/SDP based on bulk and scale compared to other homes in the surrounding area. Vote: 5-1-1 (Emerson/Naegle)

**Motion: Approve the Consent Agenda (Item 10.2).** (Emerson, Will) **Motion Passed: 13-0-1** (Steck abstained)

**(Janie Emerson left the meeting)**

## No T&T or PDO meetings in October

The following agenda items are “Action Items” unless otherwise noted and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

**11.0 Hardiman Residence: 5626 Dolphin Place Project No: 550448** (Process 3) Coastal Development Permit for the demolition of existing Single Dwelling Unit and construction of a new SDU of two stories over basement with a total of 4, 110 square feet of new construction. The 0.11 acre site is located at 5626 Dolphin Place in the coastal (Appealable) overlay zone of the RS-1-7 base zone in the La Jolla community plan area.

**DPR Motion 9/19/2017** Findings **CAN** be made to approve the project as presented for a Coastal Development Permit for the demolition of existing Single Dwelling Unit and construction of a new SDU of two stories over basement. The 0.11 acre site is located at 5626 Dolphin Place. 5-0-1 (Pulled from October agenda.)

### **Phil Merten recused himself from the proceedings**

Michael Ishiak, neighbor west of the project, representing 30+ neighbors opposed to project because bulk and scale of project not consistent with the neighborhood. Building mass and height are ‘overwhelming an out of character’.

Mike Costello: The project could have moved on but stayed at DPR Committee after making concessions in the design of the building. The DPR Committee unanimously approved the project.

Matt Peterson representing the Owner made a slide presentation of the project; showed project in relation to its neighbors; reviewed list of design concessions.

**Motion: to Approve** the project (Boyden/Will) Motion Carried: 9-0-2 (Abstain: Steck, Costello)

**12.0 Henley Retaining Walls 615 Wrelton Drive.** Coastal Development Permit for Site retaining walls located at 615 Wrelton Drive. The 0.33-acre site is located in the Coastal Overlay Zone (Appealable) and RS-1-7 zones of the La Jolla Community Plan Area. The CDP is to grant a permit in response to a Code Enforcement Citation.

**DPR Motion (9/19/2017)** Findings **CAN** be made for the CDP as proposed 4-1-0) Pulled from October agenda.

Tim Keith of Stuart Engineering presented the project. CDP is needed to obtain a Grading Permit for work that was done in early 2000’s by the previous property owner. Said the wall construction and back fill show no signs of deflection or settlement. Code violation requires a C.D.P. to obtain a Grading Permit.

Dr. Charles Redfern said the wall was not approved five years ago. In June 2014 the C.C.C. approved the project with stipulations re: the retaining wall and unpermitted fill.

Mike Costello stated the C.C.C. required the retaining wall and earth fill to be remediated, and the wall should be cut in section to determine if reinforcing, etc. was properly constructed.

**Motion: Findings Can Not** be made for a Coastal Development Permit (Donovan/Brady)

Brian Will: The LJCPA does not review the structural design of retaining walls.

David Gordon asked if Cycle Issues were generated?

**Motion Fails: 5-4-4** (Did not receive an affirmative vote of a majority of those present)

**Motion: Findings Can be** made for a Coastal Development Permit (Cortney/Will)

**Motion Passes: 6-5-2** (Abstain: Merten, Steck)

**13.0 Abbott Residence CDP/SDP—6340 Camino de la Costa [No. 538814]** (Process 3) Coastal Development Permit and Site Development Permit for a second story addition to an existing residential single dwelling unit with detached garages for 4325 square feet of construction and a total of 9580 square feet. The 1.37-acre site is located at 6340 Camino De La Costa in the Coastal (Appealable) overlay zone within the RS-1-5 base zone in the La Jolla community plan area.

**DPR Motion (10/10/2017) Findings CAN** be made to recommend the CDP/SDP for the project as presented (Will / Leira 4-1-2)

Matrix Design Studio presented the project. Non-conforming portions of the existing structure will be removed. Building foot prints cover 13% of the site. Landscaping covers 69% of the site. Glass side yard gates will be installed, and side yard landscaping removed to provide see-thru to the ocean. Front yard pond and existing landscaping will remain.

Sally Miller questioned two driveways and two curb cuts for the one home. The site consists of two lots.

Neil Hytinen, neighbor to the north, opposed to the project. Questioned the proposed 25 foot bluff top setback, saying Geotechnical Engineering Inc. has determined a faster rate of bluff erosion. Said landscaping on the bluff face was done without a permit.

David Gordon asked about driveway length. Driveways are 20 ft. in length. Questioned 25 foot bluff top setback.

Brian Will said landscaping must be removed from the view corridors.

Phil Merten said landscaping in the view corridors must not extend more than 36 inches above the elevation of the sidewalk.

**Motion:** Findings can be made for a CDP and SDP. (Gordon/Will) **Motion Carries: 11-0-2** (Abstain: Costello, Steck)

#### **14.0 Proposal for New Language for SD LDC Sec. 126.0704--Exemptions from a Coastal Development Permit--Version 6.0 October 28, 2017**

Diane Kane and Erik Lindebak, presenters. Committee Members: Diane Kane, PhD, DPR member; Eric Lindebak, R.A.; Angeles Leira, Retired Principal Planner, City of San Diego; Diana Scheffler, Del Mar architect; Sharon Wampler, PhD.

##### **10 minute presentation by Diane Kane**

Diane Kane presented the DRAFT proposal.

Proposed language would replace the current '50 percent Rule'.

Looked at other communities, including Coronado, for suggestions. Received input from Tim Golba.

Projects have a base FAR of 0.40. Obtain bonus points up to FAR of 0.60 for incorporating certain design features. Projects seeking CDP exemption would be publicly noticed.

##### **15.0 Rebuttal to Proposed for New Language for SD LDC Sec. 126.0704-- Mark Lyon**

Mark Lyon: Proposal is unfair because single story homes would receive a higher base FAR than two story homes. Process creates an additional layer of review by the City. Process is not simpler. Process is more costly.

Dana Williams: Current 50 percent rule is being abused. Needs to be replaced.

Jim Ragsdale: Incentive-based zoning rules are preferable to the existing situation.

Michael Morton: Proposal will have unintended consequences, and will reduce property rights.

Nancy Schwartz: Property rights will not be taken away.

##### **Proposal for New Language for SD LDC Sec. 126.0704 (continued)**

Dave Gordon: Will require permeable driveways. Supports proposal in concept.

Sharon Wampler: Proposed language is only a DRAFT and will require further refinement by the City. A final version will come back to the LJCPA for final approval.

Ray Weiss: We need to try something new. Recommends we move forward and support the proposal.

Tom Brady: In favor of the proposal.

Patrick Ahern: In favor of the proposal, but needs more work.

**Motion: The LJCPA supports the concept of incentive-based design and construction** and forwards the proposal to the City for further deliberation and refinement. (Donovan/Boyden) **Motion Carries: 6-5-2** (Abstain: Steck, Ahern)

**16.0 La Jolla Parkway Concerns of Hidden Valley residents—**

- a. Actions of LJCPA and others to date- 10 minutes
- b. Power Point Presentation by Mark Pretorius and Dr. Rayan Hourani – 10 minutes

Helen Boyden explained the history of the issue. City is considering a proposed sound wall between Hidden Valley Road and La Jolla Parkway.

Mark Pretorius and Dr. Rayan Hourani showed video “ A Day in the Life ...”, Requested City undertake a feasibility study to determine the potential for a sound and safety wall. Safety from cars on La Jolla Parkway is a major concern. Noise from La Jolla Parkway reached 95 decibels. Current situation is unsightly. Entrance to La Jolla is a community-wide concern.

Arlene Powers: Why not complete the wall? Safety is number one concern. Previous car accidents.

Sally Miller: Make the wall pretty. Safety is concern.

John Ferguson: Noise from La Jolla Parkway is very bad. City needs policies to deal with noise.

Nancy Ginsberg: Safety is a big issue.

Richard Adams: Explained history of the limited existing wall. Sound wall is required by law.

Mauricio Medina: Apologized for the City’s delay in dealing with this issue.

Sheila Palmer: Speed limits need to be enforced>

John Shannon: Sound bouncing off a new wall will affect those on the other side of La Jolla Parkway.

Patrick Ahearn: Opposed to a new wall.

Tom Brady: New wall needed for noise control, safety and esthetics.

**Motion:** The La Jolla Community Planning Association supports an initiative for appropriate City staff to investigate a solution that will improve safety and mitigate the noise adjacent to La Jolla Parkway and return to the community with their proposed solution. (Gordon/Boyden) **Motion Carries: 11-1-1** (Steck abstains)

**17.0 Announcement of the December LJCPA Minutes-Taker – Dede Donovan**

**18.0 Adjourn to next LJCPA Meeting: December 7, 2017, 6:00 PM**

Meeting Adjourned at 9:56 PM

Meeting Notes taken and Minutes prepared by Phil Merten with the assistance of the Executive Committee.