

La Jolla Community Planning Association

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

Contact Us:

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President: Tony Crisafi

Vice President: Matt Mangano

2nd Vice President: Dave Gordon

Secretary: Suzanne Weissman

Treasurer: Mike Costello

FINAL MINUTES

Regular Meeting | Thursday, July 18, 2019 – 6 p.m, Moved to 7/18/19 (due to July 4th holiday) Notice date 7/8/19

Welcome and Call to Order: Tony Crisafi, President: 6:03 pm

- *This is a full agenda, recorded meeting therefore, the following rules will be enforced:*
- *Mobile devices off or on silent mode.*
- *All public and trustee comment will be addressed to the chair.*
- *Public and trustee comment will be limited to 2 minutes*
- *Comments will be directed to the project or matter using third person, singular or plural when they are addressed to the chair.*
- *Chair may ask for member votes. Please keep hands raised until the vote tally is announced.*
- *Upon consensus, Chair will close discussion and call for a motion*

Quorum Present: Brady, Costello, Crisafi, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Absent: Courtney, Fremdling, Will

2.0 Adopt the Agenda as modified and distributed noting the following items:

10.0 2 - T&T Action Items transcribed from 7/18/19 meeting notes

11.2 Attachments provided from public record information & applicant

2/3 Majority vote required to add action item(s) to agenda.

Neil: Modify item 11.5 by inserting words ‘and other’ between words ‘Conrad and billboards.’

Motion: Adopt agenda with modifications: (Neil/Kane) **Vote:** 14-0-1 **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: none

Abstain: Crisafi (Chair)

3.0 Meeting Minutes Review and Approval

3.1 02 May 2019 – Regular meeting minutes

Motion: Approve May 2, minutes: (Fitzgerald/Costello) **Vote:** 12-0-3, **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Neil, Rasmussen, Shannon, Weissman

Opposed: none

Abstain: Crisafi, Mangano, Manno

3.2 06 June 2019 - Regular meeting minutes

Motion: Approve June 6, 2019 minutes: (Kane, Mangano) **Vote:** 11-0-4, **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Mangano, Neil, Rasmussen, Weissman

Opposed: none

Abstain: Crisafi, Little, Manno, Shannon

Audience comment: No extra copies of agenda in back; **Crisafi:** master copy available; **Gordon;** offered extra copy.

4.0 Officer Reports

4.1 Treasurer - Mike Costello's report

Beginning Balance as of 6/6/19	\$847.68
Income	
Collections	\$ 208.60
CD Sales	\$ <u>0</u>
Total Income	\$ 208.60.
Expenses	
Agenda printing	\$ 43.44
AT&T telephone disconnected	\$ 00.00
GoDaddy	\$ 308.57
SD City Treasurer, LJ Rec Center, room use	\$ <u>260.00</u>
Total Expenses	\$ <u>612.01</u>
Net Income/(Loss)	\$ <u>(403.41)</u>
Ending Balance of 6/30/19	\$ 444.27

Offered thanks to Greg Jackson for tech updates; clarified that room use was for overtime; we are applying for a grant from city for \$ 500. Donations must be anonymous; please be generous.

4.2 Secretary-

If you want your attendance recorded today, you should sign in at the back of the room. LJCPA is a membership organization open to La Jolla residents, property owners and local business and non-profit 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/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. If you do not attend one meeting per year, your membership will expire. 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. 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.

5.0 Elected Officials – Information Only

5.1 Council District 1: Councilmember Barbara Bry.

Rep: **Mauricio Medina**, 619-236-6611, mauriciom@sandiego.gov

Passed out latest edition of Bry Bulletin; noted invitation to Brews with Bry at Farmer & Seahorse, Thursday, August 8, 4:30 to 6:00 pm. Come, have a beer, learn what council office is working on and our priorities.

5.2 78th Assembly District: Assembly member Todd Gloria

Rep: **Mathew Gordon** 619-645-3090 mathew.gordon@asm.ca.gov Not present

5.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore

Rep: **Chevelle Newell Tate**, 619-645-3133 Chevelle.Tate@sen.ca.gov Not present

6.0 President's Report – Information only unless otherwise noted

6.1 The Children's Pool SCR (PTS627990) appeal to City Council docketed for Sept 17, 2019

@ 2:00

6.2 Thank Trustee Jackson for mailbox & website update.

6.3 Appeal to the Hearing Officer's decision to approve Bonair Residence Project, 744 Bonair St., Will be heard by the Planning Commission on Thursday, July 18, 2019 @ 9:00 a.m.

Crisafi attended the meeting today. Planning commission unanimously upheld Hearing Officer's decision and reversed HO condition to reduce the overhang including on the north side of property. This decision is not appealable to City Council.

Gordon: Received email from Merten to some trustees which is a violation of Brown Act.

Kane/Little commented not a violation because he is not a trustee, did not contact all trustees and this is no longer an action item.

Kane: At DPR meeting definition of carport was clarified and will be presented at next month's CPA meeting.

Crisafi: Point was made at PC hearing today that carport created more mass while square footage was not being counted for carport. This is not logical for control of massing. Community planning process it to give input of compatibility of building form with neighborhood and this applicant was working against that with carports pushed under the house. Hopefully, the code update will simplify that.

Another question came up about the process at the subcommittee and noticing of the project. It seemed we were penalized for following the Brown Act to make sure the project was noticed. The commissioners thought it was unreasonable not to have a second meeting with applicant at the subcommittee. Applicant stated they tried to bring project back to DPR committee but were not allowed because the project was not noticed properly. DPR members stated the project was notified properly and applicant refused to attend. Crisafi stressed it is important to avoid this type of misunderstanding to repeat information and make sure it is understood by city staff.

6.4 Brown Act Announcement: 2019 Brown Act Compliance Workshop is a training session presented by the City of San Diego Planning Department to help community planning group members to understand The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act"). Topics of discussion include an introduction to the Brown Act and keeping meetings and agenda's compliant.

Please see the details of the workshop below:

- o Date: July 25, 2019 6:00 p.m.-7:00 p.m.
- o Location: 202 C street, San Diego (City Concourse, Silver Room)
- o Please RSVP including your name, email, and community to SDPlanningGroups@sandiego.gov or at (619) 533-6307 by July 22, 2019

7.0 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@sandiego.gov Not present

7.2 UCSD – Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> or Robert Brown Not present

7.3 General Public

Melinda Merryweather: Requests to put on next month's agenda as an action item a request to the City to open the sluice gates at the Childrens Pool to clean the sand and keep it from building up creating a hill.

8.0 Non-Agenda Trustee Comment

Opportunity for trustees to speak on matters not on agenda – 2 minutes or less

Costello: Please don't be afraid to attend City meetings representing CPA. He has made a power point presentation that he gave at the last Coastal Commission meeting that is a good format for representing the CPA. It shows how to present motions, votes, how the meeting proceeds, what to ask or not ask. He will email this PP to any trustee.

Kane: There are 2 ordinances making their way through City Hall that we should watch:

1. New ordinance on push carts responding to new legislation from State allowing vendors on public sidewalks and places. City must first rescind the current ordinance then replace it with a new one. Nothing is yet on City website; it will go to City Council next month. It will be heard at Parks & Beaches Monday. Bob Evans has reviewed it closely and it will probably not affect La Jolla.
2. A new ordinance on mixed use zoning in response to the State's interest in creating more housing will be going to City Council next month. It is not ready for public review. It will go into effect if you are doing a

Community Plan update so that should not affect La Jolla zoning. It also affects Transit Priority Areas While we told previously that a TPA was not in La Jolla, a map of TP Areas clearly showed the Route 30 bus line as a TPA. This would affect the flat areas of La Jolla and we should watch closely.

Manno: Are vendors a land use issue and should LJCPA weigh in on this? Reply Kane: she could go to parks and beaches meeting to get more information. We could craft a letter following their lead on how to weigh in.

Medina: It is going to the Economic Development Committee at City Hall then to City Council in September so there is still time before the September meeting.

Rasmussen: Disincentive to keep bus running.

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>- Dave Gordon

Mangano: Majority of CPC meeting was about SB330 -- how local groups will address it when it comes back around. Otherwise the discussion was about communication between groups

Little: what is sentiment of groups. **Reply:** the sentiment is much like ours.

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

Weiss: Discussion putting out an RFP for shuttle program; Merchant's Association taking the lead. Also discussion of a system that gives location and number of vacant parking spaces. This is expensive but could reduce driving around looking for parking. Further discussion of possible funding sources and types of shuttles. Little information available yet.

9.3 UC San Diego advisory Committee -- did not meet.

9.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair

Kane: There has been a lot of const on Hillside Dr/Torrey Pines Rd., replacement of signs, trucks getting stuck. The committee is trying to schedule a meeting before next meeting. Some success in media about what our concerns are. We are working with officer Christine Garcia about getting additional signs that can be enforced. Stuck trucks do not get ticketed; City Code does not allow tickets. Officer Garcia is working with the city attorney and us trying to amend the code to get signs on Torrey Pines Rd and up Hillside Dr that can be enforced. Yellow signs are advisory and can't bring a ticket; white signs are regulatory and can bring a ticket. We are also working with Development Services on construction management and staging.

9.5 Airport Noise Advisory Committee – Matthew Price not present

9.6 Playa Del Norte Stanchion Committee Nothing to report.

10.0 Consent Agenda

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.

10.1 – End of Summer Fire Run – Request for temporary street closure and No Parking on portions of Prospect Street and La Jolla Blvd for the 20th annual event on Sunday, August 25, 2019 (Gloria Goodenough).

T&T Motion to approve End of Summer Fire Run passes 8-0-0

10.2 – San Diego Triathlon Challenge – Request by Challenged Athletes Foundation for temporary street closure and temporary No Parking on Coast Blvd. between Prospect St. and Girard Ave. and Lane closure on Torrey Pines Rd. between Prospect and La Jolla Shores Dr. for the 26th annual event on Sunday, October 29, 2019

(Julia Duggan T&T Motion to approve San Diego Triathlon Challenge passes 8-0-0

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.

Motion: Approve consent agenda (Jackson/Gordon) Vote: 14-0-1, Motion Carries!

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Crisafi (chair)

Comment: Item 10.2 Triathlon Event is on October 20, not 29.

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.

Courtney arrives; reflected in vote count

11.0 – 11.6 LJCPA Review and Action Matter

11.0 Letter from President to support the maintenance & repair of Kellogg Park Marine Reserve Map and access ways, and to advise DSD that this action meets Coastal Permit Exemption guidelines. On-site work to be activated after summer moratorium. Information attached.

Map is on view at old NOAA building. Development Services is trying to find a way to permit this as repair and maintenance; applicant has been working with coastal staff and commission to see that it meets all policy and code requirements. Fabricated off site and ready to move to site. High quality piece, full mosaic, 2300 Sq. Ft.

Charles White: He disagrees with following statements in the attached letter dated June 15, to Helene Deisher:

- The Kellogg Park replacement map and access ways adjacent to the Vallecitos comfort station qualifies as a repair and maintenance project.
- Replacement meets, matches or exceeds access.
- Described background on original map.
- 2015 original map completely removed and replaced with decomposed granite.
- This map is completely new map which has a fence.
- As of June 2019, drawings and representations submitted by Mary to the Coastal Commission were denied. She does not have CC approval.

Edie Munk:

- Mary's fundraising efforts have been for a new map, not repair and maintenance.
- There is no map to repair.
- There are no plans or drawings to review.
- Why is this new project not falling under policies and procedures of the City?

Tom Grunow: Power Point presentation describing the Map

- Beautiful gift for community.
- Approved system used in several communities.
- Existing path from Vallecitos being widened.
- City will decide if coastal access is unnecessarily restricted
- Fence made of bronze very low profile.
- Creates great educational opportunities.

Mary Munk:

- Bottom layer of original map remains.
- Map placed in same place
- Installation of old map was bad job. Some issues remain.

Crisafi: Are you opposed to the map or the process? Reply: We're concerned about public access. Coastal Commission objected because of no pass through.

Nan Renner: Birch Aquarium. Map is useful education and for field programs.

Little: Can't support putting a fence around it. **Mary** described fence, pathways and access points.

Gordon: Is footprint same as old map? **Mary:** Footprint is same as what they gave us permission to do for old map. Gordon: original approval CDP/SDP? **Mary:** No, only Park & Rec approval.

Gordon: This is analogous to replacing a house burned down with another house covering the same footprint; a full CDP/SDP process would not be required. Mistake with first map not durable; logical to add fence. Disagrees that it blocks access to beach.

Costello: Will new map be more durable. **Grunow:** new type of installation, new material, very durable.

Neil: Any change to playground materials. Reply: No.

Motion: Approve letter as is. (Gordon/Kane) Vote: 11-4-1: Motion Carries

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Kane, Neil, Mangano, Manno, Shannon, Weissman

Opposed: Courtney, Jackson, Little, Rasmussen

Abstain: Crisafi (chair)

11.1 Micro mobility parking corrals for La Jolla. City proposal for placement of numerous defined spaces within the public street for the parking of dockless scooters and bicycles. Mauricio Medina and city staff. T&T June 19 minutes with response attached.

Presentation by Mauricio Medina: A packet handed out and power point presented. He is here to facilitate community feedback on locations city staff and traffic engineers have put together for corrals to park dockless scooters. The Corral are painted blocks on asphalt on city streets adjacent to red zones ranging from 10 x 6 ft. to 20 x 6ft. where operators will be required to stage the devices. Picture shown on screen. If no corral the 4 x 40 rule (4 devices together 40 ft apart) will be in effect. The goal is to get the devices off the sidewalks.

- o The first spread sheet in the packet is the master list staff sent to the council office as proposed locations for corrals in La Jolla village – around 150.
- o The spots were compiled from data provided by companies on hotspots where companies were staging and where there were large amounts of drop offs. The data was compared with corresponding red zones around it to put the locations on the map where they would not block fire hydrants or parking.
- o City staff has asked for input from all LJ community planning groups.
- o Since there was no desire for corrals in residential areas they have been removed from the list - highlighted in yellow.
- o Orange highlights show sites lifeguards wanted removed.
- o The next spreadsheet shows remaining sites. From this list T & T board members made a list of 71 sites plus 10 more indicated by an asterisk.
- o The Mayors office sent a letter to shared mobility device companies saying the City will pull your permit if you fail to comply with these regulations even before the 6 months are up and will take noncompliance into consideration for permit renewal.

Public Comment:

Miller: Who is in charge of enforcement and how will it work: Reply: Get it Done app will be used to report infractions. Miller: Our tax money is providing private companies solutions to solve their problems. Reply: City's website describes fully the permitting fees assessed per device and \$4,000 to get permit.

Weiss: Rental car companies go after the driver to recover penalties for violation of parking laws incurred by the driver. Why doesn't this apply to scooter rental companies. They have information of driver from credit cards used. These scooters are not good for the environment as the city says. They are a substitute for walking. Walking is good; scooters are dangerous. Get it done app is inappropriate for reporting a scooter. It asks for a license number. If it is reported as a sidewalk violation the report to owner of the scooter and the owners do nothing. He gave examples. I ask the CPA to vote to oppose all corrals until there is a mechanism to enforce penalties for leaving scooters anywhere. More money is needed and the money should come from the people who are making money off the devices. *(audience applause)* **Reply:** the action is whether to approve locations. Scooters are here.

Caroline Meade: There are other needs requiring striping on streets. This will add another striping effort on the street causing confusion. Soon there will be street vending on the sidewalks. The city needs to be aware of many different entities impacting the city streets causing havoc. Is there a comprehensive plan for these impacts. **Reply:** The corrals are mutually exclusive.

More comments followed opposing the corrals and scooters.

Chair called for a room vote: all in favor of the T & T motion to advise the city to place the 81 corrals: In favor: 0, opposed: 31, abstain: 2.

Trustee Comment:

Gordon: Thanked Medina for putting this together but I am against the corrals because the city has put the cart before the horse. A better enforcement plan needs to be in place first.

Weissman: We are told the city is going to do this regardless and if we don't vote for 73 they will put in 158. This is not a very good choice. The scooters came upon us without any input. I am afraid not to vote for this because then we will get something worse.

Costello: There is nothing to limit anything. Riders are only 'encouraged' to leave scooter in corral. Allowing vendors to use the Public Right of Way gives them an advantage over legitimate bike shops that rent scooters. The city is supporting scooter vendors over legitimate bike shops.

Neil: The Rec Center specifically stated they don't want corrals in front. Can you remove item # 72 in front of Rec Center? Also Bishops school who may not be aware of 20 ft. corral in front of them. Can these be removed? **Reply:** These items can be part of a motion. **Neil:** Is this plan for corrals temporary? The corrals are positive, but if not a trial program I can't support.

Courtney: what will happen if we do not support this? **Reply:** If there are no corrals then operators will be allowed to stage on sidewalks as stated in regulations.

Little: If goal is to keep scooters out of private property solution is to reward or punish riders for proper or improper behavior with scooters. City can put pressure on vendors to do this as they have credit card information.

Brady: T & T voted 6 to 3 to approve the 81 spaces identified. This approval was qualified to require vendors to have units geofenced to have rider charged until the scooter was put in the corral and to require the Get it Done app coordinated with enforcement. If there are no corrals the situation will continue and we will be remiss.

Manno: I resent being held hostage. Many things must be done before these corrals can be installed.

Kane: Agrees we are being held hostage. We are told this is going to happen; just give us a number of corrals. She recommends:

- o Geofencing is necessary.
- o Some corrals proposed are too close to schools
- o Some red zones may not be safe for scooters.
- o Many reasons for red zones needed such as space emergency vehicles, loading, etc. Traffic engineers should take a second look to vet the red zones for safety.
- o Program should be phased in.
- o How many scooters are needed? With 81 corrals with 10 scooters each that is 800 scooters in La Jolla Village. Really? Perhaps half of that.
- o A review after a period of time to assess how the program is working. City Council?
- o Scooters can still be dumped in residential areas.
- o One remedy is for a private company to collect and impound scooters improperly dumped. A company called Scooter Scooper is doing this.

Shannon: We need to figure out something better than painted boxes in public right of way on street to stage the scooters.

Crisafi: Can this be tied into valet or provide private parking spaces? **Reply:** Not feasible; there is signage on the pavement.

Brady: Motion to approve action of T & T committee, i.e. approving 81 corrals identified by T & T members and require the owners of the devices have them geofenced so that the users will continue to be charged until device is placed in the corral and also that the city improves the get it done app.

Kane: Recommended an amendment that corrals not be implemented until geofencing done and Get it Done app updated.

Fitzgerald: Speaking as handicapped person I will vote against motion because city does not recognize modifications and as currently presented the program is unenforceable.

Neil: Amend motion to remove items 72 and 80, corrals in front of Rec Center and Bishops School.

Motion: To approve action of T & T committee with 2 amendments above: (Brady/Neil) **Vote:** 4-10-2, ([per voting sheets](#)) **Motion fails**

In Favor: Brady, Gordon, Little, Neil

Opposed: Costello, Courtney, Fitzgerald, Ish, Jackson, Kane, Mangano, Manno, Rasmussen, Shannon, Weissman

Abstain: Courtney, Crisafi (chair)

Motion: Start with T & T motion with geofencing and get it done app upgrade done before corrals implemented, reduce number of corrals from 81 to 40 with analysis after 3 months to see if more needed, corrals selected comply with ordinance that none are within 500 feet of a school, red zones to be vetted by traffic engineering to make sure they are safe for scooters, City Council revisit the ordinance in 1 year for effectiveness and for any amendments needed. (Kane/Brady) **Vote:** 8-6-2, ([per voting sheets](#)), **Motion passes**

In Favor: Brady, Costello, Fitzgerald, Gordon, Kane, Neil, Shannon, Weissman

Opposed: Fitzgerald, Ish, Jackson, Little, Mangano, Manno

Abstain: Crisafi (chair), Courtney (?)

11.2 Hershfield Residence – CDP #2134597 & SDP #2134595 Project and environmental appeal. 8230 Prestwick Dr. See exhibits and documents @ <http://www.lajollacpa.org>

To Ratify/withdraw the appeal(s) based on applicant's proposed and documented changes

Crisafi: David Gordon and I had two meetings with applicant to review the proposed changes and to discuss what process is for withdrawal of project. We also had one meeting with the neighbors who had concerns and a second teleconference with these neighbors.

The process is either to continue on with the appeal with someone representing the CPA at the Planning Commission for the project and the City Council for the environmental appeal, or, if changes are significant enough there can be a decision to withdraw the appeal. That decision will get memorialized in the minutes and after the next meeting there will be communication with city staff. If the appeals are withdrawn there will have to be documentation and coordination of the changes with city planning since this is happening after all project actions are complete.

Larry Hershfield: Owner/Applicant. Eight items were appealed, six have been resolved because they were based on things we subsequently changed, outdated plans were shown to subcommittee, i.e. an item on a trellis that had been subsequently removed, factual questions articulated in appeal were resolved, so only 2 items left, #4 & # 7 #4 relates to slot windows, we don't have slot windows on front of house, they are traditional windows. North side articulation we think is visible. We can go through plans whatever you want. The Hearing Officer said every letter he received regarding the project had to do with its height. We have made a proposal to Tony and David to lower the height 4'. We could not design house that way this year because of the CC&R governing but they are scheduled to expire at the end of this year. Assuming they do expire we have an agreement here that if you withdraw your appeals, we will commit to lower the home 4' which we think addresses most of the concerns of our neighbors. Lowering the house 4' makes the house 1' higher than the existing home.

Chandra Slavin: Architect. These are the changes:

- We added in the covered terrace and atrium on lower level to square footage. We also had to double the square footage for phantom garage. Showed chart of revised computations of square footage included in FAR.
- Showed photos of nearby houses showing other similar houses nearby.
- Showed drawing of house with reduction in height of 4' and reduced height of garage from 14' to 10' Original 21.7' taken down to 17.7'.
- Trellis was removed from original plan.
- To reduce height by 4' we are removing the head structure and parapet that goes around to cover hip roof structure required by CC&R's which will expire the end of this year.
- We will process a construction change for substantial conformance Jan. 1, to make above changes to reduce height.
- Showed drawing showing there are no slot windows as shown on outdated plans.
- Showed drawing of north elevation pointing out articulation.

- Showed drawing showing comparison of original plan with revised plan with reduced height superimposed.

Courtney, Little: Questioned meetings with Crisafi, Gordon and applicant as violation of Brown Act.

Kane: She has had experience working with Brown Act. You may not have serial meetings or consensus by telephone. You may not contact majority of members on any particular item when discussing policy. If providing information, it is OK. You may not make an agreement out of public view. OK to discuss things or provide opinions.

Neil: Assuming that CC&R's expire, you do submit for const changes with substantial conformance, will we as trustees be able to confirm that this has happened. What structures do we have in place to insure that in January that happens.

Crisafi: If appeal is withdrawn, a copy of the full documentation needs to be with us, a copy for the applicant, a copy for DSD with confirmation for us that this is on the Coastal Permit as Exhibit A before Jan.1.

Hershfield: If we didn't do it you could sue us for breach of agreement. Our object is to be the best neighbors. Those are legal matters. We are not trying to get around anything.

Further discussion about CC&R's. It was determined that CC&R 's are not in purview of CPA.

Several neighbors voiced approval of the lowered height.

Faye Strum: concerned about geotechnical issues of very large basement. **Gordon** assured her that the city had thoroughly reviewed this issue.

Pat Miller: concerned about cumulative impact to neighborhood of very large structure.

Little: Motion to withdraw appeal based on word of Larry Hershfield.

Neil: Amend motion to be more specific on revised height. **Little:** Can't have conditions in motion.

Kane: If this will be moot by end of year, why do anything. Just suspend appeal. Crisafi: Can't suspend appeal; it will be docketed next month.

Courtney: Project has issues beyond height. Large basement on hillside lots not counted in FAR allows greater structures relative to buildable square footage of lot. Can't support motion.

Motion: withdraw appeal based on word of Larry Hershfield. (Little/Mangano) Vote: 5-10-1, Motion fails

In Favor: Costello, Jackson, Little, Mangano, Rasmussen

Opposed: Brady, Courtney, Fitzgerald, Gordon, Ish, Kane, Manno, Neil, Shannon, Weissman

Abstain: Crisafi: (chair)

Motion: Withdraw appeal based on highest point elevation of the structure revised at 338.58 feet above sea level based on documentation and incorporation of that document into the coastal permit as the high point of the building envelope. Chair returns with Aug. 1 with a hard plan. (Neil/Gordon) Vote: 13-1-2, Motion carries:

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: Courtney

Abstain: Little, Crisafi (chair)

11.3. Kornberg Residence CEP 2605 Ellentown Rd., Project no. #624979, Process 3, CDP for the demolition of existing single dwelling and construction of 3,449 s.f., one-story single-dwelling unit with 462 s.f. attached garage and a 701 s.f companion unit located at 2605 Ellentown Rd. The 0.3 acre site is in RS-1-4 zone and Coastal (Appealable) Overlay Zone within the La Jolla Community Plan area and CD1. DPR Motion: Findings can be made and motions passes 4-1-1.

Pulled from 6 June 2019 LJCPA regular meeting.

Marshall Horowitz, neighbor: This area was subdivided, lots were sold and divided again long ago creating odd shaped lots. A small triangle shaped piece of applicant's lot protrudes into Mr. Horowitz's property. It is not landscaped and looks bad. Applicant plans to use this small area for an extra parking space. It appears that he has plans to landscape around the parking space, but Mr. Horowitz does not want the parking space so close to his house.

Benny Chen: Neighbor. Wants to make sure the right plan gets submitted – the one approved today. We weren't told about something he submitted previously that was different from what we were told about.

Gordon: This is a continual problem for our CPA. If you see something happening be sure to contact the someone at the city, the project manager.

Merryweather: Thinks roof deck on this new structure allowing owners to look down on them is what is annoying the neighbors.

Kane: DPR reviewed this project thoroughly.

Motion: Support DPR findings and motion. (Jackson/Gordon) Vote: 15-0-1, Motion carries

In Favor: Brady, Costello, Courtney, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Crisafi (chair)

11.4 Ratify appeal to City Council of the Children's Pool SCR (PTS 627990).

Motion: Ratify appeal to City Council of the Children's Pool SCR (PTS 627990) Courtney/Little) Vote: 14-0-2 ([per voting sheets](#)) Motion carries

In Favor: Brady, Costello, Courtney, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Fitzgerald, Crisafi (chair)

Jackson left, reflected in vote count.

11.5 Review of the McLaren/Coach and the Conrad billboards to advise the city that they are determined to be murals or advertisements and that they be regulated as such.

Rasmussen: PDO limits signs. Signs contain content relating to the business within the building, specifically the McLaren depiction of a race car even though they took the name off. I submit that it is still a sign. By contrast the Mexican motif above Galaxy Taco has a much broader cultural content than the McLaren sign. The Conrad sign, that replaced the Murals Program previously approved Blah, Blah, Blah mural, was not approved by the Murals Program and clearly has content. Marco Polo sign, too large for PDO rules, is clearly a sign. Those are the 3 I know of that we should make a decision about.

Neil: Could I add the Nine-Ten Restaurant sign? OK

Little: Trustees need to know history of murals in La Jolla. About 10 years ago Scott Peters came to the CPA to promote the Murals Program. We approved the murals concept, but we did not want this group to be referees or judges of art or murals. The several art associations involved in the Murals of La Jolla program are still in business to approve potential murals and are continuing to do it. I think we have to be careful when we approve or disapprove a McLaren sign because it puts us in the position of judges of art.

Rasmussen: This is a determination that these four depictions have content, nothing to do with art. Just because someone painted it does not make it art; It has content related to the adjoining business. This is a request that this body determine that these depictions are advertising and therefore fall under the PDO and must be regulated.

Shannon/Costello: If McLaren or Nine-Ten went out of business and a different business was there, would he sign then be art?

Courtney: We need to fine tune the policy to give direction to PDO committee.

Rasmussen: These four signs appear to exceed the content allowance under the PDO.

Public Comment: This is a grey area and we are the body that can direct the PDO Committee

Merryweather: If there is a car on the sign and the business underneath sells that car that is clearly a billboard.

Forbes: PDO committee member. At the meeting we were loath to determine what was art, advertisement, graphics or mural. We are conversant with the many pages of the sign regulations. It is difficult to define their application and it is a slippery road to distinguish art from advertising. We said we would regulate things when they interfered with lighting, view corridors, safety or when they were obviously advertising. I believe that none of these signs meet that.

Motion: Advise the city that the McLaren, Conrad, Marco Polo and Nine-Ten Prospect signs are billboards and need to be regulated by the PDO. (Rasmussen/Kane)

Manno: The Murals maintained by the Athenaeum, whether good or bad, are art. These four businesses are using their buildings for advertisement. Their signs were not initiated by the Murals Program and are entirely different.

Vote: 11-3-1, **Motion carries.**

In Favor: Costello, Courtney, Gordon, Ish, Kane, Little, Mangano, Manno, Rasmussen, Shannon, Weissman

Opposed: Brady, Fitzgerald, Neil

Abstain: Crisafi (chair)

11.6 Banners – Matt Mangano compose a summary for this? Information only

Mangano: Banners, particularly on overpasses, have been brought to this committee several times. Code Compliance has been alerted of this issue. I followed up with Caltrans, the Vehicle Code, UCSD, the LJ Historical Society and the City of San Diego. As of now the issue of temporary banners on overpasses is a grey area. With Code Compliance alerted, I'm sure the city will address this issue and create a permit and fee structure for it. The Vehicle Code provided no answer. The San Diego Municipal Code has very specific regulations about banners and signs but does not address overpasses. The latter may be implied. This Committee will function more effectively if anyone who wants to bring this issue here does their own research to support their position. My view here is objective.

Miller: Is there a committee in La Jolla that addresses these banners? Besides overpasses there is a proliferation of banners on fences. **Reply:** Banners on private property is a Code Compliance issue.

Forbes: No banners are allowed in the Cultural Zone. The banners on the Rec Center fence will be addressed at the next Park & Rec meeting.

XX. Adjourn 9:48 to next regular LJCPA Meeting: Thursday, August 1, 2019 at 6:00 pm.