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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, 5 July 2012

FINAL MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Devin Burstein, Laura Ducharme-Conboy, Michael Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Cindy Thorsen.

Absent: Frances O'Neill Zimmerman.

1. Welcome and Call To Order: Tony Crisafi, President, at 6:04 PM

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Gabsch/Courtney, 13-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Merten, Thorsen.

Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 7 June Regular Meeting

Secretary Allen noted that the minutes would be expanded to specify the appointees of the other Parent Organizations to Joint Committees and Boards (Item 8A). **Trustee Manno** advised of an error in the listing of votes on the second motion on the UCSD Hillel Center (Item 14). **Trustee Conboy** pointed-out that in discussion of that item (Item 14) the property was said to be zoned R-1 when in fact it is zoned SF.

Approved Motion: Motion to approve the Minutes of the 7 June Meeting as corrected, (Fitzgerald/Thorsen, 10-0-4).

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, LaCava, Lucas, Manno, Thorsen.

Abstain: Merten, Brady, Gabsch, Crisafi.

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

Ms. Demorest spoke about the two vacancies on the La Jolla Shores Planned District Advisory Board and the deferral of consideration of the powerplant proposed for City-owned land just east of I-805 in University City.

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

Melinda Merryweather encouraged attendance at the 11 July Coastal Commission meeting on the rope barrier at Children's Pool in opposition to the City's application. **Jane Reldan** endorsed turnout in favor of the City's application. **Ann Marie Butler** expressed concern with ongoing grading and changes to drainage at 6324 La

Pintura. **Scott Hasson**, candidate for Trustee of the San Diego Community College District, spoke.

6. Non-Agenda Items for Trustee Discussion

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

Trustee LaCava commented that the changes to Council Policy 600-24 mentioned last month do not alter our operating guidance. He reviewed the rule regarding abstentions from votes that calls for stating the abstainer's reason. **Trustee Merten** commented on the delayed mailing of notices from the City for two recent meetings of the La Jolla Shores Planned District Advisory Board. **Trustee Little** asked about the Ad Hoc Committee on Trustees Representing Project Applicants or Project Opponents. **Trustee Merten** replied the committee will meet in the near future and that Trustees will be notified by e-mail. **Trustees Little, Thorsen and Merten** discussed code compliance in cases of remodels and other projects handled by the city administratively (i.e. - without review by LJCPA or its committees), such as the 6324 La Pintura grading brought up under Non-Agenda Public Comment. **Trustee Merten** suggested that the LJCPA could consider these issues in our capacity as a California corporation, even though that is outside the scope of our role as a recognized advisory entity to the City. He suggested possibly holding separate monthly meetings to act in each capacity. **Trustee Allen** reported meeting of a committee of officers (Trustees Fitzgerald, Gabsch and Allen) over letters to LJCPA and to the City from Mr. & Mrs. Michael Bruser in regard to the Encore Trust project alleging that LJCPA actions in general were in contravention to rules, regulations and requirements, specifically Council Policy 600-24. A letter in response requesting specifics was sent with follow-up e-mail, and nothing further has been received. A report will be made to the City.

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 Fitzgerald presented the results for the past month. June Beginning Balance: \$361.30 + Income \$331.02 – Expenses \$102.98 = July Beginning Balance: \$589.34. Expenses for the month included agenda printing, telephone expenses and meeting recorder batteries. The ending balance is higher than usual because the semi-annual rent payment of the meeting room was not made because the City has not confirmed the rate.

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

A. Trustee Special Election – candidate statements / last chance to announce candidacy! Election August 2nd.

Statements were made by **Bob Collins** and **Jane Reldan**. A written statement was read for **Bob Steck**, who could not attend.

B. California Coastal Commission Hearing – July 11th @ 8:30a – Children's Pool Rope Barrier Letter sent to Coastal Commission per Sept 2010 hearing .

C. COW Training

All Trustees please send your certificate of completion to info@lajollacpa.org for record keeping.

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. AT&T

PDO Action: Based on the conclusion that the top portion of the new enclosure, with no roof and its 7' 2" height, does not constitute a 3rd story, the proposed changes conform to the PDO. 8-0-0

5644 La Jolla Blvd - The proposed permit is to allow AT&T to continue operation of an existing wireless communication facility.

B. Robbins Residence – *Pulled by Trustees Merten and Costello*

DPR ACTION: Findings can be made for a Variance for over height walls within the required setbacks, eliminate required on site parking and walls above 3' within the required visibility areas and Neighborhood Development Permit for a 5' wall in the public right of way at 475 Gravilla St. 5-0-0

475 Gravilla Street - Variance for over height walls within the required setbacks, eliminate required on site parking and walls above 3' within the required visibility areas and Neighborhood Development Permit for a 5' wall in the public right of way.

C. Almeria Court EOT

DPR ACTION: Findings can be made for an Extension of Time for a NDP for Environmentally Sensitive Lands to construct 2 single family residences with 4,330 SF and 4,405 SF on two vacant lots of 11,443 SF and 11,485 SF at 2370 and 2380 Almeria Court. 5-0-0

2370 & 2380 Almeria Court - Extension of Time for NDP 436478 and 436963 for Environmentally Sensitive Lands to construct 2 single family residences with 4,330 SF and 4,405 SF on two vacant lots of 11,443 and 11,485 SF.

D. Girgis Residence

DPR ACTION: to recommend approval of the project as presented, with the changes requested by the presenters that the finish of the south retaining walls will be split-face concrete masonry units of an earth tone. 6-1-1

811 Havenhurst Point- CDP and SDP for Environmentally Sensitive Lands to demolish existing residence and construct a 7,384 SF single-family residence on a 0.40 acre site.

E. 19th Annual San Diego Triathlon Challenge

T&T ACTION: Motion to approve street closures. 6-0-0

Street Closures – Proposed street closures as in previous years, Oct. 21st Scripps Park.

F. End of Summer Fire Run

T&T ACTION: Motion to approve street closures. 6-0-0

Street Closures – Proposed street closures as in previous years, August 26th.

G. Stop Sign- Draper at Westbourne

T&T ACTION: Motion to approve all way stop sign. 6-0-0

Draper & Westbourne – proposed all way stop.

H. Increase speed limit from 25 MPH to 35 MPH - Nautilus Street – *Pulled by Trustee Little*

T&T ACTION: Motion to approve 2-3-1

Nautilus St from W. Muirlands to Fay - an increase in the posted speed limit.

I. Increase speed limit from 25 MPH to 35 MPH - La Jolla Scenic Dr. North

T&T ACTION: Motion to approve 6-0-0

La Jolla Scenic Dr North between La Jolla Parkway and 8199 La Jolla Scenic Dr. North where median starts- an increase in the posted speed limit.

J. La Jolla Food and Wine Festival

T&T ACTION: Motion to approve street closures 5-1-0

Street closure - Girard between Prospect and Kline, October 13th and 14th.

Approved Motion: Motion

To accept the actions of the Planned District Ordinance Committee: (A) AT&T: Based on the conclusion that the top portion of the new enclosure, with no roof and its 7' 2" height, does not constitute a 3rd story, the proposed changes conform to the PDO, and forward the recommendation to the City,

To accept the actions of the Development Permit Review Committee: (C) Almeria Court EOT: Findings can be made for an Extension of Time for a NDP for Environmentally Sensitive Lands to construct 2 single family residences with 4,330 SF and 4,405 SF on two vacant lots of 11,443 SF and 11,485 SF at 2370 and 2380 Almeria Court, and (D) Girgis Residence: Recommend approval of the project as presented, with the changes requested by the presenters that the finish of the south retaining walls will be split-face concrete masonry units of an earth tone, and forward the recommendations to the City,

To accept the action of the Traffic & Transportation Board: (E) 19th Annual San Diego Triathlon Challenge: Approve street closures, (F) End of Summer Fire Run: Approve street closures, (G) Stop Sign - Draper at Westbourne: Approve all way stop sign, (I) Approve increase of speed limit from 25 MPH to 35 MPH - La Jolla Scenic Dr. North, (J) La Jolla Food and Wine Festival: Approve street closures, and forward the recommendations to the City.

(Fitzgerald/Manno, 15-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen.

Abstain: Crisafi.

10. Reports from Other Advisory Committees - Information only

A. Coastal Access and Parking Board - Meets 1st Tues, 4pm, La Jolla Recreation Center.

Did not meet in June

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

Trustee LaCava reported that the CPC will hold a workshop on utility boxes.

11. Chase Bank - Action Item

5605 La Jolla Blvd - Neighborhood Use Permit to change of use from surf shop back to a bank (was Security Pacific Bank in 1970's). Project bypassed Consent Agenda at applicant's request. Signage under separate review.

PDO MOTION (May 2012): To approve applicant's NUP Application under prior nonconforming use; proposed use conforms to the PDO. 9-1-0

Changes since May 2012 PDO meeting: Redesign parking and ADA path to meet City standards.

Applicant's representative: **Steve Laub**

Mr. Laub made a presentation. **Trustees Little** and **Lucas** asked about parking and traffic. **Mr. Laub** said the City determined the project size was such that it would have no significant traffic impact. **Trustees LaCava** was concerned about exterior changes.

Approved Motion: To approve Chase Bank NUP Application under prior nonconforming use; proposed use conforms to the PDO, (Fitzgerald/Costello, 14-0-2).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Merten, Thorsen.

Abstain: Crisafi, Little.

At this point the sequence of the agenda was modified to hear Item 14 at "Time Certain".

12. Children's Pool Rope Barrier – Action Item

City of San Diego proposal, pending before the Coastal Commission, for the installation and maintenance of a 4 ft. high, 152 linear ft. rope barrier with 3 ft. opening for ocean access, support posts, foundations and informational signs, on a year-round basis, in perpetuity, to provide a buffer between humans and seals.

LJCPA ACTION (Sept 2010): Motion to deny a "Rope Barrier" to remain in place year round on the Children's Pool Beach because the "Rope Barrier" creates more problems than it resolves and findings cannot be made for a Coastal Development Permit. Passed 10-1-2

LJ PARKS & BEACHES ACTION (June 2012): A motion was made to deny CDP Application No. 6-11-078 to install a year-round rope and to give to the community six months to come forth with feasible mitigation alternative for

people and seals to share the beach. 15-0-1

Presenting: **Ed Harris** (Sergeant, San Diego lifeguards, representing California Teamsters Local 911)

Mr. Harris presented the lifeguard's union proposal, which he made at the LJParks & Beaches meeting and which led to the motion from that group. The proposal is aimed at coexistence of people and seals, conflict reduction between factions and cleaner sand and water. Several speakers addressed the proposal: **Agnes Hancock, Melinda Merryweather, Susan Geller, Elen Shively, Jeanne Thoennes, Phil Hancock, June O'Hara, Dianne Piella** and **Carol Archibald**. **Trustee Burstein** read a July 2011 letter from LJCPA reiterating our position against a "Rope Barrier". **Patrick Ahern**, President of LJP&B, said their resolution was in response to the Coastal Commission staff report that there was no better mitigation to the City's proposed year-round "Rope Barrier". **Jane Reldan** made a presentation in favor of the City's application and in rebuttal to the lifeguard's union proposal. Further comments were made by **David Singer, Rob Whittemore, Mandy Merryweather, Laura Meldrum** and **Phyllis Minick**. **Trustees Thorsen, Brady, Burstein, Crisafi, Bond, Merten, LaCava, Lucas** and **Fitzgerald** commented. Significant discussion issues were apparent lack of enforcement by the City of noise, signs and access regulations, history of public use, history of seal arrival and the monitoring requirements imposed on the City by the Coastal Commission staff report.

Approved Motion: To reaffirm LJCPA opposition to a year-round "Rope Barrier" at Children's Pool beach, and to support LJP&B action of June 2012 to give the community six months to come forth with feasible mitigation alternative for people and seals to share the beach, (Courney/Brady, 12-3-1).

In favor: Allen, Brady, Burstein, Conboy, Costello, Courtney, Gabsch, Little, Lucas, Manno, Merten, Thorsen.

Opposed: Bond, Fitzgerald, LaCava.

Abstain: Crisafi.

13. Zegarra Retaining Wall – Action item

2974 Caminito Bello - SDP for Environmentally Sensitive Lands for the construction of an existing retaining wall adjacent to a canyon and a NDP for an existing free standing solid wall within the Public Right-of- Way along La Jolla Scenic Dr.

PRC ACTION (June 2006): Move to approve wall within the setback areas with conditions. 1. Provide setback information on site plan, 2. Conform wall to municipal code for wall heights, 3. Apply for variance if required 4-0-0

CPA ACTION (Aug 2006): To approve the consent calendar. Item #3 only. Amendment to Motion: Golba. If the Committee conditions trigger a Variance the applicant will return to the committee. 14-0-0

PRC ACTION (Feb 2012): More information is needed. Continue item to a future meeting. 6-0-1 See Feb 2012 PRC committee report for further information.

PRC ACTION (March 2012): Finding for a Neighborhood Development Permit cannot be made 4-2-2

LJCPA ACTION (Apr 2012): Pulled from Consent Agenda by applicant

Presenting: **Brian Longmore**, Applicant: **Julian Zegarra**

Mr. Longmore made a presentation on the history of the project. **Helen Boyden** detailed the considerations of the PRC. Points of contention are the design principles (oversize wall height and architectural unity), sideyard public view and Community Plan scenic overlook. **Trustees Gabsch, Courtney, Little, Conboy, Thorsen, Crisafi, LaCava** and **Costello** commented.

Failed Motion: Findings can be made for a Neighborhood Development Permit for the project as proposed by the applicant for a 5 ½ to 6 foot-high existing free standing solid wall within the Public Right-of-Way from property line to property line along the La Jolla Scenic Dr. (Burstein/Thorsen, 6-9-1).

In favor: Brady, Burstein, Courtney, LaCava, Lucas, Thorsen.

Opposed: Allen, Bond, Conboy, Costello, Fitzgerald, Gabsch, Little, Manno, Merten.

Abstain: Crisafi.

Failed Motion: To uphold the motions of the PRC that 1) Finding for a Neighborhood Development Permit (The proposed development will not adversely affect the applicable *land use plan*.) cannot be made, because the solid wall along La Jolla Scenic Drive does not comply with *the Visual Resources* section of the *Open Space Preservation and Natural Resources Protection Policies* of

the Natural Resources & Open Space System Element of the La Jolla Community Plan pertaining to the preservation and enhancement of public views from Identified Public Vantage Points (LJCP pages. 46 and 47), and 2) Finding for a Neighborhood Development Permit (The proposed development will comply with the applicable regulations of the *Land Development Code* including any allowable deviations pursuant to the *Land Development Code*.) cannot be made because the solid wall along La Jolla Scenic Drive does not provide the public view corridors within both side yard setback areas as required by LDC Sect. 132.0403(b); and the overall height and length of the solid wall within the street ROW does not comply with the *Design Principle* section of the *General Design Regulations* of the LJSPDO [Sect. 1510.0301(b)], because the overall height and length of the solid wall within the ROW is so different in form and relationship from development on adjacent parcels it will disrupt the architectural unity of the area, (Conboy/Gabsch, 7-8-1).

In favor: Bond, Conboy, Costello, Fitzgerald, Gabsch, Little, Merten.

Opposed: Allen, Brady, Burstein, Courtney, LaCava, Lucas, Manno, Thorsen.

Abstain: Crisafi.

Failed Motion: To approve the recommendations of the City staff, (Allen/Costello, 8-8-0).

In favor: Allen, Brady, Crisafi, Costello, Courtney, Fitzgerald, Manno, Thorsen.

Opposed: Bond, Burstein, Conboy, Gabsch, LaCava, Little, Lucas, Merten.

12. Belvedere Promenade – Action Item

Proposed reconfiguration of Prospect/Girard Dip that would convert northbound lane to a pedestrian promenade and reconfigure the southbound lane to two-way traffic. Seeking support for concept.

T & T MOTION (June 2012): Motion to approve 4-2-0

Presenting: **James Alcorn**

Mr. Alcorn showed a model and provided handouts. **Trustees LaCava, Costello, Allen, Courtney, Gabsch, Brady and Manno** discussed the concept. Significant issues are parking on the Lower Girard hill, restaurant loading access and sidewalk cafes. A fund raising effort is planned

Approved Motion: To approve the concept for Belvedere Promenade as presented with the applicant to come back with a final version for review, (Conboy/Thorsen, 15-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen.

Abstain: Crisafi.

15. Lewis Residence – Action item

1705 Valdes Dr. - Variance and Coastal Development Permit for an over-height wall in the front yard setback of an existing single family residence.

DPR ACTION (June 2012): The findings for a Variance and Coastal Development Permit for an overheight wall in the front yard setback of an existing single family residence at 1705 Valdes Drive can be made. 2-3-0

Presenter: **Walter Crampton**

Mr. Crampton presented photos and provided a handout. **Trustees Merten, Thorsen, Conboy, LaCava and Little** discussed the project. Comments concerned the aesthetics of alternatives shown.

Approved Motion: The findings for a Variance and Coastal Development Permit for an overheight wall in the front yard setback of an existing single family residence at 1705 Valdes Drive can be made, (LaCava/Conboy, 12-3-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, LaCava, Lucas, Manno, Thorsen.

Opposed: Gabsch, Little, Merten.

Abstain: Crisafi.

16. Adjourn, at 10:00 PM.

Next Regular Monthly Meeting, 2 August, 6:00 pm.