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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, 2 August 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, Frances O'Neill Zimmerman.

1. Welcome and Call To Order: Tony Crisafi, President, at 6:05 PM

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Brady, 9-0-1).

In favor: Allen, Brady, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Manno, Merten.
Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 5 July Regular Meeting

Approved Motion: Motion to approve Minutes of the 5 July Meeting, (Brady/Fitzgerald, 9-0-1).

In favor: Allen, Brady, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Manno, Merten.
Abstain: 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 reported that the Historical Sites Board will consider changes to the historical designation process at their meeting 13 August; the Planning Commission will hear the year-round rope barrier at Children's Pool on 30 August at 8:20 AM in the City Council chamber at 202 C Street, 13th floor; there will be a career fair 25 August 8 AM to noon at Golden Hall.

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

Jane Reldan repeated Erin Demorest's announcement concerning the Children's Pool rope barrier. **Marne Foster**, candidate for San Diego Unified School District board, District E, spoke. **Michelle Fulks** announced that Tuesday, 7 August, is "National Night Out", crime/drug prevention event; she hopes La Jolla will organize activities in the community for next year. **Robert Felix**, from Walk San Diego, announced "Walk Audits" planned for the end of September; SANDAG has increased funding for pedestrian facilities. **Joe Parker**, President, Bird Rock Community Council, announced their community event/fundraiser to be held 11 August. **Michael Morton**

reported that the Gatto Residence (8368 Paseo del Ocaso) was completed, and he also spoke about seeking donations for the La Jolla Community Center, formerly the Riford Senior Center.

6. Non-Agenda Items for Trustee Discussion

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

There were no comments from Trustees.

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. July Beginning Balance: \$589.34+ Income \$156.01 – Expenses \$398.02 = August Beginning Balance: \$347.33. Expenses for the month included agenda printing, telephone expenses and the semi-annual rent payment for the meeting room.

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 – today; polls to close at 7 PM.

B. A Committee Appointment by other community group - for ratification by Trustees – action item

Approved Motion: Motion to ratify the appointment by the other parent organization, La Jolla Town Council, of Mathew Welsh to the Development Permit Review Committee, (Costello/Manno, 12-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Manno, Merten, Gabsch, LaCava, Little.
Abstain: Crisafi.

C. Confirm membership of Ad Hoc Committee on Trustees Representing Project Applicants or Project Opponents – Action item

Appointees, per May LJCPA meeting action: Phil Merten - Chair, Mike Costello - Vice Chair, Laura Ducharme-Conboy, Jim Fitzgerald, Joe LaCava, Tony Crisafi, Cindy Thorsen, Rob Whittemore.

Comments about the makeup of the committee were made with regard to appropriateness of participation by persons with professional interests in development, construction, architecture, *etc.* Speaking were **Trustees Little, LaCava, Manno, Courtney, Brady** and **Fitzgerald**. Also commenting were **Jane Reldan, Esther Viti** and **Bob Whitney**.

Approved Motion: Motion to ratify the appointments to the Ad Hoc Committee on Trustees Representing Project Applicants or Project Opponents, (Gabsch/Manno, 10-2-3).

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

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. SPOT Kids Sign

PDO Action: This sign substantially conforms to the PDO. 7-0-0

7632 Herschel Ave- New signage to be positioned on the front stucco wall above trellis.

B. Mazon EOT

PRC ACTION: The findings can be made for an Extension of Time for the CDP No. 569852 and SDP No. 569853. 5-0-2

7921 El Paseo Grande - EOT for CDP No. 569852 and SDP No. 569853 to demolish an existing residence and construct a 4,461 SF single-family residence on a 0.14 acre site

C. Palazzo SCR – *Pulled by Mike Costello*

PRC ACTION: The Findings can be made for Substantial Conformance of plans dated July 2, 2012 and submitted to the City against vested CDP No. 46240, SDP No. 4624, PDP No. 207962 and Map Waiver No. 219822. 6-0-1

2402 Torrey Pines Rd - SCR against PTS#19379; CDP No. 46240, SDP No. 46241, Planned Development No. 207962 & Map Waiver No. 219822. The original approval allows 30 dwelling units and SCR proposes 27 dwelling units

D. Lai Residence EOT

PRC ACTION: The findings can be made for an Extension of Time for CDPs 51302 and 40871, SDP 51303 and 40872 and Lot Line Adjustment 165689. 6-0-1.

2037 Torrey Pines Rd - Extension of Time for CDP 51302 and 40871, SDP 51303 and 40872 and Lot Line Adj. 165689 to construct a 6,700 SF residence on a 0.23 acre vacant site and demolish an existing two car garage and add a 677 SF three car garage and add a 1,196 SF guest quarters to an existing 1,787 SF residence

E. Valet Permit 909 Prospect St – *Pulled by Nancy Manno*

T & T ACTION: Approved, 4-1-1.

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

F. 9th Annual La Jolla Concours d'Elegance – *Pulled by Dan Courtney*

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

Friday April 6th to April 7th- Street Closures

G. Red Curb 7205 Olivetas – *Pulled by Mathew Welsh, applicant*

T&T ACTION: Not approved, 3-3.

7205 Olivetas – red curb opposite the driveway of 7205 Olivetas

Trustee LaCava commented on the sloppy reporting of Traffic & Transportation Board minutes to the Trustees.

Approved Motion: Motion

To accept the action of the Planned District Ordinance Committee: (A) SPOT Kids Sign: The sign substantially conforms to the PDO, and forward the recommendation to the City,

To accept the action of the Development Permit Review Committee: (B) Mazon EOT: The findings can be made for an Extension of Time for the CDP No. 569852 and SDP No. 569853, and forward the recommendation to the City,

To accept the action of the La Jolla Shores Permit Review Committee: (D) Lai Residence EOT: The findings can be made for an Extension of Time for CDPs 51302 and 40871, SDP 51303 and 40872 and Lot Line Adjustment 165689, and forward the recommendation to the City,

(Gabsch/Fitzgerald, 14-0-1).

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

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 July

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

Trustee LaCava reported that the CPC is still working on the issue of utility boxes; the Mayor wants Community Planning Associations to participate in the October/November period in the development of next year's list of Capital Improvement Projects. **Trustee Manno** suggested forming a committee to work on this. **Don Schmidt** commented.

11. Robbins Residence - Action Item

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.

DPR MOTION (June 2012): Findings can be made for a Variance for over height walls within the required setbacks, eliminate required onsite 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

LJCPA ACTION (July 2012): Pulled from Consent Agenda by Phil Merten.

Presenting: Matt Peterson attorney for applicant: Jim Robbins

Mr. Peterson explained the situation and provided a handout. It is a garage conversion to living space and associated wall, fence and landscape improvement. **Trustee Merten** opposes due to the loss of parking in a neighborhood where there are small lots and an apparent parking shortage. He emphasized the details of the development code which indicate that findings could not be made and provided a handout. **Jim Robbins**, the applicant, stated that the original garage and driveway were unusable for modern automobiles with lower ground clearance than those at the time of the home construction; no reasonable driveway modification would solve the problem. There were questions from **Trustees Burstein, Courtney, LaCava, Allen** and **Bond**. Questions also were asked by **Jane Reldan, Claude-Anthony Marengo** and **Bob Collins**. In addition to **Trustee Merten**, there was discussion by **Trustees Costello, Lucas, Crisafi, LaCava, Fitzgerald** and **Zimmerman**.

Approved Motion: Findings can be made for a Variance and Neighborhood Development Permit for over-height walls within the required setbacks, remove required non-conforming on-site parking and modify non-conforming walls to comply with the three-foot high SDMC visibility requirements and to allow the bottom three feet of the existing wall to remain in the public right-of-way based on the right-of-way and fence revision drawing dated 10/3/2011 and understanding that the variance will include the proposed deed restriction for Robbins Residence, 475 Gravilla Street, (Costello/Burstein, 12-4-1).

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

Opposed: Conboy, Little, Merten, Zimmerman.

Abstain: Crisafi.

12. Increase speed limit from 25 MPH to 35 MPH - Nautilus Street – Action item

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

T & T ACTION (June 2012): Motion to approve failed 2-3-1

LJCPA ACTION (July 2012): Pulled from Consent Agenda by David Little.

Applicant: City of San Diego

Trustees Little, Gabsch, Conboy, Allen, Brady, Courtney, Lucas, LaCava and **Thorsen** spoke on the issue. The problem is that San Diego Police will not use radar in areas such as this one where the posted limit is less than the 85th percentile of car speeds measured in a speed survey. A raise in the posted limit from 25 to 35 MPS would permit use of radar on Nautilus St from W. Muirlands to Fay to apprehend and cite speeders. A secondary issue was participation of neighbors in the City's process to propose this changed speed limit. **President Crisafi** read letters in opposition to changing the speed limit from **Barbara Hagey** and **Allen Brown**.

Approved Motion: Do not increase the speed limit on Nautilus St from W. Muirlands to Fay, (Burstein/Zimmerman, 14-2-1).

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

Opposed: Allen, LaCava.

Abstain: Crisafi.

13. Bird Rock Mixed Use - Action Item

5702 La Jolla Boulevard - CDP to construct 10 residential for-rent units and 7,726 SF of commercial space on a vacant 0.37 acre site.

PDO MOTION (JULY 2012): The proposed Bird Rock Mixed Use project #259362 conforms with the LJ PDO. Balcony rail planters and grasscrete in the alley dedication area are recommended. 6-0-1

DPR MOTION (JULY 2012): The Findings for a CDP and NDP, that the development complies with the applicable regulations of the Land Development Code, cannot be made because the LJPDO does not allow tandem parking for commercial uses. 5-0-2

Full consideration at request of Applicant

Presenting: **C.-A. Marengo**, applicant's representative and project architect

Mr. Marengo provided written presentation material. He explained why the DPR voted that findings could not be made, and he provided his counter arguments. This is the fourth iteration of development proposals for this parcel. **Sara Breck, Jane Reldan, Don Schmidt, Joe Parker, Bill Breck, Darcy Ashley** and **Fred Webber** addressed the issues. **Trustees Little, Lucas, Costello, Courtney, Thorsen, Conboy, LaCava, Merten, Manno, Gabsch** and **Crisafi** discussed the proposal. Trustee discussion centered on the issue the functionality of tandem parking accessed by the relatively narrow alley. An additional concern was the parking impact of this project and others as the commercial area of Bird Rock fills in.

Approved Motion: The findings can be made for a Coastal Development Permit and a Neighborhood Development Permit for the proposed Bird Rock Mixed Use project, (Thorsen/Brady, 13-2-1).

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

Opposed: Bond, Costello.

Abstain: Crisafi.

Trustee Special Election Result – one vacant seat due to Trustee resignation announced in May

Election Chair **Cindy Thorsen** presented the vote count to **President Crisafi**, who then announced the result: Bob Collins is elected. He fills out the term of Ray Weiss who resigned. This is a 3-year term that began in April 2011 and ends in April 2014.

The number of ballots cast was 48. **President Crisafi** announced that results can be challenged until Thursday, August 9, 5:00 pm. If no challenge, the ballots will be destroyed.

President Crisafi thanked Election Chair **Trustee Thorsen** for running a flawless election, and thanked **Trustees Little** and **Zimmerman** who contributed their time assisting. **Trustees** expressed their gratitude.

14. CPA Role in Code Violations within the Community – Discussion / Action Item

DPR MOTION (JULY 2012): The DPR Committee recommends that the LJCPA take a formal position on projects where code violations negatively affecting community and neighborhood character have occurred. 7-0-0

Discussion ensued on what kinds of violations – visual appearance or building technicalities – would be subject. How would LJCPA initiate an action and to whom would it deliver it? There was an assertion that City code enforcement is separate from building inspection staff and the former cannot act until the latter has approved and signed-off a permit. Is the matter that the Development Services Department is interpreting codes in error in the permit process? A concern voiced was that if the LJCPA acted outside the scope of functions for which it is recognized by the City of San Diego, although it certainly could under its status as a corporation, indemnification from the City

might not apply. If that were the case, costly insurance might be needed. **Trustees Merten, Zimmerman, Crisafi, Conboy, Little, Allen, Fitzgerald** and **Thorsen** spoke on the issue as did **John Berol, Erin Demorest, Bob Whitney, Helen Boyden,** and **Claude-Anthony Marengo. Trustee Manno** suggested that because of the complexity of the issue the discussion be continued at committee level, namely by the DPR Committee. **President Crisafi** suggested referral to the Ad Hoc Committee on Trustees Representing Project Applicants or Project Opponents.

15. Adjourn, at 9:40 PM.

Next Regular Monthly Meeting, 6 September, 6:00 pm.