

La Jolla Community Planning Association

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Trustee Meeting Draft Minutes 2 September 2021, 6pm

President: Diane Kane
1st Vice President: Greg Jackson
2nd Vice President: Brian Will
Secretary: Suzanne Weissman
Treasurer: Larry Davidson

Regular Monthly Meetings: 1st Thursday, LJ Recreation Center, 615 Prospect St
(Executive Order 8-21: Meetings are being held online through 30 Sep 2021)

Links for Registration and Materials pages can be found at <https://lajollacpa.org/2021-agendas/>

Viewing, listening, and speaking at meetings require registration. To have attendance counted toward membership or voting, registration must be in the member's name. Meetings are recorded, and recording is publicly available. **Refer to projects or issues, not to applicants or opponents.** For action items, chair calls on public, then Trustees, closes discussion upon consensus, and calls for motions. Trustees vote by roll call or show of hands.

The public is encouraged to participate in Committee/Board meetings before LJCPA discussion:

- PDO – Planned District Ordinance Committee, Chair Deborah Marengo, 2nd Monday, 4:00 pm
- DPR – Development Permit Review Committee, Chair Brian Will, 2nd & 3rd Tuesday, 4:00 pm
- PRC – La Jolla Shores Permit Review Committee, Chair Andy Fotsch, 3rd Monday, 4:00 pm
- T&T – Traffic & Transportation Board, Chair Brian Earley, 3rd Wednesday, 4:00 pm

Quorum present: Ahern, Boyden, Costello, Davidson, Hostomska, Ish, Jackson, Kane, Manno, Rasmussen, Steck, Weiss, Weissman, Will, **Absent:** Courtney, Neil, Rudick, Shannon

1. Call to Order (6:02pm, action items)

1.1. Approve Agenda (action)

Kane: Remove item 5.1, Cuvier, 7.1.4, CIP Priorities.

Rasmussen: Move to add revision and correction to map prepared by Development Services of PT. LJ and Boomer Beach area that is not accurate; time sensitive because City is moving forward to extend closure beyond Sept. 15. (Rasmussen/Costello) **Vote:** 8-5-1, Motion fails – not required 2/3.

Kane: Add: Authorize President to appeal 7248 Encelia, 7231 Romero Project pending contrary decision by Hearing Officer on Sept. 15.

Boyden: If decision is made on 9/15, President has authority to appeal per bylaw Article VIII, Section 6(D) and ratify at next meeting. No action needed.

Weissman: Since there is some confusion in Bylaws, we could get approval ahead of the decision to advise the public of possible appeal.

Marlon Pangilinan: Nothing to appeal if decision has not been made.

Further comments: We should not approve an appeal before we know the decision.

Kane: Do we have flexibility to appeal if we choose to? In past we have relied on decision of this body to carry forward an appeal if City decision is contrary to our recommendation. Timing of City decisions often are out of sink with our calendar. We want to preserve our ability to appeal contrary decisions.

Weiss: This rule may not give the CPA the full 10 days allowed for every citizen to draft their appeal.

Pangilinan: Your bylaws cover timing differences in Article VIII, Sec. 6(D). Bylaws say contrary decisions are appealable. It is an automatic or procedural thing that the PG is ready to appeal if

City makes a contrary decision. Findings made during PG review not to support a project are basic grounds for appeal.

Merten: Emphasized words: “. . . president shall file a timely appeal.”

Motion: Approve agenda with items 5.1 and 7.1.4 removed. (Will/Steck) **Vote:** Unanimous, chair abstains. Motion carries.

1.2. **Approve Minutes (action)**

Motion: Approve Minutes as presented: (Jackson/Steck) **Vote:** unanimous, chair abstains. Motion carries.

2. **Non-Agenda Public Comment (information only)**

Opportunity for public to speak on matters not on the agenda, 2 minutes or less. No votes or action unless properly noticed at least 72 hours in advance.

Kurt Hoffman: Thank you for your support in letter submitted objecting to the emergency closure of Pt. L.J. The City is applying for permanent closure and the map drawn did not have any public input. The area that closes off Boomer Beach includes half of the sandy beach there and is not necessary. It should not include the area in front of the Bridge Club that allows us access there.

John Leek: Appeal of closure should not have been rejected according to the code. You can present that appeal to the City Council now. There is no scientific or legal basis for any denial of access to its citizens nor an emergency. I helped research these facts. Remove signs and parries, post one additional sign saying enter at your own risk.

Thomas Keener, Kelly Sommer, Luke Emerson: Object to closure, need to have discussion now.

Larry Asakawa: Proposed map will include safest access to Boomer Beach. Barrier there does allow access to the beach.

Kim Knox: I was not promoting any project. I was assisting community members who wanted to know correct procedure for addressing CIP projects. When I looked for the next date to speak to CIP funding I could not find any meeting with CIP funding on the agenda. I hope things will be clearer in the future.

3. **Consent Agenda (consolidated ACTION item)**

The Consent Agenda enables LJCPA to ratify recommendations from joint Committees or Boards that findings CAN or CANNOT be made. Those recommendations thereby become LJCPA's. The public may comment on consent items, but there is no presentation or debate. Anyone may request a consent item be pulled for full discussion by LJCPA at a subsequent meeting.
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3.1. **604 Palomar Av (684897, Barroso)**

(Process 2) Coastal Development Permit for construction of a new 2 story 1,067 s.f. companion unit on site with existing single dwelling unit, at 604 Palomar Avenue. The 0.16-acre site is in the RM-1-1 and Coastal Overlay (NAPP2) zone within the La Jolla Community Plan area. Council District 1.

- **DPR 8/10: findings CAN be made, 5-0-1**

3.2. **La Jolla Half Marathon (Calame)**

Request for Temporary Street Closures and No Parking in Conjunction with Annual Race on December 11, 2021

- **T&T 8/18: APPROVE 9-0-0**

3.3. **Camino de la Costa Scenic Viewpoint (Wilson)**

Traffic and Safety Concerns: Request for traffic slowing/warnings in the viewpoint area using lane delineators

- **T&T 8/18: APPROVE 8-0-1**

3.4. **Trance Boutique Sign (Sheredy)**

Manufacture and installation of two non-illuminated painted aluminum signs for Trance Boutique at 7944 Girard Av.

- **PDO 8/9: APPROVE 8-0-0**

Motion: Approve all items on Consent Agenda: (Boyden/Jackson) **Vote:** unanimous, chair abstains: Motion carries.

Courtney arrives

4. Elected Officials, Agencies & Other Entity Representatives

4.1. **Council 1 (Joe LaCava): Steve Hadley, 619-236-6611, srhadley@sandiego.gov**

Hadley: Traffic delineators just approved have been ordered and we'll get those in asap. A letter from Council Member was sent to CPA stating City will continue to look for solutions to beach closures and he will be seeking opportunities to speak to gain input from all LJ Community Groups. Please send your comments, maps to me and I will get them to your Council Member or policy person assisting him.

Costello: Which beach will we close next? Beach user groups should have been addressed in that letter.

4.2. **SD Mayor's Office (Todd Gloria): Matt Griffith, griffithm@sandiego.gov Not present**

4.3. **Assembly 78 (Chris Ward): Rachel Granadino, 619-413-0674, rachel.granadino@asm.ca.gov Not present**

4.4. **Senate 39 (Toni Atkins): Cole Reed, 619-645-3133, cole.reed@sen.ca.gov Not Present**

4.5. **SD Planning: Marlon Pangilinan, mpangilinan@sandiego.gov No report**

4.6. **UCSD Planning: Anu Delouri, 858-610-0376, adelouri@ucsd.edu Not Present**

5. Local Project Reviews (action items as noted)

These may be *de novo* considerations. Actions by committees are listed for information only. Written comments can be submitted via the Materials & Comments page, link above. In general, applicants for each project have 10-15 minutes to present, an individual representing organized opponents (if there are such) has 10 minutes to respond, and members of the public have 15 minutes for 2-minute comments not already covered in presentations. Trustees then discuss the project for 20 minutes, at which point the President may call for motions and vote.

5.1. ~~**Cuvier St Vacation (679621, Williams/Wilson) ACTION**~~

~~(Process 5) Cuvier Street right-of-way vacation, CDP, and lot line adjustment located south of Prospect Street, next to the La Jolla Recreational Center (615 Prospect) and The Bishop's School. The site is located in the LJPD-6 and OP-1-1 Zones, and Coastal (Non-appealable-2) Overlay zone within the La Jolla Community Plan and CD-1.~~

- ~~• **DPR 5/11/21: findings CAN be made, 5-0-2**~~

- ~~T&T 5/19/21: APPROVE the proposed vacation of Cuvier St and the redistribution of diagonal parking spaces on Prospect Street and La Jolla Blvd, 10-0-0~~
- ~~PDO 4/12/21: APPROVE, 10-0-0~~

5.2. Nautilus Street Beautification (Wilson) ACTION

Proposal for Nautilus from LJ High School to Muirlands Drive

- **T&T 7/21/21: APPROVE, 6-0-0**

Trace Wilson: Showed slides describing Nautilus Streetscape Enhancement and Beautification Plan. This is a proposal to enhance Nautilus Street that works with undergrounding utility projects going on today and bikeways to create a public parkway. Slides included current views and overhead maps showing the proposed plantings, raised median, diagonal parking and traffic circles. See Materials page on website for full report.

Kane: This is a concept proposal only; no funding yet. We hope to get this approved so that when money is available it will be ready to go.

Hostomska: Did you contact LJ High School for reaction? This is a very busy area with hundreds of students. Safety is critical. I question safety of roundabout. **Reply:** Roundabout will slow traffic and decrease width of asphalt to allow safer crossing. We will be contacting LJ High School.

Weissman: Are there any plans for maintenance? **Reply:** Not yet. We need a plan first.

Merten: I support, but the plantings need to be kept below the Line of sight.

Mr. Thayer: Will a lane of traffic be removed? **Reply:** It is our idea to keep one lane of traffic each way not including the upper part on Nautilus. The goal is to slow traffic.

Will: We should support this concept; this is not the time to nitpick. When there is a proposal, then consider traffic detail. This is a dangerous and ugly stretch of road.

Motion: Approve urban design conceptual plan. (Will/Ahern) Vote: 14-0-1. Motion carries

In favor: Ahern, Boyden, Costello, Courtney, Davidson, Hostomska, Ish Jackson, Manno, Rasmussen, Steck, Weiss, Weissman, Will

Opposed: none

Abstain: Kane, chair

6. City/State/UCSD Project Reviews (action items as noted)

None

7. Officer Reports (action items as noted)

7.1. President (ACTION as noted)

7.1.1. Ratify appeal of City decision on 1228 Park Row (619886) ACTION

Kane: We filed an appeal on this project and were served with a Brown Act violation. This is part of what prompted the discussion at the beginning of this meeting. The item today is to ratify the appeal.

Scott Kivel, applicant, and owner of 1228 Park Row: He reviewed the background to these issues and the appeal procedure. On July 30, a Notice of Decision approving an amended CDP was issued. No discussion, agenda item or vote regarding this project occurred at the meeting on August 5. An appeal was filed on August 12, by Ms. Kane. On August 14, I filed a Brown Act Complaint and violation of your bylaws. Mr. Kivel then stated: "You recently received a letter from

the City Attorney and Senior Planner that have reviewed my complaint and concluded in part that you potentially violated the board's bylaws by unilaterally filing an appeal without your board taking action. Indeed, the letter from the City says that according to Ms. Kane there was no interest, no discussion or comment expressed concerning the appeal of 1228 Park Row nor by the public in attendance at the August 5 LJCPA meeting. However, the appeal was filed by Mrs. Kane in response to concerned neighbors who contacted her after the August 5 meeting."

Mr. Kivel continued by explaining his relationship with Patrick McInerney and his response to the details of the grounds for appeal stated in the appeal documents. "You are being asked to retroactively ratify a decision that was pushed through based on retaliation against my house and against me. In effect you are being asked to ratify a violation of your own bylaws and I would ask that you reject the attempt to ratify a decision that should have been made on August 5."

Boyden: What was ruling from DPR? **Will:** DPR voted that findings could not be made.

Kane: CPA approved the DPR findings on consent unanimously.

Boyden: The City Received the DPR findings; that is the CPA opinion of the project. We cannot comment on other issues. The CPA should have appealed the decision. We did not violate the Brown Act.

Kane: For the record I have not received the City Attorney opinion or any other letters. I do not know when the letters spoken of by Mr. Kivel were issued and I don't have any copies.

Will: Were there any extenuating circumstances preventing that appeal from going on the agenda?

Jackson: During the pandemic we try to get the agenda out as soon as possible to give people time to review. As preparer of agenda, I did not know about this and did not see the NORA until the next day after the agenda had gone out. I don't read email all the time; as a volunteer I have other things to do. It was a tight call; if it had been a day or two earlier, it would have been on the agenda. With this vote of 14-0-1 I am fairly certain we would have appealed.

Boyden: There is some ambiguity in the bylaws where it says president has authority to file an appeal if appeal period expires before the next meeting and does not express any timing at that point.

Kane: The intent of these policy items is to preserve our right to appeal as an organization.

Costello: I was on DPR committee for your review. Why didn't you correct those items recommended at the review with the funds you received in the settlement with the architect?

Kivel: I was told by the City that my driveway will comply with the code with an EMRA for which I have applied. The EMRA is being reviewed by the City pending the Planning Committee decision if there is an appeal.

Costello: The gate is unsafe and should not be on your property, not in the PROW.

Weiss: Explained the 3 grounds for appeal listed on the appeal form. See Materials page on website.

Motion: Ratify the appeal of the City decision on 1228 Park Row. (Rasmussen/Ish) **Vote:** 9-4-2: Motion carries.

In favor: Costello, Courtney, Davidson, Hostomska, Ish, Rasmussen, Steck, Weiss, Weissman

Opposed: Ahern, Boyden, Jackson, Will

Abstain: Manno, Kane, chair

7.1.2. Authorize possible appeal of City decision on 1821 Torrey Pines Rd. (648590) ACTION

Kane: CPA denied this project. This is asking to give President authority to appeal if Planning Commission approves the project on Sept. 9.

Weissman: In line with prior discussion the President does have the authority since appeal period ends before next meeting so action is not necessary. *Note: Decision will come from Planning Commission per Process 5, not Hearing Officer as stated by Weissman during meeting.*

Courtney: In the interest of caution, it is a good idea to give notice of our intent to appeal.

Motion: No action necessary on this item in advance of decision. (Boyden/Jackson) **Vote:** 13-1-1: Courtney opposes, chair abstains. Motion carries.

7.1.3. Endorse CD1 United position on redistricting ACTION

Boyden: Every 10 years after the census, council districts need to be reapportioned to meet certain criteria: equal population, compact & contiguous boundaries, communities of interest. See sandiego.gov/redistricting-commission. The final 2020 Census figures are not available yet. The preliminary map shows District 1 is 8.2% above the average population of each district in City of SD.

Hadley recused and left meeting because Council District has direct interest.

Several groups spoke at the meetings: Asian Empowerment group wanted UCSD and part of Mira Mesa moved to District 6. Another person suggested one district covering the entire coast. District 1 had a strong community of interest based around the coast and canyons. District 1 United is a coalition of concerned citizens, community planning groups and environmental organizations committed to the preservation of District 1 a currently constituted. Their list of reasons include population, physical environmental features, history, shared commercial and educational facilities and transportation corridors.

Motion: Send letter to Redistricting Commission supporting ideas of District 1 United, work with that coalition and develop a Plan B, if necessary, after release of final census figures. (Jackson/Costello):

Vote: unanimous, chair abstains. Motion carries.

7.2. Vice President

7.2.1. Meeting procedures after 9/30/2021

Jackson: Brown Act waivers expire at end of September. Governor could extend his proclamation or AB 361 could be passed and signed into law. If neither happens, we go back to in person meetings in October at the Rec Center or possibly at the LJ Library.

7.3. Secretary

Weissman: 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.

But you do not need to be a member to attend and participate in the meetings. The La Jolla Community Planning Association welcomes the community to our public meetings and encourages expression and discussion of all viewpoints in our open forums.

Those in attendance tonight who are not already members are encouraged to join to give our community a strong voice at City Hall.

Please encourage your friends and neighbors to join and participate in the community groups to let our City officials know many in LJ want to improve the quality of life issues in our community. Membership in this group as well as other LJ Community groups require little time or work but will keep you informed and perhaps motivated to let your elected officials and City staff know you are interested and involved. You can join more than one group with little time commitment.

Information on how to join this group, the membership application and list of current members is on the Website – LaJollaCPA.org. Attendance & Membership

If you register and attend an online meeting your attendance will count towards your meeting attendance requirement.

7.4. Treasurer

Beginning Balance as of Aug 1, 2021	\$ 729.70
Total Income Expense Reimbursement	\$ 231.51
Total Expenses	<u>\$ 00.00</u>
Net Income/(Loss)	\$ 231.51
Ending Balance of Aug 31, 2021	\$ 961.21

Donations can be made by mailing a check made out to the LJCPA. Email the Treasurer via info@lajollacpa.org for instructions and address.

8. Policy Discussions, Reviews, & Recommendations (action items as noted)

8.1. Coast, Canyons, and Trails Comprehensive Multimodal Corridor Plan (Loya) ACTION

This data-driven plan from SANDAG and Caltrans will include recommended transportation improvements in the Coast, Canyons, and Trails Corridor that is centered around the SR-52 corridor and the freeway segment of SR 67, from La Jolla to Santee, El Cajon, and the County of San Diego. The two agencies are seeking public input that will inform the development of the draft plan.

Rene Loya, representing SANDAG and Caltrans, Reviewed slides showing Comprehensive Multimodal Corridor Plan focusing on Coast, Canyon and Trails Corridor. The 2021 regional plan has 3 goals: reduce congestion, meet state and federal mandates to reduce green house gas emissions and improve social equity. Coast, Canyons and Trails is one of five corridors being developed jointly by SANDAG and Caltrans. It extends from La Jolla to Santee, east to SR 152, portions of SR 67, and connects to I 5, SR 163, I 15 and SR 125. Population, jobs and housing have grown in this area during the last 20 years. The goals and strategies of this plan were explained. The plan is intended to accommodate all different modes of transportation. **See Materials page for full presentation.** Public input is critical to this planning process. We have created a virtual engagement hub that provides updates and opportunities for public participation. Visit sandag.mysocialpinpoint.com/CoastCanyonsTrails to visit the Coast, Canyons, and Trails web page.

8.2. Spaces as Places (Kane) ACTION

“Spaces as Places” is the City of San Diego’s proposed program to transition temporary outdoor spaces, which were allowed to replace indoor capacity in response to the COVID-19 pandemic which significantly restricted indoor operations, to permanent places that safely bring people together to dine, play and gather in public spaces. The Spaces as Places program includes a menu of options to allow for the creation of a variety of quality outdoor places for dining, walking, biking, public artwork, and other enjoyable public interaction for the post-pandemic world.

Kane: T & T is interested in this initiative but it came out after their meeting and it will be at the Planning Commission next week. We came up with a list of 4 things to discuss. **See Materials page on website for details.** The Manual covers the viewpoint of the business owners and the interface with pedestrians and bicyclists but does not cover the viewpoint from the street, i.e. cumulative loss of parking or traffic issues having street lanes disrupted. There is no limit on number of spaces removed or number of units included in any area or community. A definition of width of a travel lane is needed and consideration of its impacts on traffic flow.

Sally Miller: Will there still be 8’ wide sidewalks? **Reply:** The Design Manual defines this in great detail. See Materials page for full report.

Davidson: Will City collect fees from businesses? With a minimum of 50% going to communities of concern there may not be enough left to cover other costs. We may end up paying costs of maintaining these structures.

Weiss: Business owners other than restaurants will suffer from removal of parking. Is there any provision to balance this?

Courtney: Long term impact on many retailers. Concerned that pedestrian and ADA access impacted; review needs to be on case-by-case basis, not blanket policy.

Kane: This is code compliance issue and City’s position is that enforcement will be done by complaints from neighbors.

Hadley: City has been addressing the lack of permitting and enforcement. We will continue to require community input on projects.

Costello: People will park in residential neighborhood; provision is needed for reality of parking.

Kane: I will present these comments to the Planning Commission.

8.3. **Blueprint SD (Kane) ACTION**

Name and empower subcommittee to track and prepare comments on this initiative. Blueprint San Diego is a new approach to community planning that will help meet the City’s housing and climate goals, while providing greater and more inclusive opportunities for public input. This data-driven, citywide framework will allow San Diegans to shape how climate-friendly community development will occur in their neighborhoods. Blueprint San Diego will further the City’s Climate Action Plan goals by encouraging housing and new development where people can walk, bike, or take transit. This approach will provide an equitable framework for future development throughout the City that provides access to opportunity and housing for everyone.

Kane: Committee appointed last month is following these code amendments, the EIR and will report back.

Davidson: This is part of Homes for All of Us program. It is multifaceted, complex, and moving quickly. I suggest viewing the website: sandiego.gov/BlueprintSD to see the complexity of the program.

Kane: There will be two workshops later in September. The 2021 Code Update Process is working through the process.

Boyden: Check how other planning groups are updating their Community Plans.

Davidson: The intent is to speed up Community Plan updates.

9. Reports from Standing, Ad Hoc, and Other Committees (information only)

None

10. Non-Agenda Trustee Comment (information only)

Opportunity for Trustees to comment on matters not on the agenda, 2 minutes or less. No votes or action unless properly noticed at least 72 hours in advance.

None

11. Adjourn to next LJCPA meeting, 9:04pm

Regular meeting 7 October 2021, 6pm. This may be a physical meeting unless the Governor and/or the Legislature extend current Brown Act waivers.

Prepared by

Suzanne Weissman

Secretary