La Jolla Community Planning Association

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

Contact Us: Mail: PO Box 889, La Jolla, CA 92038 Web: www.lajollacpa.org info@lajollacpa.org President: Tony Crisafi Vice President: Matt Mangano 2nd Vice President: Dave Gordon Secretary: Suzanne Weissman Treasurer: Mike Costello

FINAL MINUTES -

Regular Meeting – Thursday, October 3, 2019

1.0 Welcome and Call to Order: Tony Crisafi, President, Matt Mangano, 1st VP, Chair, 6:12pm

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 & trustee comment will be limited to 2 minutes.
- Comments will be directed to the project or matter stated in third person for the purpose of respect & clarity
- Chair may ask for member votes. Please keep hands raised until the vote tally is announced.
- Chair will alternate order of trustee comment. Upon consensus, Chair will close discussion and call for a motion.
- o Please notify chair of any organized public presentation requests prior to meeting
- The city has requested that the Trustees maintain a level of respect toward the applicants and community members by providing transparent and clear communication of potential issues and the application of community policy and place consent agenda toward the beginning of meeting. – letter from the President.
- Bernate-Ticino, Environmental appeal hearing is scheduled for Oct 7th at 2:00 p.m.
- The Hershfield Environmental appeal hearing will be heard on Oct. 14th.

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

2.0 Adopt the Agenda

Motion: Remove items 4.4 & 4.6 from Consent agenda (they do not belong on consent agenda) and correct wording of Item 4.3, per request from Dave Abrams, chair of T & T committee. Gordon/Kane, **Vote:** 11-1-1, **Motion carries**

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

Opposed: Little

Abstain: Mangano (chair)
Motion: adopt agenda as amended. Gordon/Kane, Vote: 12-0-1, Motion carries.
In Favor: Brady, Costello, Fitzgerald, Fremdling, Gordon, Kane, Little, Manno, Neil, Shannon, Will, Weissman
Opposed: 0
Abstain: 1 Mangano (chair)

Courtney arrives.

3.0 Meeting Minutes Review and Approval:

3.1 05 September 2019 – Regular meeting minutes
Motion: Approve minutes. Will/Fremdling, Vote 13-0-1, Motion carries
In Favor: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Kane, Little, Manno, Neil, Shannon, Will, Weissman
Opposed: 0
Abstain: 1 Mangano (chair)

The public is encouraged to attend and participate in Community Joint Committee & Board meetings <u>before</u> the item/project is considered by the LJCPA.

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 David Gordon, 3rd Monday, 4:00 pm T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 4:00 pm

4.0 Consent Agenda – 4.1 – 4.9

The Consent Agenda allows the LJCPA to <u>ratify recommendations of the community joint</u> <u>committees and boards</u> 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. Projects may be pulled from consent agenda by anyone present. Items will be moved to full review at the following regular LJCPA meeting.

4.1 – To confirm final draft of Children's Pool sluiceway project action request to city

4.2 – Letter to city regarding view corridor easement over private property – 427 Sea Ridge Dr.

4.3 – T & T is recommending that 11 spaces be converted from specific current red curb locations as stated by City Staff.

T&T Motion: to approve city recommendation 5-2-0

4.5 – Replacement of yield signs on Olivetas & Monte Vista with stop signs at intersections with Marine Street

La Jolla Community Planning Association October 2019 Regular Meeting Final Minutes Page 2 of 11 T&T Motion: Findings can be made to approve 7-0-0

4.7 – Playa Del Sur – Project No. 630623, Process 3, Final Review, TM/CDP – Tentative map and coastal development permit for the creation of 5 condominium units located at 290-298 Playa Del Sur St. The .16 acre site is located in RM-3-7 zone and coastal overlay zone (a portion of the lot located within the appealable and non-appealable area) within La Jolla Community Plan Area, council district 1.

DPR Motion: Findings were made in favor 5-0-1

4.8 – 5550 La Jolla Hermosa Ave., Project No. 642459, Process 2, preliminary review CDP – Coastal development permit to remodel an existing, two story residence with new rear deck and roof deck with existing detached 2-car garage to remain, located at 5550 La Jolla Hermosa Avenue. The .18 acre site is in the RS-1-7 zone and coastal overlay (non-appealable) zone within the La Jolla Community Plan area, council district 1.

DPR Motion: Findings were made in favor 5-0-1

4.9 – Dudas – 1401 Muirlands Dr., Project No. 626984, Process 2, Neighborhood development permit for six foot chain link fence and eight foot landscape hedge within a dedicated easement and right of way along Muirlands Dr. & Inspiration Dr. located at 1401 Muirlands Dr. The .32 acre site is located in the RS-1-2 base zone of coastal (non-appealable) overlay zone of the La Jolla Community Plan area, council district 1, code enforcement case No. 239353.

DPR Motion: Findings were made in favor 5-0-1

Items 4.2, 4.3 pulled

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 items 4.1, 4.5, 4.7, 4.8, 4.9 on consent agenda. Will/Gordon, Vote: 12-0-2, Motion carries

In Favor: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Kane, Little, Manno, Neil, Shannon, Will, Weissman

Opposed: 0

Abstain: Little, Mangano (chair)

5.0 Officer Reports:

5.1 Treasurer - Mike Costello's report -

Treasurer's Report for October 3, 2019 Regular Meeting

| Beginning Balance as of September 1, 2019 Income | \$499.58 |
|---|---------------------|
| Collections, Sept. 5, 2019 CD Sales | \$ 83.00 \$ 0.00 |
| Total Income | <u>\$ 83 .00</u> |
| Expenses | |
| Agenda printing, Sept. 4, 2019 | \$100.25 |
| Total Expenses | <u>\$ 100.25</u> |
| Net Income/(Loss) | (-) \$17.25 |
| Ending Balance of September 30, 2019 | \$482.33 |

Costello: we have some additional expenditures coming up: \$154 to renew P.O. Box and recommendation by Greg Jackson to upgrade the website application because our current program is about to expire costing about \$425. Please be generous with your donations this time.

5.2 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.

6.0 Elected Officials – Information Only

6.1 Council District 1: Councilmember Barbara Bry.

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

Medina: handed out Bry Bulletin. City Council adopted the Community Choice Aggregation (CCA) which allows the City to set up a nonprofit organization separate from the City to purchase 100% clean energy. I am not the point person in the office so if you have technical questions, contact me and I will connect you with the right person. Also pertaining to La Jolla, City Staff said they will be replacing the panels along Cave St. from Prospect St. to the lifeguard tower with concrete. Concrete is more expensive and the most long lasting. Also new slurry seal is coming to several streets in LJ Village. Let us know if dust or other problems.

Kane: As part of the contingent who went to City Council to present the Children's Pool appeal, I was very disappointed in the response from our Council Member who did not back up the findings of this organization at all. Her comment about a proxy war for the seals was unwarranted; our concern was safety, public access and adherence to the Community Plan. I, also, am in shock at the bad condition of the Children's; Pool; the stairway is crumbling and unsafe; the facility is melting away. It is imperative to do something to preserve it. I am speaking on behalf of an Historic Resource; not the

seals. The City needs to study how to preserve this resource; the ocean is taking it. It seems the de facto position of the City is that we will just let nature take its course because we can't get involved.

Medina: The ramp is outside the scope of the SDR; it pertained only the retaining wall that accessed the bathrooms. There was mention of the seals by someone on this board. Regarding the second issue I will relay your message to the Council Member.

Costello: The hearing was about the SCR for blocking the ramp. The permit for the lifeguard tower said the ramp would remain open. The City blocked the ramp without changing the CDP and without asking anyone. An architect had drawn a plan for an ADA compliant ramp. It is disappointing that our Council Member could not support what we have been studying for years. The ramp is in the LJ Community Plan.

Courtney: I see the stanchions are back up. Reply: The Mayor has not budged on his position.

6.2 78th Assembly District: Assembly member Todd Gloria
 Rep: Mathew Gordon 619-645-3090 <u>mathew.gordon@asm.ca.gov</u> Not Present

6.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore Rep: **Miller Saltzman**, 619-518-8188, <u>MillerSaltzman@sen.ca.gov</u> Not Present

7.0 President's Report – Information only unless otherwise noted

7.1 The City Council unanimously denied the Children's Pool SCR (PTS627990) appeal on Sept 17, 2019

I have sent the appeal to the Coastal Commission on Sept. 26.

Costello: The appeal is subject to commissioners wanting to hear this item. It would help if some of us would send a letter to the commissioners. I will give anyone the names. This should be a personal letter.

7.2 Soliciting volunteers for an election committee to replace trustee Glen Rasmsussen

Weissman: An Election committee will be formed in December (no later than 1st week of January) for the March elections. The Election committee is a different committee from the Membership committee which the Secretary will chair. Both are called out in the Bylaws. The functions of the committees cannot be combined. The bylaws state that a vacancy must be filled within 120 days of the written resignation and an ad hoc election committee will be formed to set a time for a special election to fill a vacancy.

Manno: We need to form an Election Committee now for a special election.

Mangano: agreed to chair election committee. Janie Emerson, Nancy Manno & Dave Gordon will be on the committee.

7.3 Brown Act Workshop Announcement: Date: November 14, 2019

7.4 Advanced CEQA Training considers environmental impacts of a project Date: October 24, 2019 Time: 6:00 – 8:00 p.m. RSVP required to attend Location: 202 C Street, San Diego (City Concourse, Silver Room)

8.0 Public Comment

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

8.1 City of San Diego – Community Planner: Marlon Pangilinan, <u>mpangilinan@sandiego.gov</u> Pangilinan: Workshops already announced.

Kane: Can you talk about Bulletin 500 about Substantial Conformance Reveiws (SDR)? **Reply**: I am not qualified to speak on SCR; let me get more information from the office.

Kane: One question I have for you as staff to Planned District Ordinances: I have a project next to me that has been going on for over 10 years. A CUP has been extended routinely. A neighbor found this new bulletin that came out in July stating that a courtesy notice was supposed to be given to local planning groups that an extension had been issued and that, if a Process 2, it would be brought back to the planning group. CDP's are extended ad infinitum and nothing is ever brought back to the community; then something is built 10 years later that no one has seen and we get the blame. Does City staff know about this. Can you find out how this group can get looped into that process? **Reply**: I will look into this.

Little: Can you give us an opinion about the Brown Act and 2 Trustees meeting privately with a contractor then bringing results to us. **Reply:** As a basis: if there is a project that is going to come before this group as an action item, there shouldn't be 2 Trustees meeting outside a publicly noticed meeting discussing the project. That needs to happen in a publicly noticed meeting such as tonight. I suggest folks attend the upcoming Brown Act training. In the Administrative guidelines there is something like collective concurrence like a serial meeting happening between trustees outside the publicly noticed meeting. That is a Brown Act violation. Nothing has been brought to me in terms of evidence or complaints. I'm just advising on the Guidelines online. My advice to Tony was the same; not to have conversations outside a public meeting.

Costello: My understanding is that a quorum of trustees is not to have such conversations. **Reply:** The key issue is: don't have these conversations outside a noticed public meeting. To avoid any perception of impropriety all conversations must be done in a noticed, public, accessible meeting to insure the group is objective.

8.2 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, http://commplan.ucsd.edu/ or Robert Brown Not Present

8.3 General Public

Janie Emerson: La Jolla Sunrise Rotary is holding its annual fundraiser Luau this Sunday at the La Jolla Shores Hotel at 5:30 to 9:00 pm. Part of the funds raised will go to plant trees in Kellogg Park, part of the LJSA wish list.

La Jolla Shores Association meets the 2nd Wednesday of the month. This month we will kick off the 10 day celebration of the life of Walter Munk at 6 pm. Invitations have been passed out for a Paddle Out on October 19, honoring Walter Munk. People from all over the world are expected.

Joe La Cava: I'm running City Council District 1. 9 years on this Board has given me the experience to move on to the Council. I have received a strong endorsement from Sherry Lightner. Sign up sheets to support me are in the back.

9.0 Non-Agenda Trustee Comment

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

Gordon: In La Jolla Shores a permit was given to a company that has no storefront operating out of vehicles. They park two big vans around the neighborhoods. If you see these vans please contact lifeguard Elizabeth Palmer, an advocate for the lifeguards. Contact me for her contact information.

Will: Decisions made here are often reviewed in one of our sub-committees. DPR, PRC, T&T, PDO. I encourage you to attend these early meetings to get detailed information on projects you are interested in.

Kane: On behalf of Trustee Dave Ish: there is an ad in the LJ Light for sand replenishment on the coast to put concrete barriers to capture sand. The entity is an LLC with no available identification. The ad is misinformed and dangerous. I would like to add this item to the agenda next month to get more information about these ads.

Little: Sewer and Water cuts cause damage on streets that are not repaired properly by the City. Cement streets are more expensive to repair these cuts. What is the letter included in the packet about that changes our bylaws?

Mangano: We need to speak to Tony Crisafi about this letter.

Costello: I ask for an executive committee meeting.

Courtney: I am concerned about the commercial clutter in LJ; there are more signs and on bridge overpasses. I will file a complaint with Code Compliance about the Art and Wine Festival on the overpass on LJ Parkway. The director of the Historical Society is lobbying the City for a permitting process.

Mangano: As a member of the Historical society, the term 'lobbying' is used incorrectly against the Director. He contacted them regarding the previous sign comments.

10.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.

10.1 Community Planners Committee

http://www.sandiego.gov/planning/community/cpc/index.shtml- Dave Gordon Gordon: No meeting this month. Next month they will discuss computation of floor area ratio (FAR)

10.2 Coastal Access & Parking Board http://www.lajollacpa.org/cap.html No Meeting

10.3 UC San Diego advisory Committee No Meeting

10.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair Kane: New signs effective; no stuck trucks. We still have 3 or more items to address so keep us active.

10.5 Airport Noise Advisory Committee – Matthew Price No Report

10.6 Playa Del Norte Stanchion Committee

Merryweather: We need a volunteer to take over for Glen Rasmussen

The following agenda items are ACTION ITEMS unless otherwise noted, and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

11.0 – LJCPA Review and Action Matter 11.1 – 11.3

11.1 – Israni Residence – 7310 Vista Del Mar Project No. 604651 CDP and SDP (Process 3) – Coastal Development Permit and Site Development Permit to demolish existing single dwelling unit and construct new single dwelling unit for a total of 7.,000 s.f. The 0.32 acre site is located in the coastal (appealable) overlay zone in the La Jolla Community Plan area on environmentally sensitive lands (ESL). District Council 1.

LJDPR Motion: Findings can be made to approve 3-2-1

Applicant not present. Public announced that members were present to speak on project.

Neil: Did Applicant give notice that he was not attending?

Will: When applicant asked what being pulled meant, I said show up here to make presentation and expect similar questions as in sub committee meeting. There was no indication that he was not going to attend.

Courtney: The project was noticed as an action item on the agenda and public attended relying on that.

Gordon: I suggest we hear the public's comments. We could postpone until next month and take a vote then if he doesn't show.

Neil: It is possible the applicant is going to bypass us. We shouldn't put off hearing especially if the project was properly noticed.

Mangano: I agree. We have a formal process; it was posted publicly.

Will: Addressed to Pangilinan: Does the City require that applicant present to us to move the project forward?

Pangilinan: It is not a regulation or requirement, but we recommend that they do. There are some instances where timing makes it impossible.

Neil: Per the training workshop I attended the DSD representative stated that applicants can ask for a hearing without a decision from a Planning Committee

Manno: I can't recall an incident where the applicant did not have the courtesy to say they weren't going to show up. It is imperative that the public in attendance be heard.

Chris Freundt, neighbor: I am concerned about the bulk and scale; it does not fit the community character. It is also relevant that the project is being pushed through for approval while it is actively listed for sale. Also concerned about the large walk out basement not included in square footage. It will be 3 levels. They are marketing it at the total size, while the square footage for approval is much less. The neighbors don't even know who the ultimate owner will be.

Valerie Armstrong, neighbor: With separate entrances it is designed to maximize its use as a short term rental – a small hotel. It doesn't fit the neighborhood. The 10 ft. view corridor has not been maintained by the current owner.

DPR minutes for this project found in September packet.

Will: I'll speak on bulk and scale. I can't speak on who the owner is or potential use as a vacation rental as that is beyond our purview. The City exempts floor area from the FAR calculation if the grade on either side of the building is within 5 ft. of the surface level of the floor above. On a sloping

La Jolla Community Planning Association October 2019 Regular Meeting Final Minutes Page 8 of 11 lot, everything that sticks out more than 5 ft.is countable as floor area; everything behind that line is not counted. We believe they have complied with these rules. Visible from the street it was nicely designed, but very large, house.

Further discussion of handouts of real estate listing.

Gordon: We don't know if applicant did not show up intentionally. I have concerns about compatibility with the neighborhood. Can't know if intent is to rent out. I oppose now but am willing to reconsider if applicant will present next month.

Neil: Did applicant make an effort to modify plan to address neighbors' complaints?

Will: In 2 meetings we only asked for additional information; there weren't any requests for changes.

Manno: In the past there have been projects that meet all requirements; they just didn't belong in the neighborhood. In the absence of the applicant presenting I will vote against. We owe it to the community and the neighbors.

Courtney: What is the thinking on allowing such huge basements. **Pangilinan**: I have no comment. **Courtney:** Just because the applicant didn't show, there is no reason not to take action.

Fitzgerald: My guideline is that our role as trustees is to determine based on fact if a project is in compliance of all regulations. It is not our role to judge. This project is in compliance. We wouldn't have to be concerned about possibility of stvr if the Mayor and City Council would enforce the existing land use rules.

Courtney: If we only approved based on compliance with code, there would be no need for us. We need to assess the community input and consider indefinable aspects of a project such as neighborhood compatibility and community character.

Kane: I am a member of the DPR committee, but I was not able to attend the second meeting when the vote was made. I would have voted not to approve. I agree that this was a particularly difficult one because there weren't good reasons to deny, but this just doesn't work with the neighborhood. I am also concerned about the location on a bluff. There was a massive bluff failure on this lot about 30 years ago. A bluff recedes about a foot/year, but often it recedes in 30 year chunks. This lot is ready for another bluff failure. I can't see putting something this massive that is completely out of scale with neighborhood in this sensitive coastal location.

Shannon: From a real estate viewpoint it appears that the owner may be trying to get out of a losing project that isn't going to work out.

Will: Re the bluff retreat, most of the area is being restored as native bluff because of requirement to pull the house back. I have seen this project and will vote based on information I have. Do not feel obligated to vote yes for a project you know nothing about. Someone should have been here.

Pierce Kavanaugh, neighbor: I live to the south of this project. The setback has been eliminated; I want to protest taking away 3 ft. area in exchange for a 7000 ft. unit.

Neil: I move to NOT approve this project because it is out of character with the neighborhood based on excess bulk and scale. Neil/Manno, Vote: 10-3-1, Motion carries
In Favor: Brady, Costello, Courtney, Gordon, Kane, Little, Manno, Neil, Shannon, Weissman
Opposed: Fitzgerald, Fremdling, Will
Abstain: Mangano (chair)

11.2 – **Stupin Residence** – 5191 Chelsea St. Project No. 633674 CDP (Process 3) – Coastal Development Permit to demolish an existing, single family residence and construct a new 4,493 s.f. 2 story single family residence with roof deck and attached garage. The scope of work also includes a 1,883 s.f. basement. The 0.183 acre site is located in the RS-1-7 zone and coastal (appealable) overlay zone within the La Jolla Community Plan area, District Council 1.

LJDPR Motion: Findings can be made to approve 5-0-1

Costello recuses - reflected in vote count

Golba presentation:

- Explained that date for HO was set before item was pulled. This group still has time to appeal if necessary.
- Arial view shows corner lot of project across street from large construction project.
- House is replacement of existing 2 story house.
- Has almost same footprint of existing.
- Setbacks are greater that required under height limit.
- Each level steps back with roof deck not visible.
- Reduced size of roof deck to accommodate neighbor's comment.
- Agreed to neighborhood requirements during construction.
- Approved by City and HO.

Little presentation:

Showed power point explaining Prop D and Municipal Code section 127 rules for measuring height.

The developer is required by Municipal Code Section 127 (a)(b)(c) to measure to the existing or finished grades - whichever is lower.

If the developer followed this code, every elevation point on this project would have to be lowered by 3.04 feet.

Instead the developer measured height to the <u>finished</u> grade of the previous project plus a small increment.

Thus the project is in violation of the Municipal Code. The building is 2.39 feet over the 30 foot limit. (from Little)

Golba: City measures height in 3 ways. The most restrictive method was used in this case. 30 ft. straight up from each point on lot (*plumb bob*). This house is 27 ft. tall.

John Bannon, neighbor, Shocked to find my view gone. Many changes, more bigger houses; not happy but is beautiful house. Appreciates everyone's work reviewing projects.

Odile Costello: how to measure existing grade?

Golba: Existing height limit follows grade of lot. This house will be built on existing pad from original subdivision in 1950's

Further discussion explaining and confirming Golba explanation:

Will: The measurement is correct. Height limit follows contours of the lot.

Kane: These lots were developed in 1950's. The house will be built on existing pad. Nicely designed house.

Motion: Approve project as presented. Fitzgerald/Will, Vote: 11-1-1: Motion carries In Favor: Brady, Courtney, Fitzgerald, Fremdling, Gordon, Kane, Manno, Neil, Shannon, Weissman, Will

Opposed: Little Abstain: Mangano (chair)

Little left.

11.3 – To ratify membership committee members:

- 1. Suzanne Weissman Chair
- 2. Dave Gordon
- 3. Donna Aprea
- 4. Nancy Manno
- 5. Kathleen Neil

Motion: Ratify membership committee members. (Will/Kane) Vote: 13-0-0, Motion carries In Favor: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Kane, Mangano, Manno, Neil, Shannon, Weissman, Will

Opposed: 0

Abstain: 0

XX. Adjourn at 8:43 to next regular LJCPA Meeting: Thursday, November 7, 2019

Prepared by:

Suzanne Weissman