



# Torrey Pines Community Planning Board

PO Box 603, Del Mar, CA 92014

[www.torreypinescommunity.org](http://www.torreypinescommunity.org)

**BOARD MEMBERS:** Morton Printz, Chair, [tpcpb1@hotmail.com](mailto:tpcpb1@hotmail.com); [mprintz@ucsd.edu](mailto:mprintz@ucsd.edu); Cliff Hanna, Vice-Chair, [cshanna@sbcglobal.net](mailto:cshanna@sbcglobal.net); Diana Scheffler, Secretary, [DScheffler@san.rr.com](mailto:DScheffler@san.rr.com); Carole Larson, Treasurer; Faye Detsky-Weil, Past Chair; Michael Belch; Barbara Cerny; Michael Foster, Greg Heinzinger; Kenneth Jenkins; Janie Killermann, DPRC Chair, [jkillermann@gmail.com](mailto:jkillermann@gmail.com); Philip Raphael; Dennis Ridz, Pat Stewart, Pat Whitt.

THURSDAY, DECEMBER 11, 2008

## Meeting minutes

**Present:** Faye Detsky-Weil, Michael Foster, Kenneth Jenkins, Janie Killermann, Carole Larson, Morton Printz, Philip Raphael, Dennis Ridz, Diana Scheffler, Pat Stewart

**Absent:** Michael Belch, Barbara Cerny, Cliff Hanna, Greg Heinzinger, Pat Whitt

**CALL TO ORDER / INTRODUCTIONS** – Chair Printz called the meeting to order at 7:05 pm and requested that Board members introduce themselves.

**A. NON-AGENDA PUBLIC COMMENT** – Dennis Ridz suggested that the Board consider a letter of condolence to the University City Community in the aftermath of the military plane crash December 8. This was deferred to Item 10.

### **B. GENERAL ANNOUNCEMENTS BY THE CHAIR**

Chair Printz took the opportunity of the full audience to wish everyone the best for the coming holiday season. He reported some of the plans for the 2009 Board calendar:

1. In January or February the US Green Building Council will make a presentation
2. Darren Smith of State Parks will come to discuss restoration of the Penasquitos Lagoon.
3. Morton asked if anyone present knew of any amateur radio tower in the neighborhood as there have been amendments made to the regulations.

*Action item:* Carole Larson will contact Morton with some information.

### **C. MODIFICATIONS TO THE AGENDA**

*Motion:* Michael Foster moved and Dennis Ridz seconded that the agenda be adopted as proposed. The vote was unanimous, (9, 0, 0, one member having not yet arrived).

### **D. REVIEW AND ACTION TO APPROVE PAST MEETING MINUTES**

Secretary Diana Scheffler indicated she had received 3 corrections to the two sets of minutes under consideration.

*Motion:* She moved and Dennis Ridz seconded that the minutes for November 13, 2008, be adopted as corrected. The motion passed (8, 0, 1, with Philip Raphael abstaining because he was not present at the November 13 meeting).

*Motion:* Diana moved and Carole Larson seconded that the minutes for October 9, 2008, be adopted as corrected. The motion passed (8, 0, 1, with Faye Detsky-Weil abstaining because she was not present at the October 9 meeting).

**E. REPORT BY TREASURER** – Treasurer Carole Larson reported the current balance remains at \$143.77.

**F. CONSENT AGENDA ITEMS**

Janie Killermann reported on the Project Review Committee's recommendation to approve the application for the Kamin Residence at 2969 Racetrack View Drive, JO#42-1676 for a lot line adjustment, Coastal Development Permit and Site Development Permit to allow restoration of environmentally sensitive lands.

*Motion:* Pat Stewart moved and Dennis Ridz seconded acceptance of the consent item. The motion passed unanimously (9, 0, 0).

**G. INFORMATION UPDATES**

**San Diego Police Department** – Officer Gaylon Sells was not present

**City Planning and Community Investment Department** - Lesley Henegar was not present

**City Council District 1, Council Member Sherri Lightner's Office;** Council member Sherri Lightner's representative had not yet arrived.

**Mayor Sanders' Office** Stephen Lew was not present

**County Supervisor Pam Slater-Price's Office** Aaron Byzak was not present

**State Senator Kehoe's 39<sup>th</sup> Senate District Office** Andrew Kennerly was not present

**Congress member Brian Bilbray's District Office** Marc Schaefer was not present

**ITEM #1 Consideration of request by Casa Del Mar for a Conditional Use Permit to expand the elder care center from six to eight residents**

Janie Killerman, Chair of the Development Project Review Committee (DPRC) summarized the issues. The DPRC vote on the issue was split, so it was appropriate that it come before the full Board for discussion.

Terri Urbon, owner of Casa Del Mar presented her arguments in favor of granting the CUP. She emphasized the growing need for elder care in the community, assured us of the continuing availability of parking, and presented a petition of 26 names of community members in support of the expansion. Ms Urbon expressed her willingness to have the Permit be restricted to elder care, thus preventing any future owner of the business from using it for the care of different type of population without seeking a new CUP. She committed not to enlarge the footprint of the structure, and to mitigate the effects of the required additional parking by the use of "grasscrete".

Matthew Zettumer of 13730 Nob Avenue, spokesman for neighbors opposing the project, stated that neighboring residents were primarily concerned that the project would change the nature of the community. The additional parking required by the permit would be in the front yard, commercializing the area. He questioned compliance of the project with Municipal Code Section 126.0305 (b) that proposed development not be detrimental to the public health, safety, and welfare and (d) that it be appropriate at the proposed location. He also questioned whether the 26 signatories to the petition resided within even 500 feet of Casa Del Mar and showed a map of the neighborhood coded to show the neighbors in opposition.

Diana Scheffler, DPRC member, spoke in favor of the project. She expressed her conviction that the added benefit to the community at large of an increased capacity for elder care outweighed the probably slight impact of traffic and parking in the immediate vicinity. She pointed out that any resident can by right, without the need for a CUP or public hearing, provide care for not only the elderly, but for drug and alcohol rehabilitation and transitional housing,

which could possibly be more remunerative. The approval of a CUP restricted to elder care would protect the neighborhood against the potential of an even more challenging situation.

Dennis Ridz, DPRC member, spoke against the project. He pointed out that the Community Plan restricts the introduction of non-single family residential uses in a single family zone, and that it requires new commercial development within residential neighborhoods minimize or eliminate traffic, noise, parking and visual impacts. Dennis pointed out that additional 6-patient facilities could be established elsewhere in the community at large, and expressed his opinion that the profit motive was the driving force for the applicant, concluding that he does not want to establish a precedent for such expansion.

Janie Killermann closed discussion and invited a motion from Diana Scheffler.

*Motion:* Diana Scheffler moved and Janie Killermann seconded that the CUP be approved with the condition that it be limited to care of the elderly. Discussion among Board members covered the rationale for the limit of 6, the possibility of a further request for even greater capacity, questions about the size of Ms Urbon's facility, and the fact that her lot size would allow for an expansion of about 450 square feet. One member of the audience indicated that he hoped to move his mother to the facility tomorrow and supported the approval. A show of hands indicated about 9 supporters of the CUP in the audience, and about 13 opposed. The motion was defeated (1, 9, 0).

*Motion:* Dennis Ridz moved and Pat Stewart seconded that the Board deny the CUP. Faye Detsky-Weil expressed her inclination to approve the CUP with different conditions, such as the elimination of the additional parking but was informed that the parking was a statutory requirement of the increased capacity. The motion passed (6, 3, 1) with Mort Printz abstaining as Chair.

Morton Printz explained that, had the vote been close, he would have voted to approve the CUP. He finds the issue to be a difficult one, wishes Ms Urbon well, and indicated that the Board stands behind her in her current enterprise.

There followed questions from Members Philip Raphael and Faye Detsky-Weil regarding the Chair's occasional abstention from voting while at the same time, citing Council Policy 600-24 in ruling that Board members may not abstain from voting based on insufficient understanding of an issue.

*Action item:* Morton will bring a copy of the Policy to the next meeting for elaboration.

### **City Council District 1, Council Member Sherri Lightner's Office**

At this point, Chair Printz recognized Kyle Haverback, Council Member Lightner's representative. Mr. Haverback asked the Board's understanding for his arriving late due to Ms Lightner's town hall meeting in University City in response the military plane crash there. He invited anyone with questions to call or e-mail him at [KHaverback@sandiego.gov](mailto:KHaverback@sandiego.gov).

**ITEM #8 RESTATEMENT OF BOARD POSITION ON NEIGHBOR'S STOP SIGN REQUEST FOR VANTAGE AND RECUERDO** – Morton Printz expressed his need to understand the "alternative process" outlined in Council Policy 200-08 by which former First District Council Member Peters had achieved the installation of stop signs in the absence of support from the City Traffic staff.

*Motion:* Chair Printz moved and Michael Foster seconded that the Board request this alternative process be used, supported by a petition of the neighbors, for the installation of two stop signs on Recuerdo, one at Vantage Way and the other at El Amigo. Dennis Ridz asked about the cost of installing stop signs. The motion carried (9, 1, 0).

**ITEM #2 Formation of a Del Mar Heights Road Aesthetics Subcommittee** – Carole Larson welcomed Kyle Haverback as our representative for Sherri Lightner, and indicated she looked forward to working with him in her efforts to make Del Mar Heights Road more attractive. Some ideas were banners, “adopt-a-block”, and grant funding. Morton Printz, Janie Killermann, and Faye Detsky-Weil volunteered to assist Carole in her efforts.

Faye asked how it might be possible to have City staff take care of graffiti on the sound walls since Caltrans is unresponsive; Philip Raphael reminded us that the gates to those walls need repair. Chair Printz asked Board members in the future to have these issues put on the Board agenda, formalizing them, and making them public. He asked Kyle to try and find answers to these procedural questions.

**ITEM #3 Operating Guidelines for the Development Project Review Committee** – Chair Printz reported on a discussion he had had with our Planner, Lesley Henegar. The City’s expectation is that projects generally be reviewed and recommendations made within a 30-day period with primary focus on compliance with the Community Plan; if a delay is needed due to the failure of the City to provide complete documentation, it is the Board’s (not the DPRC’s) responsibility to request that delay. This new understanding is reflected in the current draft of the DPRC guidelines. The issue will be on the January agenda again, by which time the Chair expects that Board members will be ready to vote on the guidelines’ adoption.

There was some discussion about how out-of-date the Community Plan is, and how long it will be before it is updated (at least 10 years). Chair Printz asked Kyle if he would find out for us about the possibility of generating Plan amendments in the interim. Diana Scheffler pointed out that the new General Plan can provide an additional basis for DPRC’s recommendations.

On the subject of community plans, Philip Raphael brought it to our attention the Carmel Valley Market premises are being used for a car detailing enterprise. Morton suggested that there may be a question of code compliance.

*Action item:* Diana Scheffler will follow up with the City’s code compliance office regarding the car detailing operation.

#### **ITEM #4 FUND RAISING EFFORTS**

Janie Killermann corrected the anticipated date of the spring garage sale to April 4. (The November 11 minutes give the date of March 29) The April date will be confirmed.

Kenneth Jenkins, who manages the Denny’s restaurant on Via de la Valle, outlined a program whereby 10% or 20% of proceeds can be returned to an organization using the facility for a special event. He also pointed out that there is a meeting room there with capacity for 35 people.

*Action item:* Kenneth Jenkins will send Morton Printz an e-mail expressing Denny’s willingness to give such funds to the Board on a voluntary basis.

Diana Scheffler outlined an idea for the sale of a calendar of photographs featuring the Torrey Pines Community with contributions from members of the community. This would require considerable lead time and some seed funding for publicity but could increase awareness of the existence of the Torrey Pines Community as an entity, as well as raise funding. Pat Stewart offered a scaled down idea that could be more achievable. No conclusion was reached.

*Action item:* Chair Printz will find out from the City Attorney's Office if it is permissible for the Board to sell a commodity.

**ITEM #5 APPOINTMENT OF AN ELECTIONS COMMITTEE** – Morton Printz established that there will be the following vacancies to be filled in March: Cliff Hanna, Janie Killermann, Pat Stewart, and Diana Scheffler's terms expire. Kenneth Jenkins, recently appointed, will need to be confirmed.

Before the meeting, Morton had asked Michael Belch, Pat Whitt, and Dennis Ridz to form an elections committee. Pat Stewart offered to give the new committee members a briefing on procedures. Michael Belch was absent from this meeting, his 5<sup>th</sup> absence this year, calling into question his status as a Board member.

*Action item:* Chair Printz will check the by-laws to clarify the status of Member Belch.

**ITEM #6 UPDATE ON THE 22nd AG DISTRICT MEETING, DECEMBER 9<sup>TH</sup>** Dennis Ridz reported that the meeting was not very satisfactory as questions are simply referred to staff.

**ITEM #7 UPDATES ON THE SR-56/I-5 CONNECTORS** Barbara Cerny was not present, but it was announced that the next Steering Committee meeting will be December 18, at 2:00 pm. Kyle Haverback will attend.

#### **ITEM #9 INFORMATION REPORTS**

**County Service Agency 17** Barbara Cerny was not present.

**Parks & Recreation; Pedestrian & School Safety** Faye Detsky-Weil gave no report

**Transportation Committee** Cliff Hanna was not present

**Telecommunications in an Urban Setting** Greg Heinzinger was not present but Dennis Ridz reported that T-Mobile had withdrawn its application for installation of a tower on Nob Avenue as a result of a meeting of neighbors with the Vice President of T-Mobile.

**Web Site** – Carole Larson gave no report

**COMPACT, Railroads & Mass Transit** Morton Printz gave no report

**Noise and Urban Environment** Philip Raphael gave no report

**ITEM #10 NON-AGENDA ITEMS CONSTITUTING NEW OR FUTURE BUSINESS** – Dennis Ridz' suggestion that the Board send a letter of condolence to the University City community on the military plane crash was not enthusiastically endorsed since it was not clear whether the UC Planning Group should be the recipient of letters of condolence.

#### **ADJOURNMENT**

*Motion:* Carole Larson moved and Pat Stewart seconded adjournment at 9:22 pm. The motion carried (10, 0, 0).