



PO Box 889, La Jolla, CA 92038

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President: Tony Crisafi
Vice President: Rob Whittemore
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, 1 March 2012

D R A F T AGENDA – ANNUAL MEMBER MEETING

- 6:00p**
1. Welcome and Call To Order: **Tony Crisafi**, President
 2. Verify Quorum (Need 20% of total Membership)
 3. Adopt the Agenda
 4. **Non-Agenda Public Comment**
Issues not on the agenda and *within CPA jurisdiction*, two (2) minutes or less.
 5. **Officer's Reports**
 - A. Treasurer: Jim Fitzgerald
 - B. Secretary: Nancy Manno
 6. **Ad Hoc Committee on Bylaws – updated bylaws** – Action item
Whether to accept the committees Jan. 27 draft bylaw revisions which concern Section VIII, on the subject of project and environmental document review and appeal.
 7. Adjourn to Regular Meeting.

D R A F T AGENDA – REGULAR MEETING

- 6:05p**
1. Welcome and Call To Order: **Tony Crisafi**, President
 2. Adopt the Agenda
 3. **Meeting Minutes Review and Approval**: 5 Feb 2012
 4. **Elected Officials Report** – Information Only
 - A. Council District 2 – Councilmember Kevin Faulconer
Rep: **Katherine Miles**, 619.236.6622, kmiles@san Diego.gov
 - B. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@san Diego.gov

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://commplan.ucsd.edu/>

6. **Non-Agenda Items for Trustee Discussion**

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

7. **Officer's Reports**

A. Secretary

B. Treasurer

8. **President's Report**

A. Children's Pool Update – in court

B. 8490 Whale Watch Way – Hearing Feb. 6th report

C. Hennessy's Sidewalk Café – Feb 16th Planning Commission report

D. Save the La Jolla Post Office – whether to support the La Jolla Historical Society's efforts to save the La Jolla Post Office

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 Tony Crisafi, 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, 4p

A. Gillispie School Exterior Identification Sign

PDO ACTION: proposed signage conforms to the PDO 8-0-0.

7380 Girard Ave - Upgrade of existing identification sign

B. Tapfever Studios

PDO ACTION: proposed signage conforms to the PDO 8-0-0.

5628 La Jolla Blvd - Signage - 21 x 2 = 42 square feet allowed for wall mounted signage. Existing sign 32 square feet. New signage if a continuous box is drawn around the words can be no more than 10 square feet. The wording will stretch 16 feet long x 5 inches tall.

C. Miller Residence

DPR ACTION: Findings can be made for a Coastal Development Permit to demolish existing residence and construct a 4,093 SF single family residence on a 0.16 acre site at 440 Belvedere St.

440 Belvedere Street - CDP to demolish existing residence and construct a 4,093 SF single family residence on a 0.16 acre site.

D. Salami Residence

PRC Action: From Feb 28, to be reported

2712 Costebelle Dr -SDP (possibly for Environmentally Sensitive Lands) for a 3,984 sf two story addition to an existing SFR on a 21,386 sf site.

E. Sinclair Residence

PRC Action: From Feb 28, to be reported

2075 Soledad Avenue - CDP and SDP: Demolish the existing and construct a new 7,977 sf SFR on a 53,099 sf lot. Existing guest quarters (2098 sf) will remain. Lot Line Adjustment to swap 250 sf with 2065 Soledad Avenue.

F. AT & T Via Capri CUP

PRC Action: From Feb 28, to be reported

7990 Via Capri – CDP, SDP and CUP for Wireless Communication Facility modification to remove 4 existing antennas and install 8 antennas mounted to a faux shrub. Process 4.

G. Zagarra Retaining Wall

PRC Action: From Feb 28, to be reported

2974 Cto. Bello (fronting on North La Jolla Scenic Drive) SDP for previously reviewed and permitted (2006) retaining wall and NDP for modifications to existing free standing wall in the PROW of LJ Scenic Drive. Property borders Pottery Canyon open space.

H. Cuvier Street Diagonal Parking

T & T ACTION:

Change parallel parking on Cuvier to be diagonal parking

I. Valet Parking 7979 Ivanhoe and 484 Prospect St.

T & T ACTION:

Consideration of a valet parking zone at 7979 Ivanhoe and 484 Prospect Street.

10. **REPORTS FROM OTHER ADVISORY COMMITTEES** - Information only

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – *Inactive*

B. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center

C. COMMUNITY PLANNERS COMMITTEE – Meets 4th Tues, 7p, 9192 Topaz Way

11. **Discussion on Applicants Opting Out of Community Review**

Examples:

a. Sea Ridge Custom Residence

b. Kooklani Residence

12. **Children's Pool Walkway Beautification** – Action Item

Coast Blvd – Community Project of the La Jolla Parks & Beaches to redesign of the public promenade and belvedere on Coast Boulevard at the Children's Pool. Total improved area: 11,610 SF. Improved pathways: approx. 10,000 SF (475 linear feet). Planting area: 1,703 SF.

Presented by: Jim Neri, Landscape Architect

Previous Action: LJTC recommends approval, Feb '12

Previous Action: LJP&B recommends approval, Nov '11

PDO ACTION (FEB 2012): PDO Committee supports this project 8-0-0.

13. **Kretowicz Residence EOT** – Action Item

7957 Princess Street - EOT for SDP 482270 for previously constructed improvements and additions to an existing SFR to remain on a 22,725 SF site.

DPR ACTION (JAN 2012): Deny EOT as no new condition is required to comply with state or Federal law. Findings cannot be made for an Extension of Time (EOT) for Site Development Permit as needed to continue processing the Coastal Development Permit. 4-3-0

14. **Hennessey's Sidewalk Café** – Action Item

7811 Herschel Ave - Installing wrought iron fence as an encroachment into the PROW

PDO ACTION (Sept 2011): Sidewalk Café Use conforms with the PDO 6-0-0

DPR ACTION (OCT 2011): FINAL REVIEW - motion fails – no recommendation to report

Hearing Officer ACTION (FEB 2012): return to Community Group for review of new design

**Time
Certain:
7:00p**

15. **Encore Trust – Full Review by Trustees per request of Applicant** - Action Item
9872 La Jolla Farms Road – CDP & SDP to construct a 21,592 SF single family residence and 2,149 SF guest quarters on a vacant 1.52 acre
DPR ACTION (FEB 2012): To approve project as presented. Findings can be made for a CDP and SDP to construct a 17,949 SF single family residence (without guest quarters) on a vacant 1.52 acre site at 9872 La Jolla Farms Road. 5-3-1.
LJCPA ACTION (NOV 2011): Return to DPR to allow neighbor input. 13-0-1-1
DPR ACTION (NOV 15,2011): Findings can be made for a Coastal Development Permit and Site Development Permit to construct a 21,592 SF single-family residence and 2,149 SF guest quarters on a vacant 1.52-acre site at 9872 La Jolla Farms Road. 3-4-0
DPR ACTION (NOV 8, 2011): to rescind the Committee to actions of 13 Sept 2011 on the Encore Trust Residence. 7-0-1
LJCPA ACTION (OCT 2011): Pulled from Consent Agenda by public
DPR ACTION (SEP 2011): To approve project as presented. Findings can be made for a CDP and SDP to construct a 23,741 SF single family residence (with guest quarters) on a vacant 1.52 acre site at 9872 La Jolla Farms Road. 5-0-0.

**Time
Certain:
9:30p**

16. **Adjourn** to next Regular Monthly Meeting, April 5th, 2012, 6:00 pm



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La Jolla Community Planning Association

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

Thursday, 2 February 2012

D R A F T MINUTES – REGULAR MEETING

Present: Dan Allen, Cynthia Bond, Tom Brady, Laura DuCharme-Conboy, Michael Costello, Dan Courtney, Tony Crisafi, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Cindy Thorsen, Rob Whittemore, Ray Weiss.

Absent: Jim Fitzgerald.

1. Welcome and Call To Order: Tony Crisafi, President, at 6:06 PM

2. Adopt the Agenda

Item 9F will be an Action Item; Item 9A will be heard as Item 17.

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

In favor: Allen, Bond, Brady, Conboy, Costello, Gabsch, LaCava, Little, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 5 January 2011

Approved Motion: Motion to approve the Minutes of 5 January, (LaCava/Thorsen, 13-0-1).

In favor: Allen, Bond, Brady, Conboy, Costello, Gabsch, LaCava, Little, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

4. Elected Officials Report - Information Only

A. Council District 2 - Councilmember Kevin Faulconer

Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles was not present.

B. Council District 1 - Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Ms. Demorest announced a rally to save the La Jolla post office building Saturday, 4 February at 9:30 PM at the La Jolla Historical Society; concerning the lawsuit that will cause the Fourth of July fireworks more costly to permit, there is state legislation to revise CEQA to provide relief; the Councilmember apologizes for the postponement of the 8490 Whale Watch Way appeal hearing at the City Council meeting 17 January; the Torrey Pines Road V-Calm signs are operating, and a status report on the Torrey Pines Road improvement and a schedule will be forthcoming. Finally, concerning the request that the City Attorney determine whether the city-wide FARs apply in the La Jolla Shores Planned District, the City Attorney replies that resolution of the question should be addressed by a Planned District Ordinance amendment.

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 provided written updates on campus development projects and for further information referred to the website physicalplanning.ucsd.edu.

General Public Comment

Peggy Davis, concerning the Gatti project, is requesting the resignation of Michael Morton from the La Jolla Shores Permit Review Committee; she provided a handout.

Vaughn Woods asked what the process is for removal of members of our joint committees and boards.

Bob Whitney iterated his concern expressed last month concerning qualifications for members of joint committees and boards.

6. Non-Agenda Items for Trustee Discussion

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

Trustee LaCava made an announcement about the movement to save the La Jolla post office building.

Trustee Costello spoke in defense of the LJCPA about an allegation made last month of favoritism in ratification of a member of joint committees or board.

Trustee Little asked if it was appropriate to have voting items put on the agenda under the President's Report.

At this point the sequence of the agenda was modified to hear Item 12.

12. Colony Pipeline Relocation Project – Information only

Colony Hill water pipeline relocation located on Caminito Aviola, Via Avola, Via Capri, Via Rialto, and Caminto Rialto. Existing pipelines will be permanently abandoned due to 2009 landslide damage, new pipelines installed in more stable soil, and service restored to residents that have been receiving highline water service.

Presenting: Eugene Gay, Orion Construction, eugene@orionconstruction.com

Chris Gascon, Project Engineer, City of San Diego.

Rania Amen, Senior Civil Engineer, City of San Diego.

Several questions from the public were addressed, including those from area residents **Mark Ochendusko** and **Dick Brem**. There may be future work, and the City will get back to the homeowners' association on that topic.

At this point the sequence of the agenda was restored.

7. Officer's Reports

A. Secretary: Dan Allen

Trustee Allen stated that if one wants his or her attendance recorded today, he or she can sign-in at the back of the room. There are two sign-in lists: one for LJCPA members and one for non-members. LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. This is a meeting of the Trustees, who are elected by the LJCPA members. By providing proof of attendance you maintain membership and become 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, copies of which are available from **Trustee Thorsen** and on-line at our website: www.lajollacpa.org. Persons are entitled to have attendance recorded without signing-in and such case must provide the Secretary before the end of the meeting a piece of paper with printed full name, signature and a statement asking attendance be recorded.

B. Treasurer

Trustee Whittemore, for absent Trustee Fitzgerald, presented the results for the past month. January Beginning Balance: \$4.66 + Income \$221.05 – Expenses \$86.85 = February Beginning Balance: \$138.88. Expenses include Agenda printing, telephone expenses and semi-annual Recreation Center meeting space rent.

Trustee Whittemore 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. Traditionally all donations are in cash to preserve anonymity. However, there may be a mechanism for donations by check or bequest.

8. Candidate Statements

Ten persons stood to announce their candidacy as Trustees and to make statements. They were: Darcy Ashley, Devin Burstein, Cynthia Bond, Tom Brady, Dan Courtney, Nancy Manno, Phil Merten, Bernie Segal, Cindy Thorsen and Fran Zimmerman. Mr. Segal subsequently withdrew his name.

There are, therefore, nine candidates for the eight open seats – six regularly expiring seats, the seat resigned by Devin Burstein 21 December and the seat to be resigned by **Trustee Whittemore** effective 5 April.

9. President's Report – Action Items where indicated

A. *moved to Item 17*

B. Whitney Lawsuit update

The Playa Grande LLC (Whitney) lawsuit was dismissed 2 December.

C. Trustee elections – Thursday, 1 March 2012, 3:00 pm - 7:00 pm, La Jolla Recreation Center

D. Annual Member Meeting – Thursday, 1 March, 6:00 pm

E. 8490 Whale Watch Way – Appeal of Environmental Document Hearing re-scheduled for 6 February, 2 PM at the City Council.

F. Hennessy's Sidewalk Café – Action Item

7811 Herschel Ave - Installing wrought iron fence as an encroachment into the public right-of-way. On the Feb 16th Planning Commission agenda.

Previous Action: PDO ACTION (Sept 2011): Sidewalk café use conforms with the PDO 6-0-0

Previous Action: On the Consent Agenda for the October LJCPA meeting; removed to be heard at the DPR

Previous Action: DPR ACTION (OCT 2011): FINAL REVIEW - motion fails – no recommendation to report

Previous Action: Trustees vote at November meeting that findings can NOT be made for a Neighborhood Use Permit for a sidewalk café, 11-2-2

It was learned since the previous actions, that a permit was given to replace two trees in front of the property. That apparently was not carried out yet and, if done, would alter the pedestrian area, which was the principal point of contention in the November Trustees' discussion.

Approved Motion: Motion to ratify the appeal of Hennessy's Sidewalk Café, (Courtney/Little, 15-0-1).

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

10. 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 Tony Crisafi, 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. Bird Rock Fine Wine

PDO ACTION: Bird Rock Fine Wines appears to conform to the LJPDO as retail use to include a wine bar for tastings and applicant will use existing standard building signage program. 9-0-0

5687 La Jolla Boulevard - Planning to open a wine retail store with limited tasting facilities in premises which are currently zoned for retail.

B. The Rush Indoor Cycle Studio

PDO ACTION: Approval of the signage for Rush Indoor Cycle Studio; signage shall not exceed 2 square feet for each lineal storefront footage. 9-0-0

5628 La Jolla Blvd – new signage.

C. Kretowicz Residence EOT – *Pulled by Trustee LaCava ("Was told there are unresolved issues, and an Extension of Time requires different considerations.")*

DPR ACTION: Deny EOT as no new condition is required to comply with state or Federal law. Findings cannot be made for an Extension of Time (EOT) for Site Development Permit as needed to continue processing the Coastal Development Permit. 4-3-0

7957 Princess Street - EOT for SDP 482270 for previously constructed improvements and additions to an existing SFR to remain on a 22,725 SF site.

D. San Diego Sports Commission Triathlon

T & T ACTION: Motion to approve. 7-1

Inaugural ITU World Triathlon San Diego, May 11-12 – Street Closures

E. Valet Parking at 7979 Ivanhoe and 484 Prospect St. – *Pulled by Trustee LaCava ("T&T has not taken final action yet; send it back to T&T.")*

T & T ACTION: unclear

7979 Ivanhoe and 484 Prospect St. - valet parking zone

Approved Motion: Motion

To accept the actions of the Planned District Ordinance Committee: (A) Bird Rock Fine Wines: Bird Rock Fine Wines appears to conform to the LJPDO as retail use to include a wine bar for tastings and applicant will use existing standard building signage program, (B) The Rush Indoor Cycle Studio: Approval of the signage for The Rush Indoor Cycle Studio; signage shall not exceed 2 square feet for each lineal storefront footage, and forward the recommendations to the City, To accept the action of the Traffic & Transportation Board: (D) San Diego Sports Commission Triathlon: Approval of street closures for the Inaugural ITU World Triathlon San Diego, and forward the recommendation to the City, (Gabsch/Bond, 15-0-1).

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.
Abstain: Crisafi.

At this point the sequence of the agenda was modified to hear Item 13.

13. La Jolla Cove Lifeguard Station – ADA Ramp & Tower - Action Item

Proposed modification to Cove lifeguard station concept by addition of an accessible ramp from the street level to the mid-level deck to comply with ADA requirements. Note the City is combining review of ADA ramp & tower. Jihad Sleiman, Project Engineer, City of San Diego, 619.533.7532

Previous Action: CPA conceptually approved lifeguard station, April 2003.

Previous Action: La Jolla Town Council Parks & Beaches Committee supported Option 2, Sept 2010.

Previous Action: CPA conceptually approves Lifeguard Tower mid-level landing access, preferred Option 2, Oct. 2010, 12-4-2.

Jihad Sleiman of the City of San Diego Public Works Department and **Rick España**, of Roesling Nakamura Terada Architects, presented. Mr. Sleiman iterated the extensive community review. Several **Trustees** expressed concern that ADA access will not be provided all the way to the sand. The response was the City Attorney has

reviewed the situation and determined that because of the natural terrain, ADA access is not required. Site and coastal permits are required. Construction is planned to begin in 2012.

Approved Motion: Motion to approve Cove lifeguard station ADA Ramp & Tower designs as presented, (LaCava/ Costello, 14-0-2).

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Gabsch, Crisafi.

At this point the sequence of the agenda was restored.

11. Reports from Other Advisory Committees - Information only

A. La Jolla Community Parking District Advisory Board – Inactive

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

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

D. La Jolla Parks & Beaches, Inc. – Meets 4th Mon, 4pm, La Jolla Recreation Center

14. Shahbaz Residence – Action Item

6412 Avenida Manana - Coastal Development Permit to demolish an existing 3,869 SF residence and construct an 7,884 SF two story single family residence and an attached 3 car garage on a 0.57 acre site

DPR ACTION (OCT 2011): Findings can be made for a Coastal Development Permit to demolish an existing 3,869 SF residence and construct a 7,884 SF two story single-family residence and an attached 3-car garage on a 0.57-acre site. 4-1-2

On the Consent Agenda for the November LJCPA meeting and pulled by Trustee Costello as “out of neighborhood character”, on the December LJCPA agenda as an Action Item but deferred to January LCCPA meeting by the applicant, and on the January LJCPA agenda as an Action Item but deferred to the February LCCPA meeting by the applicant.

The project was presented by **Matt Peterson** assisted by project architect **Bijan Arfaa**. They provided written material with context photos. **Trustee Costello** distributed an analysis relating the relative size of the project. It appears to be three times the size of neighboring homes. The lot is large and extends down-slope to the Fay Avenue extension bike path. The house will be one story at the street. Neighbors **Leon Polinsky** and **Mr. & Mrs. Russell** spoke in opposition. **Trustees Merten, Conboy, Merten** and **Gabsch** spoke favorably about the project.

Approved Motion: Motion to approve the Coastal Development Permit (CDP) for the Shahbaz Residence, (Weiss/Brady, 11-4-1).

In Favor: Bond, Brady, Conboy, Courtney, Gabsch, LaCava, Lucas, Manno, Merten, Whittemore, Weiss.

Oppose: Allen, Costello, Little, Thorsen.

Abstain: Crisafi.

15. Sea Ridge Custom Residence – Action Item

427 Sea Ridge Drive - CDP and SDP to construct a two-story approximately 7,858 SF single family residence plus a basement (approximately 10,454 SF of habitable space).

DPR ACTION (DEC. 2011): Motion that findings can be made for a Coastal Development Permit and Site Development Permit to construct a two-story 7,858 SF single-family residence plus a basement (10,454 SF of habitable space). 4-3-1

In 2008 the City approved the project. The project had not been built, and the applicant requested an extension of time. The request for extension of time was heard in December by the DPR. The City staff approved the request the following day. It was on the Consent Agenda for the January LJCPA meeting and was pulled by Trustee Thorsen. The appeal period has expired. The architect for the applicant was present, but did not present

and had been advised that his client was not aware of this agenda item for this evening's meeting. There was public notice of the agenda, but city policy requires an affirmative effort to notify an applicant, which nobody present could confirm was done. Neighbors were present objecting to the project. **Trustee Costello** exhibited a printout that shows the house is advertised as a vacation rental, and he states that this was unknown at the December DPR meeting. **Trustee Weiss** pointed out that the advertisement was for the existing house and not the subject project when completed.

The **Trustees** discussed several points: The item is an Action Item from a prior meeting. Any action by the Trustees will be moot. The apparent sense of the Trustees was that they could not act because the LJCPA did not have substantiation of what effort had been made to notify the applicant.

Motion Made (Main Motion): Motion to hear the item, (Whittemore/Courtney).

Approved Motion: Motion/Amendment to postpone the Main Motion to the March meeting, (Whittemore/Courtney, 11-3-2, but 12-3-1, according to the voting sheets).

In Favor: Allen, Bond, Brady, Conboy, Costello, Courtney, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.
Oppose: Gabsch, LaCava, Little.
Abstain: Crisafi.

16. Sea Ridge Custom Residence & the City Review Process – Discussion

Discussion of City review process with regards to timing of the Hearing Officer Hearing & Community Reviews using the Sea Ridge Residence as an example of timing conflicts.

This item was partly discussed together with the preceding item, and it is continued to next month.

17. Ad Hoc Committee on Bylaws – Report by Phil Merten, Chair

Trustee Merten discussed the 27 January draft Bylaw revisions, provided in print to the Trustees, which concern Section VIII, on the subject of project and environmental document review and appeal. **Trustee Whittemore** read some specific revisions and corrections. **Helen Boyden** suggested changes. **Bob Whitney** had provided the Trustees copies of alternative draft revisions. **Trustees LaCava, Costello** and **Thorsen** commented. Principal issues include the "no conditional approvals" by joint committees and boards, the necessity for 2/3 vote and an affirmative vote of a minimum of eight Trustees regarding automatic appeals of projects and environmental documents, and whether or not the LJCPA should have Policies in addition to Bylaws.

Motion Made (Main Motion): Motion to return to the Ad Hoc Committee the draft Bylaw revisions for consideration of the changes offered by the public and the Trustees in discussion tonight, and to submit the Bylaw revisions as will be finally drafted by the Ad Hoc Committee to the Membership at the Annual Member Meeting, Thursday, 1 March, (Whittemore/Thorsen).

Approved Motion: Motion to amend the Main Motion to instruct the Ad Hoc Committee to change Article VIII, Section 5, of the draft Bylaw revisions to require a simple majority of Trustees for appeal of projects or environmental documents and require the 2/3 vote of Trustees present or a minimum of eight affirmative Trustee votes, (Whittemore/Thorsen, 8-6-1).

In Favor: Allen, Bond, Brady, Costello, Courtney, Lucas, Thorsen, Whittemore.
Oppose: Conboy, Gabsch, LaCava, Little, Manno, Merten.
Abstain: Crisafi.

Approved Motion: To approve the pending motion (Main Motion), (11-3-1).

In Favor: Allen, Bond, Brady, Conboy, Costello, Gabsch, Lucas, Manno, Merten, Thorsen, Whittemore.
Oppose: Courtney, LaCava, Little.
Abstain: Crisafi.

18. Adjourn at 9:45 PM. Next Regular Monthly Meeting, 1 March 2012, 6:00 pm.

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT
FOR

Feb. 14, 2011

DRAFT

**2/14/2012 Present: Benton (Chairman), Ducharme-Conboy, Costello,
Gaenzle, Hayes, Kane, Liera, Merten, Thorsen**

1. 4:04 PM Call to Order

2. NON-AGENDA PUBLIC COMMENT

Costello: The appeal for the Hennessey Sidewalk Café is the Thursday at the Planning Commission.

Merten: There is a meeting concerning Whale Watch Way this Wednesday.

3. FINAL REVIEW (Previously reviewed 11/8/11 & 11/15/11) recorder setting: 30:00:02:40

Project Name: **ENCORE TRUST RESIDENCE**

9872 La Jolla Farms Road

Permits: CDP & SDP

Project #: PO#237107

DPM: Glenn Gargas 619-446-5142

Zone: RS-1-2

Applicant: ggargas@sandiego.gov
Julia Metcalf 858-945-8486

Scope of Work:

(Process 3) Coastal Development Permit and Site Development Permit to construct a 21,592 SF single family residence and 2,149 SF guest quarters on a vacant 1.52 acre site at 9872 La Jolla Farms Road in the RS-1-2 Zone within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, Residential Tandem Parking.

Presenters: Joe LaCava, Civil Engineer
Paul Metcalf
Teresa Clark, Landscape Arch.
Dave Russell, Geologist
Martin Weinberg
Michelle Weinberg

APPLICANT PRESENTATION: FAR reduced 25%. Removed guest house, smaller main house (now 17,900 sq ft). Reduced frontyard, South sideyard setbacks, Prefer Zillow method for lot, FAR comparisons. Summed both sides for a super VC ~75 ft. Changes; Public Views, Public Trails. Reduction in size from 23,200 sq ft to 17,900 sq ft. FAR reduced 0.35 to 0.27. Second floor pushed back. Neighborhood Character, pushed back and smaller. Landscape more, foot print less & hardscape less. recorder setting: 30 00 21 59

Com. Plan. has two designations: Different objectives / purposes. (LJ CP fig A, ref. added by DPR)

1) Scenic Overlook: View over private properties from a public ROW (*ie mid-block area of Black Gold Rd*) and
2) Scenic Roadway: Partially obstructed views over private property and down public ROWs.

House is set down and to side to provide Scenic Overlook, but there are many existing trees in VC.

Will provide Scenic Roadway view corridor at sideyard combined with neighbor's to 70 -75 ft.

PublicTrail recorder setting: 30 00 28 13 **Easement actually on neighbor's property, but Weinbergs will preserve currently in situ trail. Two issues: 1) some people say guest house crowds trail - will remove guest house from plans. 2) City wants "Irrevocable Offer of Dedication" easement for public access.**

DISCUSSION:

Gaenzle: Show landscaping, wall, property line, trail. *Done.*

Angeles: Where is trail property line and Environmentally Sensitive Land, fence? *Shown, chain link fence. Wall will be on the inside of the chain link.*

Costello: Legal mechanisms for keeping trail open? Now, Emergency Access only, explain emergency easement / public trail access? *The City wants an Irrevocable Offer of Dedication. When, get final permit, get a grading permit, that's when recorded. Offer to dedicate will be to the City and Calif Coastal Commission. Easement for Emergency Access, will record easement for beach access when plan approved.*

Thorsen: Researched the Records and found Offer to Dedicate. Read the Offer aloud. Trail is well protected.

Kane: Your project and neighbors make a potentially spectacular VC, what will happen in that space? *There are 3 things; scenic preservation easement (ours), 10 ft existing scenic preservation easement (neighbors), height restriction easement (neighbors).*

Landscape recorder setting: 30 00 45 57 **Teresa Clark** presented landscape plan

DuCharme: Do you have a section showing property line, fences, public trail, VC? **Clark:** *provided section.*

Costello: Given that the applicant has considerable FAR still able, at a time after an occupancy permit is given, can the applicant simply apply for a Substantial Conformance Review for a permit to build a guest house?

Absolutely not! Would need to return here (DPR). They are sincere about no guest house.

Evelyn Heidelberg: recorder setting 30 00 58 10 Thanked Applicants for their changes. Come along way. We would like to point out two things: 1) the 25% reduction in FAR is almost all the guest quarters. The space is to be a sports court which could be converted to a guest quarters at a future date. It would be incrementalism and not allowed under CEQA. This is still 33% larger than existing entitlements for this lot and 59% larger than the prior approval. Remain convinced project does not comply with the use protection policy of the Coastal Plan or the Muni Codes Land Dev. Code 132.0403A . Which says that "If there is an existing or potential view and the site is designated in the applicable land use plan as a public view to be protected, the applicant shall design and site the coastal development in such a manner as to preserve, enhance or restore the designated public view, and the decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced." We have no issue with protection of views along the scenic road way (LJ Farms Rd). There is a distinction between scenic roadways and scenic overlooks. They rely on the 15 ft VC created when property was subdivided (1989) as satisfying the requirement for the scenic overlook. This is not what the CP or Muni Code calls for. No one has the right to maximize the development of their property.

Heidelberg: **Nissan Building** at UCSD SIO was redesigned. Required footprint be modified, shift position of building on site, reduce interior ceiling height to absolute minimum, sink building into soil to lower building height (removing 4,200 cu yd of soil).

Tony Crisafi: Problem is scenic overlook. 30 ft high building is too much degradation of public view. Submitted view analysis of four properties, recent projects, where development "actually improved and enhanced public views of coastal waters, rather than impede them." City imposed view analysis. Houses lowered out of view or mostly so. City did not allow them to go to 30 ft.

Benson Residence: (Exhibit D) removed mature vegetation blocking view, lowered house below view.

7210 Country Club Dr (Exhibit E) house lowered

8440& 8450 Whale Watch Way (Exhibit F) house lowered

1828 Spindrift Dr (Exhibit G) 1998 City Staff couldn't support because of impact on public view. Staff, no impact beyond what was existing. VC is 10% lot width.

Crisafi: 12 years experience working on this issue. Emphasized needed to preserve views. Asked DPR not make findings. Glenn Gargas was the Planner when this lot was split. He agreed North VC was silly. Asked how difficult would it be to move North VC to the South, he thought not too difficult at all.

Crisafi: recorder setting 001 13 26 Best view is down canyon to white water view. Alternative site plan 1) could move house North toward sport court, move the VC from North to add to the one at the South of property, added to neighbor's VC to make one very wide VC. 2) Or locate house down slope more, out of view.

Merten: What would you do to preserve views? **Crisafi:** It would not be simply cut trees to 30 ft, the City could never regulate that. Push structure down hill, there is a lower level pad on this site. Or push it North, without guest house it could work. If there is no height restriction because of public view, the house, property to the South could be built much higher and block public views. **Merten:** Anything you build will take public view? City Council and CCC reviewed this and said public views would be from the sideyards and not over the house. Otherwise

many lots would be unbuildable. **Crisafi:** If you take that position then you don't need the policy in the Com. Plan and we don't need to review this. **Liera:** There could be some balance here by taking what is lost from one view and adding to the other. This could be done from a view analysis.

Kane: Is it your position public view is across the entire lot? No, if you are at the arrow Is there a conflict between the CP about this being a buildable lot.

Hayes: It is difficult to see that as a scenic overlook since it goes over two properties that don't maintain it (trees).

Jim Morris: Issue is can you block a public view? Asked Weinbergs to push house down below view. Katz house on this property did not block view because it was down hill.

Susan Morris: Mrs. Bruser circulated petition.

Michelle Weinberg: objected to petition.

Jim Morris: Issue is not petition but loss of public view. Katz did not block public view.

Clark: Two of Mr. Crisafi's examples above lowered at request of applicant. Horizon line was continuous.

Kane: What findings are we making for the scenic overlook, we need to cover all aspects. A fair point has been raised as to what is a scenic overlook. Where is scenic overlook and what are our findings? We need a statement for the record because this will come up again.

DuCharme: See photo, what you have, Code says preserve what you have, enhanced opens up more view. Horizon line to curb opened up a little. Have preserved enough view and enhanced over present situation. So findings could be made.

Costello: Regrettable that we are losing our ocean views one lot at a time, this is a chance to preserve one if this project is built downhill or Northward.

Kane: What about the Geological implications of moving house downhill to a lower pad?

Dave Russell: Not much. Could be done. Not a gross detriment to dropping downhill. Sometimes you do that to help stabilize a hill by taking weight off top. But not much benefit slope stabilization here.

SUBCOMMITTEE MOTION: To approve project as presented. Findings can be made for a Coastal Development Permit and Site Development Permit to construct a 17,949 SF single family residence (without guest quarters) on a vacant 1.52 acre site at 9872 La Jolla Farms Road.

(Thorsen/Hayes 5-3-1)

In Favor: Ducharme, Hayes, Kane, Merten, Thorsen

Oppose: Costello, Gaenzle, Liera

Abstain: Benton

Motion Passes

4. FINAL REVIEW (Previously reviewed 12/13/11 & 12/20/11) recorder setting: 30:02:05:40

Project Name: **MILLER RESIDENCE**

440 Belvedere Street

Permits: CDP

Project #: PO#253451

DPM: Jeanette Temple

Zone: RS-1-7

Applicant: Bill Metz 619-276-1885

Scope of Work:

(Process 2) Coastal Development Permit to demolish existing residence and construct a 4,093 SF single family residence on a 0.16 acre site at 440 Belvedere Street in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking, Transit Area.

Presenter: Bill Metz, AIA

APPLICANT PRESENTATION: LJCPA objected to the basement. House redesigned without a basement and the roof is steeper. FAR is 0.57. 52% landscaping, 42% required. Front street view is a little different.

DISCUSSION:

DuCharme: Do you have elevations? *Yes More setback too.*

Liera: What about height limit? *6 inches under 30 ft*

Costello: What street is driveway? *Fern Glen*

Merten: Elevations on both sides is same

Benton, DuCharme: OK to continue to evolve the arches.

Thorsen, DuCharme: Previously neighbors were concerned about the basement and drainage from the basement to the street. All concerns are solved / removed.

SUBCOMMITTEE MOTION: Findings can be made for a Coastal Development Permit to demolish Street, existing residence and construct a 4,093 SF single family residence on a 0.16 acre site at 440 Belvedere

(Hayes/Thorsen 7-0-1)

In Favor: Ducharme, Costello, Gaenzle, Hayes, Liera, Merten, Thorsen

Oppose: 0

Abstain: Benton

Motion Passes

5. PRELIMINARY REVIEW

recorder setting: 30:02:25:51

Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.

Project Name: KEATING RESIDENCE

9633 La Jolla Farms Road

Permits: CDP

Project #: PO#266405

DPM: Glenn Gargas

Zone: RS-1-2

Applicant: Garrett Vanleewam 760-580-8608

Scope of Work: Scott Maas 619-297-6153

(Process 3) Coastal Development Permit to demolish existing residence and construct a 10,834 SF single-family residence on a 1.07 acre site at 9633 La Jolla Farms Road in the RS-1-2 Zone within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking, First Public Roadway

Presenters: Taal Safdie, AIA

Scott Maas, AIA

Garrett Vanleewam, AIA

APPLICANT PRESENTATION:

Client wants to enlarge the garden. Two curb cuts. Guest quarters. 10 on site parking spaces.

Allowed 20,000 sq ft, using half of that. Shown elevations. Observatory, library on second floor with glass along East wall.

DuCharme: Setback 14 ft. Solid fence? *Yes* Have neighbors seen plans? *Don't know.* Max height? *30 ft at observatory .*

Merten: What is height of observatory to lowest point on site, SW corner? *40 ft, 10 foot differential.*

DuCharme: Make sure neighbor is OK with project

Costello: Typically we would ask for a few things. We need to compare with the houses on both sides of this project. What are the elevation differences, and Bulk & Scale? Topographic survey of the three houses too.

Committee: Much discussion about need for angled plane or not.

Merten: Your two setbacks total 20% of lot? *Yes*

Merten: Check setback, building height envelope, need for angled plane.

SUBCOMMITTEE MOTION: to Merge Preliminary and Final Reviews.

(Thorsen/Ducharme 7-1-0)

In Favor: Benton, Ducharme, Gaenzle, Hayes, Liera, Merten, Thorsen

Oppose: Costello (to afford neighbors another opportunity to attend a Review)

Abstain: 0

Motion Fails

recorder setting: 30:02:41:10

Please Provide for FINAL REVIEW:

- a. Please provide a photosimulation of the street scape showing the proposed Keating Residence with the existing houses on each side. This to be used to allow comparison of Bulk & Scale, as well as structure height with changing topography.**
- b. Please check building envelope sloping height limit setback on East side.**

6. Adjourn: 6:53 PM

La Jolla Planned District Ordinance Committee

Chair: Ione R. Stiegler, FAIA

AGENDA – MONDAY, February 12, 2012

4:00 PM, La Jolla Recreation Center, 615 Prospect Street, Room 1

UNAPPROVED MINUTES OF THE LA JOLLA PLANNED DISTRICT ORDINANCE COMMITTEE February 13, 2012

Present: Stiegler, Fitzgerald, Gabsch, Parker, Marengo, Berwin, Dershowitz, Little. **Members of the public also present:** Phyllis Minick, Stephen Bull, Lou Mitchell, Syreeta Hill, Steve Laub, Dave Schwab.

A quorum being present, Chair Stiegler called the meeting to order at 4:05PM. Committee Secretary Rasmussen being absent, the Chair appointed Fitzgerald as Acting Secretary for the Meeting.

1. **Public Comment** – Issues not on today's agenda (2 minutes maximum.)

There were no public comments on non-Agenda items.

2. **Review and approve November 2011 and January 2012 Minutes:**

- Motion to approve November 2011 Minutes (Dershowitz/Berwin): 5-0-0.

- Motion to approve January 2012 Minutes (Morengo/Parker): 6-0-0.

Note: The Chair modified the Agenda to defer **Chair Report/Board Discussion** until after the applicant presentations.

3. **Recommendations to CPA**

A.

Project Name: Gillispie School Exterior identification Sign

Address: 7380 Girard Ave, La Jolla, CA92037

Project Number:

PDO Zone:

Applicant: Gillispie School; applicant's representative presented project.

Agent: Graphic Solutions dba Fabrication Arts

City Project Manager:

Date of App Notice: January 26, 2012

Scope of Work: Upgrade of existing identification sign. Applicant indicated that the school name in 12" high letters will be mounted on top of the current wall; new lettering color will be the same as current signage.

Motion that proposed signage conforms to the PDO (Gabsch/Morengo): 8-0-0.

B.

Project Name: Tapfeaver Studios

Address: 5628 La Jolla Blvd

PN - ?

PDO Zone - LJPDO -4

Applicant: Larisa Hall

Agent: N/A

City PM - N/A

NEXT MEETING – MONDAY, MARCH 12, 2012

Please check <http://www.lajollacpa.org> 72 hours prior to meeting, meeting may be cancelled if no projects are on the agenda.

FOR ADDITIONAL INFORMATION, PLEASE CONTACT IONE R. STIEGLER, FAIA, CHAIR, 858-456-8555 OR
istiegler@isarchitecture.com

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

La Jolla Planned District Ordinance Committee

AGENDA – MONDAY, January 9, 2012 (continued)

Date of App Notice N/A

Scope of Work: Signage - 21 x 2 = 42 square feet allowed for wall mounted signage. Existing sign 32 square feet . New signage if a continuous box is drawn around the words can be no more than 10 square feet. The wording will stretch 16 feet long x 5 inches tall.

Motion that proposed signage conforms to the PDO (Gabsch/Berwin): 8-0-0.

4. Recommendations to DPR Committee

A. None

Project Name: Coast Blvd. Walk at Children's Pool

Address: Same

Project Number: N/A

PDO Zone: LJPD-5

Applicant: Phyllis Minick

Agent: N/A

City Project Manager: N/A

Date of App Notice: N/A

- **Scope of Work:**
- Pedestrian flow: provide a main walkway and secondary walkways, focusing on walkers and runners instead of groups.
- Seating: Construct double-seat walls similar to the existing turnouts above Shell Beach and Seal Rock to the north.
- Seat wall location: Move walls inland to limit the amount of code-required guardrail and construct least obstructive guardrail possible using consistent detailing - include lean rail.
- Trees: provide shade trees to soften lifeguard tower without obstructing ocean views.
- Gazebo (belvedere): Repair roof to include bird deterrents and enlarge surrounding walkway. Reduce or eliminate planting areas on top of the bluff in favor of increased walkway widths.
- Art: Add discrete interpretive/historical/educational signage near or on lifeguard station.
- Bluffs: Cover exposed areas of bluffs with erosion-controlling, ground-squirrel resistant, native plants.
- Vendor tables: restrict to a single location and regulate associated clutter, signs, safety and access.
- Extend landscape treatment like that recently installed at Casa de Manana across street to site and improve pedestrian connections to cross street.

Note: Applicant indicated that: 1) This proposed project has received substantial public input; 2) That elements of this proposal are being coordinated with the planned new lifeguard facility at Children's Pool; 3) That a possible public art element for the Coast Walk project will be handled as a separate proposal; 4) Project funding is an open issue.

Motion that the PDO Committee supports this project (Morengo/Little): 8-0-0.

5. Information Only

A.

Project Name: Chase Bank La Jolla & Forward

Address: 5605 La Jolla Blvd

Project Number: N/A (not yet submitted)

PDO Zone: LJPD-4

Applicant: Chase Bank

Agent: Steve Laub – Land Solutions, Inc.

City Project Manager: N/A (not yet submitted)

Date of App Notice: N/A (not yet submitted)

NEXT MEETING – MONDAY, MARCH 12, 2012

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La Jolla Planned District Ordinance Committee

AGENDA – MONDAY, January 9, 2012 (continued)

Scope of Work: This request is for an informational item to receive comments on the applicant's proposed Neighborhood Use Permit for a Previously Conforming Use that has been discontinued for more than 2 years. The building was originally built as and occupied by Security Pacific Bank in 1976. The Chase proposal would not conform to the existing PDO requirement that "office" uses (including banks) may not exceed 50% of the ground floor. Chase proposes that 100% would be used as a bank.

The Applicant attached a copy of the City response to their Preliminary Review application. They would be pursuing Option #2 as suggested in Issue #6.

Committee comments/issues:

- Applicant complimented for quality of their presentation and their familiarity with the PDO requirements.
- In final proposal, the Committee recommended that the Applicant address the following issues: customer parking requirements (a bank is an intensification of use versus retail); employee parking; noise from customers using ATM's; signage, colors, façade.

6. Chair Report / Board Discussion

- a. Review and Approve Draft Letter for CPA regarding the role of the PDO committee in the city review process. (Fitzgerald)
 - Fitzgerald will draft letter for the CPA requesting that all relevant projects be forwarded by the City for community review and referencing the project at Prospect/Ivanhoe as an example of a project with many issues that received no community review.
- b. Issues regarding PDO compliance and means to promote enforcement.
 - Committee noted confusion created for applicants and community reviewers by the City maintaining two non-identical versions of the PDO—one version on-line and the other in print.

The Chair adjourned the Meeting at 5:15PM.

The next regularly-scheduled meeting of the PDO Committee is March 12, 2012 at 4PM at the La Jolla Rec Center.

Respectfully submitted,

Jim Fitzgerald

Acting Secretary

NEXT MEETING – MONDAY, MARCH 12, 2012

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La Jolla Community Planning Association Corporate Bylaws

Adopted & Effective 3 March 2011 ~~*March 2009*~~

DRAFT Revisions - February 22, 2012

ARTICLE I Name, Boundaries & Definition of Terms

Section 1. Name

The official name of this corporation is the La Jolla Community Planning Association, abbreviated as LJCPA. All activities of this corporation shall be conducted in its official name as registered with the Secretary of the State of California in its Articles of Incorporation.

Section 2. Boundaries & Meeting Places

The community planning area boundaries for the LJCPA are the boundaries of the La Jolla Community Plan, as shown on Exhibit "A" and on file in the offices of the City Clerk and the Planning Department of The City of San Diego. Meetings of the LJCPA shall be held within these boundaries, except that when the LJCPA does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 3. Authority to Represent the LJCPA

The official positions and opinions of the LJCPA shall not be established or determined by any organization other than the corporation, nor by any elected Trustee of the LJCPA, other than one authorized to do so by the corporation as a result of a vote taken at a noticed LJCPA meeting.

Section 4. Definitions

A. Board of Trustees: The group of elected Trustees who administer the affairs of the LJCPA.

B. Elected Member: An individual elected by the Members of the LJCPA to serve on the Board of Trustees to represent the La Jolla community. "Elected members" referred to in San Diego City Council Policy No. 600-24 are referred to as Trustees in these Bylaws.

C. Eligible Member of the Community: An individual at least 18 years of age and affiliated with the community as a:

- (1) Property owner, who is an individual identified as the sole or partial owner of record, or his/her designee, of real property (either developed or undeveloped), within the La Jolla Community Plan boundaries, or
- (2) Resident, who is an individual whose primary address of residence is an address within the La Jolla Community Plan boundaries, or
- (3) Local businessperson, who is a local business or not-for-profit owner, or a single designee of that owner, at a non-residential real property address within the La Jolla Community Plan boundaries.

D. Member: An Eligible Member of the Community who has complied with the membership requirements of Article III, Section 1 of these Bylaws.

E. Planning Department: Planning Department is used in these Bylaws to refer to the Planning Division of the Development Services Department of the City of San Diego. ~~San Diego City Planning & Community Investment Department (CPCI).~~

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F. Planning Group: Community planning groups have been formed and recognized by the San Diego City Council and must conform to City Council Policy No: 600-24, effective 05/22/2007 with deviations as approved by the City Council. The LJCPA is a planning group conforming to said policy with the exception of approved deviations and is the recognized planning group for the La Jolla Community Plan area. The LJCPA is a planning group within the City of San Diego consisting of all its Members.

G. Quorum: A majority of seats of the Board of Trustees must be present in order to conduct business or to vote on projects or to take actions at regularly or specially scheduled meetings. Twenty percent of the membership of the LJCPA must be present in order to conduct business or to take actions at annual or special meetings of the membership.

H. Recusal: The act of removing oneself from participation in the voting, discussion or other consideration of an agenda item in which the individual has, or may have, a conflict of interest, direct economic interest, or prejudice in the outcome.

I. Trustee: An elected Member who serves on the Board of Trustees per Article III, Section 2 of these Bylaws.

ARTICLE II Corporate Purposes and General Provisions

Section 1. Purposes

The purposes for which this corporation is formed are those as set forth in the Articles of Incorporation. The LJCPA has been recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the La Jolla Community Plan boundaries. The LJCPA also advises on other land use matters as requested by the City or other governmental agency.

Section 2. Project Review

In reviewing individual development projects, the LJCPA shall focus such review on conformance with the adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, the LJCPA recommendation shall be submitted no later than the end of the public review period offered by the environmental review process. Upon receipt of plans for projects with substantive revisions, the LJCPA may choose to rehear the project, and may choose to provide a subsequent formal recommendation to the City.

Section 3. Non-Discrimination

All activities of the LJCPA shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, creed, national origin, sexual orientation, or physical or mental disability. In addition, meeting facilities must be accessible to disabled persons.

Section 4. Non-Participation in Candidate Elections for Public Office

The LJCPA shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Trustees shall not identify affiliation with the LJCPA when endorsing candidates for public office.

- Section 5. Ballot Measures
The LJCPA may take a position on a ballot measure.
- Section 6. Failure to Review Projects, Plans
Pursuant to the provisions of City Council Policy 600-5, the LJCPA failure to respond to the City's request for input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent the La Jolla community for these purposes. Such a determination resulting in the forfeiture of rights to represent the community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's Office.
- Section 7. Ralph M. Brown Act, California Corporations Code, Council Policy 600-24, Administrative Guidelines, Robert's Rules of Order
The LJCPA Board of Trustees operates under the authority of the Ralph M. Brown Act, which requires that meetings of the LJCPA are open and accessible to the public. In addition, the California Corporations Code governing Nonprofit Public Benefit Corporations, Council Policy 600-24 "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups" with the exception of deviations therefrom approved by the City Council, and these Bylaws govern the operations of the LJCPA. The Administrative Guidelines for Implementation of Council Policy 600-24 provide explanations of Council Policy 600-24's minimum standard operating procedures and responsibilities of the LJCPA. *Robert's Rules of Order Newly Revised* is used when State law, Council Policy, the Administrative Guidelines, and these Bylaws do not address an area of concern or interest.
- Section 8. Brown Act Violations
Some provisions of these bylaws constitute requirements under the Brown Act, as outlined in Council Policy 600-24. A Member of the LJCPA Board of Trustees who participates in a meeting of the Board of Trustees where actions are alleged to have been in violation of the Brown Act may be subject to civil or criminal consequences.
- Section 9. Loss of Indemnification
A member found to be out of compliance with the provisions of Council Policy 600-24 [excluding any City Council approved deviations from Council Policy 600-24] and these bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883, ~~0-17086~~ NS, and any future amendments thereto.
- Section 10. Amendments
These Bylaws may be repealed or amended, or new Bylaws may be adopted (actions collectively referred to as "amendments" for the purposes of this section), by a majority vote of the Members of the LJCPA in attendance at any annual meeting of the Members or at any special meeting of the Members called for that purpose. Upon adoption by the LJCPA of the proposed amendments, the LJCPA shall submit them to the Director of the Planning Division of the Development Services Department (PDDSD), ~~City Planning and Community Investment (CPCI)~~ for review, with a copy to La Jolla's Council District elected representative. PDDSD, ~~CPCI~~ staff shall, within thirty (30) days, review the proposed amendments to determine if they comply with Council Policy 600-24 and PDDSD, ~~CPCI~~ shall obey the following procedures:

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At or before the expiration of the thirty (30) day period, ~~PDDSD-CPCI~~ shall issue a letter to inform the LJCPA whether each proposed amendment complies with Council Policy 600-24. In the event that ~~PDDSD-CPCI~~ does not respond in writing to the LJCPA regarding the proposed amendments within thirty (30) days, the LJCPA shall be entitled to submit the amendments directly to the City Council for review.

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Conforming Proposed Amendments: If ~~PDDSD-CPCI~~ determines that a particular proposed amendment complies with Council Policy 600-24, CPCI shall, in conjunction with the City Attorney, approve those proposed amendments at or before the expiration of the thirty (30) day period. ~~PDDSD-CPCI~~ shall issue a written determination to inform the LJCPA of its approval within that thirty (30) day period. Upon receipt by the LJCPA of this written determination, the conforming proposed amendment(s) shall be immediately effective.

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Nonconforming Proposed Amendments: In the event that ~~PDDSD-CPCI~~ staff determines that a particular proposed amendment does not comply with Council Policy 600-24, ~~CPCI~~ staff shall, at or before the expiration of the thirty (30) day period, issue a letter to identify the non-conforming elements of the proposed bylaw amendment. In order to address the compliance issues, the LJCPA and ~~PDDSD-CPCI~~ staff shall use the ensuing sixty (60) day period to make a good faith effort to resolve those issues, with the help of the Community Planners Committee whenever possible. If the LJCPA and ~~PDDSD-CPCI~~ are not able to resolve the outstanding compliance issues within that sixty (60) day period, the ~~PDDSD-CPCI~~ shall, upon receipt of a written request from the LJCPA, forward the outstanding proposed amendments for consideration by City Council within a maximum 60 calendar day period. City Council shall approve or deny the section(s) in dispute within said sixty (60) day period and if City Council fails to so approve or deny said section(s) in dispute within this designated timeline, the disputed section(s) shall be deemed approved.

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ARTICLE III Membership, Board of Trustees, Trustee Terms, Oath of Office

Section 1. Membership

A. Member: An individual may become a Member of the LJCPA if the individual attends at least one monthly or special meeting of the LJCPA and submits a valid membership application to the Secretary demonstrating he or she is an Eligible Member of the Community. Such an individual becomes a Member twenty-eight days after submission of said valid membership application.

B. Membership Rights: A Member shall be entitled to vote at any meeting of the membership, may be appointed by the Board of Trustees to any Standing, Ad Hoc or Community Joint Committee or Board and is eligible for election to the Board of Trustees in accordance with the requirements of these Bylaws.

C. Membership Term: The Membership Year shall run from March 1 through February 28 (or 29 in a leap year). Upon becoming a Member, an individual shall enjoy all rights of membership for the balance of the Membership Year in which they became a Member and continuing through the end of the next Membership Year.

D. Membership Renewal: Other than as provided for initial membership in Article III, Section 1.C above, membership shall be renewed annually by attending at least one LJCPA monthly or special meeting within each

Membership Year and providing evidence of such attendance to the Secretary.

E. Lapse of Membership: If membership lapses by failure to renew, the individual is required to reapply for membership pursuant to Article III, Section 1.A., above.

F. Loss of Membership Due to Lack of Eligibility:

(1) An individual shall lose membership, effective immediately, upon failure to meet the requirements of being an Eligible Member of the Community as defined in Article I, Section 4.C. Such an individual should notify the Secretary to ensure records of the LJCPA are current. The individual can reapply for membership pursuant to the procedures in Article III, Section 1.A above.

(2) If the Secretary discovers that a Member is no longer eligible, then the Member in question shall be notified and given the opportunity to present evidence of eligibility. If the individual does not provide satisfactory evidence of eligibility, then membership shall be removed upon a majority vote of the Board of Trustees at the next regular meeting of the LJCPA. Such loss of membership shall be recorded in the membership records. The individual losing said membership may reapply for membership upon becoming an Eligible Member of the Community and following the procedures set forth in Article III, Section 1.A above.

Section 2. LJCPA Board of Trustees

The LJCPA Board of Trustees shall consist of a total of eighteen Trustees. Trustees shall be elected by the Members of the LJCPA. The Members of LJCPA and the Board of Trustees of the LJCPA shall constitute the officially recognized La Jolla community planning group for the purpose of these Bylaws and Council Policy 600-24.

Trustee Representation

The Trustees of the LJCPA shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests, including, but not limited to, residents, property owners and local businesspersons. Trustees of the LJCPA are representatives of the La Jolla community and as such will perform their duties in the public trust.

Section 3. Trustee Terms

Trustees of LJCPA shall be elected to serve for fixed terms of 3 years with expiration dates during successive years to provide continuity. Except as noted in this Section, no person may serve on the LJCPA for more than six consecutive years. After a one-year break in service as an LJCPA Trustee, an individual who has served for six consecutive years shall again be eligible for election to the LJCPA Board of Trustees.

The LJCPA will actively seek new members to the extent feasible. If not enough new members are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for six consecutive years to continue on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years.

All Trustees must retain eligibility during their entire term of service.

Trustee Terms shall otherwise conform to Council Policy 600-24, Article III, Section 3.

Section 4. Trustee Removal for Lack of Eligibility
A Trustee shall be removed from the Board of Trustees, upon a majority vote of the Board of Trustees, if, during a regularly scheduled public meeting, the Secretary presents documentation and has notified the Trustee in question, that the Trustee is (a) no longer an Eligible Member of the Community; (b) the Trustee is no longer eligible to serve as a Trustee due to not meeting the member attendance requirements in Article VI, Section 1.F of these Bylaws; or (c) the Trustee fails to attend an orientation training session pursuant to Article VI, Section 7 of these Bylaws.

Section 5. Oath of Office
Each Trustee shall be sworn in by an oath of office.

ARTICLE IV Vacancies

Section 1. The LJCPA shall find that a vacancy exists upon (a) the receipt of a resignation in writing from a Trustee; (b) removal of a Trustee pursuant to Article III, Section 4; or, (c) removal of a Trustee pursuant to Article IX, Section 3.

Section 2. Vacancies that may occur on LJCPA shall be filled not later than 120 days following the date of the determination of the vacancy. The term of office of any Member filling a Trustee vacancy shall be for the balance of the vacated term.

The LJCPA shall fill Trustee vacancies by an advertised special election pursuant to Article V.

Section 3. When the LJCPA is unable to fill a Trustee vacancy within 120 days, as specified above, and the LJCPA has more than twelve Trustees, either the seat may remain vacant until the next LJCPA election, or these Bylaws may be amended to permit decreased Trusteeship to a minimum of 12 Trustees.

If a Trustee vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 12 elected LJCPA Trustees in good standing, the LJCPA shall report in writing the efforts made to fill the vacancy to the City.

ARTICLE V Elections

Section 1. Election Policies for Annual and Special Elections
A. Annual Elections: Annual elections of LJCPA Trustees shall be held during the month of March in accordance with the election procedures found in this Article.

B. Special Elections: Special elections shall be called as required by these Bylaws. The election and voting policies and procedures for special elections shall be the same as the policies and procedures for annual elections with the exception of applicable dates and times for the special election. An ad hoc election committee shall be appointed to provide time for an election to replace vacancies within the 120-day time limit required by Article 4, Section 2.

Section 2. Elections Committee and Candidate Forum for Annual Elections
The LJCPA's Election Committee shall be established no later than the first week of January and shall solicit Members to become candidates. The LJCPA shall make a good faith effort to utilize means appropriate to publicize the LJCPA's eligibility requirements for candidacy and the upcoming election. A candidate

forum shall be advertised and held at the regularly scheduled February meeting or at a special meeting in February. In February, the Election Committee shall present to the Board of Trustees a complete list of interested candidates collected up to that point in time including verification that each interested individual is qualified to be a candidate.

Section 3. Candidate Qualifications

Persons interested in running for a Trustee seat shall express their interest in writing or by electronic communication to the Election Committee. The deadline to qualify for candidacy in the March election shall be at the conclusion of the regular or special February LJCPA meeting. Candidates may announce their interest in running and be added to the list at the February meeting subject to their being qualified as a candidate. In order to be a candidate in an election to become a Trustee, a Member of the LJCPA must have documented attendance at three of the LJCPA's meetings in the preceding 12-month period.

In the election process, the LJCPA shall seek enough new Trustee candidates to exceed the number of Trustee seats open for election in order to allow those who have served for six consecutive years to leave the group for at least one year.

Section 4. Voting Policies

All voting policies are established with the goal of assuring fair access to the election process and to avoid voting improprieties.

The LJCPA holds its annual election at the La Jolla Recreation Center from 3 p.m. to 7 p.m. on the day of the March regular meeting.

The LJCPA will require proof of identity of those LJCPA Members who are seeking to vote in Trustee elections.

The ballot presented to LJCPA Members to vote will clearly identify which candidates are running, how many candidates can be selected, and which candidates, if any, must receive a 2/3 majority of the vote due to service beyond six consecutive years of service.

Write-in candidates are allowed. If it is later determined that the write-in candidate is ineligible, any vote cast for an ineligible write-in candidate is an invalid vote and will not be counted.

Voting shall be by secret written ballot. Proxy voting for elections is not allowed under any circumstances. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24.

No person may campaign for votes within ninety feet of the building in which a polling place is located. Election Committee officials may provide for the removal of persons violating this prohibition.

Section 5. Election Procedures

The Elections Handbook, which is an attachment to the Administrative Guidelines, provides general guidance for Planning Group elections. The following are procedures pertaining to all LJCPA elections:

A. The President of the LJCPA will appoint and the Board of Trustees shall ratify an Election Committee consisting of 4 to 7 members. Said Election Committee shall not include any Trustee who will stand for re-election or any Member that is running in the election. The primary purpose of this committee

is to supervise the election preparation as well as the election itself. The Election Committee shall also review the eligibility of candidates between the time a candidate applies to run and the preparation of the ballot.

B. Voting is done by secret ballot placed in a box, with the Election Committee monitoring to ensure voters that their ballot has been cast in secrecy. A plurality of votes cast will determine the election of candidates. Six (6) of the eighteen (18) elected Trustees shall be elected by written secret ballot at each annual meeting and shall hold office for three (3) years thereafter. Each LJCPA Member may cast votes equal to the number of vacant Trustee positions. They may cast fewer votes than the number of vacant positions, but not more. They may not cast more than one vote for any candidate. If any ballot is received which indicates votes exceeding the number of positions available or more than one vote per candidate, then that ballot will be void and will not be counted. The individuals who receive the most votes will be elected, with those receiving the greatest number of votes being assigned the longest available term. The Election Committee is responsible for determining the validity of ballots.

C. The Election Committee shall create a clear and simple ballot. The ballot must clearly state the number of open seats available and how many candidates for which to vote. The ballots must stipulate that only pens may be used to mark the ballots. Write-in candidates are allowed and space must be provided on the ballot for write-ins.

D. The polling location shall be the La Jolla Recreation Center located at the intersection of Prospect Street and Draper Avenue. The polls shall be open and monitored from 3 p.m. to 7 p.m. on the date of the election. Proxy and absentee ballots are not allowed.

E. The President of the LJCPA will announce the close of the elections and shall state that ballots will not be accepted after the polls close. All the ballots will be collected and counted by the Election Committee. In the event of a tie vote, a coin toss will determine the winner, with the candidates having an opportunity to be present. Upon final verification of the count, the Election Committee shall report the results to the LJCPA President who shall certify and immediately announce the results. The President shall cause the results to be posted on the LJCPA website and offer the results for publication in the local newspapers.

Section 6.

Election Results and Challenges

The annual election becomes final one week after announcing the validated election results at the conclusion of the noticed, regular March monthly LJCPA meeting if no challenge to the election results has been filed. The President is responsible for preparing, certifying, and forwarding the election results to the City. New Trustees shall be seated in April at the start of the regular meeting in order to allow their full participation as Trustees at the April LJCPA meeting.

Special elections become final one week after the votes are tabulated following the election if no challenge to the election results has been filed. Trustees elected at special elections shall be seated at the next regular or special meeting of the Board of Trustees.

The Chair of the Elections Committee shall take custody of election ballots. Any challenge to the election results must be filed with the Chair of the Elections Committee in writing within one week of the announcement of the results of the election. If no challenge to the election results has been made within said time period, the ballots shall then be destroyed.

ARTICLE VI LJCPA Trustee Duties; Meetings and Committees

Section 1. A. General Duties and Public Meetings

It is the duty of the LJCPA to work cooperatively with the City throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It is the duty of the LJCPA Trustees to conduct official business of the LJCPA in a public setting. Officers of the LJCPA may oversee administrative business such as the assembling of the draft agenda in preparation for public discussions. Trustees may assist permit applicants on issues of law and procedure; however, all substantive discussions about possible LJCPA positions on agenda items shall occur only at noticed LJCPA meetings.

It is the duty of the LJCPA as a whole, and of each Trustee to refrain from conduct that is detrimental to the LJCPA or its purposes under Council Policy 600-24. No Trustee shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the LJCPA's agenda.

B. Regular Meetings

The LJCPA shall hold regularly scheduled meetings on the first Thursday of every month unless rescheduled by the President with at least ten (10) days prior notice. It is the duty of each LJCPA Trustee to attend all regularly scheduled LJCPA meetings.

C. Annual Meetings

Annual meetings of the Members of LJCPA shall be held in March of each year at such place in La Jolla, California, as may be designated by the Board of Trustees in a notice of such meeting given at least fifteen (15) and not more than ninety (90) days prior to such meeting.

D. Special Meetings

Special meetings of the Trustees may be called at any time by the President, or shall be called by the President upon written application of a majority of the Trustees within fourteen (14) days of said written application.

Special meetings of the Members may be called at any time by the President, subject to noticing requirements, or shall be called by the President upon written application of a majority of the Trustees within thirty (30) days of said written application.

An agenda for a special meeting of the Trustees shall be specified as such, and shall be prepared in conformance with Section 2.A.(1) below and posted at least one week before a special meeting. Trustees of the LJCPA shall be sent by electronic transmission (email) or other means notice of the meeting at least one week before the time of the meeting as specified in the notice unless the Trustee files with the LJCPA Secretary a written waiver of notice at, or prior to the time of, the meeting.

An agenda for a special meeting of the Members shall be specified as such, and shall be prepared in conformance with Section 2.A.(1) below and posted at least fifteen days and not more than ninety days before a special meeting. Each Member of the LJCPA shall be sent by electronic transmission (email) or other means notice of the meeting at least fifteen days and not more than ninety days

before the meeting unless the Member files with the LJCPA Secretary a written waiver of notice at, or prior to the time of, the meeting.

Written notice shall be sent to each local newspaper of general circulation at least 15 days prior to the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business may be considered at this meeting. Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

E. Emergency Meetings – Emergency meetings, requiring no public notice, are called for matters related to public health and safety. These matters are outside the purview of the LJCPA and are prohibited under these bylaws.

F. Meeting Attendance

Trustees shall attend regularly scheduled and special meetings of the LJCPA. The Secretary shall record in the minutes of each meeting the Trustees in attendance. The LJCPA shall find that a vacancy exists upon receipt of a written report from the LJCPA's Secretary reporting the third consecutive absence or fourth absence in any 12-month period of a Trustee from the LJCPA's regular meetings. Special meetings shall not be counted in the tally of absences.

Section 2.

A. Meeting Procedures

(1) REGULAR AGENDA POSTING – At least 72 hours before a regular meeting, the agenda containing a brief general description of each agenda item shall be posted. Publicity regarding the time, place, and agenda of the next Regular Meeting shall be arranged through the local newspapers, the LJCPA website and via electronic communication to all groups and/or individuals requesting notification. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made. The listing of the agenda item shall include the intended action of the LJCPA regarding that item [e.g., information item, action item].

(2) PUBLIC COMMENT – Any interested member of the public may comment on agenda items during regular or special LJCPA meetings. In addition, each agenda for a regular LJCPA meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda but within the scope of authority of the LJCPA. Public comments on items not listed on the agenda are not debatable. LJCPA Members may make brief announcements or reports to the LJCPA on their own activities under the public comment section of the agenda. The President may adopt time limits for public comment to ensure operational efficiencies.

(3) ADJOURNMENTS AND CONTINUANCES – If the LJCPA does not convene a regularly scheduled meeting, there shall be a copy of a "Notice of Adjournment" of the meeting posted on or near the door of the place where the adjourned meeting was to be held within 24 hours after the time the meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no Trustees of the LJCPA were present, the subsequent meeting, if not a regular meeting, must be noticed as if it is a special meeting.

(4) CONTINUED ITEMS – If an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if it is a regular meeting; otherwise the original meeting agenda is adequate.

(5) CONSENT AGENDA – Consent items may be placed on the Consent Agenda based upon the recommendations of both Standing and Community Joint Committees and Boards. For items to be considered for a “Consent Agenda” all of the following are required:

- (a) A committee of the LJCPA or a Community Joint Committee or Board has discussed the item at a noticed meeting,
- (b) All interested members of the public were given an opportunity to address the Committee or Board, and
- (c) The item has not substantially changed since the Committee or Board consideration.

The comments of the Committee or Board and those made by interested members of the public should be reflected in the minutes of the Committee or Board. Any interested member of the public may comment on a consent agenda item. If any interested member of the public takes a consent agenda item off the consent agenda by request, this item will be placed on the Trustees’ next monthly or special meeting for a full discussion, subject to subparagraph (7) below, or referral to a Standing Committee or Community Joint Committee or Board.

(6) QUORUM AND PUBLIC ATTENDANCE – A quorum, defined as a majority of seats of the Board of Trustees for regular or special meetings of the Trustees and twenty percent of the membership of the LJCPA for annual or special meetings of the membership, must be present in order to conduct business, to vote on projects or to take actions at said meetings.

No member of the public shall be required, as a condition of attendance at any meeting of the LJCPA, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

(7) DEVELOPMENT PROJECT REVIEW – The LJCPA may not, as a condition of placing an item on the agenda, require applicants to submit additional information and materials beyond that which the applicant has been required to submit as part of the City’s project review application process. However, nothing shall prevent the LJCPA or its committees from seeking additional material addressing code or permit violations.

When reviewing development projects, the LJCPA shall allow participation by affected property owners, residents, business establishments within proximity to the proposed development and other interested members of the public.

The LJCPA shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

(8) ACTION ON AGENDA ITEMS – An item not noticed on the agenda may be added if either two-thirds of the entire Board of Trustees, or every Trustee if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the Board of Trustees subsequent to the agenda being posted.

The President of the LJCPA or the Trustee acting in the capacity of President participates in discussions but does not vote except to make or break a tie.

The LJCPA shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

Votes taken on agenda items shall reflect the positions taken by the Trustees of the LJCPA.

(9) COLLECTIVE CONCURRENCE – Any attempt to develop a collective concurrence of the Trustees of the LJCPA as to action to be taken on an item by Trustees of the LJCPA, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(10) RIGHT TO RECORD- Any person attending a meeting of the LJCPA must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the LJCPA that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.

(11) DISORDERLY CONDUCT – In the event that any LJCPA meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the Board of Trustees may first cause removal of the individual or individuals. If that is unsuccessful then the Board of Trustees may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The Board of Trustees may also readmit an individual or individuals who were not responsible for the disruption.

B. Committees

The LJCPA may establish standing and ad hoc committees when their operation contributes to more effective discussions at regular LJCPA meetings. Such committees shall be appointed by the President and ratified by the Board of Trustees. Every member of any standing committee established by the LJCPA shall be a Member of the LJCPA. The LJCPA President shall be an ex officio member of all standing committees. A quorum for standing and ad hoc committees shall be a majority of the committee members.

(1) STANDING COMMITTEE - The LJCPA has established the following standing committee:

MEMBERSHIP COMMITTEE

This committee shall meet quarterly at the La Jolla Recreation Center. This committee shall consist of 4 to 7 members, appointed by the President of the LJCPA and ratified by a majority of the Trustees of the LJCPA. The purpose of the Membership Committee is to maintain a current roster of LJCPA Members and periodically update the list. This Committee shall be responsible to document all individuals that choose to register their attendance at the monthly LJCPA meetings and to ensure that the sign-in sheets at each LJCPA meeting are properly executed and retained for record keeping by the Secretary. The Membership Committee shall advise the Trustees of the LJCPA on the status of Members and shall cause the Member list to be posted on the LJCPA website.

(2) AD HOC COMMITTEES – Ad hoc committees may be established for finite periods of time to review more focused issue areas and shall be disbanded following their review.

(3) COMMUNITY JOINT COMMITTEES AND BOARDS

In order to achieve the diversity and equality of representation of the La Jolla community and to meet the objectives of Council Policy 600-24 regarding broad representation of the various geographic sections of the community and diversified community interests, Community Joint Committees and Boards have been formed and are required. The LJCPA shall appoint its Members to the following Community Joint Committees and Boards as long as each Community Joint Committee and/or Board continues to meet.

a. COMMUNITY JOINT COMMITTEES

(i) ~~DEVELOPMENT PERMIT REVIEW (DPR)~~~~COASTAL DEVELOPMENT PERMIT (CDP)~~ COMMITTEE

Trustees of the LJCPA shall appoint five Members of the LJCPA to serve on the ~~DPR~~~~CDP~~ Committee. The purpose of the ~~Development Permit Review Coastal Development Permit~~ Committee is to review and make recommendations regarding all discretionary permit applications filed for projects located within the La Jolla Community Plan boundaries, excluding the La Jolla Shores Planned District. This Committee receives public input in a review process that uses the regulations and guidelines established in the San Diego Municipal Code and La Jolla Community Plan in effect at the time of the project submittal to the City of San Diego. The ~~DPR~~~~CDP~~ Committee holds regularly scheduled public meetings. The ~~DPR~~~~CDP~~ Committee will normally consist of ten members, five appointed by the LJCPA and five members appointed by the La Jolla Town Council.

(ii) LA JOLLA SHORES PERMIT REVIEW COMMITTEE (LJSPRC)

The Trustees of the LJCPA shall appoint ~~one~~~~three~~ Members ~~and one alternate~~ of the LJCPA to serve on the La Jolla Shores Permit Review Committee. The purpose of the La Jolla Shores Permit Review Committee is to review and make written monthly recommendations regarding all applications for permits referred to it within the boundaries of the La Jolla Shores Planned District. This review is intended to insure compliance with the La Jolla Community Plan and Local Coastal Program Land Use Plan, the La Jolla Shores Planned District Ordinance, the La Jolla Shores Planned District Urban Design Manual, and City of San Diego ordinances concerning Sensitive Coastal Resources, Resource Protection, Hillside Review, Zoning Variances, Conditional Use Permits and Special Permits. The LJSPRC holds regularly scheduled public meetings. The LJSPRC will normally consist of ~~eight members, five members appointed by the La Jolla Shores Association and three members appointed by the LJCPA, five members, two members and one alternate appointed by the La Jolla Shores Association, two members and one alternate appointed by the Community Planning Committee of the La Jolla Shores and one member and one alternate appointed by the LJCPA.~~

(iii) PLANNED DISTRICT ORDINANCE (PDO) COMMITTEE: The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the PDO Committee. The purpose of the PDO Committee is to insure uniform and consistent enforcement of the La Jolla Planned District Ordinance (LJPDO), to assist the City of San Diego City in clarifying the LJPDO, to assist applicants in understanding and interpreting the LJPDO and the permit process, and to develop recommendations for changes to the ordinance. The PDO Committee reviews and makes written monthly recommendations regarding all applications

for Coastal Development Permits within the La Jolla Planned District to the LJCPA, the La Jolla Town Council, and [local manager/advisory board of the Business Improvement DistrictPromote La Jolla, Inc.](#) This committee forwards its recommendations to the [Development Permit ReviewCoastal Development Permit Committee](#) [when associated with a discretionary permit otherwise direct to the LJCPA where applicable](#) to enable the [respective organizationsCoastal Development Committee](#) to incorporate these recommendations in its review and public comment discussion. The PDO Committee holds regularly scheduled public meetings. The PDO Committee will normally consist of nine members, three appointed by the LJCPA, three appointed by the La Jolla Town Council and three appointed by [local manager/advisory board of the Business Improvement DistrictPromote La Jolla, Inc.](#)

b. COMMUNITY JOINT BOARDS

(i) LA JOLLA COASTAL ACCESS AND PARKING (LJCAP) BOARD

The Trustees of the LJCPA shall appoint three Members of the LJCPA to serve on the LJCAP Board. The purpose of the LJCAP Board is to review and make recommendations concerning all coastal access and parking issues within the La Jolla Community Plan boundaries. The LJCAP Board holds regularly scheduled public meetings. The LJCAP Board normally consists of nine members, three members appointed by the LJCPA, three members appointed by the La Jolla Town Council, and three members appointed by [local manager/advisory board of the Business Improvement DistrictPromote La Jolla, Inc.](#)

(ii) LA JOLLA TRAFFIC AND TRANSPORTATION (T & T) BOARD: The Trustees of the LJCPA shall appoint two Members of the LJCPA to serve on the T & T Board. The purpose of the Traffic and Transportation Board is to serve as the focal point for traffic and transportation matters concerning the community of La Jolla with governmental agencies and with the public, and to investigate, evaluate and propose recommendations to the LJCPA, the La Jolla Town Council, [local manager/advisory board of the Business Improvement DistrictPromote La Jolla, Inc.](#), the La Jolla Shores Association, and the Bird Rock Community Council. The T & T Board holds regularly scheduled public meetings. The T & T Board will normally consist of ten members, two members appointed by the LJCPA, two members appointed by the La Jolla Town Council, two members appointed by the La Jolla Shores Association, two members appointed by [local manager/advisory board of the Business Improvement DistrictPromote La Jolla, Inc.](#), and two members appointed by the Bird Rock Community Council.

(iii) LA JOLLA COMMUNITY PARKING DISTRICT (LJCPD) ADVISORY BOARD

The La Jolla Community Parking District Advisory Board was established by resolution of the City of San Diego. Trustees of the LJCPA shall appoint one Member of the LJCPA to serve on the La Jolla Community Parking District Advisory Board. The purpose of the LJCPD is to advise the City of San Diego on the creation of parking policies and practices that are in the best interests of the community of La Jolla. The LJCPD normally consists of nine members, one appointed by the LJCPA, three appointed by [local manager/advisory board of the Business Improvement DistrictPromote La Jolla, Inc.](#), one appointed by the La Jolla Town Council, one appointed by the La Jolla Shores Association, one appointed by the Bird Rock Community Council and two at large.

C. Rules Regarding All Committees and Boards

The Board of Trustees of the LJCPA shall review recommendations of each

Community Joint Committee and Board and take action as the Board of Trustees deems appropriate. All committee appointees appointed by the LJCPA shall be appointed by the President and ratified by the Trustees. The President, with the ratification of the Board of Trustees, may appoint representatives of the LJCPA to other community joint committees or boards as deemed to be in the best interest of the community of La Jolla.

Members ~~of the LJCPA~~, who are duly appointed to serve on a Community Joint Committee or Board, may be indemnified by the City in accordance with Ordinance No. ~~O-19883~~ ~~O-17086~~ NS, and any future amendments thereto, provided they satisfy any and all requirements of the [Ordinance Administrative Guidelines](#).

All committee recommendations to the City must be brought forth to the Board of Trustees for formal vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the formal recommendation of the LJCPA without a formal vote of the Board of Trustees.

D. Abstentions and Recusals

(1) RECUSALS - Any Trustee of the LJCPA with a direct economic interest in any project that comes before the LJCPA or any committee must disclose the economic interest, and must recuse from voting and not participate in any manner as a Trustee for that item on the agenda. In the event of a recusal, the individual must remove him or herself from the room prior to discussion if that individual is not part of the presentation. Section 3.5 of the Administrative Guidelines is the LJCPA's reference for determining direct economic interest.

(2) ABSTENTIONS - In limited circumstances, LJCPA Trustees may abstain from either voting on an action item, or from participating and voting on an action item. The Trustee must state, for the record, the reason for the abstention.

E. Meeting Documents and Records

(1) AGENDA BY MAIL – Requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the Trustees of the LJCPA, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

(2) AGENDA AT MEETING – Any written documentation, prepared or provided by City staff, applicants, or LJCPA Trustees, that is distributed at the LJCPA meeting, shall be made available upon request for public inspection without delay. If such material is distributed at the LJCPA meeting, then it shall be made available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or LJCPA Trustees, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. A cost-recovery fee may be charged for the cost of reproducing any of the materials requested by an individual or individuals.

(3) MINUTES – For each Board of Trustees meeting, a report of LJCPA Trustee attendance and a copy of approved minutes shall be retained by the LJCPA, and

shall be available for public inspection. The minutes of each Board of Trustees meeting shall include the votes taken on each action item and reflect the names for, against and abstaining when the vote is not unanimous. Recusals shall also be recorded. Minutes should record speakers and public testimony, and whether each project applicant (whose project was subject to Board of Trustee action) appeared before the Board of Trustees. If an applicant did not appear before the Board of Trustees then the meeting minutes must indicate the date and type of notification (e.g. electronic, telephonic, facsimile) that was provided to the applicant requesting his or her appearance at the Board of Trustees meeting. The Board of Trustees shall submit a copy of the approved minutes to the City within 14 days of approval.

The LJCPA is not required to audio or videotape meetings but if recordings are made, they are subject to public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

(4) RECORDS RETENTION – The LJCPA records must be retained for public review utilizing the City staff records retention schedule and method for collection and storage of materials utilized by all planning groups.

Section 3. Community Input

It shall be the duty of the LJCPA and its Trustees to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The Board of Trustees shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

Section 4. Current Roster of Trustees

It shall be the duty of the LJCPA to maintain a current, up-to-date roster of the names, terms, and category/qualifications of Trustees in its possession, and to forward the current roster, as well as updates, to the City.

Section 5. Annual Report of Accomplishments

The Board of Trustees shall submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 6. Dues and Contributions

The LJCPA may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the LJCPA to promote understanding and participation in the planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any LJCPA meeting. All contributions must be voluntarily made, and no official LJCPA correspondence may be withheld based on any individual's desire not to make a voluntary contribution.

Section 7. Trustee Training

Each LJCPA Trustee is required to attend an orientation training session administered by the City as part of planning group and individual member indemnification pursuant to Ordinance No. [O-19883](#) ~~O-17086~~ NS, and any future amendments thereto. Newly seated Trustees must complete a basic orientation training session within 12 months of being elected or to the Board of Trustees or the Trustee will be ineligible to serve.

ARTICLE VII LJCPA Officers

Section 1. Officers

The officers of the LJCPA shall be elected from and by the Trustees of the LJCPA at the April meeting. Officers shall be a President, Vice President, Secretary and Treasurer. The length of an officer's term shall be one year. No person may serve in the same LJCPA office for more than (3) three consecutive years.

Section 2. President

The President shall be the principal officer of the LJCPA and shall preside over all LJCPA and communitywide meetings organized by the LJCPA. The President is responsible for all committee appointments subject to ratification by a majority of Trustees at a meeting.

Section 3. Vice President

In the absence of the President, the Vice President shall perform all the duties and responsibilities of the President.

Section 4. Secretary

The Secretary shall verify that an individual applying for membership is an Eligible Member of the Community. The Secretary shall be responsible for the LJCPA's correspondence, attendance records, minutes and actions [including identification of those Trustees that constitute a quorum, those Trustees who vote on an action item, and those Trustees who abstain or recuse and the reasons], and shall assure that Trustees, LJCPA members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. Treasurer

The Treasurer shall be responsible for general supervision of the financial affairs of the LJCPA and shall make regular financial reports to the Board of Trustees and Members. The Treasurer shall also be responsible for filing all financial reports and shall perform such other duties as may be prescribed.

Section 6. Community Planners Committee Representative

The President shall be the LJCPA's representative to the Community Planners Committee (CPC). However, by vote of the Trustees, a Trustee other than the President may be selected as the official representative to CPC with the same voting rights and privileges as the President. Designation of a Trustee other than the President as the official representative, as well as for an alternate to CPC, shall be forwarded in writing to the staff representative of CPC prior to extension of voting rights and member attendance. The LJCPA representatives to CPC shall promptly disseminate to all Trustees pertinent information regarding CPC's official business.

ARTICLE VIII LJCPA Policies and Procedures, Community Participation

Section 1. Policies

The LJCPA Bylaws incorporate policies and procedures directed by Articles I through VII of Council Policy 600-24. These Bylaws also contain some policies and procedures recommended in Article VIII of Council Policy 600-24. Additional procedures are found in Council Policy 600-24 Administrative Guidelines and Election Handbook, listed as attachments to these Bylaws. Where there is a conflict between these Bylaws, Council Policy 600-24, the Administrative Guidelines and the Election Handbook, these Bylaws shall prevail.

Section 2. Procedures

Any procedures found in Exhibits to these Bylaws have the same effect as if they were incorporated directly into Articles I through VII of these Bylaws.

Section 3. Community Participation

(1) Public Input

During all discussions, the President shall solicit testimony from the public attending each meeting. Votes taken on public issues shall include a tabulation of the votes of those in attendance, recorded as such in the minutes of the meeting.

(2) Community Outreach

Regularly scheduled meetings and annual elections shall be publicized in local neighborhood newspapers as well as on the LJCPA website. Announcements shall be sent via electronic communications to all organizations, including but not limited to the La Jolla Town Council, [local manager/advisory board of the Business Improvement District](#) ~~Promote La Jolla, Inc.~~, The La Jolla Shores Association, the Bird Rock Community Council, and individuals who have notified the Membership Committee of their interest in receiving any and all electronic notices. Notices shall be posted publicly at the La Jolla Recreation Center.

Section 4. Project Review

Motions and Voting

If a motion on the floor is voted on and fails, it is considered as a failed motion. New motions can be made and voted upon repeatedly until such time as the motion on the floor passes. If the LJCPA is unable to pass any motion, it will be considered a non-vote. (Example: A motion is made that the findings can be made and fails. This is considered a non-vote. A new motion is made that 'the findings cannot be made' and passes. This is considered a vote in opposition to the proposed Project.)

Section 5. Circumstances in which the Appeal Procedures Apply

The LJCPA may appeal any adverse decision. The LJCPA Appeal Procedures apply when there has been a City of San Diego (Staff, Process 2; Hearing Officer, Process 3; Planning Commission, Process 4) decision that is in opposition to a LJCPA recommendation and/or finding (hereafter, an "adverse decision"). Examples of adverse decisions include, but are not limited to, the following:

(1) The LJCPA recommends that a project be denied and the City approves the project.

(2) The LJCPA determines that findings cannot be made and the City disagrees.

(3) When a project has significantly changed after review by the LJCPA, such that the project heard by the City is materially different than the project heard by the LJCPA, then, if the City approves the project, the LJCPA may determine this to be an adverse decision.

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(4) An environmental document is certified by the City that the LJCPA determines should not have been certified.

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Section 6. Procedures for Appeal of Adverse Decisions

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(A) The following provisions pertain to a potential Appeal of the City of San Diego's (City) adverse decision when the La Jolla Community Planning Association (LJCPA) has recommended to the City that the project be either 'denied' and/or 'the required Findings for the requested permit cannot be made.'

(1) When an applicant initially contacts the LJCPA regarding review of his/her project by the LJCPA, the President or the appropriate Review Committee Chairperson shall notify the applicant of the LJCPA's Policy to Appeal decisions of the City of San Diego to 'approve' a requested permit when the LJCPA has previously forwarded a recommendation to 'DENY' the project. The notification should emphasize the LJCPA's ability to 'Appeal' the City's decision to APPROVE to the highest levels of City government in accordance with the provisions of the San Diego Municipal Code (SDMC). The purpose of such notification is to persuade the applicant to consider the concerns of the LJCPA in an effort to fully comply with all applicable provisions of the SDMC, the La Jolla Community Plan, Land Use Plan and Local Coastal Program and all other applicable rules and regulations.

(2) Should the Trustees vote to recommend to DENY a requested permit(s), and/or the 'required findings cannot be made for the requested permit(s), the President will offer the project applicant the option to revise and re-submit the project design drawings for further consideration by the LJCPA.

(3) When a majority vote of the Trustees is to recommend to DENY a requested permit(s) and/or the 'required findings cannot be made for the requested permit(s)', the President shall inform the applicant that any decision by the City to 'approve' the requested permit(s) is subject to potential Appeal filed by the LJCPA. The President shall request that a hearing or staff decision by the City on the requested permit(s) occur not more than 10 days nor less than 4 days before a regularly scheduled monthly meeting of the LJCPA, so that should the City decide to Approve the requested permit(s) the LJCPA will have an opportunity to consider and vote on whether or not to Appeal of the City's decision within the City's 10 day appeal period. The President shall inform the applicant and the City that when the LJCPA has recommended to DENY a requested permit(s), that any decision by the City to 'Approve' such permit(s) made more than 10 days, or less than 4 days before a regularly scheduled monthly meeting of the LJCPA that the President is required to file an appeal.

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(4) When a majority vote of the Trustees has recommended to DENY a requested permit(s) and/or the 'required findings for the requested permit(s) could not be made', and contrary to that recommendation the decision by the City is the 'Approve' the requested permit(s), the Trustees shall consider whether or not to Appeal the decision to approve the permit(s) to the next higher body at the next LJCPA meeting. With an affirmative vote by a majority of the Trustees present at a publicly noticed LJCPA meeting, the LJCPA President shall Appeal that decision to the next higher governmental body.

(5) When a majority vote of the Trustees has recommended to DENY a requested permit(s) and/or the 'required findings for the requested permit(s) could not be made', and contrary to that recommendation the decision by the City is the 'Approve' the requested permit(s) AND the appeal period ends before the next regularly scheduled meeting of the LJCPA, the President shall file a timely appeal in conformance to City of San Diego Information Bulletin 505. An appeal filed in such a manner is not required to be brought to the trustees for confirmation unless requested by a Trustee or the Applicant.

Section 7. Procedures for Appeal of Environmental Determination

When the LJCPA has voted to take exception to an Environmental Determination made by the City, and with an affirmative vote a majority of the Trustees present at a publicly noticed LJCPA meeting, and after all other project appeal rights have been exhausted, the LJCPA President shall Appeal the Environmental Determination by the City to the next higher governmental body.

Section 8. LJCPA Participation in Appeal Hearing

(A) An appeal filed by the LJCPA shall be defended by the LJCPA at the appeal hearing. It is the duty of the President to represent the LJCPA at the appeal hearing as outlined in Article VII, Section 2. The President may work with other Trustee(s) as part of an organized presentation.

(B) At any appeal hearing, the LJCPA President or appointed Trustee shall state that he or she is representing the LJCPA and shall advocate for the LJCPA's recommendation(s) and/or finding(s). Only the President or the appointed Trustee may appear as the official representative of the LJCPA, although other Trustees are encouraged to attend appeal hearings in their personal capacities.

Section 9. Questions Not Specifically Answered.

If a question or issue regarding Appeal Procedures arises that is not specifically addressed herein, the LJCPA Trustees should decide the question or issue in accordance with the spirit of these written Appeal Procedures.

ARTICLE IX Rights and Liabilities of the LJCPA

Section 1. Indemnification and Representation

Members of the LJCPA and its duly elected Trustees have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance 0-19883 ~~0-17086~~ NS, and any future amendments thereto, if the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in Policy 600-24, Article II, Section 1; their conduct was in conformance with Policy 600-24 [excluding any City Council approved deviations from Council Policy 600-24] and these Bylaws; and all findings specified in the ordinance can be made.

Section 2. Brown Act Remedies

The Board of Trustees may be subject to both Council Policy 600-24 violations as described in Section 3 below and penalties provided for in the Brown Act.

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The Brown Act includes criminal penalties and civil remedies. Both individual Trustees, as well as the Board of Trustees, may be subject to civil remedies. Under certain circumstances, individual Trustees may face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, and where the Trustee intended to deprive the public of information to which the Trustee knows or has reason to know the public is entitled. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Section 3. Council Policy 600-24 Violations and Remedies

A. In cases of alleged violations of the LJCPA Bylaws or Council Policy 600-24 by a Trustee, the Board of Trustees shall conduct an investigation consistent with the Administrative Guidelines and these Bylaws.

B. A complaint that a Trustee violated one or more provisions of the LJCPA's Bylaws or Council Policy 600-24 may be submitted to the LJCPA President by any individual, including another Trustee. The complaint should be filed within 90 days of knowledge of the alleged violation.

C. If, after a thorough investigation by the President and at least two other Officers, the Board of Trustees determines that a Trustee has violated a provision of these Bylaws or Council Policy 600-24, the Board of Trustees shall, where feasible, seek a remedy that corrects the violation and allows the Trustee to remain on the Board of Trustees.

D. If corrective action or measures are not feasible, the Board of Trustees may remove a Trustee by a two-thirds vote of the Board; except for specific cases outlined in Article III, Section 4 where a majority vote is sufficient for removal.

E. The vote to remove the Trustee shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and these Bylaws.

F. A Trustee found to be out of compliance with the provisions of these Bylaws or Council Policy 600-24 risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883, ~~0-17086 NS~~ and any future amendments thereto.

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Section 4. Investigations

Any action by the LJCPA to discipline or remove a Trustee must occur at a scheduled Board of Trustees meeting and be advertised on the agenda as an action item. Due to the significant nature of removing a Trustee, and to ensure a fair and public process, the procedures for investigating a violation of a Trustee are listed below.

A. Documenting a violation:

- (1) A complaint that a violation of these Bylaws or Council Policy 600-24 has occurred will be presented to the LJCPA President. If the complaint is about the President, it may be presented to any other Officer of the LJCPA.
- (2) The complaint should be detailed enough to provide a description of, and timeframe within which, the alleged violation was committed and who was responsible for the violation.
- (3) The complaint should provide a citation of the LJCPA Bylaws or Council Policy 600-24 provisions that the action is claimed to

- violate. If the complaint is from someone other than another LJCPA Trustee, the President [or other Officer] may assist in providing appropriate citations to assist the complainant.
- (4) The President will confer with the LJCPA Officers [exception: if an officer is the subject of the grievance or has a business or personal relationship with the alleged violator] regarding the complaint.
 - (5) The President shall create a written record of the complaint and alleged violation to share with the alleged violator.
- B. Procedures for administering and acting on investigating a violation:
While the authority for this process rests with the LJCPA, City staff may be contacted for assistance at any point in the process.
- (1) Once the information about an alleged violation is completed in writing, the President, with assistance from the LJCPA Officers, will meet and talk with the Trustee against whom the violation is alleged. The allegations will be presented and the Trustee shall be given opportunity for rebuttal.
 - (2) If the President, with assistance from the LJCPA Officers, determines that no violation has actually occurred, the President may record this in the written record of the complaint.
 - (3) If the President, with assistance from the LJCPA Officers, determines that a violation has occurred but the situation can be remedied either by action of the Board of Trustees or by the Trustee, then the President will outline the necessary actions in writing to achieve the remedy.
 - (4) If the President, with assistance from the LJCPA Officers, determines that the situation cannot be remedied and that the interests of the community and LJCPA would best be served by the removal of the Trustee, then the President shall set the matter for discussion at the next Board of Trustees meeting. The Trustee who committed the violation shall be given adequate notice about the meeting discussion, and will be given the opportunity to resign prior to docketing the matter for discussion by the Board of Trustees.
- C. Presenting a violation to the Board of Trustees:
- (1) The matter of removing a seated Trustee will be placed on the Board of Trustees' agenda as a potential action item. Supporting materials from the President or from the offending Trustee will be made available to the Board of Trustees prior to the meeting.
 - (2) The matter will be discussed at the Board of Trustees' regular meeting with opportunity given to the Trustee who allegedly committed the violation to present his or her case and/or rebut documentation gathered by the President with the assistance of the LJCPA Officers. The Trustee may also request a continuance of the item to gather more information to present to the Board of Trustees by a specified date.
 - (3) At the end of the discussion, the Board of Trustees may, by a 2/3 vote, choose to remove the Trustee.
- D. Recourse for expelled Trustee:
- (1) There is no appeal available to a Trustee removed by a 2/3 vote the Board of Trustees.
 - (2) The Trustee's seat shall be immediately declared vacant and subject to provisions of Article IV.

- (3) The removal of a Trustee by a 2/3 vote of the Board of Trustees will prohibit the Trustee from running for a LJCPA seat for at least 12 months after the removal.

E. Alleged Violations By the LJCPA as a Whole:

In the case of an alleged violation of the LJCPA's Bylaws or of Council Policy 600-24 by the LJCPA as a whole or multiple Trustees of the LJCPA, the violation shall be forwarded in writing to the City. The Mayor's Office will engage in a dialogue with the Board of Trustees, determining the validity of the complaint, and seeking resolution of the issue or dispute. The LJCPA will work with the City toward a solution and the LJCPA recognizes that, in accordance with Council Policy 600-24, the City may consult with the Community Planners Committee.

If a violation against the LJCPA as a whole is proven and there is a failure of the LJCPA to take corrective action, the LJCPA will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's Office to the City Council. The LJCPA shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

If the LJCPA is found to be out of compliance with the provisions of Council Policy 600-24, with the exception of Council-approved deviations thereto, or its adopted Bylaws, it risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. 0-19883 ~~0-17086~~ NS, and any future amendments thereto.

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La Jolla Community Planning Association
Boundary Map
Exhibit A

List of Attachments to these Bylaws

1. City Council Policy 600-24:
http://docs.sandiego.gov/councilpolicies/cpd_600-24.pdf
2. City Council Policy 600-24 Administrative Guidelines
<http://www.sandiego.gov/planning/community/pdf/cpg/adminguidelinesfinal2006.pdf>
3. Election Handbook
<http://www.sandiego.gov/planning/community/pdf/cpg/electionhandbook.pdf>

CHILDREN'S POOL WALKWAY BEAUTIFICATION LANDSCAPE CONCEPT PLAN

LA JOLLA PARKS AND BEACHES, INC. BEAUTIFICATION COMMITTEE

NLA
NEW LANDSCAPE ARCHITECTURE

3 FEBRUARY 2012

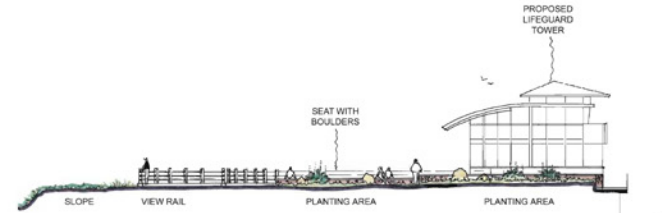
PACIFIC OCEAN

PLAZA

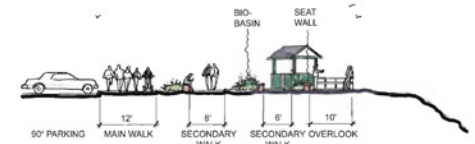
- COBBLE SEAT WALLS WITH CONCRETE CAPS
- NATIVE AND SUCCEULENT PLANTINGS IN BIO-REMEDIATION BASIN PLANTING AREAS
- ENRICHED PAVING WITH SHELL ADDITIVE
- MEMORIAL BENCHES
- DESIGNATED VENDOR AREA
- BICYCLE PARKING AREA

BELVEDERE

- WOOD FENCE AT OVERLOOK
- SAFETY PLANTING WITH POST & CHAIN AT EXISTING WALL
- COBBLE SEAT WALLS WITH CONCRETE CAPS
- NATIVE AND SUCCEULENT PLANTS IN BIO-REMEDIATION BASIN PLANTING AREAS
- ENRICHED PAVING WITH SHELL ADDITIVE



ELEVATION 1



SECTION A-A

TURN OUT

- MINOR OVERLOOK TO PROVIDE RELIEF FOR PEDESTRIAN TRAFFIC CONGESTION
- WIDEN SIDEWALK AT CURRENT CONSTRUCTION POINT AND MOVE FENCE TOWARDS OCEAN
- DIRECT SIDEWALK RUN-OFF TO STREET

COAST

BLVD.

CASA DE MAÑANA

JENNER ST.

