



PO Box 889, La Jolla, CA 92038

<http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

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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, 5 April 2012

D R A F T AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Elections**
 - A. Certify Election
 - B. Recognition of Outgoing Trustees – **Councilmember Sherri Lightner**
 - C. Swearing in of newly elected trustees – **Councilmember Sherri Lightner**
4. **Election of Officers**
 - A. President
 - B. Vice President
 - C. Secretary
 - D. Treasurer
5. **Meeting Minutes Review and Approval: 1 March 2012**
6. **Elected Officials Report – Information Only**
 - A. Council District 2 – Councilmember Kevin Faulconer
Rep: **Katherine Miles**, 619.236.6622, kmiles@sanidiego.gov
 - B. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@sanidiego.gov
7. **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/>
8. **Non-Agenda Items for Trustee Discussion**

Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
9. Officer's Reports
 - A. **Secretary**
 - B. **Treasurer**

10. President's Report

A. Alleged code violation process – discussion

Reference: <http://www.sandiego.gov/nccd/about/enforcement.shtml>

B. Committee Appointments in May – Submit your interest, ratified at May CPA meeting.

Reference: <http://www.lajollacpa.org/committees.html>

C. Electronic Community Orientation Workshop (E-COW) mandatory training requirement for all new Trustees & Committee members

Reference: <http://www.sandiego.gov/planning/community/ecow/>

D. Ad Hoc Committee will be meeting in April for a general discussion of policies affecting the role of Trustees representing project applicants or project opponents at public meetings including presentations to the LJCPA. Specific issues for possible discussion by the Committee will be posted on the Ad Hoc Committee agenda prior to the meeting - the time and place to announced.

11. 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. Keating Residence

DPR ACTION: Findings can be made for a 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 Rd. 3-2-1

9633 La Jolla Farms Rd - CDP to demolish existing residence and construct a 10,834 SF single-family residence on a 1.07 acre site.

B. Woolf Residence

DPR ACTION: Findings can be made for a Coastal Development Permit to demolish existing structures and construct a 5,467 SF single-family residence on a 0.3 acre site on Camino de la Costa with the adjustments made to the drawings on this date. 5-0-1

6353 Camino de la Costa Coastal Development Permit to demolish existing structures and construct a 5,467 SF single-family residence on a 0.3 acre site.

C. AT&T South Torrey Pines Row

DPR ACTION: Findings can be made to approve the Project. 5-0-1

9170 1/3 N. Torrey Pines Rd - The project is an existing wireless communication facility located at the northwest corner of North Torrey Pines Road.

D. Beautification Of Coast Boulevard – same plans approved at March LJ CPA mtg

DPR ACTION: To approve the Conceptual Plan for the Beautification of Coast Boulevard Walkway at the Children's Pool without the coastal bluff drive (which would not be approved in any private project), and the destruction of the bluff. 5-0-1

Coast Boulevard at the Children's Pool- redesign of the public promenade and belvedere on Coast Blvd. at the Children's Pool. Total improved area: 11,610 SF. Improved pathway: approx. 10,000 SF (475 linear feet). Planting area

E. Zegarra Retaining Wall

PRC Action: First, one Finding for a Neighborhood Development Permit (The proposed development will not adversely affect the applicable land use plan.) cannot be made because the solid wall along La Jolla Scenic Drive does not comply with the Visual Resources section of the Open Space Preservation and Natural Resources Protection Policies of the Natural Resources & Open Space System Element of the La Jolla Community Plan pertaining to the preservation and enhancement of public views from Identified Public Vantage Points (LJCP pages. 46 and 47).

Second, the Finding for a Neighborhood Development Permit (The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.) cannot be made because the solid wall along La Jolla Scenic Drive does not provide the public view corridors within both side yard setback areas as required by LDC Sect. 132.0403(b); and the overall height and length of the solid wall within the street ROW does not comply with the Design Principle section of the General Design Regulations of the LJSPDO [Sect. 1510.0301(b)] because the overall height and length of the solid wall within the ROW is so different in form and relationship from development on adjacent parcels that it will disrupt the architectural unity of the area.

Motion to deny carries: 4-2-2

2974 Caminito Bello (La Jolla Scenic Drive North Frontage adjacent to Pottery Canyon) --NDP for an existing free standing solid wall within the Public Right-of-Way along La Jolla Scenic Drive. The LJCPA previously approved (August 2006) an SDP for Environmentally Sensitive Lands for construction of a retaining wall adjacent to a canyon (now already built without the permit being issued) Both were subjects of an NCCD.

F. La Jolla Half Marathon

T & T ACTION: Approval of street closures for marathon April 29th & Expo April 28th - 7-0-0
Street closures April 29th for Marathon - Expo on April 28th.

G. V-Calm sign on West Muirlands

T & T ACTION: Approval for V-Calm signage 5-0-2

V-Calm sign – West Bound- across from 1211/1231 West Muirlands. It will be placed on the golf course side of the street

12. 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

13. Discussion on Applicants Opting Out of Community Review

14. Adjourn to next Regular Monthly Meeting, May 5th, 2012, 6:00 pm

Time
Certain:
9:30p



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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 MINUTES – ANNUAL MEETING

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

1. Welcome and Call To Order: Tony Crisafi, President, at 6:07 PM

2. Verify Quorum (Need 20% of total Membership required)
49 members present out of total 217 membership; quorum present

3. Adopt the Agenda

Trustee Whittemore suggested adding to the agenda a discussion by the whole membership as to future directions for the LJCPA, such as changed emphasis and longer-range visions. **Trustees** expressed preference not to add to this meeting's agenda. **President Crisafi** said these subjects would be addressed next month.

Approved Motion: Motion to adopt the Agenda, (Whittemore/Thorsen, 10-4-1).

In favor: Allen, Brady, Conboy, Costello, Fitzgerald, LaCava, Manno, Merten, Thorsen, Weiss.

Oppose: Bond, Gabsch, Little, Whittemore.

Abstain: Crisafi.

4. Non-Agenda Public Comment – Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

Helen Boyden spoke about appeals of two recent projects by residents who had not been involved with the LJCPA in the process. She suggested better outreach and more effective notice.

Peggy Davis reviewed the information she distributed concerning the Gatti project and repeats her request for removal of Michael Morton from the La Jolla Shores Permit Review Committee. **President Crisafi** said he has contacted City staff, and there is no venue for us to review a development project once LJCPA has approved it.

Michael Morton in response to Ms. Davis, related that the Gatti project was reviewed, approved and executed according to regulations and has been inspected and approved by the City.

Leigh Heyman spoke, objecting to the effect of valet parking on Roslyn Lane, associated with the new restaurant in the Manchester Building.

Esther Viti announced that the Nell Carpenter Beautification Committee continues to conduct a volunteer community cleanup each Saturday from 9 to 12AM; volunteers meet in front of the Athenaeum on Wall Street.

5. 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. 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 at the sign-in table, from the Secretary 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 Fitzgerald presented the results for the past month. February Beginning Balance: \$138.88 + Income \$345.00 – Expenses \$179.98 = March Beginning Balance: \$303.90.

Trustee Fitzgerald commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations are in cash to preserve anonymity.

6. Ad Hoc Committee on Bylaws – updated bylaws – Action item

Whether to accept the committees 27 January draft bylaw revisions which concern Section VIII, on the subject of project and environmental document review and appeal and corrections required to update committee titles.

Trustee Merten presented the revised Bylaws. The revised Bylaws are reproduced at the end of these minutes. Changes from the previously adopted Bylaws are indicated by vertical lines in the left-hand border. Deletions are in ~~red-strikeout~~ type and additions are in blue double-underline type.

Trustee Little and **Bob Whitney** spoke in opposition. **Trustee Little** expressed his opposition to the revisions concerning appeals. **Trustees LaCava, Manno, Whittemore** and **Weiss** and **Helen Boyden** spoke in favor of the Ad Hoc Committee's product.

Approved Motion: To close debate and proceed to vote on the pending motion ("Call the Question"), (Darcy Ashley/Jim Fitzgerald, 46-3-1).

Approved Motion: To approve the revised Bylaws as presented, (Nancy Manno/Jim Fitzgerald, 49-0-1).

7. Adjourn to Regular Monthly Meeting, at 6:58.

La Jolla Community Planning Association Corporate Bylaws

*Adopted & Effective 5 March 2009
with Proposed Changes, Adopted by the Membership 3 March 2011 and 1 March 2012,
not effective until approved by the City of San Diego.*

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).~~

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:

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.

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.

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.

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 District ~~Promote La Jolla, Inc.~~ This committee forwards its recommendations to the Development Permit Review ~~Coastal Development Permit~~ Committee when associated with a discretionary permit otherwise direct to the LJCPA where applicable to enable the respective organizations ~~Coastal 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 District ~~Promote 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 District](#) ~~Promote 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 District](#) ~~Promote 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 District](#) ~~Promote 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 District](#) ~~Promote 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~~ and the City approves the project, the LJCPA President has the authority to determine if ~~may determine~~ this is ~~to be~~ an adverse decision.

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

Section 6. Procedures for Appeal of Adverse Decisions

(1)(A) The following provisions pertain to a potential Appeal of any 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', or other adverse decision.

(2) (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 adverse decisions by of the City of San Diego to 'approve' a requested permit when the LJCPA has previously forwarded a recommendation to 'DENY' the project or made another adverse decision. 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.

(3) (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.

(4) (3) When a majority vote of the Trustees is to recommend to DENY 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.

(5) (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 to the 'Approve' the requested permit(s) or made another adverse decision, the Trustees shall consider whether or not to Appeal the City's adverse 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.

(6) (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 to ~~the~~ 'Approve' the requested permit(s) or made another adverse decision 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 of 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. 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.

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:

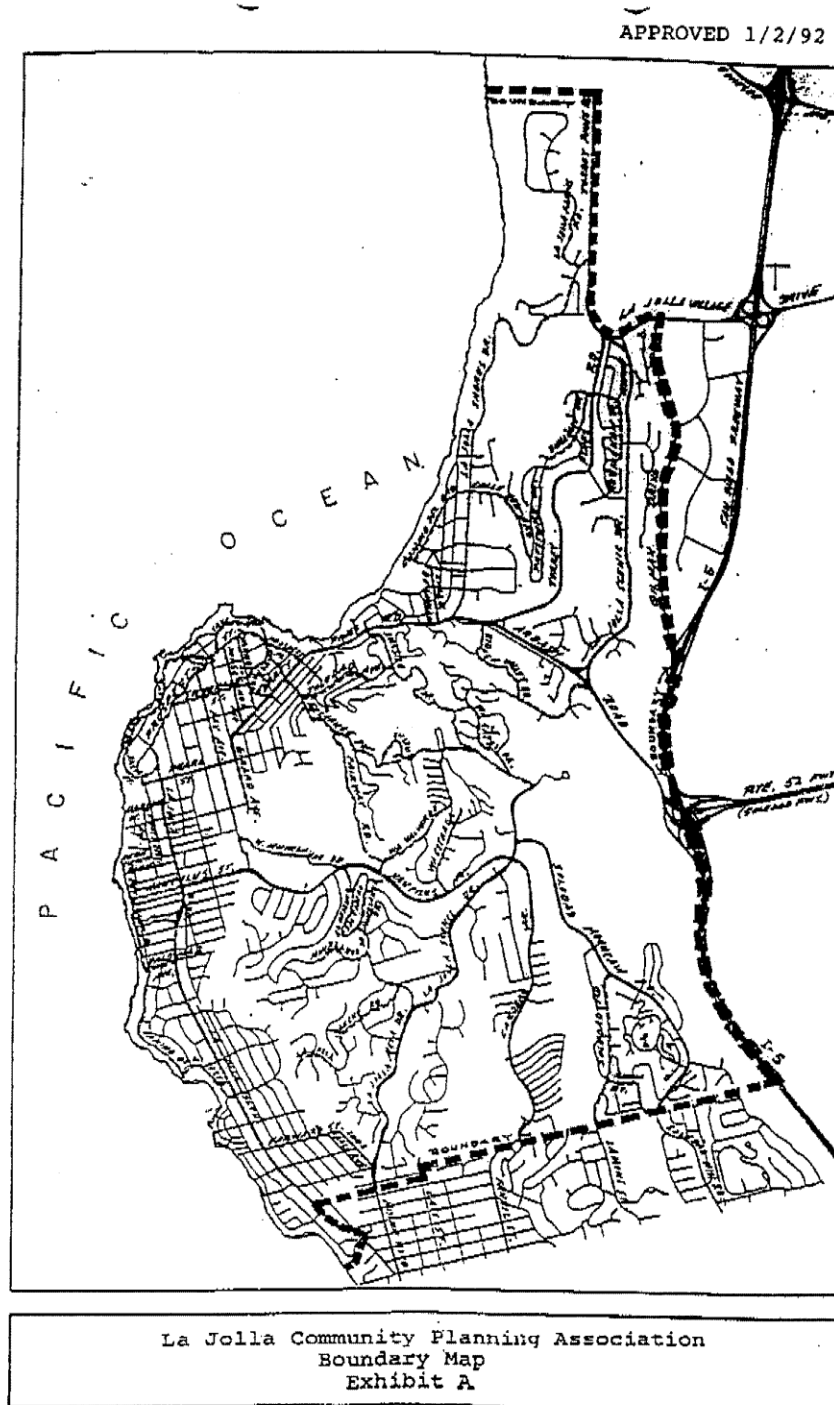
- (1) There is no appeal available to a Trustee removed by a 2/3 vote the Board of Trustees.
- (2) The Trustee's seat shall be immediately declared vacant and subject to provisions of Article IV.
- (3) The removal of a Trustee by a 2/3 vote of the Board of Trustees will prohibit the Trustee from running 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.



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>



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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 MINUTES – REGULAR MEETING

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

1. Welcome and Call To Order: Tony Crisafi, President, at 6:59 PM

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/LaCava, 15-0-1).

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

Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 2 February

Approved Motion: Motion to approve the Minutes of 2 February, (LaCava/Merten, 14-0-2).

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

Abstain: Fitzgerald, 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 reported some surplus funds available in the City budget. The Managed Competition program resolved that trash pickup will continue with City forces. **Trustee Weiss** asked why trash pickup occurs on Martin Luther King Day. **Ms. Demorest** will look into that.

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. **Trustee Whittemore** asked about parking restriction at a viewsite near the Aquarium. **Ms. Delouri** will look into that.

General Public Comment

Luis Scharr, City of San Diego Engineering and Capital Projects Department, presented information on Pump Station #27 on Avenida de la Playa. The pump station failed in 2010. New equipment arrives in April. Heavy work is planned May through August, and all work should be done in October.

6. Non-Agenda Items for Trustee Discussion

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

Trustee Fitzgerald stated his objection to statements made about the LJCPA at the Planning Commission on 16 February at the hearing of LJCPA's appeal on **Hennessy's** Sidewalk Café by Mark Lyon where he questioned our motives and integrity.

Trustee Courtney requested a review of the City policy on crediting steep hillside lot area in determining building area ratios. **President Crisafi** said he would initiate an inquiry with the Development Services staff.

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

12. Children's Pool Walkway Beautification – Action Item

Coast Blvd. - 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.

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.

Project landscape architect **Jim Neri** made the presentation with plan. It is hoped to complete this work at the same time the Children's Pool lifeguard tower is rebuilt. Cost is estimated at \$250,000. Funds are being solicited.

Trustee LaCava praised **Phyllis Minick** for the work she has been doing on this project.

Approved Motion: Motion to endorse the landscape concept plan for the Children's Pool walkway, (LaCava/Manno, 15-0-1).

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

Abstain: Crisafi.

At this point the sequence of the agenda was restored.

7. Officer's Reports

Reports were made at the Annual Meeting held earlier. There were no additional reports.

8. President's Report – Action Items where indicated

A. Children's Pool Update

The seals issue is in court.

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

The appeal was rejected by the City Council by vote of 4 to 4.

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

Hearing Officer returned this application to Community Group for review of new design, and it is Item 14 on this evening's agenda.

D. Save the La Jolla Post Office

President Crisafi proposed to send a letter to support the La Jolla Historical Society's efforts to save the La Jolla Post Office. **Trustee Allen** questioned whether this issue was in the scope of the LJCPA's function.

Approved Motion: Motion that the President draft a letter to support the La Jolla Historical Society's efforts to save the La Jolla Post Office, (Costello/Conboy, 11-1-1).

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

Opposed: Allen.

Abstain: Crisafi.

E. Alleged code violation process – discussion

Postponed to next month

F. Ione Stiegler

President Crisafi announced that Ione Stiegler, Chair of the Planned District Ordinance Committee, has been accepted as a Fellow of the American Institute of Architects. **Trustees** expressed their congratulations.

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, 4pm

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. Dec 20: 3-1-1, Feb 14: 7-0-1.

440 Belvedere Street - CDP to demolish existing residence and construct a 4,093 SF single family residence on a 0.16 acre site; on the Consent Agenda for the January LJCPA meeting and was pulled by Trustee Conboy; reheard at February DPR.

D. Salami Residence

PRC Action: Findings can be made for a SDP based on the revised plans dated Feb 28, 2012 that indicate a 2 foot increase in the side yard setback along the north-east exterior wall resulting in a 6' 2" side yard setback at the narrowest point. 6-0-1

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: Findings can be made for a CDP and a SDP based on the plans dated Feb 27, 2012 and submitted to the City that include the Coastal Commission-approved guest house. 5-0-2

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: Findings can be made for a CUP, CDP and a SDP based on plans dated 12-15- 2011, with the revisions dated February 28,2012, that address painting the existing and proposed equipment to an olive drab shade to blend in with the landscaping. 6-0-1

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. Zegarra Retaining Wall

PRC Action: More information is needed. Continue item to a future [LJSPRC] meeting. Information needed. 6-0-1

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: Approve change of parking from parallel to diagonal parking on Cuvier Street. 6-0-0

Change parallel parking on Cuvier to be diagonal parking

I. Valet Parking 7979 Ivanhoe and 484 Prospect St.

T & T ACTION: *unclear*

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

Items G and I were removed from the Consent Agenda. **Helen Boyden** reported on Item G that the PRC needs more information and has continued it. Item I was pulled by Trustee LaCava last month to send back to T&T. T&T has not taken final action. **Trustee Courtney** questioned the report of the T&T action.

Approved Motion: Motion

To accept the actions of the Planned District Ordinance Committee: (A) Gillispie School Exterior Identification Sign: proposed signage conforms to the PDO, (B) Tapfever Studios: proposed signage conforms to the PDO, and forward the recommendations to the City,

To accept the action of the Development Permit Review Committee: (C) Miller Residence: 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. , and forward the recommendation to the City,

To accept the recommendation of the LJ Shores Permit Review Committee: (D) Salami Residence: Findings can be made for a SDP based on the revised plans dated Feb 28, 2012 that indicate a 2 foot increase in the side yard setback along the north-east exterior wall resulting in a 6' 2" side yard setback at the narrowest point, (E) Sinclair Residence: Findings can be made for a CDP and a SDP based on the plans dated Feb 27,2012 and submitted to the City that include the Coastal Commission-approved guest house, (F) AT&T Via Capri CUP: Findings can be made for a CUP, CDP and a SDP based on plans dated Dec 15, 2011, with the revisions dated February 28, 2012, that address painting the existing and proposed equipment to an olive drab shade to blend in with the landscaping, and forward the recommendations to the City,

To accept the action of the Traffic & Transportation Board: (H) Cuvier Street Diagonal Parking: Approve change of parking from parallel to diagonal parking on Cuvier Street, and forward the recommendation to the City, (Gabsch/Merten, 15-0-1).

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

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, La Jolla Recreation Center.

Trustee LaCava will be resigning as chairman of the Coastal Access and Parking Board. A new chairman will be

sought. **Trustee Gabsch** acknowledged **Trustee LaCava's** service over several recent years.

- C. Community Planners Committee** – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego
Trustee LaCava reported that CPC is supporting changing lighting standards to private commercial maintenance; CPC endorsed clarified City policies 600-24 and 600-33 concerning how projects are reviewed. President Crisafi announced that **Trustee LaCava** will remain our representative to CPC and is being considered for the chairmanship of CPC.

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

11. Discussion on Applicants Opting Out of Community Review - *Continued to next month.*

Examples:

- a. Sea Ridge Custom Residence
- b. Kooklani Residence

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

LJCPA ACTION (FEB 2012): Pulled from Consent Agenda

Claude-Anthony Marengo, project architect, and **Ure Kretowicz** described the situation. The residence had been rebuilt without complete permits, and after-the-fact plans were approved by the City Council in 2008. That permit was then appealed to the Coastal Commission. Negotiations with the Coastal Commission have resolved all but one issue. The EOT is needed to continue negotiations with the Coastal Commission toward a permit, even though the project will differ slightly from the 2008 City-approved plans due to issues raised in the appeal and since settled with the Coastal Commission. **Trustee Merten** asked if a trellis and spa near the cliff edge was still included, and **Mr. Marengo** said that it will be removed according to the Coastal Commission terms. **Trustee Costello** asked about the structure that encroaches on the street right-of-way, and **Mr. Kretowicz** said that encroachment was the consequence of the street being laid out inaccurately at a time in the past after the building was already there, and the Coastal Commission would allow that to remain. **Mr. Kretowicz** said the final issue that is unresolved with the Coastal Commission is being litigated. That issue concerns interference with coastal access across the property. **Mr. Marengo** said this final issue has nothing to do with the request for an EOT, and denial of the EOT could undo resolution of the settled issues. **Trustees Thorsen, LaCava** and **Allen** addressed whether the Commission's actions of July and November 2011 were not final and had not essentially concluded the matter granting no Coastal Development Permit. **Mr. Marengo** said that negotiations with the Coastal Commission continue. Discussion dwelled on the matter of whether the present project status should be considered not in compliance with state law, which is a condition for findings rejecting an EOT.

Approved Motion: Kretowicz Residence: Findings can NOT be made for an Extension of Time (EOT) for Site Development Permit, (Whittemore/Costello, 11-1-4).

In favor: Allen, Bond, Brady, Costello, Courtney, Gabsch, Little, Merten, Thorsen, Weiss, Whittemore.

Opposed: Conboy.

Abstain: Crisafi, Fitzgerald, LaCava, Manno.

14. Hennessey's Sidewalk Café – Action Item

7811 Herschel Ave - Installing wrought iron fence as an encroachment into the public right-of-way.

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

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

LJCPA ACTION (NOV 2011): Findings can NOT be made for a Neighborhood Use Permit for a sidewalk café within the public right-of-way, 11-2-2.

LJCPA ACTION (FEB 2012): Ratify the appeal of Hennessey's Sidewalk Café, 15-0-1.

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

Claude-Anthony Marengo, project architect, was present to answer questions. After discussion no action was taken. Thus, the appeal stands.

Trustee Election Results

Election Chair **Tim Lucas** presented the vote count to **President Crisafi**, who then announced the results: Elected to three year terms: Cynthia Bond, Tom Brady, Dan Courtney, Nancy Manno, Phil Merten and Cindy Thorsen. Elected to one-year terms to fill vacancies: Devin Burstein and Fran Zimmerman. (Darcy Ashley had been a declared candidate at the last LJCPA meeting but subsequently withdrew.)

The number of ballots cast was 86. **President Crisafi** announced that results can be challenged until Thursday, March 8, 5:00 pm. If no challenge, the ballots will be destroyed.

President Crisafi thanked Election Chair **Trustee Tim Lucas** for, once again, running a flawless election, and thanked all of the Community Members who graciously contributed their time assisting **Trustee Lucas**. **Trustees** expressed their gratitude.

At this point (8:25PM) President Crisafi recused himself. Vice President Whittemore assumed the chairmanship of the meeting.

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 vacant 1.52 acre site at 9872 La Jolla Farms Rd. 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): 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

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 vacant 1.52 acre site at 9872 La Jolla Farms Road. 5-0-0.

Marty Weinberg, applicant, and **Paul Metcalf** and **Joe LaCava**, applicant's consultants, presented. This included handouts and a PowerPoint presentation. The parcel is in La Jolla Farms and between the ocean and the first road but not on the coastal bluffs. It is presently vacant, and there is an existing permitted project for this site. Since originally presented to the DPR, to the LJCPA in November and to neighbors the project has been downsized, including deletion of a guest house. An easement will be given for the existing trail to the beach that crosses a corner of the property. View corridors imposed on the existing permitted project will be imposed on the new project.

Tony Crisafi, opponents' consultant, and **Evelyn Heidelberg**, of Procopio, Cory, Hargreaves & Savitch, presented a petition signed by 65 neighbors and printed material. Their assertion is that the project is inconsistent with Community Plan-designated public view protection, claiming particularly that Scenic Overlooks must be maintained or, if degraded, mitigated. They showed exhibits of comparable projects with details of how Scenic Overlooks were respected. **Mr. Crisafi** showed an alternative lot coverage that reduced view blockage.

Key issues subsequently discussed were the ocean view from the Scenic Roadway, the view from the identified Scenic Overlook on Blackgold Road, the elevation of the building area resulting from original lot subdivision and the existing permitted project for this site. **Michelle Weinberg** spoke in rebuttal to the opponents. Neighbors **Mike Bruiser** and **Irv Wheeler** spoke in opposition. **Trustees Costello, Thorsen, Allen, Merten, Bond, Fitzgerald** and **Manno** spoke supporting aspects the project. **Trustee Courtney** supported the neighbors based on the number opposing according to their petition.

At this point (9:30 PM) Trustees Crisafi and LaCava left the room.

Approved Motion: Encore Trust: 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. Project complies with the Scenic Overlook as defined as a view over private property from a public Right of Way, (Thorsen/Conboy, 8-3-3).

In favor: Allen, Brady, Conboy, Fitzgerald, Gabsch, Manno, Merten, Thorsen.

Opposed: Bond, Costello, Courtney.

Abstain: Little, Weiss, Whittemore.

Recused - out of room: Crisafi, LaCava.

16. Adjourn, at 9:42 PM.

Next Regular Monthly Meeting, 5 April 2012, 6:00 pm.

La Jolla Planned District Ordinance Committee

Chair: Ione R. Stiegler, FAIA

AGENDA – MONDAY, March 12, 2012

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

UNAPPROVED MINUTES OF THE LA JOLLA PLANNED DISTRICT ORDINANCE COMMITTEE March 12, 2012

Present: Stiegler, Fitzgerald, Gabsch, Van Galder, Marengo, Little, Rasmussen. **Also present:** members of the public Elizabeth Valerio, Dave Schwab.

A quorum was established and Chair Stiegler called the Meeting to order at 4:05PM.

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

- No comments from members of the general public.
- Committee member Gabsch noted the proliferation of sandwich boards in the public-right-of-way (PROW) in La Jolla. It was suggested that this matter should be brought to the La Jolla Village Merchants Association (LJVMA) for follow-up with their member businesses. It was also recommended that the Chair encourage the LJVMA to fill their open seat on the PDO Committee.

2. **Chair Report / Board Discussion**

- a. Review and Approve February Minutes. Motion to approve February Minutes (Morengo/Fitzgerald): 5-0-1.

Note: At this point, the Chair deferred the remainder of the Chair Report/Board Discussion until after the scheduled Project Review.

3. **Recommendations to CPA**

A.

Project Name: Starbucks Torrey Pines

Address: 1055 Torrey Pines Road

Project Number: 271779

PDO Zone: La Jolla Community Plan

Applicant: Starbucks

Agent: Elizabeth Valerio

City Project Manager: Jeanette Temple

Date of App Notice: 2/9/12

Scope of Work: Change of use from Bank to restaurant (taking 1625 sq.ft. portion of the bank to convert into Starbucks). Sufficient parking on site. Exterior design change including adding 1099 sq.ft. outdoor patio. Location and placement of dumpster, façade colors and signage.

- Committee discussion with applicant included: 1) the adequacy of proposed on-site parking with project's intensification of use (from bank to restaurant); 2) PDO compliance of proposed signage with and without a pylon sign (use of pylon sign affects amount/square footage of allowable signage on the building itself); 3) PDO compliance of proposed exterior materials and colors.
- Committee action: None. Applicant will return to PDO Committee with finalized project.

NEXT MEETING – MONDAY, APRIL 9, 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, March 12, 2012 (continued)

4. Chair Report / Board Discussion (con't)

- a. Review and Approve Draft Letter for CPA regarding the role of the PDO committee in the city review process. (Fitzgerald)
 - Committee members made several suggestions regarding draft letter to CPA prepared by Fitzgerald. Fitzgerald directed to revise draft and to submit back to Chair/Committee for approval and transmittal to La Jolla CPA.
- b. Issues regarding PDO compliance and means to promote enforcement.
 - This item not discussed.
- c. Printing and binding copies of the LJPDO for use by PDO Committee Members.
 - Total number of pages selected to be printed for distribution is 160 pages.
 - Black and white print, 1-inch binder, set of 8 dividers, all the cost is \$41.
 - Includes:
 - General Development Sign Regulations: chapter 14, article 2, division 12 [12]
 - Signs of Civilization [8]
 - San Diego Municipal Code: Diagram 113-20DD [3]
 - San Diego Municipal Code: 142.1290 the whole section [5]
 - San Diego Municipal Code: 159.0101 through 1590409 [55]
 - San Diego Municipal Code: Appendix A through G [33]
 - Traffic and Parking code [42]
 - Shared Parking Agreement [2]

Note: Two copies were ordered by committee members. Other committee members encouraged to be able to access the PDO.

5. Recommendations to DPR Committee

A. None

6. Information Only

A. None

Respectfully submitted,

Glen Rasmussen and Jim Fitzgerald, acting
PDO Committee Secretary

NEXT MEETING – MONDAY, APRIL 9, 2012

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

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LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT
FOR
March 2012

3/13/2012 Present: Benton (Chairman), Collins, , Costello,
Liera, Merten, Thorsen

3/20/2012 Present: Benton (Chairman), Collins, DuCharme-Conboy, Costello,
Liera, Merten, Thorsen

1. NON-AGENDA PUBLIC COMMENT 3/13/12 (None on 3/20/12)

Thorsen: Hennessey Sidewalk Cafe. Appeal at Planning Commission Hennessey's was continued to comply with the conditions of the Tree Removal Permit. Applicant was asked to comply with the Tree Removal Permit before Appeal of the NUP could be further reviewed. I followed up with the Project Manager Glenn Gargas. Most recent information I received was the Applicant had contacted Street Tree Division and was in process of having a new Permit issued. Glenn's reply: Yes, Pamela Allen-Sanders got back to me stating that Hennessey's is applying for a new Street Tree Permit. She stated that they do not need to amend or correct the past one, which was Project No. 237926.

Merten: The Whale Watch Way project, which is opposed by various members of the La Jolla Shores community, was presented to the City Council, where it was approved by a vote of 7-1. A neighborhood group has been organized, named La Jolla Shores Tomorrow, which has hired an attorney. In order to continue opposition to the Whale Watch Way project, a suit is required to challenge the EIR, on grounds that it is incomplete. That suit was filed, and hopefully this will bring the owner and their architect to redesign their project. La Jolla Shores Tomorrow contends that the project is much larger than it should be, as it is at least 60% than would be permitted on a similar lot anywhere else in the City.

2. FINAL REVIEW 3/13/12

Project Name: **KEATING RESIDENCE**

recorder setting 31 00:01:44

9633 La Jolla Farms Road

Permits: CDP

Project #: PO#266405

DPM: Glenn Gargas 619-446-5142

ggargas@sandiego.gov

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

Provided for this REVIEW:

Applicant response in italics.

a. Please provide a photo simulation of the streetscape 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. *A presentation board of photos and simulations was shown of the streetscape, neighboring houses and the Project.*

b. Please check building envelope sloping height limit setback on East side. *SD Muni Code 131.0444 Angled Building Envelope Plane / Maximum Structure Height in Residential Zones. Table 131-04H states that on lots 150' or greater in width, the angle building envelope plane is not applicable.*

DISCUSSION:

Applicant response in italics.

Neighbors on both sides do not have a problem with project. City wants 10 parking spaces on the lot.

Astronomy dome doesn't open, is below parapet, ≤ 30 ft. The whole house is setback 70 ft from the curb.

Collins: Where is the 11,000sq ft distributed? *Ground floor: main living spaces, dinning room, kitchen, garages, family room , media room, quest rooms, second level: bedrooms, office, multipurpose space.*

Thorsen: There is so much light and air this should be OK. This is OK with the Com. Plan, pg 90.

Merten: Com. Plan newer construction has to transition with existing older 1 story construction. The neighbor next door is 30 ft away from this element. Is this neighbor aware of the 30 foot high box? *We think they are.*

Liera: the house is moved well up and back from the street.

Merten: I like everything about this project; it's just the proximity of that high box to the neighbor.

Costello: the way the dome and parapet are configured you will not see most of the sky with a telescope.

SUBCOMMITTEE MOTION: Findings can be made for a 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.

(Thorsen/Liera, 3-2-1)

In Favor: Costello, Liera, Thorsen

Oppose: Collins, Merten

Abstain: Benton

MOTION PASSES

recorder setting 31 00:32:50

3. PRELIMINARY & FINAL REVIEW 3/13/12

Project Name: BEAUTIFICATION OF COAST BOULEVARD

Coast Boulevard at the Children's Pool

Applicant: Phyllis Minick, Head, Beautification Committee, La Jolla Parks & Beaches, Inc.
pminick@aol.com 858-459-5939

Scope of Work:

Redesign of the public promenade and belvedere on Coast Boulevard at the Children's Pool. Total improved area: 11,610 SF. Improved pathway: approx. 10,000 SF (475 linear feet). Planting area: 1,703 SF.

Presenter: Phyllis Minick

APPLICANT PRESENTATION:

Applicant response in italics.

Already approved by LJCPA. Walk ways are 8 ft, at a minimum.

City wants to raise wall at bluff for safety. Landscaping matches the desert scape style of Casa Manana. Plants are drought resistant and squirrel resistant. Construction will be coordinated with the Life Guard Station, cost saving too. LJTC had a rider on their approval "to ban all donor tables".

Merten: Since this was approved by the LJCPA why bring this to us? *Because you didn't meet last month. To get approvals from all the Community Groups.*

Collins: What about parking? *Added a few parking spaces and handicapped*

Merten: Does P&B agree with the driveway to the beach? Instead of having a bluff edge driveway, we could preserve the bluff edge. ADA and other beach access could be from the center and switch-back giving access to all levels.

Minick: Wonderful. Can you write a letter to the City about that? recorder setting 31 00:44:55

Matt Peterson: It's great!

Costello: Mrs. Minick has done a wonderful job creating this Project. Her Landscape Architect Jim Neri did an excellent job on the coastal bluff edge and walk down the street.

SUBCOMMITTEE MOTION: to Combine Preliminary and Final Reviews.

(Thorsen/Costello, 6-0-0)

In Favor: Benton, Collins, Costello, Liera, Merten, Thorsen,

Oppose: 0

Abstain: 0

MOTION PASSES

SUBCOMMITTEE MOTION: To approve the Conceptual Plan for the Beautification of Coast Boulevard Walkway at the Children's Pool without the coastal bluff drive (which would not be approved in any private project), and the destruction of the bluff.

(Costello/Liera, 5-0-1)

In Favor: Collins, Costello, Liera, Merten, Thorsen,

Oppose: 0

Abstain: Benton, as Chair

MOTION PASSES

recorder setting 31:00:53:28

4. PRELIMINARY & FINAL REVIEW 3/13/12

Project Name: **WOOLF RESIDENCE**

Project #: 6353 Camino de la Coasta

PO#267503

Permits: CDP

DPM: John Fisher 619-446-5231

jsfisher@sandiego.gov

Zone: RS-1-7

Applicant: Matt Peterson (619) 234-0361

Scope of Work: Brian Longmore 858-603-9478

(Process 3) Coastal Development Permit to demolish existing structures and construct a 5,467 SF single-family residence on a 0.3 acre site Camino de la Costa in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (Appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking, Transit Area.

Presenters: Matt Peterson, Attorney

Mark Christopher, AIA

APPLICANT PRESENTATION: *Applicant response in italics.*

Max height 29 ft. Curb cut 12 ft. All street trees to remain. FAR = 0.54 RS-1-7. Had meeting with neighbors.

Merten: Retaining walls in the sideyard must be ≤ 6ft.

Collins: What is roof pitch? *3/12 and 5/12.*

Merten: There is a problem at the North-West corner by the fireplace with height / angle. Can be solved by moving the stairway 3 ft forward to the street.

Benton: The Chair will entertain a Motion to trail this issue to allow the Applicant to change and sign their drawings to solve the above problem.

SUBCOMMITTEE MOTION: to Trail the Item.

(Merten / Collins, 6-0-0)

In Favor: Benton, Collins, Costello, Liera, Merten, Thorsen

Oppose: 0

Abstain: 0

MOTION PASSES

recorder setting 31 01:19:44

SUBCOMMITTEE MOTION: to re-open the Woolf Item.

(Collins / Merten , 6-0-0)

In Favor: Benton, Collins, Costello, Liera, Merten, Thorsen

Oppose: 0

Abstain: 0

MOTION PASSES

On the following sheets, the Architect moved the stairway forward which alters the grade/elevation solving the issue, and signed these sheets: A-22, A-3.2, A-1.1, A-c1.1.

SUBCOMMITTEE MOTION: to Combine Preliminary and Final Reviews.

(Thorsen/Collins, 6-0-0)

In Favor: Benton, Collins, Costello, Liera, Merten, Thorsen,

Oppose: 0

Abstain: 0

MOTION PASSES

SUBCOMMITTEE MOTION: Findings can be made for a Coastal Development Permit to demolish existing structures and construct a 5,467 SF single-family residence on a 0.3 acre site Camino de la Costa with the adjustments made to the drawings on this date.

(Thorsen/Merten, 5-0-1)

In Favor: Collins, Costello, Liera, Merten, Thorsen,

Oppose: 0

Abstain: Benton, as Chair

MOTION PASSES

5. PRELIMINARY REVIEWS 3/13/12 + 3/20/12

recorder setting 31 01:21:51

Project Name: **GIRGIS RESIDENCE**

811 Havenhurst Point

Permits:

CDP + SDP

Project #:

PO#262975

DPM:

Glenn Gargas 619-446-5142

Zone:

RS-1-4

Applicant:

Don Vanderpool 619-557-0575

Scope of Work:

(Process 3) Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish existing residence and construct a 7,384 SF single-family residence on a 0.40 acre site at 811 Havenhurst Place in the RS-1-4 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit.

Presenters: John Dodge, AIA
Don Vanderpool
Greg Hebert, AIA
Miles Cooper, AIA

APPLICANT PRESENTATION:

Applicant response in italics.

New house has a main level and basement as opposed to 2-stories. Applicant will remove some illegal development in the open space and repair the ground surface. Allowed Far = 0.47, proposed = 0.383. 32 % lot coverage. Height will be 6" lower than existing house. Total sq ft 7,380 sq ft. Area underground: 3,700 sq ft inhabitable, 600 sq ft mechanical.

Merten: Is this a roof eave or terrace? How does the terrace and overhang look in elevation? We need a section.

What is the setback? What does this look like in elevation and section?

Thorsen: Where the pool is there is an easement, what about the AT&T easement? *It is an old easement, not currently used. We will get a letter or permit to vacate.*

Thorsen: This home seems large, how does it compare to the surrounding houses? ***Larger than what is there. Same finish floor elevation, same roof height. Not out of scale with other houses. Larger foot print. 32% lot coverage.*** What is below? What is the view from below?

Merten: How do you calculate the sideyard setback of this irregular shaped lot?

50 ft into the lot, width of 101 ft .8% => 13'9" ft / 2 => 8'9" 3/8 and 5 ft (minimum of 4 ft).

PUBLIC COMMENT 3/13/12:

Evelyn Heidelberg, Attorney: Representing Mrs. Akers. Issues with Com. Plan and Muni Code compliance, CC&R issues too.

1. Out of scale with surrounding residential development.

FAR study = 7,384 sq ft / 17,698 sq ft = 0.44

Com. Plan calls for consideration of prior development.

2. Visual Resources aspect, is next to a park, Soledad Open Space Park (SOSP). Raises VR issues. Re view from Folsom Dr. Proposed development will be demonstrably larger, stick out in away the existing structure does not. Com. Plan, next to a Park, requires reducing perceived Bulk & Scale, by reducing façade and, use of materials that blend with landscape.

Tony Crisafi, AIA: Representing Mrs. Akers. Has been asked to review plans and ask questions. There are CC&R issues that should first go to the HOA. HOA is active and Mr. Crisafi will go to them for resolution of CC&R issues. The were projects which came thru here recently where the pool and terraces were considered structures because they were lifted out of the ground. They were attached to the house and whether the Prop D datum would be behind the pool instead of located on the site as here. As well as the retaining walls. A question for the Applicant is the 10 ft sideyard setback and the CC&R setbacks. And how the structure would comply with that? CC&Rs restrict basement construction. Because of lack of knowledge of soil instability. Concerned about amount of excavation. When Arkers did their remodel they had to monitor effects to neighbors 20 ft rear yard setbacks on actually on Engineering drawings and are required setbacks or private walls.

Needs to make sure City does their due diligence in reviewing soils report. Then HOA can decide if this complies with the to CC&R. Akers are on North, are concerned about visual aspects, ie the public view of the ridgeline from the parkland. Ie Folsom Dr.

recorder setting 31 01:56:32

2. Terraces – etc FAR, and Prop D, we should use same calc method

Miles Cooper: *terrace is part of the house; part in back is part of the lot, not the house. About retaining walls, the Fire Dept requires 5 ft or greater, perimeter firewalls bordering open space. There are two walls, the 5.5 ft firewall, and 4 ft wall.*

Thorsen: Significant issues are with the Com. Plan. Com. Plan lists Soledad Park. Can spillover from the vanishing pool run down the slope? What about the AT&T easement? **Cooper:** *spillover collects in a trough, then there is a yard drain to collect excess this goes to planters. The AT&T easement is on their private property, but they are not using the easement (in 40-50yr). AT&T will be asked to vacate.*

recorder setting 31 02:08:32

Visual Resources. There is concern, from Com.Plan about Soledad Open Space Park, that the structure does stand out more than any other. Whether the ocean is seen or not.

Liera: Can you show what species of plants, sizes, and location called out on the plans that will show how the views will be not just be maintained but enhanced as well. **Cooper:** *We can add more details and points to sheets. Top of wall and finish grade is on existing sheets. Trying to mitigate effect of large walls. Pool is higher than walls.*

Please provide for next review:

a. Identify pool wall vs retaining wall, problem with height down slope elevation. Identify Code Sections, make corrections, if needed.

b. Meet with neighbors

c. Create an exhibit showing and comparing how other houses in the neighborhood encroach into the views (re Com. Plan).

- d. An analysis /study of sideyard to East as it makes a narrow corridor, gets much closer to the other existing house. What will happen to walkway relative to landscaping?
- e. Provide a view straight down the property line showing the “terrace and eave overhang”.
- f. Provide a section perpendicular to property line at terrace and overhang.
- g. Provide a streetscape scene to show that structure is compatible with the other homes on that part of street.
- h. At egress staircase – retaining wall, identify Code Section, make corrections if needed.

Provided for review 3/20/12:

Applicant response in italics.

Correct FAR is 0.441

- a. Identify pool wall vs retaining wall, problem with height down slope elevation. Identify Code Sections, make corrections, if needed. *Drawing provided, wall no higher than 6 ft, elevations read*
- b. Meet with neighbors. *Continuing to meet with neighbors, demonstrated some views.*
- c. Create an exhibit showing and comparing how other houses in the neighborhood encroach into the views (re Com. Plan). *Photos of several properties shown from below from Folsom Dr.* recorder setting 32 0046:43
- d. An analysis /study of sideyard to East as it makes a narrow corridor, gets much closer to the other existing house. What will happen to walkway relative to landscaping? *Drawing including Landscaping plans. We are upgrading several items to meet current codes; 1) 6 ft firewalls, 2) retaining walls that also prevent encroachment by landscaping.*
- e. Provide a view straight down the property line showing the “terrace and eave overhang”. *Pulled roof back (50% into sideyard setback OK by Code provided o closer than 2.5 ft). 113.025.2b completely underground is exempt from setback requirement. Merten: Maybe exempt from setback requirement, but the wall height still applies. This not completely underground. Benton: It is a retaining wall. As a backup plan, Code will let us use this as a planter . Merten: Would like to see more setback on the East side. Minimum setback is OK by Code, but I wish you would give more setback (everything else is so nice and polite).*
- f. Provide a section perpendicular to property line at terrace and overhang. *Done, see above.*
- g. Provide a streetscape scene to show that structure is compatible with the other homes on that part of street. *Our Project is lower than the existing.. Provided several photos.*
- Thorsen:** CP Visual Resources, be more respectful to Neighbors to the North and East. Street Scene, CP pg 5. *re Hillsides: When new development occurs next to a park or open space reduce perceived B&S by articulation of the facing façade. So, I think we have done that.* recorder setting 32 00:53:41
- h. At egress stair case – retaining wall, identify Code Section, make corrections if needed.

Thorsen: neighbors to left didn’t know about project, now concerned.

Thorsen: Handout re “purpose and findings for SDP, and applicable land use plan”, explained requirements for SDP. Explained LJ Com. Plan’s Applicable Land Use, Visual Resources , and Steep Hillsides.

Costello: Handout of table and graphs re “Numerical analysis of lot size, floor area and FAR”, explained such. A numerical analysis provides an unbiased and unemotional method of comparing the numerical perimeters of a house with neighboring houses. In this case, the house does not compare favorably.

DuCharme: Vigorously opposes the idea of numerical analysis, would rather judge on project’s aesthetic qualities. recorder setting 32 01:16:25

PUBLIC COMMENT 3/20/12

Tony Crisafi, AIA: Representing Mrs. Akers. Provided a handout with 3 sections and 14 questions. Showed photos and cumulative impact of wall extended along all properties. Cumulative impact would be like Fort Rosecrans cemetery.

Needs to get answers from HOA about 10 ft setback in requirement in CC&Rs. Will be a 42” glass wall and reflections. Arkers would like to be able to continue to use their terrace.

Evelyn Heidelberg, Attorney: Representing Mrs. Akers. When were other houses for comparison built? Before the current La Jolla Com. Plan? **Cooper: front yard setback is 10 ft.**

Mark Morris, AIA, Oasis Arch. Representing the owners to the East. Homeowner didn't receive DSD Notice. recorder setting 32 01:37:43

Benton: admire that the project is no higher than the current house. Shares concern about the retaining wall at the rear of property.

Merten: B&S are not necessarily building size or FAR. Here B&S could be compatible with the neighborhood. Agrees with Crisafi's point about the cumulative effect of walls being extended from other properties. It would change the character of the neighborhood and be the basis for a CEQA lawsuit. Wall could be changed to be a lot friendlier from below.

Benton: Seconds Merten's comments.

Collins: Has problem with the relationship to CC&Rs, the HOA needs to provide answers before we can proceed.

In order to consider changes to Plans,

APPLICANT REQUESTS CONTINUANCE.

6. FINAL REVIEW 3/20/12

recorder setting 32 00:00:00

Project Name: **AT&T SOUTH TORREY PINES ROW**

9170 1/3 N. Torrey Pines Rd Permits: ROW

Project #: PO#227221

DPM: Alex Hempton 619-446-5349

Zone: RS-1-7

Applicant: Shelly Kilbourn, Plancom Inc.

Scope of Work: 619-208-4685

The project is an existing wireless communication facility located at the northwest corner of North Torrey Pines Road in the La Jolla Community Plan area. The existing facility is located on a light standard in the public right of- way with the associated equipment located above ground at the base of the standards. The light standard holds 2 antennas. The existing facility was constructed in 2000 for AT&T (formerly GTE) and is an integral part of the network.

Presenter: Shelly Kilbourn

APPLICANT PRESENTATION:

Provided an 11"x17" handout of drawings and plans. Antennae station has existed for 10 yr. 2 antennae on traffic light, 2 on light standard. Will use the existing H frame, landscaping will be enhanced as planned, cables coming out of antennae will be covered.

Provided for this REVIEW: *Applicant reply in italics*

- a) Limit posts, "H" frame to 48 inches height (discrepancy 6 ft or 4 ft). *Will use existing H frame, 4' 7".*
- b) Increase screen planting compatible with traffic sight line, visibility triangle. *Will use 13 Fortnight Lilies.*
- c) Compatible with visibility triangle, flowering plants in front, taller plants in back (bigger than 5 gal?). *Will use 15 gal. plants, Fortnight Lilies and Toyons.*
- d) Please email final, corrected drawings to Alexis. *Done.*

Questions were emailed about possible encroachment into UCSD property. Plants have been moved back to avoid that. No irrigation system, will be watered by water truck. SD City will maintain landscaping. Facility is not actually on UCSD property.

SUBCOMMITTEE MOTION: Findings can be made to approve the Project.

(DuCharme /Thorsen, 5-0-1)

In Favor: Collins, DuCharme-Conboy, Costello, Merten, Thorsen

Oppose: 0

Abstain: Benton, as Chair

MOTION PASSES

recorder setting 32 00:07:58

7. PRELIMINARY REVIEW 3/20/12

Project Name: **CONTRERAS RESIDENCE**

9554 La Jolla Farms Road

Permits:

CDP + SDP

Project #:

PO#268481

DPM:

Michelle Sokolowski 619-446-5278

msokolowski@sandiego.gov

Zone:

RS-1-2

Applicant:

Mark Lyon 858-459-1171

Scope of Work:

(Process 3) Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish existing residence and construct a 11,886 SF single-family residence on a 0.82 acre site at 9554 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.

Presenter: Mark Lyon

APPLICANT PRESENTATION:

Applicant response in italics

Handout provided, 13 pages. 11,900 sq ft house, 35,000 sq ft lot, RS-1-2, FAR allowed = 0.45, proposed = 0.33. Existing house built in 1972. tri-angle shaped lot, sideyard setback 50 ft back gives 32 ft / 2 => 18.5 ft, 13.5 ft. Parking (impact zone) required 2, provided 5. Most neighboring homes are 2 stories, one single story, some up to 10,000 sq ft, 4,000 sq ft. no public view corridor, no views. Going thru first Cycles Review, answered questions, issues like Brush Management, Environmental, Planning.

sq ft of homes on the East and West? Maybe well over 10,000 sq ft. Will handle storm water. The owner, Contreras, did contact neighbors on sides, but not across the street.

recorder setting 32 00:18:50

DuCharme: Could you show some elevations? Maybe a section that goes thru the street, shows your house in relation to the houses across the street? That shows views, even if private? *I don't have a section that goes thru the home and into the neighbors. I could do that for next time?*

Within 1.5 ft. of the 30 ft height limit. CDP issued in 1988 but was never built; the deck at the vertex of lot has a CDP. Are those a pool and fountain at the back of the lot. Two curbs cuts, 100 ft apart. The SDP is because of the ESL. The discretionary permit is just for a CDP because we are in Map 720. The discretionary permit is just for a CDP.

DuCharme: the front portions are 1 story, 2 story are in the back, keeping the massing in the back.

Provide for FINAL REVIEW:

- a. Provide a neighborhood FAR comparison (with lot size, floor area)(County Assessor, or Zillow OK).
- b. Continue to contact neighbors, discuss project.
- c. Provide an elevation across the street, section, East, to canyon with heights – elevations of neighbors.
- d. Provide a photo comparison with neighbors (if not a photosimulation).

recorder setting 32 00:38:43

La Jolla Traffic and Transportation Board: Minutes of Meeting, March 22, 2011

Attendance: Todd Lesser LJSA, Patric Ryan BRCC, John Kassir LJSA, Rob Hildt LJTC, Orrin Gabsch LJCPA, Michelle Fulks BRCC, Keith Kelman LJVMA.

Voting Agenda Items

1. La Jolla Half Marathon – Approval. Motion Rob Hildt. Second Orrin Gabsch. 7-0 in favor.
2. V-Calm sign on West Muirlands – Approval. Motion Rob Hildt. Second Orrin Gabsch. 5-0 in favor. 2 abstentions.

Other issues: There wasn't a vote on the Belvedere Promenade. The applicant was asked to poll the merchants and building owners. Once this has been completed, the applicant will request to be on a future agenda.

La Jolla Shores Permit Review Committee Minutes

Tuesday March 27, 2012

Present: Boyden, Emerson, Merten, Morton, Naegle, Schenck, Lucas and Donovan arriving after first item underway.

1. Public Comment – None

2. Chair Comments

- By-laws revisions were approved by the LJCPA membership at the Annual Meeting on Thursday March 1. The next step was to submit to the City for review.
- The Salami and Sinclair Residences and the AT&T Via Capri projects all passed the LJCPA on consent on March 1.
- The Chao residence appeal to the Planning Commission by a neighbor was denied on March 1.
- Gaxiola has resubmitted-the PM has advised that he will communicate again when the current cycles have been finalized
- One new project has been received-an extension of time for Taccone residence on Rue de Roark, approved previously as the Pierce residence

3A. Zegarra Retaining Wall –2nd hearing

- Project No. 90267
- Type of Structure: Retaining Wall and Free Standing Wall
- Location: 2974 Cto. Bello (on North La Jolla Scenic Drive, 2nd home north of Cto. Bello)
- Project Manager: William Zounes: 619-687-5942; wzounes@sandiego.gov
- Owner's rep: Brian Longmore; 858-603-9478; Brian@permitsolutions.org

Project Description: Site Development Permit for Environmentally Sensitive Lands for the construction of an existing retaining wall adjacent to a canyon and a Neighborhood Development Permit for an existing free standing solid wall within the Public Right-of-Way along La Jolla Scenic Drive. The 0.44 acres site is located at 2974 Caminito Bello in the SF zone of the La Jolla Shores Planned District within the La Jolla Community [Current City Description]

Seeking: Site Development Permit (SDP) for Environmentally Sensitive Lands –retaining wall
Neighborhood Development Permit (NDP) –free standing wall

Prior Action: Permit Review Committee July 25, 2006

PROJECT DESCRIPTION: Site Development Permit for Environmentally Sensitive Lands to construct a retaining wall on a 0.44 acre site. Construction of wall will be of a carved and colored shotcrete to simulate the existing bluff material in color, texture and relief.

Proposed elevation/top of retaining wall: 96.5 ft.

Proposed elevation/bottom of retaining wall: 89.5

Height of wall: 7.0 ft.± [N.B. This maximum height is incorrect; should be 15.0 ft according to plans from that time. Measurements cited were taken a different section of the wall]

Move to approve wall within the setback areas with conditions.

1. Provide setback information on site plan.

2. Conform wall to municipal code for wall heights.

3. Apply for variance if required.

Vote: Crisafi/Lyon Vote: 4-0-0 **Motion Passed**

Prior Action: LJCPA August 3, 2006

3. Zegarra Retaining wall: Approved by committee, 4-0-0, to preserve the open space at rear of project.

Motion: Andrews, Merten to approve the consent calendar. Item #3 only.

Amendment to Motion: Golba. If the Committee conditions trigger a Variance the applicant will return to the committee.

Amendment Accepted: Andrews, Merten.

Vote: 14-0-0.

Prior LJSPRC Action: February 28, 2012 –See minutes for more details

Motion: Merten; Second: Emerson

More information is needed. Continue item to a future meeting.

Information needed:

- Determine whether the area fronting LJ Scenic North is considered a front yard or a back yard?
- Confirm that city has no plans to widen the street or have other use for the right-of-way.
- Ask city for better definition of the Pottery Canyon view corridor boundaries.
- Findings required to grant a Neighborhood Development Permit?

Motion carries: 6-0-1; Approve: Emerson, Lucas, Merten, Morton, M. Naegle, Schenck; Oppose: None; Abstain: Boyden (chair)

Today's discussion:

The Chair announced that the questions previously posed by the Committee were answered by DSD Project Manager Will Zounes e-mail-

1. The property is determined to have 2 front yards. Does not matter because configuration of the fences and walls are specified in LJSPDO to be in "conformance."

2. City has no plans to use this right of way at this time.

3. The City has determined that this property is in the "overlook over private property" area beginning at the south end of Pottery Canyon open space

The LJCPA previously approved the plans for the Retaining Wall and the matter under consideration is the NDP for the free standing wall in the Public Right of Way.

Presentation – Brian Longmore represents owner and wants us to support the owner in having no glass on the wall at the north corner because of privacy issues

Merten- Community Plan is specific about views over private property, and development "must preserve or enhance" those views. The La Jolla Community Plan says "can build within buildable envelope", Therefore, City requires what is outside that envelope not exceed 3 feet in height. This includes landscaping. Bushes can be 3' in height and trees need an 8' clear height below foliage for view.

Merten: This is a solid fence and is out of character with most of the neighborhood. One has to go all the way to the next block until you find a similar fence on the west side of the street. One has to consider the cumulative effect of walls like this and how it changes the environment of the area. If it is suspected that the precedent the wall sets would have an environmental impact, then a full EIR would be required. Merten thinks that there are environmental impacts. The subdivision half a mile to the north that the owner's representative cites as an example of a similar wall was a planned subdivision built before the LJS PDO was in effect, and hence is not a comparable example.

Boyden: The Visual Resources map indicates to me that the "View over private property, Scenic Overlook" extends more or less equally on either side of Caminito Bello. The relatively new (5-6 year estimate) two homes on the other side of Caminito Bello also in the view corridor do not have walls and offer scenic views.

Morton: Are the existing conifers being replaced? *Response: Two are being replaced with smaller street compatible trees. Other trees are being added, but are smaller varieties.*

Boyden: Has concerns with existing leylandii cypress trees that are not in good health and not being maintained. There are other trees on the property that are overgrown and blocking vistas.

Boyden: To clarify, the City as a result of Code Compliance action says the applicant needs a permit from Park & Rec for removal of berm. They are to remove gate along north wall, and restore the chaparral below the retaining wall. Also they were required to obtain building permits for construction of the retaining wall and the free standing wall and Obtain permits for swimming pool. This has been going on for 5 years.

Public Comment: none

Motion: Merten Second: Schenck

First, one Finding for a Neighborhood Development Permit (The proposed development will not adversely affect the applicable *land use plan*.) **cannot** be made because the solid wall along La Jolla Scenic Drive does not comply with the *Visual Resources* section of the *Open Space Preservation and Natural Resources Protection Policies* of the *Natural Resources & Open Space System Element* of the *La Jolla Community Plan* pertaining to the preservation and enhancement of public views from Identified Public Vantage Points (LJCP pages. 46 and 47).

Second, the Finding for a Neighborhood Development Permit (The proposed development will comply with the applicable regulations of the *Land Development Code* including any allowable deviations pursuant to the Land Development Code.) **cannot** be made because the solid wall along La Jolla Scenic Drive does not provide the public view corridors within both side yard setback areas as required by LDC Sect. 132.0403(b); and the overall height and length of the solid wall within the street ROW does not comply with the *Design Principle* section of the *General Design Regulations* of the LJSPDO [Sect. 1510.0301(b)] because the overall height and length of the solid wall within the ROW is so different in form and relationship from development on adjacent parcels that it will disrupt the architectural unity of the area

.

Motion carries: 4-2-2

Approve: Donovan, Emerson, Merten, Schenck

Oppose: Lucas, Morton,

Abstain: Boyden (chair), M. Naegle.

Discussion on motion:

Morton: Can see merits in removing slide and adding glass to open at the view corridors, but does not agree with lowering the front wall the whole distance. Lowering the entire front wall will only provide a public view of a roof, not preserving the views in the LJ Community Plan. He also doesn't see the potential of a cumulative negative effect on the neighborhood if the wall is allowed in its present form.

Merten: Thinks that the top of fence at the south side of front wall should be lower for public views. The rest of the wall is inconsistent with the neighborhood.

Schenck: The wall should not have been built on the city right of way, forcing the sidewalk out to the curb.

3B. UCSD Hillel Center for Jewish Life -3rd hearing

- Project No. 212995
- Type of Structure: Phased Project for Religious Student Center and Offices
- Locations:
 - Phase 1 (and if Phase 2 not approved)-- 8976 Cliffridge Avenue
 - Phase II; Bounded by LJ Village Dr., LJ Scenic Way, LJ Scenic Drive, Cliffridge Avenue, Torrey Pines Road
- Project Manager: John S. Fisher; 619-446-5231; jfisher@sandiego.gov
- Owner's rep: Robert Lapidus: rlapidus@sherlap.com

Project Description: Phased project for a 6,600 square foot Jewish student center on a vacant 0.76-acre site. Phase I would use an existing residence at 8976 Cliffridge Avenue as a temporary student center until the main center is built in Phase II. The property is located on the south side of La Jolla Village Drive, between Torrey Pines Road and La Jolla Scenic Way in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Height Limit. [City] Campus Impact Parking Zone. Process Five.

- **Phase 1. Recommendation to deny made on January 23. See motion below.**
- **Phase 2: Recommendation to deny made on January 23. See motion below.**

Seeking:

- Site Development Permit (SDP) for Sustainable Building Development
- Street Vacation
- Right of Way Dedication
- Change of Occupancy Permit
- Deviations from Development Regulations- [Need for deviations has been modified]

Today's consideration will only be the Street Vacation. See last motion below.

Previous LJSPRC Action: November 22, 2011. See minutes for additional details and comments

Motion: Emerson; **Second:** Donovan

**Continue item. Item to next be heard no sooner than the scheduled January PRC meeting.
The applicant is advised to provide the following information:**

- Visibility triangle shown on plans
- Neighborhood setback study
- Materials board
- The design and operation of the lighting for the parking lot and buildings.

Motion carries: 4-0-1: Approve: Donovan, Emerson, Lucas, Schenck; Oppose: 0; Abstain: Boyden (chair)

Previous LJSPRC action: January 23, 2012. Please see minutes for additional details and comments.

Motion: Merten; **second:** Donovan

Findings for a Site Development Permit for Phase 2 cannot be made because the project does not conform to the design criteria set forth in the La Jolla Shores Design Manual and therefore does not comply with the La Jolla Shores Planned District Ordinance:

1. The size and bulk of the project is two to three times that of other structures in the vicinity and therefore not in conformance with the La Jolla Shores Design Manual.
2. The project will be disruptive of the architectural unity of the area.
3. The proposed structure setbacks are not in general conformance with the setbacks of other structures in the vicinity.

Motion carries: 5-2-1: Approve: Donovan, Emerson, Merten, Lucas, M. Naegle; Oppose: Morton, Schenck; Abstain: Boyden (chair)

Motion: Merten; **second:** Emerson

The findings for a Site Development Permit for the continued office use of the existing single family dwelling (Phase 1) at the present time and also if Phase 2 is not approved is inconsistent with the La Jolla Shores Planned District Ordinance

Motion carries: 6-1-1: Approve: Donovan, Emerson, Lucas, Merten, M. Naegle, Schenck; Oppose: Morton; Abstain: Boyden (chair)

Motion: Emerson; **second:** Morton

To continue the street vacation issue to a future meeting.

Motion carries: 5-0-3: Approve: Lucas, Merten, Morton, Naegle, Emerson; Oppose: None; Abstain: Boyden (chair), Donovan, Schenck.

Today's Discussion:

Boyden: This item considers only the right-of-way vacation. The other issues for this project were considered at a previous Permit Review Committee meeting.

Presented by: Josh Richman

They are asking city to vacate the paper street, so that Hillel can build a student facility.

To approve a right-of-way vacation, all four findings must be made:

1. No present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.
 2. Public will benefit from the action through improved use of the land made available by the vacation.
 3. The vacation does not adversely affect any applicable land use plan.
 4. The facility for which the public right-of-way was originally acquired may not be detrimentally affected by the vacation.
- The land was originally acquired from the city with the street vacation in order to build this student center.
 - There will be a new public sidewalk along LJ Scenic Drive North.
 - LJ Scenic N will be narrowed by 2'. Result is 34' wide with parking still on both sides. This meets the city codes for a street.
 - The vacation of the street will improve the public use of the land.
 - Four parking spaces will be lost when the cul-de-sac is removed and replaced by a park.

Morton: Are there any Sandag studies showing any use for the cul-de-sac for transportation, mass transit, etc...? Any utilities going through the site? *Response: Not aware of any transportation uses planned for the cul-de-sac. There are utilities at this site, but not aware of anything planned for the proposed park area.* Q: Will the park be maintained by Hillel? *Yes.* Will park be available to the public 24 hours a day? *Yes*

Boyden: According to a proposed draft conditions for the permit a public access easement will be granted and the cul-de-sac will remain ungated for public access.

Boyden: Reads a letter from Ross Starr, economics professor at UCSD, who can't attend the meeting. He lives in the neighborhood on Cliffridge Avenue. Highlights from the letter which is being kept as part of the record.

- Does not feel that any of the required findings can be made, but will concentrate his objections on the second finding regarding public benefit for the project.
- There is no public benefit of the land use for the proposed project.
- Narrowing of the street eliminates 7 on-street parking spaces along LJ Scenic North.
- Right of way vacation eliminates 6 spaces in the cul-de-sac.
- Narrows street width from 36' to 34'.
- Lot and corner are an unusual Zshape and at each end of the block is a blind corner.
- There is currently not an inch of pavement avail for safety in this area.
- According to traffic records, there are an average of 2 collisions a month in the area. If vacation is granted more problems will result.
- City will have to red paint the curb and eliminate more parking in response to safety issues.
- Loss of parking spaces from 6 to 7 spaces up to 27 for the whole street and cul-de-sac.

Presentation in opposition from Julie Hamilton, representing Taxpayers for Responsible Land Use (TRLU).

The project needs to make all 4 findings for a right-of-way vacation. If any one can not be made, the vacation can't be approved:

- Finding 1, Public use: There is currently a public use: parking and vehicular traffic. The street is being used.
- Finding 2, Public benefit: The proposed public benefit is a park – with easement? Is that a public benefit? There is a real public impact in putting a student center in a residential neighborhood. The narrowing of the street is also a negative public impact. The student center for UCSD students is not a community use and the public will benefit very little from it.
- Finding 3, will not affect the current land use plan: The LJ Community Plan and Local Coastal Program Land Use Plan address preservation of neighborhood feel and the scarcity of parking. The proposed vacation will affect both.
- Finding 4, public facility for which public right-of-way was acquired not affected: This is a residential street that serves not only local residences but provides a bypass to others of adjacent congested roads. The narrowing the road will make turns at both ends more difficult and less safe. Parking will be lost.

Public Comment

Pat Granger, resident on Robinhood Lane 1 block from the corner: Project itself is not an allowable use under the LJSPDO. Removal of cul-de-sac and narrowing of the road raises safety issues. She nearly had an accident in this area, and it is already dangerous. The cul-de-sac is frequently used by drivers to turn around in while looking for parking spaces, as well as by pedestrians and skateboarders.

Carol Hernstad: resident on La Jolla Scenic Drive, a few blocks away. Thinks that this will beautify the neighborhood. Would rather lose parking and have a more beautiful area. Disputes the accident reports. Dusty land and road needs improvement.

Benjamin Cosman, resident on Nottingham Place. It will be a public benefit to our neighborhood to have this center and park here.

Susan Shmalo: People in area thinks this will be a beautification to the neighborhood. Does not see any benefit to the present right-of-way. There is no sidewalk along the property now. Her grandchildren frequently use the area and cross the street. Having a sidewalk will enhance safety.

Kimberly Rebiez, resident of LJS North, directly across from the proposed project: She sees lots of traffic in the area. People often turn onto LJ Scenic North by accident due to confusing signage, and they have to use the cul-de-sac for turning around. Students searching for parking also use the cul-de-sac as a turn around. Thinks it will be detrimental to remove the cul-de-sac and narrow the street.

Bob Whitney: What is the zoning? Response from Richman: *Single family, but religious uses are allowed according to the LJS PDO.*

Gene Carswell, candidate for Congressional District 52: Wants to know about the history of the project – a brief description was given by the board.

Yoni Drezner, realtor in the area: Feels that the cul-de-sac is not necessary. Without it, people will simply make the turn on to the next street rather than try to turn around.

End of public comment

Richman response to opposing presentations:

The findings can all be made. They have been made in the past by the City Council and can be made again. He asks us to consider the public use the present cul-de-sac is providing versus the proposed public benefits of a new park and sidewalks.

Morton: What is the width of Cliffridge Avenue? *Response Hamilton:* 36' curb to curb. LJ Scenic N proposed? 34' curb to curb. Posted speed limit? *Not posted – so 25 mph.* Is this a permanent building for religious purposes? *Response Richman:* Yes, student center.

Morton: The LJ Community Plan indicates the existing park space is not sufficient. He believes a park will be a higher use for area (see LJCP page 8). Part of the community goals is to enhance public uses such as with a park.

Donovan: If facility is not built there will be no park? *Richman:* Correct.

Lucas: Requests a clarification on vacation extent and sidewalk, which was made. He is concerned that this road is heavily traveled by residents in the area to avoid the congestion at LJ Village Drive and Torrey Pines Road. The narrowing of street and the resulting decrease in visibility at the corners will be a safety issue.

Motion Morton:

Findings can be made for the street vacation and the proposed project and park. The vacation will not affect the land use plan. The public right-of-way will not be adversely affected.

No second – motion dies.

Motion: Merten; second: M. Naegle

None of the four findings can be made for a right-of-way vacation.

1. Finding 1 can not be met. There is a present and prospective public use for right-of-way. While a park has significant value, it would come at the cost of losing a current cul-de-sac in the right-of-way which being used for both vehicular traffic and parking.
2. Finding 2, public benefit, can not be made. There is a loss of benefit in that parking will be lost and the street will be narrowed. Decreasing the width of the street is problematic and a safety issue.
3. Finding 3, not adversely affecting the land use plan, can not be made. The vacation is for the purpose of developing a facility, which is at odds with the surrounding low density residential use, and is contrary to the La Jolla Shores Planned District Ordinance.

4. Finding 4, public right-of-way use as originally acquired, can not be met. vehicular traffic will be affected and the cul-de-sac providing both a place for turning around and parking will be lost.

Motion carries: 5-1-2

Approve: Donovan, Emerson, Lucas, Merten, M. Naegle

Oppose: Morton

Abstain: Boyden, Schenck

Discussion on the motion:

Morton: Feels the LJ CP has a higher call for public parks.

Donovan: Parks are important but not at the cost to parking and safety caused by putting student facility into single-family residential neighborhood.

Merten: If any one of the findings can not be made, the vacation can not be granted.

3C. Abelkop Residence:

- Project No. 258472
- Type of Structure: Single Family Residence
- Location: 2481 Rue Denise
- Project Manager: Sandra Teasley; 619-446-5271; steasley@sandiego.gov
- Owner's rep: Colin Hernstad; 619-921-0114; colinhernstad@gmail.com

Project Description: a 2,298 square feet addition to an existing single family residence on a 0.29 acre site. Coastal Overlay (non-appealable) and Coastal Height Limit Zones

Seeking: Site Development Permit (SDP)

Presented by Colin Hernstad

- The site is surrounded by 5 lots with a similar low presence on the cul-de-sac.
- Project is an addition to current floorplan, and they are keeping the height and views the same
- Retaining walls are existing: 3' high
- Retaining walls at rear have vegetation and an embankment.
- Shows photos of views from the lot.
- The main City issue is the size of the addition
- The proposed project keeps existing footprint of house. The addition will be at the rear side of the house next to the embankment, so it won't affect the views.
- Shows grading plan and drainage plan.
- Proposed lot coverage is 54.7%
- The site for the addition is presently hardscape.
- The 11'8" height of present ridgeline is being used as the maximum height for new addition
- New addition roof will be slightly lower pitch to meet 11'8" height
- Photo shown of street view with new structure overlaid.

- New structure has a parapet. But the overhang will be reduced from 6' to 3'
- Keep existing garage and enclose present patio area to create a second garage with tandem parking. Room for 4 cars.
- Front yard setback to garage is 17' 6"
- Presented letter from homeowner's association. They have given preliminary approval of proposed design.
- Letters from Van Horst & Shingledecker, neighbors, approving the project.
- Still working on Geotechnical report.
- There is a scenic overlook 3' wide identified on property.

Schenck: Is there a height limit for the property? *Response: No. Their design has a self-imposed height limit to be unobtrusive to the neighborhood.*

Boyden: Parking requirements and city issue with garage space? *Response: 2 spaces required. The tandem garage is 40' in length. They have removed the workbench area from the second garage and now have parking for 4 cars.*

Lucas: Number of bedrooms? *Response: 4 plus small office. Parking 4 spaces covered. Technically can't park in driveway due to it being 17' 6" instead of 18' required.*

Morton: Materials? *Response: the roof will be brown. Color palette was shown.* Is this a high fire area, is a brush management plan required? *R: Doesn't think so, city has not indicated anything in their reviews.*

Merten: Parapet color and style? *Response: Stucco finish, earth tones.* Merten: Thinks that with a SDP, they will need to bring the project into compliance. The driveway should be 18' from the curb. There is no sidewalk in this area. They need to provide visibility triangles. He has an issue with the visibility triangle at driveway, but bushes creating the issue are on neighbors' side. Setbacks have to be in general conformance.

Board discussion followed regarding the driveway and it appears from the plans that it is actually 18' from curb to the garage door, as it is set back from the side walls (which are 17' 6").

Public comment: none

Motion: Emerson; second: Schenck

Continue this item to future meeting. Applicant should provide:

- Measured dimensions of driveway from street to garage door.
- Visibility triangles shown on plan
- Scenic overlook on north west of property addressed
- Updated roof plan.
- Dimensions of property line to buildings on all 4 sides.

Approve: Emerson, Lucas, Merten, Morton, M. Naegle, Schenck

Oppose:

Abstain: Boyden

Absent: Donovan- left before vote

3D. Browar Residence

- Project No. 269064
- Type of Structure: Single Family Residence
- Location: 2725 Inverness Court
- Project Manager: Jeanette Temple; 619-557-7908; jtemple@san Diego.gov
- Owner's rep: Bill Hayer; 858-792-2800; bhayer@hayerarchitecture.com

Project Description: Demolish existing single family residence and construct new single family residence 6306 sf home with basement with associated site walls and swimming pool on a 58,840 sf lot in the Campus Impact Parking Zone.]

Seeking: Coastal Development Permit (CDP) and Site Development Permit (SDP) for La Jolla Shores Planned District and Environmentally Sensitive Lands

Boyden: Noted that project was in the Campus Parking Impact Zone.

Lucas: Notice missing today. (It was there last week, witnessed by committee members and Bob Whitney)

Presented by Bill Hayer:

They have met with 5 neighbors, including those on either side. Letters from these people have been sent to the City as well.

Project highlights:

- Driveway has been narrowed to 12' per city request for parking impact zone.
- This site is on a cul-de-sac and has a steep sloping canyon at the rear.
- Slopes mostly manufactured. Shown on drawing.
- Sensitive land and species will not be affected.
- They will be dedicating an easement on slope, beyond the brush management area to preserve as canyon lands.
- Proposed house is contained on the existing pad, with the addition of a basement office and other rooms at the north end of property.
- Existing house will be demolished. Existing house has a 6' setback from street at narrowest point.
- Setback survey of other cul-de-sacs in the area was presented. Their lot is the narrowest of those shown in other CDS shown for comparison. The slope is pinching from the other side, impacting the building area. This is why their setback is only 7' 7" along the cul-de-sac.
- There are lots of planes and textures to make this area more interesting.
- 16' highest parapet. Chimney 21'
- 3 bedroom + exercise room, upper level. Not sure if lower level office counts as a bedroom
- 3 parking spaces in garage + 1 in driveway,
- Capsheet roof material. Earth tone buildings.
- Pool – more of a water feature due to its small size, and a jacuzzi.
- Visibility triangles shown on drawings.
- No landscape plan shown – not required. Will do brush management plan.
- The iceplant along the slope will be removed, and slope replanted with native plants.

- No identified scenic overlooks in LJ CP
- Drainage over pad will be collected and sump pumped to street.
- Roof plan shown

Myrna Naegle: Setbacks are really small compared to other sites. I was concerned with the front set back of approximately 7 feet, as compared to the other homes in the same cul de sac which have front set backs of 15', 28', 21', 23' and 10'. She also praised the architectural design of the Browar project. *Response: this a cul-de-sac site along a canyon, so it is hard to compare fairly with properties along a normal street.*

Morton: Requested elevations, which were shown. The LJCP encourages to not grade in the canyon areas. Could development extend to the extent of the retaining wall shown on map? *Response: Yes, but the retaining wall would have to be moved out and be taller, the brush management would extend further into the canyon. Impacts in both cost and loss of canyon slope. Keeping the building closer to the street at this narrow part of the lot results in a better fit with the canyon slope.*

Public comment

Bob Whitney: Could you have done a 2-story house? *Response: there are some older CCR's that may be in effect, but otherwise yes.* Whitney: likes the single story design.

Merten: likes what you are doing here architecturally. This is a house designed for the sensitive slope area. However, according to the LJS PDO, setbacks should be in general conformance with the neighborhood. If we approve this, 8' setbacks would then be considered the norm and set a precedent. If this was replicated in neighborhood, the smaller setbacks would change the neighborhood feel. This narrow lot alongside a canyon, so there are special circumstances. I recommend that you ask for a variance.

Motion: Emerson; second: M. Naegle

Continue to next time. Provide:

Plans showing the revised driveway on submitted plans.

Determine total number of rooms considered a bedroom. Is lower office is considered a bedroom under city codes?

Provide street level perspectives and views showing house from cul de sac.

Approve: Emerson, Lucas, Merten, Morton, M. Naegle, Schenck

Oppose:

Abstain: Boyden