



PO Box 889, La Jolla, CA 92038

<http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

info@LaJollaCPA.org

President: Tony Crisafi

Vice President: Joe LaCava

Treasurer: Orrin Gabsch

Assistant 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, 7 March 2013

D R A F T AGENDA – ANNUAL MEMBER MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Verify Quorum (Need 20% of total Membership)
3. Adopt the Agenda
4. **Non-Agenda Public Comment**
Issues not on the agenda and *within CPA jurisdiction*, two (2) minutes or less.
5. Officer's Reports
 - A. Treasurer: Orrin Gabsch / Jim Fitzgerald
 - B. Secretary: Dan Allen
6. **Proposed Bylaw Amendments (see attachment)**
7. Adjourn to Regular Meeting.

D R A F T AGENDA – REGULAR MEETING

6:05p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 7 Feb 2013**
4. **Elected Officials Report – Information Only**
 - A. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@sanidiego.gov
5. **Non-Agenda Public Comment**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
 - A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.

7. Officer's Reports

A. Secretary

B. Treasurer

8. **President's Report**

A. Annual Trustee Election – Voting closes at 7:00pm; Results as soon as ballots are counted.

B. Letter to UCSD re: Venter Institute – possible Action Item: to approve & send letter

C. Deviation request re: 1020 Prospect will not be heard

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 Paul Benton, 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. Xiong Residence

DPR ACTION: Findings can be made for a Coastal Development Permit for an 866 SF addition to an existing single family residence on a 0.24 acre site at 1553 Copa De Oro Drive. 8-1-0

1553 Copa De Oro Dr. - Coastal Development Permit for a 866 SF addition to an existing single family residence on a 0.24 acre site

B. Huckins Residence

DPR ACTION: Findings can be made for a Coastal Development Permit to construct a 3,818 sq ft, two-story, above basement, single family residence on a 7,000 sq ft vacant lot located at 1545 Virginia Way. 7-0-1

1545 Virginia Way - Sustainable Expedite Program (process 2) Coastal Development Permit to construct a 3,818 sq ft, two-story, above basement, single family residence on a 7,000 sq ft vacant lot.

C. Trogen Enterprises Demolition

PRC Action: The findings can be made for a Coastal Development Permit (CDP) to demolish the current structure down to the slab, leaving the Torrey Pine trees intact, as presented. 6-0-1

7949 Lowry Terrace--Demolition of a 3,912 sf existing single family residence and two car garage on a 14,217 sf lot. Future redevelopment not decided as yet.

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

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

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

11. **Bernate Ticino Residence – Action Item**

Confirm February 7, 2013 appeal of CEQA Exemption (February 4, 2013 appeal deadline)

Appeal was filed on February 4, 2013, a non-agendized vote was taken on February 7, 2013. Trustees are asked to discuss and vote on the appeal filed.

12. Bernate Ticino Residence— pulled by Trustee LaCava – Action Item

1328 Virginia Way - Sustainable Expedite Program (Process 2) CDP to construction a 4,918 sq ft, two story, above basement, single family residence with detached garage and guest quarters, on a 6,995 sq ft vacant lot.

PREVIOUS ACTIONS:

LJCPA (Feb 2013): Motion to confirm appeal of the Bernate Ticino Residence project's CEQA exemption,

DPR Action #A (Jan. 2013): To require the Applicant to apply for a Coastal Development Permit

To demolish the previous structure at 1328 Virginia Way, and to return to La Jolla Development Permit Review as part of the review process and present CEQA and other environmental documentation. 8-0-1

DPR Action #B (Jan. 2013): Findings can not be made for a Coastal Development Permit for

construction at 1328 Virginia Way. Specifically, the proposed project is not in conformity with the specified implementation program (ie the Municipal Code requirement for a Coastal Development Permit for the demolition of the previous building). 8-0-1

Applicant: Sarah Horton

Feb. 6, 2013 - Bernate Ticino Residence presentation postponed by Applicant

Feb. 27, 2013 – Presentation postponed by applicant on this date (2/27/13)

13. Gaxiola Residence - Pulled by Myrna Naegle - based on the split vote – Action Item

2414 Calle del Oro – SDP and CDP to demolish existing 1-story 3,178 sf residence and construct a new 2-story 11,696 sf residence (of which 4,744 is phantom floor) with 4 bedrooms, 7 bathrooms and 2 car garage, attached guest quarters (parking in driveway), swimming pool and retaining walls on a 29,120 sf lot. Square footage includes extensive non-habitable space.

PRC Action (Oct. 2012): The findings can be made for a SDP & CDP based on plans dated July 22, 2012 and presented today with square footage corrected to 11,696 including 4,744 sf phantom floor. 3-2-1.

Applicant: Grisel Cedillo / Michael Morton

14. Pham Residence – pulled by Fran Zimmerman – Action Item

7411 Olivetas Street- Variance to reduce the required street sideyard setback for a 855 sq ft addition to an existing single family residence on a 0.05 acre site at 7411 Olivetas Street

DPR ACTION (JAN 2013): Findings can be made for a Variance to reduce the required street sideyard setback from 10ft to 4 ft for a 855 sq ft addition to an existing single family residence at 7411 Olivetas St. 4-2-1

15. Install 2 hour parking signs on Glenwick Place and Glenwick Lane – pulled by Vanessa Garcia - Action Item

T & T Action (Jan 2013): Motion to approve 6-0-0

16. Move two 15 minutes zones from Herschel to Prospect Street— Pulled by Dan Courtney - Action Item

Jolla Village Merchant Association would like to have two 15 minute zones installed at their new location.

T & T Action (Jan 2013): Motion to approve the move. If possible, convert existing spaces on Herschel to diagonal parking. Two closest spaces to Prospect stay 15 minute green zone. 6-0-0

17. UCSD Hillel Center for Jewish Life Draft EIR response – Action Item

Consideration of response drafted by the Ad Hoc Committee on UCSD Hillel Center Draft EIR and submit to City of San Diego by March 11th

Comments on the Draft EIR are due by March 11th submittal deadline

Project proposals are described in the following link: [City of San Diego Bulletin of Public Notices, CEQA Notices and Documents](#)

**Time
Certain:
9:30p**

18. **Adjourn** to next Regular Monthly Meeting, April 4th, 2012, 6:00 pm



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La Jolla Community Planning Association

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

Thursday, 7 February 2013

DRAFT MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Devin Burstein, Bob Collins, Laura Ducharme-Conboy, Michael Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, David Little, Tim Lucas, Nancy Manno, Phil Merten, Cindy Thorsen, Frances O'Neill Zimmerman.

Absent: Joe LaCava.

1. Welcome and Call To Order: Tony Crisafi, President, at 6:01 PM

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Gabsch, 11-0-1).

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

Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 3 January Regular Meeting

Approved Motion: Motion to approve Minutes of January meeting, (Little/Merten, 10-0-2).

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

Abstain: Bond, Crisafi.

4. Elected Officials Report - Information Only

A. San Diego City Council District 1 - Councilmember Sherri Lightner

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

Ms. Demorest reported on palm tree maintenance in the public right-of-way, the Mayor appointing a bicycle program manager and construction to begin in May on the Children's Pool Lifeguard station. The project has been exempted from the construction moratorium. In reply to a question from **Trustees Courtney** and **Manno** she said a request would be made for a report on the Torrey Pines Road Project, and in reply to **Trustee Collins** she said that the large vehicle ordinance is still in work.

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 a handout and updated campus project status.

Phyllis Minick distributed a flyer on a 3 March fundraising project for the Children's Pool Sidewalk Beautification Project to be a photo booth by La Jolla Elementary School.

Rob Whitmore suggested establishing a dog beach in La Jolla Shores north of Scripps Pier.

6. Non-Agenda Items for Trustee Discussion

Trustee Zimmerman asked about construction at 705 Nautilus Street at Draper Street. **President Crisafi** said to call Development Services and ask for status from the plan checker or the building inspector.

Trustee Little thinks we should have a general review of PDO deviations rather than considering one project at a time.

Trustee Brady read and distributed a 5 November 2012 letter to the Mayor and City Council from the City Human Relations Committee on the subject of the Hillel project asking that we respond. The letter urges judgment of the Hillel Project without bias. **Trustee Zimmerman** pointed out that LJCPA was not named in the letter and so we might ignore it. **President Crisafi** will draft a letter for review at the next meeting.

7. Officer's Reports

A. Secretary

Trustee Allen stated 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 one maintains membership and becomes 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. Forms are on-line at www.lajollacpa.org. He noted this is the last meeting at which attendance will count for qualification to vote at the March LJCPA Annual Meeting at which time new Trustees will be elected.

Trustee Allen also advised that since his term as Trustee is expiring he will not be continuing as Secretary. He apologized for having been able to attend only the minimum number of meetings the last two years. He thanked Trustee Nancy Manno for filling-in for him 4 or 5 times and Trustee Mike Costello for doing so twice.

B. Treasurer

Assistant treasurer, **Trustee Fitzgerald**, gave the Treasurer's report. He presented the results for the past month. January Beginning Balance: \$175.16 + Income \$180.00 – Expenses \$119.44 = February Beginning Balance: \$235.72. Main expenses were agenda printing and telephone.

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.

8. Candidates' Statements

President Crisafi announced that nine persons have announced their candidacy as Trustees and they are: Patrick Ahern, Matt Bothwell, Helen Boyden, Janie Emerson, Gail Forbes, Myrna Nagle, Bob Steck, Ray Weiss and Frances O'Neill Zimmerman. Candidates Ahern, Bothwell, Boyden, Emerson, Steck, Weiss and Zimmerman were present and made statements. Janie Emerson read a statement from Myrna Nagle. There will be eight vacancies.

9. President's Report

A. Trustee Elections - Thursday, March 7, 2012, 3:00 pm - 7:00 pm

Approved Motion: Motion to ratify as the Election Committee the following: Trustes Laura Ducharme-Conboy, Michael Costello, Tim Lucas and Cindy Thorsen and member Darcy Ashley (Fitzgerald/Gabsch, 16-0-1).

In favor: Allen, Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

B. Annual Member Meeting – Thursday, March 7, 6:00 pm

Will include consideration of collected Bylaw revisions.

C. Officer Election – at April meeting

President, Secretary and Treasurer will be stepping down.

D. Sierra Mar Residence – postponed by applicant to March 2013, working w/neighbors

E. Gaxiola Residence – postponed until March 7th

F. Coastal Rail Trail Project Working Group – for ratification by Trustees -- Action item

SANDAG seeking a LJCPA representative to sit on this advisory group. Vice President LaCava has volunteered. Any others interested should contact President Crisafi.

G. Mid-Coast Trolley

SANDAG provided President Crisafi and Vice President LaCava with an update on the progress of this effort which is ready to issue an EIR. **President Crisafi** has distributed copies of their presentation material to the Trustees. President Crisafi and Vice President LaCava expressed the opinion that a presentation to the LJCPA was not necessarily warranted. **Trustee Allen** suggested referring this to the La Jolla Traffic & Transportation Board.

H. Annual Project Review Tally

President Crisafi asked for a volunteer to prepare a summary listing of the projects reviewed in the past year. This is asked for by the City each year. **Trustee Manno** agreed to prepare the list.

10. Consent Agenda – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 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. Ramirez Residence

DPR Action: Findings can be made for a Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing residence and construct a single family residence at 1011 La Jolla Rancho Road. 5-1-2

1011 La Jolla Rancho Road – CDP and SDP for Environmentally Sensitive Lands (ESL) to demolish existing residence and construct a 7,733 SF single family residence on a 0.59 acre site

B. Pham Residence – *pulled by Trustee Zimmerman*

DPR Action: Findings can be made for a Variance to reduce the required street sideyard setback from 10ft to 4 ft for a 855 sq ft addition to an existing single family residence at 7411 Olivetas St. 4-2-1

7411 Olivetas Street- Variance to reduce the required street sideyard setback for a 855 sq ft addition to an existing single family residence on a 0.05 acre site at 7411 Olivetas Street

C. Gillispie Playfield

DPR Action: Findings can be made for a CDP, Conditional Use Permit and Demolition Permit to remove an existing single family residence at 7411 Fay Avenue and develop a playfield with landscaping, fences, walls, and signage adjacent to the Gillispie School. 7-0-1

7411 Fay Avenue - CDP and CUP to remove an existing single family residence at 7411 Fay Avenue and develop a playfield with associated landscaping, fences, walls, and signage adjacent to the Gillispie School

D. Install 2 hour parking signs on Glenwick Place and Glenwick Lane – *pulled by Vanessa Garcia*

T & T Action: Motion to approve 6-0-0

E. Move two 15 minutes zones from Herschel to Prospect Street – *pulled by Trustee Courtney*

T & T Action: Motion to approve the move. If possible, convert existing spaces on Herschel to diagonal parking. Two closest spaces to Prospect stay 15 minute green zone. 6-0-0

F. Junior League of San Diego Food & Wine Festival at the Cove

T & T Action: Motion to approve. 6-0-0

Street closures- May 3rd-4th

G. Green Zone at 7841 Fay Ave

T & T Action: Motion to deny 6-0-0

H. 40 ft. Yellow zone request on Pearl Street (at Maserati)

T & T Action: Motion to deny. 6-0-0

Approved Motion: Motion

To accept the actions of the Planned District Ordinance Committee: (A) Ramirez Residence: Findings can be made for a Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing residence and construct a single family residence at 1011 La Jolla Rancho Road, and (C) Gillispie Playfield: Findings can be made for a CDP, Conditional Use Permit and Demolition Permit to remove an existing single family residence at 7411 Fay Avenue and develop a playfield with landscaping, fences, walls, and signage adjacent to the Gillispie School, and forward the recommendations to the City,

To accept the actions of the Traffic & Transportation Board: (F) Junior League of San Diego Food & Wine Festival at the Cove: to approve, and forward the recommendation to the City,

(Gabsch/Manno, 16-0-1).

In favor: Allen, Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

Approved Motion: Motion

To accept the actions of the Traffic & Transportation Board: (G) Green Zone at 7841 Fay Ave: to deny, and (H) 40 ft. Yellow zone request on Pearl Street: to deny, and forward the recommendations to the City,

(Gabsch/Manno, 16-0-1).

In favor: Allen, Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

11. Reports from Other Advisory Committees– Information only

A. Coastal Access and Parking Board - Meets 1st Tues, 5pm, La Jolla Recreation Center.

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

12. Bernate Ticino Residence – Action Item

1328 Virginia Way - Sustainable Expedite Program (Process 2) CDP to construction a 4,918 sq ft, two story, above basement, single family residence with detached garage and guest quarters, on a 6,995 sq ft vacant lot. Appeal of CEQA Exemption – Feb. 4th deadline

DPR Action #A (Jan. 2013): To require the Applicant to apply for a Coastal Development Permit to demolish the previous structure at 1328 Virginia Way, and to return to La Jolla Development Permit Review as part of the review process and present CEQA and other environmental documentation. 8-0-1

DPR Action #B (Jan. 2013): Findings can not be made for a Coastal Development Permit for construction at 1328 Virginia Way. Specifically, the proposed project is not in conformity with the specified implementation program (ie the Municipal Code requirement for Coastal Development Permit for the demolition of the previous building). 8-0-1

CPA Action (Jan 2013): Pulled from Consent Agenda by Trustee LaCava.

Applicant: Sarah Horton

Presentation postponed by Applicant. Appeal period will expire before our next meeting.

Approved Motion: Motion to confirm appeal of the Bernate Ticino Residence project's CEQA exemption, (Costello/Collins, 14-1-2).

In favor: Allen, Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Lucas, Manno, Merten, Thorsen.

Against: Zimmerman.

Abstain: Crisafi, Little.

13. Costebelle Residence SDP Amendment – Action Item

7940 Costebelle Way - Amend the previously approved SDP #4522, two-building SFR on a 26,994 sf lot, partially built, abandoned & re-permitted with modifications (10-2225), currently under construction. Modifications include adding a third floor consisting of an art studio/bedroom/living room/kitchen complex and modifications to the lowest floor and mezzanine, with a net enlargement of GFA from 1,266 sf to 2,040 sf with no changes to any previously permitted 5,118 sf lower main building. Additions to deck and patio area, increased SF from 1126 sf by 1,622 sf of new disturbance to 2,748 sf.

PRC Action (Jan. 2013): In recognition of the difficult nature of this site, we find that this project complies with the spirit and intent of the underlying regulations. We recommend approval of the project, based on plans dated 11/29/2012. 3-1-3

CPA Action (Jan 2013): Pulled from Consent Agenda by Trustee Manno.

Applicant's representative and architect: Claude Anthony Marengo

Mr. Marengo presented plans and provided a handout. He emphasized this is an amendment to an approved project. Nothing will be changed in the separate, lower structure which has been built according to its permits. Opponent letters had been forwarded to the Trustees by e-mail. **Helen Boyden** said the PRC has not seen some recent changes to the project. **Irwin Belcher, Jim Kelly, Willis Allen, Pat Grainger** and **Toby McFarland** spoke. They raised issues of building size and view blockage from overlooks. **Rob Whitemore** expressed the opinion that private views are to be protected according to the La Jolla Shores Design Manual. **Trustees Crisafi, Lucas, Thorsen, Courtney, Merten, Gabsch, Conboy, Lucas, Costello, Little** and **Allen** participated in discussion. Issues included parking, street-side setback, height relative to limits, increased landform disturbance and views from public open space. **Mr. Marengo** argued that most criticisms expressed concerned the permitted structure in place already and not the additions and modifications for which he is seeking the amendment.

Approved Motion: Motion

To deny the Amendment to the Site Development Permit because two of the required Findings for a Site Development Permit cannot be made: (1) The proposed development will not adversely affect the applicable Land Use Plan and (2) The proposed development will comply with the regulations of the Land Development Code. Specifically:

- A. Contrary to the Visual Resources Plan Recommendations (pg. 56 -57) of the La Jolla Community Plan and Local Coastal Program Land Use Plan the proposed project lacks sufficient articulation of the building facades facing Pottery Canyon Park and open space in order to reduce the perceived bulk and scale of the proposed structures when viewed from the park and open space; and**
- B. The proposed *structure height* of the proposed guest quarters located above the garage *accessory building* exceeds the maximum allowed structure height of 21 feet as limited by LDC Sec. 141.0306 (f); and**
- C. The *setback* and relationship of the front wall of the proposed guest quarters to the front wall of the garage below presents an upper level front yard *setback* that is not in general conformity with other upper level setbacks in the vicinity as is required by LDC Sec. 1510.0304 (b); and**
- D. The garage with the proposed quest quarters above is so different in form and relationship to the street from that of other structures in the area that the proposed guest quarters addition is not in accordance with the General Design Regulations of the La Jolla Shores PDO, LDC Sec. 1510.0301(b) and will disrupt the architectural unity of the area; and**
- E. The length of the proposed driveway measured from the street curb to the face of the garage does not meet the minimum length required by LDC Sec 142.0520, Table 142-05B, Footnote 1,**

nor does the project provide two additional on-site parking space as required by Footnote 1, nor is there sufficient curb length on the street abutting the property to provide the two additional required parking spaces,

(Thorsen/Courtney, 13-1-1).

In favor: Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Thorsen, Zimmerman.

Against: Allen.

Abstain: Crisafi.

14. UCSD Hillel Center For Jewish Life - Draft EIR – Action Item

Whether to submit comments on the Draft EIR by March 11th submittal deadline SDP AND Public ROW VACATION to allow the applicant to develop the Hillel Center for Jewish Life (HCJL) on a vacant site at the southwest corner of the intersection of La Jolla Village Drive and La Jolla Scenic Way, which is just south of the UCSD. Hillel currently uses a residential structure located at 8976 Cliffridge Avenue (Cliffridge property) for administrative offices, one-on-one counseling, and meetings with students. Hillel proposes to develop the HCJL in two phases to provide additional space for religious programs in three buildings around a central courtyard, referred to as the Phase 1/Phase 2 project throughout the Environmental Impact Report (EIR). Should the Phase 1/Phase 2 project not be approved by decision makers, an alternative to the project was also analyzed at full detail throughout the EIR. This alternative is referred to as the Existing with Improvements option. Under this alternative, the Cliffridge property that is currently being used by Hillel would be converted to permanent use. Both project proposals are described in the following link: [City of San Diego Bulletin of Public Notices, CEQA Notices and Documents](#)

President Crisafi suggested comments from individuals could be sent to him at info@LaJollaCPA.org for compilation and submittal. **Trustee Costello** proposed forming a committee to write a submission for the LJCPA.

Approved Motion: Motion to form an *ad hoc* committee to write a response to the Draft EIR for the UCSD Hillel Center for Jewish Life and present to the Trustees for vote at the March meeting, (Costello/Brady, 16-0-1).

In favor: Allen, Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

Approved Motion: Motion to appoint the following Trustees to the *ad hoc* committee on the Hillel Center EIR: Mike Costello, Jim Fitzgerald, Tom Brady and Dan Courtney, (Collins/Gabsch, 16-0-1).

In favor: Allen, Bond, Brady, Burstein, Collins, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

15. Adjourn, at 8:30 PM.

Next Regular Monthly Meeting, 7 March, 6:00 pm.

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT

For
February 2013

Feb. 12 2013 Present: Benton (Chair), Collins, Grunow, Gurnow, Hayes, Merten, Thorsen Welsh
Feb. 19 2013 Present: Collins, Costello, Grunow, Kane, Liera, Merten (Chair pro tem), Thorsen, Welsh

1. NON-AGENDA PUBLIC COMMENT 2/19/13

Thorsen: On 7 March the LJCPA will hold the annual elections. 9 candidates are running for 8 seats.

Costello: On 27 Feb a LJCPA Ad Hoc Committee will review the Hillel EIR.

2. REVIEW 2/12/13 (PREVIOUSLY REVIEWED 10/16/12, 11/13/12 & 1/8/13)

Project Name: **GIRARD AVENUE MIXED USE**

| | | |
|-----------------------|------------|---------------------------------|
| 7610 Girard Avenue | Permits: | CDP |
| Project #: PO# 274439 | DPM: | John Fisher 619-446-5231 |
| Zone: RS-1-2 | | jfisher@sandiego.gov |
| | Applicant: | Ashley Prikosovits 858-527-0818 |
| | | Beth Reiter 858-232-4580 |

Scope of Work:

A Coastal Development Permit and Map Waiver application to waive the requirements of a Tentative Map to construct eight residential condominium units and one 5,125 square foot commercial condominium unit on a vacant 0.27 acre site at 7610 Girard Avenue in Zone 1 of La Jolla Planned District within the La Jolla Community Plan in Council District 1.

DISCUSSION:

A discussion ensued about the interpretation of the first story when a portion of the building is below existing grade and the definition of a “Ground Floor”. Portions of the San Diego Municipal Code (SDMC) to be considered for further discussion:

1. SDMC 113.0261.a and 113.0261.d: “Determining a Story”
2. SDMC 159.0307.e.2: Overhangs: “Within the street façade or envelope, no story or floor level or portion thereof, shall overhang any floor level below, provided however, that balconies on upper floors shall be permitted.”
3. SDMC 159.0306.a: Retail uses are required on the ground floor as shown in Table 159-03A: “Zone 1: Minimum percent of Gross Ground Floor Area = 50%; Minimum Percent of Structure’s Street Frontage Length = 75%”
4. SDMC 159.0306.c: Residential uses shall be restricted on the ground floor as shown in Table 159-03C: “Zone 1: Residential not permitted within front 50% of lot.”

It is recommended that the applicant present a summary of these sections that demonstrates how the lowest residential floor can be considered the ground floor.

3. FINAL REVIEW 2/12/13 (PREVIOUSLY REVIEWED 12/11/12)

Project Name: **XIONG RESIDENCE**
 1553 Copa De Oro Drive Permits: CDP
 Project #: PO# 281986 DPM: Paul Godwin
 Zone: RS-1-4 Applicant: PGodwin@sandiego.gov
 Pam Swanson 619-224-8604
 Paul John 858-756-2526
 Scope of Work:
 (Process 2) Coastal Development Permit for a 866 SF addition to an existing single family residence on a 0.24 acre site at 1553 Copa De Oro Drive in the RS-1-4 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit Overlay.

SUBCOMMITTEE MOTION 12/18/12:

(Thorsen /Grunow 8-1-0) Findings can be made for a Coastal Development Permit for an 866 SF addition to an existing single family residence on a 0.24 acre site at 1553 Copa De Oro Drive.

In Favor: Collins, Grunow, Gurnow, Hayes, Merten, Thorsen Welsh

Oppose: 0

Abstain: Benton, as chair

MOTION PASSES

4. COURTESY REVIEW 2/19/13

Project Name: **THE PLAZA**
 7863 Girard Avenue Permits: -----
 Project #: ----- DPM: -----
 Zone: LJ PDO Zone 1 Applicant: James Alcorn 858-459-0805
 Scope of Work:
 Remodel entrance areas, walks, and interior public spaces in an existing 2-story building on a 0.27 acre site at 7863 Girard Avenue in Zone 1 of La Jolla Planned District within the La Jolla Community Plan.

The Applicant presented plans and drawings of the proposed modifications. The Plaza is the site of the former Jack's and also where Panera is currently. Floor area will be reduced, the courtyard opened up. The elevator will be moved from the interior courtyard to near the Girard entry. The elevator tower maybe be planned for greater than 30 ft, a problem with Prop D. Parking: required 59, existing 66, actually available 113 with some being valet. Underground parking is under the Brooks Brothers building. Lower levels will be raised to the street levels so entrances will be at grade level. Awnings will be removed, sidewalk overhangs will be removed. FAR allowed 2.0, existing 1.95, proposed 1.83.

DPR Members Comments, in summary:

1. This is a significant and very nice improvement. Enhancement to that corner. Encourage the owner to proceed with the project. Overall, expressions are very positive.
2. The elevator tower is a nice feature, adds to the appeal of the Project. Tower height over 30 ft will be a Prop D problem for the Community.
3. Patron parking under the Brooks Brothers Building has never been successful for this building. Requiring employees to use the underground parking will free up surface and other street parking spaces. Requiring valet parking to use the underground spaces will do the same. These could be useful for an approval.

recorder setting 22 00 27 44

5. FINAL REVIEW 2/19/13 (PREVIOUSLY REVIEWED 12/18/12 & 1/15/13)

Project Name: **HUCKINS RESIDENCE**

1545 Virginia Way

Permits: CDP

Project #: PO# 293001

DPM: Laura Black

Zone: RS-1-7

LBlack@sandiego.gov

Scope of Work:

Applicant: Ricardo Torres 619-231-9905

Sustainable Expedite Program (process 2) Coastal Development Permit to construct a 3,818 sq ft, two-story, above basement, single family residence on a 7,000 sq ft vacant lot located at 1545 Virginia Way in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Ht Limit, Parking Impact, Residential Tandem Parking, Transit Area.

Provided for FINAL REVIEW: *Applicant response in italics.*

1. Please provide topographic map of property and surroundings (canyon, alley, neighbors) at least 50 ft radius. *Topo map showing property and surroundings provided. The contractor is using the topo map to restore the surface. Presented an email from DSD saying the CDP can't be approved until the Notice of Violation from Code Enforcement is cleared.*

2. Can the house be setback an additional 3 ft? (Grading to the back has been done.) *Applicant says no, they are complying with the 15 ft front yard setback. They have a front deck which makes a notch on the South West corner which does offer more view for the neighbors.*

Torres: Made assurances that they were working with the neighbors on the retaining wall issue, and that their contractor was aware of the problems.

SUBCOMMITTEE MOTION: Findings can be made for a Coastal Development Permit to construct a 3,818 sq ft, two-story, above basement, single family residence on a 7,000 sq ft vacant lot located at 1545 Virginia Way.

(Collins / Liera 7-0-1)

In Favor: Collins, Costello, Grunow, Kane, Liera, Thorsen, Welsh

Oppose: 0

Abstain: Merten, as chair

MOTION PASSES

recorder setting 22 00 51 54

6. COMMITTEE DISCUSSION 2/19/13:

Kane: Inquired if there are additional comments on her proposed policy for the DPR Committee Exhibits (1st draft dated Dec 19, 2012). We should discuss in more detail at the next meeting. There is the current policy instructs applicants that they should prepare exhibits to present to 10 or more people. It is up to the applicant to properly prepare.

La Jolla Shores Permit Review Committee Meeting Minutes

Tuesday February 26, 2013

Committee members present: Helen Boyden (chair), Laura DuCharme-Conboy, Dede Donovan, Janie Emerson, Tim Lucas, Phil Merten, Myrna Naegle, John Schenck.

1. Non-Agenda Public Comment – 2 minutes each for items not on the agenda

Phil Merten: Tomorrow afternoon at 6:00 PM at the LJ Rec Center is the CPA Ad Hoc Committee meeting that will draft a response to the Hillel Project Draft EIR. This meeting is open to the public and for all who wish to attend and contribute.

2. Chair Comments

- 7940 Costebelle was recommended for denial at the February 7, LJCPA meeting. A Hearing Officer public hearing was to be held February 20. The meeting was not held as scheduled due to serious discrepancies in the project information as posted online on the City website. Discrepancies included reporting that the La Jolla Shores Planned District Advisory Board had reviewed the item (it hadn't), but will hear the item March 19, 2013. It included an incorrect LJCPA denial vote count, but the motion was not included. The item has been rescheduled to be heard before the Hearing Officer on March 20, 2013.
- The Gaxiola residence has been postponed to the March 7 LJCPA meeting
- The LJSAB was not scheduled to meet in February.
- LJS AB agendas have an official posting URL of:
<http://www.sandiego.gov/planning/community/profiles/lajolla/pddoab.shtml>
- The Viterbi project will not be heard until some issues are resolved with the City.
- Sudberry residence at 8039/8053 Calle del Cielo is expected for the March 26 PRC meeting
- There is a T-Mobile project at 7995 La Jolla Shores Drive (Hotel La Jolla) in the pipeline

3. Project review

Trogen Enterprises -7949 Lowry Terrace Demolition CDP – 2nd hearing

- Project No. 302415
- Type of Structure: existing Single Family Residence
- Location: 7949 Lowry Terrace
- Project Manager: Morris Dye; 619-446-5201; mdye@sandiego.gov
- Owner's rep: Golba Architecture-Cathy Coleman; 619-231-9905;ccoleman@golba.com

Project Description: Demolition of a 3,912 sf existing single family residence and two car garage on a 14,217 sf lot. Future redevelopment not decided as yet.

Seeking: Coastal Development Permit (non-appealable)

Previous PRC Action: January 22, 2013 Motion: Donovan **Second:** Conboy
To continue the project until the historical review has been completed by the City.

Carried: 4-1-1; Approve: Conboy, Donovan, Emerson, Schenck; Oppose: Lucas; Abstain: Boyden

Boyden: I forwarded an email to the committee between Jeffrey E. Oakley, Associate Planner Historical Resources, Development Services Department, and Scott Moomjian, the attorney representing Trogen Enterprises. The conclusion from DSD is “Based on the information you provided, we determined the property to Not be Historic and I cleared the project. This determination is good for 5 years.”

Presented by: Sasha Varone

The details of the project were presented last month to this committee. The house is in very bad shape. The owners want to get the house torn down as soon as possible because it is a nuisance to the neighborhood, due to debris, bees, termites, and other issues that were pointed out by the neighbors at the previous meeting. The owners do plan to build a new house at some point, but there are currently no plans under development. The only issue remaining with the City was the historic review. The determination has been made by the city that it is not historic. They plan to demolish the house and garage down to the slab. They will leave the surrounding ground intact so as to not cause any archaeological issues. They are also leaving the Torrey Pine trees intact so as not to have any environmental or biological issues.

Conboy: Back in the day, this was a quintessential La Jolla Shores house. This house really typifies the PDO and design manual guidelines. It has a low pitched roof and the structure is horizontally laid out. The structure is positioned on the site in a pleasant enough way so that it leaves an openness around the corner. It is a shame that it has gone to ruin. I am not opposed to tearing it down based on what has been presented and what the neighbors have said. Once upon a time this house had a lot of promise and charm and spoke to the neighborhood.

Boyden: There was a house in my neighborhood on a bend similar to this. The owners didn't keep it maintained and it went into decay. It was eventually remodeled into something else. It now sticks out as you round the bend and doesn't fit in very well with other houses in the neighborhood.

Schenck: These are good points. When the new house is designed, it would be good if they could keep some of these qualities that will fit on this corner.

Emerson: The Oriental flair of the house and it being oriented on a diagonal, really fit the neighborhood well.

Conboy: Will the gazebo stay? **Varone:** No it will be torn down also.

Merten: There is a construction fence around the property. Is it open link or does it have panels? **Varone:** It has green screening. **Merten:** Was the fence permitted? **Eric Dye** (neighbor): Yes. The County of SD Probate department installed the fence (after evicting the previous owners) and has transferred the contract to the new owners that bought the property. **Merten:** Since there are no plans or schedule to rebuild the property in the near future, from a community character standpoint, it would probably be better to take the fence down after the demolition. **Varone:** They hope to do that, but there have been problems with the previous owner trespassing and squatting. The fence is not related to the CDP we are seeking. Any issues with the fence can be addressed by Code Compliance after the demolition if necessary. **Merten:** The fence

does violate the city codes in that it is not transparent from 3' up. **Conboy:** The fence is something we can not condition in a motion. We are deciding on a CDP for the demolition of a house. The fence needs to stay until the house is demo-ed, because this is a health and safety issue and you want to keep people out.

Public Comment

Bill Kellogg (7950 Lowry Terrace): I am a neighbor and live directly across the street. I want to point out that the concern about the evicted previous owner is still ongoing. I received a message yesterday from that person who believes he still owns the house. They are driving down the street frequently and removing the posted notices on the fence. Before the fence they were trying to occupy the property and had people living in the bushes. There are pine needles all over the property, it would only take one flame and the whole neighborhood would be in danger. I think that the fence should remain up as long as the former owner is a threat to move back in there.

Eric Dye (neighbor): I made my comments at the previous meeting regarding the health and safety issues, and those issues still remain.

Committee discussion

Emerson: I think that the purview of this committee is regarding the house, and the issues with the previous owner and the fence should be left to other agencies of the City. The fence may not look nice, but this is a matter of neighborhood security, which is more important.

Conboy: What do the plans say about the Torrey Pine trees? **Varone:** We don't really address the foliage in the demolition plans. Our goal is to disturb as little as possible. **Conboy:** The motion should state as presented as the plans don't specify the removal of the gazebo or the pond. **Varone:** the pond has the same archaeological concerns as the slab and will stay as is.

Merten: There is no authorization to remove a gazebo. **Boyden:** Would you need that? **Merten:** Yes, it's a structure. **Kellogg** (neighbor): It's rotten and full of termites; it should come down. **Conboy:** We are not trying to preserve the gazebo, rather we are trying to dot some Is and cross some Ts. If this ever became controversial because they didn't have a permit to demolish the gazebo and someone later determined it was historic it could be an issue. When they removed the rafter tails on the Windemere property, the house suddenly became non-historic.

Merten: It is interesting that professionals are preparing documents for permits, and these documents clearly indicate that the gazebo will remain. The documents say that only the house and garage structure will be removed. The gazebo is a structure and therefore requires a CDP for removal. How the project is presented is not the issue, the issue is what the documents say. If they plan to remove other structures on the property, then the exhibits need to be accurate and correspond to the permit request.

Motion: Naegle; **second:** Schenck

The findings can be made for a Coastal Development Permit (CDP) to demolish the current structure down to the slab, leaving the Torrey Pine trees intact, as presented..

Motion carries: 6-0-1

Approve: Conboy, Donovan, Lucas, Merten, Naegle, Schenck; Abstain: Boyden (chair).

Note: Emerson left room before the vote was taken.



La Jolla Community Planning Association

March 4, 2013

VC Resource Management & Planning
University of California, San Diego
9500 Gilman Drive, MC 0057
La Jolla, CA 92093-0057
Sent via email: gcmatthews@ucsd.edu, rfriedman@jcv.org

Dear Mssrs. Friedman and Matthews:

La Jolla Community members are expressing concern about the proposal to construct a driveway from the Venter Institute onto Torrey Pines Road that might be open to traffic at all times. They note that access to the Institute could be constructed from Expedition Way which is on UCSD property.

The proposed driveway exiting onto Torrey Pines Road lies in the La Jolla Shores Planned District subdivision of the La Jolla Community Plan.

Discretionary projects in the Shores are usually heard by the La Jolla Shores Permit Review Committee which makes a recommendation to the trustees of the La Jolla Community Planning Association which in turn reviews and forwards a final recommendation to the City of San Diego which makes the decision.

We would appreciate it if you would agree to present your proposals and possible alternatives to our committees so the driveway proposal would receive formal review at noticed public meetings.

The next meeting of the La Jolla Shores Permit Review Committee would be on Tuesday, March 26 at 4 PM at the La Jolla Recreation Center. The subsequent LJCPA meeting would be the first Thursday of the following month beginning at 6 PM. A time certain can be arranged.

I hope you agree and then we can arrange the particulars.

Thank you for your consideration.

Tony Crisafi, President
La Jolla Community Planning Association

cc: UCSD Chancellor
Mayor Bob Filner
Council President ProTem Sherri Lightner

La Jolla Community Planning Association
Ad Hoc Committee to Review the Hillel Project's draft EIR

La Jolla Recreation Center
615 Prospect Street

Ad Hoc Com. Members: LJCPA Trustees Brady, Costello (Chair), Courtney, Fitzgerald
Public Attendees: 18 members of the public signed in, and 5 opted not to sign in.

Committee Objective: to discuss the **Draft EIR** of the "UCSD Hillel Center For Jewish Life" and prepare a response to the DEIR for the La Jolla Community Planning Association. The La Jolla Community Planning Association will vote on the response on 7 March 2013.

Minutes (not approved) and Report from the 27 Feb 2013 Meeting.
(Note: Items were rearranged for organization and clarity.)

Items of Discussion, Errors, or Omissions of the DEIR:

I. Project Alternatives Contrary to the DEIR statements a very reasonable range of **alternative sites** exist.

A. Alternate Sites are available in the area.

- 1) undeveloped land is available North of Genesee Ave near the Lawrence Family Jewish Community Center
- 2) developed commercial space is available North, East and South of the UCSD Campus

B. An example of a currently existing student religious center situated in a properly zoned area:

The Newman Center Catholic Community at UCSD
4321 Eastgate Mall (off Genesee Ave)

II. Cumulative Impacts.

Construction of nearby institutions. The Venter Institute, being constructed across Torrey Pines Rd., is not mentioned. The impact of the Venter Institute was not considered, including the increase in traffic volume, driving/traffic hazards, and parking. Venter has applied for a permit for a curb cut which will open on Torrey Pines Rd. This curb cut will be about 150 ft from La Jolla Village Dr. By law, the DEIR must consider impacts that will change traffic near the project. These must be considered for both **Cumulative Impacts** and **Traffic**.

Traffic. A single family house generates 10 ATD, Hillel currently yields 200 ADT (based on data of current use, not proposed larger facility). That is 20 times the amount of traffic from a house. The projected ADT seems unrealistically low, and does not

account for increased use if the facility is successful. The large difference in traffic is another reason why the Municipal Code prohibits this use.

DEIR didn't discuss the safety of reducing the street width of LJ Scenic Drive North by 2 feet (to 34 ft). Corners will be non-standard and the cornering radius will be non-standard. Drivers will not expect this, how will safety be affected?

The Venter Institute (45,000 sq ft, 140 parking spaces) and three other planned projects across Torrey Pines Rd are not considered. Venter alone should add significant traffic, but not counted in the DEIR. Venter traffic will be required to turn right, go South on Torrey Pines Rd. Anyone going North, East or West will: 1) go to the traffic lights at Glenbrook and Dunaway to do a U-turn on Torrey Pines Rd., or 2) drive through the neighborhood on Cliffridge and La Jolla Scenic Drive to avoid one set of lights at Torrey Pines Rd and La Jolla Village Drive. This impact is not discussed.

Traffic in Summary. The DEIR is required to consider major future and cumulative impacts.

A. Precedent Setting for student centers in Single Family Zones

The mechanism could be to purchase a single family house, then change use to a student center. Lot ties could make larger student centers. The DEIR, pg 6-2, states that UCSD has 54 spiritual organizations. As of this date there are 60 spiritual organizations listed from a total of 530 student organizations at UCSD.

B. Student Centers are prohibited in Single Family Zones by the Municipal Code.

C. The Precedent Setting, then Cumulative Impact will be that the 60 spiritual organizations could all be allowed to build a student center in the residential zone changing the zones character. The Hillel facility would be the precedent here and in other single family zones in the City.

D. There will be a Precedent Setting Growth Inducement Impact.

Noise. DEIR refers to reduction of noise from the buildings interior. There is no mention of noise generated outside the buildings, outside ceremonies, people entering and existing buildings at night, opening-closing car doors, talking, traffic. The DEIR did not evaluate the maximum use of the facility complex, or at the maximum capacity, or the out of doors uses. There was an acknowledgement that noise will exceed that from the Cliffridge house.

Noise Ordinance allows Single Family Residential: **50 dB(A)** 7 AM to 7 PM

45 dB(A) 7 PM to 10 PM

40 dB(A) 10 PM to 7 AM

Places of worship are allowed exterior noise of: **65 CNEL**

Higher educational institutions are allowed: **70 CNEL** (that is, weighted over 24 hr, instead of one hr weighting for Residential) DEIR pg 4.8-1, 4.8-2. Expected / allowable noise levels associated with the Hillel Project is incompatible with Single Family Housing.

III. Visual Effects and Neighborhood Character DEIR Section 4.12
Applicable Design Regulations Section 4.12.1.3

Excerpts from Mr. Merten's Letter below.

Section 4.12.1.3 (b) **Land Development Code/La Jolla Shores Planned District Ordinance**, includes excerpt from the La Jolla Shores PDO which states:

General Design Principle and Requirements

No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, **form**, materials, color, and **relationship** as to disrupt the architectural unity of the area.

Single-Family Zone Development Regulations

The specific LJSPD Development Regulations for the Single Family Zone that are relevant to the visual aspects of the project include the following:

Building and structure setbacks shall be in general conformity with those in the vicinity.

The report correctly identifies 'building and structure setbacks being in general conformity with those in the vicinity' as being a relevant design regulation, but never attempts to explain how the proposed project complies with this regulation. This glaring omission may be due to the fact that the proposed build and structure setback along La Jolla Scenic Drive North are not in general conformity with those in the vicinity (across the street) and therefore is so different in relationship to the street that the project will disrupt the architectural unity of the area.

(Ad Hoc Com. summary: The houses are generously set back about 40 ft from the street with their garages closer to the street giving a back and forth pattern. The very much more massive Hillel will be too close to the street and out of neighborhood context.)

Therefore, the proposed project is not in accordance with the General Design Principal section or the Building and structure setback regulations of the LJSPDO.

the LJSPDO states: General Design Regulations

To conserve important design character in La Jolla Shores, some uniformity of detail, **scale**, **proportion**, texture, materials, color and building **form** is necessary.

Create harmonious form relationships among houses. Groups of houses should appear related to one another rather than jumbled together without pattern.

Strive for consistency within groups through use of recurring shapes and materials. All the houses in one eye span should be designed to tie together and relate to one another. This is just another glaring omission from the draft report relating to neighborhood character. *See Mr. Merten's Letter for complete content.*

More Visual Effects and Neighborhood Character

Visual Effects. The 2 level houses referred to by the DEIR are way off to the East, and are at a significantly lower elevation than the Hillel buildings, causing them to be far less prominent. The Hillel buildings will be the most prominent around with the second story structures dominating from La Jolla Village Drive

Level of Activity. There will be many more people using Hillel than a single family house and the activity will be at all hours of the day and evening. The activities from several locations will be consolidated here. If the facility is successful, than activity level will be greater than the current sum.

Traffic, ADT. Hillel currently yields 200 ADT, a single family house yields 10 ADT.
People. more people with more noise than Single Family zones. Hillel states an artificial limit on the number of students using the center. If it is successful, the number of students will certainly be greater than stated.

No Enforcement. There is no mechanism to maintain or enforce the level of activity or number of people at events.

from Dr. Starr's Letter **Omission 4, Site's required use and dedication of La Jolla**

Scenic Way: Open space on the site is required as mitigation of development on Gilman Dr. Driveway access to the project on La Jolla Scenic Way violates the dedication of La Jolla Scenic Way. *See Dr. Starr's Letter for complete content.*

IV. Project Objectives.

A. Goal of walking distance. UCSD is ~ 2 ½ miles E to W, and ~ 1 ½ miles N to S with classrooms and dorms spread throughout. Locating a student center at any point on the UCSD periphery cannot satisfy the walking distance goal because of the homogenous spread of dorms and classrooms. There is simply no single point to be near.

B. There is to be a **consolidation of uses** from different areas to this site, yielding an increase in intensity of use at the single location.

C. There is no enforcement of Hillel's stated limits of use.

D. Purpose of the Facility.

House of Worship or Student Center? DEIR pg 3-15 Table 3-1,

| | | |
|----------------------------|--------------------|------------|
| Student Center | 3,682 sq ft | 57% |
| Library/Chapel | 984 sq ft | 15% |
| <u>Leadership Building</u> | <u>1,813 sq ft</u> | <u>28%</u> |
| Gross Building Area | 6,479 sq ft | 100% |

Of the floor area, only 15% is for Library/Chapel, yet 57% is for a Student Center. Ostensibly, teaching Leadership is also a Student Activity (then 85%). The obvious conclusion is that the Project is **a Student Center, which is not an allowed use in a Single Family Zone.**

Paraphrased Summary from Dr. Starr's Letter. **Inaccuracy 2, Attendance:** (The inclusion of a large kitchen and square footage lend themselves to greater uses than stated.) *See Dr. Starr's Letter for complete content.*

V. Parking. An unacceptable land use impact would arise if the City declared this a religious institution but failed to apply the parking standards for a religious institution.

| <u>LDC requires Religious Inst.</u> | <u>Plans in the DEIR show</u> | <u>Required</u> |
|---------------------------------------|--|-----------------|
| 1 parking space / 3 fixed seats | there are no fixed seats | NA |
| or | | |
| 30 spaces / 1,000 sq ft assembly area | reasonable assembly area (1,600 sq ft or 3,000 sq ft) | 48-90 spaces |

Hillel is providing 27 parking spaces. This is substantially less than the 48-90 spaces that would be required by Code for a church, temple, or place of religious assembly,

assuming 25% (1,600 sq ft) or 46% (3,000 sq ft) of the total space available in the facility was available for this purpose. 27 parking spaces would be adequate only if less than 14% of the facility were designated for religious assembly. As a result, within the DEIR, the proposed Hillel project appears to have at least two distinct definitions—a religious institution for “allowed use” purposes and a “student center” (or something else) for required parking purposes

In addition to not meeting the parking standards, the proposed project will be removing 8 on street parking spaces, and the cul-de-sac vacation with red curb will lose another 20 or so spaces.

VI. ROW Vacation. Vacation of the cul-de-sac at LJ Scenic Drive North.

Paraphrased Summary from Dr. Starr's Letter.

Omission 1, Right of Way Vacation: (The four Municipal Code findings for a ROW Vacation can't be met.)

Omission 2, Traffic Safety, ROW Vacation: (Dangerous turn, unsafe visibility, dangerous blind corners) *See Dr. Starr's Letter for complete content.*

Parking impact. The Google photo in the DEIR shows UCSD students using the street for parking. Up to 22 on street parking spaces will be lost if the cal-de-sac is vacated and the curb painted red for the standard sight distance, DEIR pg 3-45.

Other Uses will be Impacted. The cal-de-sac is used 365 days a year. People use it as a turn-around, parking. The City uses it to park heavy equipment when needed.

VII. Cliffridge Property. The use of the Cliffridge property for an office building in a Single Family Zone is illegal (Muni. Code 131.0401). **Continued use of an office and Phase I** should not be permitted. Phase I would require a deviation for the additional 6 parking spaces and reduction in landscape/increase in hardscape. They should also apply for a Residential High Occupancy Permit. This would be a significant impact on the surrounding community and should not be (is not) allowed.

Please read the attached written comments received from:

Ms. Julie Hamilton,
Mr. Phil Merten,
Dr. Ross Starr

Finally, the above items will be arranged into a Motion for a response to be presented to the LJCPA for a vote on 7 March 2013.

(Phil Merten 27 Feb 2013)

Hello Mike, and Ad Hoc Committee Members.

Unfortunately, a conflict has arisen and I will not be able to attend tonight's Ad Hoc meeting. Therefore please consider the following comments:

Section 4.12. of the EIR deals with '**Visual Effects and Neighborhood Character**'

Section 4.12.1.3 deals with '**Applicable Design Regulations**'

Section 4.12.1.3 (b) **Land Development Code/La Jolla Shores Planned District Ordinance**, includes excerpt from the La Jolla Shores PDO which states:

General Design Principle and Requirements

Design Principle:

Originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos.

No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, **form**, materials, color, and **relationship** as to disrupt the architectural unity of the area.

This section of the report also correctly states:

Single-Family Zone Development Regulations

The specific LJSPD Development Regulations for the Single Family Zone that are relevant to the visual aspects of the project include the following:

- Building and structure setbacks shall be in general conformity with those in the vicinity.

The report correctly identifies 'building and structure setbacks being in general conformity with those in the vicinity' as being a relevant design regulation, but never attempts to explain how the proposed project complies with this regulation. This glaring omission may be due to the fact that the proposed build and structure setback along La Jolla Scenic Drive North are not in general conformity with those in the vicinity (across the street) and therefore is so different in relationship to the street that the project will disrupt the architectural unity of the area.

The front exterior walls of the existing dwellings along the south side of La Jolla Scenic Drive North have front yard setbacks on the order of 40 feet. These structures have attached garages of 22 to 24 feet in width that are setback 12' to 15' from the front

property line. The cumulative affect of the existing dwellings are front yard structure setbacks that alternate between 12' and 36' and 15' and 40' and 12' and 40' and 15' and 36' etc. along the entire length of La Jolla Scenic Drive North. In contrast, the subject southeastern building proposes a south building facade 80' long setback 10' to 11' from the street property line, and the subject western building proposes a south building facade 70' long setback 10' to 11' from the street property line. Taken together these two structure present a exterior facade of more than 170' in length setback just 10' to 12'. The subject development and its proposed setback from La Jolla Scenic Drive North is definitely not in in general conformity with those in the vicinity; and the form and relationship of the proposed structures to the street is so different in relationship from that of existing structures in the vicinity that the proposed project will disrupt the architectural unity of the area. Therefore, the proposed project is not in accordance with the General Design Principal section or the Building and structure setback regulations of the LJSPDO.

Finally, the LJSPDO states:

General Design Regulations

Concurrent with the adoption of the La Jolla Shores Planned District Ordinance, the City Council adopted architectural and design standards, by resolution, to be used in evaluating the appropriateness of any development for which a permit is applied under the La Jolla Shores Planned District Ordinance; such architectural and design standards shall be filed in the office of the City Clerk as a numbered document.

The numbered document is the *La Jolla Shores Design Manual*. Unfortunately, the EIR makes no mention of the *La Jolla Shores Design Manual* or three of its provisions that state:

To conserve important design character in La Jolla Shores, some uniformity of detail, scale, proportion, texture, materials, color and building form is necessary.

and

- Create harmonious form relationships among houses. Groups of houses should appear related to one another rather than jumbled together without pattern.
- Strive for consistency within groups through use of recurring shapes and materials. All the houses in one eye span should be designed to tie together and relate to one another.

This is just another glaring omission from the draft report relating to neighborhood character.

PRIVILEGED AND CONFIDENTIAL

TO: LA JOLLA COMMUNITY PLANNING ASSOCIATION
AD HOC COMMITTEE – HILLEL DEIR

FROM: JULIE HAMILTON

SUBJECT: RESPONSE TO DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
UCSD HILLEL CENTER FOR JEWISH LIFE

DATE: FEBRUARY 27, 2013

Public Notice of Availability

The public notice fails to provide an accurate and stable project description. The public notice fails to describe the project as a student center and fails to describe the vacation of public right-of-way that is part of the project. The project description in the public notice and throughout the DEIR describes the two sites as .2 acres and .8 acres – is the size of the site with or without the ROW vacation? The site should be described without the vacation since the vacation is part of the proposed project.

Availability of the Draft EIR and all supporting documents is confusing; the notice states the documents are available at the Development Services Center, but requires the reader to return to page one and look for the location of the Development Services Center. The notice fails to state the Draft EIR is also available for public review at the Downtown Library and the La Jolla Branch Library (this is explained in the Executive Summary of the DEIR – but with no notice of this availability, the public would have no way of knowing the DEIR was available at the libraries).

Summary

S.1 - The Project Synopsis again fails to provide an accurate and stable project description. The synopsis fails to describe the project as a student center and fails to include the vacation of public right-of-way in the project description.

S.1.2 - Project Objectives artificially manipulate outcomes by setting a goal of locating the facility within walking distance of the southern portion of the UCSD campus - why the southern portion? Do more Jewish students attend classes and live along the southern edge of UCSD? Including this limitation within the project objectives prejudices the feasibility of an alternative site.

S.5 - The project alternatives do not provide a reasonable range of "feasible" alternatives that would reduce or avoid significant impacts. As an initial point, the DEIR finds the only significant impacts are noise (impact of noise from La Jolla Village Dr. on the facility), biological resources (nesting raptors), and paleontological resources. The DEIR fails to recognize significant impacts on Land Use, Transportation/Circulation/Parking or Visual Effects and

Neighborhood Character. With the DEIR failing to recognize significant impacts in key issue areas; there is little need to provide alternatives and/or mitigation measures that reduce these impacts.

The "Reduced Project" alternative does not result in a reduced project - it eliminates the Library/Chapel and the second floor of the Student Center, but retains the use of 8976 Cliffridge for the Student Center. This alternative actually results in a larger student center than the proposed project. It may reduce impacts on community character through a reduction in structure size but it does not reduce the parking impact because the square footage is more than proposed. This impact also does not reduce traffic impacts or land use impacts. In addition, there is nothing to prevent future expansion of the center.

The "Site 675" alternative is a red herring. As an initial matter, the DEIR fails to adequately describe the location or existing setting of this site. There is no map within the DEIR showing the location of the site. The site location described is deceptive in that it leads the reader to believe the site is located at the corner of Gilman Drive and La Jolla Village Drive. In fact, Site 675 is located more towards the middle of the block along La Jolla Village Drive between the theater district and La Jolla Village Dr. It is unlikely this is the only alternative site within walking distance of UCSD. Regardless, this site is steep and small - it does not meet the standards for an alternative site.

Project Description

The EIR must contain an accurate, stable and consistent project description with sufficient specific information to allow a complete evaluation and review of the project impacts. The EIR must consider the "whole of the project" and include foreseeable future activities that are a consequence of project approval.

The project description is not accurate, stable and consistent. The project description is confusing and difficult to read throughout the different sections of the DEIR including the notice of availability, summary and DEIR. The project description repeatedly fails to recognize the project as a student center, minimizing any references to the purpose of the project to serve the students of UCSD. The size of the site is described as .2 acres for 8976 Cliffridge and .8 acres for Site 673 - is that the size of the site before or after the vacation? The project site should be described with the lot size prior to the vacation consistently throughout the document. The project description should accurately describe the vacation of public right-of-way and provide a numerical value to the amount of land acquired through the vacation.

The project description for the Existing with Improvements Option varies between the notice of availability (religious programs), project synopsis (administrative offices, one-on-one counseling, and meetings with students, p.S-1), and project description (permanent office and administrative use, p.3-15). The Cliffridge property is currently used for administrative offices; a use that is not allowed in the single family zone of the La Jolla Shores Planned District.

The project description relies on artificial limitations on the number of students using the student center by stating "attendance would not be expected to exceed 100 persons at any one time." p. 3-19. CEQA requires the project description include all reasonably foreseeable activities,

meaning the project description must rely on the maximum capacity of the proposed student center rather than artificial limitations on attendance with no means of enforcement.

The project description fails to describe all required discretionary approvals. Figure 3-1 includes a note that a lot consolidation parcel map will be required; but the project description fails to list or describe this discretionary approval. The project description describes the existing and proposed use of the Cliffridge Property as administrative offices; use of this property for administrative offices will require an amendment to the La Jolla Shores Planned District Ordinance.

The figures in the DEIR have all been reduced from larger figures – even when expanded the figures are difficult to read and evaluate.

Environmental Setting

The description of the existing environmental setting sets the baseline for measuring changes to the environment that will result from the project and determining whether the environmental effects are significant. The environmental setting should be set at the time the project was initiated – prior to Hillel’s efforts to purchase the land for the sole purpose of construction of the student center, in 2000. At that time Site 673 was designated for open space, the Cliffridge property was not used for administrative offices, and there were significantly more trees on the property providing a more suitable environmental for raptors.

Environmental Impact Analysis

LAND USE

The land use section assumes the project site is designated residential in the Community Plan, however when the project was initiated the project site was designated open space.

The Existing with Improvements Option would allow a non-conforming use (administrative offices) within the single family residential zone of the La Jolla Planned District. The DEIR fails to acknowledge the significant land use impact caused by allowing a use that is not permitted in the zone.

The proposed deviation for the Existing with Improvements Option would allow six parking spaces in a zone that is specifically regulated to prevent the excessive paving of single family residential lots to provide more parking than typically warranted for a single family residence. This is a significant land use impact directly caused by allowing a non-conforming use. Should the Cliffridge Property be abandoned by Hillel in the future, this will create a non-conforming residence specifically disallowed in the Campus Impact Overlay zone. This is a conflict with the “mini-dorm” regulations adopted by the City of San Diego to preserve the character of the single family neighborhoods located in proximity to the three major universities in the City of San Diego. The proposed deviation will result in a significant land use impact due to its inconsistency with the land development code.

The DEIR fails to recognize the inherent conflict in determining the proposed student center is a “building of a permanent nature, primarily used for religious purposes” but not requiring the project to comply with the parking requirements for religious institutions in the land development code. Either the project is not “building of a permanent nature, used primarily for religious purposes”, thus causing a significant land use impact; or the project has failed to comply with the land development code parking requirements for religious institutions also causing a significant land use impact.

The DEIR fails to consider the significance of allowing a student center with a religious affiliation into a single family zone where no other student center has been allowed. Approval of the student center may set a precedent to allow over 50 student organizations with religious affiliations at UCSD to also build or occupy structures within the single family zone of the La Jolla Shores Planned District.

The DEIR fails to consider the impact of allowing a 6,500 square foot student center across a narrow road from low profile, low density single family residences. The introduction of the student center introduces a level of noise and activity that does not currently occur in this single family residential neighborhood. The vacant lot is not used to host events for 100 people and few other structures in the immediate vicinity are designed to accommodate more than 100 people with hours of operation from 7:00 am to 10:00 pm. No other development in the immediate vicinity presents a 100 foot unbroken wall directly across from single family residences. The DEIR fails to consider the significant impact on the surrounding community by allowing the incompatible use of a student center in a single family residential neighborhood.

The proposed project is not consistent with the La Jolla Shores Design Manual – which is an integral part of the La Jolla Shores Planned District Ordinance. Per the City’s thresholds of significance, this inconsistency with the La Jolla Shores Design Manual and La Jolla Shores Planned District Ordinance is a significant land use impact.

The DEIR appears to rely on consistency with some of the goals, policies and objectives of the applicable land use documents to justify ignoring or failing to comply with all of the land use goals, policies and objectives. Although some aspects of the student center may be laudable – this does not forgive or nullify the significant impacts caused by development of the student center. Inconsistency with these goals, policies and objectives should be the crux of the land use analysis in the DEIR.

TRANSPORTATION/CIRCULATION AND PARKING

The study area fails to encompass all effected streets – the analysis should also include impacts to Glenbrook Way as this road will likely be used as a by-pass due to the construction of the Venter Institute and the right-turn only limitation out of the student center parking lot. The study fails to provide traffic volumes for existing conditions on Cliffridge Avenue and Glenbrook Way that are necessary to set a baseline against which to compare the effects of the student center.

Although the DEIR discusses a bus stop at the project site and transit service in the La Jolla Community and at UCSD – the DEIR does not provide detail on transit and shuttle service specifically to the bus stop. Without knowing what transit routes are served by the bus stop and how frequently, the DEIR fails to set the necessary baseline against which to compare the project.

The traffic impact analysis relies on artificial limitations on attendance at the student center and fails to evaluate the reasonably foreseeable use of the student center based on maximum capacity. Therefore the analysis does not adequately evaluate the impact of the proposed student center on transportation/circulation/parking.

The traffic impact analysis does not comply with the standards identified in the City's Traffic Impact Study Manual and relies on a flawed methodology for determining trip generation rates. Therefore the analysis is flawed and fails to identify significant impacts to transportation/circulation/parking.

There is no basis for the conclusion that 80 percent of the students attending the student center would walk and the remaining 20 percent would arrive with two students per vehicle. These values grossly underestimate the number of vehicle trips generated by the project and the amount of parking required. The methodology and values are not consistent with the methodology and values established by the City's established policies and procedures and grossly underestimate the impact of the project on transportation/circulation/parking.

The traffic impact analysis failed to consider traffic generated by the Venter Institute, a major facility under construction directly across Torrey Pines Road from the project site. Therefore, the traffic impact analysis fails to adequately analyze the impact of the project on transportation/circulation/parking.

The DEIR fails to acknowledge the project site is located in the Parking Impact Overlay Zone within the analysis of transportation/circulation/parking; therefore the DEIR fails to set the necessary baseline against which to compare the proposed project. The proposed project does not provide the parking required by the land development code in addition to removing 8 existing on-street parking spaces. For religious institutions, the land development code requires 1 parking space for every 3 fixed seats or 30 parking spaces for every 1,000 square feet of assembly area. The project is providing 27 parking spaces for a 6,500 square foot student center. The figures in the DEIR show 120 seats requiring a minimum of 40 parking spaces. The project description anticipates events drawing 100 people, indicating some assembly area within the student center. There are at least four potential assembly areas within the project requiring at least 30 spaces per every 1,000 square feet. Assuming less than ¼ of each building will be used for assembly area during significant events – the project provides at least 1,600 square feet of assembly area requiring 48 parking spaces (not including any outside assembly area). The proposed project does not meet either standard and includes only 27 parking spaces. The project also requires the removal of 8 on-street parking spaces. Therefore, the proposed project will result in a significant impact on parking.

The project description fails to accurately describe the proposed vacation of right-of-way and fails to acknowledge the vacation would reduce the existing street width by two feet measured curb to curb. The traffic hazards section failed to analyze the impact of a narrower street on traffic safety given the irregular curve radius at the intersections of La Jolla Scenic Way and La Jolla Scenic Drive North; and La Jolla Scenic Drive North and Cliffridge Avenue. Local residents have provided substantial evidence of the hazard of narrower streets in this congested area. In addition the DEIR has failed to consider the hazard created by placing the project driveway within 150 feet of La Jolla Village Drive. There are two left turn lanes merging from westbound La Jolla Village Drive onto southbound La Jolla Scenic Way. These lanes merge into one lane on La Jolla Scenic Way in the vicinity of the project driveway. This creates a significant traffic conflict at the project driveway and will have a significant impact on transportation/circulation/parking.

VISUAL EFFECTS AND NEIGHBORHOOD CHARACTER

The existing conditions description fails to note the residential development to the east of the project across La Jolla Scenic Way is at a significantly lower elevation; this creates an improper baseline against which to compare the project. Similarly, the existing conditions fails to note the theater district at UCSD is screened from the project site and adjacent residential neighborhood by elevation changes and substantial vegetation. The DEIR intentionally misleads the reader to believe the existing conditions are such that a comparison of the project will show no visual impact.

The DEIR fails to consider the design policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan.

This section is organized in a manner that makes it difficult to consider the overall impact of the project because the section is broken up by element. Regardless, the DEIR fails to consider the visual impact of a 100 foot wall along the southern property line that is most visible to the existing single family residential neighborhood.

The proposed project presents large buildings totaling 6,500 square feet in a neighborhood characterized by single family residences that are typically less than 2,500 square feet. Two of the buildings present sheer walls along the street frontage of La Jolla Scenic Drive North, across a narrow residential street. The single family residential development directly across the street consists of single story residences with varied front facades. A few residences have a partial second story well setback from the front yard. The proposed buildings are visually strong and contrast severely with the single family residences located directly across the street. The project does not conform to the general design and bulk of the adjacent buildings and does not promote harmony in the visual relationships and transitions between new and older buildings. Therefore, the student center will have a significant visual impact.

The project proposes a two-story, 6,500 square foot student center in a single family residential neighborhood characterized by single story residences on large lots with varying front yard setbacks. The project site is a visually prominent site located at the entrance to UCSD and the La Jolla Highlands. The proposed project presents a significant visual contrast to the

surrounding single family residential community and places a large institutional structure on a vacant lot that is essentially the entrance to the La Jolla Highlands neighborhood. There is no evidence to support the conclusion the project will not have a significant impact on the visual quality of the area and the community character. This is particularly ironic given the efforts of the three religious institutions in the neighborhood to minimize their impact on the visual quality and community character of the neighborhood.

Significant Unavoidable Environmental Effects/Irreversible Changes

The DEIR fails to recognize and acknowledge significant impacts on Land Use, Transportation/Circulation/Parking and Visual Effects and Neighborhood Character.

Growth Inducement

The proposed project is a student center with a religious affiliation attempting to be categorized as a building of a permanent nature, used primarily for religious purposes. In addition, if the Phase 1/Phase 2 project is not approved, the DEIR characterizes the administrative offices of this student organization as a building of a permanent nature, used primarily for religious purposes. If this interpretation of the La Jolla Shores Planned District Ordinance is allowed, it will set precedence for allowing any student organization with a religious affiliation to follow suit. There are more than 50 similar organizations at UCSD, all of which could propose a similar project in this neighborhood. Therefore, the proposed project will have a significant growth inducing impact because it allows a use not previously allowed in this zone.

Cumulative Impacts

The DEIR fails to consider the Venter Institute located directly across Torrey Pines Road from the project site. Therefore the cumulative impacts analysis is incomplete.

Project Alternatives

CEQA requires the DEIR evaluate a reasonable range of alternatives that would feasibly attain the project objectives but would avoid or substantially lessen the significant effects of the project. The stated project objective of locating the project along southern portion of UCSD artificially limits the consideration of alternative sites. There is no justification for this limitation as it does nothing to promote the objective of serving students where they live and attend classes. There is no evidence the Hillel students only live and attend classes along in the southern portion of UCSD. In fact, housing is provided in several areas on and adjacent to the campus and is not limited to the southern portion of the campus.

The DEIR fails to provide a reasonable range of alternatives and fails to provide a viable alternative site. The alternative site discussed is a red herring in that it is essentially a steep hillside between La Jolla Village Drive and the theater district at UCSD. The alternatives analysis fails to provide the information necessary for the public to adequately consider the site as there is no figure showing the location of the alternative site.

The reduced project alternative does not result in a reduced project in that the combination of the reduced project and the Cliffridge Property results in a larger project than the proposed project.

The DEIR fails to acknowledge significant impacts to land use, transportation/circulation/parking and visual effects and neighborhood character – therefore the DEIR fails to consider feasible alternatives that eliminate or substantially reduce those impacts.

Mitigation Monitoring and Reporting Program

The DEIR fails to provide mitigation measures that would eliminate or substantially reduce significant impacts to land use, transportation/circulation/parking and visual effects and neighborhood character.

Ross M. Starr, Ph.D.
8675 Cliffridge Ave.
La Jolla, CA 92037
January 30, 2013

Ms. E. Shearer-Nguyen
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS501
San Diego, CA 92101

DSDEAS@san Diego.gov

Subject: UCSD Hillel Center for Jewish Life, Project No. 212995

Dear Ms. Shearer-Nguyen

Thank you for providing the Recirculated Draft EIR for the subject project, previously known as Hillel of San Diego Student Center II. I am grateful that you have managed this process gracefully and with professionalism. The following comments are provided with respect.

I note the following inaccuracies and omissions:

Inaccuracy 1, Religious Characterization: The UCSD Hillel Center for Jewish Life formerly known as Hillel of San Diego Student Center II is characterized in the recirculated DEIR as a ‘church..., temple..., or building... of a permanent nature, used primarily for religious purposes.’ The development, on the contrary, is a student social center as the original name implies. This is made abundantly clear by public remarks of the promoter of the project Mark Steele, on October 27, 2010: “The facility really is primarily simply a student center, study center, some office space, and that is no longer to be used for any major gatherings whatsoever.” Thus, within the meaning of the La Jolla Shores Planned District Ordinance, it is not a permitted use --- university facilities are not allowed in the LJSPD.

That the project is a student activity center --- as its original name implies --- is verified by the Hillel of San Diego mission statement (Appendix 1). The mission statement clearly defines Hillel as a student social organization with an ethnic/religious affiliation, not a church, temple, or synagogue.

The use of the project for large social gatherings is verified by the details of the structure: a 400 sq. ft. kitchen with 8-burner stove top; ground floor men’s lavatory with two toilets, one urinal, three sinks, and a shower, ground floor women’s lavatory with three toilets, three sinks and a shower. The 3,682 square foot HCJL Student Center and the 1,813 square foot HCJL Professional Leadership Building dwarf the 984 square foot library/chapel. This is not a structure primarily for religious purposes --- a grudging (primarily symbolic) 15% of the building (library/chapel) may be for religious purposes.

Inaccuracy 2, Attendance: The DEIR asserts that except on “rare” occasions, maximum public attendance at the project will be 50 persons, and that large events, e.g. Shabbat meals, will not be

held at the project. Of course this estimate is not binding on future use of the facility. The assertion is simply inconsistent with the design of the project. It is a 6,479 square foot structure that includes a 400 sq. ft. kitchen with 8-burner stove top; ground floor men's lavatory with two toilets, one urinal, three sinks, and a shower, ground floor women's lavatory with three toilets, three sinks and a shower. The structure includes ample space and accommodations for gatherings of hundreds of persons, Shabbat meals, guest speakers, holiday celebrations. The showers (to accommodate bicycle traffic) can also facilitate overnight accommodations (e.g. at Sukkot). Expansion of open assembly space in the structure can be arranged without additional permits by interior remodeling. The 2006 version of the proposal was explicit in including weekly Shabbat meals and holiday celebrations; the current proposed structure is suited to accommodate them.

The relevant attendance figure is not the applicant's estimate of future use, but the occupancy load of the building. A building with approximately 3000 square feet of open assembly space, 984 square feet of library, and approximately 1000 square feet of offices would ordinarily imply an occupant load of approximately 290 persons (see <http://www.scribd.com/doc/13284922/Section-1004-Occupant-Load>). That is the peak use figure that is relevant.

Inaccuracy 3, Required Parking: The DEIR includes a remarkable misstatement, "There are no specific parking regulations for the proposed use of Phase 2 of the HCJL in the City's Municipal Code." On the contrary, of course, the LJSPDO and the Municipal Code are quite clear in Municipal Code section **1510.0107** (a) and **142.0530(c) Table 142-05F**. If one accepts the recirculated DEIR's premise that the proposed use is a "church..., temple..., or building... of a permanent nature, used primarily for religious purposes" then the municipal code requires "Churches and places of religious assembly," to provide "1 [parking space] per 3 seats; or 1 per 60 inches of pew space; or 30 per 1,000 square feet assembly area if seating is not fixed." The 27 proposed parking spaces are suitable for 900 square feet of assembly area. The actual structure of 6,479 square feet might then be construed to require 195 parking spaces. Of course interior open space suitable for group assembly in the structure is smaller, approximately 3000 square feet. A minimum of ninety (90) parking spaces is required by the LJSPDO and the Municipal Code; the proposal is at least 63 parking spaces deficient.

Perhaps the recirculated DEIR is premised on semantic misconstruction, that the HCJL is "building... of a permanent nature, used primarily for religious purposes" but not a "place of religious assembly." The intent of the Municipal Code is clear --- those terms are intended as synonymous.

Inaccuracy 4, Precedent: Section 6.3 of the DEIR notes "development of the project would not encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively." Locating UCSD facilities, purported to be religious, in the single-family residential area sets a precedent. There are dozens of religiously affiliated organizations at UCSD, ranging from the [Acts 2 Fellowship](#) to the [Zoroastrian Youth Connection of San Diego](#) (see <http://tonga.ucsd.edu/studentorgregistration/RdOnlyList.aspx?frmFocus=18>). If the Hillel project is approved, each would then be able to cite the Hillel project as precedent, showing that it also should be allowed to locate in the residential neighborhood. The recirculated DEIR correctly notes that such follow-on development requires financial support and a choice of location; Phase 1 creates an ample precedent.

Quoting from the recirculated DEIR:

While there is a potential for other UCSD student religious organizations to seek off campus facilities in the project area, the constraints of finding a suitable site would be a limiting factor. The area in which the project is proposed is mostly developed, with UCSD and Scripps in close proximity to the project site as well as existing residential uses. Although there are small pockets of undeveloped land nearby, future development in this area is largely constrained by existing development, allowed uses, permitting and environmental review requirements, and the cost of acquiring land. Therefore, development of the project would not encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Translating these remarks: the precedent is indeed set. Approval of the HCJL project (formerly known as Hillel of San Diego Student Center II) means that any UCSD student religiously-affiliated organization with enough money to buy several adjacent (already developed) lots will be freed by the HCJL precedent to install its own student center in the single-family neighborhood. The single-family area can become a neighborhood of religiously affiliated student organizations and their administrative offices.

Omission 1, Right of Way Vacation: The DEIR notes that a right of way vacation on the 8900 block of La Jolla Scenic Dr. will be required to undertake the project, but it does not investigate whether the required right of way vacation is lawful. The municipal code requirements for a right of way vacation are

(a) There is 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;

(b) The public will benefit from the action through improved use of the land made available by the vacation;

(c) The vacation does not adversely affect any applicable *land use plan*; and

(d) The public facility for which the *public right-of-way* was originally acquired will not be detrimentally affected by the vacation.

All four of the findings must be fulfilled.

A full review of the project will demonstrate that none of the findings can validly be made. This reflects in part the distinctive topography of the 8900 block of La Jolla Scenic Dr. The roadway in that area has a peculiar Z-shape configuration including turns of 120° at the east (La Jolla Scenic Way) and west (Cliffridge Ave.). See Appendix 2. This configuration is inherently unsafe due to restricted visibility, a peril that will be exacerbated by the student center traffic. Planned use of the vacated right of way by the proposed project includes narrowing the hardscape pavement on the 8900 block. Narrowing the roadway makes a street with dangerous blind corners more dangerous still. Hence finding (a) cannot be made.

The vacation facilitates landscape of the property, a public benefit. But there is a serious public cost: loss of on-street parking in a heavily trafficked area. Finding (b) cannot be made.

Pages 71 through 77 of (La Jolla) UCSD Hillel Center for Jewish Life / Project No. 212995 / Draft EIR / App-A-NOP Comment Letters document decades of City land use planning ---- indeed including planning documents signed by Mr. Mark Steele ---- designating the area as open space and not suitable for development. Finding (c) cannot validly be made.

The right of way provides the hardscape street pavement of the 8900 block of La Jolla Scenic Way. The proposed vacation would allow narrowing the pavement, adversely affecting traffic flow and traffic safety on the 8900 block. Finding (d) cannot validly be made.

Omission 2, Traffic Safety: The recirculated DEIR and the associated traffic study do not address traffic safety on the 8900 block of La Jolla Scenic Dr. The roadway in that area has a peculiar Z-shape configuration including turns of 120° at the east (La Jolla Scenic Way) and west (Cliffridge Ave.). See Appendix 2. This configuration is inherently unsafe due to restricted visibility, a peril that will be exacerbated by the student center traffic. Planned use of the vacated right of way by the proposed project includes narrowing the hardscape pavement on the 8900 block, making a roadway with dangerous blind corners more dangerous still. Such development will open the City to liability judgments for capricious action resulting in an unsafe traffic condition.

Omission 3, Violation of the La Jolla Shores Planned District Ordinance: The recirculated DEIR does not recognize that the proposed development violates the LJSPDO. The Ordinance is clear; university facilities do not belong in the single family residential area.

Omission 4, Site's required use and dedication of La Jolla Scenic Way: Open space on the site is required as mitigation of development on Gilman Dr. Driveway access to the project on La Jolla Scenic Way violates the dedication of La Jolla Scenic Way.

Omission 5, Traffic Impact Analysis' failure to consider cumulative effect of Venter Institute: The JC Venter Institute is currently under construction on UCSD land on the corner of Torrey Pines Rd. and North Torrey Pines Rd. The Institute is immediately across Torrey Pines Rd. from the proposed HCJL. The Institute structure includes forty-five thousand (45,000) square feet with corresponding vehicular traffic on the adjacent La Jolla Village Dr. and Torrey Pines Rd. The Traffic Impact Analysis takes no account of the cumulative effect of HCJL and the Venter Institute.

Thank you very much for your personal patience and professionalism in this matter. Thank you for noting these inaccuracies and omissions in the DEIR. The violations of the Municipal Code and La Jolla Shores Planned District Ordinance should be noted so that the San Diego Planning Commission and the San Diego City Council can validly deny the project.

Yours truly,

Ross M. Starr

Appendix 1: Hillel of San Diego Description and Mission Statement (from <http://ucsdhillel.org/about/> January 26, 2013)

About

Hillel of San Diego, accredited by Hillel: the Foundation for Jewish Campus Life, serves an estimated 5000 Jewish undergraduate and graduate students at institutions of higher education across San Diego County. Students from all backgrounds are invited to participate in Jewish life on campus. Social, cultural, educational, and community service programs provide opportunities for students to build relationships with each other and develop Jewish community

Hillel of San Diego Mission Statement

To be a vibrant Jewish campus presence and to involve the maximum number of university-age Jews in ways that foster a lasting commitment to Jewish life.

To further this mission, we commit ourselves to the following goals:

- Serving the needs of individual Jewish students
- Creatively engaging and empowering Jewish students through personal interactions and compelling programs
- Building a strong sense of belonging and Jewish identity
- Nurturing intellectual and spiritual growth in a pluralistic community
- Advocating for Jewish student needs on campus and in the community
- Linking the campus community to the larger Jewish community, locally and globally
- Helping students cultivate a closer connection to Israel
- Developing a campus and organizational culture in which the quality of the relationships attracts involvement.

La Jolla Community Planning Association Corporate Bylaws

***Adopted & Effective ~~3-March-2011~~
Incorporates Revisions approved by
LJCPA Membership March 2012
and signed-off by City of San Diego
DRAFT Revisions – March 7, 2013***

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.

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 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) for review, with a copy to La Jolla's Council District elected representative. PDDSD staff shall, within thirty (30) days, review the proposed amendments to determine if they comply with Council Policy 600-24 and PDDSD shall obey the following procedures:

At or before the expiration of the thirty (30) day period, PDDSD shall issue a letter to inform the LJCPA whether each proposed amendment complies with Council Policy 600-24. In the event that PDDSD 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 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 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 staff determines that a particular proposed amendment does not comply with Council Policy 600-24, 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 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 are not able to resolve the outstanding compliance issues within that sixty (60) day period, the PDDSD 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) COMMITTEE

Trustees of the LJCPA shall appoint five Members of the LJCPA to serve on the DPR Committee. The purpose of the Development Permit Review 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 Committee holds regularly scheduled public meetings. The DPR 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 three Members of the LJCPA to serve on the La Jolla Shores Permit Review Committee (LJSPRC). The purpose of the LJSPRC 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.

(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, discretionary permits as well as sign permits and façade changes within the La Jolla Planned District to the LJCPA, the La Jolla Town Council, and local manager/advisory board of the Business Improvement District. This committee forwards its recommendations to the Development Permit Review Committee when associated with a discretionary

| permit under consideration by the DPR Committee otherwise direct to the LJCPA to enable the respective organizations 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.

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.

(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, 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, 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, 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 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 and any future amendments thereto, provided they satisfy any and all requirements of the Ordinance .

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 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. Second Vice President

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

Section ~~45~~. 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 ~~56~~. 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 ~~67~~. 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 contained in City of San Diego 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 policies and 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, 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 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 contrary decision. The LJCPA Appeal Procedures apply when there has been a City of San Diego decision (Staff, Process 2; Hearing Officer, Process 3; Planning Commission, Process 4) that is contrary to a LJCPA recommendation and/or finding. A "contrary decision" is defined as a city decision which is contrary to the recommendation or findings of the LJCPA or when the city decision is on a project/proposal that has been modified after an LJCPA recommendation of approval Examples of contrary 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) An environmental document is certified by the City that the LJCPA believes should not have been certified.

Section 6. Procedures for Appeal of Adverse Decisions

- (1) The following provisions pertain to a potential appeal of any contrary decision.

(2) 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 a contrary decisions by the City. The notification should emphasize the LJCPA's ability to appeal the City's decision, including 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) 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) 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 the City's decision within the City's 10 day appeal period. The President shall inform the applicant that when the LJCPA has recommended DENIAL of 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 requires the President to file an appeal.

(5) If the City makes a contrary decision on a project or proposal, the Trustees shall consider whether or not to appeal the contrary decision to the next higher body at the next LJCPA meeting. With an affirmative vote by a majority of the Trustees, the LJCPA President shall appeal that decision to the next higher decision making body.

If the appeal period ends before the next regularly scheduled meeting of the LJCPA, the President shall file a timely appeal. Once filed, the President shall immediately distribute a copy of the appeal to the Trustees. 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, 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.

If the City issues a determination of exemption the Trustees shall consider whether or not to appeal that determination.

If the appeal period for the determination of exemption ends before the next regularly scheduled meeting of the LJCPA, the President is authorized to file an appeal based on the President's judgment after review of the project files and any joint community board hearings. Once filed, the President shall immediately

distribute a copy of the appeal to the Trustees. An appeal filed in such a manner is required to be brought to the Trustees for confirmation.

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. 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.

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, 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 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 Trustee's 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.

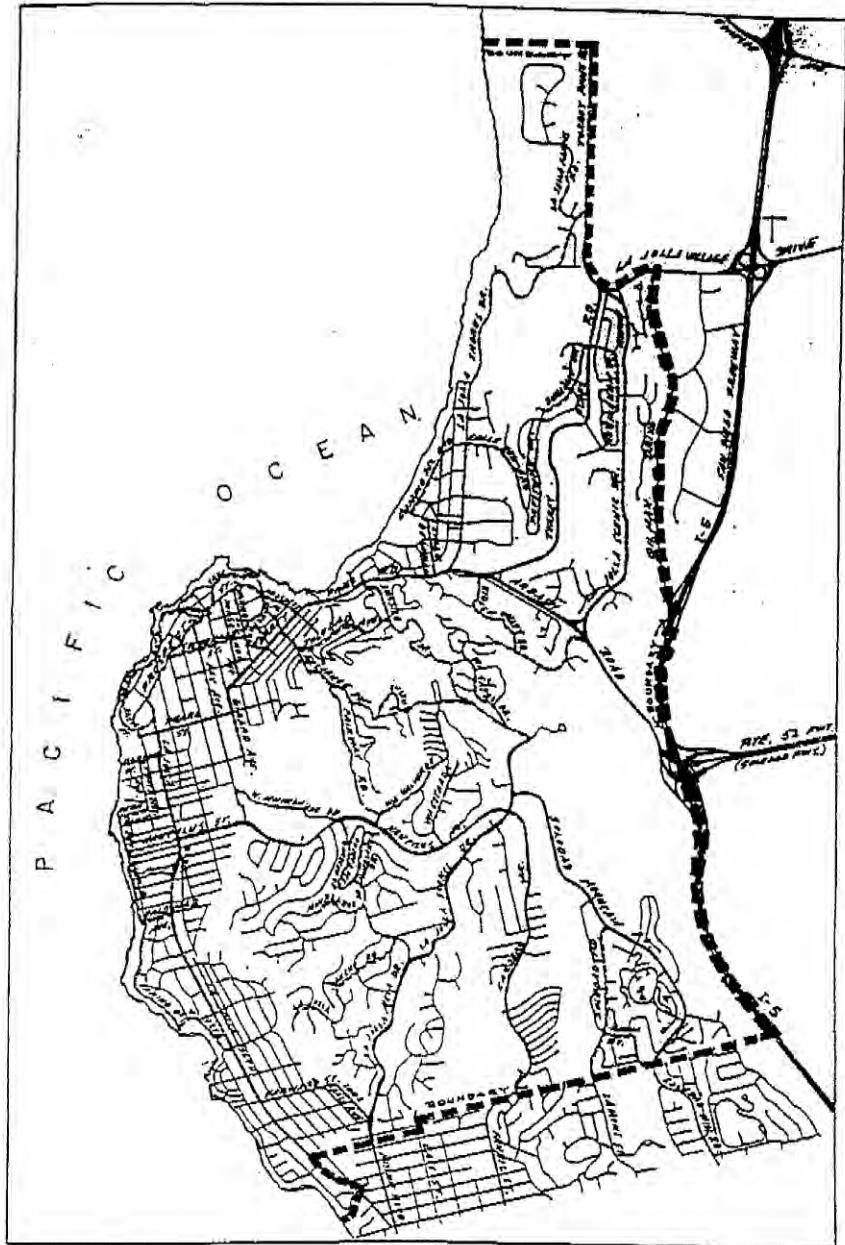
E. Alleged Violations By the LJCPA as a Whole:

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, and any future amendments thereto.

APPROVED 1/2/92



La Jolla Community Planning Association
Boundary Map
Exhibit A

List of Attachments to these Bylaws

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