

Policies of the
La Jolla Community Planning Association

~~revised December 2, 2010~~

revised September 1, 2011

Page 1 of 2

Approved by the LJCPA on September 1, 2011

Appeal Procedures pursuant to the attached.

Approved by the CPA on December 2, 2010

Appeal Procedures

- ~~1. Appeal only decisions for approval when the CPA recommendation for denial was passed by consensus, (2/3rds or more of voting Trustees recommending denial of the project)~~
- ~~2. Appeal only decisions for approval when the CPA recommendation for denial was based on full consideration at a CPA meeting and not simply ratifying a subcommittee recommendation.~~
- ~~3. The LJCPA is to consider a vote to appeal after Staff decision, Hearing Officer hearing, Planning Commission hearing is in opposition to a LJCPA Recommendation or Finding, and the appeal period falls during a regular LJCPA meeting.~~
- ~~4. In the event the LJCPA President cannot appear at any hearing, he shall appoint an interested Trustee who voted with the majority to pursue the appeal, and be able to state at the hearing that he or she represents the LJCPA. Any representing Trustee and President shall represent the LJCPA vote, findings and resolutions.~~

Approved by the CPA on June 4, 2009

1. The CPA will either approve a project without conditions and cite compliance with the Local Coastal Plan or reject a project with the reasons for the rejection.

Approved by the CPA on January 8, 2009

1. The CPA will only consider Coastal Development Committee (CDP) recommendations made at a CDP meeting at which the CDP has written evidence that Public Notices were placed in the mail or hand delivered 7 or more days before the CDP meeting.
2. The CPA will only consider La Jolla Shores Permit Review Committee (PRC) recommendations made at a PRC meeting at which the PRC has received (1) the Cycle Issues, and (2) written evidence that Public Notices were placed in the mail or hand delivered 7 or more days before the PRC meeting.

Policies of the
La Jolla Community Planning Association

revised December 2, 2010

Page 2 of 2

Approved by the CPA on August 7, 2008

1. ~~Chair is directed to file an appeal when City approves project denied by the CPA, whether on the consent agenda or at a full hearing. Filing shall be ratified at the next meeting of the CPA; otherwise it is to be withdrawn.~~
1. Chair is directed to request a time extension on Process 2 applications as allowed under the Municipal Code.
2. Chair is directed to send notice of CPA action to City of San Diego immediately after the meeting rather than waiting to approval of the minutes at the following month's meeting.

Approved by the CPA on March 6, 2008

1. ~~The CPA will only consider recommendations from CDP when the Cycle Issues have been distributed to CDP before the "Final" CDP meeting and proof of effective notice has been provided by the applicant.~~

LA JOLLA COMMUNITY PLANNING ASSOCIATION - APPEAL PROCEDURES

The following constitute the Appeal Procedures of the La Jolla Community Planning Association (LJCPA). Any and all prior Appeal Procedures, whether or not specifically titled as such, are hereby superseded and no longer in force.

Circumstances in which the Appeal Procedures Apply

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

- (1) The LJCPA recommends that a project be denied and the City approves the project.
- (2) The LJCPA determines that findings cannot be made and the City disagrees.
- (3) When a project has significantly changed after review by the LJCPA, such that the project heard by the City is materially different than the project heard by the LJCPA, then, if the City approves the project, the LJCPA may determine this to be an adverse decision.
- (4) An environmental document is certified by the City that the LJCPA determines should not have been certified.

Procedures for Appeal of Adverse Decisions

When there has been an adverse decision and the period within which to file an appeal does not expire before the next regularly scheduled LJCPA meeting, the question of whether to appeal shall be placed on the agenda for that meeting and voted on by the Trustees after voting on the matter. If a majority of the voting Trustees vote to appeal the adverse decision, the LJCPA President (or acting President) shall file the appeal and cause it to be pursued.

When there has been an adverse decision and the period within which to file an appeal expires before the next scheduled LJCPA meeting, the LJCPA President (or acting President) shall timely file an appeal of the adverse decision to ensure the appeal is not waived. Thereafter, the question of whether to ratify the appeal shall be placed on the agenda for the next regularly scheduled LJCPA meeting and voted on by the Trustees after hearing the matter. If a majority of the voting Trustees vote to ratify the appeal, it shall be pursued. If not, the LJCPA President shall inform the City that the LJCPA wishes to withdraw the appeal.

Appeal of Environmental Documents

Appeal of an environmental document, such as a CEQA exemption, negative declaration, mitigated negative declaration or an EIR, shall be considered a new appeal. The question of whether to appeal an environmental document approved by the City shall be placed on the agenda of the next regularly scheduled LJCPA meeting and voted on by the Trustees. If a majority of the voting Trustees vote to appeal the environmental document, the LJCPA President (or acting President) shall file the appeal and cause it to be pursued.

When the period within which to file an appeal of the environmental document expires before the next scheduled LJCPA meeting, the LJCPA President (or acting President) shall timely file an appeal of the environmental document to ensure the appeal is not waived. Thereafter, the question of whether to ratify the appeal shall be placed on the agenda for the next regularly scheduled LJCPA meeting and voted on by the Trustees. If a majority of the voting Trustees vote to ratify the appeal, it shall be pursued. If not, the LJCPA President shall inform the City that the LJCPA wishes to withdraw the appeal.

WHEREAS, The LJCPA Trustees wish to have the opportunity to determine, at a regularly scheduled meeting, whether to file an appeal, the LJCPA President shall urge applicants and City Project Managers to schedule City hearings only on days that will allow a regularly scheduled meeting of the LJCPA to occur before the appeal period has expired in order to prevent the automatic filing of an appeal.

Continuation of Appeals

When the LJCPA appeals an adverse decision or an environmental document, and, as a result, one body of the City sends the project back to a lower body for further review, if the project is again approved by the lower body, the LJCPA may continue with its previously filed appeal without a new meeting to reconsider the question. The applicant, however, may request to come back before the LJCPA for further discussion on whether to pursue the appeal. If such request is made, the item shall be placed on the agenda of the next regularly scheduled meeting.

LJCPA Participation in Appeals

The Trustees of the LJCPA believe it is important to participate in any appeal that the LJCPA has voted to pursue. Thus, when the LJCPA votes to appeal or ratifies an appeal, if the LJCPA President cannot or chooses not to appear at the appeal hearing, he or she shall appoint a Trustee, who voted to appeal or ratify the appeal, to appear at the hearing.

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

Questions Not Specifically Answered.

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