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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**

### FINAL MINUTES – ANNUAL MEETING

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

Absent: Dan Allen, Orrin Gabsch.

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

**2. Verify Quorum** (Need 20% of total Membership required)  
43 members present out of total 177 membership; quorum present

**3. Adopt the Agenda**

#### **Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Collins, 14-0-1).**

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

Abstain: Crisafi.

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

**Mary Soriano:** LJ Town Council elections. Invites us to become LJTC Members, enabling us to vote for Board, on or before Tuesday, March 12.

**Shona McArthur:** Concerned about the oversized AT&T boxes. Photographs shown, Via del Norte. Need to control size and location.

**5. Officer's Reports**

#### **A. Treasurer**

Assistant treasurer, **Trustee Fitzgerald**, gave the Treasurer's report. February Beginning Balance: \$235.72 + Income \$240.02 – Expenses \$90.66= March Beginning Balance: \$385.08. Income came from collection at the monthly meeting, sales of meeting CDs and reimbursement for document production in a legal action; expenditures included 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.

#### **B. Secretary**

**Trustee Costello**, substituting for absent Secretary Dan Allen, stated that if one wants his or her attendance recorded today, he or she can sign-in at the back of the room. There are two sign-in lists: one for LJCPA members and one for non-members. LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. By providing proof of attendance you maintain membership and become eligible for election as a Trustee. Eligible non-members wishing to join the LJCPA must

have recorded attendance for one meeting and must submit an application, copies of which are available at the sign-in table, from the Secretary and on-line at our website: [www.lajollacpa.org](http://www.lajollacpa.org). Persons are entitled to have attendance recorded without signing-in, and such case must provide the Secretary before the end of the meeting a piece of paper with printed full name, signature and a statement asking attendance be recorded.

**6. Proposed Bylaw Amendments – Action item**

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

**Vice President LaCava** explained the proposed amendments. The revisions apply only Bylaws Article VI, Section 2, part B(3)a(iii), Article VII, Sections 4 through 7, and Article VIII, Sections 1, 5, 6 & 7. These sections are reproduced as follows. Changes from the previously adopted Bylaws are indicated by vertical lines in the left-hand border. Deletions are in ~~red-strikeout~~ type and additions are in blue double-underline type.

**ARTICLE VI LJCPA Trustee Duties; Meetings and Committees**

Section 2. B. Committees

(3) COMMUNITY JOINT COMMITTEES AND BOARDS

a. COMMUNITY JOINT COMMITTEE

(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 facade 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.

**ARTICLE VII LJCPA Officers**

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 ~~4~~5. Secretary

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

Section ~~5~~6. Treasurer

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

Section ~~6~~7. 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 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.

Comments were made by **Bob Whitney, Helen Boyden, Julie Hamilton, Jean Simmons, Trustee Burstein** and **Trustee Little. Mr. Whitney** provided written alternate revised Bylaws.

**Approved Motion: To approve the revised Bylaws as presented, (Burstein/Whittemore, 36-5-2)**

**7. Adjourn to Regular Monthly Meeting, at 6:38.**