



PO Box 889, La Jolla, CA 92038

458.456.7900

<http://www.LaJollaCPA.org>

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La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 2 October 2008, 6:00 pm

La Jolla Recreation Center, 615 Prospect Street

D R A F T AGENDA

- 6:00p**
1. Welcome and Call To Order: **Joe LaCava**, President
 2. Adopt the Agenda
 3. Meeting Minutes Review and Approval: 4 September 2008
 4. **President's Report – Possible Action Items**
 - A. Community Planners Committee (<http://www.sandiego.gov/planning/community/cpc/>)
 - B. CPA Bylaws – *Ratify attached memo for submittal to City.*
 - C. 8341 Paseo del Ocaso – *No response yet from Mayor's Office.*
 - D. "Municipal Code Committee"
 - E. La Jolla Parkway Trash Issue – *No response yet.*
 - F. Bird Rock Mixed Use – *CPA and Private Appeal at City Council October 14.*
 - G. CPA Regular Mtg Dec 4 – *Confirm trustee attendance.*
 - H. CPA Regular Mtg Jan 1 to be held Jan ??
 5. **Officer's Reports**
 - A. Treasurer: **Jim Fitzgerald**
 - B. Secretary: **Darcy Ashley**
 1. *Set date for Special Election (within 120 days per bylaws)*
 6. **Agency Reports – Information Only**
 - A. UCSD - Campus Community Planner: **Anu Delouri**, adelouri@ucsd.edu
 1. **Special Presentation: UCSD Housing, Transportation and Parking**
 - B. City Of San Diego – City Planning & Community Investment Department
La Jolla Rep: **Lesley Henegar**, 619.235.5208, LHenegar@sandiego.gov
 - C. Council District 1 – Council President Scott Peters
Rep: **Keely Sweeney**, 619.236.6972, KSweeney@sandiego.gov
 - D. Council District 2 – Councilperson Kevin Faulconer
Rep: **Thyme Curtis**, 619.236.6622, TCurtis@sandiego.gov
 7. **Non-Agenda Public Comment**

Comments on items not on the agenda and within CPA jurisdiction, two (2) minutes or less.

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

Times assigned are approximate; "Time Certain" means item will not be heard any earlier than listed time; order of agenda items may be modified at the beginning of the meeting.

8. CONSENT AGENDA

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 full discussion.

Items pulled from the Consent Agenda are trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Tiffany Sherer, 2nd Mon, 4pm

CDP – Coastal Development Permit Committee, Chair Tony Crisafi, 2nd & 3rd Tues

PRC – La Jolla Shores Permit Review Committee, Chair Tony Espinoza, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Mark Broido, 4th Thurs, 4pm

A. 7580 & 7590 FAY AVENUE

PDO ACTION: Approved as presented as it conforms to the PDO, 8-0-0
Remodel façade.

B. TASSIVIRI HOTEL

PDO ACTION: The Project as presented as it conforms to the PDO, 5-0-0-1.

CDP ACTION: Findings Can Not Be Made (see CDP minutes), 4-3-1.

1135 Torrey Pines Road - Conditional Use Permit to convert 3 residential apartment units to 6 hotel rooms within an existing building on an 8,378 sf site, Zone 2 of the La Jolla Planned District.

C. T-MOBILE @ ALTA LA JOLLA TENNIS CLUB

CDP ACTION: Findings can be made with conditions (see CDP minutes), 6-1-0

1570 Alta La Jolla Road - Conditional Use Permit for a Wireless Communication Facility (WCF) consisting of a 30' high light standard supporting three antennas within a randome. Associated equipment is to be located adjacent to the light standard within an enclosure.

D. CHABAD LA JOLLA

PRC ACTION: Denial as findings can not be made (see PRC minutes), 5-0-0

T&T ACTION: Denial due to inadequate parking and traffic hazards, increases in traffic flow, and history of accidents, 6-0-2.

2466 Hidden Valley Road – SDP and CDP to demo existing 2,951 sq/ft single family residence (SFR) and construction of an 11,666 sq/ft two story synagogue, pre-school and a SFR over 33 space basement parking.

E. LOEW RESIDENCE

PRC ACTION: Approval with conditions (see PRC minutes), 5-0-0

7750 Lookout Drive – SDP and CDP to demolish existing single family residence. Construct new single family house at 5844 SF on a 9555 SF lot.

F. LA JOLLA CHRISTMAS PARADE & HOLIDAY FESTIVAL

T&T ACTION: Approved as presented, 8-0-0

Village, Sun, Dec 7, Parade starts at 2pm: Annual event including street closures.

G. LA JOLLA MESA DRIVE AT VAN NUYS AVENUE

T&T ACTION: Approve Flashing Cross-walk and seriously consider bulb-outs, 8-0-0.

PACIFIC BEACH CPG: Approved

Proposed installation of flashing pedestrian crossing at existing crosswalk.

9. REPORTS FROM OTHER ADVISORY COMMITTEES

Information only unless otherwise noted

A. COMPACT (Community Planners Advisory Committee on Transportation)

CPA Delegate: **Vacant**, 4th Wed, 6:30pm, 202 C Street 12th floor

B. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD

CPA Delegate: **Orrin Gabsch**, 3rd Wed, 4pm, La Jolla Recreation Center

10. LA JOLLA MOTOR CLASSIC

T&T ACTION: APPROVE WITH CONDITIONS, 7-0

LJTC: APPROVED 15-1-1

Pulled by Trustees at August meeting.

5th annual event at Scripps Park, January 11, 2009, no parking on Coast Boulevard along the park, potential closure of Coast Blvd from Prospect to Girard.

11. CHILDREN'S POOL LIFEGUARD STATION

CPA (10/04/07): TO APPROVE [CONCEPT] WITH CONDITION THAT THE BUILDING IS MADE MORE TRANSPARENT, 9-5-0.

CDP (8/19/08): NO RECOMMENDATION.

Continued from Sept 4 for revised drawings incorporating trustee's comments.

Children's Pool - Coastal Development Permit and Site Development Permit to demolish existing lifeguard station and construct a new 1,899 sf lifeguard station.

12. COAST BOULEVARD SOUTH PROJECT

LJTC PARKS & BEACHES: APPROVES THE SOUTH COAST BLVD. PLAN AS SUBMITTED, 7-0-2; RATIFIED BY LJTC ON CONSENT AGENDA.

Coast Blvd Park – Privately initiated and funded proposed renovation and maintenance from the Climbing Wall to the south end of the park.

13. DANIELS RESIDENCE

PRC ACTION: DENY PROJECT BECAUSE FINDINGS CANNOT BE MADE TO SUPPORT BASED ON BULK & SCALE AND FAILURE TO ADEQUATELY COMMUNICATE WITH ALL NEIGHBOR(S), 3-2-0.

Pulled by the public.

7907 Princess Street - 2,259 square foot addition to existing single family residence comprised of new second story over part of existing first story, new basement area below expanded garage to allow for 3 cars and associated site walls and balconies.

14. THE CHILDREN'S SCHOOL

PRC ACTION: None (Vote invalidated due to subsequent disclosure of conflict).

2225 Torrey Pines Lane – SDP and CDP for additional classroom space with no increase in student enrollment. Asphalt existing decomposed granite parking lots.

New landscaping. New construction: 15182 sf, proposed, total: 39113 sf on a 260,924 sf lot.

15. ADJOURNMENT

<i>Next Regular Meeting: Thursday, 6 November 2008</i>

Possible Agenda Items

✓ **COASTAL PERMIT EXEMPTION**

Proposed change in Land Development Code to delete current exemption language and replace with new language which exempts projects from a Coastal Development Permit if they don't exceed 90% of allowed height and 90% of allowed Floor Area Ratio (FAR) and second story is no more than 40% of FAR.



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La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 4 September 2008, 6:00 pm

La Jolla Recreation Center, 615 Prospect Street

D R A F T Minutes

President: Joe LaCava VP: Glen Rasmussen Secretary: Darcy Ashley

Present: Darcy Ashley, John Berol, Tom Brady, Robert Collins, Mike Costello, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, Tim Lucas, Michael Morton, Alice Perricone, Lance Peto, Glen Rasmussen, Ray Weiss
Absent: David Little, Paul Metcalf,

1. Welcome and Call To Order: Joe LaCava, President- The meeting was called to order at 6:05pm
2. Adopt the Agenda
Approved Motion: To adopt the agenda as presented. (Gabsch/Fitzgerald 10-0-0)
In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Peto, Rasmussen
3. Meeting Minutes Review and Approval: 7 August 2008
Approved Motion: To approve the minutes with the correction that the motion in 9.B. is changed to Ray Weiss as the alternate for the Parking Board. (Fitzgerald/Gabsch 10-0-0)
In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Peto, Rasmussen
4. President's Report – Possible Action Items
 - A. Election Report – No appeals filed, elections deemed final. Tom Brady (2009), Bob Collins (2010) and Mike Costello (2010) are seated on the Board.
 - B. Community Planners Committee – Dark in August
 - C. CPA Bylaws – Ratify attached explanations for submittal to City.
 - D. 5956 La Jolla Mesa – See attached response from City.

The chair established an ad hoc committee to address community complaints on projects under construction that appear to violate the Municipal Code. The purpose is to provide a more effective and strategic dialog with the City. It was named the Code Compliance Committee although that is subject to change. Joe LaCava will chair the committee. Volunteers for the committee are: Phil Merten, Tony Crisafi, Bob Collins and Michael Morton.

 - E. 8341 Paseo del Ocaso - Consider ratification of attached letter by the PRC.
Approved motion: To send the attached letter.
(Crisafi/Fitzgerald 14-0-0)
In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss
 - F. La Jolla Shores PDO - Consider proposal to amend PDO to define "minor" exemption.
This was introduced as an "Information Only" item that needs to be vetted through the community.
 - G. La Jolla Shores Coastal Low Flow Diversion Program – Approve letter in support of City's grant application (see attached)
Approved motion: To send letter of support for the La Jolla Shores Coastal Low

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Flow Diversion Program.

(Fitzgerald/Perricone 14-0-0)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss

H. La Jolla Parkway Trash Issue (Joe Dicks) – Approve letter (Attached)

Approved Motion: To send the attached letter to the City of San Diego requesting attention on remediation of trash problem on La Jolla Parkway. (Fitzgerald/Rasmussen 14-0-0)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss

I. La Jolla Shores Lifeguard Station – Private Appeal at City Council, Sep 16.

J. Bird Rock Mixed Use – CPA and Private Appeal at City Council October 14.

5. Officer's Reports

A. Treasurer: Jim Fitzgerald

Previous ending balance: \$731.12 Collected at the August meeting: \$140

Expenses: \$140.33. Ending balance: \$730.79

B. Secretary: Darcy Ashley

1. Phil McConkey – Ratify Secretary's finding no longer eligible (see attached letter).

Approved motion: To ratify Phil McConkey's ineligible status due to absences and declare the position open. (Rasmussen/Fitzgerald 13-0-1.)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Peto, Rasmussen, Weiss

Abstain: Perricone

2. Set date for Special Election (within 120 days per bylaws)

This item has been deferred to the October meeting.

6. Agency Reports – Information Only

A. UCSD - Campus Community Planner: Anu Delouri, adelouri@ucsd.edu

Reported on the status of several projects at UCSD and that school begins on September 21, 2008.

B. City Of San Diego – City Planning & Community Investment Department

La Jolla Rep: Lesley Henegar, 619.235.5208, LHenegar@sandiego.gov

No report.

C. Council District 1 – Council President Scott Peters

Rep: Keely Sweeney, 619.236.6972, KSweeney@sandiego.gov

No report.

D. Council District 2 – Councilperson Kevin Faulconer

Rep: Thyme Curtis, 619.236.6622, TCurtis@sandiego.gov

Not present, Joe LaCava reports that Soledad Mountain Road is expected to be reopened in October.

Work on the alley at the base of the slide will commence in October.

7. Non-Agenda Public Comment

Comments on items not on the agenda and within CPA jurisdiction, two (2) minutes or less.

- A. Sheila Harden made a report on CCDC
- B. Mary Coakley reported that the ribbon cutting for the map in La Jolla Shores will be held on September 12th at 12 noon at Kellogg Park.
- C. Esther Viti reported on cleanup ideas for La Jolla
- D. Joe Dicks inquired on why the rest of an area near the "Throat" has not been planted with landscaping.
- E. Orrin Gabsch- stated for the record that there is a Charger game on December 4th & the LJCPA should consider adjusting the meeting date.

8. CONSENT AGENDA

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

PDO – Planned District Ordinance Committee, Chair Tiffany Sherer, 2nd Mon, 4pm

CDP – Coastal Development Permit Committee, Chair Tony Crisafi, 2nd & 3rd Tues

PRC – La Jolla Shores Permit Review Committee, Chair Tony Espinoza, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Mark Broido, 4th Thurs, 4pm

A. DIMENSTEIN RESIDENCE

CDP ACTION: FINDINGS CAN BE MADE, 5-0-0

835 La Jolla Rancho Road – Substantial Conformance Review (SCR) of proposed modifications to existing Coastal Development Permit No. 427447 for a proposed single family residence.

Approved motion: To accept the recommendation of the CDP Committee that the findings for the Dimenstein Residence can be made and forward this recommendation to the City.

(Morton/Collins 14-0-0)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss

B. DANIELS RESIDENCE

PRC ACTION: DENY PROJECT BECAUSE FINDINGS CANNOT BE MADE TO SUPPORT BASED ON BULK & SCALE AND FAILURE TO ADEQUATELY COMMUNICATE WITH ALL NEIGHBOR(S), 3-2-0.

7907 Princess Street - 2,259 square foot addition to existing single family residence comprised of new second story over part of existing first story, new basement area below expanded garage to allow for 3 cars and associated site walls and balconies.

Pulled for consideration by the full LJCPA Board at the October meeting by member of the public: Adrian McKibbin.

C. LOMBROZO RESIDENCE

PRC ACTION: CONDITIONALLY APPROVE PROJECT AS FINDINGS CAN BE MADE TO SUPPORT SO LONG AS THE ROOF PITCH IS REDUCED TO 3.5:12 (FROM 4:12) AND TOWER IS REDUCED BY AN ADDITIONAL 18" (FOR A TOTAL OF 3'-0" REDUCTION IN OVERALL HEIGHT) FROM THE SUBMITTED PLANS,
3-2-0.

7855 Revelle Drive – Demolish existing single story residence and build new single story 5,428 SF residence, including garages, pool and landscaping.

Approved motion: To accept the recommendation of the Permit Review Committee that the Lombrozo Residence can be conditionally approved as the findings can be made to support as long as the roof pitch is reduced to 3.5:12 (from 4:12) and the tower is reduced by an additional 18" (for a total of 3'0" reduction in overall height) from the submitted plans and send the recommendation to the City.

(Brady/Morton 13-1-0)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Morton, Perricone, Peto, Rasmussen, Weiss

Opposed: Lucas

9. REPORTS FROM OTHER ADVISORY COMMITTEES

Information only unless otherwise noted

A. COMPACT (Community Planners Advisory Committee on Transportation)

CPA Delegate: Vacant, 4th Wed, 6:30pm, 202 C Street 12th floor

No report.

B. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD

CPA Delegate: Orrin Gabsch, 3rd Wed, 4pm, La Jolla Recreation Center

No report.

10. CHILDREN'S POOL LIFEGUARD STATION

CPA (10/04/07): TO APPROVE [CONCEPT] WITH CONDITION THAT THE BUILDING IS MADE MORE TRANSPARENT, 9-5-0.

CDP (8/19/08): NO RECOMMENDATION.

Children's Pool - Coastal Development Permit and Site Development Permit to demolish existing lifeguard station and construct a new 1,899 square-foot lifeguard station.

Presentation by Jihad Sleiman from the City of San Diego and Gregory Robertson of RJC Architects & Lt. John Greenhouse.

Speakers Slips for those who wished to speak:

In favor: Michael Delaney

Opposed: Jack Holtzman, John Leek- San Diego Council of Divers, Phil Merten (Michele Addington, Helen Boyden, Margret Denney, Herman Froeb, Mark Lyon, M. Selez, Cindy Thorsen, Alex Varon)

No opinion recorded: Mary Coakley

Speakers' slips for those who wished to register an opinion, but did not wish to speak:

In favor: none

Opposed: Dan Courtney, Odile Costello, Alix Mayhew, Maria Rothschild

Questions were asked by the following trustees: Rasmussen-is ramp consistent with walkway to the south-yes, Morton-how much lower is the ramp than existing grade- 3-4 ft, Crisafi- concerns about overall height problems and applicant should look into alternative stair options, Gabsch- need to reduce footprint, Berol- inquired about whether volume of rescues has increased, Costello- erosion mediation, rain mediation, LaCava- thought building was more transparent, concerned that project was dominating the public plaza (reduce landscape and ramp.)

Summary of main concerns:

- A. The need to provide secondary access to the beach
- B. Find a way to reduce the width of the ramp.
- C. The need to remove landscaping from the plaza area.
- D. Increase the transparency of the building
- E. Concern about compliance with the Prop D and allowed zoning height limit.

Reluctance to vote on the project at this time with so many potential changes identified was expressed by Weiss, Gabsch & Fitzgerald.

After discussion, the applicant agreed to return to the October meeting with an updated plan.

11. HILLEL of SAN DIEGO STUDENT CENTER

PRC ACTION: DENY THE PROJECT BECAUSE FINDINGS CANNOT BE MADE TO SUPPORT BASED ON DETRIMENTAL STREET VACATION, INSUFFICIENT PARKING AND NON-APPROVED USE OF A STUDENT CENTER IN THE PDO, 4-1-0.

T&T ACTION: CANNOT MAKE FINDINGS ON STREET VACATION, 3-2-1; DENY PROJECT DUE TO PARKING ISSUES, 4-0-2; PROJECT CREATES AN INADEQUATE TRANSPORTATION PLAN WITH IMPACTS ON ADJACENT INTERSECTIONS AND PEDESTRIAN MOVEMENTS, 4-2-0.

8976 Cliffridge Avenue - Site Development Permit, Easement Abandonments and dedications, and Public Right of Way Vacation for a phased project to construct a 12,100 sf student center on a vacant 0.76 acre site on the south side of La Jolla Village Dr (with Phase 1 to use the existing single family residence at 8976 Cliffridge Ave as a student center until the main center is built). Including discussion of draft Mitigated Declaration.

Presentation by Josh Richman representing Hillel of San Diego.

There were comments on the Draft Mitigated negative declaration submitted by:

Sir Clive Granger, Susan Moore, Ross Starr, Alexander Varon.

Speakers Slips for those who wished to speak:

In favor: None

Opposed: Deborah Shaul (Beverly Douglas)*, Oliver/Bill Jones (Paula Jones), Alex Varon (Andrea Dahlberg, Leslie Lucas, Nancy Manno, Alice Marquis, Marilyn Perrin, Charlotte Stern, Martin Stern, Cindy Thorsen, Mary Watson), Helen Boyden (Ann Heinemann, Jessica Attiyeh, Richard Attiyeh, Catherine Allison, Irene Allison, Douglas Boyden), Johan Baume for Ross Starr (Sevil Brahme, Pia Stern), John Schmidt, Phil Merten, Mary Coakley, Beth Rock and Laureate Verbinski

Speakers' slips for those who wished to register an opinion, but did not wish to speak:

In favor: None

Opposed: Tony Espinoza, Daisy Fitzgerald, Corinne Fleming, Jonnie Frankel, Theodore Frankel, Herman Froeb, Michelle Fulks, Donald Helinski, Patricia Helinski, Ken King, Alix Mayhew, Robert Nakamura, Jane Nakamura, Maria Rothschild, William Sigrist, Diane Sullivan

Approved motion: Following the recommendations of the La Jolla Traffic and Transportation Board and the La Jolla Shores Permit Review Committee, we move that the LJCPA recommend denial of the project because of:

- 1. Inadequate transportation plan with impacts on adjacent intersections and pedestrian movements,**
- 2. Detrimental street vacation for which the findings cannot be made,**
- 3. Insufficient parking,**
- 4. Unpermitted use of a Student Center in the La Jolla PDO,**
- 5. The project does not meet the green space requirements of the LJ PDO on its own as required, without the use of public right of way vacations.**

(Berol/Rasmussen 14-0-0)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss

Approved motion: We move that the President of the LJCPA send a letter to the City that:

- 1. Points out the errors in the draft Mitigated Negative Declaration (MND) and**
- 2. Requests a corrected EIR/MND with better analysis of transportation, parking, street vacation, open space, land use, and community character.**
- 3. Requests an EIR for this project**

(Berol/Brady 14-0-0)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss

12. KRETOWICZ RESIDENCE

Pulled by member of the public from the 8/02/2008 Consent Agenda.

CDP ACTION: FINDINGS CAN BE MADE TO APPROVE THE PROJECT WITH THE FOLLOWING CONDITION, TO EXCLUDE PROPOSED JACUZZI & TRELIS ON THE SEAWARD SIDE WHICH DOES NOT CONFORM TO ENVIRONMENTALLY SENSITIVE LANDS GUIDELINES. 6-1-0.

7957 Princess St. - Amend SDP for Environmentally Sensitive Lands for a 333 sq ft addition and remodel to an existing single family residence and a 52 SF addition to a casita.

Presentation by Claude Anthony Marengo and Matt Peterson.

A letter from ten neighbors dated August 29, 2008 was submitted (signatures not generally legible, but include: Spindrift: 1819, 1825, 1828; Princess: 7920, 7921, 7931, 7949, 7956, 7962, 7964.)

Speakers from the public: Sue Weisman-neighbor, Dave Reynolds- neighbor, Uri Kretowitz- owner, Steve Ross on behalf of George Kerkorian, Jean Reynolds, Joe Shicota.

Approved motion: To support the recommendation of the CDP committee that the findings can be made to approve the Kretowitz residence with the following condition, to exclude proposed Jacuzzi & trellis on the seaward side which does not conform to environmentally sensitive lands guidelines and forward this recommendation to the City.

(Collins/Brady 11-0-2)

In favor: Ashley, Berol, Brady, Collins, Costello, Crisafi, Fitzgerald, Gabsch, Lucas, Morton, Perricone, Peto, Rasmussen, Weiss

Abstained: Perricone, Weiss

Recused: Morton

13. Adjourned to October 2, 2008

Submitted, Darcy Ashley Secretary 9-7-08

* Names listed in parentheses ceded their time to the speakers

Possible Agenda Items for October

- Set date of election to fill McConkey seat
- Daniels pulled for full review by Adrian McKibbin
- Children's Pool Lifeguard station returns for a vote



La Jolla Community Planning Association

D R A F T (Revised 9-29-2008)

TO: Bernard Turgeon, CPCI
Marianne Green, CAO
CC: Council District 1 Office
Date: _____
RE: La Jolla Community Planning Association draft By-Laws

In June 2008 we received an email from the CAO outlining 6 issues with the draft bylaws that require City Council action for approval. We have provided below an explanation of why we included these items in our bylaws and why they should be approved by the City Council.

Issue 1. Corporate Bylaws

CP 600-24 preamble at page 2 states, "Planning groups that are also incorporated under the laws of the State of California, shall maintain corporate bylaws separate from the planning group bylaws."

- *The La Jolla Community Planning Association has submitted corporate bylaws which are not separate from their planning group bylaws.*
- *A few examples of references to the corporate nature of the group include Art. I, Secs. 1 and 4, Art. II, Sec. 7, and Art. VI, Sec. 1(D).*

Corporate bylaws notwithstanding, there are other deviations from CP-600-24 listed below.

Response: The Administrative Guidelines note that "...there are a number of provisions typically included in corporation bylaws that are contrary to the intent of the Policy." Apparently the objection is not to any specific language in our draft bylaws but merely the corporate appearance. A careful reading reveals that the draft bylaws do *not* include any typical provisions that are contrary to either 600-24 or the Brown Act. If the bylaws are otherwise compliant while being patterned after corporate bylaws the deviation should be considered minor, and of no material consequence.

Issue 2. Art. III, Sec. 3, p. 5 – Terms.

Omits reference to CP 600-24 Art. III, Sec. 4 which clarifies the term limit policy.

Response: Inserting this reference to draft language was not deemed necessary; nevertheless, inserting the reference does not change the intent of the bylaws and we would accept including the reference as follows:

TO: Bernard Turgeon, CPCI, Marianne Green, CAO
CC: Council District 1 Office
Date: _____
RE: La Jolla Community Planning Association draft By-Laws
Page 2 of 4

Insert as a new closing paragraph: “Trustee Terms shall otherwise conform to Council Policy 600-24, Article III, Section 3.”

Issue 3. Art. IV, Sec. 3, p. 6 – Vacancies.

Omits provision that says planning group will be deemed inactive if it fails to reach 12 members after an additional 60 days. This deviates from CP-600-24 Art. IV, Sec 3.

Response: Nothing in these bylaws precludes the City from enforcing 600-24. Note that the bylaws read “...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.” The City can then take the action it deems necessary at that time.

Issue 4. Art. VI, Sec. 2(x), p. 9 – Special meetings.

Allows three members instead of a majority of the board to call a special meeting. This deviates from CP 600-24 Art. VI, Sec. 2(x).

Response: This item is alleged to be in conflict with the Brown Act; however, the draft bylaws have a distinct difference in that the required notice is *longer* than the 72 hours for a Regular Meeting and *longer* than the *allowed 24 hours* for a Special Meeting. We wanted this provision to assure that a minority portion of the Board has the power to call a meeting. It would seem that the Brown Act’s requirement of a “majority approval” is designed as compensation for the reduced notice period of only 24 hours. Since the LJCPA wants a smaller group to be able to call a meeting, we have *increased* the required notice period.

<u>Document</u>	<u>Required Votes</u>	<u>Required Notice</u>
Brown Act	Majority of board	<u>24 hours</u> notice
Draft bylaws	3 Elected Members or President	<u>One week</u> notice

Perhaps, as a compromise, the CPA can make one ~~two~~ changes:

~~1. We can change the name from “special meeting” to something else (“meetings other than regular meetings”?) to avoid the perception of a conflict with the Brown Act while still retaining this provision.~~

~~2. Add language for “Special Meetings” that is fully compliant with the Brown Act; that is, majority of board and 24 hours notice. This could serve the planning group in the rare cases that something arises between regular meetings that needs to be addressed by the planning group.~~

TO: Bernard Turgeon, CPCI, Marianne Green, CAO
CC: Council District 1 Office
Date: _____
RE: La Jolla Community Planning Association draft By-Laws
Page 3 of 4

Issue 5. Art. VI, Sec. 2(v), p. 11 – Consent items.

Omits public right to pull consent items. This deviates from CP 600-24 Art. VI, Sec. 2(v).

Response: In addition to the comment above we have also been advised that the current bylaw language is also in conflict with the Brown Act. Accordingly, we propose to amend our bylaws as follows.

(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 a motion is made by a Trustee to pull an item from the consent agenda, and the motion is seconded~~ 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.

We believe this revised language is compliant with CP 600-24 and the Brown Act.

Issue 6. Art. VI, Sec. 2 (b), p. 12 – Subcommittee composition.

CP 600-24 Art. VI, Sec 2(b) requires subcommittees to be composed of a majority of Board members. Clarify whether the Community Joint Committees and Boards are committees or subcommittees of the planning group. If they are a majority of the committee members must be Board members.

Response: The LJCPA bylaws provide for an extensive subcommittee structure to ensure that as many stakeholders can sit on reviewing committees as possible and ensure the committees represent the broadest cross-section of the community. The four major subcommittees have 34 seats, and that doesn’t include other committees such as elections, bylaws, etc. Realistically these subcommittees can not be filled by the 18 elected members (trustees) alone. Unlike other communities La Jolla has an extraordinary amount of activity since it is in the coastal zone and there is frequent redevelopment of residential and commercial buildings. In 2007 the City issued

TO: Bernard Turgeon, CPCI, Marianne Green, CAO
CC: Council District 1 Office
Date: _____
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240 Public Notices for projects in the community of La Jolla, an average of 20 per month. Only with our extensive subcommittee structure and army of committee members are we able to review all the projects in a timely and comprehensive manner. While not yet part of the 600-24 or our bylaws, we think the staff's suggested "Acknowledgement of Responsibilities by Non-Planning Group Member of a Subcommittee" (Attachment 1, draft Administrative Guidelines) is an excellent step in the right direction and a better way to address this issue than to require a majority of committee members to be Board members.