

# ***Development Permit Review Joint Committee***

## ***Bylaws***

Adopted April 10, 2009

### **PURPOSE**

1. The Development Permit Review Joint Committee (DPR) is directed to act in an advisory role to the La Jolla Community Planning Association (LJCPA) and the La Jolla Town Council (LJTC) to review and comment on all Discretionary Permit applications filed within the City of San Diego located within the La Jolla Community Plan boundaries, excluding the La Jolla Shores Planned District. The Committee, in its review process, shall use 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 Development Services Department.

### **MEMBERSHIP, CHAIR and MEETING RULES**

2. The DPR Committee shall consist of ten members, five appointed by the LJCPA and five by the LJTC, in accordance with the individual By-Laws and/or procedures regulating each of these organizations. An effort shall be made to draw committee membership from a variety of neighborhoods and interests in La Jolla.

No later than the first regular meeting following July 1st of each year, the DPR Committee shall elect one of its members to serve as Chair with at least 6 votes in favor. If the chair is absent, a committee member should call the meeting to order, and the committee should elect a chair pro tem to preside during that meeting. Such office is terminated by the entrance of the chair or by the election of another chair pro tem.

Except where superseded by the provisions of these By-Laws, Robert's Rules of Order shall govern the conduct of the meetings.

### **COMMITTEE MEMBER TERMS**

3. Terms of appointment to the DPR Committee shall be for 1 year, and shall begin on June 1st for LJTC appointees and LJCPA appointees and expire on the following May 31st. Replacements shall be appointed for the balance of the term. In the event of a vacancy, the DPR Chair shall inform the organization making the original appointment in writing, via mail or e-mail and request appointment of a replacement. Those appointed to the DPR Committee, including any replacement members, shall not be eligible to vote unless the member has attended a minimum of three (3) meetings of the Committee in an effort to familiarize themselves with the process and procedures of the DPR Committee. Until the three meeting minimum has been met the member can be counted towards a quorum and may participate in committee discussions, but is required to abstain on any vote. The three meeting minimum requirement may be waived by at least 6 votes in favor.

### **ATTENDANCE**

4. If a DPR Committee member accumulates three consecutive or eight total absences within a term (June 1- May 31) at regularly scheduled meetings the member shall lose voting privileges for the balance of the term. The DPR Chair shall inform the organization making the original appointment in writing via mail or e-mail and request appointment of a replacement.

#### **CHAIR INTERFACE WITH CITY**

5. The DPR Committee Chair is authorized to communicate with the City of San Diego for information regarding all proposed Projects that are currently being reviewed by the DPR Committee, as well as any Projects that will be reviewed in the future. However, the Committee or the DPR Chair shall not transmit findings or recommendations directly to the City.

#### **PUBLIC MEETINGS**

6. The business of the DPR Committee shall be conducted at regularly scheduled public meetings. The schedule of these meetings shall be announced to the LJCPA and the LJTC, and at each DPR Committee meeting.

An agenda containing a brief general description of Projects to be heard and date, time and location of the meeting shall be posted at the La Jolla Recreation Center (615 Prospect Street) and made available for publication through the La Jolla Community Planning Association Website a minimum of 72 hours prior to each meeting. Publicity regarding the time, place, and agenda of the next Regular Meeting shall be arranged via electronic communication to all groups and/or individuals requesting notification.

The listing of the agenda item shall include the intended action of the Committee regarding that item, e.g., information item, action item.

The agenda shall clearly indicate that projects identified for Preliminary Review may be eligible for a final vote.

#### **PRELIMINARY AND FINAL REVIEW**

7. Proposed Projects shall be presented to the DPR Committee for both a Preliminary and Final Review. Projects shall not be placed on the agenda until all of the following have been satisfied: (a) the committee has received plans from the City; (b) the committee has received at least the first Project Assessment Letter from the City; (c) there is reasonable evidence that the Public Notice has been received by the neighbors; and, (d) the project notice has been posted at the site.

Projects may be placed on the agenda for "Information Only" prior to Preliminary and Final Review.

A proposed Project may be voted on at the Preliminary Review only if there is a unanimous vote of the DPR Committee to waive the Final Review. Proposed Projects shall be reviewed in a timely manner in order to avoid delay in any final City permit decision, provided that the applicant is prepared to present the proposal along with all required exhibits. The DPR Committee Chair has the discretion to send a notice of "non-cooperation" to the Presidents of the LJCPA and the LJTC after a minimum of three unsuccessful attempts to schedule a proposed Project for review.

If the City of San Diego determines that a final vote by the Committee shall not be considered until the draft environmental document (e.g., EIR, mitigated negative declaration) has been released for public review, the Committee shall adjust its voting procedures accordingly.

All votes taken shall be communicated by the DPR Chair to the Presidents of the LJCPA and the

LJTC.

#### **CHANGES TO PROJECTS AFTER COMMITTEE VOTE**

8. Substantial changes to a proposed Project subsequent to the DPR Committee vote shall require the proposed Project to be re-presented to the DPR Committee for at least a Substantial Conformance Review (SCR.) The Committee shall develop procedures to monitor subsequent changes to the Project on a case-by-case basis to determine if they are considered substantial. If the changes are deemed substantial then the Committee shall re-hear the project and reconsider the original vote.

#### **SPECIAL MEETINGS**

9. The DPR Committee Chair, with the concurrence of a majority of the DPR Committee members, may schedule special public meetings, as necessary, for DPR Committee business. The agenda for a special meeting shall be posted at least one (1) week prior to the meeting. An absence from any specially scheduled meetings shall not be counted toward attendance eligibility requirements for DPR membership.

#### **VOTING**

10. A minimum of five (5) voting members shall constitute a quorum. A majority vote is required for a motion to pass, if a quorum is present. If a member abstains or recuses from voting, the reason shall be stated in the DPR Committee minutes. Proxy votes are not permitted.

Any committee member with a direct economic interest in any project that comes before the Committee must disclose the economic interest, and must recuse from voting and not participate in any manner as a voting member for that item on the agenda. In the event of a recusal, the individual must remove him or herself from the room. A member who is part of the presentation of the project is allowed to make the presentation and is allowed to remain during discussion of the project and during the vote.

#### **MOTIONS**

11. If a motion on the floor is voted on and fails, it is considered as a failed motion. New motions can be made and voted upon repeatedly until such time as the motion on the floor passes. If the DPR Committee is unable to pass any motion on a Project, 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.)

In the event that a vote states that the 'findings cannot be made', the reasons shall be precisely stated in the DPR Committee minutes. All recommendations for or against a proposed Project shall be forwarded to the Presidents of the LJCPA and LJTC.

#### **MINUTES**

12. The Chair of the DPR Committee shall provide the Presidents of the LJCPA and LJTC with monthly minutes of the Projects heard and actions taken within the past month, or since the last agenda was submitted. For each Committee meeting, a report of member attendance and a copy of approved minutes shall be prepared and available for public inspection. The minutes of each committee meeting shall include the votes taken on each action item and reflect the names for

and against when the vote is not unanimous. Abstentions and recusals shall also be recorded. Minutes should record speakers and public testimony, and whether the project applicant appeared before the Committee. If an applicant did not appear then the meeting minutes must indicate the date and type of notification (e.g. electronic, telephonic, and facsimile) that was provided to the applicant requesting his or her appearance at the DPR meeting.

**MEMBER TRAINING**

13. Committee members are encouraged to attend the City of San Diego's Community Orientation Workshop (COW) along with any training that may be arranged by the sponsoring organizations.

**RALPH M. BROWN ACT, COUNCIL POLICY 600-24, ROBERT'S RULES OF ORDER**

14. The Committee operates under the authority of the Ralph M. Brown Act, which requires that meetings of the Committee are open and accessible to the public. The Administrative Guidelines for Implementation of Council Policy 600-24 provide explanations of Council Policy 600-24's minimum standard operating procedures and responsibilities and are a guideline for the Committee. 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.

**COLLECTIVE CONCURRENCE**

15. Any attempt to develop a collective concurrence of the committee members as to action to be taken on an item by the Committee, 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.

**DEVELOPMENT PROJECT REVIEW ADDITIONAL MATERIAL**

16. The Committee 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 Committee from seeking additional material deemed pertinent to the project.

**AMENDING THE BYLAWS**

17. These Bylaws may be amended by a two-thirds vote of the current members of the DPR Committee, provided there is a minimum of fourteen (14) days written notice of the proposed amendments, and a minimum of 72 hours public notice (as described in Section 6, herein) of the meeting at which the proposed amendments will be voted on. The new Bylaws shall become effective upon approval of the Trustees of the LJCPA and Directors of the LJTC.

These Bylaws are hereby adopted and will become effective April 10, 2009.

  
La Jolla Town Council  
President

  
La Jolla Community Planning Association  
President