

# **LA JOLLA COMMUNITY PLANNING ASSOCIATION**

## **La Jolla Shores Permit Review Committee Charter Approved September, 2009**

### **I PURPOSE**

The La Jolla Shores Permit Review Committee (LJS/PRC) is established to review all applications for discretionary or other permits within the La Jolla Shores Planned District, and to submit its comments or recommendations to the La Jolla Community Planning Association (LJCPA) in writing monthly. The LJS/PRC shall review these applications with the following objectives:

1. Assist applicants in understanding and interpreting the La Jolla Shores Planned District Ordinance, and the permit process.
2. Ensure uniform and consistent enforcement of the Ordinance
3. Adhere to all city ordinances and guidelines established by the San Diego City Council, Planning Commission, and Opinions and Rulings by the City Attorney.

The LJS/PRC shall act in an advisory role to the La Jolla Community Planning Association to review and comment upon the La Jolla Shores Planned District Ordinance (LJSPDO) pursuant to San Diego Municipal Code Chapter 15, Article 10; applications for discretionary permits and land use matters within the La Jolla Shores Planned District.

The Committee in its review of applications for discretionary permits shall use the guidelines established in the La Jolla Community Plan, the La Jolla Shores Planned District Ordinance (Chapter 15, Article 10), and all other applicable sections of the Municipal Code.

### **II MEMBERSHIP**

The LJS/PRC shall consist of five representatives from the La Jolla Shores Association (LJSA) and three representatives from the LJCPA.

Each organization shall establish its own method and requirements for making nominations. The nominations shall be submitted to the trustees of the LJCPA, in accordance with its Bylaws, for approval. Said approval shall not be unreasonably withheld. The Chair shall track attendance and report excessive absences to the LJCPA.

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 appointing organizations.

### III TERM

All members shall be nominated for appointment for a term of one year, beginning June 1 of each year. Any current member may be renominated, or may be asked to continue serving until a nomination for appointment can be made. In the event a position on the Committee becomes vacant prior to the end of a term, a replacement member shall be nominated by the organization making the original nomination for the remainder of that original term.

### IV CHAIR

The LJSPRC shall choose its own Chair, who shall be responsible for seeing that all the provisions of this Charter are met.

The Chair is authorized to communicate with the City of San Diego for information regarding all proposed Projects that are currently being reviewed by the LJSPRC, as well as any Projects that will be reviewed in the future. However, neither the Chair nor the committee shall transmit findings or recommendations directly to the City.

### V MEETINGS

The business of the LJSPRC shall be conducted at public meetings scheduled on a regular basis, such as the 4<sup>th</sup> Tuesday of the month at 4:00 pm. The Chair shall arrange a suitable place for the LJSPRC's regular meetings, including as criteria the following:

1. Public accessibility, so that the meetings are open to all.
2. Appropriate size to accommodate the LJSPRC, applicants and visitors.
3. Appropriate facilities, such as Lighting, space for examining drawings, and quiet surroundings.

Hearing on a project shall be scheduled so that the applicant or the applicant's representative can attend and be allowed a reasonable opportunity to present their project. If the Chair believes the City will take action on a project before LJSPRC's considers the project, the Chair shall notify the LJCPA and may schedule a hearing even if the applicant is not present.

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.

### VI AGENDA

An agenda containing a brief general description of Projects and/or topics 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 also 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; that is, information item, action item, etc.

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 or to better understand apparent code violations.

## VII SPECIAL MEETINGS

The Chair with the concurrence of a majority of the committee may schedule special public meetings, as necessary, for committee business. The agenda for a special meeting shall be posted at least one (1) week prior to the meeting. Special meetings shall otherwise conform to the requirements of a regular meeting.

## VIII PROJECT REVIEW (NON-MINISTERIAL)

The Committee shall review projects seeking discretionary permits. The Chair shall provide a written summary of the review to the LJCPA in sufficient time to be included in the agenda at the LJCPA's next regularly schedule meeting. Further, a LJSPRC representative should attend the LJCPA Trustee meeting to answer questions.

The written summary shall include:

1. A description of the proposed project.
2. The recommendation by the Committee to approve or disapprove the project including the maker of the motion and the vote.
3. If conditionally approved, recommendations of conditions for consideration by the LJCPA.
4. If disapproval, the reasons for recommending disapproval of the project.

Where any of the following situations exist, the LJSPRC shall notify the President of the LJCPA:

1. The LJSPRC is unable to resolve compliance of a proposed project with the LJSPDO and it appears the applicant will attempt to secure a LJSPDO Permit for a non-compliant project.
2. When a conflict of interest (see Section X) exists which prevents a quorum from performing a review of the project.
3. When a majority consensus cannot be reached by the Committee regarding compliance of a proposed project, technical specifications, or intended use.
4. When assistance is needed in dealing with either the City or a project applicant.

## IX CHANGES TO PROJECTS AFTER COMMITTEE VOTE

Substantial changes to a proposed Project subsequent to the Committee vote shall require the proposed Project to be re-presented to the 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 re considered substantial. If the changes are deemed substantial then the Committee shall re-hear the project and reconsider the original vote.

## X CONFLICT OF INTEREST

The LJSPRC members shall guard themselves at all times against any conflicts of interest. In particular, a LJSPRC member may not vote on any project with which he or she has a conflict of interest, or may need to appear as a proponent for the project, or represents the applicant of the project, or has a financial interest in the proposed project in the La Jolla Shores Planned District.

If a Committee member has a conflict of interest, the member shall recuse and leave the room during presentations and deliberations on the project, except if presenting as provided for as the paragraph below.

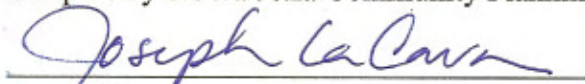
If the LJSPRC member is part of a presentation, then the member must precede each appearance or discussion, both in front of the LJSPRC or any other group, with a clear statement on the nature of the conflict and that the LJSPRC member is appearing as a proponent of a project, and not as a LJSPRC member.

It is particularly important that casual observers, members of the public, and City staff are clear on the LJSPRC member relationships to a particular project. If the LJSPRC member is appearing before the LJCPA (or any other of its committees), then the individual rules on Conflicts of Interest of each committee member's parent organization shall be scrupulously followed.

## XI COLLECTIVE CONCURRENCE

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

Adopted by the La Jolla Community Planning Association, September, 2009



President

La Jolla Community Planning Association