

SAN YSIDRO COMMUNITY PLANNING GROUP

NOTICE OF REGULAR MEETING

Location:

San Ysidro School District Education Center
4350 Otay Mesa Road [north of Beyer Blvd]
in San Ysidro, California

Monday, September 17, 2018 at 5:30 p.m.

Chairman: Michael Freedman (619) 690-3833 [messages only]

City Planner: Elizabeth Ocampo Vivero (619) 236-6301

Except for Public Comment, Items Appearing On This Agenda May Be Acted Upon
Without Further Notice as Allowed by the Brown Act [California Gov. Code, §54950 et.seq.]

1. **Call to Order, Introduction, and Roll Call**
2. **Agenda & Minutes**
 - a. **Approval of the Published Agenda**
 - b. **Approval of Minutes.** Regular Meeting of August 20, 2018
3. **Communications, Announcements and Special Orders**
 - b. **Chairman**
 1. Vacancy. There is one vacancy for a term ending April 2020. Candidates can be considered for appointment at this meeting. See Vacancy Package attachment.
 2. Cesar Solis Community Park “grand opening” tentatively scheduled for Wed., Sept 19 at 3:00 p.m. Del Sol Blvd & Surf Crest Drive (Ocean View Hills School & Vista Del Mar School)
 3. Development Services Workshops for CPG members. **Reviewing Projects** (9/20) and **Advanced CEQA** (10/25). Both 6 – 8 p.m. Must RSVP. See attachment.
 - c. **Board Members**
 - d. **Elected Officials and Public Servants.**
 - e. **Members of the Public**

SAN YSIDRO COMMUNITY PLANNING GROUP

4. Public Comment on Matters Not on the Agenda.

Any person may address the SYCPG regarding matters which are not shown in this Agenda. Comments and inquiries must be related to the SYCPG purposes (City Council Policy 600-24). The Chair can limit comment to a set period of time per item, or per speaker. The "Brown Act", a State law, does not allow any discussion of, or action to be taken on, items not properly noticed to the public.

5. Docket Items:

a. City of San Diego Plastic Reduction Ordinance. (Michael Torti, Chair of Surfrider Foundation San Diego). Request for Resolution of Support. The San Diego City Council has docketed the first reading of the proposed *Plastic Reduction Ordinance* for 10/15. If adopted, the ordinance will ban the sale and distribution of expanded polystyrene products that have been linked to negative environmental impacts, human health, and tax payer costs. The proposed ordinance includes the ban of: Food Service Ware (cups, bowls, trays, plates), Coolers, ice chests, or similar containers; Meat and fish trays; and Egg Cartons. Draft Resolution is attached.

b. San Ysidro Transit Station Structures. (Miguel Aguirre, Property Owner). Request to City Attorney for clarification as to buildings ("kiosks") and other structures at the San Ysidro Intermodal Transit Center are reviewed as development projects and are in compliance with City ordinances and building codes and are required to obtain permits and inspections in the same manner as other development in the Commercial Zones. Draft letter is attached.

c. Vacancy. Consider all candidates, if any, and select by vote of the boardmembers one person to fill the seat expiring April 2020. Candidates may speak before the vote.

6. Subcommittee Reports

a. There are no active subcommittees.

7. Representative's Reports

a. SY POE Expansion & Reconfiguration - (Aguirre)

b. SY Smart Border Coalition – (Flores)

c. Community Planners Committee – (Meza)

d. Otay Mesa Planning Group - (Lopez)

8. Adjournment

SAN YSIDRO COMMUNITY PLANNING GROUP

Minutes from August 20, 2018

1. **Call to order:** At 5:37 p.m. Chairman Michael Freedman called meeting to order.

Roll Call: Present: M. Aguirre; F. Castaneda; D. Flores (a.5:52 pm); M. Freedman; B. Gonzalez; J. Goudeau; R. Lopez; A. Martinez; B. Meza; A. Perez; A. Zermemo.

Absent: M. Chavarin; D. Qasawadish; J. Wells.

Quorum of 10 present at Call to Order, Item #2a, 2.b.

Quorum of 11 present at 5.a; 5.b 5.c

2. **Agenda & Minutes**

a. **Approval of Published Agenda:** A motion was made by A. Martinez and seconded by R. Lopez to approve the Agenda as Published. Motion Passed (10-0-0). Yes: M. Aguirre; F. Castaneda; M. Freedman; B. Gonzalez; J. Goudeau; R. Lopez; A. Martinez; B. Meza; A. Perez; A. Zermemo. No: None. Abstain: None.

- b. **Approval of Minutes:**

Minutes of 6/18/2018 - A Motion was made by B. Meza and seconded by R. Lopez to approve the Minutes of June 18, 2018 as published. Motion Passed (10-0-0)

Yes: M. Aguirre; F. Castaneda; M. Freedman; B. Gonzalez; J. Goudeau; R. Lopez; A. Martinez; B. Meza; A. Perez; A. Zermemo. No: None. Abstain: None.

3. **Announcements:**

- a. **Chairman:**

1. Vacancy: There is one vacancy for a term ending April 2020. Candidates can be considered for appointment at this meeting. See Vacancy package.
2. Stop Sign: Installation approved for Via Encantadores (north and south sides) at Vista Lane intersection.
3. Groundbreaking for San Ysidro Senior Village permanent supportive housing for homeless seniors. Wed. Nov. 14, 10 am at 517 West San Ysidro Blvd.
4. Old Otay Mesa Road improvement Project: One sidewalk between Hawken Drive and Saltaire Place expected to open this month, completion of project expected as early as October.
5. Center Street Trunk Sewer: There will be construction on sewer and manholes between East Beyer and East San Ysidro Blvd. along Center Street.
6. Paseo La Paz: Ground breaking for the 130-unit Paseo La Paz located at 160 W. Seaward Ave. Thursday September 6th, 11:30 am.

- b. **Board Members:**

1. M. Aguirre – Continue concern about code enforcement issues in the 700 Block regarding MTS kiosks.
2. A. Martinez – Welcome to Walt Zumstead from Otay Nestor Planning Group.

- c. **Elected Officials and Public Servants:**

1. Lucero Chavez, Asm. Lorena Gonzalez Fletcher's Office – Distributed Newsletter "Lorena's Lowdown" and updated on several legislative bills.

2. Officer Lacarra, San Diego Police Department

- (a) Introduced Capt. Adam Sharki, new Southern Division Commander.
- (b) Report transients who are camped on public property to Neighborhood Policing (619) 446-1017, and those on private property to the SDPD non-emergency number (619) 531-2000.
- (c) Southern Division has 3 new Sergeants, 2 new Detectives, and 1 new Lieutenant, but is short on patrol officers.
- (d) Thanks to those who attended SDPD Southern Division Open House on July 21.
- (e) National Night Out, South Bay Rec Center on Saturn Drive was held on August 7th.

d. **Members of the Public:** None.

4. **Public Comment on Matters Not on the Agenda:** None

5. **Docket Items:**

a. **Beyer Blvd. Senior Apartments:** Arnulfo Manriquez, MAAC). Follow up review of a project present in June 2018 of a proposed 101-unit affordable senior community at 4132 Beyer Blvd. (APN 638-190-27-00 & 638-190-28-00) in the CC-3-6 zone (High Density (community serving residential/commercial) of the San Ysidro Historic Village Specific Plan (Beyer Blvd. Trolley District) on two abutting parcels totaling 1.3 acres (56,628 sf). Near to the MTS Blue Line Trolley. Two 3-story building over podium parking, community room, outdoor space, service and on-site laundry. Unit mix: 80 1-bedrooms (550sf); 20 2-bedrooms (800sf). Parking for 50 autos. (CC-3-6 zone is intended to accommodate development with a high intensity, pedestrian orientation; residential use permits a maximum density of 1 dwelling unit for each 1,000 sf of lot area; residential prohibited on the ground floor in the front 30 feet of the lot.) Members expressed concern regarding the low number of parking provided. North Lane is to be widened and a sidewalk will be constructed on the projects side of the street. A letter of support is required by the SD Housing Commission for funding. **A motion was made by B. Gonzalez and seconded by A. Perez authorizing the Chair to send a Letter of Support for this project to the SD Housing Commission. Motion Passed (11-0-0). Yes: M. Aguirre; F. Castaneda; D. Flores; M. Freedman; B. Gonzalez; J. Goudeau; R. Lopez; A. Martinez; B. Meza; A. Perez; A. Zermemo. No: None. Abstain: None.**

b. **Border to Bayshore bikeway:** (Alison Moss, SANDAG Project Manager). Update on the Border to Bayshore bikeway – a 6.5 mile project that will connect the Bayshore Bikeway in Imperial Beach all the way to the PedEast Border Crossing in San Ysidro. Informed by several rounds of community input and meetings, a preferred route with preliminary design has been development. SYCPG will provide input on the draft concept plan. The preferred route will connect East Beyer Blvd to East San Ysidro Blvd. through Center Street. 57 parking spaces along ESYB will be removed. For more information go to www.keepsandiegomoving.com/bordertobayshore. **Information Only.**

c. **Vacancy:** Consider all candidates, if any, and select by vote of the boardmembers one person to fill the seat expiring April 2020. **NO CANDIDATES.**

6. **Subcommittee Reports:** No Active Subcommittees.

7. **Representative's Reports:**

- a. **SY POE Expansion & Reconfiguration** (Aguirre): Concerns with congestion on the 700 block with the opening of PedEast.
- b. **SY Smart Border Coalition** (Flores): Approved SANDAG/MTS Community Benefits Agreement Letter. Update on Air Monitoring was given
- c. **Community Planners Committee** (Meza): No Report.
- d. **Otay Mesa Planning Group** (Lopez): No Report.

8. **Adjournment** – Meeting Adjourned at 7:30 p.m.

Next Regular Meeting September 17, 2018.

Minutes submitted J. Goudeau



Presented By
The Office Of
Councilmember
David
Alvarez

The City of San Diego
Proclamation
San Ysidro Community
Planning Group Day

Presented by Councilmember David Alvarez

WHEREAS, In 1967 the City of San Diego recognized the San Ysidro Planning Group as the citizen planning committee that would work with the City's Planning Department; and

WHEREAS, Adopted in 1974 and updated in 1990, the San Ysidro Community Plan Update was approved unanimously by the City Council on November 15, 2016 and the Local Coastal Program was certified by the California Coastal Commission on December 13, 2017; and

WHEREAS, The planning group oversees more than 1,800 acres, it is bounded by the Otay Mesa-Nestor community and State Route 905 in the north, by the Tijuana River Valley in the west, by the Otay Mesa community in the east, and by the international border with Mexico in the south; and

WHEREAS, The San Ysidro planning area is located in the southern most part of the City of San Diego, adjacent to the international border with Mexico and is the busiest international border in the world; and

WHEREAS, More than a century of settlement and development makes San Ysidro a changing, dynamic community with a village atmosphere; and

WHEREAS, San Ysidro is a community that is both a small town and bustling city; a gateway from Mexico to San Diego and the United States; and

WHEREAS, The City of San Diego is truly proud of the members of the San Ysidro Community Planning Group for their dedication to improving the communities of South Bay and their devotion to the San Ysidro community; NOW, THEREFORE,

I, David Alvarez, Councilmember for the Eighth District of the City of San Diego, do hereby proclaim, July 21, 2018 to be San Ysidro Community Planning Group Day in the Eighth District of the City of San Diego.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND, THIS DAY,
AND HAVE CAUSED THE SEAL TO BE AFFIXED HERETO:



SAN YSIDRO COMMUNITY PLANNING GROUP

ATTENDANCE RECORD

APRIL 2018 - MARCH 2019

	APR 2018	MAY 2018	JUN 2018	JUL 2018	AUG 2018	SEP 2018	OCT 2018	NOV 2018	DEC 2018	JAN 2019	FEB 2019	MAR 2019	MEETINGS MISSED
AGUIRRE	P	A	A		P								2
CASTANEDA	P	A	P		P								1
CHAVARIN	P	P	P		A								1
FLORES	P	P	P		P								NONE
FREEDMAN	P	P	P		P								NONE
GONZALEZ	A	P	P		P								1
GOUDEAU	P	A	P		P								1
LOPEZ	P	P	P		P								NONE
MARTINEZ	P	A	A		P								2
MEZA	P	P	A		P								NONE
PEREZ	P	P	P		P								NONE
QASAWADISH	P	A	P		A								2
WELLS					A								1
ZERMENO					P								NONE
VACANT													
<p>CITY COUNCIL POLICY 600-24 & SYCPG BYLAWS REQUIRE THAT A SEAT <u>MUST</u> BE DECLARED VACATED WHEN THERE ARE:</p> <p>3 <u>CONSECUTIVE</u> ABSENCES, <u>OR</u> 4 <u>TOTAL</u> ABSENCES BETWEEN APRIL 2018 AND MARCH 2019</p> <p>Note: Adjourned Meetings and Special Meetings are not counted for attendance purposes.</p>													



COMMUNITY PLANNING GROUP 2018 WORKSHOP SCHEDULE

RSVP to: SDPlanningGroups@sandiego.gov

Training: “What to Know When Reviewing Projects/ Public Projects” Workshop

Date: September 20, 2018

Time: 6:00 p.m. - 8:00 p.m., RSVP required to attend

Location: 202 C Street, San Diego (City Concourse, Silver Room)

Council-recognized community planning groups have a role in the review of discretionary projects in their community. This advanced development review training session is more in-depth than the basic session given at the 4-hour COW. This Development Services Department led session will provide members with a higher level of understanding of the City’s review process and additional techniques for providing effective comments to the City for consideration and inclusion with the decision makers’ information on the project. The session will also describe the differences between private and public projects and describe the different processes for public Capital Improvement Program (CIP) projects, which are different than for private development projects.

Training: Advanced CEQA Training

Date: October 25, 2018

Time: 6:00 p.m. - 8:00 p.m., RSVP required to attend

Location: 202 C Street, San Diego (City Concourse, Silver Room)

Recognized community planning groups have a role in the review of discretionary projects in their community. Part of this review includes consideration of the environmental impacts of a project. Learn about the City’s environmental review process under the California Environmental Quality Act (CEQA), including the public input process. This workshop will provide information on environmental determinations, types of environmental documents, the CEQA statues and City implementing ordinances and Significance Thresholds used to inform the environmental review process.

A RESOLUTION EXPRESSING SUPPORT TO REDUCE PUBLIC CONSUMPTION OF EXPANDED POLYSTYRENE FROM FOOD SERVICE PROVIDERS

WHEREAS, the San Ysidro Community Planning Group is in the interest of protecting its natural environment, its economy, and the health of its citizens; and

WHEREAS, a deterioration in our local ocean water and beaches threatens the public health, safety, and welfare of San Ysidro's citizens; and

WHEREAS, our local tourism is contingent on the health and viability of our oceans and beaches; and

WHEREAS, expanded polystyrene (EPS) material easily breaks down into smaller pieces that is carried by the wind and floats in water; and

WHEREAS, EPS and other foam-based food ware derived from the restaurant industry is often found in San Ysidro's nearby marine ecosystems and will virtually never degrade in those systems; and

WHEREAS, marine animals and birds may confuse EPS for food and the ingestion of EPS may be a detriment to our marine fauna's health; and

WHEREAS, our local volunteers remove over 20,000 pieces of polystyrene foam from our beaches each year; and

WHEREAS, there are no meaningful methods of recycling EPS foam from food service ware because of its soiled and contaminated nature; and

WHEREAS, our current EPS recycling program is virtually ineffective at diverting EPS-based food ware from the waste stream; and

WHEREAS, over 115 other cities in California have already implemented their own EPS reduction programs; and

WHEREAS, numerous cities have cited a sizable reduction in EPS-based litter in their cities after their EPS reduction programs,

BE IT RESOLVED, that the San Ysidro Community Planning Group encourages the City of San Diego, its mayor, and its city councilmembers to institute an ordinance that eliminates the consumer-level consumption of EPS from food service providers; and

BE IT FURTHER RESOLVED, that the San Ysidro Community Planning Group encourages the City of San Diego, its mayor, and its council members to institute an ordinance that further reduces EPS consumption from all City programs and events; and

BE IT FURTHER RESOLVED, that the San Ysidro Community Planning Group publicly opposes the institution of an EPS recycling program that is not completely transparent in its efficacy to recycle EPS based food-ware; and

BE IT FURTHER RESOLVED, that the San Ysidro Community Planning Group expresses its opposition as stated by transmitting a copy of this resolution to the Mayor and City Council Members of San Diego, local media, and the Surfrider Foundation San Diego Chapter.

OR ACT ANYTHING RELATED THERETO.

DRAFT

DRAFT ORDINANCE

SEC. 66.09. The Single Use Plastic Reduction Ordinance.

SEC. 66.0901. DEFINITIONS.

For purposes of this Article 6, the following definitions shall apply:

"City" means the City of San Diego.

"City contractors and lessees" means any person or entity that has a contract with the City for public works or improvements to be performed, for a franchise, concession, or lease of property, for grant monies or goods and services or supplies to be purchased at the expense of the City, or to be paid out of monies deposited in the Treasury or out of trust monies under the control or collected by the City.

"City Facility" means any building, structure, park, beach, or vehicle owned or operated by the City of San Diego.

"City Facility Food Provider" means an entity that provides, but does not sell, Prepared Food in City Facilities.

"Department" means the City of San Diego Environmental Services Department (ESD).

"Director" means the Director of the Environmental Services Department, or his or her designee.

"Distribute" means the sale, offer for sale, or other transfer of possession of an item for compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of possession of another item for compensation.

"Egg Carton" means a carton for raw eggs sold to consumers from a refrigerator case or similar retail appliance.

"Food Service Ware" means all containers, bowls, plates, trays, cups, lids, straws, forks, spoons, knives, napkins, and other like items that are designed for one-time use for Prepared Foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Vendors. The term "Food Service Ware" does not include items composed entirely of aluminum, or polystyrene foam coolers and ice chests.

"Food Vendor" means any Restaurant or Retail Food Vendor located or operating within

the City of San Diego.

"Meat and Fish Tray" means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Person" means an individual, trust, firm, joint stock company, corporation including a government corporation, partnership, or association.

"Polystyrene Foam" means blown polystyrene and expanded and extruded foams (sometimes called Styrofoam) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

"Prepared Food" means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared (collectively "prepared") within the City of San Diego for individual customers or consumers. For the purpose of this Article, Prepared Food includes takeout food, but does not include raw eggs or raw, butchered meats, fish and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using San Diego's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Restaurant" means any establishment located within the City of San Diego that sells Prepared Food for consumption on, near, or off its premises. For purposes of this Article, the term includes a Restaurant operating from a temporary facility, cart, vehicle or mobile unit.

"Retail Food Vendor" means any store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, other than a Restaurant, located within the City of San Diego that sells Prepared Food.

SEC. 66.0902. SALE OR DISTRIBUTION OF NON-COMPLIANT FOOD SERVICE WARE PROHIBITED.

(a) No person may sell, offer for sale, or otherwise Distribute within the City (1) any Food Service Ware made, in whole or in part, from Polystyrene Foam.

(b) The Director shall, after a noticed public hearing, adopt a list of suitable alternative Compostable or Recyclable Food Service Ware products. "Suitable alternative Compostable or Recyclable Food Service Ware products" means Food Service Ware products that the Director determines serve the same intended purpose as non-compliant products and meets the standards for what is Compostable and/or Recyclable set under this Article 6, and are reasonably affordable. The Director shall regularly update the list.

If a product is included on the Director's list it will be deemed to comply with this Section 66.0902. If a product is not included on the Director's list, the person using the product as Food Service Ware will have the burden of establishing to the Director's satisfaction that the product complies with this Section.

SEC. 66.0903. USE OF NON-COMPLIANT DISPOSABLE FOOD SERVICE WARE PROHIBITED.

(a) Food Vendors may not sell, offer for sale, or otherwise Distribute Prepared Food in Disposable Food Service Ware made, in whole or in part, from Polystyrene Foam.

(b) City Facility Food Providers may not provide Prepared Food to City Facilities in Disposable Food Service Ware made in whole or in part, from Polystyrene Foam.

(c) City Departments may not purchase, acquire, or use Disposable Food Service Ware for Prepared Food where the Food Service Ware is made, in whole or in part, from Polystyrene Foam.

(d) City contractors and lessees may not use Food Service Ware for Prepared Food in City Facilities and while performing under a City contract or lease where the Food Service Ware is made, in whole or in part, from Polystyrene Foam.

(e) Persons may not use Food Service Ware for Prepared Food in or at City Facilities, including parks, beaches, and recreation centers, where the Food Service Ware is made, in whole or in part, from Polystyrene Foam.

(f) The Director shall, after a noticed public hearing, adopt a list of suitable alternative Compostable or Recyclable Food Service Ware products. "Suitable alternative Compostable or Recyclable Food Service Ware products" means Food Service Ware products that the Director determines serve the same intended purpose as non-compliant products, meet the standards set under this Article 6, and are reasonably affordable. The Director shall regularly update the list.

If a product is included on the Director's list, it will be deemed to comply with this Section 66.0903. If a product is not included on the Director's list, the person using the

product as Food Service Ware will have the burden of establishing to the Director's satisfaction that the product complies with this Section.

(g) It shall not be a violation of this Section 66.0903 to sell, provide, or purchase Prepared Food packaged in Food Service Ware otherwise prohibited by subsections (a) through (c), or to use Food Service Ware otherwise prohibited by subsection (d), if the Prepared Food is packaged outside the City and is sold or otherwise provided to the consumer in the same Food Service Ware in which it originally was packaged. Businesses packaging Prepared Food outside the City are encouraged to use Food Service Ware that is Compostable or Recyclable and is not made, in whole or in part, from Polystyrene Foam.

SEC. 66.0904. OTHER POLYSTYRENE FOAM PRODUCTS.

(a) No person may sell, offer for sale, or otherwise distribute for compensation within the City:

- (1) Food Service Ware;
- (2) coolers, ice chests, or similar containers;
- (3) pool or beach toys; or
- (4) dock floats, mooring buoys, or anchor or navigation markers;

made, in whole or in part, from Polystyrene Foam that is not wholly encapsulated or encased within a more durable material.

(b) No person may sell, offer for sale, or otherwise Distribute for compensation within the City Meat and Fish Trays and Egg Cartons made, in whole or in part, from Polystyrene Foam, either as separate items or as part of the sale of raw meat, fish, poultry, or eggs sold to consumers from a refrigerator case or similar retail appliance.

SEC. 66.0905. POLYPROPYLENE PLASTIC PRODUCTS.

(a) A Food Vendor or Retail Food Vendor may only offer for use or distribute within the City:

- (1) utensils, including, but not limited to forks, knives, spoons;

made, in whole or in part, from Polypropylene plastic for takeout (to-go) orders of Prepared Food upon the request of the person(s) ordering the Prepared Food.

(b) A Food Vendor or Retail Food Vendor may only offer for use or distribute within the City:

(1) straws;

made, in whole or in part, from Polypropylene plastic upon the request of the person(s) ordering the Prepared Food.

SEC. 66.0906. IMPLEMENTATION; CITY CONTRACTS AND LEASES.

(a) The Director shall create, maintain, and regularly update the product lists referenced in Sec. 66.0902(b) and Sec. 66.0903(f).

(b) The Director is authorized to promulgate regulations, guidelines and forms, and to take any and all other actions reasonable and necessary to implement and enforce this Article.

(c) The Director may waive the provisions of Sections 66.0902, 66.0903, and 66.0904 due to a feasibility-based hardship. The person seeking the waiver must demonstrate to the Director's satisfaction that no reasonably feasible alternative exists to a specific non-compliant product.

(d) The Director may waive the provisions of Sections 66.0902, 66.0903, and 66.0904 due to a financial hardship. The person seeking the exemption must demonstrate to the Director's satisfaction both (1) that the applicant has a gross income of less than \$500,000 on the applicant's annual income tax filing for the most recent tax year, and (2) that with respect to each specific non-compliant product, there is no suitable and reasonably affordable alternative product available.

(e) A person seeking a waiver under subsections (c) or (d) of this Section 66.0906 must submit a written application on a form approved by the Director. The Director may require the applicant to submit additional information or documentation to make a determination regarding the waiver requested the Director shall review requests for waivers on a case-by-case basis, and may grant the waiver in whole or in part, with or without conditions, for a period of up to 24 months. An applicant for renewal of a waiver must apply for a new waiver period no later than 60 days prior to the expiration of the then-current period to preserve a continuous waiver status. The Director shall review each application anew and base his or her determination on the most current information available. The Director's determination shall be final and shall not be subject to appeal.

(f) Any person, or City officer, employee, or department may seek a waiver from the requirements of subsections (b), (c), (d), or (e) of Section 66.0903 of his Article by filing a request on a form approved by the Director. The Director may grant a waiver in whole or in part, with or without conditions, for a period of up to 24 months if the person, City officer, employee, or department person seeking the waiver has demonstrated to the Director's satisfaction that strict application of the specific requirement would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances, or the waiver is otherwise justified.

(g) In addition to individual waivers provided (or under subsections (c), (d). and (f) of this Section 66.0906, the Director may waive the provisions of Section 66.0904 with respect to particular categories of uses of Packing Materials or Egg Cartons or Meat and Fish Trays made, in whole or in part, from Polystyrene Foam, or other non-Compostable or non-Recyclable material. The Director may grant a waiver under this subsection (g) in whole or in part, with or without conditions, for a period of up to 24 months, upon finding that no suitable and reasonably affordable alternative to use of the non-compliant product is feasible. The Director's determination shall be final and shall not be subject to appeal.

SEC.66.0907. ENFORCEMENT AND PENALTIES.

(a) The Director shall issue a written warning to any person he or she determines is violating Sections 66.0902, 66.0903, 66.0904, and 66.0905 of this Article. If after issuing a written warning of violation, the Director finds that the person continues to violate the provisions of Sections 66.0902, 66.0903, 66.0904, and 66.0905, the Director may apply for or impose the various sanctions provided in this Section.

(b) Any person who violates the provisions of Sections 66.0902, 66.0903, 66.0904, and 66.0905 of this Article shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished for the first offense by a fine of not more than \$200.00 for a first violation; not more than \$350.00 for a second violation in the same year and not more than \$500.00 for each subsequent violation in the same 12-month period.

(c) The Director may issue an administrative fine or civil liability citation to any such person violating Sections 66.0902, 66.0903, 66.0904, and 66.0905 in accordance with San Diego Municipal Code.

(d) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Article, including without limitation, civil penalties in an amount not exceeding \$200.00 for the first violation, \$350.00 for the second violation, and \$500.00 for each subsequent violation in any given 12-month period.

(e) The City may not recover both administrative and civil penalties pursuant to subsections (c) and (d) of this Section for the same violation. Penalties collected under subsections (c) and (d) of this Section, which may include recovery of enforcement costs, shall be used to fund implementation and enforcement of this Article.

SEC. 66.0908. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Article 6 is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Article. The City Council hereby declares that it would have passed this Article and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Article would be subsequently declared invalid or unconstitutional.

SEC. 66.0909. NO CONFLICT WITH FEDERAL OR STATE LAW.

This Article is intended to be a proper exercise of the City's police power and role as a market participant, to operate only upon its own officers, agents, employees, and facilities, and other persons acting within the City's boundaries, and not to regulate inter-city or interstate commerce. Nothing in this Article shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

SEC. 66.0910. UNDERTAKING FOR THE GENERAL WELFARE.

In undertaking the implementation of this Article, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 66.0911. EFFECTIVE DATE; OPERATIVE DATE.

This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the City Council overrides the Mayor's veto of the ordinance. This ordinance shall become operative on *October 1, 2018*; provided, however, that the application of this ordinance to Meat and Fish Trays shall become operative on *January 1, 2019*.

~~§44.0226 Plastic Food Containers—Definitions~~

In this Division the following definitions shall apply:

~~“Polystyrene Plastic” means a thermoplastic petrochemical material utilizing a styrene monomer and a blowing agent compound which is used to produce molded expanded or extruded expanded polystyrene plastic foam.~~

~~“Polystyrene Food Packaging” means a thermoplastic petrochemical material utilizing a styrene monomer and blowing agents used for packaging and containing food and drink materials, including, but not limited to, cups, bowls, plates, hinge carry out and sandwich containers, egg cartons, and stock food containers. (Renumbered from Sec. 45.0201 and retitled on 3-8-1994 by O-18049 N.S.) (Renumbered from former Section 42.0170 on 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)~~

~~§44.0227 Plastic Food Containers— Prohibitions as to Certain Polystyrene~~

~~On or after January 1, 1989, it shall be unlawful to manufacture, sell or distribute to any person in this City any polystyrene food packaging product made of or with polystyrene plastic using a fully halogenated chlorofluorocarbon (CFC—12 dichlorodifluoromethane), except with the authorization of the City Manager. (Renumbered from Sec. 45.0202 and retitled on 3-8-1994 by O-18049 N.S.) (Renumbered from former Section 42.0171 on 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)~~

~~§44.0228 Plastic Food Containers— Exemptions (a) The City Manager may exempt an item or type of polystyrene packaging from the requirements of this Division, upon a showing that the item or type has no acceptable non-CFC processed equivalent. (b) Polystyrene food packaging manufactured prior to January 1, 1989 is exempt from the provisions of this ordinance. (Renumbered from Sec. 45.0203 and retitled on 3-8-1994 by O-18049 N.S.) (Renumbered from former Section 42.0172 on 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)~~

~~§44.0229 Plastic Food Containers— Penalty In addition to any other applicable civil or criminal penalty, any person convicted of a violation of section 44.0227 is guilty of an infraction, which is punishable by a fine not to exceed \$50.00 for the first violation, \$100.00 for the second violation within one (1) year, and \$250.00 for each additional violation within one (1) year. Each incident in violation of section 44.0227 shall constitute a separate violation. (Renumbered from former Section 42.0173, and amended 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)~~

September 10, 2018

Hon. Mara Elliott
City Attorney
City of San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101

Dear City Attorney Elliott:

The San Ysidro Community Planning Group (“**SYCPG**”) would like to bring to your attention a number of concerns regarding the proliferation of vending kiosks on **Metropolitan Transit System (“MTS”)** property owned and managed by this agency in the 700 block of East San Ysidro Boulevard. It is our understanding also that complaints have been made to the City of San Diego Code Compliance section concerning these kiosks.

We write to your office given our understanding of the history of permitting issues which persist at these sites by MTS, their location at the busiest land port in North America, and the continuing differences between the City of San Diego and MTS as to whether that agency and their lease tenants are properly complying with applicable state building codes, inspections and required local permits.

The planning group is aware of these jurisdictional and permitting issues and that they are not new. It is our understanding they have presented in numerous locations where proposed MTS development occurred within the jurisdictions of local agencies. We are also aware that while as a state-chartered agency MTS generally retains some self-permitting authority for development on its property, there remain questions as whether they or any tenant on MTS property must also comply with state and local regulations and inspections dealing with the suitability and safety of structures for occupation.

The SYCPG would like to convey the following important considerations:

1. As a community planning group, we are concerned that the proliferation of kiosks on the gateway pedestrian plaza at the port of entry and **behind the McDonald’s** building at 727 E. San Ysidro Blvd are inconsistent with the long history of community-engaged planning for the San Ysidro Intermodal Transportation **Center (“SYITC”)**;
2. As community members we have been involved with the intended design of the SYITC the purpose of which is to reduce mode conflicts, consolidate short and long-haul bus services, provide an open, safe pedestrian plaza and enhance the land port of entry as a North American gateway;

3. The proliferation of kiosks allowed by MTS at this site is contrary to these plans, presents substantial pedestrian safety issues, and as we understand it may well be becoming a concern for the United States General Services Administration as it completes a massive Port of Entry development project;
4. Some of our members and members of the public have observed some of these kiosks with questionable utility connections such as exposed junction boxes and wiring connections which may present a hazard to occupants and general public;
5. We are concerned this proliferation continues without *any* public outreach or community engagement.

Combined with the on-going concerns that MTS as a regional agency may be avoiding some state and local building and inspection requirements, as well as allowing their tenants to do the same, we felt strongly our concerns should be conveyed to you directly. We would appreciate your office vigorously evaluating these consistency and compliance issues and urge you to take any and all necessary actions to address them.

Most Sincerely and Respectfully,

Chair, San Ysidro Community Planning Group

Cc: Mayor Kevin Faulconer
San Diego City Council

Non Permitted, Non-Vetted Commercial Coaches (Kiosks) AND UNILATERAL RE-CONFIGURATION OF PUBLIC INFRASTRUCTURE San Ysidro Intermodal Transportation Center (SYITC)

2003 SYITC

A better mode of travel

Construction has started on the San Ysidro Intermodal Transportation Center, a project that promises to ease traffic and increase public safety north of the border. The \$18.4 million center should be finished in summer 2003.



The SYITC is located at the terminus of the 700 block of E. San Ysidro Blvd., just steps from the U.S.-MEX north-southbound Pedestrian Port(s) of Entry. Extensive vetting and planning of the 2003 SYITC was conducted during 1992-2002 by regional stakeholders: City of San Diego, Caltrans, GSA, MTDB and the Community of San Ysidro. The lead agency was MTDB, predecessor to MTS. MTS took over SYITC operations with new CEO Paul Jablonski in late 2003 just prior to completion of the SYITC in 2004.

The SYITC basic design function consolidated the main transit modes of cross-border travel into three (3) distinct and separate terminals: Local, Trolley & INTERCITY or “Long-Haul” Bus travel. See above MTDB Press Release titled **“A Better Mode of Travel.”**

The SYITC public project was hailed as an Innovative and Award-Winning Transit Oriented Development (TOD). See 2003 Caltrans Journal feature article: **“The Intermodal Hamburger.”**

<https://www.voiceofsandiego.org/wp-content/uploads/2017/10/Caltrans-2003-Journal-The-Intermodal-Hamburger-Article-Highlighted.pdf> and, The National Academies,

Transportation Research Board: <https://trid.trb.org/view/646443>



Public Safety

The award-winning SYITC promised to relieve congestion by providing an open-air pedestrian friendly plaza and to “consolidate” safe access to cross-border passage north. GSA’s new PED EAST Facility re-opening this summer 2018 will significantly increase pedestrian and vehicle flow. The present chaotic and deteriorated SYITC operating conditions, plagued by the confusing “de-consolidation of travel modes” present serious threats to public safety and potentially broader Bi-National interests.

City of San Diego Code Enforcement Violations

MTS de-consolidation of long-haul bus service and unilateral reconfiguration of the SYITC eliminated critical bus parking infrastructure and dispersed illegitimate kiosks has nearly destroyed the original vision for the 2003 SYITC. The current unexplained public policy promulgated by an MTS-Greyhound conflict of interest management agreement views the established business community and other intercity carriers operating within the SYITC as competition.

This lack of integrated public-private transportation land use with the business community complicates effective law enforcement efforts against serious threats to public safety including human and drug trafficking involving both illegal, *and legal*, transportation services. MTS own **Designing for Transit Policy Manual** completely contradicts this rogue takeover of the 2003 SYITC operations. See pages 24-35: https://www.sdmts.com/sites/default/files/attachments/mts_designingfortransit_2018-02-02web.pdf

The 2003 SYITC includes a local terminal for MTS bus, taxis, jitneys and shuttles serving the San Ysidro Community; an expanded two-track trolley platform; and, behind the Landmark McDonald’s two-story building, dubbed the “**Intermodal Hamburger**” envisioned integrated upper bus terminal facilities for long-haul “Intercity” transportation.

In 2013-2015 SYPS, LLC, a partnership between MTS Concessionaire, Bricehouse, and Greyhound Bus Lines subsidiary, without first conducting an Environmental Impact Report (EIR), UNILATERALLY reconfigured the ten (10) Bus Stall Long Haul Intercity Parking facility with these changes:

- 1) Eliminated (5) of (10) full-size bus parking stalls to expand a pedestrian platform behind McDonald’s. Reduction of this critical bus infrastructure is in stark contrast with SANDAG’s 2014 SYITC recommendations for *thirty (30) full-size intercity bus bays;
- 2) Cluttered the expanded pedestrian platform-sidewalk with multiple kiosks including five tiny 1-person metal containers and outdoor caged pay restroom stalls; and,
- 3) Deconsolidated long-haul bus services into the lower terminal thereby displacing the San Ysidro Business Community of its MTDB 2003 promised Port of Entry connection with border-crossers for direct community shuttles and jitney service.

*See SYITC table, page 4: https://www.sandag.org/uploads/publicationid/publicationid_1863_17787.pdf

Simple Case against a Kiosk “Transit Bazaar” SEE EXHIBIT A

The reconfiguration and de-consolidation of long-haul transit service operations into two outdoor staging areas with scattered kiosks in front of and behind McDonald’s contributes to public confusion and an unworthy air of a “Transit Bazaar.” These haphazardly placed kiosks create an unhealthy and unsafe transportation environment



at our National Gateway immediately exiting U.S. Customs from Mexico into the United States on foot.

The private use kiosks ranging in size from approximately 80 to 500 square feet first began being placed on MTS property in 2010 in front of McDonald's carelessly close to the trolley tracks. They included a Greyhound Ticket Office/Passenger area situated next to the runaway terminus stops of the trolley tracks-See Exhibit A. The second was an A-Mart Convenience Store and the third a small Wireless Phone kiosk currently occupied by MetroPCS.

In June, 2018 a fourth private kiosk in front of McDonald's on the lower terminal, just north of MetroPCS, was forcefully inserted into the SYITC. This new kiosk operated by International Bus Lines is an additional private-use Long-Haul Transportation business. No seating or restrooms are provided or passenger shelter protecting its travelers from weather elements. Like Greyhound and other transportation ticket kiosks scattered throughout the SYITC, these weary passengers end up staging inside the McDonald's Trolley Station.

These **subsidized for-profit kiosks** on public land taken by eminent domain unfairly compete with established long-time struggling businesses required to comply with land use and building code regulation. In essence, the public space on land originally belonging to this business community is now wielded by MTS in a bait and switch tactic that devalues the remaining community properties with their own former property.

Illegal Transportation--Wildcats "Raiteros" and Solicitors "Taloneros"

Scattered kiosks confuse those seeking safe passage north who were accustomed to arriving to one consolidated terminal location for Long-Haul travel services. Observation of pedestrian mobility in and around the SYITC highlights this public confusion which foments illegal transportation solicitation known as "wildcatting."

Indeed, de-consolidated long-haul bus terminals and forced circulation has now handed Illegal transportation solicitors a "perfect mousetrap" between the upper and lower bus terminals. The San Diego Police Department calls these areas where wildcats prey upon confused and weary travelers "The Gauntlet." See Deposition of SDPD Officer, Carlos LaCarra, dated June 15, 2017. Available upon request.

ADDITIONAL OBJECTIONS TO NON-VETTED STRUCTURESS AT THIS U.S.- MEXICO PEDESTRIAN PORTS OF ENTRY

**See San Diego Code Enforcement Public Notice of Violations dated April 2, 2018
Served to MTS, BRICEHOUSE, INC., SYPS and GREYHOUND.**

The above Notice of Violation has been challenged by MTS and is under review by the City Attorney's Office. Transparency and restoral of the intended SYITC fundamental operating vision as vetted and planned over 10 years by regional stakeholders and the San Ysidro Community is being called for.

(a) The area of location is a "dead end" cul-de-sac with tens of thousands of pedestrians daily. This activity will be heavily increased with the opening of the new "PED EAST" border crossing this summer, 2018;

(b) Threat to public safety in emergencies. The area where the string of "commercial coaches" are now located (without City permits) should be retained as an "open plaza" area to allow **EMERGENCY VEHICLE ACCESS** into this highly populated

area. Without this, there is limited and distant emergency access to meet the emergency needs of the heavy pedestrian flow and those persons inhabiting/using the surrounding businesses, including Port of Entry facilities;

(c) The "commercial coaches" are placed with NO SET BACKS or other planning concerns, and if these were permanent "brick and mortar" buildings, it is likely that existing zoning and set-back requirements would prohibit structures at these specific locations on the lot/parcel;

(d) The City must evaluate the COMBINED TOTAL (cumulative impact) of the "commercial coaches" and not simply review them ONE AT A TIME IN ISOLATION FROM EACH OTHER. The combined cumulative total impact of these multiple structures may violate the "floor area ratio" requirements for the individual lot/parcel upon which they sit;

(e) If treated as "new structures", it is clear that there is NO NEW PARKING provided for the employee/occupants of each of these structures. A "brick and mortar" structure or cumulative consolidated group of "brick and mortar" buildings WOULD OTHERWISE NEVER BE ALLOWED WITHOUT PROVIDING FOR NEW PARKING. There is no way to provide new parking for the demands created by these structures if treated as "newly installed" today, or at the time of any permit application.

(f) Whether or not each "commercial coach" has obtained an MTS "permit" is irrelevant in terms of complying with the SD Municipal Code and Bulletin #240. **Any exemption to Land Use Code MTS may lay claim to is NOT TRANSFERRABLE TO THE PRIVATE SECTOR.**

(g) Plumbing, sanitation, and electrical are big concerns in terms of the failure to provide adequate ADA access restrooms for employees and patrons of these "commercial coaches."

(h) Because these new structures are located on public property (and owned and operated by private parties), MTS should be required to do a SUPPLEMENTAL EIR review on this Project to analyze the issues of public safety, restrooms, lack of parking, set-backs, and other impacts. It is likely that allowing these privately owned and operated KIOSKS on the MTS property constitutes a MATERIAL CHANGE in the original PROJECT DESIGN, which now must require a new environmental review (supplemental environmental report).

NOTE: a "negative declaration" would seem to be inappropriate in view of the thousands of pedestrians, the lack of emergency vehicle access, the lack of parking to serve the needs of the occupants/users of the structures, lack of restroom and related public facilities, furthermore, in the face of hugely projected increased pedestrian flow with a new and greatly expanded U.S. Customs PED EAST facility re-opening.

(i) It is likely that GSA and CBP (operator of the "Port of San Ysidro") may have "safety concerns" because the multiple kiosk structures restrict huge pedestrian flow, and block view for public safety "surveillance" from the adjoining government buildings, and create hiding places for potential terrorists or criminals. The "planning concerns" must extend to GSA/CBP and not just the City of San Diego.

(j) It appears none of the Kiosks (identified as #1 through #12) have been built in compliance with City Bulletin #240 regarding "commercial coaches" and it appears from the available facts and circumstances that permits under Bulletin #240 should not and cannot be issued.

Below is the link to **Bulletin #240** along with a quote which indicates that set-backs and parking are among other concerns for the issuance of a Permit, which these Kiosks probably cannot comply with:

CITY BULLETIN #240

<https://www.sandiego.gov/sites/default/files/dsdib240.pdf>

Under Sec. II (B) (below BOX on right top of page) is the following language which indicates City checks for "set-backs" and parking requirements and other factors:

*City will however check for site requirements such as location on the site, **distance of exterior wall surface to property lines and to other buildings** on the site, fire-resistive protection of exterior walls and openings, site accessibility (**parking and route of travel to the coach entrance**), foundation system, **water and sewer connections**, and **applicable zoning regulations**.
(emphasis added)*

REFERENCES - SAN YSIDRO INTERMODAL TRANSPORTATION CENTER:

1. See 2003 MTDB SYITC Press Release, On file-MTS: **A Better Mode of Travel**
2. **The Intermodal Hamburger**: CALTRANS Journal, April 2003:
<https://www.voiceofsandiego.org/wp-content/uploads/2017/10/Caltrans-2003-Journal-The-Intermodal-Hamburger-Article-Highlighted.pdf>
3. **The Intermodal Hamburger**: National Transportation Research Board:
<https://trid.trb.org/view/646443>:
4. 2018 **MTS Designing for Transit Policy Manual**, See pages 24-35
https://www.sdmts.com/sites/default/files/attachments/mts_designingfortransit_2018-02-02web.pdf
5. SANDAG 2014 SYITC STUDY, See Table, Page 4: **Key Transportation Elements**
https://www.sandag.org/uploads/publicationid/publicationid_1863_17787.pdf

**U.S. CUSTOMS PED EAST PORT OF ENTRY
Non-Vetted Commercial Coaches (Kiosks)
San Ysidro Intermodal Transportation Center (SYITC)**

EXHIBIT A-1

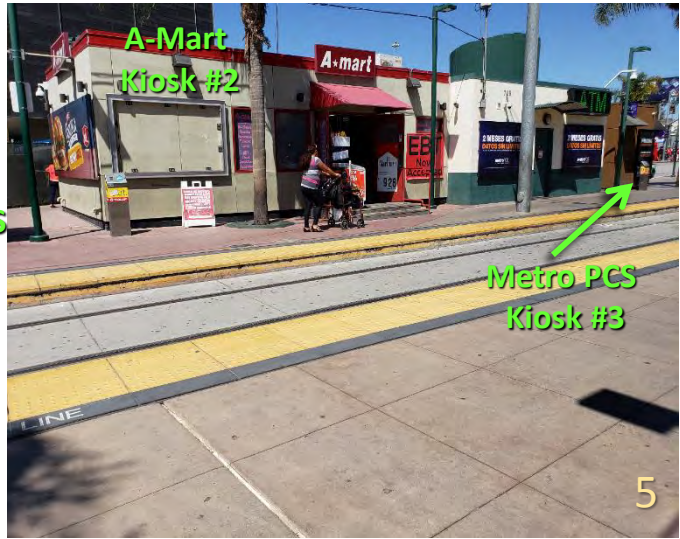
NEW PED EAST Re-Opening Summer, 2018



**Located at Trolley Run-Away Stops
Between Tracks**

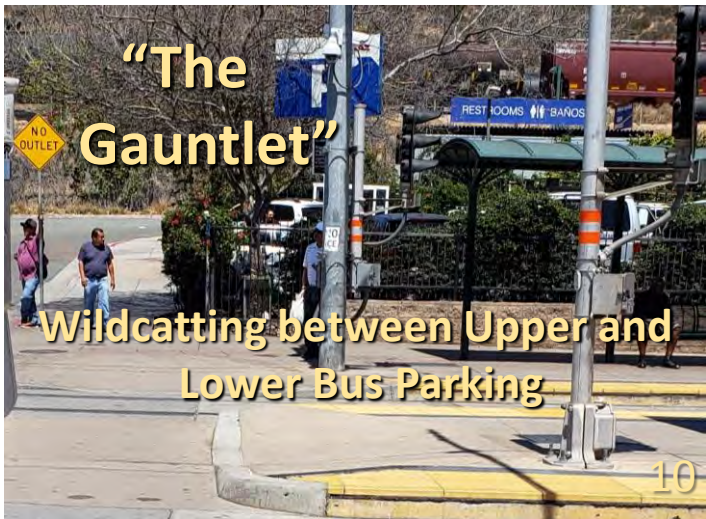
TROLLEY PLATFORM & PEDESTRIAN PLAZA

Exhibit A-2



RAIL COURT LEADING TO BEHIND MCDONALD'S

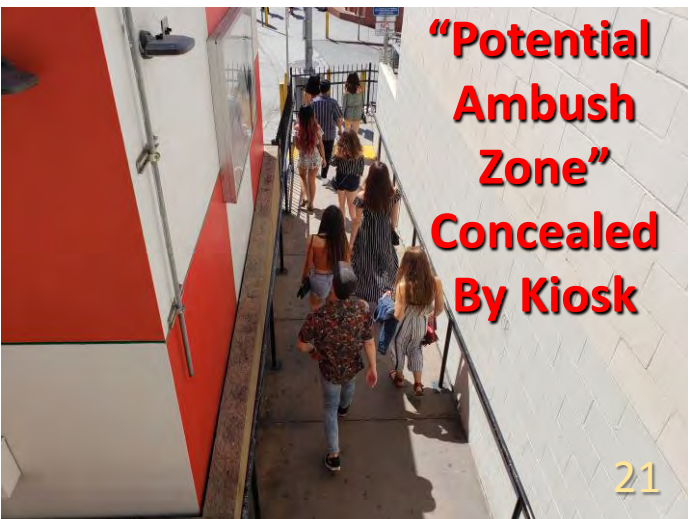
Exhibit A-3



RAIL COURT SIDEWALK BEHIND MCDONALD'S

Exhibit A-4

***Sidewalk to and from Mexico leading through Bus Parking Platform Behind McDonald's Trolley Station Bldg., 2nd Level.**



***Sidewalk 13' above Trolley Plaza Level.**

NEW KIOSK #12, JUNE 2018

EXHIBIT A-5



*Inter-City bus staging displaces SYITC Community promised Shuttle-Jitney-Tourist Bus staging

LOWER LOCAL TERMINAL: MTS BUS, TROLLEY, TAXI, & DISPLACED JITNEY-SHUTTLE-TOURIST TRANSIT SERVICES

EXHIBIT A-6



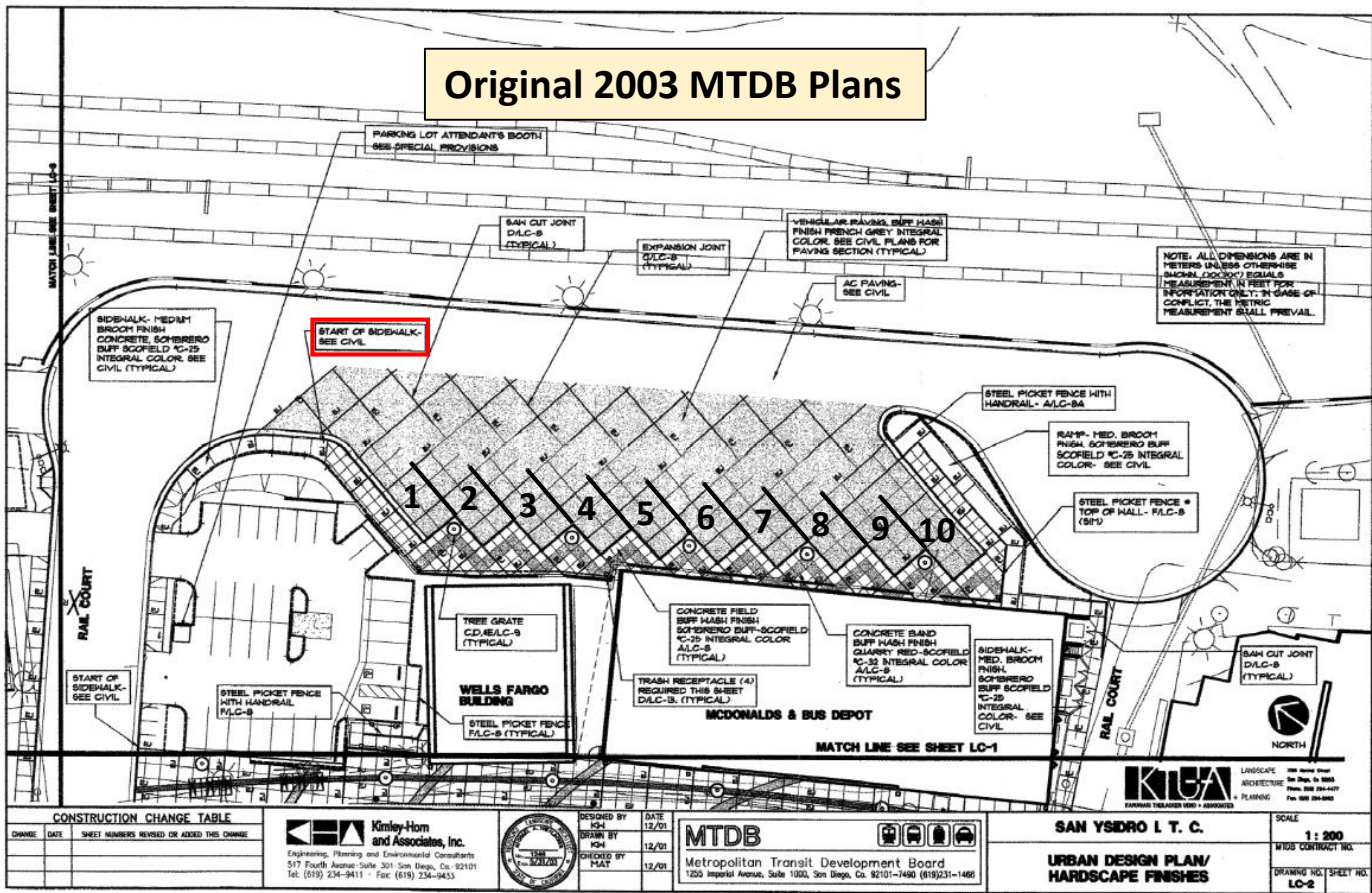
CONGESTION at Lower Local Terminal and "De-Consolidated Modes of Travel"



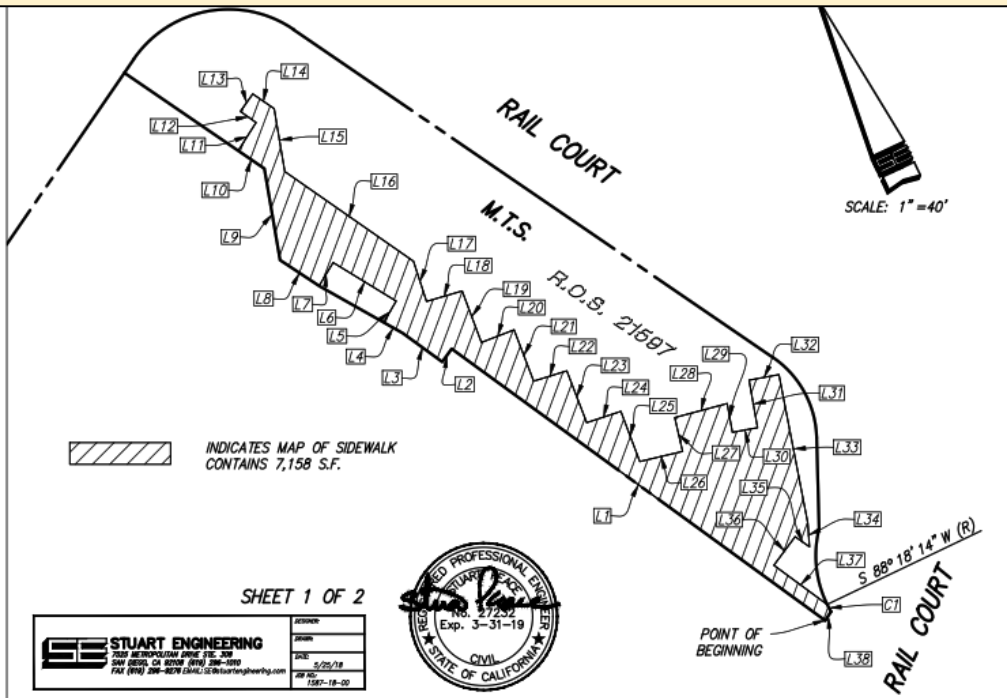
Original 2003 SYITC New Rail Court and Intercity Bus Parking Lot behind McDonald's 2nd Level Floor.

EXHIBIT A-7

Original 2003 MTDB Plans



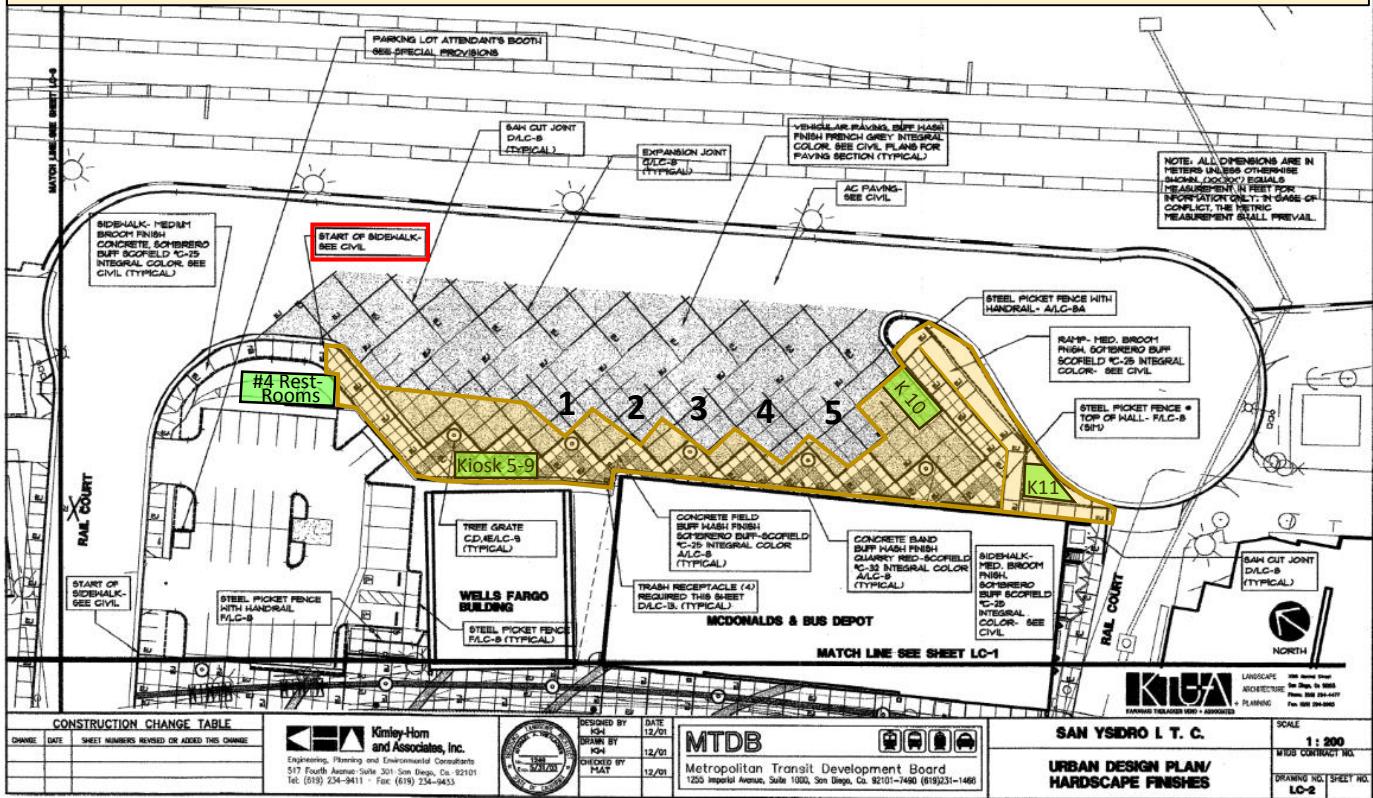
2018 Private Survey of Sidewalk Areas behind McDonald's



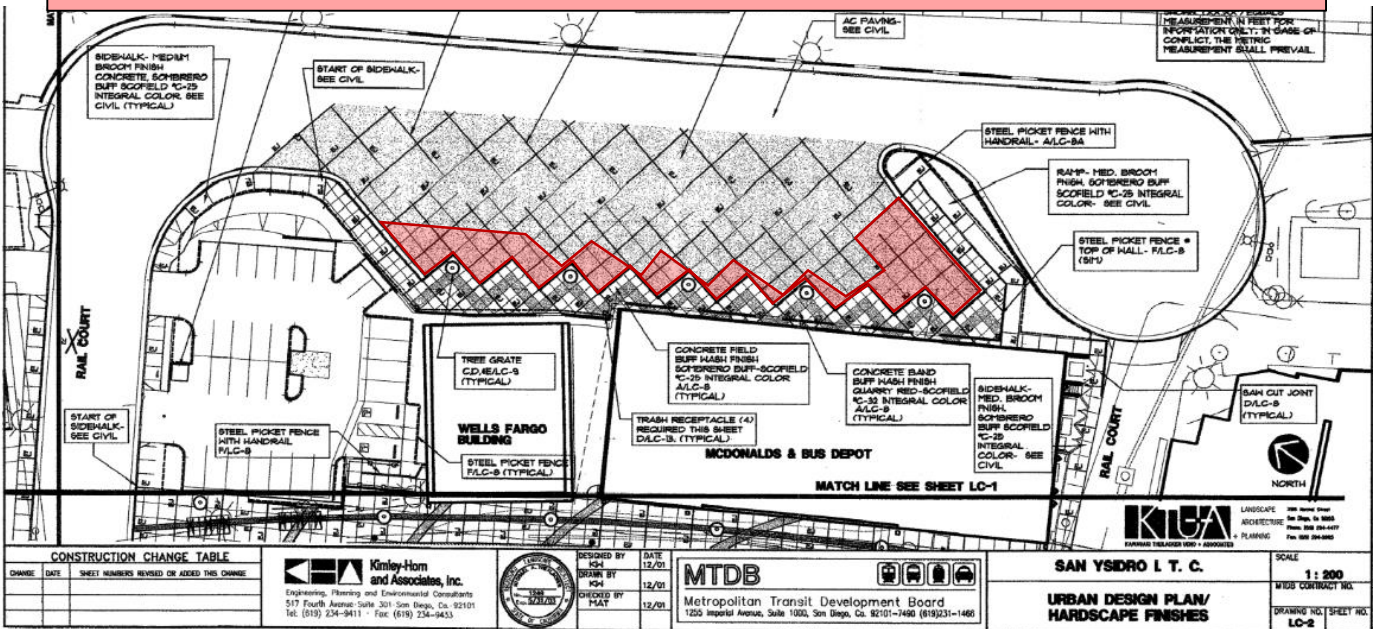
SYPS, LLC Unilateral Reconfiguration of Intercity Bus Parking eliminating Five (5) Full Size Bus Parking Spaces

EXHIBIT A-7

2018 Private Survey of Sidewalk Area behind McDonald's, including Kiosks



2018 Analysis of Additional Sidewalk/Passenger Platform Area Added.



Non-Vetted Commercial Coaches or Kiosks

1. Of the 12* non-vetted kiosks, 8 provide Inter-City Long-Haul Transportation Services. Where do their transportation passengers stage and await their departures and arrivals? Are they forced to sit or wander outdoors in extreme weather, poor air quality and unsafe conditions involving illegal transportation solicitation (wildcatting)?
2. What ADA access is provided for the Disabled, Elderly and Medically challenged travelers seeking treatment in Mexico?
3. What is the cumulative floor-area ratio impact to the SYITC from these 12 separately scattered Kiosks? An [Environmental Impact Study \(EIR\) is called for.](#)

Promises of the MTDB 2003 SYITC – See 2003 MTDB flyer titled: A Better Mode of Travel

4. The 2003 MTDB San Ysidro Intermodal Transportation Center (SYITC) promised to ease congestion and provide safe passage north by relieving Trolley Station overcrowding and consolidating the various modes of travel into three separate terminal areas;
5. Access to local MTS bus, Shuttle-Jitneys-Tourist Buses, Taxi and an expanded two Track Trolley Platform and Pedestrian Plaza were to be consolidated in the Lower Pedestrian Plaza area;
6. A new Rail Court Road between Jacks and the former Wells Fargo property was built to give street access to the south block of East San Ysidro Blvd. and a proposed new Intercity Bus Terminal. See CALTRANS JOURNAL Magazine dated April 2003 featured article titled, [“The Intermodal Hamburger”](#) highlighting plans for a new ADA elevator path and new Rail Court entrance right through a new 2nd floor level of the McDonald’s Trolley Station, a private two story building and namesake of 700 block ESYB location since 1982. [See also National Academies Transportation Research Board: <https://trid.trb.org/view/646443>](#)

Non-Vetted Reconfiguration of Public Property Infrastructure: SYITC & Intercity Bus Parking

7. The original 2003 MTDB Bus Parking Plan (vetted 1992-2002) constructed ten (10) full size Bus Bays. The 2014 SANDAG SYITC Study calls for at least thirty (30) full size Bus Bays.
8. In 2013-2014, Greyhound, under 2012 SYPS, LLC Agreement between MTS and Greyhound subsidiary Americanos and MTS concessionaire agent, Bricehouse, unilaterally eliminated five (5) full size Bus Bays. This reconfiguration of a public asset should have undergone extensive public vetting and an EIR as well a proper construction permit applications and plan check with the City of San Diego.
9. It is likely that GSA, DHS and CBP (operators of the “Land Port of Entry of San Ysidro”) may have “safety concerns” because the multiple kiosk structures restrict huge pedestrian flow, hinder emergency vehicle access and block view for public safety “surveillance” from the adjoining government buildings, and create hiding places for potential terrorists or criminals. [The “planning concerns” must extend to GSA/CBP and not just the City of San Diego.](#)

* Four (4) Kiosks: A-Mart, Metro PCS, Pay Restrooms and UETA DO NOT provide InterCity, Long-Haul transportation services. The other eight (8) Kiosks DO PROVIDE Long-Haul Travel Services. They are: Greyhound-1 in front of McDonald’s; Behind McDonald’s: Executive Lines, Futuranet, Las Vegas Shuttles, Greyhound-2nd Kiosk and Ticketon-representing numerous long-haul companies in Kiosk #10; and as of late June, 2018, new International Bus Lines, Kiosk #12, in front of McDonalds in midst of Lower Terminal local transit operations.

SAN YSIDRO COMMUNITY PLANNING GROUP

VACANCIES

[Excerpts from the SYCPG Bylaws of June 17, 2015]

The SYCPG should fill vacancies at the time the vacancies are declared by selection by the elected planning group members at the time the vacancies are declared, but not sooner than the next regular meeting at which a quorum is present. Vacancies shall be filled by a majority vote to elect a candidate to the vacant seat, or if more than one vacancy, then the seats are filled by plurality. Publication in a regular meeting agenda shall be sufficient notice of the vacancy.

No person shall be considered for a vacant or open seat who has previously been an elected or appointed member in the twelve (12) months immediately preceding the day the vacancy or opening was declared.

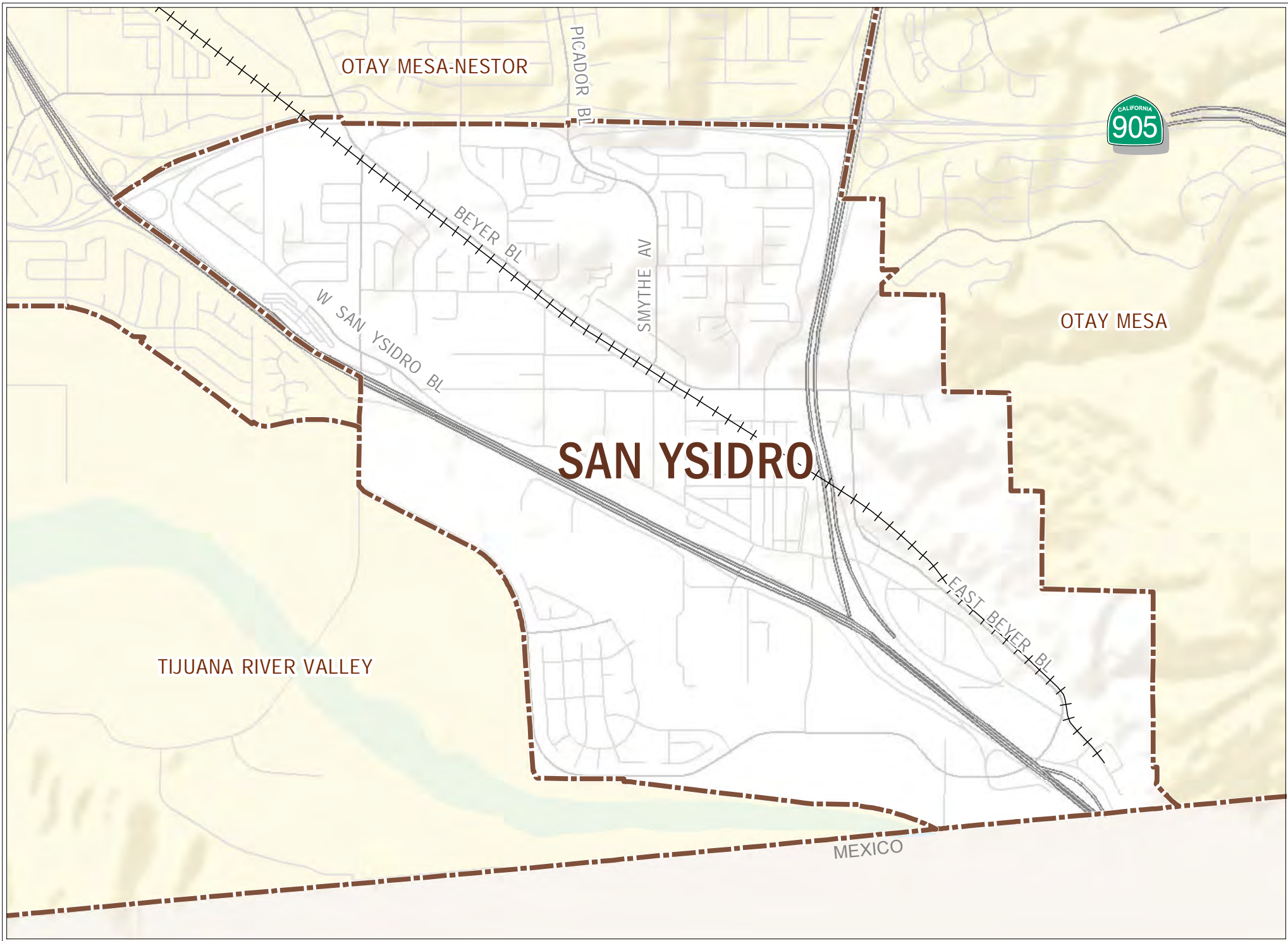
Two or more concurrent SYCPG vacancies shall be filled by a vote of all eligible members of the community by secret written ballot.

[An individual must be recorded on the SYCPG Master Membership List as determined by the Secretary, and] must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, *[including a renter or tenant]* who is an individual whose primary address of residence is an address in the community planning area, ~~or~~
- (3) local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area; only one representative of a particular establishment may hold a seat on the community planning group at one time.

For the purpose of qualifying a "designee" of a not-for-profit . . . the designee must be identified by name in writing by the qualifying governing body or its chief executive.

When the SYCPG is unable to fill a vacancy within 120 days . . . and the planning group has more than twelve members, a search for a new member should continue, however either the seat may remain vacant until the next planning group election, or these bylaws may be amended to permit decreased membership to a minimum of 12 members.



OTAY MESA-NESTOR

PICADOR BL



BEYER BL

SMYTHE AV

OTAY MESA

W SAN YSIDRO BL

SAN YSIDRO

EAST BEYER BL

TIJUANA RIVER VALLEY

MEXICO



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APPLICATION FOR GENERAL MEMBERSHIP – PAGE 1 OF 2

The San Ysidro Community Planning Group (“SYCPG”) holds regular meetings each month at a time and place announced in the Agenda for that month. There are 15 Elected Members. The role of the SYCPG is to review and provide recommendations to the City on land use matters and development-related projects and issues that fall within the San Ysidro Community Planning Area or are of City-wide significance. In this capacity, the SYCPG is the officially recognized advisory group to the San Diego City Council. There is no fee charge to attend meetings or to join the SYCPG. Anyone may submit this membership form to the Planning Group’s Secretary. Please review the qualifications on the reverse side of this form.

General Members are encouraged to volunteer to serve on the Planning Group, to participate at the Planning Group’s meetings, to vote when Board elections are held, and to consider becoming candidates for Board membership.

This *Application for General Membership* forms must be submitted to the Planning Group Secretary. Contact the City of San Diego’s City Planning & Community Investment (CPCI) Department for the current mailing address or visit www.sandiego.gov/planning/community/pdf/contactlist.pdf. You can also bring this form to a SYCPG meeting.

The general boundaries of the San Ysidro Community Plan, as shown in Exhibit “A” of the bylaws, are: I-905 on the north, I-5 south to Dairy Mart Road continuing to the Tijuana River levee and International Border, then to the east to the hillsides between Otay Mesa and San Ysidro, then northwest to the intersection of I-805 and I-905.

(Circle one) DR. MR. MS. Other: _____ NAME: _____

MAILING ADDRESS: _____
Street Address or P.O. Box City State Zip Code

E-MAIL ADDRESS _____ FAX _____

HOME PHONE: _____ WORK PHONE: _____ CELL: _____

IMPORTANT! IF YOU HAVE MORE THAN ONE OF THE CHOICES, PLEASE SELECT THE ONE CHOICE IN WHICH YOU WISH TO BE LISTED (address or parcel # must be within San Ysidro Community Plan Area boundaries).

- () RESIDENT HOMEOWNER ADDRESS OF PROPERTY: _____
- () RESIDENT RENTER ADDRESS OF PROPERTY: _____
- () PROPERTY OWNER ADDRESS OR PARCEL # OF PROPERTY: _____

() LOCAL BUSINESS OWNER, OPERATOR OR DESIGNEE AT A NON-RESIDENTIAL REAL PROPERTY ADDRESS IN THE COMMUNITY PLANNING AREA
LIST THE NAME AND ADDRESS OF THE BUSINESS:

() NOT-FOR-PROFIT (see reverse)
LIST THE NAME AND ADDRESS OF THE NOT-FOR-PROFIT:

SIGN HERE: _____ **DATE:** _____

For Planning Group Use	Reviewed by: _____	Date: _____
	Meets Eligibility Criteria: YES _____	NO _____

EXHIBIT "B"

APPLICATION FOR GENERAL MEMBERSHIP – PAGE 2 OF 2

The following is a summary of Article III, Section 2 of the bylaws.

To be an eligible community member an individual must be

- at least 18 years of age, and
- shall be affiliated with the community as a:
 - property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
 - resident, who is an individual whose primary address of residence is an address in the community planning area, or
 - local business person, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the community planning area.

Only eligible community members have the right to vote at the SYCPG general election and to be a candidate for election.

An individual may become an eligible member of the community by demonstrating qualifications to the planning group Secretary or Election Committee prior to the March election or at the time of voting. Eligibility is demonstrated by filing this *Application for General Membership* and upon validation of the affiliation requirements.

For the purpose of qualifying a “designee” of a not-for-profit, in addition to this membership form, the designee must be identified by name in writing by the qualifying governing body or its senior executive.

For the purposes of qualification as a General Member, a “not-for-profit” is defined as an existing community organization, association, or institution which has its headquarters or a site office at a physical location at a non-residential real property address within the San Ysidro Community Plan area, and serves the constituents of the planning area.

Among the duties of the elected SYCPG members is the requirement to attend meetings. There are no “excused absences.” The SYCPG shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from the planning group's regular meetings. An individual who vacates a seat after eight consecutive years may not again be elected or appointed for a period of one year.