

Community Planners Committee

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CPC DRAFT MINUTES FOR MEETING OF JUNE 26, 2018

MEMBERS PRESENT:

Barry Schultz, Carmel Valley (CV)
Russ Connelly, City Heights (CH)
Nicholas Reed, Clairemont (CL)
Jose Reynoso, College, (COL)
Pat Stark, Downtown (DWNTN)
Linda Godoy, Eastern (EAS)
David Swarens, Greater Golden Hill (GH)
David Moty, Kensington/Talmadge (KT)
John Shannon, La Jolla (LJ)
Noli Zosa, Linda Vista (LV)
Cathy Kenton, Midway (MW)
Jeffrey L. Stevens, Mira Mesa (MM)
John Nugent, Mission Valley (MV)

Daniel Smith, Navajo (NAV)
Gerry Weber, Normal Heights (NH)
Rene Vidales, North Park (NP)
Mark Freed, Otay Mesa (OM)
Vicki Touchstone, Rancho Bernardo (RB)
Jon Becker, Rancho Peñasquitos (RP)
Wally Wulfeck, Scripps Ranch (SR)
Bryce Niceswanger, Serra Mesa (SM)
Guy Preuss, Skyline/Paradise Hills (SPH)
Jan Whitacre, Tierrasanta (TIRSN)
Andrew Wiese, University (UN)
Leo Wilson, Uptown (UT)

VOTING INELIGIBILITY/RECUSALS: Barrio Logan, Carmel Mountain Ranch, Del Mar Mesa, East Elliot, Chollas Valley (Encanto), Kearny Mesa, Miramar Ranch North, Ocean Beach, Old Town, Otay Mesa Nestor, San Pasqual/Lake Hodges, San Ysidro, Serra Mesa, Tierrasanta, Torrey Hills, Torrey Pines.

Guests: Terry Norwood, Barbara Gordon, Michele Addington, Marilyn Reed, Kathleen Lippett, Kelly McCormick

City Staff/Representatives: Nancy Graham, Lisa Lind, Tony Kempton, Patricia Duenas

NOTE: *The sign-in sheets provided at the entrance to the meeting are used to list CPC Representatives, guest speakers, and staff present at the meeting.*

1. CALL TO ORDER:

Chair David Moty called the meeting to order at 7:00 pm and proceeded with roll call.

2. NON-AGENDA PUBLIC COMMENT: 2 minutes per issue.

Scott Chipman of San Diegans for Safe Neighborhoods said recent legislation indicated that San Diego will be authorizing marijuana production and distribution for the whole state, not just locally. Chipman said 90% of the marijuana produced in California is exported to other states. Chipman said that in 2017 90% of marijuana tested positive for pesticides and e-coli bacteria. Barbara Gordon said that odor is a big issue with marijuana facilities, as it drifts and negatively impacts other businesses. She said other businesses do not want to locate adjacent to marijuana facilities, which attract crime and lower property values. Kathleen Lippett said the process the City has been using to issue permits for marijuana facilities is problematic, specifically, a multi-tenant facility constituting a single premise. By determining whether 51% or more of the businesses in a premise are not minor-oriented, the

City allows marijuana facilities to locate there. Lippett said this can result in long-term tenants suddenly having a marijuana facility locate adjacent to their business. Lippett said the City should regard these facilities as single-tenant to avoid this situation. Judy Strang of the Torrey Pines CPG said she was involved with a CEQA appeal when the City took it out of order and rendered a decision which left the CPG without an opportunity for input at the Hearing Officer public hearing. Kelly McCormick mentioned a lack of transparency apparent in that the CPGs aren't receiving information that would be helpful in decision making. McCormick said applicants frequently don't provide information in the cycle reviews for storm water management, water pollution control, traffic management, etc. that would aid in decision making. Also, the 10-day review period for a CEQA determination makes appeals difficult, along with the increased appeal fee from \$200 to \$1,000.

3. MODIFICATIONS AND APPROVAL OF AGENDA:

With no objections, chair Moty approved the agenda.

4. APPROVAL OF THE MINUTES OF APRIL 24, 2018:

Nicholas Reed said John Horst represented Mira Mesa at the May CPC meeting, not Jeff Stevens. Jeff Stevens confirmed that Horst attended and confirmed that Vicki Touchstone handed out ballots for the CPC election.–Motion to approve CL, second RP. Ayes: SPH, MRN, CV, DWNTN, NAV, COL, NP, CL, GH, RP, EAS, CH, MM, RB, SR, MW. Abstaining: UN, OM, LV, NH, TIERSN, LJ, KT.

5. CITY ATTORNEY MARA ELLIOTT- Information Item

City Attorney Mara Elliott offered the City Attorney's perspective on sidewalk liability and repair. Elliott said San Diego has more than 4,500 miles of sidewalks and receives 600-700 requests for sidewalk repairs each year. Tree roots are the leading cause of sidewalk damage and the cost to repair just one tree root-damaged section of sidewalk is \$3,375. According to Elliott state law holds the property owner liable for maintenance and repair of sidewalk fronting their property. The only exception is unsafe conditions caused by someone other than the property owner. In 1975 the City adopted a policy of paying for some or all of the cost of repairing sidewalks even when the City is not obligated to share in the cost of repairs. The City pays the entire cost of repairs for sidewalks abutting private property when the damage is caused by four things: parkway trees, heat expansion, grade subsidence and City utility cuts. In all other cases the City pays half the cost of the repairs. Elliott said that an economic impact analysis would be required for any proposed changes to the sidewalk maintenance policy by the City's Rules Committee. If the City absorbs all financial impacts for sidewalk repair, the property owners would have no incentive to maintain their trees to prevent damage to sidewalks. This would lead to an increase in sidewalk hazards, as well as taxpayer liability. Also, if the property owner is not responsible, the City would not be able to go after insurance companies for damages, resulting in the City paying 100% of costs for injury lawsuits stemming from sidewalk damage. Allowing the City to get relief with a waiver of costs or share in the damages with the insurance company would benefit the City. Between 2013 and 2017 taxpayers saved the City approximately \$2.1M in cases where costs were paid by property owners and insurance carriers. Elliott said her office is open to suggestions for addressing this issue.

Board Comment:

Comments ranged from liability issues involving scooters and damage from historic trees to construction techniques resulting in sidewalk failures. Elliott replied that no resolution had yet been reached regarding scooter/pedestrian accidents, and that homeowners insurance has been effective in addressing costs related to damage from historic trees, with the City sharing costs.

Elliott said that Councilmembers should be depending on communities and the CPC for input and advice, as the Council will ultimately draft the legislation regulating these services. Kathy Kenton noted that the following presentation advocated planting more trees and asked how the Climate Action Plan (CAP) and sidewalk liability related to tree roots could be reconciled. Elliott said there are policies that protect historically-designated trees and that these issues are on a collision course, particularly with how to make the Climate Action Plan consistent with existing policies. Mark Freed said that tree plantings should have barriers as a preventive and relatively inexpensive measure. Andrew Wiese asked if a fiscal analysis was ever done to compare costs for parkway versus residential trees and what the financial implications would be for adding 2.5 million more trees. Elliott asked staff to follow up with Park and Recreation. Pat Stark asked if City Attorney staff costs go against the homeowner's insurance policies. Elliott and staff replied that each party in a settlement bears their own costs but in a trial the prevailing party can request that their costs be covered. Moty advocated a line item on homeowner's property tax bill as a way to cover potential liability and share the cost.

6. TREE CANOPY & CLIMATE ACTION PLAN (CAP) – Information

Lesley Henegar, Senior Planner, presented information on implementing the tree planting component of the Climate Action Plan (CAP) to reduce carbon in the atmosphere. Henegar said that in 2016 the City spent \$6.2M on items related to trees. Henegar said the City's tree planting program primarily addresses climate change, warmer weather and carbon capture. Other issues trees address are public health, carbon sequestration, storm water runoff and conservation. Tree planting is the third most effective means for reducing carbon emissions, behind reducing landfill and transit emissions, according to Henegar. In 2016 a portion of a \$.75M CalFire grant went to fund a Lidar analysis which revealed that citywide tree canopy coverage is about 13%. Climate Action Plan (CAP) goals call for reaching 15% by 2020 and 35% by 2035. Henegar said that most of the City's effort would be directed toward planting trees in the sidewalk and public right-of-way, and the biggest return would be planting trees in residential, commercial and industrial properties. Henegar referred to a land use map showing the extent to which residential ownership represents the largest land use category city-wide to emphasize the impact residential tree planting would have on reducing carbon emissions. Henegar said it would cost \$100 to purchase a 15-gallon tree suitable for addressing CAP goals with watering costs running \$6 to \$16 annually. Henegar advised community members to refer to their community plan and street tree list for further guidance, as well as the City's website for a list of acceptable street trees.

Board Comment:

Comment focused on conflicting goals between the CAP and drought policies. In response to a comment by Henegar to continue watering trees in a drought for their shade properties, members felt that using more water is inconsistent with drought policies. Members also brought up that planting more trees contributes to fire hazard and is inconsistent with brush management policies. Henegar said that the City's Open Space division does not want non-native plants in parks and open space areas. During discussion regarding planting in open spaces Henegar said a comment came back that planting more natives in an ecosystem already considered native is an oxymoron, so the focus is on residential, commercial and industrial properties. Andrew Wiese objected to the idea that the region's canyons consist of native vegetation. Wiese said that the north-facing canyon slopes were historically scrub oak, and recommended planting low-water use trees, like scrub oak. David Swarens advocated deep watering trees for the first two years, which greatly reduces future water demand. Wally Wulfeck said that when a tree burns all the carbon that has been sequestered is released into the atmosphere, as when a tree dies. In response to Jeff Stevens, Henegar

said that large, fast growing, deciduous trees capture the most carbon and that a species of eucalyptus captures the most. David Moty asked how many trees would the average house need to have in order for the City to reach its climate action goals. Henegar replied that 22% of lot coverage would be the target.

7. QUICKWAY TRANSIT PROPOSAL – Information Item

Alan Hoffman, Lecturer, School of Public Affairs, SDSU, presented the Quickway Strategy, a transit concept proposing to create a more direct and better-located system for the region. Hoffman cited a New York Transit Center market research study of 17 cities on what gets people to use transit and found that door to door travel time is the number one factor. Also, station design mattered, as people expressed a desire to be protected while waiting. Finally, getting closer to destinations was more important than getting closer to residences. To maximize transit use Hoffman recommended: locating transit closer to people and employment destinations; make transit faster and more direct, to compete with auto driving; minimize waiting/headway time; design stations to make people feel safe and comfortable. The Quickway Strategy involves electric rapid buses for a regional, grade separated express network. Hoffman forecasted that Quickways would enable four to five times the level of transit ridership today and double return-on-investment over traditional transit plans.

8. REVIEW OF CPC APPOINTMENTS TO OUTSIDE BOARDS – Action Item

- Guy Preuss to continue as CPC appointee to CMT.
 - Vicki Touchstone and Leo Wilson were appointed to the Open Space Canyon Advisory Committee
 - Appointment to Parking Advisory Board postponed until July CPC meeting.
- Motion to approve appointments by CL, second by MM. Ayes: Unanimous

9. REPORTS TO CPC:

- Staff Report: Nancy Graham welcomed Lisa Lind as her replacement while on maternity leave. Nancy reminded members to turn in rosters for their respective CPGs. Also, annual reports are due after the March minutes are adopted. Nancy said staff is working on a matrix that will make the reporting easier. Nancy mentioned changes in City management including: Neighborhood Services is now split into Smart and Sustainable Communities (including Planning) under David Graham and Neighborhood Services under Bob Vacchi; Development Services under Elyse Lowe. DSD user fees were raised by 6% and more flat fee structures are anticipated for the future.
- Subcommittee Report: None
- Chair Report: Moty mentioned that Mike Hansen is tentatively scheduled for CPC the week of August 12, 2018.

ADJOURNMENT TO NEXT REGULAR MEETING: JULY 24 2018

The meeting was adjourned by Chair David Moty at 9:07 PM