

SAN YSIDRO COMMUNITY PLANNING GROUP

NOTICE OF PUBLIC MEETING

Location:

Governing Board Room
San Ysidro School District Education Center
4350 Otay Mesa Road (North of Beyer Blvd) in San Ysidro, California

Tuesday, February 16, 2009 at 5:30 p.m.

Chairman: Michael Cather (619) 239-9292

All Items Appearing On This Agenda May Be Acted Upon Without Further Notice

1. **Call to Order, Introduction and Roll Call.**
2. **Approval of Minutes:** January 19th, 2010
3. **Agenda Modifications** (Each item requires vote of 2/3rd of the quorum)
4. **Announcements:**

- a. Vacancies: 2
- b. Chair: **Public Notice of Elections**
- c. Group Members
- d. Staff & Officials
- e. Members of the Public

5. **Public Comment**

This place on the agenda is reserved for comments and inquiries from any person regarding matters which do not otherwise appear on the agenda. Comments and inquiries must be related to the Group's purposes, described in City Council Policy 600-24. A total of no more than 15 minutes will be devoted to public comments (unless waived by a vote of the Group) in order that the regular agenda may continue in a timely manner. At the presiding officer's discretion, the time allotted to each speaker may be restricted and will be applied equally to all speakers. Public comment on items appearing on this agenda is taken at the time the item is heard.

6. **Docket Items:**

a. **Action Item – San Ysidro Community Planning Group Annual Report**

Approve the SYCPG 2009 Annual Report and direct the Chairperson to submit it to the City in accordance with City Council Policy 600-24.

b. **Discussion Item/possible action item – Update information for the San Ysidro Tiaquis (Tianquiztli) project.**

Mr. David Flores will present update information for the project including the City review regarding traffic.

c. **Discussion Item – San Diego Housing Commission – Affordable Housing Fund Annual Plan**

Lisa Wolf, Program Analyst for Special Housing Initiatives with the San Diego Housing Commission will be making a presentation.

SAN YSIDRO COMMUNITY PLANNING GROUP

d. **Discussion Item – Medical Marijuana Task Force**

On October 6th, 2009 the San Diego City Council voted to establish a Medical Marijuana Task Force. Council Representative Kim L. Nguyen for Councilmember Marti Emerald, Council District 7 has requested that the Task Force meet with the community planning groups. Task force member Larry Sweet will lead a discussion and clarification of the Task Force recommendations to the City Council. Possible future action item.

7. **Subcommittee Reports**

a. **Election Subcommittee**

1. Report from the Election Subcommittee
2. Nominations from the Floor
3. Candidate Forum (the Chairperson will determine the time allowed for each candidate to speak)

8. **Representative's Reports**

- a. SY POE Expansion & Reconfiguration - (Adato)
- b. SY Smart Border Coalition – (Otto)
- c. Community Planners Committee – (Cather/Otto)
- d. Otay Mesa Planning Group - (Paul)
- e. Transportation Collaborative - (Goudeau)
- f. SY Project Area Committee (PAC) - (Freedman)

SAN YSIDRO COMMUNITY PLANNING GROUP
Minutes from January 19, 2010

1. Call to order: At 5:30 p.m. Chairman Michael Cather called meeting to order.

Roll Call: Present: I. Adato (5:37 pm); J. Barajas; M. Cather, T. Currie (5:43 pm); M. Freedman; J. Goudeau, A. Gunderson; S. Otto; M. Paul; A. Perez, J. Wyman.

Absent: B. Gonzalez; S. Gonzalez; R. Moran, F. Sanchez.

Quorum of 9 present at Call to Order & Item 2.

Quorum of 10 present for Item 6.a. (I. Adato was out of room at time of vote.)

2. Approval of Minutes of Previous Meeting: **A motion was made by M. Freedman and seconded by A. Gunderson to approve the minutes of November 16, 2009. Motion Passed (9-0-0) Yes: J. Barajas, M. Cather, M. Freedman, J. Goudeau, A. Gunderson, S. Otto, M. Paul, A. Perez, J. Wyman. Noes: None. Abstain: None. A motion was made by S. Otto and seconded by J. Wyman to approve the minutes of Special Meeting of December 14, 2009. Motion Passed (9-0-0) Yes: J. Barajas, M. Cather, M. Freedman, J. Goudeau, A. Gunderson, S. Otto, M. Paul, A. Perez, J. Wyman. Noes: None. Abstain: None.**
3. Agenda Modifications: **None.** ["Subcommittee Reports," normally included as Item 7, were left off the published Agenda by an oversight, and so were added as Item 8.]
4. Announcements:
- a) Vacancies: Two Vacancies were announced due to 4 absences of R. Moran and S. Gonzalez.
 - b) Chairman: Announced that election for 7 seats will be held on March 15, 2010. A public notice with details was distributed with this month's agenda.
 - c) Group Members: San Ysidro Chamber of Commerce Installation Dinner will be held at the Admiral Kidd Club on February 12, 2010; call 619.428.1281 for details.
Border Patrol Informational meeting on Thursday January 22, 2010 at 5:30 pm in Imperial Beach.
E-Waste Clean Up at Beyer School on January 30, 2010.
A. Gunderson: Casa Familiar, SY Business Association and SY Chamber of Commerce have applied for a CalTrans Environmental Justice Planning Grant thru the City of San Diego. Casa Familiar, SY Business Association and SY Chamber of Commerce have applied for a grant thru the San Diego Foundation to study green spaces and air quality in San Ysidro.
 - d) City Officials: None
 - e) Members of the Public: None
5. Public Comment: None.
6. Docket Items:

a. **Resignation of M. Freedman as representative to SYPAC and appoint replacement:** The resignation of M. Freedman as the representative to the SYPAC is effective as of the adjournment of this meeting. The resignation is due to Mr. Freedman's appointment to the Citizens' Review Board on Police Practices. The CRB meeting dates conflict with the SYRPAC meetings. Chairman Cather offered to be the representative to the SYRPAC. **A motion was made by J. Goudeau and seconded by S. Otto to appoint M. Cather as the San Ysidro Community Planning Group Representative to the SYPAC. Motion Passed (10-0-0). Yes: J. Barajas, M. Cather, T. Currie; M. Freedman, J. Goudeau, A. Gunderson, S. Otto, M. Paul, A. Perez, J. Wyman. Noes: None. Abstain: None. (I. Adato was not present for this vote.)**

b. **Establishment of the Election Subcommittee:** T. Currie, A. Gunderson, J. Wyman and J. Goudeau were appointed by the Chairman to serve on the subcommittee.

7. Representative Reports:

- a. SY POE Expansion & Reconfiguration (Adato): No Meeting. GSA has started work on the pedestrian bridge.
- b. SY Smart Border Coalition (Otto): The State of Baja California is aggressively buying land for the Mexican/TJ intermodal center. CalTrans transferred Right-of-Way under the "Bridge Deck Plaza" to GSA. CalTrans is to report to the Coalition on the actual boundaries of the ROW.
- c. Community Planners Committee (Cather/Otto): Discussion on Medical Marijuana dispensaries. M. Cather to attached minutes.
- d. Otay Mesa Planning Group (Paul) - Meeting tomorrow. M. Paul to attach minutes. The Otay Mesa Community Plan is complete.
- e. Transportation Collaborative (Goudeau)- No Meeting.
- f. SY Project Area Committee (PAC) (Freedman) – No Meeting.

8. Subcommittee Reports:

- a. Infrastructure and Public Improvements: In the FY-10 budget there is money to complete 9 locations for street lights, 86 locations for sidewalk repairs, and two traffic signals (Averil at WSYB and Beyer at Smythe Crossing). The subcommittee requests an accounting of DIF and TOT funds available for use in San Ysidro.

9. Other Items: None

Meeting Adjourned at 6:30 p.m.

Minutes submitted by Jennifer Goudeau, Secretary

SAN YSIDRO COMMUNITY PLANNING GROUP
ELECTION SUBCOMMITTEE
Minutes from January 26, 2010

Roll Call: Present: T. Currie, A. Gunderson, J. Goudeau

Jennifer Goudeau was elected the Chairperson of this subcommittee.

An e-mail will be sent by A. Gunderson to all current board members whose term is up in March 2010, which include to M. Cather, R. Freedman, S. Otto, M. Paul, A. Perez and F. Sanchez to see if they are interested in running for re-election. If M. Freedman, S. Otto, M. Paul, and A. Perez choose to run for re-election, they must receive a 2/3 majority of the vote due to service beyond eight consecutive years.

Amy Gunderson will place a notice of Election at the Post Office, Library, The Front and the Civic Center. T. Currie will place a Notice of Election at the Community Service Center and J. Goudeau will e-mail a Notice of Election to M. Paul with a request to place at the SY School District offices.

The subcommittee will also request that the Chair add time for a candidate introduction to the next Community Planning Group meeting.

SAN YSIDRO COMMUNITY PLANNING GROUP

January 19, 2010

	ROLL CALL	11.16.09	12.14.09	3 Agenda	6a Resign	6.b	6.c	6.d	6.e
		2 Minutes	2 Minutes						
ISRAEL ADATO	5:37				NP				
JOSE BARAJAS	P	Y	Y		Y				
MICHAEL CATHER	P	Y	Y		Y				
THOMAS CURRIE	5:43				Y				
MICHAEL FREEDMAN	P	M-Y	Y		Y				
BERTHA ALICIA GONZALEZ	A								
SALVADOR GONZALEZ	A								
JENNIFER GOUDEAU	P	Y	Y		M-Y				
AMY GUNDERSON	P	S-Y	Y		Y				
RAQUEL MORAN	A								
STEVEN OTTO	P	Y	M-Y		S-Y				
MANUEL PAUL	P	Y	Y		Y				
ALBERTO PEREZ	P	Y	Y		Y				
FILEX SANCHEZ	A								
JANE WYMAN	P	Y	S-Y		Y				
CALL TO ORDER 5:30PM	9-6	9-0	9-0		10-0				

I.ADATO 5:37 PM 10-5

T.CURRIE 5:43 11-4

Adjourn 6:30

P = Present ex = excused ux = unexcused (x-x-x) = (P-ex-ux)	m = maker of Motion s = second of Motion Y = "Yes" vote N = "No" vote np = not present for vote abs = abstain rec = recused (x-x-x-x) = (Y-N-abs-rec)
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SAN YSIDRO COMMUNITY PLANNING GROUP

June 2009 to March 2010

	Special Meeting											
	April	May	June	July	August	September	October	November	December	January	February	March
	2009	2009	2009	2009	2009	2009	2009	2009	2009	2010	2010	2010
ISRAEL ADATO			P	P	N	A	N	P	P	P		
JOSE BARAJAS			A	P	O	A	O	P	P	P		
MICHAEL CATHER			P	P		P		P	P	P		
THOMAS CURRIE			A	P	M	A	M	P	P	P		
MICHAEL FREEDMAN			P	P	E	P	E	P	P	P		
BERTHA GONZALEZ			P	P	E	P	E	P	A	A		
SALVADOR GONZALEZ			A	A	T	P	T	A	A	A		
JENNIFER GOUDEAU			P	P	I	P	I	P	P	P		
AMY GUNDERSON					N	P	N	P	P	P		
RAQUEL MORAN			A	P	G	A	G	A	P	A		
STEVEN OTTO			P	P		P		P	P	P		
MANUEL PAUL			A	P		P		P	P	P		
ALBERTO PEREZ			P	P		A		P	P	P		
FILEX SANCHEZ			P	A		P		P	A	A		
JANE WYMAN			P	P		P		P	P	P		

SAN YSIDRO COMMUNITY PLANNING GROUP
(March 2010)
PUBLIC NOTICE OF ELECTIONS

Elections will be held for seven (7) of the fifteen (15) seats on the *San Ysidro Community Planning Group* on Tuesday March 15, 2010, **between 5:30 p.m. and 6:30 p.m. The term is for four years ending in March, 2014. Location: San Ysidro School District Board Room, 4350 Otay Mesa Road (north of Beyer Blvd) in San Ysidro.**

The SYCPG was formed and recognized in 1967 by the City Council of the City of San Diego to make recommendations to the City Planning Commission, City Council, City staff, and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan and/or the San Ysidro Community Plan. The SYCPG also advises on other land use matters as requested by the City of San Diego or other governmental agencies.

The community plan boundaries are generally described as: starting at the intersection of I-905 and I-5; southeast along I-5 to Dairy Mart Road; south to Camino De La Plaza, Tijuana River Levee, and International border; east to the top of the mesa hillsides; northwest to the intersection of I-805 and I-905; west along I-905 to its intersection with I-5.

TO VOTE IN THE ELECTION: must be a General Member who is: (1) at least 18 years of age; AND (2) a property owner, or designee of the property owner; OR (3) a resident; OR (4) a local businessperson or not-for-profit with a business address in the community and employees or operators of the business at that address. **Eligibility must be established and verified before the election (or at the time of voting by the Election Subcommittee), in accordance with paragraph "D" of Appendix "C" of the SYCPG Bylaws (June 11, 2009).**

TO BE A CANDIDATE FOR ELECTION a person who is not already a General Member must have attended at least one of the last 12 meetings, and have an application on file by February 15, 2010. At the SYCPG regular meeting on Monday, February 15, 2010, candidates will be announced. Other nominations will be considered at that time, if qualification can be determined. Thereafter, nominations will be closed and the ballot finalized for the March election.

Regular monthly meetings, generally lasting 1½ to 2 hours, are held on the third Monday of each month at 5:30 p.m.

General Membership applications and boundary maps are available at the San Ysidro Neighborhood Services Center, 663 E. San Ysidro Boulevard and from the Chairman and Secretary.

FOR MORE INFORMATION:

Chairman: Michael Cather: (619) 337-2884 (mcather@rjcarch.com)

Secretary: Jennifer Goudeau: (760) 942-3437 (jgoudeau@barobgroup.com)

City of San Diego Planner: Sara Lyons (619) 236-6368 (slyons@sandiego.gov)

Also visit: <http://www.sandiego.gov/planning/community/cpg/>

This information will be made available in alternative format upon request. To request an agenda in alternative format, to request a sign language or oral interpreter, or to request Assistive Listening Devices (ALD's) for the meeting, you must call the City of San Diego at (619) 235-5200 at least five working days prior to the meeting to insure availability.

EXHIBIT "B"

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: _____

() NON-RESIDENT 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.

EXHIBIT "C"

ELECTION PROCEDURES

A. AUTHORITY

The procedures in this Exhibit "C" include all of the requirements contained in Article V, and Article VIII, Section 1(e) of the bylaws. The *Elections Handbook* (which is an attachment to the "*Administrative Guidelines for Implementation of Council Policy 600-24: Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups*") provides general guidance for the election process. Where revisions to the procedures in those documents conflict or are inconsistent with the procedures in this Exhibit "C", the revisions shall take precedence and shall have the same effect as if this Exhibit "C" were amended to conform to those referenced procedures, except where options to the procedures are permitted.

B. ELECTION SUBCOMMITTEE

1. No later than January of an election year, the Chairperson shall establish an Election Subcommittee of at least three (3) but no more than five (5) persons not standing for election. The subcommittee may include "eligible community members" so long as the majority of the subcommittee are elected members. A subcommittee chairperson shall be responsible for the conduct of the committee's business.

2. The subcommittee shall:

- select a subcommittee chairperson
- solicit "eligible community members" to become candidates
- develop and implement a process for the promotion of the March election
- prepare a sample ballot for distribution with the March agenda
- prepare the two official ballots with names randomly placed for the March election
- supervise the election process
- review each voter's qualification (see paragraph "D")
- cross-check eligible voters with the master membership list
- issue one (1) official ballot for each qualified voter
- tabulate the ballots
- determine the legality of all ballots cast
- convey the results of the election to the SYCPG Chairperson
- collect and seal all ballots cast, defaced, replaced or disqualified

3. At the February meeting, the Election Subcommittee shall present to the planning group a complete list of interested candidates collected up to that point in time. Development and promotion of "slates" of candidates is contrary to the intent of Council Policy 600-24 and is not allowed. Candidates may be added at the February meeting. The February SYCPG agenda may docket as an information item a "Candidate Forum." The SYCPG Chairperson may limit the time for each candidate to speak.

4. The Elections Subcommittee shall be disbanded twenty-four (24) hours after the election is final unless a challenge is filed in accordance with the Challenge Criteria herein.

C. CANDIDATE REQUIREMENTS

1. Must be at least 18 years of age, and
2. Must be an “eligible community member” (Art. III, Sect. 2):
 - 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.

and,

3. Must have an *Application for General Membership* on file with the Secretary, and
4. Must have attended at least one of the SYCPG’s last 12 meetings prior to the February regular meeting preceding the election, documented by the Secretary. A candidate may be added at the February regular meeting provided the candidate can establish eligibility.

5. Council Policy 600-24 requires that elected members shall, to the extent possible, be representative of the various geographic sections of the community, and diversified community interests. Not-for-profits that are representative of the diversified community interests can be included among the elected members of the SYCPG. The governing body or chief executive must designate in writing the person who will be their candidate. An *Application for General Membership* will be required from the designee indicating the organization and its address in the community.

D. VOTER REQUIREMENTS

1. Must be an “eligible community member” (see C.1, 2, 3 and 5, above).
(Attendance at a meeting per C.4. is NOT a requirement for voting eligibility).
2. Eligibility must be established prior to the March election or at the time of voting.
3. Must be on the Master Membership List maintained by the Secretary, or identity and eligibility can be verified at the time of voting by the Election Subcommittee.
4. Must present proof of identity at the polling location. The following are some of the documents that may be used to prove eligibility:
 - California driver’s license or identification card
 - lease, rental agreement or rent receipt
 - most recent utility bill
 - deed to real property
 - property tax bill
 - current Business License
 - letterhead document stating that you have been selected by the member not-for-profit as its voting representative
 - any other documents or materials that the Election Subcommittee may deem acceptable

E. BALLOTS AND VOTING

1. Voting shall be by secret written ballot.
2. Proxy, mail-in, and/or write-in balloting shall not be permitted.
3. Candidates with less than eight (8) consecutive years of service shall be seated in order of the plurality of total qualified votes cast.
4. If there are any seats remaining, they shall be filled, in order of plurality, by candidates with more than eight (8) consecutive years of service, provided first that they receive at least a two-thirds majority of the total qualified votes cast. The number of individuals serving more than eight (8) consecutive years shall in no case exceed twenty-five percent (25%) of the voting committee membership.
5. Any remaining open seats shall be declared vacant, and the procedures for vacancies in Article IV shall apply, but not earlier than the next regular meeting.
6. Sample and official ballots shall clearly identify:
 - which seats individual candidates are running for
 - how many candidates can be selected
 - any limitations on which candidates the various categories of “eligible community members” can vote for
 - which candidates must receive a two-thirds (2/3rds) majority vote due to service beyond eight consecutive years
7. Only members of the Election Subcommittee shall handle and count the ballots. The tabulation shall include:
 - the total number of ballots cast
 - the number of illegal ballots
 - the number of disqualified ballots
 - the total qualified ballots counted
 - the number of total qualified votes cast for each candidate by name
 - the percentage of the total qualified votes cast for each candidate by name

F. POLLS

1. Polls shall be located so as to be accessible to the general public and to persons with physical limitations.
2. In general, the poll location should be at the same place and time as the SYCPG holds its regular meetings, unless circumstances warrant a change in location or time. Another location or additional locations or times shall be announced in the March agenda.
3. All polls shall be operated on the same day, but may stagger times.
4. Where more than one polling place/time is necessary, additional procedures regarding the handling and transportation of ballots and other procedures relating to the election process shall be developed by the Election Subcommittee with the advice and assistance of City staff and the City Attorney.
5. The polling place(s) and time(s) shall be posted at each location at least 72 hours prior to the opening of a polling location.

G. ELECTION RESULTS AND REPORTING

1. The Election Subcommittee will present the results to the SYCPG Chairman.
2. At the conclusion of the March meeting, the Chairperson will announce the election results. The election then becomes final.
3. The Chairperson is responsible for preparing, certifying and forwarding an election report to the City.
4. Newly elected members shall be seated in April at the start of the regular meeting in order to allow their full participation as elected members at that meeting.
5. The sealed ballots shall be retained by the chairperson of the Elections Subcommittee for a period of sixty (60) days.

H. CHALLENGE CRITERIA

1. Any challenge to the election results must be filed with the chairperson of the Elections Subcommittee in writing within twenty-four (24) hours of the counting of the ballots in order to allow enough time to resolve the issue.
2. The Elections Subcommittee chairperson shall within ten (10) business days prepare a written appraisal of the challenge and submit the documents to the City staff or City Attorney as appropriate.
3. If it is determined that a recount of the ballots cast is required, then the Elections Subcommittee chairperson will submit the sealed ballots to City staff or City Attorney, as applicable, for an independent recount or other disposition.
4. If a challenge is found to be valid, then City staff or the City Attorney should advise options that could cure the challenge.

THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

Report No. 09-165

DATE ISSUED: November 12, 2009

ATTENTION: City Council

SUBJECT: Recommendations from the Medical Marijuana Task Force

REQUESTED ACTION: Accept the Report

BACKGROUND:

On October 6, 2009, the San Diego City Council voted to establish a Medical Marijuana Task Force [hereinafter "Task Force"] to advise the City Council on: (1) guidelines for medical marijuana patients and primary caregivers; (2) guidelines for the structure and operation of medical marijuana cooperatives and/or collectives; and (3) guidelines for police department enforcement regarding medical marijuana. The resolution establishing the Task Force further provided that the Task Force was to report back to the City Council by the end of 2009 with recommendations regarding land use and zoning issues. The Council appointed eleven members, with a broad range of perspectives and backgrounds, to serve on the Task Force. This report provides a summary of the Task Force's work along with its recommendations regarding land use and zoning regulations for collectives and cooperatives that dispense medical marijuana to qualified patients.

OVERVIEW:

The Task Force met five times over the course of five weeks to discuss recommendations for the land use and zoning of medical marijuana collectives and cooperatives within the City of San Diego. The meetings were conducted pursuant to the Brown Act and open to the public. The Task Force was fortunate to receive helpful input from the public at these meetings and relied on a wide range of documents and reports to inform our work, including ordinances from over three dozen other cities and counties in California regulating medical marijuana collectives and cooperatives. The Task Force's recommendations appear in full below. In general, however, the recommendations reflect a shared belief by the Task Force that the best way for the City Council to address the issue of medical marijuana collectives and cooperatives is to adopt an ordinance that closely regulates such entities. We believe that by closely regulating collectives and cooperatives, the City of San Diego can ensure that qualified patients have safe access to their lawfully recommended medicine and prevent against the dangers attendant to unregulated or otherwise illegitimate operators. Though some members of the Task Force differed on specific recommendations, we all were in agreement on this central principle. In addition, while the members who voted against specific recommendations adhere to those votes, at the conclusion of the Task Force's work, the Task Force unanimously voted to approve a draft of this report as a package of recommendations for your further consideration.

RECOMMENDATIONS:

The Task Force voted on recommendations for a number of specific land use and zoning-related issues. We considered and voted on each issue one at a time. By the nature of the project, the Task Force could not consider and vote on every possible land use or zoning-related consideration. Accordingly, these recommendations are meant to provide general advice to the City Council about the items that we believe would be especially important to include in any ordinance that regulates the land use and zoning of medical marijuana collectives and cooperatives. The following is a list of each recommendation of the Task Force, along with a voting breakdown and, where helpful, brief explanatory text.

- **Permitting process for dispensing cooperatives and collectives:** The Task Force recommends that the City of San Diego implement a two-tiered permitting system for medical marijuana cooperatives and collectives, whereby dispensing cooperatives and collectives with less than 100 members may obtain a use permit through a Process 2 as described in Chapter 11 Article 02 Division 5 of the San Diego Municipal Code and dispensing cooperatives and collectives with 100 or more members must obtain a use permit through a Process 3 as described in Chapter 11 Article 02 Division 5 of the San Diego Municipal Code.

- Vote: This recommendation was adopted by a vote of 9-2 (aye – Larry Sweet, John Minto, Dave Potter, Alex Kreit, Mark-Robert Bluemel, Kim Twolan, Craig Balben, Rev. Wayne Riggs, Dr. Tom Cummings; nay – Dave Martin and Stephen Whitburn.)

- Background: Prior to adopting this recommendation, the Task Force reached a tie vote of 5 – 5 in an earlier meeting on the question of whether to allow cooperatives and collectives to exist by right under a Process 1 as described in the San Diego Municipal Code (aye – Stephen Whitburn, Larry Sweet, Tom Cummings, Mark-Robert Bluemel, Kim Twolan; nay – John Minto, Dave Potter, Alex Kreit, Craig Balben, Rev. A. Wayne Riggs; Dave Martin Absent.) During that vote, some of the members who voted to support a “by right” process expressed concern that there was a possibility a purely discretionary process may result in blanket denials of permits.

The Task Force ultimately voted to recommend the two-tiered system described above after concluding that a discretionary permitting process for medical marijuana cooperatives and collectives has proved to be successful in other cities and counties in California. A majority of the Task Force felt that the relevant discretionary standards in the San Diego Municipal Code would ensure that permits will be issued to cooperatives and collectives who meet the necessary requirements of Processes 2 and 3.

- **Permitting Renewals:** The Task Force recommends that conditional use permit expiration and renewal for dispensing collectives and cooperatives follow the process outlines in Chapter 12 Article 6 Division 3 of the San Diego Municipal Code.

- Vote: 11-0

• **Zoning of Dispensing Medical Marijuana Collectives and Cooperatives:** The Task Force recommends that dispensing cooperatives and collectives be allowed to locate (by permit as outlined above) in the following zones under the City of San Diego Municipal Code: Commercial – Regional (CR), Commercial – Office (CO), Commercial – Community (CC), Commercial—Neighborhood (CN), Commercial – Visitor (CV), Industrial – Park (IP), Industrial – Light (IL) and Industrial – Heavy (IH).

• Vote: 11-0.

• Background: The original proposed motion included all of the zones that are included in the final recommendation except for CN and CV. The CN and CV zones were added pursuant to amendments that passed by votes of 8-3 (aye – Larry Sweet, Craig Balben, Mark-Robert Bluemel, Dr. Tom Cummings, Kim Twolan, Rev. Wayne Riggs, Stephen Whitburn, Alex Kreit; nay – Dave Martin, Dave Potter, John Minto) and 9-2 (aye- Dr. Tom Cummings, Craig Balben, Kim Twolan, Mark-Robert Bluemel, Dave Martin, Dave Potter, Stephen Whitburn, Alex Kreit; nay – John Minto, Larry Sweet) respectively.

• Location within Planned District Ordinances; The Task Force recommends that the City of San Diego include uses similar to those recommended by the Task Force for base zones in Planned District Ordinances (PDOs). Vote: 10-0-1 (Dave Martin absent).

• **Distance requirements to be placed on dispensing collectives and cooperatives:** The Task Force recommends that the dispensing cooperatives and collectives within the City of San Diego shall not be located: (a) within a 1,000-foot radius of schools, playgrounds, libraries, child care facilities, and youth facilities, including but not limited to youth hostels, youth camps, youth clubs, etc., and other similar uses; and dispensing cooperatives and collectives within the City of San Diego shall not be located (b) within a 500-foot radius of other dispensing cooperatives and collectives.

• Vote: Recommendation (a) was approved by a vote of 8 – 3 (aye – Larry Sweet, Dave Potter, Alex Kreit, Stephen Whitburn, Mark-Robert Bluemel, Kim Twolan, Rev. Wayne Riggs, Dr. Tom Cummings; nay – John Minto, Dave Martin, Craig Balben). Recommendation (b) was approved by a vote of 9 – 2 (aye – Larry Sweet, John Minto, Dave Potter, Dave Martin, Alex Kreit, Stephen Whitburn, Mark-Robert Bluemel, Kim Twolan, Rev. Wayne Riggs; nay – Craig Balben, Dr. Tom Cummings).

• Background: The Task Force also considered whether to include parks and places of religious worship among the locations specified in recommendation (a). The original proposed motion included parks and places of religious worship among the specified locations, but each was removed pursuant to amendments that each passed by a vote of 7 – 4 (aye – Larry Sweet, Alex Kreit, Stephen Whitburn, Mark-Robert Bluemel, Kim Twolan, Rev. Wayne Riggs, Dr. Tom Cummings; nay – John Minto, Dave Potter, Dave Martin, Craig Balben).

• **Not-for-Profit Operation:** The Task Force recommends that the City require dispensing collectives and cooperatives to submit, as part of their application for a conditional use permit, evidence that they are incorporated as statutory cooperatives or bona fide nonprofit corporations, or documentation outlining their plans for operating in a not-for-profit manner, as contemplated by the Attorney General's guidelines.

• Vote: 11-0.

• **Security:** The Task Force recommends that the City of San Diego require medical marijuana cooperatives and collectives to have an adequate and operable security system that includes security cameras and alarms and for a licensed security guard to be present at the cooperative or collective at all times during business hours. All security guards must be licensed and possess a valid Department of Consumer Affairs "security guard card" at all times.

• Vote and background: 7-3-0 (aye – John Minto, Dave Potter, Dave Martin, Alex Kreit, Stephen Whitburn, Craig Balben and Rev. Wayne Riggs; nay – Larry Sweet, Mark-Robert Bluemel, Dr. Tom Cummings; absent – Kim Twolan). Some dissenting members expressed concern that the security requirements, particularly the requirement concerning a licensed guard, may be too costly for smaller cooperatives and collectives.

• **Lighting:** The Task Force recommends that the City of San Diego adopt the following use requirement with regard to lighting for medical marijuana cooperatives and collectives: lighting shall adequately illuminate the dispensing cooperative and collective, its immediate surrounding area, any accessory uses including storage areas, the parking lot, the dispensing cooperative and collective's front façade, and any adjoining public sidewalk; and lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

• Vote: 10-0-0 (Kim Twolan absent).

• **Hours of Operation:** The Task Force recommends that the hours of operation for medical marijuana cooperatives and collectives shall be limited to 7:00 A.M. to 9:00 P.M. seven days a week.

• Vote: 9-1-0 (aye – Larry Sweet, John Minto, Dave Potter, Dave Martin, Alex Kreit, Stephen Whitburn, Mark-Robert Bluemel, Rev. Wayne Riggs, Dr. Tom Cummings; nay – Craig Balben; absent – Kim Twolan).

• **Signage:** The Task Force recommends that the City of San Diego place the following use conditions on the signage of dispensing cooperatives and collectives: (a) all signage shall comply with San Diego's current ordinance as described in Chapter 14 Article 2 Division 12 of the San Diego Municipal Code (b) That signs will remain limited to the name of the establishment and the design limited to two colors. (c) That all dispensaries shall display on their wall sign or identification sign, the name and emergency contact phone number of the operator or manager in letters at least two inches in height. (d) That dispensaries shall post a legible indoor sign in a conspicuous location containing the

following warnings: (i) That the diversion of marijuana for non-medical purposes is a violation of state law; (ii) That the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery; and (iii) That loitering on and around the dispensary site is prohibited by California Penal Code section 647(e).

• Vote: 11-0

CONCLUSION: The Task Force recommends that the City of San Diego closely regulate medical marijuana collectives and cooperatives in order to ensure that qualified patients have safe access to their lawfully recommended medicine and to prevent against the dangers attendant to unregulated or otherwise illegitimate operators. While the Task Force members who voted against specific recommendations adhere to those votes, at our final meeting, the Task Force unanimously voted to approve a draft of this report as a package of recommendations for your further consideration.

FISCAL CONSIDERATIONS: NONE

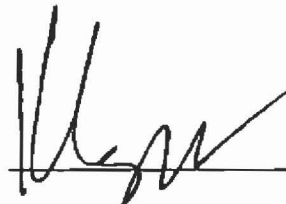
PREVIOUS COUNCIL and/or COMMITTEE ACTION: NONE

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: NONE

KEY STAKEHOLDERS AND PROJECTED IMPACTS: NONE



Task Force Chair



City Council Staff to the Task Force