

Community Planners Committee

Planning Department • City of San Diego • 202 C Street, 5th Floor, San Diego, CA 92101

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CPC MINUTES OF THE MEETING OF JULY 25, 2006

MEMBERS PRESENT:

Donna Nenow, Carmel Valley
Paul Robinson, Centre City
Michael Sprague, City Heights
Eleanor Mang, Clairemont Mesa
Steve Laub, College Area
Paul Metcalf, Del Mar Mesa
Laura Riebau, Eastern Area
Pat Shields, Greater Golden Hill
Vicki Granowitz, Greater North Park
Tom Hebrank, Kensington/Talmadge
Tim Golba, La Jolla
Ed Cramer, Linda Vista
William Kenton, Midway
Jeff Stevens, Mira Mesa
Tracy Reed, Miramar Ranch North

Karen Ruggels, Mission Valley
Frank Busic, Old Town
Mel Ingalls, Otay Mesa
Wayne Nelson, Otay Mesa/Nestor
Kathy Mateer, Pacific Beach
Cynthia Conger, Peninsula (7:25 p.m.)
Jim Denton, Rancho Bernardo
Jooste Bende, Penasquitos
Doug Wescott, Serra Mesa
Guy Pruess, Skyline-Paradise Hills
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Faye Detsky-Weil, Torrey Pines
Linda Colley, University
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: None.

NON ELIGIBLE REPRESENTATIVE PRESENT: Paul Metcalf, Del Mar Mesa

OTHERS PRESENT:

City Staff: Betsy McCullough, Jackie Dominguez, Jeff Strohming, Bill Levin and Alex Sachs

Guests:

NOTE: *The sign-in sheets that are 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:** Steve Laub called the meeting to order at 7:03 p.m. and proceeded with roll call.
2. **NON-AGENDA PUBLIC COMMENT:** Jim Varnadore reported that the News Rack Task Force Ordinance was enacted. Mr. Varnadore expressed concerns regarding San Diego County Regional Airport Authority's Ballot Measure that proposes the use of MCAS Miramar for a commercial, international airport. The issue will go to voters as an advisory measure on November 7, 2006.



This information will be made available in alternative formats upon request. To request an agenda in alternative format, or to request a sign language or oral interpreter for the meeting, call 533-3650 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD'S) are available for the meeting upon request.

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Katheryn Rhodes of Point Loma expressed concern that Development Services Department (DSD) and the building industry are attempting to reduce the influence of community members and outside organizations on projects. Ms. Rhodes said that DSD is trying to get rid of the coastal overlay zone and the single family coastal exemption among other things and that DSD is bypassing CPC and going straight to the Coastal Commission.

Pat Shields expressed concern over the lack of communication from the Mayor's office. Ms. McCullough explained that she and Mr. Strohminger are representatives of the Mayor, and in addition, Deputy Chief of City Planning and Community Investment (CPCI), Jim Waring has offered to attend the CPC meetings. Also, CPCI Director, Bill Anderson will be attending the CPC meetings fairly regularly. Ms. Shields stated that she has written several letters to the Mayor and has not received even a form letter back. Steve Laub said that he would contact Mr. Waring and make him aware that we miss the representation at our planning group meetings and request his attendance at the next CPC meeting to address these issues.

Eric Germain acknowledged Mr. Varnadore for his efforts to defeat the November Ballot Measure to protect Lindbergh Field and keep the air station at MCAS Miramar as a Marine Corps Base. Mr. Germain said that if the Ballot Measure passes, eventually there will be a mandate from the public for an airport rather than the Marine Corps Base. Mr. Germain encouraged the committee to support the efforts to defeat this Measure and to visit the website www.savemiramar.org for more information.

3. **MODIFICATIONS TO AGENDA:** Betsy McCullough requested a modification to the agenda to discuss the Business Process Re-engineering (BPR) and how it relates to Development Services and community input. She explained that the request is due to the timing of the BPR and because there is no regular meeting of the CPC next month. Laura Riebau moved to modify the agenda to add the BPR discussion item after the Housing Element. The motion was seconded by Dash Meeks and approved 27-1-0.
4. **PLANNING DIRECTOR'S REPORT:** Mrs. McCullough asked to return to CPC at a later date to discuss the Recreation and Public Facilities Elements, due to incomplete information that has been disseminated. She also reported that most of the CPG agendas are now on the City's website. Work continues to get our TV 24 television show up and running. A request was made to the CPGs to make every effort to get their agendas to us in the required time frame, so that we can coordinate getting the television show assembled and the agendas posted to the web in a timely manner.
5. **APPROVAL OF THE MINUTES:** Tracy Reed stated that the April Minutes should read Miramar Ranch North not Miramar Mesa Ranch. It was moved, seconded and unanimously approved to accept the Minutes of April 25, 2006 as corrected. Approval of the Minutes of June 27, 2006 was deferred until the next meeting, pending correction of grammatical and typographical errors.
6. **POTENTIAL ACTION ITEMS RELATED TO COUNCIL POLICY 600-24, ADMINISTRATIVE GUIDELINES AND O-17086:** (Action Items) Tim Golba summarized the lawsuit situation. On May 4, 2006, the La Jolla Community Planning

Association (LJCPA) was served with a lawsuit brought by a citizen group, filing six causes of action against the LJCPA. The information was immediately forwarded to the City Attorney's office for defense and indemnification. The LJCPA did not receive a response to their initial request for representation. After three letters written to the City Attorney's office, the LJCPA finally received a letter on May 17, 2006 that indicated the City Attorney's office would not provide representation to the LJCPA because the filing was for declaratory relief, not for damages. Mr. Golba pointed out that all six actions brought against the LJCPA also include provisions for attorney's fees and other costs as justified by the court. Mr. Golba maintains that the LJCPA cooperated fully with the City Attorney's office, that the City Attorney did not investigate the LJCPA's side of the story and that the City Attorney was presuming bad faith by not defending the LJCPA.

Alex Sachs was present on behalf of the City Attorney. Mr. Sachs said that several attorneys, Kathryn Burton, Karen Heumann, Dave Potter and himself have been associated with community planning groups. Mr. Sachs indicated that the lawsuit was seeking declaratory relief versus monetary damages. He explained that Council Policy 600-24 envisioned lawsuits by developers that come forward to challenge the official actions of a CPG and that this was not the basis for the lawsuit that was filed in La Jolla. The lawsuit was filed based upon allegations of an active effort to disenfranchise individuals from participation in the La Jolla community planning process. Mr. Sachs discussed amendments to the state constitution several years ago, to provide for more openness and access in the governmental process. In response to a question by the Chair, Mr. Sachs responded that he did not know if the Brown Act was specifically amended, but that the City Attorney does want to take a second look at Brown Act applicability. In a response to the Chair's question regarding what the CPGs need to do to make sure they are indemnified and defended by the City, Mr. Sach's said go back and look at the specifics of the Council Policy 600-24 and operate in conformance to avoid lawsuits.

Discussion ensued and CPC members made the following comments:

- Several of the CPGs want to be subject to the Brown Act.
- Several CPGs advised the City Attorney to presume a CPG has acted appropriately and speak with the CPG before presuming any wrong-doing or misconduct.
- Several CPGs requested more staff support, legal and clerical, as well as funds to support their efforts.
- Several CPGs indicated that service wasn't worth the risk without indemnification and representation.
- Several CPGs indicated that the City Attorney was wrong to presume only lawsuits from developers for money. They've been sued by neighbors and interest groups.
- Several indicated that a judicial review was in order if there was unclear interpretation of applicability of laws and policies to the CPGs by the City Attorney's office.
- Questions were raised about recent state law changes and the Brown Act.

Steve Laub advised the City Attorney against ad hoc determinations of individual cases. Mr. Laub urged the City Attorney to follow procedures in place and consistent interpretations. The Chair

discussed the necessity of feedback between the CPGs through the CPC and the City Attorney's office.

Alex Sachs advised the CPGs that the current Brown Act memo is the document to use as their guidepost, however, that opinion was developed prior to investigating case law and constitutional changes as they might apply to the Brown Act, so it will have to be revisited. Mr. Sachs assured the committee that any process would include the CPC.

7. **HOUSING ELEMENT: (Info/Action Item)** Bill Levin gave a brief overview of the seventh draft Housing Element via a PowerPoint presentation. State law mandates that the Housing Element be completed every 5-7 years. Many of the goals in the Housing Element are specific and have to be quantifiable. One requirement is a review must be made of the previous five-year element and a report must be made. Also, the state Department of Housing and Community Development must approve and certify the Housing Element before it actually takes effect. One item added to this Housing Element that was not in the previous Housing Element is a discussion of San Diego's housing shortage and affordable housing crises. Mr. Levin requested a recommendation of support or other recommendation before bringing the item before the Planning Commission on September 7, 2006.

Pat Shields commented that she wants to see a hard copy of all the language related to Planned District Ordinances (PDO's) before a vote is taken on the Housing Element. Mr. Levin discussed the policy on PDO'S. Pat Shields moved to table the Housing Element in order to discuss it in greater length, at an earlier hour. Guy Preuss seconded the motion. The motion was approved 27-1-0. The committee discussed having a special meeting in August to discuss these issues. The Chair requested a show of hands to see who would be available for a special meeting in August. By consensus, the Chair called a special meeting on August 22, 2006 to discuss the Housing Element.

- 7.5 **BUSINESS PROCESS RE-ENGINEERING (BPR):** Betsy McCullough stated that last week she chaired a subcommittee meeting of the overall Development Services Department Business Process Re-engineering (BPR). The specific process she was asked to be involved with is "Community Input on Discretionary Projects." The goal statement associated with that is "Process should assure that community concerns are addressed and that they do not cause unnecessary delays to project processing." A request was made for the committee to provide their comments and input, verbally or in writing. Jeff Strohmingler gave a PowerPoint presentation and discussed further what the BPR is all about. Discussion ensued and the committee provided staff with a starting point with various insightful comments.

8. **REPORTS TO CPC:**

- **Staff Report:** Jeff Strohmingler reported that Gary Halbert has taken a position with the City of Santee, effective the middle of August. In the interim Deputy Director Kelly Broughten will take the lead on CPG issues. Effective July 1, 2006, Neighborhood Code Compliance Department is now a division of Development Services and will be headed by Sheri Carr. Steve Laub asked Jeff Strohmingler whether there has been a change to the Land Development Code (LDC) regarding noticing for the coastal overlay zone issues.

Betsy McCullough commented on the materials that Katheryn Rhodes presented to the CPC because it had also been forwarded to the Planning Commission. Ms. McCullough said there is a possibly-pending Categorical Exclusion that the City of San Diego had submitted with its Land Development Code in 1997. When the Coastal Commission certified the City's LDC it did not act on the submitted Categorical Exclusion which had been approved by City Council. The exclusion request has been with the Coastal Commission for a number of years now, and City staff in Development Services are exploring with the Coastal Commission whether that application could be reactivated or if there would have to be a new application.

- **Subcommittee Report:** Michael Sprague reported for the Open Space Advisory Committee. The rules on access permits have changed as far as volunteer and other groups. If you are currently getting access or want to get access, make sure to call your Park and Recreation representative and go through the new process.

Ed Kramer reported on a meeting with SANDAG, CALTRANS, City staff and others, on the Friars Road and 163 merge. Mr. Kramer reported that in the year 2012, entire valley interchange is scheduled to begin.

- **Chair Report:** None.
- **CPC Member Comments:** None.

A Special Meeting of the CPC will be held on August 22, 2006, 7:00 p.m., at the Metropolitan Operations Center II, Auditorium, 9192 Topaz Way, Kearny Mesa, California.

The meeting was adjourned at 9:44 p.m. by Steve Laub.

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