

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 NOVEMBER 28, 2006

MEMBERS PRESENT:

Donna Nenow, Carmel Valley
Paul Robinson, Centre City
Stefanie Harris, City Heights
Eleanor Mang, Clairemont Mesa
Laura Riebau, Eastern Area
Bruce Williams, Encanto Neighborhoods
Vicki Granowitz, Greater North Park (7:05 p.m.)
Buzz Gibbs, Kearny Mesa (7:05 p.m.)
Louise Guarnotta, Kensington/Talmadge
Tim Golba, La Jolla
William Kenton, Midway
Jeff Stevens, Mira Mesa
Tracy Reed, Miramar Ranch North
Susan Thorning, Mission Beach
Tom Gawronski, Ocean Beach
Frank Busic, Old Town

Mel Ingalls, Otay Mesa
Wayne Nelson, Otay Mesa/Nestor
Kathy Mateer, Pacific Beach
Cynthia Conger, Peninsula (7:10 p.m.)
James Denton, Rancho Bernardo
Jooste Bende, Rancho Penasquitos
Mike Freedman, San Ysidro
Tamar Silverstein, Scripps Ranch
Doug Wescott, Serra Mesa
Guy Preuss, Skyline/Paradise Hills
Reynaldo Pisano, Southeastern San Diego (7:15 p.m.)
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Linda Colley, University
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: None.

NON ELIGIBLE REPRESENTATIVE PRESENT: None.

OTHERS PRESENT: Former Chair Steve Laub

City Staff: Betsy McCullough, Jackie Dominguez, Jeff Strohming, Bill Anderson, Nancy Bragado, Jim Waring, Shannon Thomas, Dave Potter and Cecilia Williams

Guests: Lee Campbell, Jim Varnadore, Bruce Coons & Tom Mullaney.

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:** Vice Chair Leo Wilson called the meeting to order at 7:00 p.m. and proceeded with roll call. Mr. Wilson reported that former CPC Chair Steve Laub was appointed to the Planning Commission. Mr. Wilson, who will serve as Acting Chair until the CPC Chair position is filled, prefers to be a non-voting Chair, except to break tie votes. Tonight the CPC will form a nominating committee for new officers. The nominating committee will announce candidates at the January meeting and a vote will take place at the February meeting.

Mr. Wilson said as a rule of procedure the CPC should stay on schedule with the agenda, unless there is a majority vote to continue conversation on a particular topic.



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2. **NON-AGENDA PUBLIC COMMENT:** Steve Laub reported that due to his appointment to the Planning Commission he has resigned from his planning group and therefore can no longer serve on the CPC. Mr. Laub said his service on the CPC has allowed him to gain an understanding of the diverse interests of various communities and he hopes to represent those interests and the interests of the City as a whole, when deliberating on items that come before the Planning Commission.
3. **MODIFICATIONS TO AGENDA:** None.
4. **APPROVAL OF THE MINUTES:** Two errors were noted on the minutes: The incorrect spelling of Assembly Member George Plescia's name; and James Denton, listed as being present, was not in attendance at the meeting. Mike Freedman moved to approve the Minutes of September 26, 2006 as corrected. The motion was seconded by Eric Germain. The motion was approved 22-6-3.
5. **GENERAL PLAN UPDATE: (Info Item)** Nancy Bragado, General Plan Program Manager, gave a PowerPoint presentation of the Final Public Review Draft General Plan, dated October 2006. The entire General Plan update is a comprehensive update to ten elements of the General Plan, guided by the principals derived from the core values of the Strategic Framework Element. Mrs. Bragado emphasized some key points and changes that have been made since the last official public review draft in July 2005. Mrs. Bragado requested the CPC give the Subcommittee direction on what to spend the most time on.

Bill Anderson, Director of City Planning and Community Investment, stated that the City's framework starts with the open space network in San Diego, which is what makes San Diego unique among large cities in America. Mr. Anderson said the community planning group structure recognizes the diversity of issues in San Diego's communities. Those communities are defined in large part by our open space network and transportation systems, and the General Plan recognizes that.

Mrs. Bragado discussed the timeline of the General Plan. Mrs. Bragado said we are in the process of getting a program environmental impact report prepared; we do not have a precise date yet, but the hearing process is anticipated to be in late Spring. There will be plenty of opportunity for input between now and when we have our final hearing draft.

CPC members reserved discussion on the Final Public Review Draft General Plan until the next meeting.

Public comment on the Final Public Review Draft General Plan was made as follows:

Lee Campbell presented a PowerPoint presentation and expressed his concerns with the vagueness of the policies in the General Plan.

Jim Varnadore expressed concern about the Park Master Plan. Mr. Varnador approves of the 2.8 acres per thousand, but is concerned that the poor communities will get less acres per thousand. Mr. Varnador said that equivalencies on parks and open space should not be city-wide, should vary by community and the community should decide what an equivalency is.

Bruce Coons, Director of Sabre Heritage Organization, commented that the Historic Preservation Element has been in process for some time and is quite good, but he has a few ideas to make it better. Mr. Coons said one of the greatest economic drivers in Southern California is the historic communities. Mr. Coons stated that historic resources are the key to preserving community identity and he believes that the review of historic resources should be more formal and holes in the system closed, so that some residents and historic buildings do not slip through the process.

Tom Mullaney commented on the Recreation Element. He believes we need to be skeptical about the equivalency program and understand why it's proposed and why it's needed. Mr. Mullaney said we need to be clear on what is truly existing and what new deficiencies will be created. Mr. Mullaney said the consultant's report from five years ago, that stated that the 2.5 billion dollars would bring the existing communities up to General Plan standards, is clearly not true; he prompted members to look at the back-up reports and he believes we must nail that down before new taxes are proposed to cover existing deficiencies and new development.

6. **DSD COMMUNITY INVOLVEMENT: (Info Item)** Marcela Escobar-Eck was not able to attend the meeting, however, Jeff Strohmingler gave an update on the BPR process within DSD. First phase is complete with a final report to the Major's office in January. The first phase included regulatory reform, community input on discretionary projects, the discretionary review process, the ministerial review process, our records center and code enforcement. The second phase will commence in January with a goal of completion in March. Second phase deals with review by outside departments, customer service, technology, finance and training.
7. **BROWN ACT/600-24/BYLAWS: (Discussion Item)** Representatives from the City were present for this discussion, including Betsy McCullough, Deputy Director, Planning, Shannon Thomas, Deputy City Attorney, Dave Potter, Community Liaison from the City Attorney's office to the planning groups, Cecilia Williams, Program Manager in Planning, and Jim Waring, Deputy Chief of Land Use and Economic Development.

Mrs. McCullough said a number of CPGs have been working on updating their Bylaws pursuant to the amendments to the Council Policy 600-24 that became effective in October 2005, pursuant to a bylaws shell that City staff prepared. In November 2006, the LU&H Committee gave a directive to take some of the standardized Bylaws provisions and move them into the Council Policy. Following that directive, the City Attorney issued a memorandum indicating that the CPGs were subject to the Brown Act. Staff and

the City Attorney has met twice to discuss what provisions of the Brown Act would be applicable and how those provisions would be worked into the Council Policy.

Shannon Thomas discussed the October 2006 Memorandum of Law from the Attorney's office, that concluded that CPGs and the CPC are subject to the Brown Act. This opinion was due to a change in the case law and was a revised opinion from an earlier memorandum issued from the Attorney's office in 2000. Subsequent to the October 2006 Memorandum of Law coming out, there was a report that compared the current Council Policy with the requirements of the Brown Act, in an attempt to identify those areas where the Council Policy might need to be amended.

Mrs. McCullough said staff believes the City Council will have to amend the Policy to incorporate necessary changes and also to extend the time period for the CPGs to bring their Bylaws into compliance. Mrs. McCullough said most of what members are currently doing is consistent with what will need to be done, it's just that they will need to do more.

A question and answer session ensued with City Attorney Shannon Thomas and CPC members. Issues were raised about how the Brown Act would affect record keeping, meetings noticing, electronic communication, communications between CPG members, frivolous lawsuits, among other issues. Tim Golba of La Jolla CPG requested the attorney's opinion, on the record, in regards to CPGs being subject to the Brown Act provisions and retroactive record keeping. Ms. Thomas' opinion was that CPGs were not required to have kept those records prior to October 27, 2006. Ms. Thomas stated the City is self-insured for the first \$1,000,000 of any claim they receive.

Mr. Wilson added that this is an urgent item and he hopes Brown Act training will be scheduled early next year.

8. **SPECIAL ELECTION TO FILL THE CPC CHAIR POSITION:** Guy Preuss moved to nominate Eric Germain, Tracy Reed and Tamar Silverstein to serve on the Election Committee to fill the CPC Chair position. The motion was seconded by Laura Riebau. The motion was approved by unanimous consent.

9. **REPORTS TO CPC:**

- **Staff Report:** Betsy McCullough said in light of the Brown Act requirements we will use the CPC as an excellent example of record keeping and voting starting in January. Mrs. McCullough thanked the entire committee for another year of service.
- **Subcommittee Report:** None.
- **Chairperson's Report:** None.
- **CPC Member Comments:** None.

The next Regular Meeting of the CPC will be held on January 23, 2007, 7:00 p.m., at the Metropolitan Operations Center II, Auditorium, 9192 Topaz Way, Kearny Mesa, California.

The meeting was adjourned at 9:15 p.m. by Leo Wilson.

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