

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 JANUARY 23, 2007

MEMBERS PRESENT:

Eleanor Mang, Clairemont Mesa
Doug Case, College Area
Laura Riebau, Eastern Area
Chris Blatt, Greater Golden Hill
Vicki Granowitz, Greater North Park
Buzz Gibbs, Kearny Mesa
Tom Hebrank, Kensington/Talmadge
Tim Golba, La Jolla
Ed Cramer, Linda Vista
William Kenton, Midway
Jeff Stevens, Mira Mesa
Tracy Reed, Miramar Ranch North
Susan Thorning, Mission Beach
Karen Ruggels, Mission Valley
Matthew Adams, Navajo

Jim Baross, Normal Heights
Tom Gawronski, Ocean Beach
Frank Busic, Old Town
Mel Ingalls, Otay Mesa
Marcie Beckett, Pacific Beach
Jooste Bende, Rancho Penasquitos
Mike Freedman, San Ysidro
Tamar Silverstein, Scripps Ranch
Doug Wescott, Serra Mesa
Reynaldo Pisano, Southeastern San Diego
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Linda Colley, University
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: It was noted that Marcie Becket was participating in the meeting as an undesignated representative, therefore without voting rights.

NON ELIGIBLE REPRESENTATIVE PRESENT: None.

OTHERS PRESENT: None.

City Staff: Betsy McCullough, Jackie Dominguez, Abbe Wolfsheimer, Marcela Escobar-Eck and Dave Potter.

Guests: Jim Varnadore, Lee Campbell and Mary McLellan.

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:** Acting Chair Leo Wilson called the meeting to order at 7:00 p.m. and proceeded with roll call.
- 2. NON-AGENDA PUBLIC COMMENT:** Jim Varnadore offered his email address to anyone who wanted to be on his email list.

Lee Campbell gave a PowerPoint presentation on the General Plan and expressed his disappointment concerning the decision to stop the subcommittee review process. Mr. Campbell requested the CPC review the state guidelines for a general plan as well as the Los



The City of San Diego

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Angeles General Plan and compare those documents to the San Diego General Plan before approval.

Mary McLellan, Executive Director of the Urban Land Institute (ULI), San Diego/Tijuana District Council, said the ULI is an international organization that focuses on best land-use practices and on building communities that thrive and are sustainable. The District Council in San Diego is interested in incorporating more of the community planning leadership into their monthly breakfast programs. Ms. McLellan will work with Ms. McCullough in the coming months to extend an invitation to the CPC to attend their program. There will be no cost to the first 10 people who RSVP.

3. **MODIFICATIONS TO AGENDA:** None.
4. **APPROVAL OF THE MINUTES OF NOVEMBER 28, 2006:** Eric Germain said that the individuals who spoke under Item 5, General Plan Update, should also be listed under the heading *Guests* on the minutes. Frank Basic said he was present at the meeting, but is not listed under *Members Present*. Jim Varnadore requested a correction to the spelling of his name. Eric Germain moved to approve the Minutes of November 28, 2006 with corrections as noted. The motion was seconded by Jeff Stevens and unanimously approved.
5. **CCDC PRESIDENT INTRODUCTION: (Info/Discussion Item)** Nancy Graham, President of CCDC, discussed the recent adoption of CCDC's Community Plan. Currently they are focused on the Navy Broadway Complex project, parks acquisition and development, and affordable housing. A question and answer session with CPC members ensued.
6. **DSD COMMUNITY INVOLVEMENT: (Info/Discussion Item)** Marcela Escobar-Eck, Director of Development Services, discussed the categorical exclusion proposal for single-family residences within the coastal zone. The issue goes back to the original land development code update that was done. An application has been on file with the Coastal Commission since 1997, that specifically requests that any applicant for a single-family home construction within the coastal zone be permitted to go through a ministerial process, if, (1) there is no other discretionary actions associated with the project, (2) the FAR on the single-family home is reduced to 80% of the allowable FAR, (3) and the maximum height of the building is decreased from 30 to 20 feet, thus, eliminating the requirement for discretionary review. The goal behind the proposal was to encourage smaller scale development in the coastal zone and to simplify the process for a single-family homeowner not requiring any other type of discretionary permit. The Coastal Commission maintains that our application is not complete as of 1997, and they are requesting we submit a map that shows every lot in the City of San Diego that could potentially be affected by this. Our response to the Coastal Commission was that it depends upon what an applicant wants to do, so a project may or may not be affected by this.

Ms. Escobar-Eck discussed the Planned District Ordinances (PDO's) and potential updates to them. Phase I consists of taking all of the regulations that exist in the PDOs and reformatting them. No regulations are being added, deleted or modified, only restructured so that they model the rest of the code. Phase I will be heard at the City Council meeting of February 20. Phase II of the PDOs involved working with the community planning groups to inquire if they had a PDO that they wanted to try to fold into the Land Development Code. Review of PDO zoning will mostly occur concurrent with community plan updates.

Ms. Escobar-Eck reported on Development Services Department's (DSD) Business Process Re-engineering (BPR). As part of a City-wide effort for BPR, the Mayor has directed many departments going to look closely at their organization to make sure that it is the most efficient operation possible. DSD has focused on key areas to make the department more efficient, including regulatory reform, community input, the discretionary review process, the ministerial process and the records process.

A question and answer ensued on all three topics presented by Ms. Escobar-Eck.

7. **INDEMNIFICATION ORDINANCE: (Discussion Item)** Abbe Wolfsheimer, Deputy City Attorney, has prepared the draft on the Brown Act that will go into the Administrative Guidelines as an addendum or a handbook and which will be interlined with Council Policy 600-24, along with the indemnification statement for clarification to all the community planning groups. The intent of the Indemnification Ordinance is to provide for legal representation, to defend when there is a judgment for monetary damages. The findings that must be made for the indemnification or defense are, the case must have been tried, the community planning group must have lost, a judgment entered, and that judgment is for monetary damages. At that point, the City may be able to reimburse the community planning group. With respect to intent, the act or omission must have occurred or was authorized during a lawful meeting of the committee or subcommittee; the act or omission, for which indemnity or defense is sought, occurred within the scope of the duties described in the Council Policy 600-05, 600-06, 600-09 and 600-24. The act or omission cannot be in violation of any community planning group bylaw and the member or committee must perform the duties in good faith and with due care.

Mr. Wilson said the community planning groups need a stronger ordinance that would provide for immediate representation on any sort of lawsuit brought against a community planning group, one that would guarantee indemnity at the beginning of a lawsuit and one that will cover everything, not just against damages.

Mike Freedman's concern was that nothing will be done for the community planning group until, and only if, the court finds there is a monetary judgment.

Ms. Wolfsheimer stated that it's the City Council that must authorize and direct the City Attorney's office to prepare language that will provide the community planning groups

the appropriate indemnification. The CPC could make a request to the City Council to amend the ordinance or have a new ordinance put in place.

Mike Freedman moved to recommend that the City Council direct the City Attorney to draft an ordinance providing for legal representation to and indemnification of community planning committees for actions against them and claims for damages.

Laura Riebau pointed out that the CPC cannot vote on Mr. Freedman's motion, because the indemnification item is on the agenda as a *Discussion Item*, not an *Action Item*.

Mike Freedman revised the motion to bring forth the same motion at the February CPC meeting, and to place the Indemnification Item on the February CPC agenda as an action item, in order to comply with noticing issues. The motion was second and unanimously approved 26-0-0.

8. **CPC ELECTION COMMITTEE REPORT:** The Election Committee Chair, Eric Germain, presented a slideshow and explained the current status of the election process. Per the CPC bylaws, the CPC Chairman vacancy was announced in November 2006. A request was made for candidates to declare themselves in January 2007, and the election to fill the vacancy will occur in February 2007.

CPC Vice President and Acting Chair, Leo Wilson, was the only declared candidate and when the request was made for any other candidates to announce themselves, there was no reply. The CPC bylaws permit any eligible CPC representative to declare their candidacy for the vacancy anytime prior to the vote in February. Also, if Mr. Wilson is elected to the position of Chair, then the CPC Secretary, Jeff Stevens, will be elevated to Vice Chair and the new Chair can appoint a replacement Secretary, per the CPC bylaws.

CPGs must be of participating status in order to be eligible to run for office or to vote. Based on the attendance status recorded at the January 2007 meeting, the following CPGs were declared non-participating for the purposes of the March 2007 vacancy election: Carmel Mountain Ranch, Del Mar Mesa, Encanto Neighborhoods, Sabre Springs, San Pasqual-Lake Hodges and Torrey Pines.

Mr. Germain discussed a rule in the bylaws that states the CPGs must attend at least six meetings per calendar year in order to retain their eligibility status. Since two CPC meetings were cancelled in 2006, this imposes undue hardship on otherwise participating CPGs. To alleviate the unintended consequence of this CPC rule, Mr. Germain moved that the CPC waive the requirement for the minimum of six meetings per year, due to some meeting cancellations, for the purposes of the vacancy election scheduled in February 2007. The CPC also declares the following CPGs to be non-participating status and thus ineligible to participate in the election: Carmel Mountain Ranch, Del Mar Mesa, Encanto Neighborhoods, Sabre Springs, San Pasqual/ Lake Hodges and Torrey Pines. The motion was seconded by Tracy Reed and unanimously approved, 26-0-0.

9. REPORTS TO CPC:

- **Staff Report:** Betsy McCullough reported that the Brown Act Training will be held at MOC II on January 25th from 6:00 to 8:00 p.m. Shannon Thomas from the City Attorney's office will conduct the session. Also, the training schedule for all the training sessions for 2007 has been posted to City's website. Ms. McCullough recommended that the CPC tighten up the role call when voting on items, and suggested either a voice vote or a roll call, due to a higher level of responsibility in light of the Brown Act and other recent issues.
- **Subcommittee Report:** None.
- **Chairperson's Report:** Leo Wilson discussed the memo he sent out on the General Plan update. Mr. Wilson inquired of the CPC if they liked the idea of bringing the update process to the full board for several consecutive meetings. Mr. Wilson solicited staffs' recommendations. Ms. McCullough said the General Plan Program Manager, Nancy Bragado, suggested the full CPC review Noise, Conservation and Historical Resources Elements in February, Land Use, Mobility and Urban Design Elements in March, and Public Facilities, Recreation and Economic Prosperity Elements in April. May would be reserved for whatever the committee wants to discuss.
- **CPC Member Comments:** Buzz Gibbs reported a vacancy on the Airport Advisory Group, due to the resignation of Steve Laub from the CPC. Mr. Wilson appointed Mel Ingalls to serve on the group.

The next Regular Meeting of the CPC will be held on February 27, 2007, 7:00 p.m., at the Metropolitan Operations Center II, Auditorium, 9192 Topaz Way, Kearny Mesa, California.

The meeting was adjourned at 9:10 p.m. by Leo Wilson.

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