

Community Planners Committee

City Planning & Community Investment • City of San Diego
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CPC MINUTES OF THE MEETING OF NOVEMBER 27, 2007

MEMBERS PRESENT:

Jim Haughey, Carmel Mountain Ranch
John Fiske, Carmel Valley
Bill Sauls, Centre City
Jim Varnadore, City Heights
Brooke Peterson, Clairemont
Charles Maze, College Area
Laura Riebau, Eastern Area
Bruce Williams, Encanto
Chris Blatt, Greater Golden Hill
Buzz Gibbs, Kearny Mesa
Tom Hebrank, Kensington/Talmadge
Bill Kenton, Midway
Jeff Stevens, Mira Mesa
Tracy Reed, Miramar Ranch North
Landry Watson, Ocean Beach

Frank Basic, Old Town
Mel Ingalls, Otay Mesa
Marcie Beckett, Pacific Beach
Cal Jones, Peninsula
Ellen Willis, Rancho Bernardo
Charles Sellers, Rancho Penasquitos
Mike Freedman, San Ysidro
Tamar Silverstein, Scripps Ranch
Guy Preuss, Skyline/Paradise Hills
Reynaldo Pisano, Southeastern San Diego
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Morton Prinz, Torrey Pines
Linda Colley, University
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: Ms. McCullough noted that one more meeting attendance is required for Rancho Penasquitos to reestablish voting rights.

NON ELIGIBLE REPRESENTATIVE PRESENT: None.

OTHERS PRESENT:

City Staff: Betsy McCullough, Wanda Bursey and Marianne Greene.

Guests: None.

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.*

- CALL TO ORDER:** Chair Leo Wilson called the meeting to order at 7:00 p.m. and proceeded with roll call.
- NON-AGENDA PUBLIC COMMENT:** Sheila Hardin, Community Relations Manager for CCDC, reported that CCDC is aware that parking is currently the number one issue downtown, and they are working on their comprehensive parking plan. The next public meeting will be held on December 7, 2007. Their website can be accessed at www.ccdc.com for more information.

Guy Preuss commented on the superb architecture, shopping and ambiance of downtown Carmel. He recommended a visit to Carmel to observe some of the innovative things going on there, such as garages being placed underneath houses.

3. MODIFICATION TO AGENDA:

It was moved, seconded and unanimously approved to accept the agenda as submitted.

4. APPROVAL OF THE MINUTES OF SEPTEMBER 25, 2007 & NOVEMBER 7, 2007:

Eric Germain said the September 25th minutes and other backup materials were posted as one large document attached to the November 7th agenda, making the minutes difficult to download and print. Mike Freedman moved a continuance of the September 25, 2007 minutes. The motion was seconded by Guy Preuss and unanimously approved. Staff was asked to repost the agenda, minutes and other materials as separate documents to the website.

5. INDEMNIFICATION ORDINANCE: John Fiske of the CPC Indemnification

Subcommittee, distributed a memorandum containing drafted language to Section 3 of the Indemnification Ordinance, based on approved CPC motions. The memorandum addressed two issues: 1) Change the conflict of interest wording to direct economic interest. 2) The CPC requested language to protect a member or group in the event that the City Attorney begins representation of a client, and then at a later date, decides the client was fraudulent, corrupt, had a conflict of interest, acted with malice or in bad faith, and consequently the attorney acts adversarially to the client.

Alex Sachs, Deputy City Attorney, said the proposal, as submitted in its entirety, is not acceptable to the City Attorney's office. Based upon all of the obligations that the ordinance would give to the City Attorney's office, there would need to be assurances from the planning groups to provide the kind of defense and indemnification proposed by the Indemnification Subcommittee and each of the planning groups would have to submit to a high level of scrutiny. The City Attorney was willing to work with the Indemnification Subcommittee to arrive at a compromise that is acceptable to both sides.

Jim Varnadore moved to remand the matter to the Indemnification Subcommittee. Linda Colley seconded the motion. Mike Freedman proposed an amendment to the motion to state that there be a definitive determination as to direct economic interest or conflict of interest. Jim Varnadore accepted the amendment. The motion was approved 27-0-1. Leo Wilson abstained.

6. ROOMING HOUSE ORDINANCE: Marianne Greene, Deputy City Attorney, brought the

committee up to date on the changes made to the rooming house ordinance. The ordinance was drafted in response to community concerns and also Planning Commission recommendation to enforce the ordinance where there would be fewer than three leases. Concerns expressed and discussed by the CPC: The intense level of code enforcement that would be involved; the impact on RM zones; the effects on the availability of low housing.

Rob Nelson of College Area Community Council, expressed support for the ordinance as written, and commented that the goal is to stop the commercialization of neighborhoods by closing another loophole that allows developers and entrepreneurs to put businesses in RS 1 zones.

Landry Watson said Ocean Beach Planning Board would not support the rooming house ordinance, specifically because it is only applied to RS zones. Mr. Watson said the ordinance, as written, provides no protection to RM zones, which comprise the total of the

OB Planning Area. Mr. Watson continued, that without protection for RM zones, this problem will shift from RS zones to RM zones, shifting the issue away from the College Area and into the Beach areas, which has been an existing problem for as long as the College Area has had the problem.

Laura Riebeau said she supports the ordinance idea, however she has problems with the solutions suggested. Ms. Riebeau said the proposed .75 parking spaces per two roomers is inadequate.

Linda Colley expressed concerns with inadequate parking and stated that the ordinance does not address the fact that the major universities need to start building housing for their students.

Marianne Greene said the high occupancy permit will overlap with the rooming house ordinance so that the parking issue will be address through the high occupancy permit.

Guy Preuss moved that the CPC support the ordinance, with a revision to table 142-05C, page 19, to state that the parking required is one space per roomer.

Charles Maze made a substitute motion: That the CPC support the adoption of a rooming house ordinance that includes a three year amortization period and language acceptable to both Development Service Department and the office of City Attorney, prohibiting defacto rooming houses, where owners rent by room but attempt to circumvent the ordinance by having all tenants sign a master lease in RS zones. The substitute motion was seconded by Tracy Reed. The substitute motion failed 6-21-1. In Favor: College, Midway, Miramar Ranch North, Southeastern San Diego, Pacific Beach and Scripps Ranch. Abstention: Uptown.

Back to the original motion by Guy Preuss: The motion was seconded and approved 23-4-1. Opposed: Ocean Beach, City Heights, Eastern Area and Carmel Mountain Ranch. Abstention: Uptown.

7. **CPC BYLAWS REVISION:** Eric Germain of the CPC Bylaws Revision Subcommittee, gave a PowerPoint presentation on the bylaws revision process. Mr. Germain discussed proposed changes to the elections procedure. Member comments: Laura Riebeau suggested the elections be held in May/June, so that newcomers have time to become familiar with everyone. Mr. Germain discussed proposed changes to the attendance requirements. Previous rule looked at how many meetings you attended as opposed to how many you missed. Mr. Germain's proposed changing rule to three missed meetings in a row or four missed meetings in a year. Mike Freedman said the CPC policy should be the same policy the Community Planning Groups are expected to follow and that council policy does not address special meetings as counting toward absences, therefore the CPC should do the same.
8. **CPG BYLAWS REVISION STATUS REPORT:** Betsy McCullough distributed a color-coded document to CPC members, outlining the status of the bylaw revision process by community planning group. Any errors should be reported to Bernie Turgeon.

For the record, Mike Freedman said San Ysidro's bylaws were initially delivered to the City on August 22, 2007, but because the City had difficulty receiving the zip file, it delayed the City receiving the bylaws until November 26, 2007.

9. REPORTS TO CPC:

- Staff Reports - Betsy McCullough reported that Min-Cow is this Thursday in this room. If you have any members that haven't attended a COW yet, it's this week.
- Subcommittee Reports - None.
- Chairperson's Report - None.
- CPC Member Comments - None.

It was moved and seconded to adjourn the meeting. The meeting was adjourned at 9:15 p.m.