

**Mission Beach Precise Planning Board
Tuesday, September 18, 2012
Belmont Park Community Room
Minutes of Meeting**

Board Members Present:

Peggy Bradshaw	Nick Cantalupo	Carole Havlat	Dennis Lynch
Mike Meyer	Carlton Nettleton	Robert Ondeck	John Ready
Mary Saska	John Vallas	Debbie Watkins	Mary Willmont

Absent:

Gernot Trolf

OPENING FUNCTIONS

Meeting was called to order by Chair Debbie Watkins at 7:00 p.m.

- **Approval of Minutes** for July, 2012
Copies of the draft of the July 17, 2012 Minutes of Meeting were distributed and reviewed. The Minutes were approved by unanimous consent as written. The Board was dark in August.

ADMINISTRATIVE ITEMS

- **Revisions to Agenda**
Copies of the September 18, 2012 Agenda were distributed and reviewed. A motion was duly made to continue the Possible Agenda Item “Belmont Park Traffic Amelioration Fund – recommend new traffic improvements” to a later date because more information is needed.

Motion 1 was made by Carlton Nettleton and seconded by Mike Meyer TO CONTINUE the Belmont Park Traffic Amelioration Fund Possible Agenda Item to a later date because more information is needed.

VOTE For: 11 Against: 0 Abstain: 0

Motion passes.

- **Chair’s Report**
 - (1) Updated Mission Beach Planned District Ordinance (“PDO”): Chair Watkins distributed copies of the updated PDO to Board Members for their reference and use. She explained the PDO is the Board’s governing document, and building plans submitted to the City for approval in Mission Beach after August 8, 2012 will be required to follow this updated PDO.
 - (2) 2975 Ocean Front Walk Tentative Map Waiver Appeal Update – Subsequent to filing the Board’s Appeal of the Hearing Officer’s decision of July 11, 2012 to the Planning Commission, the owner was found to be making improvements beyond the parameters of a Tentative Map Waiver to convert apartments to condominiums, and has been directed to supply new building plans for review. Chair will keep the Board posted when and if a hearing date is set before the Planning Commission.
 - (3) 754 Yarmouth Court – Chair pointed out the Board voted in May to deny this project based on construction components not allowed under its PDO. Chair Watkins reported that on July 18, 2012, she and Plan Reviewer Dennis Lynch attended the Hearing Officer’s Hearing to formally reiterate the Board’s position. After hearing both sides, the Hearing Officer scheduled a second hearing on July 25, 2012 to further review issues raised by the Chair and Plan Reviewer

Lynch. At the July 25th hearing, the owner and architect withdrew their plans and submitted new plans without the construction components and encroachments.

(4) Mission Boulevard Maintenance Assessment District (“MBMAD”) Tree Well No. 54 – Chair Watkins reminded the Board that at the July meeting she reported the Maleluca tree in tree well #54 at 3300 Mission Boulevard was vandalized during one of the busy weekends. The tree was broken in half, and would be replaced with the Washingtonia Robusta pursuant to our established guidelines. The palm tree was planted shortly thereafter.

Chair informed the Board that on August 6, 2012, Andy Field notified her that somebody stole the newly-planted palm tree and planted a small Melaleuca tree in its place. That same day, Mr. Field called Gary Warriner regarding the tree and after a lengthy conversation, Mr. Warriner admitted he stole the tree and planted the Melaleuca in its place. He said he replanted the palm tree at Ostend Court and OFW in the public-right-of way, where he had a permit to plant a tree. Chair reported Park and Recreation found the palm tree and it will be replanted in tree well #54. Also, Park and Recreation filed an incident report and police report for vandalism of the tree. The \$290 cost to replant the palm tree will not be the responsibility of the MBMAD. Because Mr. Warriner cooperated and willingly donated the Melaleuca tree to the City to cover the cost, Park and Recreation management decided not to press charges or hold Mr. Warriner responsible for any further financial liability. As a result, the \$290 cost will be borne by the receiving assessment district (possibly North Park or South Bay).

(5) AT&T Bonita Cove West 30-ft Clocktower Update: Chair reported that the Board’s ongoing Appeal Hearing before the Planning Commission was scheduled for September 20th. However, because of an internal mistake in docketing, it was not noticed or scheduled. Apparently, Belmont Park has a new master leaseholder who will take over operations next week and is working with AT&T to house their antennas at Belmont Park. If and when the lease is approved at this location, AT&T will withdraw their Bonita Cove Plans and that will end our Appeal. No date has been set before the Planning Commission at this time; however our Appeal is still active. Chair will keep the Board posted on any developments.

(6) Underground Utilities Workshop Update. Chair reported the Community Planning Committee conducted a utility undergrounding workshop with city and utilities companies in July, 2012. Chair Watkins attended the workshop along with Board Members Dennis Lynch and John Ready. An outcome of that first workshop, is a second workshop conducted by Todd Gloria, which will focus on public comments and questions. Representatives from local utility companies will be present to engage in open dialogue with the public about ways communities are impacted from utility boxes. The workshop will be held on Monday September 24th at 6:00 p.m. in the Sante Fe Room at the Balboa Park Club. Chair Watkins stated she will attend and encouraged Board Members to attend. She will e-mail the information to Board Members so they can respond directly.

(7) Recycling Event Chart: Chair Watkins distributed the free event chart to recycle oil, oil filters, batteries, antifreeze, CFL bulbs/tubes funded by the City of San Diego Environmental Services Department and Cal/Recycle.

- **Secretary’s Report**

Secretary Watkins gave the Attendance Record Report for the period April 12, 2012 through September 18, 2012.

PUBLIC COMMENT (limited to 3 minutes per speaker)

William Rice introduced himself as a new resident in the community and would like to learn more about getting involved in community issues.

Gary Warriner introduced himself and said he takes care of landscaping issues for some residents in Mission Beach.

Board Member Mike Meyer informed the Board that the large boat along the Mission Beach coast is dredging sand to take to Imperial Beach. He is concerned because the community was not informed that this would be taking place.

REPORTS FROM GOVERNMENT OFFICIALS

• **Katherine Miles** (Community Representative - Office of Councilmember Kevin Faulconer)
Ms Miles gave a quick history of how the new FY2014 Capital Improvement Project community outreach came about and pointed out the new City website to review projects in each community. She reported that Phase 1 of the bulkhead (sea wall) work at Belmont Park has begun, that \$1Million has been allocated for design, and more funds may be available. Ms. Miles informed the Board that the new master leaseholder of Belmont Park would like to get together with community leaders.

In addition, she reported the City Council passed The Abandon Property Ordinance this afternoon requiring owners to file a notice with the police of an abandoned property and fine them if they do not make a good-faith effort to keep up the property. The ordinance is designed to give the city more tools to hold property owners responsible for abandon properties and requires banks doing business with the city to provide information about their lending, foreclosures and service to minority communities.

OTHER:

Action Item:

- **Mission Boulevard Maintenance Assessment District (MBMAD) - Assume financial cost for the care and maintenance of newly-planted Monterey Cypress tree donated to the Mission Beach community**

Chair Watkins distributed pictures of the newly-planted Monterey Cypress, which was donated to the community by Walter Anderson Nursery. Drew Potocki of the City’s Urban Forestry Board advised that the original Monterey Cypress tree was removed by the City because it succumbed to gravity and had to be removed for safety reasons. Mr. Potocki pointed out Monterey Cypress trees do well along the coast because the environment is conducive to growth but do not do well inland. He assured the Board he is confident it will perform well along Mission Boulevard because other Monterey Cypress trees planted along Nautilus Street in La Jolla are growing well. Chair Watkins reported that the new tree well will be numbered 48A, and the vendor will provide watering and care for this tree without any additional cost or charge. After further discussion, the following motion was duly made:

Motion 2 was made by Peggy Bradshaw and seconded by Mary Willmont TO AUTHORIZE the Mission Boulevard Maintenance Assessment District to assume the financial cost for the care and maintenance of the newly-planted Monterey Cypress tree, which was donated to the Mission Beach community by Walter Anderson Nursery.

VOTE For: 11 Against: 0 Abstain: 0

Motion passes.

BUILDING PLAN REVIEWS

None.

BOARD COMMUNICATIONS

Action Items:

- **Approve changes to the Mission Beach Precise Planning Board Bylaws**

Chair Watkins distributed proposed changes to the Bylaws for consideration, which in some cases deviate from Council Policy (“CP”) 600-24. The Board took action on the sections listed below. Deviations from CP 600-24 will have to be submitted to the City Council for final approval.

1. Article IV, Vacancies, Section 1

Deviation from CP 600-24:

Motion Approved by Board at October, 2007 Meeting: *The Mission Beach Precise Planning Board 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 absence** in the 12-month period of April through March each year, of a member(s) from the planning group’s regular meetings.*

Recommendation: Use standard wording in CP 600-24:

After further discussion, a motion was duly made to approve the recommendation as follows:

Motion 3 was made by Mary Willmont and seconded by Mike Meyer TO APPROVE the use of the standard wording for Article IV, Vacancies, Section 1 as follows: *The Mission Beach Precise Planning Board 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.*

VOTE For: 11 Against: 0 Abstain: 0

Motion passes.

2. Article IV, Vacancies, Section 3

Standard wording in CP 600-24 wording:

*When the Mission Beach Precise Planning Board is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than **12** members, either the seat may remain vacant until the next planning group election, or these Bylaws may be amended to permit decreased membership to a minimum of **12** members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than **12** elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached **12** members, the planning group will be deemed inactive until it has attained at least **12** members in good standing.*

Recommended Wording (deviation from CP 600-24): Reduce number 12 to 10 and delete sentence amending bylaws and decreasing board membership. The Board finds it is challenging to attract enough candidates to become board members due to the high degree of rental properties and transient occupancy. There are fewer permanent residents (3,000 – 6,000) to draw upon.

Currently, there are 15 seats allocated in five geographic areas consisting of three representatives each, which the Board wants to retain. After further discussion, a motion was duly made to approve the recommended wording as follows:

Motion 4 was made by Peggy Bradshaw and seconded by Mary Willmont TO APPROVE the recommended wording for Article IV, Vacancies, Section 3 as follows: *When the Mission Beach Precise Planning Board is unable to fill a vacancy within 120 days, as specified above, and the planning group has more than 10 members, the seat may remain vacant until the next planning group election. If a vacancy remains for more than 60 days from the time a vacancy is declared, and there are less than 10 elected planning group members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the planning group membership has not reached 10 members, the planning group will be deemed inactive until it has attained at least 10 members in good standing.*

VOTE For: 11 Against: 0 Abstain: 0

Motion passes.

3. Article VI Section 2 (d) (i) Agenda by Mail

Deviation from Council Policy 600-24:

(i) AGENDA BY MAIL: E-mail distribution of agenda and minutes is the standard method utilized by the planning group and a request can be made to receive these directly by contacting the planning Chair. Requests to mail copies of a regular agenda, and any accompanying material, shall be granted if e-mail is not an option. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority or the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.

Recommendation: *Change one word: “standard” to “preferred”*

After further discussion, a motion was duly made to approve the recommendation as follows:

Motion 5 was made by Peggy Bradshaw and seconded by John Vallas TO APPROVE the recommendation for Article VI Section 2 (d) (i) Agenda by Mail as follows: *E-mail distribution of agenda and minutes is the preferred method utilized by the planning group and a request can be made to receive these directly by contacting the planning Chair. Requests to mail copies of a regular agenda, and any accompanying material, shall be granted if e-mail is not an option. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority or the community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.*

VOTE For: 11 Against: 0 Abstain: 0

Motion passes.

4. Article VIII, Planning Groups Policies and Procedures Section 1 (c) Elections (4)

Current wording duplicates Exhibit C – Redundancy of Information

(4) Terms of elected members shall be 3 years with expiration dates during alternate years unless:

- The individual has been elected to fulfill an unexpired term as referenced in Article IV Vacancies, Section 2.
- A vacancy occurs with no eligible candidates. Then an individual community member, who does not meet the eligibility for the area to be represented, may be nominated and elected to represent that area for a one-year appointment by a majority vote of the board.
- *The individual has exceeded nine consecutive years of service in which case the new term shall be limited to one year. Election procedures for these special circumstances are outlined in Council Policy 600-24, Article II, Section 4, which can be found in Exhibit C.*

Recommendation: The italicized wording is inaccurate and is already discussed in the Bylaws at Article III, Community Planning Group Organizations, Section 3, and should be deleted. In addition, Exhibit C should be deleted.

After further discussion, a motion was duly made to approve the recommendation as follows:

Motion 6 was made by Carlton Nettleton and seconded by Carole Havlat TO APPROVE the recommendation for Article VIII, Section 1 (c) (4) as follows:

Terms of elected members shall be three years with expiration dates during alternate years unless:

- ***The individual has been elected to fulfill an unexpired term as referenced in Article IV Vacancies, Section 2.***
- ***A vacancy occurs with no eligible candidates. Then an individual community member, who does not meet the eligibility for the area to be represented, may be nominated and elected to represent that area for a one-year appointment by a majority vote of the board.***

VOTE

For: 11

Against: 0

Abstain: 0

Motion passes.

5. Article VIII, Section 1 (d) – Community Recall of a Board Member

Deviation from CP 600-24: This is a new section to allow the community to recall a board member and is a separate remedy from CP 600-24 Violations and Remedies, found in the bylaws at Article IX, Rights and Liabilities of Recognized Community Planning Groups, which documents alleged violations by a member of the Mission Beach Precise Planning Board at Section (a), and alleged violations against the Mission Beach Precise Planning Board as a Whole at Section (b).

The Board has been utilizing this procedure in its bylaws for many years prior to CP-600-24. The intent of the proposed section is to allow over 250 eligible voters to sign a petition to recall a board member on the grounds that the board member does not accurately reflect the interests of the community, irrespective of whether or not that board member has committed a violation pursuant to CP 600-24 Violations and Remedies.

After further discussion, a motion was duly made to approve this new section as follows:

Motion 7 was made by Dennis Lynch and seconded by Peggy Bradshaw TO APPROVE Article VIII, Section 1 (d) Community Recall of a Board Member as follows:

Any member of the Planning Board may be recalled separate from committing a violation by a majority vote of eligible voters present and voting from the community at a special meeting called for that purpose. Such a meeting must be initiated by a petition signed by 250 eligible voters from the community. The petition must be completed in any thirty (30) day period with dated signatures thereon. The special meeting must be called within thirty (30) days after the petition is submitted to the Board. Any vacancies resulting from a community recall may be filled by an election held at the meeting. Only one (1) Board member from each area may be recalled in any ninety (90) day period.

VOTE For: 11 Against: 0 Abstain: 0

Motion passes.

Information Item:

- **Discuss new role of community planning groups in the City's Capital Improvement Projects (CIP) Budget Development Process for FY 2014**

Chair Watkins apprised the Board that the Mayor's Office is inviting the public to participate in development of the FY 2014 (July 13 – June 2014) Capital Improvement Program budget through recognized community planning groups. She reported that previously, the public could not provide input until the draft budget was published April 15th. This year, the public is encouraged to suggest projects (studies, design, construction) before city staff starts work in December.

Chair distributed copies of FY 2014 CIP Budget Development Process process, Public Outreach Summary, current CIP projects in Mission Beach, and FY2014 CIP Improvements (CIP) Request Form. She explained each document and the outreach process to get members of the community to participate. Chair said she would forward a public outreach document to the Mission Beach Town Council for distribution. In addition, the October 16th Board Meeting will consist of a Public outreach section to discuss the new role of community planning groups in the City's CIP Budget Development Process for FY 2014, and gather project recommendations from the community.

Possible Action Item:

- **MB Maintenance Assessment District ("MBMAD") Ad-hoc Subcommittee Update – discuss proposals/recommendations for improvement projects and maintenance responsibilities**

John Vallas, Chair of the MB MAD Ad-hoc Subcommittee, distributed its Report to the Mission Beach Precise Planning Board dated September 17, 2012. The document is a thorough examination of expanding the Mission Boulevard Maintenance Assessment District beyond its current purpose of providing for the care and maintenance of trees and planters located on Mission Boulevard. He pointed out the current authorized assessment per EBU is \$14.68 per year, and the maximum assessment per EBU is \$17.88 per year.

Further, the list of potential projects the MAD subcommittee considered fell into one or more of the following categories: projects that positively impact the quality of life; mitigate crime; assist both residents and tourists; and was possible within the scope of expanding the MAD without exorbitant costs associated with projects. The subcommittee recommended two tiers: Tier 1 would consist of simple community projects like trash pickup, recycling and improved safety lighting; and Tier 2 for longer-term community beautification projects such as bike racks, community benches, landscaping/hardscaping.

Chair Vallas requested the Board vote on whether to continue with the current subcommittee or form a new subcommittee to take these recommendations from concept to community vote at its October 16, 2012 Meeting. Chair stated this matter would be added to the October 16, 2012 Agenda for further discussion and possible action.

Chair stated any additions to the agenda need to be submitted to the Chair 10 days PRIOR to the scheduled Board meeting. The next Board Meeting is **Tuesday, October 16, 2012** in the Belmont Park Community Room.

ADJOURNMENT

Motion 8 was made by and seconded to ADJOURN the meeting.

VOTE For: 11 Against: 0 Abstain: 0

Meeting was adjourned at 8:45 p.m.

Completed by:
Debbie Watkins, Secretary