



## Rancho Peñasquitos Planning Board Meeting Minutes

September 2, 2015

Attendees: Jon Becker, Corey Buckner, Bill Diehl, Bill Dumka, Stephen Egbert, Steve Gore, John Keating, Ruth Loucks, Jack McGuire, Darren Parker, Darshana Patel, Jeanine Politte, Brian Reschke, Keith Rhodes, Mike Shoecraft, Brooke Whalen, Ramesses Surban (ineligible member)

Absent: none

Community Members & Guests (Voluntary Sign-in): Lisa George, Susan Sindelar, Audrey & John Blenke, Chris Brady, Marjorie Oberlander, Arnie Edner, Alisa Cassell, Steve Smith, John Esplant

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*[Secretary's note: District 5 representative Ramesses Surban was notified on 8/13/2015 via email of ineligibility to serve on the board due to missing 3 consecutive board meetings per RPPB Bylaws and Council Policy 600-24. See agenda item 7c for Secretary's report and discussion. Prior to the meeting's call to order, the Secretary verbally notified the District 5 representative that he was ineligible and was encouraged to sit in the audience. All votes through the conclusion of item 7c reflect that his vote was counted by the Chair when it should have been excluded.]*

1. The meeting was called to order at 7:40 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum was present.
2. Agenda Modifications:
  - a. Becker noted that a cancelation was received for the Request for V-Calm Devices on Camino del Sur Action Item; rescheduled for October meeting.
  - b. The Request that RPPB Appeal the Verizon Wireless Project #379009 at Ridgewood Park Action Item will remain on the agenda so the community can be heard; Becker noted that an appeal had already been filed by another entity, so RPPB would not be appealing.
  - c. **Motion:** To move Ratification of the Secretary's Report on Ineligible Status of District 5 Representative & Declaration of Vacancy Action Item to the 3<sup>rd</sup> Item on the business agenda. M/S/C – Becker/Politte/Approved, 17 in favor – 0 against – 0 abstentions/recusals. [Ineligible member voted in favor of this motion.]
3. APPROVAL OF MINUTES: May, June & July 2015

**Motion:** To approve the May 6, 2015 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Buckner/Shoecraft/Approved, 15 in favor – 0 against – 2 abstentions (Rhodes, Surban). [Ineligible member voted to abstain.]

**Motion:** To approve the June 3, 2015 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Diehl/Buckner/Approved, 12 in favor – 0 against – 5 abstentions (Parker, Rhodes, Shoecraft, Whalen, Surban). [Ineligible member voted to abstain.]

**Motion:** To approve the July 1, 2015 Rancho Peñasquitos Planning Board Meeting minutes as corrected. M/S/C - Egbert/Buckner/Approved, 10 in favor – 0 against – 7 abstentions (Gore, Patel, Diehl, Parker, Shoecraft, Loucks, Surban). [Ineligible member voted to abstain.]
4. Public Safety Agencies: none present

5. Public Forum: no comments

6. ANNOUNCEMENTS & INFORMATION ITEMS:

- a. San Diego City Planning Dept. Report – Michael Prinz, not present
- b. San Diego City Council Member Mark Kersey, District 5 Report – Kyle Rodenbo
  - Garrett Hager introduced Councilmember Kersey’s new community representative, Kyle Rodenbo; Hagger will remain on staff.
  - Rodenbo reviewed upcoming events: 9/25/15 - Community Golf Tournament with SDPD Northeastern Division (\$65/person at Carmel Mtn. Country Club), 9/26/15 – Wildfire Preparedness Forum at Marshall Middle School in Scripps Ranch.
  - Council office has purchased 2 new speed trailers for SDPD NE Division which will be used for traffic calming and tracking within Northeastern’s boundaries. The trailers are solar powered and document speeds/times wirelessly transmitting the information. Older trailers will still be deployed as needed. The data collected can be used for traffic studies and speed warrants to adjust speed limits per state regulations every 8 years.
- c. San Diego City Council Member Chris Cate, District 6 Report – David Downs (This report followed Councilmember Cate’s presentation, item 7a below.)
  - Pallera introduced Councilmember Cate’s new community representative, David Downs; Pallera will remain on staff in a different role.
  - Pallera noted that the Rancho Family YMCA is celebrating its 20<sup>th</sup> Anniversary. District 5 & 6 offices will join together on November 3<sup>rd</sup> for an official proclamation at City Council.
  - Patel inquired about follow up on the scheduled resurfacing of Park Village streets that were marked back in March. Pallera said the streets are now on the December list, but he was unsure why they got bumped from the July list. Politte noted that her neighborhood streets were marked last week and not on the most recent list.
- d. San Diego County Supervisor Dave Roberts, District 3 Report – Harold Meza, not present
- e. CA Assembly Member Brian Maienschein, 77<sup>th</sup> District Report – no representative present
- f. CA State Senator District 39, Senator Marty Block – Joyce Temporal, not present
- g. U.S. Congressman Scott Peters Report, 52<sup>nd</sup> District Report – no representative present

7. BUSINESS.

- a. **Neighborhoods First Coalition** – 6<sup>th</sup> District Councilperson Chris Cate (Information Item) (handout: Neighborhoods First Coalition Mid-Year Strategic Plan Update)
  - Coalition is a way to share info and advocate for individual neighborhoods in a group setting, City Council District 6 communitywide. The group will analyze priority projects for 2017 budget that are recommended by neighborhoods. What will get funded in future budgets; i.e. CIP, services and funding increases that the Council office can advocate the needs and get support of the other council offices.
  - Becker noted, this will encompass services & CIP types of projects; Cate confirmed.
  - Diehl noted that Park & Recreation has always been low on the priority list. Rancho Peñasquitos has the funds available to complete the Tot Lot at Canyonside Park, but getting our projects on the CIP priority list has been an issue. Cate said that there is a capacity issue and only so many projects that the City can get through the process each year but if the money is available the priority should be higher. Money shouldn’t

sitting unused. Becker added, it was very helpful in getting the Torrey Highlands park pushed through.

- Executive Board Meetings are monthly, an open forum meeting coming up shortly at the Senior Center in Mira Mesa; the coalition is essentially a clearinghouse for projects per the Coalition Vice Chair Arnie Edner. Their preference is to get the priorities from RPPB, but this is a way to get other community members who might not attend RPPB to provide input also.
- Politte asked if the coalition was a nonprofit? Edner said, they are organized in that they have bylaws, but do not have money and are not an organized nonprofit. Politte asked if the coalition was an advisory board for Councilmember Cate's office? Arnie said, they are a clearinghouse for ideas from the neighborhoods; ideas will be shared with Council Dist. 6 office. Cate added, they are not a recognized advisory body. Politte was only concerned that if they were, the Brown Act would apply and the meetings are open to the public. Cate said, they do not have to follow the Brown Act, but the meetings are open to the public. Edner said, they do not work for Cate's office, but they work closely with him and his staff to be able to provide input in future priorities. Cate added, if he doesn't get what the community wants done the voters won't reelect him. Politte added, that the coalition's goals are what planning boards do. Becker noted that the coalition will be looking at a more broad picture including services and not just Capital Improvement Projects (CIP) issues.
- Surban asked Cate if this was an accountability tool? Cate replied yes, this gives groups/neighborhoods an opportunity to voice their specific needs beyond what the planning groups look at.

b. **Integrated Corridor Management (ICM Project) along the I-15 between SR-52 & SR-78** – Alex Estrella, SANDAG (Information Item) (handout)

- Estrella reviewed the ICM project that encompasses multiple jurisdictions with 200 intersections with signal timing elements, mass transit systems and arterial connections/adjacent main roadways. When there is congestion or a major incident along I-15 corridor, this program will allow team members to adjust signal timing and redirect drivers to alternate routes via signage to avoid the congestion/incident area. Additionally, if there is local street saturation those routes will not be used. The purpose is to reduce congestion. Funding for the project is provided by a USDOT grant.
- Buckner asked for clarification on monitoring I-15, how do they adjust ramp timing when adjacent streets are backed up? Estrella noted that data from local arterial embedded loops is collected real time, so if a local street is saturated, they won't send traffic to that street. Benefit/Cost ratio is \$10 return for every \$1 spent; better utilize existing assets to move traffic.
- Becker asked if the rerouting was done real time; Estrella said yes.
- Egbert asked how driver's will know. Estrella referred to the handout slides, adding that multi-jurisdictions are committed to using this logic, also called Passive Rerouting.
- Estrella said they will also use Active Arterial Rerouting during a major incident. Signage will notify drivers to use alternate route and there is an app that will also provide the rerouting info. There will be signage (23 signs) along these routes to help direct drivers on the alternate route and staff will be collecting/monitoring the data.

- Becker asked about how the system would respond if a major incident like fire were to occur? Estrella said the app will provide route info. He noted that the app is being developed by a private entity and it will be able to send notifications to drivers in real time.
  - Bucker asked about the criteria to open up the HOV lanes to all traffic. Estrella said the real time data and density caused by a major incident will allow TMC staff to make the recommendation to open HOV to all. Keating noted that those who pay (FasTrak) to use HOV lanes may get frustrated as they might need to put the transponder away so as to not be charged.
  - Politte asked, since the ICM test of this project, what success rates have been seen? Estrella noted, when a major incident occurs approximately 7-20% of the traffic diverts. This is based on stats collected on Centre City Pkwy. during a previous incident. They've been able to maintain the relative speeds without the incident. They've seen travel time savings. They are tweaking the system as they go.
  - McGuire referred to the recent bicycle accident on I-15 NB lanes; was the system activated? Estrella noted that the HOV lanes were opened up but it was early in the AM hours so it didn't trigger the system.
  - Rhodes said that signs informing drivers can be calming where you may worry about being late to your destination.
  - Becker asked if there is a central system that collects data from the individual agencies? Estrella said the individual agencies still maintain their own systems and the ICM places a web based system over the top of those systems collecting the data in real time.
  - Keating noted that changing the managed HOV lanes to allow more traffic in one direction takes too long to move the barrier and suggested that crews be on standby so it can be more easily changed. Estrella said an I-15 management team is reviewing data to modify the number of HOV lanes in one direction on a regular basis. Example is on Thursday evenings where the current profile/data suggests the need for 3 southbound and 1 northbound lane. Keating said, he didn't notice any difference with traffic tonight as a result of the incident on I-15 and did not see if traffic was rerouted to Black Mtn. Rd. and Pomerado Rd.? Estrella said he will be looking at the data but the thresholds may not have been met for the change. The alternate rerouting umbrella (signage) will take effect this October.
  - Patricia (BMR) inquired if ICM includes plans for express/managed lanes or MTS express service on SR-56? She added, since inception of the Express routes, many have been canceled due to lack of ridership. She added that the Del Lago and RB Transit Center lots are at capacity.
  - Keating added, he met with Assembly member Maienschein's office and CALTRANS. Widening of SR-56 to 6 lanes is scheduled for 2035. They are trying to advance that because SR-56 is so bad. Keating noted the flyover of SR-56 to Northbound I-5 is independent from this. Politte added that she thought City Council approved getting the analysis underway for the widening.
- c. **Ratification of Secretary's Report on Ineligible Status of District 5 Representative and Declaration of Vacancy – Jeanine Politte (Action Item)**
- Becker noted that this item is a formality to declare a vacancy for any District. We have to follow our Bylaws and CP 600-24. He noted that the Secretary is required to confirm the vacancy whereby she had consulted with City staff (Assistant to the

Director Betsy McCullough and Senior Planner Michael Prinz) to inquire about the ineligibility issue and the process.

- Politte noted that all members confirmed receipt of a copy of the report documenting the absences and email correspondence with staff. After lengthy discussion of the draft bylaws at last month's meeting, it was recognized that the District 5 representative was ineligible to serve on the board due to 3 consecutive absences; a violation of our RPPB bylaws and CP-600-24. As noted, Staff acknowledged that a member who has 3 consecutive absences is no longer eligible to serve on the board and provided direction on the process that RPPB should take. The RPPB bylaws do not permit any approved absences or authorized leaves. This is not a violation under Article IX of the bylaws, it is a finding of fact. The RPPB bylaws identify if a member misses 3 consecutive meetings they are ineligible and if they miss 4 meetings in a year they are ineligible. As such the Secretary is directed to prepare a report on the facts and that RPPB would need to vote to approve/ratify the report. The vote is not to remove the member.

Politte reported that she emailed the report to the District 5 representative and all board members on August 13, 2015 and received confirmation of receipt from all board members. On August 25, 2015, the District 5 representative emailed the Secretary their resignation stating "OK, sure. I resign". The item was placed on the Agenda as public notice to ratify the report and declare the vacancy. Politte noted that during her tenure on the board, this situation had previously not occurred and that it was probably good information for all board members to acknowledge the processes going forward. It is the role of the Secretary to track attendance and submit these reports. If the bylaws or CP-600-24 are not followed, the RPPB members would not be indemnified. Politte noted that RPPB needs to ratify the report and declare the vacancy so that it can be filled by an eligible member of the community. There is nothing in our bylaws that restricts the ineligible member from applying to fill the vacancy next month, however the seat is open to other members of the community.

- Becker asked "What is the process to fill the seat?" Politte responded it is a single seat vacancy filled by appointment, not an election. If there are multiple candidates eligible to fill the seat, each candidate may present their qualifications to the RPPB, whereby RPPB members will vote publicly to approve the new member. The public vote can be accomplished with paper ballots read into the record including which member voted for which candidate or by raised hands. Per the Brown Act, all action taken at an RPPB meeting must be done in the open, publicly with no secret ballots. The only process that allows for secret votes is our election/special elections where community members vote for the candidate(s) that will represent them.
- Surban asked if this action item is essentially about him, its centered on him? Becker replied that it is not, it is about the bylaws and noted that it should not be taken personally. Surban responded, he did not but wanted to quote the bylaws so everyone knows: "*The board shall find that a vacancy exists upon receipt of a resignation or upon receipt of a written report from the planning group's secretary reporting the third absence*". He added, he did submit his resignation but upon seeing that ratification of the report was on the agenda, he assumed that his resignation was not accepted. The question before the board is whether to ratify the Secretary's findings of 3 consecutive absences. He reminded the board that back in April, the board voted to approve him as the RPPB Chair for the upcoming year and he added that he informed the board at that time that he would be missing the next 3 meetings

preparing for the Bar Examination. Does it make any sense for the Secretary to present a report that those 3 instances of missed meetings should be construed as absences? Ratify means to agree to the act of another. Do you agree that the Secretary should find and construe that his nonattendance at those meetings are considered absences for the purpose of this action of the board. It seems there is inconsistency, when the board approved him as the Chair, now saying his absences make him ineligible.

- Keating noted that Surban did say he would be gone and asked Jon to fill in for him, was that essentially a leave of absence? Is that really a violation of our bylaws? We kind of granted him that by approving him as the Chair.
- Becker noted that the city is reviewing the bylaws Citywide and putting a big filter on these types of issues.
- Rhodes said that we don't seem to have a way of excusing absences and maybe that needs to be changed. But if we don't follow the bylaws or CP 600-24, we don't seem to have a choice and we have to do this to satisfy the City and this is not a negative on Surban.
- Surban said, the City has said this is a vote to ratify the report. If you are in agreement with the findings per this section of the bylaws, despite his prior notice and a decent excuse to not be here and you can interpret his absences as absences under these bylaws then you should. This isn't a ministerial proceeding where you don't have any discretion as to whether you decide whether those are absences or not.
- Rhodes asked Surban if he can find in the bylaws a place where we are allowed to make a decision that someone doesn't come for 3 months and not go through this process or that the member is ineligible? Rhodes added that this doesn't reflect negatively on Surban. The Secretary is doing her job per the bylaws.
- Keating said the Secretary is doing her job, but the board should have a choice to vote for or against the report.
- Politte said that if you vote against the report, you vote against the facts; the report documents the 3 consecutive meetings missed. Politte noted, that she wasn't at the April meeting and Surban was the Chair of the Bylaws committee where we discussed many times the absence issues and he should have known that he would be in violation of the bylaws if he missed 3 consecutive meetings. She added, if he had come for an hour at any of the 3 missed meetings, this wouldn't be an issue and that as Secretary, this is the responsibility of the position. Surban said that during bylaws committee discussions, he recalled us contemplating about the Secretary using judgment and discretion as appropriate in determining whether to submit a report to the board.
- Becker suggested that we put a motion forward possibly with conditions. Politte said you can't put conditions on a report; you either accept the report or not.
- Egbert noted his concern for board decisions that might be challenged if we don't follow the bylaws and CP; he suggested the board find a method to get this behind us so we don't violate the bylaws.
- McGuire asked what would happen if we didn't ratify the report? Becker suggested that we would be in violation of the bylaws which opens us up to potential loss of indemnification exposing our credibility. McGuire said the Secretary is providing her findings of fact, but if we don't approve the sky won't fall.

- Rhodes asked for confirmation that Surban could come back next month and reapply and be appointed to fill the same seat. Politte said yes. Rhodes then asked for a straw vote of who would vote for Surban. Politte suggested that Rhodes shouldn't do that in case there are multiple candidates that come forward next month; not fair to the board members or Surban.
- Politte read Prinz's email portion of the report as follows:

“In matters such as these, I would suggest that you consult your adopted bylaws and the current Council Policy 600-24 for direction.

Regarding this particular matter, the Council Policy states (emphasis added):

Article IV Section 1 – “A community planning group **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 its 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 regular meetings as established under Article VI, Section 2 below.

Article VI Section 2 (a) (8)(b)(3) – A ratifying vote to remove a member due to ineligibility in accordance with Article III, Section 5 of this Policy requires a majority vote of the voting members of a community planning group.

Article III Section 5 - A member of a community planning group must retain eligibility during the entire term of service. A community planning group **member will be removed from the group upon a majority vote of the voting members of the group to ratify the findings of the Secretary that the member is no longer eligible to serve**. Prior to the community planning group meeting at which this vote occurs, the Secretary shall provide the group with documentation of the ineligibility and shall notify the member in question. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3, or in Article IV, Section 1 of this Policy and in the community planning group's adopted bylaws.

Your current, adopted bylaws contain Article IV, Section 1 language cited above in its entirety in the same-numbered Section. Your bylaws, in Article III, Section 4 (Council Policy Section 5) also state that **a member must retain eligibility during their entire term of service**. What Council Policy 600-24 Article III, Section 5, and Article VI, Section 2 cited above, added in 2014 is a clarification that **the planning group will take a ratifying vote based on the Secretary's finding as presented to Board**. It is not intended to be a vote on whether the individual should remain but is the way to actually declare the vacancy based on the facts.

I would recommend that you provide the secretary's report to the full board in advance of the September meeting and place the matter on the agenda as an action item. The full board will need to vote on the matter at the September meeting.”

**Motion:** To ratify the Secretary's report. M/S/C – Diehl/Shoecraft/Discussion.

- Becker noted that we can fill the vacant seat next month.
- Keating asked for confirmation that the bylaws do not reference an approved leave. Buckner/Reschke confirmed that CP states no excused absences.
- Diehl noted that City Council gets excused absences.
- Loucks said she is troubled by this situation. When Surban was nominated to chair RPPB in April, no one spoke up that his planned 3 month absence would violate the bylaws, alerting him to the fact and a disservice to all those present at the April meeting. Egbert noted that the April minutes were silent on this and Politte added that

in her absence the minutes were pulled together from multiple sources. If brought up then, we wouldn't be here now discussing this.

- Becker noted in hindsight, there was some miscommunication and the bylaws should have been reviewed at that time, we do have to track attendance.
- Politte noted that this discussion makes us all aware of the eligibility requirements. CP ensures that members are here to represent their community and added that if absences are an issue, that community isn't represented. There might be someone else who is interested in the position.
- If RPPB votes on a project tonight, Politte confirmed that a community member could contest any action taken by RPPB while an ineligible member was on the board. She added that her minutes will document that his votes earlier tonight were ineligible.
- Patel asked for clarification on procedures if a member submits their resignation or if this is different because of the 3 consecutive absences? Politte said a vacancy needs to be announced. A regular resignation is accepted and the vacancy is announced. Patel asked, if his resignation was accepted then why are we going through this process. Politte said that because this is a violation of the bylaws, the process needs to be documented in case the member comes back and says he didn't mean it or if someone files suit against the board. Patel questioned whether Surban's resignation was official or not. Surban then said that it must not have been because the bylaws state "ratifying the report or resignation".
- Rhodes asked the members if they remembered Surban stating he'd be gone? Politte said that it shouldn't have any bearing on this item. Rhodes counted 10 sets of hands remembering it. Rhodes said that he wants Surban here and suggested that Surban not resign, just do this procedural thing and come back next month.
- Surban said, he concluded that his resignation was never affected because the item was on the agenda and the bylaws state one or the other.
- Diehl added, when the Chair announces the resignation it becomes official. He suggested that Surban could pull his resignation now or go through the ratification process.
- Surban suggested the board was in a quandary to ratify the report which is inconsistent with approving him as Chair or whether the absences count as absences per the bylaws. Or he should just resign so the board doesn't seem to be inconsistent or violate the bylaws.
- Keating asked Politte what was said in the email that Surban responded to when he emailed his resignation? Politte said all board members received the forwarded message with her report and request to confirm receipt. Politte read the email sent to Surban on 8/13/15 with the report:

"Hello Ramesses,  
I wanted to notify you that you are no longer eligible to serve as a Board Member of RPPB due to your 3 consecutive absences. Please review the attached Secretary's report that will be emailed to the full board today. You also have the option of submitting a letter of resignation to Jon Becker or myself, but the Board has no other alternative but to follow our bylaws and CP 600-24, and ratify the findings then declare the vacancy."
- Brief discussion on use of the word "option".
- Surban suggested that a vote either way will cast the board in a negative light.
- Buckner said it was time to move on and vote to ratify the report.



- Surban said that he thought the Secretary would use discretion.
  - Buckner replied, that Politte doesn't have that choice adding that Surban was absent 3 times in a row. Buckner asked, if he resigns, can he come back next month? Becker said, Yes. Politte added, a vacancy is filled by appointment.
  - Becker suggested that if Surban agreed to resign, the motion could be amended to ratify unless he resigns or the motion could be retracted.
  - McGuire offered an amendment to ratify the Secretary's report unless Surban resigns.
  - Reschke asked if the motion could be rescinded?
  - Motion was pulled from the floor by Diehl and Shoecraft. No vote was taken to ratify the report.
  - Surban handed Becker a second resignation letter and left the meeting.
  - Becker acknowledged receipt of Surban's resignation letter and declared the vacant seat in District 5.
- d. **Request that RPPB Appeal Hearing Officer's Decision of 8/26/2015 for Verizon Wireless Ridgewood Park Project PTS #379009** – ALisa Cassell, resident (Action Item)
- Becker noted the project was already appealed by the Don't Cell Our Parks group adding that RPPB doesn't need to appeal the project. Cassell disagreed stating that RPPB can still appeal. Becker reported, the appeal was stamped today and appealed on the grounds: factual error, conflict with other matters and findings not supported.
  - Cassell requested RPPB appeal the Hearing Officer's Decision to approve the Verizon Ridgewood Park Wireless Facility stating the project approved by RPPB had substantially changed and RPPB did not approve the project that was approved by the Hearing Officer. The community doesn't feel they were represented because Councilmember Kersey had to recuse himself due to a conflict and Councilmember Cate said that RPPB approved the project without providing the details of the approval. She referred to the February 4<sup>th</sup> RPPB meeting minutes and comments made by Rhodes that the City makes the decision and sometimes they listen to the community and sometimes they don't. The community wrote every councilmember and the only response they received was from Councilmember Kersey because he couldn't vote. Don't Cell Our Parks appealed the project based on the project violating the City Charter and approval requires a vote of the public. She hopes RPPB will appeal because the project has changed.
  - Politte assisted Cassell by reading RPPB approval of the project that was presented to RPPB as reflected in the RPPB minutes dated 2/4/2015.

***Motion:** To approve the Verizon Wireless Communication Facility (WCF), PTN #379009 at Ridgewood Park, 12604 La Tortola for a proposed Faux Eucalyptus Tree with Twelve Antennas as presented with the following conditions: 1) increase height 3 feet with maximum foliage and shape, 2) add 5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees in the grove, and 3) require that future wireless carriers to this site must come to RPPB. M/S/C – Gore/Rhodes/**Approved**, 11 in favor – 7 against (B. Diehl, Loucks, Patel, Politte, Shoecraft, Simmons, Surban) – 0 recusals/abstentions.*

It was noted that the condition to add 3 feet to the height pertained to a 50' faux tree making it 53' tall, the condition to add trees to the grove around the faux tree had been stripped from the project by the City. Politte said that she brought it up to the board after Verizon reduced the size and we also told you about the loss of the

additional trees. The board didn't seem to be concerned. Politte added that all the hillside trees in her neighborhood park are not watered, once established.

- Becker noted, RPPB can request that the trees be added back in and that the applicant establish them.
- Cassell noted that the tree is now 35 feet tall with 12 antennas and the 12 RRUs were not mentioned in RPPB's approval. Parker responded that the RRUs are a part of the antennas. Cassell said the City removed the additional trees due to the drought and the faux tree will be placed in front of the existing trees. It says they will maintain the shrubs if Park & Rec approves.
- Cassell commented on select statements from the H.O. Report Attachment 5 (Draft Resolution) FINDINGS used to base the approval.
  1. "The proposed development will not adversely affect the applicable land use plan;  
The Rancho Penasquitos Community Plan does not address WCFs as a specific land use, but Section A.15 of the Urban Design section of the City of San Diego's General Plan addresses Wireless Facilities. The intent is to minimize the visual impact of wireless facilities. The General Plan states that wireless facilities should be concealed in existing structures when possible, or otherwise use camouflage and screening techniques to hide or blend the facilities into the surrounding area. It also states that facilities should be designed to be 'aesthetically pleasing and respectful to the neighborhood'."  
She added the report says, "the design of this WCF will respect the neighborhood context and blend into the surrounding area with minimal visual impact."  
She noted there was confusion that landscaping around the enclosure is now conditional and she noted there are no buildings in this park. The building will be an eye sore to the park and the neighbors, blocking the western horizon. People come to the park to take in its beauty and enjoy its surroundings and will now pass between the concrete enclosure and the faux tree to enter the Preserve.
  2. "The proposed development will not be detrimental to the public health, safety, and welfare;  
It was determined that the project would not have a significant effect on the environment and was declared to be categorically exempt from the California Environmental Quality Act (CEQA)..."  
Cassell added the park butts up to the Preserve, one of the last untouched coastal canyons in San Diego. She mentioned comments made by current Mayor Faulkner referencing the preservation of our parks and the role they play in our quality of life.
  3. "The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code." ... "The project, as designed and located, complies with the Wireless Communication Facility regulations as it will be minimally visible through the use of architecture, landscape and siting solutions. The location of the WCF is along the southwesterly periphery of the park and set back approximately 325 feet from La Tortola and will not interfere with park use or pose visual impacts from the public right-of-way."  
Cassell said the project will cause visual impacts, move the picnic tables from the shade and move the training equipment; a clear loss of usability. She presented a letter from a resident who uses the circuit training equipment (attached).

- Becker asked what Cassell's concerns are? Cassell said it is loss of usability and functionality of the park and that it blends in.
- Becker again tried to gain insight into the neighbors overall concerns. Is there any new information?
- Cassell said Verizon misrepresented the project to the City and to RPPB, ie. distance to nearest homes, tables were benches, distance to basketball courts, and then after approval by RPPB they reduced the height of the tree to 35'.
- Becker said he believed the change in height was because 50' exceeded the allowed zoning height and that the City required them to reduce the height.
- Politte said Verizon applied for the appropriate permits to build the 50 foot tree, technically a variance to the zoning. The cycle letters never recommended the lower height.
- Reschke noted that the equipment can be moved to another part of the park without loss of use.
- Steve Smith (resident) said that the premium corner of the park is being removed from our use.
- Parker said the providers are guaranteed the right to provide service to their customers per Federal Law and he said there should be no action by this board tonight because RPPB has already approved the project.
- Politte said the board can appeal the Hearing Officer's Approval of the project based on the other items it. The neighbors could come back to us again if the current appeal fails asking us to appeal on the other grounds not currently under appeal. The appeal is to the Planning Commission.
- Parker asked for confirmation, they want our support because the tree was lowered, the picnic tables and circuit training equipment are being moved, the additional trees were removed from the plan and a neighbor added because the building does not belong there.
- Cassell said the park is a gateway into Los Peñasquitos Preserve and asked us to rescind RPPB's approval of the project and appeal the Hearing Officer's approval. She also commented on the health impacts we aren't allowed to consider.
- Steve Smith (resident - speaker slip in favor of appealing project approval decision) presented pictures of the location and said the project will reduce usability of the park by moving the tables and training equipment. It has an unfettered view of the preserve. He added that he thought the faux tree was to be behind the grove of trees. He stated that Verizon's engineers said it will alter the usability of the park and they don't recommend that people sit near the facility. The project should have been rejected.
- Unnamed resident noted that she has a Verizon wireless signal booster and is concerned that the project will affect her health and devalue her property.
- Becker noted that we review for land use issues and that we are not experts regarding RFs, the applicant has a right to provide service to their customers. We can only look at the land use aspects of a potential project and blend it if possible. We have to rely on the applicants engineers analysis requiring coverage for the area to determine this location.
- Cassell noted that Verizon only looked within a 1 mile radius and the neighbors weren't allowed to rebut Verizon's comments at the Hearing Officer hearing. Parker said the City made the findings that the project did not impact the MHPA.

- Chris Schaffer (resident - speaker slip in favor of appealing project approval decision) noted these facilities have time limits for workers exposure so there is a health issue. The project is 10 feet away from the walkway and 32 steps from the basketball courts. Schaffer noted from the CEQA appeal hearing, Council members Gloria and Emerald liked a suggestion to use a smaller site on Mercy Rd. Please ask Verizon to come back with a better project.
- Becker asked Kerrigan Diehl if they had studied smaller micro sites? She replied yes. Politte said that was not conveyed in staff reports or cycle letters.
- Chris Brady (resident - speaker slip in favor of appealing project approval decision) said the job of RPPB is to look out for the community and the citizens of the community. Why wouldn't you support these neighbors?
- Reschke, as President of the Basketball Association, noted that not having service is an issue for coaches who practice at the park if an emergency arises. He also talked about technology demands in the future and that is the reason for the WCF.
- Brady noted that Verizon had 2 additional future sites on the coverage maps which have been approved. Brady presented a letter from Tim Lucas (handout).
- Becker asked Kerrigan Diehl if the other 2 sites were a part of the analysis? Were they acceptable? K. Diehl replied yes but they don't impact the coverage area of this site.

**Motion: To appeal the Hearing Officer's decision to approve the project on the grounds of new information that the project has changed. M/S/C – Politte/Reschke/Discussion.**

- Gore noted his understanding that the community is concerned and wished that the tree was moved farther away from the park as a compromise. Becker noted that would put it into the MHPA.
- Keating said the issues being discussed don't seem to be material changes that would cause him to favor an appeal.
- Becker noted that Staff didn't find the changes to be substantial but we could submit a letter requesting that our additional trees condition be reinstated regardless of the current drought conditions and to ensure that those trees are maintained until established.
- Parker said the tree height is the only physical/structural change to the project.
- Diehl said that the City is allowing additional watering in the parks. He added, that moving the circuit training equipment shouldn't impact their use. We can require that they be moved to another part of the park.
- Rhodes said that irrigation was discussed when Verizon presented to us. The drought won't last forever; put something in there that would require Verizon to put in irrigation on that side of the sidewalk and to maintain until established.
- Politte noted that an appeal will take a lot of time and work from us plus we will need to be at the appeal hearing or our appeal won't be considered. We don't know how multiple appeals are handled, if they are taken at the same time.
- Suggestion to modify the motion to include RPPB's previous conditions for additional landscaping, add establishing the landscaping and add that existing facilities (Picnic tables & training equipment) must be relocated within the park.
- Reschke suggested that RPPB support the existing appeal with a letter; less time involvement by RPPB.
- Brief discussion on the grounds for the DCOP appeal. Cassell asked RPPB to recind our previous motion to approve the project (2/4/2015).

- Buckner called a point of order due to audience comments while a motion is on the table, adding that it would take a 2/3 vote to rescind our previous motion.
- Diehl noted the motion changes: reduced tree height to meet zoning, our additional trees were removed and we want them reinstated and to be irrigated until established.
- Egbert said he supports cell service in that neighborhood. He added that he has a disabled friend in that neighborhood who does not have good cell service with Verizon; very concerned with being able to contact emergency services when needed. Egbert asked, are we going to be representing that we are against the cell tower in the park? Becker said, that we are in favor of the project with our conditions being reinstated.
- Shoecraft noted that in February, a motion to approve the project without any conditions did not pass.
- Reschke offered an amendment to find out who the current Chair and committee members would be to follow through with the appeal. Politte did not accept the amendment. Diehl added, the Vice Chair is the acting Chair in the absence of a Chair.
- Dumka said that a letter would be more effective but there can be multiple appeals at the same time. He added, the community will be much more effective in front of the Planning Commission.

Becker called for a vote on the motion as amended:

**Motion:** To appeal the Hearing Officer's decision to approve the project on the grounds of new information that the project has changed; specifically the tree was reduced to 35' to conform with zoning, our additional trees (5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees) were found to not be supported by City staff. We would like to have the additional landscaping reinstated and to be maintained and irrigated until established by the applicant and that the neighbors be consulted as to placement of the moved equipment (picnic tables & training equipment). M/S/C – Politte/Reschke/Failed, 1 in favor (Politte) – 13 against – 1 abstention.

- Discussion on possible details to be included in a motion for a letter and to include the conditions that were included in the original motion and the motion tonight (above).

**Motion:** To write and submit a letter to the Planning Commission in support of the community because of project changes since RPPB approval; to request that our condition of the additional trees (5-24" boxed Canary Island Pine trees and 5-15 gallon Carob trees) and screening of equipment structure be assured and established by applicant for 2 years. M/S/C – Rhodes/Gore/Approved, 15 in favor – 0 against - 0 abstentions/recusals.

e. **Sprint Wireless Project #406769, 12350 Black Mtn. Rd. (Canyonside Park) – Michelle Thurman (Action Item)**

- This project removes the 6 antennas from the flagpoles and installs a new 45' tall faux eucalyptus tree with 12 antennas and 24 RRH. The existing equipment structure will remain and continue to be used for this project. The flagpoles will remain on site.
- Becker asked if the project was in conformance with zoning? Yes.
- Buckner asked the height of the flagpoles. Parker noted the existing flagpoles are approx. 40' tall.
- Parker reported on the Wireless Committee's review of the project; the project is recommending maximum branches allowed and extending branches 24" beyond

antenna to better camouflage the equipment. They are including socks on the antennas and some equipment boxes inside the structure are being updated. Recommend approval as presented.

- Becker inquired if there was a need for additional trees (native) in a grove around this faux tree? Is the faux type the best for the site?
- Diehl noted there are shrubs and trees already along the gully and wouldn't want additional trees. He asked if this was a new lease' Parker responded that they are establishing a new lease for the tree area. Diehl inquired if they would be required to update existing to ADA standards like our regular park upgrades? Parker said it is not accessible to the public and not required.
- Politte noting the diagrams, the branches don't exceed the antenna above to camouflage, suggesting the antennas be dropped a bit. Parker said that won't work structurally. Do we want to make sure the City doesn't remove the existing the camouflage around the tree? Becker said if the City wants to clean up the gully, we don't have a say. She asked Thurman what outstanding issues remained incomplete per the cycle letters since we have not seen the letters? Thurman said, they are revising the coverage map to show Good, Excellent and Poor. Politte noted that coverage maps were not sent out. Parker said the RF study was fine. Politte said the coverage is really for the park as residential is more than a mile away.
- Buckner asked if Rec Council approved? Diehl said, no.

**Motion: To approve the Sprint Wireless Project #406769, 12350 Black Mtn. Rd. (Canyonside Park) as presented. M/S/C – Parker/Egbert/Approved, 12 in favor – 2 against (Shoecraft, Politte) – 1 abstentions (Becker).**

Note: Politte & Shoecraft are not in favor of WCFs in parks, and Becker noted that environmental review was not provided and he wants to see more info.

- Diehl asked when construction might begin? Thurman replied, tentatively June/July 2016. Diehl noted that June/July the park is down for maintenance, Aug-Dec is soccer. Best times for this project installation would be June/July or Dec/Jan when the park is down for maintenance.

f. **Nominations & Election of RPPB Chair** – Jon Becker (Action Item)

**Motion: To nominate and elect Corey Buckner as RPPB Chair. M/S/C – Becker/Keating/Discussion.**

- Becker said that Buckner has done this job in the past, done it well and would be a very good Chair. Keating agreed.
- Buckner inquired, if Surban comes back would the board want him to be the Chair?
- Brief discussion on appointment process to fill.
- Diehl said that he did not believe that Surban would be returning, adding that he nominated Surban to the Chair position in April to add that checkmark on his resume.
- Politte commented on Surban's argumentative behavior tonight, noting that this is not court.
- Patel called for a point of order as these are personal opinions not related to the motion on the floor.
- Gore said he likes Surban but regardless of whether he comes back we deal with contention and issues of contention all the time. We need someone who can keep

things calm. The position he took tonight was not Chair worthy. Gore said he supports Buckner because of his years of experience.

- Rhodes said there is nothing we could say to get him to understand that it wasn't personal, he took it personal. We all like Surban.
- Becker said that Surban did not believe he was removed prior to the meeting. They spoke and Becker believed Surban redacted his resignation. That's why we had to go through the process.
- Rhodes said he has been on the board with Buckner and he has done a good job in the past. He added, that you don't throw kerosene on the fire.

Becker called for a vote on the motion; Motion was approved to elect Buckner as the Chair. 15 in favor – 0 against - 0 abstentions/recusals.

- g. **Confirm RP Town Council's Reappointment of Darshana Patel to RPPB** – Jon Becker (Action Item)

RP Town Council is reappointing Darshana Patel to fill the organization's seat; a letter of appointment and application have been received.

**Motion:** To accept the appointment of Darshana Patel to the Town Council seat. M/S/C – Becker/Politte/Approved, 15 in favor – 0 against – 0 abstentions/recusals.

- h. **Appoint RPPB Bylaws Committee Chair & BMOSP Liaison** – Jon Becker (Action Item)

- Becker appointed Politte as the new Bylaws Ad-hoc Committee Chair.
  - Diehl inquired if the bylaws committee needs to be appointed again? Politte said that the Chair appointed the committee (Surban, Diehl, Egbert, Politte and Vasquez who resigned from the board and no longer a committee member). Other members who attended were invited but not allowed to vote in committee. The new bylaws will change how committee members are appointed.
- Becker appointed Diehl as the new BMOSP Liaison.

## 8. REPORTS.

- a. Chair Report – Corey Buckner, no report

- b. Vice-Chair Report – Jon Becker

- Announced vacancies in PQ Districts 3, 5, 6, 8; interested parties should submit an application to be considered for appointment at the next meeting. Cyndy Macshane is still interested when the new bylaws are approved.
- Received inquiries about grading at the site of Torrey Brook II, Becker noted that the project was previously approved for 2 homes in 2007.
- City has approved the erosion repairs and improvements on the City's service road that goes to the SD County Water Authority's site (near Black Mtn. Rd & Carmel Valley Rd. intersection).
- Black Mtn. Rd. and Park Village Rd. will get new traffic signals, ped buttons and ramps; Keating said it is all ADA upgrades; appeals are due by 9/9/15.
- San Diego Half Marathon is Dec. 26<sup>th</sup>, appeals are due by 9/14/15.
- Other appeals due shortly include: Storm water, Miramar Landfill, and the Climate Action Plan.
- Becker reported that he did receive the reimbursement check from the City for RPPB approved expenses and will send Politte a check for those expenses.

**Motion:** To forego remaining reports and adjourn the meeting. M/S/C – Keating/Patel/  
Approved, 14 in favor – 0 against – 0 abstentions/recusals.

The meeting was adjourned at 11:32 pm.

Respectfully submitted,

Jeanine Politte  
RPPB Secretary

Approved 10/7/2015, 12 in favor – 0 against – 0 abstentions/recusals.