

# SAN YSIDRO COMMUNITY PLANNING GROUP

## NOTICE OF REGULAR MEETING

### Location:

San Ysidro School District Education Center  
4350 Otay Mesa Road [north of Beyer Blvd]  
in San Ysidro, California

**Monday, February 25, 2019 at 7:00 p.m.**

Chairman: Michael Freedman (619) 690-3833 [messages only]  
City Planner: Elizabeth Ocampo Vivero (619) 236-6301

Except for Public Comment, Items Appearing in This Agenda May Be Acted Upon  
Without Further Notice as Allowed by the Brown Act [California Gov. Code, §54950 et.seq.]

1. **Call to Order, Introduction, and Roll Call**
2. **Agenda & Minutes**
  - a. **Approval of the Published Agenda**
  - b. **Approval of Minutes.** Regular Meeting of January 28, 2019
3. **Communications, Announcements and Special Orders**
  - a. **Chairman**
    1. **Election Results.** Chairman will announce the results of the election. Candidate with most votes will take the seat expiring in April 2022, runner up will take the seat expiring in April 2020. In event of tie, coin toss will allow candidate to choose seat. The newly elected members will be seated immediately and counted for attendance.
    2. **Old Otay Mesa Road Progress.** As of mid-February, 90% of the sidewalk sections are complete and open for use. There are a few remaining sections that cannot be completed, at this time, due to design conflicts. It is expected those last remaining sections (10%) to be completed in March. Completion of work is expected in April, but recent rains are impacting schedule. Any future rains could continue to push completion. The opening of the road is anticipated in April, pending weather.
    3. **Project Review Training.** For elected members of CPGs. Development Services Department presenting a 2-hour course in reviewing discretionary projects, Capital Improvement Program projects, environmental reviews, City ordinances and codes. Requires RSVP. See attachment.
  - b. **Board Members**

# SAN YSIDRO COMMUNITY PLANNING GROUP

c. **Elected Officials and Public Servants.**

d. **Members of the Public**

## 4. **Public Comment on Matters Not on the Agenda.**

Any person may address the SYCPG regarding matters which are not shown in this Agenda. Comments and inquiries must be related to the SYCPG purposes (City Council Policy 600-24). The Chair can limit comment to a set amount of time per item, or per speaker. The "Brown Act," a State law, does not allow any discussion of, or action to be taken on, items not properly noticed to the public.

## 5. **Docket Items:**

a. **San Ysidro Intermodal Station MTS Kiosks.** Request by Boardmember Aguirre. SYCPG provide follow up to formal request to MTS and City Officials generally regarding the legality of businesses operating without a review by Planning Dept and/or Development Service Dept.

## 6. **Subcommittee Reports**

a. Election Subcommittee – see attached subcommittee minutes of January 28, 2019.

## 7. **Representative's Reports**

a. SY POE Expansion & Reconfiguration - (Aguirre)

b. SY Smart Border Coalition – (Flores)

c. Community Planners Committee – (Meza)

d. Otay Mesa Planning Group - (Lopez)

## 8. **Adjournment**

# SPECIAL ELECTION !

## ¡Elección Especial!

San Ysidro Community Planning Group

Grupo de Planificación Comunitaria de San Ysidro



**MONDAY, FEBRUARY 25, 2019**

**5:30 P.M. TO 6:30 P.M.**

**San Ysidro School District Education Center**

**4350 Otay Mesa Road**

**Voters will receive ONE of these ballots at the poll:**

SAN YSIDRO  
COMMUNITY PLANNING GROUP  
February 25, 2019 Special Election

OFFICIAL BALLOT

Vote for no more  
than 2 candidates.

Vota por no más  
de 2 candidatos.

Place an "X" inside the box  
Example:

ABRAHAM JACOBO  
Resident

ADRIANA ORENDAIN  
Resident

CINNAMON CLARK  
Resident

JESSICA GARCIA  
Resident

SAN YSIDRO  
COMMUNITY PLANNING GROUP  
February 25, 2019 Special Election

OFFICIAL BALLOT

Vote for no more  
than 2 candidates.

Vota por no más  
de 2 candidatos.

Place an "X" inside the box  
Example:

CINNAMON CLARK  
Resident

ABRAHAM JACOBO  
Resident

ADRIANA ORENDAIN  
Resident

JESSICA GARCIA  
Resident

**INFORMATION/REGISTER TO VOTE: [syvotes2019@cox.net](mailto:syvotes2019@cox.net)**

# SAN YSIDRO COMMUNITY PLANNING GROUP

## ATTENDANCE RECORD

APRIL 2018 - MARCH 2019

|   | APR<br>2018 | MAY<br>2018 | JUN<br>2018 | JUL<br>2018 | AUG<br>2018 | SEP<br>2018 | OCT<br>2018 | NOV<br>2018 | DEC<br>2018 | JAN<br>2019 | FEB<br>2019 | MAR<br>2019 | MEETINGS<br>MISSED |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|
| AGUIRRE   | P           | A           | A           |             | P           | P           | P           | A           |             | P           |             |             | 3                  |
| CASTANEDA   | P           | A           | P           |             | P           | P           | A           | A           |             | P           |             |             | 3                  |
| CHAVARIN  | P           | P           | P           |             | A           | A           | P           | P           |             | P           |             |             | 2                  |
| FLORES  | P           | P           | P           |             | P           | P           | P           | P           |             | P           |             |             | NONE               |
| FREEDMAN  | P           | P           | P           |             | P           | P           | P           | P           |             | P           |             |             | NONE               |
| GONZALEZ  | A           | P           | P           |             | P           | P           | P           | A           |             | A           |             |             | 3                  |
| GOUDEAU   | P           | A           | P           |             | P           | P           | P           | P           |             | P           |             |             | 1                  |
| LOPEZ   | P           | P           | P           |             | P           | A           | P           | P           |             | P           |             |             | 1                  |
| MARTINEZ  | P           | A           | A           |             | P           | P           | A           | P           |             | P           |             |             | 3                  |
| MEZA  | P           | P           | A           |             | P           | A           | A           | P           |             | P           |             |             | 3                  |
| PEREZ   | P           | P           | P           |             | P           | P           | P           | P           |             | A           |             |             | 1                  |
| QASAWADISH  | P           | A           | P           |             | A           | A           | A           |             |             |             |             |             | VACATED            |
| WELLS   |             |             |             |             | A           | P           | P           | P           |             | P           |             |             | 1                  |
| ZERMENO   |             |             |             |             | P           | P           | P           | P           |             | P           |             |             | NONE               |
| VACANT  |             |             |             |             |             |             |             |             |             |             |             |             | VACANT             |
| VACANT  |             |             |             |             |             |             |             |             |             |             |             |             | VACANT             |
| <p><b>CITY COUNCIL POLICY 600-24 &amp; SYCPG BYLAWS REQUIRE THAT A SEAT <u>MUST</u> BE DECLARED VACATED WHEN THERE ARE:</b></p> <p><b>3 <u>CONSECUTIVE</u> ABSENCES, <u>OR</u></b><br/> <b>4 <u>TOTAL</u> ABSENCES BETWEEN APRIL 2018 AND MARCH 2019</b></p> <p><b>Note: Adjourned Meetings and Special Meetings are not counted for attendance purposes.</b></p> |             |             |             |             |             |             |             |             |             |             |             |             |                    |

## SAN YSIDRO COMMUNITY PLANNING GROUP

Minutes from JANUARY 28, 2019

1. **Call to order:** At 5:39 p.m. Chairman Michael Freedman called meeting to order.

**Roll Call: Present:** M. Aguire; F. Castaneda (6:15pm); M. Chavarin; D. Flores; M. Freedman; J. Goudeau (5:57 pm); R. Lopez; A. Martinez; Ben Meza; J. Wells (5:43 pm); A. Zermeno.

**Absent:** B. Gonzalez; A. Perez.

Quorum of 8 present at Call to Order, Item #2a, 2b

Quorum of 10 present at 5.a; 5.b, 5.c, 5d

2. **Agenda & Minutes**

**a. Approval of Published Agenda:** A motion was made by A. Martinez and seconded by B. Meza to add as Item 5c *San Ysidro Community Air Monitoring* and as Item 5d *San Ysidro Intermodal Station* to the Published Agenda as Information Only items. Motion Passed (8-0-0). Yes: M. Aguirre; M. Chavarin; D. Flores; M. Freedman; R. Lopez; A. Martinez; Ben Meza; A. Zermeno. No: None. Abstain: None.

**b. Approval of Minutes:** Minutes of 11/19/2018 - A Motion was made by R. Lopez and seconded by D. Flores to approve the Minutes of November 19, 2018 as published. Motion Passed (8-0-0) Yes: M. Aguirre; M. Chavarin; D. Flores; M. Freedman; R. Lopez; A. Martinez; Ben Meza; A. Zermeno. No: None. Abstain: None.

3. **Communications, Announcements and Special Orders:**

**a. Chairman:**

1. "Understanding the City's 2019-2020 Budget Process" held by Office of the Independent Budget Analyst. Wednesday January 30, 2019 5 pm – 6 pm 619.232.6555 202 C Street, Third Floor
2. Old Otay Mesa Road Progress. Project completion is currently targeting late March, pending any additional rains.
3. Welcome to Christopher Gris. New Council Representative for San Ysidro for District 8 Councilmember Vivian Moreno.

**b. Board Members:**

1. D. Flores

a. Casa Familiar will be hosting a San Ysidro Sin Limites Community Meeting on Thursday February 28, 2019 at 5:00 pm at the San Ysidro Civic Center to update the community on the San Ysidro Community Air Monitoring and begin engagement for the use of CARB AB-617 funding. Discussion will revolve around beginning to identify 50 community sites for indoor/outdoor air monitoring.

b. Casa Familiar will be hosting a reception opening at The FRONT Art Gallery on February 2, 2019 from 5-8 pm. "Journeys" will have two exhibitions 1. "Welcome the Stranger" exhibit by artist Jim Bleisner and 2. "Rebeliones Invisibles" by 3 collaborating artists: Vladimir Madera, Jorge Francisco Sanchez and Max Corona.

c. **Elected Officials and Public Servants:**

1. Chris Gris, Vivian Moreno District 8
  - a. Shared the City Committees which Councilmember Moreno is a part.
  - b. Community Clean Up event scheduled for Saturday, March 2, 2019 from 8:30 am – 12 pm. Starting point is at 663 E. San Ysidro Blvd. Drop off of trash items will be at 125 Cypress Drive. NO TIRES OR ELECTRICAL ITEMS.
  - c. Reiterated that Old Otay Mesa Road improvements are scheduled for completion in late March.
  - d. Tijuana River Valley Litigation, Councilmember Moreno and Mayor Faulconer urged City Council to vote in favor of joining the State Attorney General's lawsuit against the U.S. Government over the contaminated runoff from the Tijuana River Valley.
2. Carlos Lacarra, San Diego Police Department
  - a. Introduced Captain Adam Sharkey who shared news that the SDPD Southern Suppression Team was reactivated and thanked the community for supporting the request. Chair Freedman and the board congratulated the Captain and SDPD Chief of Police for providing the additional staffing necessary.
  - b. There has been increased tagging and that there were 2 adult individual suspects in custody. Reminded all to keep reporting and using the "Get It Done" app. Also reported there was a subject in custody that was tied to 14 break ins along San Ysidro Blvd. properties.

d. **Members of the Public:**

1. Juan Delgadillo presented concern regarding 598 Blackshaw Lane located next to their family property. It is up for sale and being advertised as allowing multi-family development. Mr. Delgadillo was concerned about additional traffic/street parking impacts. Chair Freedman will research and follow up with Mr. Delgadillo on allowable land uses and also stated that since there is no project proposed no action can be taken at this time by the SYCPG.
2. Adriana Orendain, resident of the Sunset/Alverson neighborhood also raised concerns over parking impacts and existing parking/traffic flow issues in those San Ysidro neighborhoods.

4. **Public Comment on Matters Not on the Agenda:**

1. Chair – Announced that the Election Subcommittee will be meeting after the regular meeting to organize the election for February 2019.

5. **Docket Items:**

- a. **ATC SOUTH DENNERY (AT&T/VZW) PTS 612524** (Shelly Killbourn Applicant) New Planned Development Permit, Neighborhood Development Permit, Neighborhood Use Permit applications for an existing Wireless Communications Facility located at 4350 Otay Mesa Road in the RS-1-7 zone (probably should be RM-1-1). The WCF consists of a 50 ft. tall monopine tower supporting two carriers (AT&T and Verizon), and two separate equipment compounds. No new construction is proposed. The project is proposing to retain the use for an additional ten years.  
**A motion was made by J. Wells and seconded by B. Meza to recommend approval of the continued use of the ATC South Dennery Wireless Communication Facility. Motion Passed (10-0-0). Yes: M. Aguirre; M. Chavarin; D. Flores; M. Freedman; J. Goudeau; R. Lopez; A. Martinez; B. Meza; J. Wells; A. Zermeno. No: None. Abstain: None.**

- b. **Vacancy:** There are two vacancies for terms ending April 2020 and April 2022. This is the final opportunity for candidates to qualify for the ballot. Candidates must be present at this meeting. Election for the two vacancies will be held on Monday February 25, 2019. A notice with sample ballots will be distributed separately. Four qualified members were nominated: Jessica Garcia, Cinnamon Clark, Adriana Oriendein and Abraham Jacobo. Each had an opportunity to address the board and public.
  - c. **San Ysidro Community Air Monitoring:** Casa Familiar presentation on sustaining air monitoring through support from the California Air Resources Board, California Climate Investments. The organization has received support to continue air monitoring efforts for 2 years with the goals of identifying emissions reduction strategies for implementation in collaboration with the San Diego Air Pollution Control District. Information Only.
  - d. **San Ysidro Intermodal Station, MTS Kiosks Follow up:** Request by M. Aguirre to provide follow up to formal request by San Ysidro Community Planning Group to MTS and City Officials. Chair Freedman will investigate the status of past letters. Information Only.
6. **Subcommittee Reports: No Active Subcommittees.**
7. **Representative's Reports:**
- a. **SY POE Expansion & Reconfiguration** (Aguirre): Art Deco building to be removed next month.
  - b. **SY Smart Border Coalition** (Flores): No Report.
  - c. **Community Planners Committee** (Meza): No Report.
  - d. **Otay Mesa Planning Group** (Lopez): *Southwest Village Plan* was discussed. *Southwest Village* is southeast of SY High School and east of Beyer Blvd dead-end.
8. **Adjournment** – Meeting Adjourned at 7:08 p.m.

Next Regular Meeting February 25, 2019.  
Minutes submitted J. Goudeau

**SAN YSIDRO COMMUNITY PLANNING GROUP**

**ELECTION SUBCOMMITTEE**

**JANUARY 28, 2019**

Call to Order: 7:13 PM

Present: Michael Freedman, Jennifer Goudeau, Jason Wells

Candidates: Cinnamon Clark, Jessica Garcia, Abraham Jacobo, Adriana Oriendein

**Sample Ballot #1**

Abraham Jacobo

Adriana Orendain

Cinnamon Clark

Jessica Garcia

**Sample Ballot #2**

Cinnamon Clark

Abraham Jacobo

Adriana Orendain

Jessica Garcia

Voting to be held from 5:30 pm to 6:30 pm on Monday January 25, 2019.

Candidate with the most votes to get term until April 2022. Second highest number of votes to get term until April 2020. Coin Flip if tie.

Adjourn 7:30 pm.

Submitted by Jennifer Goudeau

# SAN YSIDRO COMMUNITY PLANNING GROUP

c/o Michael R. Freedman, Chairman  
3833 Via Del Bardo  
San Ysidro CA 92173-1557  
(619) 690-3833

February 26, 2019

**VIA USPS & EMAIL**

Honorable Mara Elliott  
City Attorney  
City of San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

Dear City Attorney Elliott:

Please review the attached documents and provide your opinion as to the issues expressed. We have not had a response to our September 17, 2018 letter.

Our community thrives on trans-border commerce. We welcome new businesses and expansion of existing enterprises. But the rules must be fair and apply to all parties. Therefore, for this CPG to fulfill our obligations under Council Policy 600-24 in the implementation of the 2017 San Ysidro Community Plan, it is imperative that we consider, as best as we can determine, what rules, regulations, ordinances and other matter of law apply to land use in our area of responsibility.

We ask that you investigate these issues and provide us with an *Opinion* as soon as possible, so that we can continue to carry out our duties with reasonable certainty.

Sincerely,

**[INSERT SIGNATURE]**

Michael R. Freedman  
Chairman

Cc (via email):

Mayor Kevin Faulconer  
Council President Georgette Gomez  
Councilmember Vivian Moreno  
Planning Director Mike Hansen  
Development Service Director Elyse Lowe

# SAN YSIDRO COMMUNITY PLANNING GROUP

c/o Michael R. Freedman, Chairman  
3833 Via Del Bardo  
San Ysidro CA 92173-1557  
(619) 690-3833

September 17, 2018

VIA EMAIL

Hon. Mara Elliott  
City Attorney  
City of San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

Dear City Attorney Elliott:

The San Ysidro Community Planning Group (“**SYCPG**”) would like to bring to your attention a number of concerns regarding the proliferation of vending kiosks on **Metropolitan Transit System (“MTS”)** property owned and managed by this agency in the 700 block of East San Ysidro Boulevard. It is our understanding also that complaints have been made to the City of San Diego Code Compliance section concerning these kiosks.

We write to your office given our understanding of the history of permitting issues which persist at these sites by MTS, their location at the busiest land port in North America, and the continuing differences between the City of San Diego and MTS as to whether that agency and their lease tenants are properly complying with applicable state building codes, inspections and required local permits.

The planning group is aware of these jurisdictional and permitting issues and that they are not new. It is our understanding they have presented in numerous locations where proposed MTS development occurred within the jurisdictions of local agencies. We are also aware that while as a state-chartered agency MTS generally retains some self-permitting authority for development on its property, there remain questions as whether they or any tenant on MTS property must also comply with state and local regulations and inspections dealing with the suitability and safety of structures for occupation.

The SYCPG would like to convey the following important considerations:

1. As a community planning group, we are concerned that the proliferation of kiosks on the gateway pedestrian plaza at the port of entry and **behind the McDonald’s** building at 727 E. San Ysidro Blvd are inconsistent with the long history of community-engaged planning for the San Ysidro Intermodal Transportation **Center (“SYITC”)**;

2. As community members we have been involved with the intended design of the SYITC the purpose of which is to reduce mode conflicts, consolidate short and long-haul bus services, provide an open, safe pedestrian plaza and enhance the land port of entry as a North American gateway;
3. The proliferation of kiosks allowed by MTS at this site is contrary to these plans, presents substantial pedestrian safety issues, and as we understand it may well be becoming a concern for the United States General Services Administration as it completes a massive Port of Entry development project;
4. Some of our members and members of the public have observed some of these kiosks with questionable utility connections such as exposed junction boxes and wiring connections which may present a hazard to occupants and general public;
5. We are concerned this proliferation continues without *any* public outreach or community engagement.

Combined with the on-going concerns that MTS as a regional agency may be avoiding some state and local building and inspection requirements, as well as allowing their tenants to do the same, we felt strongly our concerns should be conveyed to you directly. We would appreciate your office vigorously evaluating these consistency and compliance issues and urge you to take any and all necessary actions to address them.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Freedman". The signature is written in a cursive, slightly slanted style.

Michael R. Freedman  
Chairman

Cc: Mayor Kevin Faulconer (via email)  
San Diego City Council (via email)



April 2, 2018

# NOTICE OF VIOLATION

**Location:** 5967 1/2 Rail Court

**Assessor's Parcel No.:** 667-020-80-00

**Owner:** San Diego Metropolitan Transit System  
**Attn:** Timothy E. Allison, P.E.  
**Address:** Manager, Real Estate Assets  
1255 Imperial Avenue, # 1000  
San Diego, CA 92101-490

**Tenant:** SYPS LLC  
**Agent for Service:** CT Corporation System  
**Address:** 600 Vine Street # 1400  
Cincinnati, OH 45202

**Tenant:** Greyhound Lines Inc.  
**Agent for service:** CT Corporation System  
**Address:** 600 Vine Street # 1400  
Cincinnati, OH 45202

**Tenant:** BriceHouse Inc.  
**Agent for Service:** George Bradford Saunders  
**Address:** 2550 Fifth Avenue #600  
San Diego, CA 92103

**Zone:** CC-2-5

A representative of the Code Enforcement Division, Development Services Department conducted an inspection of the above referenced premises on December 8, 2017.

The specific elements in violation include, but may not be limited to, the following:

- The unpermitted construction and placement of several commercial coaches, structures, vending machines, paid restrooms and kiosks on the property. Work also includes the installation of plumbing, mechanical and electrical throughout without the required permits, inspections and approvals.

- The following tenants (businesses) are currently occupying the unpermitted structures:
  - Greyhound
  - Las Vegas Shuttle
  - Futuranet
  - Executive lines
  - Duty Free
  - Fronteras Del Norte

In accordance with the San Diego Municipal Code (SDMC), this is to notify you that the following violation(s) were observed and must be corrected by **July 4, 2018**.

The specific code sections in violation include, but may not be limited to, the following:

| <u>SDMC Sec.</u>  | <u>Violation Description</u>  |
|-------------------|---|
| 121.0202/121.0203 | Provides the authority regarding enforcement of the Land Development Code.  |
| 121.0302          | <b>Required Compliance with the Land Development Code</b><br>(a) <i>It is unlawful</i> for any person to maintain or use any <i>premises</i> in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.  |
| 129.0202          | <b>When a Building Permit Is Required</b><br>(a) No <i>structure</i> regulated by Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a separate Building Permit for each <i>structure</i> has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203. |
| 129.0302          | <b>When an Electrical Permit Is Required</b><br>No electrical wiring, device, appliance, or equipment shall be installed within or on any <i>structure</i> or <i>premises</i> nor shall any alteration, addition, or replacement be made in any existing wiring, device, appliance, or equipment unless an Electrical Permit has been obtained for the work, except as exempted in Section 129.0303 ..          |
| 129.0402(a)(b)    | <b>When a Plumbing/Mechanical Permit Is Required</b><br>(a) No plumbing system, or portion of a plumbing system, shall be installed within or on any <i>structure</i> or <i>premises</i> , nor shall any alteration, addition, or replacement be made in any existing plumbing system unless a Plumbing/Mechanical Permit has been obtained for the work.   |

Page 3  
Notice of Violation  
5967 1/2 Rail Court  
April 2, 2018

**Corrective Actions Required By July 1, 2018:**

You shall obtain permits for all unpermitted work observed at the property.

OR

Obtain permits to remove all unpermitted work and return the property to its previously approved configuration.

**THIS NOTICE MUST BE SUBMITTED WHEN APPLYING FOR APPROVAL TO DEVELOP AND/OR APPLYING FOR REQUIRED PERMITS.**

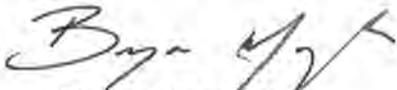
Engineering and building permits may be applied for at the Development Services Department, 1222 First Avenue, third floor. Please telephone (619) 446-5000 for general information about getting the required permits.

**FAILURE TO COMPLY WITH THIS NOTICE**

Failure to comply with this Notice may result in enforcement actions, including but not limited to administrative abatement, civil penalties, appointment of a receiver, revocation of permits, withholding of future municipal permits, civil injunction, or criminal prosecution.

Be advised that there is a reinspection fee (\$264.00 or \$295.00) to recover costs for additional inspection services in accordance with San Diego Municipal Code, Section 13.0103. A bill for this service will be mailed to you immediately following the third (3rd) scheduled inspection.

If you have any questions, please call me at (619) 533-6134.



Bryan Monaghan  
Senior Combination Inspector

BGM/jf

cc: File

CE# 239859

This information will be made available in alternative formats upon request.

239859\_5967.5 Rail Ct\_ced127\_B. Monaghan

1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490  
(619) 231-1466 • FAX (619) 234-3407

September 14, 2017

Michael R. Freedman  
Chairman  
San Ysidro Community Planning Group  
3833 Via del Bardo  
San Ysidro, CA 92173-1557

Re: MTS San Ysidro Transit Center Improvements

Dear Mr. Freedman:

Your letter to the City of San Diego Planning Department dated July 25, 2017 was referred to MTS for response. In that letter you ask several questions. The questions, and MTS's responses, are set forth below:

**1. Are the structures [erected by or on behalf of MTS at the San Ysidro Transit Center] exempt from review by the San Ysidro CPG as "ministerial" (i.e., Process 1)?**

MTS Response: MTS is a separate legal entity from the City of San Diego. MTS is exempt from the City's local land use ordinances and processes. Therefore, MTS improvement projects such as the San Ysidro Transit Station amenities are not subject to the City's community planning group processes.

**2. Are the businesses occupying the structures required to obtain business licenses?**

MTS Response: All transit center tenant agreements require that applicable operating licenses or permits are the responsibility of the tenant. To the extent a business conducted on the property requires a special permit or license from a non-MTS agency in order to operate, the tenant would be required to obtain and maintain that permit. It is MTS's understanding that all tenants at the San Ysidro Transit Center have the required business permits from applicable governing agencies who oversee them.

**3. For the businesses engaged in the sale of food products, are they required to meet County health codes?**

MTS Response: To the extent a tenant's sale of food products requires a specific license or permit, then compliance with the applicable health code or County ordinance is the tenant's responsibility. It is MTS's understanding that the food service tenants at the San Ysidro Transit Center have the requisite permits from the County Health Department.



4. What controls can "Code Enforcement" exercise over those enterprises?

MTS Response: Because MTS property is exempt from the City's land use regulations, City Code Enforcement would not be authorized to enforce those regulations against MTS or its tenants. However, to the extent the City of San Diego's "Code Enforcement" department gets involved in disputes related to business license issues, it is MTS's understanding that they would be authorized to enforce those rules and requirements. Similarly, it is MTS's understanding that the County would have enforcement authority over food preparation and sale issues.

If you have specific health, safety or compliance concerns about one of MTS's tenants, please provide us with a report of your concerns so that we may investigate and take action, if warranted. I may be reached at [karen.landiers@sdmts.com](mailto:karen.landiers@sdmts.com) or (619) 557-4512. Concerns may also be reported to MTS's master concessionaire, BriceHouse Inc., by contacting Brad Saunders at [gbsaunders@bricehouse.com](mailto:gbsaunders@bricehouse.com) or (619) 523-4800.

Sincerely,



Karen Landers  
General Counsel

cc: Jeff Murphy, Planning Director, City of San Diego

----- Original Message -----

From: "Turgeon, Bernard" <[BTurgeon@sandiego.gov](mailto:BTurgeon@sandiego.gov)>

To: "michaelf" <[michaelf@cox.net](mailto:michaelf@cox.net)>

Cc: "Black, Laura" <[LBlack@sandiego.gov](mailto:LBlack@sandiego.gov)>; "Galloway, Tait" <[TGalloway@sandiego.gov](mailto:TGalloway@sandiego.gov)>

Sent: 7/26/2017 9:31:17 AM

Subject: RE: FW: San Ysidro CPG: San Ysidro Transit Station structures

Mike,

Hello – I look forward to working with you and the San Ysidro CPG and will be trying to get up to speed as soon as possible. Please feel free to contact me with any requests.

In regards to the transit stations structures, yes, we will be researching this and providing a response.

Bernie

----- Original message -----

From: "Black, Laura" <[LBlack@sandiego.gov](mailto:LBlack@sandiego.gov)>

Date: 7/25/17 8:23 AM (GMT-08:00)

To: Michael Freedman <[michaelf@cox.net](mailto:michaelf@cox.net)>

Cc: "Tomlinson, Tom" <[TomlinsonT@sandiego.gov](mailto:TomlinsonT@sandiego.gov)>, "Turgeon, Bernard" <[BTurgeon@sandiego.gov](mailto:BTurgeon@sandiego.gov)>, "Murphy, Jeff" <[MurphyJ@sandiego.gov](mailto:MurphyJ@sandiego.gov)>

Subject: FW: San Ysidro CPG: San Ysidro Transit Station structures

Hi Michael,

The planning team member who oversees the San Ysidro community area is Bernie Turgeon. I've copied him here and his direct line is 619.533.6575.

Bernie will research the information in the attached letter and will provide you a response prior to your next meeting scheduled on August 21, 2017.

Should you need anything in the future, please don't hesitate to contact me. Regards, L

Laura C. Black, AICP

Deputy Director, Planning Department

City of San Diego

619.533.4549

[lblack@sandiego.gov](mailto:lblack@sandiego.gov)

**From:** Murphy, Jeff  
**Sent:** Tuesday, July 25, 2017 8:18 AM  
**To:** Michael Freedman <[michaelf@cox.net](mailto:michaelf@cox.net)>  
**Cc:** Tomlinson, Tom <[TomlinsonT@sanidiego.gov](mailto:TomlinsonT@sanidiego.gov)>; Black, Laura <[LBlack@sanidiego.gov](mailto:LBlack@sanidiego.gov)>  
**Subject:** FW: San Ysidro CPG: San Ysidro Transit Station structures

Good Morning Michael,

Through this email I will ask that Laura Black, Deputy Director who oversees the Long-Range Planning Division look into and report back to you.

**Jeff Murphy**  
Planning Director

City of San Diego

(619) 236-6057

[WWW.sanidiego.gov](http://WWW.sanidiego.gov)

**From:** Michael Freedman [<mailto:michaelf@cox.net>]  
**Sent:** Monday, July 24, 2017 11:44 PM  
**To:** Murphy, Jeff <[MurphyJ@sanidiego.gov](mailto:MurphyJ@sanidiego.gov)>  
**Cc:** Tomlinson, Tom <[TomlinsonT@sanidiego.gov](mailto:TomlinsonT@sanidiego.gov)>; CouncilMember David Alvarez <[DavidAlvarez@sanidiego.gov](mailto:DavidAlvarez@sanidiego.gov)>; Councilmember Myrtle Cole <[MyrtleCole@sanidiego.gov](mailto:MyrtleCole@sanidiego.gov)>; Councilmember Georgette Gomez <[GeorgetteGomez@sanidiego.gov](mailto:GeorgetteGomez@sanidiego.gov)>; CouncilMember Lorie Zapf <[LorieZapf@sanidiego.gov](mailto:LorieZapf@sanidiego.gov)>; SDAT City Attorney <[CityAttorney@sanidiego.gov](mailto:CityAttorney@sanidiego.gov)>  
**Subject:** San Ysidro CPG: San Ysidro Transit Station structures

For all addressees:

Please see attachment letter. I could use a response before our August 21st SYCPG meeting.

**Michael R. Freedman**

**Chairman, San Ysidro Community Planning Group**

[michaelf@cox.net](mailto:michaelf@cox.net)

**(619) 690-3833 [messages only]**

# SAN YSIDRO COMMUNITY PLANNING GROUP

(Est. 1967)

Michael R. Freedman, Chairman

3833 Via del Bardo

San Ysidro CA 92173-1557

July 25, 2017

Mr. Jeff Murphy, Planning Director  
City of San Diego  
1010 Second Ave MS 413  
San Diego CA 92101

Dear Mr. Murphy,

For some time now there have been inquiries and questions that I can't answer, so I hope you can help me out.

Ever since the improvements to the San Ysidro Transit Station years ago, a variety of "enterprises" have been erected on the trolley platforms. There are a couple of questions:

- ***Are the structures exempt from review by the San Ysidro CPG as "ministerial" (i.e., Process 1)?***
- ***Are the businesses occupying the structures required to obtain business licenses?***
- ***For the businesses engaged in the sale of food products, are they required to meet County health codes?***
- ***What controls can "Code Enforcement" exercise over those enterprises?***

If you can cite an ordinance, resolution, SDMC article, or SDMTS board action that answers the above, it will help me to explain this to inquirers. I'm also asking all the CC's and emails on this letter to help out, too.

Sincerely,



Michael R. Freedman  
Chairman

Email: Tom Tomlinson, Assistant Director, Planning Dept.

Mara W. Elliott, City Attorney

David Alvarez, Board Member, SDMTS

Myrtle Cole, Board Member, SDMTS

Georgette Gomez, Board Member, SDMTS

Lorie Zapf, Board Member, SDMTS

\*Harry Mathis, SDMTS Board Chairman

\*Paul Jablonski, CEO, SDMTS [\* by USPS]