

Community Planners Committee

Planning Department • City of San Diego
9485 Aero Drive • San Diego, CA 92123
SDPlanninggroups@sandiego.gov • (619) 235-5200

CPC DRAFT MINUTES FOR MEETING OF NOVEMBER 26, 2019

MEMBERS PRESENT:

Barry Schultz, Carmel Valley (CV)	Andrea Schlageter, Ocean Beach (OB)
Karina Velazquez, Chollas Valley (CHV)	Ann Dahlkamp, Old Town (OT)
Russ Connelly, City Heights (CH)	Mark Freed, Otay Mesa (OM)
Naveen Waney Clairemont (CLMT)	Jason Legros, Pacific Beach (PB)
Jose Reynoso, College Area (COL)	Vicki Touchstone, Rancho Bernardo (RB)
Linda Godoy, Eastern Area (EAS)	Jon Becker, Rancho Penasquitos (RP)
Debra Sharpe, Ken/Tal (KT)	Marc Lindshield, San Pasqual/Lake Hodges (SP/LH)
Kathy Vandenheuvel, Greater Golden Hill (GH)	Wally Wulfeck, Scripps Ranch (SR)
David Gordon, La Jolla (LJ)	Bryce Niceswanger, Serra Mesa (SM)
Howard Wayne, Linda Vista (LV)	Guy Preuss, Skyline/Paradise Hills (SPH)
Jeff Stevens, Mira Mesa (MM)	Robert Leif, Southeastern (SE)
Lorayne Burley, Miramar Ranch North (MRN)	Mike Ogilvie, Tierrasanta (TIRSN)
Debbie Watkins, Mission Beach (MB)	Brad Remy, Torrey Pines (TP)
Michele Addington, Mission Valley (MV)	Chris Nielsen, University (UN)
Daniel Smith, Navajo (NAV)	Soheil Nakshab, Uptown (UT)
Rene Vidales, North Park (NP)	

VOTING INELIGIBILITY/RECUSALS: Barrio Logan, Carmel Mountain Ranch, Del Mar Mesa, Kearny Mesa, Otay Mesa Nestor, San Ysidro, Torrey Hills, Uptown.

Guests: Barrett Tetlow, Sammi Ma, Randy Steffler, William Arno, Cory Bribeos, Eric Herson, Laura Riebau, Dennis Lyney, S. Bridges, Zach Bunshaft, Maya Rosas

City Staff/Representatives: Tony Kempton, Brian Schoenfisch, Marlon Pangilinan, Edith Gutierrez, Vicki White, Leslie Keaveney

NOTE: *The sign-in sheets provided at the entrance to the meeting are used to list CPC Representatives, guest speakers, and staff present at the meeting.*

1. CALL TO ORDER:

Chair Wally Wulfeck called the meeting to order at 6:25 pm.

2. NON-AGENDA PUBLIC COMMENT: 2 minutes per issue.

Vickie Granowitz shared comments from the Planning Commission regarding Community Planning Groups. Corey Briggs announced he is running for City Attorney. Guy Preuss shared a letter from the Planning Department informing planning group chairs that the prohibition of candidates' slates is no longer being enforced.

3. MODIFICATIONS AND APPROVAL OF AGENDA:

Chair Wulfeck announced the staff report would be presented before action items.

4. ROLL CALL AND APPROVAL OF THE MINUTES OF OCTOBER 22, 2019:

Chair Wulfbeck took a second roll at 6:45 pm and proceeded to approve the minutes with Ayes: CV, CHV, CH, CLMT, COL, EAS, GH, KT, LJ, LV, MM, MB, MV, OB, OM, RB, RP, SP/LH, SR, SM, SPH, TIRSN, TP, UN. Nays: None, Abstain: MRN, NAV, NP, OT, PB, SE, UT. Motion passed 24-0-7.

5. 12th UPDATE TO THE LAND DEVELOPMENT CODE, PHASE III – Action Item

Edith Gutierrez, Development Services Department, presented Phase III of updates to the Land Development Code which includes proposed amendments related to distance measurement to a sensitive receptor-pedestrian path as opposed to straight line measurement and Conditional Use Permits (CUPs).

Phase III includes three amendments to current cannabis regulations: 1) 1,000-foot path of travel measurement between uses/sensitive receptors via most direct route, including around barriers, 2) straight line measurement of 100 feet from residential zone to CO, CPF, 3) MMCO, MO, MPF's and their CUP expiration. Amendment to item 1 is pedestrian path between property lines. Amendment for item 2 is for distance to be measured in a horizontal straight line between two closets points of property lines without taking barriers into account. Amendment to item 3 would allow further extension of time beyond five years; allow expansion within premises; allow MMCC's to convert to s CO; require verification of compliance with permit conditions. City's Code Monitoring Team and Technical Advisory Committee recommended approval of all three.

Board Comment:

Member comment ranged from requesting clarification regarding the rationale for the amendments to concerns that the first amendment, which is intended to keep marijuana facilities away from sensitive receptors, could instead allow the facilities to locate adjacent to each other.

Public Comment:

Concerns were expressed over the City allowing disabled residents to open marijuana facilities, which could extend the number of facilities beyond what the cap currently allows; that the application procedure has been skewed to the advantage of the marijuana advocates; and that concerns of sensitive receptors and existing businesses were ignored during hearings. Other concerns expressed related to how the increase in the appeal fee would make appeals only possible for other marijuana competitors, not the general public and that making the legal sale of cannabis difficult increases problems related to illegal sales.

Amendment 1 - Motion:

MM moved to make the distance requirement be 1,000 feet line of travel and 1,000 linear feet from property line to property line. RP seconded. Ayes: CV, CHV, CH, CLMT, COL, EAS, GH, KT, LJ, LV, MM, MRN, MB, MV, NAV, OB, OT, OM, PB, RP, SP/LH, SR, SM, SE, TIRSN, TP, UN, UT; NO: NP, RB, S/PH; ABSTAIN: 0.

Amendments 2, 3 – Motion:

CLMT moved to approve amendments 2 and 3 as presented. EAS seconded. Ayes: CV, CHV, CH, CLMT, COL, EAS, GH, KT, LJ, MM, MRN, MB, MV, NAV, NP, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM, SE, TIRSN, TP, UN, UT. No: LV, S/PH; Abstain: 0.

6. GENERAL PLAN HOUSING ELEMENT UPDATE 2021-2029 – Information Item

Vickie White, City of San Diego, Planning Department presented an introduction to the Housing

Element Update. White described the update process steps consisting of: public review and comment from November 15 to December 20, 2019, State Department of Housing & Community Development review (in process), Environmental analysis (in process), public hearings from January – March 2020 and shared some key demographic data related to population and housing. White is requesting a vote on the update at the 12-10-19 CPC meeting.

Board Comment:

Comment focused on lack of information on how vacation rentals are affecting housing availability and need for more detailed information on income ranges and housing prices, as well as impact fees constraining development for affordable housing. Staff responded that short-term rentals are addressed in the update and that the Housing Commission is studying vacancy rates and will prepare a methodology to address. Staff responded that income data is from the American Community Survey, which does not provide local data and that the media is relied on for housing price information, as they have access to private sector reporting. Staff said that efforts are ongoing to reevaluate fee structures. One member suggested making certain constrained sites more 'buildable', for example some sites within the flood plain. Another member requested if data on farm-labor housing, which is included in the update.

Public Comment:

Deferred to December 10, 2019 meeting when CPC is to vote on the update.

7. COMMUNITY PLANNING GROUP REFORM TASK FORCE RECOMMENDATIONS ON REVISIONS TO COUNCIL POLICY 600-24 – Action Item

Barrett Tetlow, Chief of Staff, Councilmember Scott Sherman, requested CPC consideration and vote on Task Force Recommendations 3, 6, 7, 9-14, 16, 17, 20-22, 27 and 28-33 for inclusion in a report to Land Use and Housing Committee and City Council.

Chair Wulfeck led the discussion.

Recommendation #3 – Developing a formal mechanism for recording and posting CPG project review recommendations, either using a revised annual report that includes all project recommendations or using the Bulletin 620 Distribution Forum revised to include the number of times the applicant presented to the group per project and any major conditions to the project proposed by the group. The reporting mechanism should be uniform and mandatory for all CPGs.

Wulfeck said this mechanism already exists in the staff report to the decision maker. He saw no need for a developer/applicant to attend multiple meetings of a planning group. Motion UN to deny as unnecessary. Seconded. Ayes: CV, CHV, CH, COL, EAS, GH, LJ, MRN, MV, NAV, OM, PB, RB, SP/LH, SR, SM, SH, SE, TIRSN, TP, UN. No: CLMT, LV, K/T, MM, RP, UT, OT, MB, OB, NP. Abstain: 0 Motion passed 21-10-0.

Recommendation #6 – Making member application mandatory, subject to record retention requirements, and submitted to the City Clerk.

Wulfeck suggested not making a recommendation, as the City Attorney is considering this. Other discussion focused on standardizing the applications. Motion CH deny recommendation. Ayes: CH, COL, EAS, KT, GH, LJ, LV, MM, MRN, MB, MV, NAV, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, SE TIRSN, TP, UN. No: OB, UT, CLMT, NP, CHV, CV. Abstain: 0. Motion passed unanimously 30-0-0.

Recommendation #7 – Require that CPG’s determine a maximum duration for meetings, with the ability to extend the time by a majority vote.

Discussion identified the development industry/lobby advancing this recommendation as means to cut red tape. Others felt whatever time is necessary to conduct business should obtain. Public Comment: In favor of extending time for public comment. Motion to deny. Seconded. Ayes: CV, CHV, EAS, LJ, LV, MB, MV, OT, PB, SR, SM, TP, UN. No: CHV, CLMT, COL, KT, GH, MM, MRN, NAV, NP, OB, OM, RB, RP, SP/LH, S/PH, SE (left), TIRSN, UT. Abstain: 0. Alternate motion to approve. Seconded. Discussion focused on modifying bylaws to reflect time extension. Ayes: CHV, CLMT, COL, EAS, KT, GH, LJ, LV, MM, MRN, NAV, NP, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, SE (left), TIRSN, TP, UN, UT. No: CV, CH, MB, MV, OB. Abstain: 0. Motion passed 25-5-0.

Recommendation #9- CPG meeting, when discretionary land use items are on agenda, must be taped (either video or audio).

Discussion focused on language and who would tape meeting. Motion to deny, Seconded. Ayes: CV, CH, COL, EAS, KT, GH, LJ, LV, MM, MRN, MB, MV, NAV, NP, OT, OM, PB, RP, SP/LH, SR, SPH, TIRSN, TP, UN. No: CLMT, OB, CHV. Abstain: SM, RB, UT. Motion passed 24-3-3.

Recommendation #10 – For a development that requires an Environmental Impact Report (EIR), the CPG must submit their recommendations before the public review period closes. If a CPG doesn’t provide recommendations during the public review period their recommendations will not be considered for the project.

Discussion centered on language – use comment instead of recommendation. Motion: Approve with change of language and delete second sentence. Seconded. Ayes: CV, CHV, CH, COL, EAS, KT, GH, LJ, LV, MM, MRN, MB, MV, NAV, NP, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, TIRSN, TP, UN, UT. No: CLMT, OB. Abstain: 0. Motion passed 28-2-0.

Recommendation #11 – Prioritize action items that inform City decision making in the order of the agenda.

Motion: Put discretionary items at front of agenda, subject to re-ordering. Seconded. Ayes: Unanimous. No: 0. Abstain: 0. Motion passed 28-2-0.

Recommendation #12 – We determine that members of the Planning staff should attend when a discretionary land use item is before the CPG.

Motion approve as stated. Seconded. Discussion recommended amending motion to reflect changing Planning Department to appropriate City staff. Ayes: Unanimous. No: 0. Abstain: 0. Motion passed unanimously 30-0-0.

Recommendation #13 – Candidates should not be required to have attended more than one meeting in the past 12 months to be eligible.

Discussion focused on the one meeting requirement. Motion: Change one meeting to two and approve. Ayes: CV, CHV, CH, COL, KT, GH, LJ, LV, MM, MRN, MB, MV, NAV, NP, OB,

OT, OM PB, RB, RP, SP/LH, SR, SPH, TIRSN, TP, UN UT. No: EAS. Abstain: SM, CLMT. Motion passed 27-1-2.

Recommendation #14 – Community members should not be required to have attended previous CPB meeting to be eligible to vote.

Motion to approve. Seconded. Discussion regarding what members would vote on (projects, elections). Motion amended to read, 'eligible to vote to elect members.' Ayes: CV, CHV, CH, CLMT, COL, EAS, KT, GH, LJ, LV, MRN, MB, MV, NAV, NP, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, TIRSN, TP, UN, UT. No: MM. Abstain: 0. Motion passed 29-1-0.

Recommendation #16 – In-person voting should be available for at least two hours and should run at least two hours after the stated time of a CPG's regularly scheduled meeting if voting can run concurrently with the meeting.

Discussion centered around different days and hours allotted for different CPG's. Motion: Approve as presented. Seconded. Amended motion: In-person voting should be available for at least two hours and may run concurrently with the meeting. Ayes: CV, CHV, CH, CLMT, EAS, KT, GH, LJ, MM, MRN, MB, NAV, NP, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, TIRSN, TP, UN, UT. No: COL, LV. Abstain: MV. Motion passed 27-2-1.

Recommendation #17 – Make explicit that CPG's are allowed to use social media.

Motion to approve as is. Seconded. Amended motion: To include at end of sentence, 'consistent with the Brown Act.' Ayes: Unanimous. No:0, Abstain: 0. Motion passed unanimously 30-0-0.

Recommendation #20 – Gather relevant demographic data of CPG board members in an audit immediately and require new CPG members to complete a demographic survey at every election or time of appointment. The survey should include: Age, Business Owner or Property Owner, Ethnicity, Gender, Length or Residence, Neighborhood, Professional Background, Race, Religion, Renter or Owner, Years of Service on CPG's.

The City shall develop and implement a robust outreach plan to publicize CPG elections. Motion to deny in entirety. Seconded. Discussion recommended survey as optional. Ayes: CV, CHV, CH, COL, EAS, KT, LJ, LV, MM, MRN, MB, MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM SPH, TIRSN, TP, UN. No: CLMT, NP, UT. Abstain: GH. Motion passed 26-3-1.

Recommendation # 21 – Require a termed-out board member to wait two years until they can run for their CPG again without exceptions.

Most discussion focused on this recommendation being too prohibitive and threatening CPG viability and institutional memory. Motion: Deny. Seconded. Ayes: CV, CHV, CLMT, COL, EAS, KT, LJ, LV, MM, MRN, MB, MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM SPH, TIRSN, TP, UN. No: CH, NP, UT. Abstain: GH. Motion passed 26-3-1.

Recommendation #27 – CPG members must file statements of economic interest, per the Political Reform Act.

Motion to deny until City Attorney opines.

Seconded. Motion amended to include that City Attorney consult with the Fair Political Practices Commission. Ayes: CV, CHV, COL, EAS, KT, LJ, LV, MM, MRN, MB, MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM SPH, TIRSN, TP, UN. No: CLMT, Abstain: 0. Motion passed 29-1-0.

Recommendation #28 – Direct the San Diego City Planning Department staff to closely monitor CPG actions and provide timely guidance to preclude requests for inappropriate project additions or modification.

Motion: Approve as written. Ayes: CV, CHV, COL, EAS, KT, LJ, MM, MRN, MB, MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM SPH, TIRSN, TP, UN. No: LV, NP, UT. Abstain: CLMT. Motion passed 26-3-1.

Recommendation #29 – If a CPG violates the Brown Act then the CPG will be referred to the City Attorney for disciplinary review. If CPG is referred to City Attorney, the City must provide the CPG with legal staff support.

If CPG is referred to City Attorney, the City must provide the CPG with legal staff support. Discussion over whether individual or the CPG will be referred to the CAO, or whether CP 600-24 already included this. Motion to deny. Seconded. Ayes: CV, CHV, COL, EAS, KT, LJ, MM, MRN, MB, MV, NAV, OT, PB, RB, RP, SP/LH, SR, SM SPH, TIRSN, TP, UN. No: NP, OB, OM, UT Abstain: 0. Motion passed 26-4-0.

Recommendation #30 – Revise the by-laws shell in 600-24.

Discussion to change to, ‘revise 600-24.’ Motion: Ayes: CV, CHV, COL, CH, EAS, KT, LJ, MM, MRN, MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM, TIRSN, TP, UN, UT No: LV, MB, SPH. Abstain: CLMT. Motion passed 26-3-1.

Recommendation #31- The annual report should be a standardized electronic fill-in template.

Motion to approve. Amendment for CPC approved template with software to enable and to allow for added/open ended narrative. Seconded. Ayes: Unanimous. No: 0, Abstain: 0. Motion passed unanimously 30-0-0.

Recommendation #32- The City Auditor should conduct a review of CPG’s every 5 years.

Amended to state, “a review of City-retained CPG documents every 5 years.” Motion to approve. Seconded. Ayes: Unanimous. No: 0. Abstain: 0. Motion passed unanimously 30-0-0.

Recommendation #33 – The Planning Department, in conjunction with the Development Services Department, should improve its documentation of CPG recommendations and post all CPG documents, including project review recommendations on the City website.

Discussion focused on this information already being included in staff reports. Motion to deny. Amendment to motion: add at end of sentence, ‘...and the City must provide clear direction on where to locate documents.’ Ayes: CV, CHV, COL, CH, EAS, KT, LJ, LV, MM, MRN, MB,

MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, TIRSN, TP, UN, UT. No: NP.
Abstain: 0. Motion passed 29-1-0.

Other Recommendations –

Council member should appoint new board members when a CPG vacancy occurs in their district.

Consider incorporating appointed positions to CPG's by Councilmembers to provide a balance with elected board members.

Motion to deny both recommendations. Ayes: CV, CHV, COL, CH, EAS, KT, LJ, LV, MM, MRN, MB, MV, NAV, OB, OT, OM, PB, RB, RP, SP/LH, SR, SM, SPH, TIRSN, TP, UN, UT
No: 0. Abstain: CLMT. Motions passed 29-0-1.

8 -REPORTS TO CPC

- Chair Report – None

ADJOURNMENT TO NEXT REGULAR MEETING: DECEMBER 10, 2019: The meeting was adjourned by Chair Wally Wulfeck at 10:30 PM.