



TORREY PINES

COMMUNITY PLANNING BOARD

Troy Van Horst, Chair; Adam Gevanthor, Vice Chair, Jim Smith, Treasurer; Susan Lyon, Secretary, Dee Rich; Jake Mumma; Brad Remy; Jeff Harasha; Deborah Currier; Eduardo Savigliano; Jeffrey Burges; Dennis Ridz

TORREY PINES COMMUNITY PLANNING BOARD REGULAR MEETING AGENDA

Thursday, April 21, 2022, 7:00 P.M.

Virtual via Zoon (see **Login Instruction** below)

1. CALL TO ORDER (7:00 P.M.) Adam Gevanthor, Vice Chair
2. APPROVAL OF AGENDA
3. APPROVAL OF PAST MINUTES
4. PUBLIC FORUM – Non-agenda items only (three-minute limit per speaker)
5. SDPD LIAISON REPORT (7:15 P.M.) Officer John Briggs

ACTION ITEMS

6. NOMINATION OF OFFICERS (7:30 P.M.) for Chair, Vice Chair, Treasurer, Secretary
7. PROPOSED AMENDMENTS TO 50% RULE (7:45) (see Attachment A)
8. PROJECT REVIEW COMMITTEE (8:00) Adam Gevanthor

6.1 CONSENT ITEM(S):

1. Tripp 1 Channel Maintenance Project, Sorrento Valley Road/Tripp Court

The Project is proposed as routine maintenance and is currently under review by the City's Development Services Department (DSD) as part of the Substantial Conformance Review (SCR) process. This project is being reviewed as a process 2 SCR, and as part of that process a recommendation from the applicable CPG is required prior to authorization by DSD.

Project location is the intersection of Tripp Court and Sorrento Valley Road. The project is located at an unnamed channel just southeast of this intersection.

PRC VOTE: Unanimous Approval

2. Project 695881 - DGT-13591-13601 Nogales Dr CDP

Scope/Location:

TORREY PINES. (Process 2) - Coastal Development Permit for a lot line adjustment between two adjacent lot owners at 13591 Nogales Drive and 13601 Nogales Drive. The 1.40-acre and 0.16-acre sites are in the RS-1-3 and RS-1-6



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Zones & Coastal (Non-Appealable) Overlay Zone and Coastal Height Limit
Overlay Zone within the Torrey Pines Community Plan area, Council District 1.

PRC VOTE: Unanimous Approval

9. COMMITTEE & MISC. UPDATES (8:15 P.M.)

- A. Rail Realignment, Eduardo Savigliano (See Attachment C)
- B. Undergrounding, Eduardo Savigliano
- C. CPC (See Attachment B)

Action may be taken with respect to one or more of these items.

10. REPORTS (8:40 P.M.)

- A. Mayor Todd Gloria's Representative, Matthew Griffith
(GriffithM@sanidiego.gov)
- B. Senator Toni Atkin's Representative, Cole Reed (ColeReed@sen.ca.gov)
- C. Supervisor Terra Lawson Remer's Rep, Rebecca Smith
(rebecca.Smith2@sdcounty.ca.gov)
- D. Assemblymember Chris Ward's Representative Rachel Granadino
(rachel.Granadino@asm-ca.gov)
- E. Councilperson LaCava's Representative, Krissy Chan, M.A.S.,
(chank@sanidiego.gov)

11. ANNOUNCEMENTS (8:55 P.M.)

A. Ragnar Relay

LOCATION: City streets from Torrey Pines to Downtown San Diego

PROJECT DESCRIPTION: Special Event Permit for the portion of the Ragnar Relay So Cal 2022 for an approximate 200-mile relay run event that would occur within the City of San Diego right-of-way jurisdiction on April 29 & 30, 2022. Noise associated with the event activities and set-up/dismantling would occur within the City of San Diego from 9 AM on April 28, 2022, until 5 AM on April 30, 2022. On April 28, 2022, set-up would occur from 9 AM until 9 PM, the event day 1 would occur from 5 AM until 11:55 PM on April 29, 2022, with dismantling occurring from 3 PM to 11:55 PM and event day 2 would occur on April 30, 2022, from 12 AM to 3:30 AM and dismantling would occur from 12 AM until 5 AM.

12. ADJOURNMENT (9:00 P.M.)



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Zoom Login Instructions

Hi there,

You are invited to a Zoom meeting.

When: Apr 21, 2022 07:00 PM Pacific Time (US and Canada)

Register in advance for this meeting:

https://us02web.zoom.us/meeting/register/tZYoc-CsqjIpHd3jcadwB_4PQmN3FaBQ7f9-

After registering, you will receive a confirmation email containing information about joining the meeting.

ATTACHMENTS FOLLOW



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ATTACHMENT A: PROPOSED AMENDMENTS TO 50% RULE

BACKGROUND:

Once a year the City of San Diego accepts suggested changes to the Municipal Code. The TPCPB recommended amendments to the 50% Rule CDP Exemption that exempts modest improvements from Coastal Development Permit (CDP) requirements.

PRIOR TPCPB RECOMMENDATION:

The PRC and TPCPB, in conjunction with the La Jolla Planning Group, proposed changes to discourage abuse of this rule that allows applicants to process a series of permitted improvements to skirt CDP requirements and associated review by our Board. As a result, we agreed to the following recommendation:

That the 50% rule exemption should not be allowed such that it encourages applicants to skirt the CDP permit process. Time period between applications should be lengthened to discourage serial processing and requested that exemptions be limited to projects that have not used the 50% rule exemption during the 36-60 months prior.

PROPOSED (for our consideration):

The La Jolla Planning Group has further amended this for the 2022 revision cycle to be as follows:

Add the following two exclusions from exemptions from CDP review to SDMC §126.0704(a):

§126.0704(a)(9): Improvements to any *structure* that would result in an increase of 50 percent, or 1,000 square feet of total *gross floor area* calculated according to §113.0234, whichever is less.

§126.0704(a)(10): Improvements to any *structure* that was previously exempted from obtaining a CDP, pursuant to §126.0704(a), within the past five years.



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ATTACHMENT B: CP 600-24 REVISION, TORREY PINES POSITION TO TAKE TO CPC:

In order to simplify the response to the solution of the conflict stated by City Council regarding the governing structure by which Community Planning Groups operate in relation to the compatibility with the City Charter, we coincide with the option proposed by Councilman's LaCava office, as the highlighted in response to the second question stated in the FAC_CPGs.pdf attached:

“Amend the Council Policy (600-24) and Municipal Code Amendments to make CPGs independent advisory bodies”

We understand that this is the preferred City Council option, as it is highlighted and placed as the first option in the document provided.

For that purpose, we submit attached for your consideration a redlined modification to the current governing CP 600-24, dated 2014, with the changes necessary to remedy the problem presented to us by the City Council.

Unless there are other changes intended to the Governing Document, it is our understanding that these changes achieve the goal without the need to go to a completely revised version of it. If there was, then they should be clearly stated for us to understand and help to resolve, as it involves the mission we have.

We find the changes proposed to the Municipal Code unnecessary to resolve the conflict between our operation in the City Charter, considering that to the contrary, those changes remove the intervention of Community Planning Groups from one of their vital purposes for the Community and as such, those changes should be removed from the consideration of the Planning Commission, the Planning Department and the City Council.

The Torrey Pines Community Planning Board does not support the CP 600-24 January 2022 fully revised proposed document as it adds undue hardship of duties to our Members, such as having to track demographic data (which we don't see as appropriate to question personal data) nor the diminishing support from the City, such as not continuing to provide webpages for CPG's, email address, expense reimbursement, no-fee appeals, meeting venues, or presence of City representative at the meetings.

While other matters will require more discussion, those pertaining to the liability of its Members make it of such high risk by changing the language from Remediation and correction of Violations converted to Civil and Criminal Penalties.

COMMUNITY PLANNING GROUP REFORM

Frequently Asked Questions

Q: What are community planning groups (CPGs)?

A: Community planning groups (CPGs) are independent organizations recognized by the City that provide community input on land use decisions as established by Council Policy 600-24. They provide a structured forum for residents, property owners, and business representatives to advise the City and other decision-makers on housing development projects, community plan updates, and a variety of transportation and infrastructure projects.

Community Planning Group voting members are elected by members of their community and must be affiliated with the community as a property owner, resident, or local business owner.

The City currently recognizes 42 CPGs, composed of about 500 volunteers. Their work is a component of the City's community planning process.

Q: Why do we need CPG reform?

A: San Diego's City Charter serves as the constitution for San Diego and governs how the City operates, including how its advisory boards and commissions are created and maintained.

Currently, the Charter requires that advisory boards and commissions be created through an ordinance and that all members be appointed by the mayor and confirmed by City Council. However, CPGs as governed by Council Policy 600-24, last updated in 2014, are neither created through an ordinance nor are its members appointed.

Legal reform for CPGs can also make these groups more transparent and representative.

Q: Why now?

A: The City has a legal responsibility to comply with the Charter.

Since 2018, CPG reform has been heard at public meetings including City Council's Audit and LU&H Committees as well as the Community Planners Committee (CPC). In these meetings a variety of residents and community leaders provided input.

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Q: What are the potential solutions?

A: The City Attorney found that currently CPGs are not operating within the law. To bring them into compliance, the City has four potential solutions:

- **Amend the Council Policy and Municipal Code Amendments to make CPGs independent advisory bodies**
 - Amend the Charter and require financial disclosure requirements, which would require a vote of the people
 - Comply with the Charter and appoint hundreds of CPG members, create ordinances for each board, and institute financial disclosure requirements
 - Do nothing and subject the City to legal liability
-

Q: What is Councilmember LaCava's proposed solution?

A: Councilmember LaCava's proposed solution will maintain CPGs' position as advisory bodies to the City, retain the hundreds of community volunteers who serve, improve opportunities for broad community representation and transparency, and allow for an effective and supportive use of City resources.

Q: What will change?

- A:**
- CPGs will independently take ownership of their own official documents such as bylaws, election procedures, operating procedures, ethical standards, and community participation and representation plan.
 - CPGs will be required to make agendas and documents publicly available in conformance to the Brown Act which could include posting on their website or a social media platform.
 - CPGs will be encouraged to designate seats for renters, stakeholders, and business owners to ensure CPG members are representative of the community and to occasionally gather demographic data from voting members and those attending CPG meetings.
-

Q: What will not change?

- A:**
- All currently recognized CPGs will maintain the ability to seek City Council recognition under the new structure.
 - CPGs retain the ability to provide organized feedback on General Plan related issues, development projects, and infrastructure priorities, among other issues.
 - CPGs will still be required to follow Roberts Rules of Order and the Brown Act in meetings, and the City will continue to provide training on the Brown Act, the development project review process, and the role and responsibilities of CPGs as part of a formal education program
 - CPG members will continue to be elected by those who live, own property, or own a business in the community.
-

Q: What are the proposed next steps in the process?

- A:**
- November 30, 2021: Proposed CPG Reform measures presented to CPC
 - December 2021: Proposed CPG Reform measures presented to the City's Planning Commission
 - January/ February 2022: Proposed CPG Reform measures presented to City Council Land Use & Housing Committee
 - February/ March 2022: Proposed CPG Reform measures presented to City Council for final approval
 - Six to seven months after Council updates 600-24: CPGs seek recognition under the updated CP 600-24 by filing organizational documents
 - Fall 2022: City Council hearing to grant recognition under updated CP 600-24

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ATTACHMENT C: UNDERGROUNDING OF UTILITIES WITHIN TORREY PINES SUBAREA:

Given that no further information will be provided regarding the process until the end of the year 2022 and the multiple efforts done by the assigned Board Member since 2012, when funds were allocated for the project through all Administrations, that this matter is routed through the City Auditor so that the past and current process is investigated and resolved.



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ATTACHMENT D: RAIL POSITION LETTER



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March 18, 2022

(SANDAG – need contact info)

RE: North County Transit District Rail Corridor, Del Mar & Torrey Pines Segments

Dear (salutation):

While the Torrey Pines Community is relatively small it contains some of the most well-known, diverse habitats in the County. Our sensitive coastal resources, including those of the Torrey Pines State Natural Reserve & Extension, Crest Canyon, and our sandy beaches, are known throughout the world and have made our community a visitor serving destination that extends benefits far beyond its boundaries and those of the city. Whatever is done regarding the transit line relocation, it must prioritize the preservation of these resources for the benefit of future generations to come.

The Torrey Pines Community (TPC) understands and appreciates the need to move the existing railroad tracks off of the bluffs, and supports efforts to increase usage of mass transit. We strive to partner with SANDAG and work toward a solution that is mutually beneficial, specifically one which balances the need for mass transit with resource preservation, and preserves, to the greatest extent possible, that which is cherished within the region and throughout the world.

Over the last year, we have regularly engaged with members of our community regarding the rail realignment and have heard significant concerns, spanning a wide range of issues. . Certain issues, however, are common to all of the realignment options and are self-evident. Most notably, the preferred tunnel options being considered appear to pose serious concern for human health, safety, and welfare, and will likely result in significant, unmitigable, adverse, impacts to sensitive coastal resources of Crest Canyon, the Los Penasquitos lagoon, and the Torrey Pines State Natural Reserve.

The millions of visitors the area welcomes every year marvel at the wonders of the Torrey Pines State Natural Reserve and coastal areas, especially as viewed from perspectives along the lagoon and from the top of the State Park.

Of particular concern is the location of the portals, which would be focal points at which pollution, noise, visual, and other adverse environment impacts will be concentrated. The current preferred alignments would locate the southern portal in close proximity to neighborhoods, sensitive coastal resources, and will threaten the viability of wildlife corridors that link the Torrey Pines Extension with Los Penasquitos Canyon, creating significant, broad, environmental concerns for both humans and wildlife, some of which will result in broader impacts that will adversely affect the visitor serving resources and businesses within our community. As such, it appears that these options have, widespread, resolute opposition from residents, environmental groups, and other stakeholders which will complicate and slow efforts to move forward with the proposed railroad track realignment. !

In order to work toward a solution that could have community support, we strongly urge SANDAG to consider additional alternatives for the location of the southern portal. We believe that there are potential avenues to accomplish this, including the following:

1. Locating the southern portal south of Carmel Valley Road, e.g. near the pump station
 - a. In previous SANDAG presentations, this has been shown as a possibility
 - b. This moves the portal away from residential neighborhoods
 - c. This minimizes transit of the trains across the lagoon



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Project Review Committee: Chair Designee Brad Remy, Project Manager Adam Gevanthor, Dan Jensvold, Jake Mumma, Mike Hastings, Liz Shopes.

2. Consider realignment options that move the tunnel and portal east of the existing I-5 transit corridor
 - a. This area is already a major transit corridor and is potentially part of future rail-based transportation corridors.
 - b. This also moves the tunnel and portal further away from residential neighborhoods and the lagoon and adjacent natural area.

3. Consider the regional importance of this rail corridor, that runs from Mexico to Canada, and rather than provide a temporary patch to realign away from bluff instability, plan the entire corridor in a way that refines the Regional Rail Corridor Plan and addresses its national importance. This is considered the second most important rail corridor in the nation and rail improvements must consider the corridor as a whole and therefore be closely coordinated with State and Federal agencies if it's not being done already.

We urge SANDAG to expand their analysis to include these alternatives and consider the importance of our community as a visitor serving destination. We also encourage SANDAG to consider the benefits of item 3 above, which defines a broader vision for transit within the County, well into the future.

Respectfully,

Dennis Ridtz, Chair, Torrey Pines Community Planning Board

Adam Gevanthor, Vice Chair, Torrey Pines Community Planning Board

c.c. Congressman Scott Peters
Councilman Joe LaCava