

Community Planners Committee

Planning Department • City of San Diego
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CPC DRAFT MINUTES FOR MEETING OF MARCH 27, 2018

MEMBERS PRESENT:

Russ Connelly, City Heights (CH)

Barry Schultz, Carmel Valley (CV)

Nicholas Reed, Clairemont (CL)

Linda Godoy, Eastern (EAS)

David Swarens, Greater Golden Hill (GH)

David Moty, Kensington/Talmadge (KT)

Noli Zosa, Linda Vista (LV)

Jeffrey L. Stevens, Mira Mesa (MM)

Lorayne Burley, Miramar Ranch North
(MRN)

John Nugent, Mission Valley (MV)

Jim Baross, Normal Heights (NH)

Rene Vidales, North Park (NP)

Ann Dahlkamp, Old Town (OT)

Mark Freed, Otay, Mesa (OM)

Jason Legros, Pacific Beach (PB)

Jon Becker, Rancho Peñasquitos (RP)

Wally Wulfeck, Scripps Ranch (SR)

Guy Preuss, Skyline/Paradise Hills (SPH)

Leo Wilson, Uptown (UT)

VOTING INELIGIBILITY/RECUSALS: Del Mar Mesa, East Elliot, Mid-Way, Ocean Beach, Peninsula, Serra Mesa, Tierrasanta, Torrey Pines, University.

Guests: Sandy Wetzels-Smith, Kathy Lippit, Howard Wayne, Jon Nugent, Scott Chipman

City Staff/Representatives: Nancy Graham, Tony Kempton, Patricia Duenas, Alfonso Gastelum

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 David Moty called the meeting to order at 7:00 pm and proceeded with roll call.

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

Issues that are within the jurisdiction of the CPC, but not on the agenda. Bob Leif suggested increasing the public comment time to 3 minutes. Scott Chipman of San Diegans for Safe Neighborhoods distributed a flyer on marijuana and spoke on what he termed the failure of the state to regulate marijuana. Chipman cited lack of a tracking system for sales and said that despite 93% of marijuana being sold containing pesticides, mold and/or e-coli bacteria, the state is allowing existing sales to continue for 6 months. Chipman said all that is needed for a marijuana facility is a business tax certificate, which the applicant can then use to obtain a state license and conduct business without a city permit. Chipman said lowering taxes is being considered to reduce black market competition.

3. MODIFICATIONS AND APPROVAL OF AGENDA:

With no objections, chair Moty approved the agenda.

4. APPROVAL OF THE MINUTES OF FEBRUARY 27, 2018:

Nicholas Reed corrected spelling of a name- Howard Wayne. Chair Moty mentioned that several minor typos existed that staff was aware of. David Swarens said he had suggested

staff add a second live COW not reflected in the minutes. Ayes: EAS, CV, MM, LV, NP, CL, UT, RP, OT, GH, OM, PB, MV, SR, MRN, Abstaining: KT, NH, SPH.

5. MIDDLE INCOME DENSITY BONUS REGULATIONS – Action Item

Laura Black, Deputy Director, and Dan Normandin, Development Project Manager, Policy & Ordinance Development Section, of the Planning Department presented regulations to incentivize construction of rental and for-sale housing affordable to middle income residents. There are currently no incentives for construction of homes for middle-income families but they are needed because the median price of housing in San Diego is over \$500K. The new regulations are designed to attract developers who have not taken advantage of affordable housing regulations but without detracting from affordable housing. Minimum requirements include: a portion of the site must be within a Transit Priority Area, 10% of units be reserved for middle income households and be reserved for 55 years at rental and 15 years at for sale per San Diego Housing Commission Equity Sharing Agreement. Applicants reserving 10% of units for middle income housing will receive a 25% density bonus. Inclusionary housing fees may be waived only if applicants provide an additional 10% of units at very low income levels. If the additional 10% low income is provided then the density bonus from both programs may be combined. Projects providing 50% of units for middle income can use a parking ratio of .5 spaces per bedroom.

Public Comment:

Jim Varnadore commented that there are two types of people involved in these regulations: those who build the units and those who get thrust the deficiencies (cheap product, no on-site parking) in their face for the life of the building. He urged denial of the item.

Board Comment:

Comment centered on parking. Some felt the proposed ratios are unrealistically low and one member said the new ratios were targeting millennials who typically don't own cars. Some felt that the affordable component ought to be closer to the more generous density bonuses being offered. One member said that incentives will profit developers but that development with reduced parking will drive people out of the urban core. SR motioned to deny the regulations as presented and UT amended the motion to clarify that the group supports the concept of incentives for middle income housing but requires amendments including that the middle income set aside match the density bonus and that proposed parking ratios be restructured because those included in the proposed regulations are too extreme and compound existing parking problems: Ayes – SPH, MRN, SR, MV, PB, GH, NH, UT, MM, EA, OT, MB, NP. Nays: LV, CV, OM. Abstain: RP, CL, KT.

6. SB827 & SB828 (WIENER BILLS) – Action Item

Chair Moty requested members to speak either in favor or opposition to the bills. A number of members expressed their issues with the bills. Moty summarized the bill's effects as: removing local control and knowledge, areas with steep terrain in TPAs but with no access to transit could be turned into high density areas, no funding mechanism for infrastructure, outsized transit corridors leading to densifying overly large areas of communities. MM motioned to deny SB827, seconded by CM, amended by UT to include SB828. Ayes – EAS, CV, MM, CM, LV, CH, NP, CL, UT, NH, RP, OT, GH, OM, PB, MV, SR, SPH. Abstain – KT.

7. CODE ENFORCEMENT PRIORITIES – Information Item

Jim Varnadore, Member, City Heights Community Planning Group presented information on

code enforcement priorities and how the budget process might be used to guide City enforcement towards the most pressing community issues. Varnadore presented a prioritized list of code enforcement areas and explained that the City Heights Community Planning Group identified areas they felt important for code enforcement that were not prioritized on the published list from DSD. Varnadore requested CPC members to use the list for a vigorous discussion of code enforcement activity with the ultimate objective of getting better enforcement.

Public Comment:

Jean Hoeger, from the College Area Community Council informed CPC that code enforcement would not provide enforcement for a number of areas thought important. Her group is working with the Mayor's office to encourage code enforcement to continue to send violation notices. Another resident said if a violation isn't enforced people eventually come to think that it is allowed. Moty then introduced the doctrine of desuetude, whereby if non-enforcement of violations becomes a practice, future violations become unenforceable.

Board Comment:

CH member said code enforcement promises action but does not update the planning group regarding violations. Other comments echoed the inaction by code enforcement. The CH member said the intent of the volunteer code enforcement program was to get communities to first send letters of violation out to see if they could resolve the violations but if not then refer the violation to code enforcement for further action. But due to cutbacks that never occurs.

**8. COMMERCIAL & INDUSTRIAL COMMON INTEREST DEVELOPMENTS (CICID)
- Information Item**

Jeff Stevens, Chair, Mira Mesa Community Planning Group, presented information on a situation faced by a CICID in his community. He said a number of applicants for marijuana dispensaries bought building space in the industrial area of Mira Mesa and many of the buildings were part of industrial condominiums with owners associations. Some of the associations are not pleased with the proposed uses involving marijuana, though legal under state law, are still illegal under federal law. The problem is the associations have CCR's that have prohibitions on illegal uses. Any business requiring a federal license may be negatively affected through association with a marijuana processing facility. One association was told that if a marijuana business went in their liability insurance would be cancelled. Other insurance was available, but at a tenfold increase, creating an extreme hardship for businesses in this association. The Mira Mesa group is asking applicants for marijuana facilities to secure a letter from their association granting consent prior to presenting to the planning group for a vote.

9. REPORTS TO CPC:

- Staff Report: Nancy Graham reported that Mike Hansen, former Deputy Chief of Staff & Policy Director for the Mayor is the new Planning Director. He hopes to attend CPC in April to introduce himself to the group.
- Subcommittee Report: None
- Chairperson's Report: Moty thanked termed-out members.
- CPC Member Comments: SPH member said a third proposal for the stadium site would be for a much needed park. CL member said a transitional homeless facility is being considered and reminded other members to keep an open mind. NH member said the school district unilaterally took over complete use of a park in NH after expiration of the agreement, ostensibly under the theory that school use had a higher priority than

recreation. NP member asked if the upcoming storm water presentation would include maintenance, to which Moty replied affirmatively.

ADJOURNMENT TO NEXT REGULAR MEETING: MARCH 27, 2018

The meeting was adjourned by Chair David Moty at 8:37 PM