

# Community Planners Committee

Planning Department • City of San Diego 9485  
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Monday, June 13<sup>th</sup>, 2022

## SPECIAL MEETING AGENDA

LOCATION: By Video Conference

TIME: 6:00-8:00 p.m.

Zoom Meeting Instructions located on page 2

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**NOTE:** If a Sign Language interpretation or language translation services are required, please visit [www.sandiego.gov/planning/translation](http://www.sandiego.gov/planning/translation) to submit a request at least (3) three workdays prior to the meeting date to insure availability. Times assigned for each item are approximate. The order of agenda items may be modified at the beginning of the meeting at the discretion of the Chair.

ITEM #1 – 6:00 **CALL TO ORDER / INTRODUCTIONS / MODIFICATIONS TO THE AGENDA:**  
Please mute your microphone except when speaking. Meeting may be recorded.

ITEM #2 – 6:05 **NON-AGENDA PUBLIC COMMENT** - 2 minutes per issue  
Identification of issues that are within the jurisdiction of the CPC, but not on the agenda. No discussion or action is permitted, except to establish a subcommittee for study, or place the item on a future agenda.

ITEM #3 – 6:10 **ROLL CALL**

ITEM #5 – 6:15 **UPDATE: COUNCIL POLICY 600-24 on COMMUNITY PLANNING GROUPS, AND COUNCIL POLICY 600-9 on the COMMUNITY PLANNERS COMMITTEE:**  
**(ACTION Item)** The CPC Subcommittee will present a letter of opposition to the full CPC Group for review and further comments.

ITEM #6: – 8:00 **REPORTS TO CPC:**

- Staff Report
- Chair's Report
- CPC Member Comment

ITEM #7: – 8:30 **ADJOURN TO NEXT REGULAR MEETINGS: Tuesday, June 28, 2022.**

## **INSTRUCTIONS FOR PARTICIPATING IN THE LIVE VIRTUAL MEETING**

To join the meeting, drag-and drop this URL into your browser or click on the link:

<https://sandiego.zoomgov.com/j/1609832631?pwd=U2ZUbjBZSm5rZnM2bVdaSINmTi9Edz09>

**Meeting ID:** 160 983 2631

**Passcode:** UtRR0b

To join the meeting Via Phone Only (note: you will not be able to view the slideshow.) You can use a phone number listed below to dial in for those who would rather call in. Upon dialing in you will be asked to enter the Meeting ID followed by pound, this ID can be found below.

Dial by your location:

+1 669 254 5252 US (San Jose)

+1 833 568 8864 US Toll-free

**Meeting ID:** 160 983 2631

**Passcode:** 256220

The Zoom Application: Downloading the Zoom application to your device provides for the best results. You can register for free. If you are unable to download and run the Zoom application for this meeting, you can choose "Join from your web browser" upon joining the meeting, which does not require downloading any plugins or software. Google Chrome is the recommended web browser.

The Participants button is at the bottom center of the Zoom video screen. Use this button to get both a list of participants and to expose the "Raise Hands" feature at the bottom.

Joining the Meeting at the Scheduled Time:

Meeting participants will initially be admitted into the meeting "waiting room". The Chair or staff will move participants from there to the meeting itself.

When you enter the meeting, all participants will be muted unless otherwise directed by the Chair. Leave your device muted during the meeting; this helps keep extraneous background sounds from interfering with the meeting.

Providing comments on non-agenda public comment and agenda items:

Via the Zoom: Participants will be muted on entry, and will need to “raise their hands” during each agenda item to be recognized by the Chair to speak. Thanks for your courtesy. Via the phone: Send an email to [KemptonT@sandiego.gov](mailto:KemptonT@sandiego.gov) with your name and the item you want to address speak over the phone, so you can be unmuted. Via email: Send an email to [KemptonT@sandiego.gov](mailto:KemptonT@sandiego.gov) with your name, the item and the comment you want read aloud.

Questions or Technical Issues

If you have any questions or technical issues prior to the meeting beginning, please contact Tony Kempton at [KemptonT@sandiego.gov](mailto:KemptonT@sandiego.gov) up to 15 minutes prior to the meeting for assistance. More comprehensive instructions how to join a Zoom meeting and how to test your computer or smartphone setup are available should you need them at: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

June 10, 2022

Honorable Vivian Moreno  
Chair, Land Use and Housing Committee  
202 C Street  
San Diego, CA 92110

Re: Proposed Amendments to Council Policy 600-24  
Oppose Unless Amended

Dear Committee Chair Moreno:

On May 24, 2022, the Community Planners Committee (CPC), which is composed of the leaders of San Diego's Community Planning Groups, voted to Oppose Unless Amended the proposed amendments to Council Policy 600-24 authored by Council Member Joe LaCava. The CPC has collaborated with Council Member LaCava on his proposal and believes the concerns raised in this letter can be resolved by amendments.

Our concerns involve two portions of the proposal:

- I. Remove the imposition of fees for appeals by the Community Planning Groups.

Council Member LaCava's proposal would require Community Planning Groups (CPGs) to pay the same fee for appeals as private appellants. However, CPGs are not just like private appellants.

CPGs are recognized by the City of San Diego as the official voice of their communities in land use matters. (City Attorney Report to the Land Use and Housing Committee, December 3, 2019, p. 1.) The San Diego City Council has found that CPGs devote countless uncompensated hours to assist the City in developing and implementing community plans and the General Plan. It further determined that CPGs perform a necessary function in the planning process, and that CPGs are "of inestimable value to the citizens of the City of San Diego." (San Diego Ordinance 0-19833 (July 28, 2009); City Attorney Report of December 3, 2019, p. 7.)

Moreover, CPGs are not allowed to charge fees to fund appeals, unlike private appellants for whom fee payment is a cost of doing business. For example, CPGs are prohibited from imposing membership dues. Particularly for CPGs representing less affluent communities, the LaCava proposal would place CPGs at a worse position than other appellants. It would effectively disarm those planning groups.

Even in court proceedings where filing fees are required, court rules provide for fee waivers for those without sufficient funds, so as not to close the courthouse doors to those who seek redress. The United States Supreme Court has the *in forma pauperis* fee waiver process which has been used in groundbreaking decisions. CPGs are in an analogous situation.

In addition, because CPGs rarely file appeals, this is not a matter of abuse of the process. Instead, the proposal is a solution in search of a problem. The Committee should reject that part of the proposal.

## II. Imposing a two-year break for serving on CPGs

Council Member LaCava proposes that the existing term limits for service on CPGs also require a two-year gap before a termed-out member may seek election. The proposal would exacerbate the difficulty in recruiting members for CPGs when the community wants to have those persons on the board. Even in lobbying regulations there is only a one-year gap required for lobbying former colleagues. No advocacy group has suggested that the two-year gap is needed.

Please note that the City Attorney's Office, in analyzing proposals to amend Council Policy 600-24, stated that the two-year gap "recommendation impermissibly intrudes on the internal operations and governance of an independent entity." (City Attorney report of November 9, 2020, Attachment C, p. 3.)<sup>1</sup> The two-year gap proposal for serving on CPGs should be removed.


The CPC urges the Committee to delete the two above-referenced portions of the proposal. They are not critical to the other portions of the amendments to Council Policy 600-24. This will remove the CPC's Opposition to the proposal.

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<sup>1</sup> CPGs are not created by ordinance. Their members are not City employees and are not appointed by the Mayor. Instead, the City Council defines CPGs as independent "private organizations" which the Council, by resolution, formally recognizes. CPGs have a legal status separate from the City. (City Attorney Report of December 3, 2019, pp. 2-3.)

Please feel free to contact the CPC regarding this letter of Opposition.

Sincerely,

A handwritten signature in black ink that reads "Nicholas W. Reed". The signature is written in a cursive style.

NICHOLAS REED

Acting Chair

Community Planners Committee

Cc: Hon. Joe LaCava  
Hon. Stephen Whitburn  
Hon. Chris Cate