

Community Planners Committee

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CPC MINUTES OF THE MEETING OF JULY 24, 2007

MEMBERS PRESENT:

Jim Haughey, Carmel Mountain Ranch
John Fiske, Carmel Valley
Paul Robinson, Centre City
Jim Varnadore, City Heights
Doug Case, College Area
Laura Riebeau, Eastern Area
Bruce Williams, Encantco Neighborhoods
Chris Blatt, Greater Golden Hill (7:35 p.m.)
Vicki Granowitz, Greater North Park
Buzz Gibbs, Kearny Mesa
Tim Golba, La Jolla
Rick Bussell, Linda Vista
William Kenton, Midway
Jeff Stevens, Mira Mesa
Tracy Reed, Miramar Ranch North

Rick Miller, Mission Beach
Susan Redelings, Normal Heights
Landry Watson, Ocean Beach
Mel Ingalls, Otay Mesa
Rocky Sgro, Otay Mesa/Nestor
Kathy Mateer, Pacific Beach
Dee Wylie, Peninsula
Ellen Willis, Rancho Bernardo
Mike Freedman, San Ysidro
Guy Preuss, Skyline/Paradise Hills
Reynaldo Pisano, Southeastern San Diego
Eric Germain, Tierrasanta
Dash Meeks, Torrey Hills
Morton Printz, Torrey Pines
Leo Wilson, Uptown

VOTING ELIGIBILITY/RECUSALS: Rick Miller.

NON ELIGIBLE REPRESENTATIVE PRESENT: None.

OTHERS PRESENT: Lee Campbell, Cal Jones, Mynon Scherer, Rob Steppke, Russ Connelly, Patty Vaccariello and Rosie Arechiga.

City Staff: Mary Wright, Betsy McCullough, Jackie Dominguez, Wanda Bursey, Alex Sachs, Marianne Greene and Cecilia Gallardo.

Guests: None.

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 Leo Wilson called the meeting to order at 7:00 p.m. and proceeded with roll call.
- 2. NON-AGENDA PUBLIC COMMENT:** Jim Varnadore reported that the Euclid Tower design work is finished and the construction underway to restore the Tower.

Mynon Sherer, environmental activist and member of Peninsula planning board, said the California State Attorney General recently issued a mandate to all the cities, that they must address the effects of population growth on global warming.

Lee Campbell of Tierrasanta distributed a document that recapped key points from the City Attorney's comments on the General Plan PEIR. The complete set of comments, along with



other comments on the General Plan, can be accessed on Mr. Campbell's website at <http://www.campbellot.com/peir/comments.htm>. Mr. Campbell also distributed a document that highlighted an email exchange between Bill Anderson and Tom Mullaney on the interpretation of land designation, Policy LU-C.3. Mr. Campbell expressed concern about consistency throughout the General Plan and that each community planner will dictate his or her own interpretation of the policies, due to a lack of language consistency.

CPC Chair, Leo Wilson informed the committee that the August 2, 2007, Planning Commission hearing for the General Plan Update has been postponed until September 13, 2007. The additional time will allow staff the ability to respond to concerns raised by the State Attorney General concerning global warming, and complete their response to public comments regarding the draft EIR.

The committee agreed to have a special meeting on the General Plan on August 28, 2007.

3. **MODIFICATIONS TO AGENDA:** None.
4. **APPROVAL OF THE MINUTES OF JUNE 19 AND JUNE 26, 2007:** Kathy Mateer noted that two of her motions, were erroneously listed as failed votes, when in fact roll call confirms approval of the motions. The Minutes will be corrected. Jim Varnadore moved to approve the Minutes of June 19, 2007, with corrections. By majority consent, the Minutes of June 19, 2007 were approved. Abstentions: San Ysidro, Normal Heights and Miramar Ranch North.

It was noted that the date of the PCOW was listed incorrectly on the Minutes of June 26, 2007. The Minutes will be corrected to reflect the correct PCOW date. Mike Freedman moved to approve the Minutes of June 26, 2007, as corrected. The motion was seconded unanimously approved.

5. **INDEMNIFICATION ORDINANCE:** Indemnification Subcommittee Chair, Paul Robinson reported that the subcommittee met at 6:00 p.m. tonight, at the MOC II. The final ordinance is not available for consideration yet, however Mr. Robinson discussed various sections of the ordinance that will be redrafted, mostly language amendments, which will not change the intent of the sections. The language to Section 3 creates a provision that the City Attorney will step in immediately to defend each member, unless and until a thorough investigation of the facts surrounding the allegations, transaction or incident clearly demonstrates either of the following circumstances exist: fraud, corruption, conflict of interest, malice or bad faith. Mr. Robinson likened this provision to the steps taken by an insurance company to defend its insured, unless it finds fraud or corrupt dealings on behalf of the insured, in which case the insurance company is not required to continue that defense.

Mike Freedman had questions about what constitutes a conflict of interest. Jim Varnadore said the conflict of interest language should be left out and that direct economic interest language would be more consistent. Mary Wright said staff has requested an opinion on this issue from the City Attorney.

Tim Golba suggested a policy should be established to obtain outside council, in case the City Attorney has a conflict of interest. Alex Sachs said the draft ordinance would set up a procedure by which those kinds of discussions could occur.

6. **ROOMING HOUSE ORDINANCE:** Marianne Greene gave a PowerPoint presentation on the proposed rooming house ordinance. The definition of a rooming house is a dwelling unit where three or more bedrooms or guest rooms are rented, or are otherwise furnished for compensation, under separate rental agreements or leases, either written or oral; it does not go to occupancy; it does not require a property owner, agent or rental manager to be in residence; it may or may not have individual group cooking facilities; meals may or may not be provided; there may or may not be free access to common living areas beyond the bedroom.

The ordinance is modeled after the State Attorney General opinion issued in 2003, at the request of the City of Lompoc. The opinion states: "The proposed ordinance would not raise constitutional issues . . . since it would allow any owner or property to rent to any member of the public . . . [and] would be directed at commercial use of property that is inconsistent with the residential character of the neighborhood and which is unrelated to the identity of the users."

Ms. Greene reiterated key points of the proposed ordinance: The ordinance shortens the conforming use period from two years to one year. The entire ordinance will be completely complaint driven. The ordinance is not an occupancy based standard, it is based on the number of bedrooms and the number of leases. Three or more leases are considered a rooming house. The ordinance will recommend a seven-year phase out period, in single residential zones only, so that all existing rooming houses would have to be shut down in seven years. The ordinance will not prohibit master leases.

Laura Riebeau said there should be increased enforcement to regulate the problem behaviors through code compliance, which is already established.

Guy Preuss said society has a need for rooming houses, they just need to be governed.

The Rooming House Ordinance will be heard at Planning Commission on September 6 and City Council on October 10, 2007.

7. **CPC/CPG BYLAWS REVISION STATUS REPORT:** Mary Wright reported on the process to date. Eric Germain and others have volunteered to work on the CPC Bylaws Revisions. Planning Group Bylaws Revisions are need by the beginning of October to process them for a hearing date of November 20, 2007.

There was committee discussion about the complaint form that will be established and used for complaints against planning groups. Leo Wilson expressed concern that staff will be flooded with nuisance claims and not actual violation complaints. He suggested that the complaint forms be clear and defined about what constitutes a violation. Jim Varnadore said all complaints should be in writing, definitive and they should go directly to the City Attorney. Mary Wright said staff will work with the City Attorney on a process for complaints.

Rick Miller said Mission Beach does not have a standing committee by choice, they have chosen to go with the ad hoc committee to avoid some of the noticing and agenda

requirements. Mr. Miller said his planning group is concerned that there is no provisions for ad hoc committees. Mary Wright said planning groups do not have to have standing committees and if a planning group feels strongly about a change, they can propose a deviation. Mike Freedman said the bylaws shell states very clearly that all meetings must be publicly noticed, regardless of what kind of meeting it may be.

Morton Prinz, Leo Wilson and others were in favor of having the CPC set up its own subcommittee to look at complaints against individual violations and planning group violations.

8. **REPORTS TO CPC:**

- **Staff Report:** Mary Wright reported there will be a Planning Chairs Operations Workshop (PCOW) on Thursday, July 26, 2007 from 6:00 - 8:00 p.m. at the MOC II. LU&H and the Planning Commission will have a joint workshop to address parking standards on August 1, 2007, City Hall, 202 C Street, in the Council Committee Room.
- **Subcommittee Report:** None.
- **Chairperson's Report:** None.
- **CPC Member Comments:** Laura Riebeau said she reviewed the investigation report concerning the Sunroad building. One of the recommendations being suggested is to combine Planning and Development Services departments to a single department under a single director. Ms. Riebeau also mentioned that there is a need for additional staff in the City Attorney's office.

Buzz Gibbs said he would like to know who to turn to for a better response time on technical questions directed to the City Attorney's office.

Eric Germain said Kathy Mateer has many motions on the Land Use Element for the August agenda. Mr. Germain also has a resolution he wants to make in August, depending on the outcome of the next draft General Plan. Mr. Wilson said the August agenda will have the Indemnification Update and the rest of the meeting will be devoted to the draft General Plan.

Mary Wright said staff anticipates getting the draft General Plan to the committee two weeks prior to the August 28, 2007 CPC meeting.

Betsy McCullough said materials summarizing significant changes that have been made to the draft General Plan will be mailed to CPC members, and the entire strike out/underline version of the document will be posted to the City's website.

Bill Kenton expressed concern that his planning group was not advised that City College contracted for a new building in the Midway area, that they are going to consolidate and make available about two-thirds of their property for commercial development. He said

the permit was issued ministerially and apparently, City College has the right to do what they want with their land without consulting the community. Mr. Kenton said his planning group may take the matter to the City Council. Mary Wright said she has not heard about this, but she will find out about it and report back.

Jim Varnadore said he recently learned that in 2004 the City of San Diego cut a deal with Cricket telephone provider, for Cricket to locate its installations anywhere in the public right of way, including in single-family neighborhoods. He said the City is not required to notify the public and there is no review.

Vicki Granowitz informed members that beginning at the next CPC meeting, members are asked to write out their motions. There will be roll call on votes when necessary.

The next CPC meeting will be a Special Meeting on the Draft General Plan, on August 28, 2007, 7:00 p.m., at the Metropolitan Operations Center II, Auditorium, 9192 Topaz Way, Kearny Mesa, California.

The meeting was adjourned at 9:05 p.m. by Leo Wilson.

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