



# NAVAJO COMMUNITY PLANNERS, INC.

Allied Gardens-Del Cerro-Grantville-San Carlos

*Meeting materials are available at [navajoplanners.org](http://navajoplanners.org)*

Agenda for Monday, February 24, 2014

**Zion Avenue Community Church, 4880 Zion Avenue**

[navajoplanners@cox.net](mailto:navajoplanners@cox.net)

**Call To Order: 7:00 p.m.**

- Roll Call of Board Members
- Modifications to Agenda (Informational items can be changed to action items by 2/3 vote before the agenda has been adopted)
- Approval of the January 27, 2014 Meeting Minutes

**Officers Reports: 7:05 p.m.**

- Chair's Report:
- Vice Chair's Report:
- Treasurer's Report

**Elected Officials' Reports: 7:10 p.m.**

**Officer Adam McElroy – Community Relations Officer**

**Public Comment on Non-Agenda Items (3 minutes each): 7:15 p.m.**

**Informational Presentations:**

**Action Items:**

**Medical Marijuana Ordinance**

An Amendment to the Land Development Code and the Local Coastal Program to add Medical Marijuana Consumer Cooperatives as a new separately regulated land use.

**600-24 Revisions**

Proposed changes to the standard operating procedures and responsibilities of recognized community planning groups

**Mission Trail Regional Park Advisory Board**

Appointment of NCPI Representative

**NCPI March 17, 2014 Election – Candidate Application Deadline March 10th**

Election Committee Update – John LaRaia, Chair

**Community Group Reports:**

- Grantville Stakeholders Group –Matt Adams
- Allied Gardens Community Council – Mickey Zeichick
- Del Cerro Action Council – Jay Wilson
- San Carlos Area Council – John Pilch
- Mission Trails Regional Park Advisory Board
- Community Planning Groups Committee

**Future Agenda Items****Old Business****New Business****Adjourn**

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SUBJECT: STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES  
OF RECOGNIZED COMMUNITY PLANNING GROUPS

POLICY NO.: 600-24

EFFECTIVE DATE: ~~April 5, 2012~~ **highlighted revisions reflect post-CPC approval** - draft 29Jan2014

BACKGROUND:

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters; specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Community planning groups also advise on associated matters as described in Article II, and on ~~Planning groups also advise on~~ other land use matters as requested by the City or other governmental agencies. ~~This Policy applies to the 12 to 20 elected members of a recognized community planning group, herein referred to as members.~~

The Community Planners Committee, (CPC), comprised of a representative of each recognized community planning group, was formed in 1970 to advise on the "new" 1967 General Plan and has since continued in its vital role advising the City on planning issues of citywide significance and in the development of subsequent General Plans and their amendments and implementation. The CPC is separately authorized under Council Policy 600-09.

Community pPlanning groups are private organizations; **however, to be recognized by the City as the official voice of their community, groups must adhere to Council Policy 600-24 as well as their City-approved bylaws.** The City does not direct or recommend the election of specified individual members **following the initial authorization of the community planning group**, nor does the City appoint members to ~~community planning~~ groups, or recommend removal of individual members of a ~~planning~~ group. The City does not delegate legal authority to community planning groups to take actions on behalf of the City. Community pPlanning groups are voluntarily created and maintained by members of communities within the City. Council Policy 600-24 was created to **establish minimum standards and** provide ~~the~~ guidance for organizations operating as **City Council-authorized** officially recognized community planning groups **(herein after referred to as "community planning groups")**.

**In 2006, it was determined that since** Community planning groups are advisory bodies created by an action of the City Council, **and that they** are subject to California's Open Meeting Law, the Ralph M. Brown Act ("Brown Act") (California Government Code Sections 54950 through 54963). ~~The 2007 amendments to Council Policy 600-24 incorporate clear direction to planning groups about compliance with the Brown Act.~~

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Bylaws of **recognized** community planning groups shall ~~be amended to conform to the 2007-amendments to~~ Council Policy 600-24 ~~unless alternative bylaws language for specific provisions is approved by the City Council. within 6 months from the enactment of the 2007 amendment. Until the expiration of 6 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this Policy.~~

PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of ~~City Council recognized~~ **community** planning groups ~~(herein after referred to as "community planning groups")~~ when they operate in their ~~officially recognized~~ capacity. ~~Council Policy 600-24 applies to the elected or appointed members of a community planning groups~~ (herein after referred to as "members"), and who are ~~more fully described in Article III.~~

POLICY:

It is the policy of the City Council to require each ~~recognized~~ **community** planning group, as a condition of official recognition by the City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the City. These bylaws must contain, at a minimum, all the provisions addressed in ~~Council this~~ Policy ~~600-24~~, and conform to the criteria contained herein, including the standardized bylaws shell attached to this Policy. Individual **community** planning groups' bylaws may utilize options within the standardized bylaws shell and may also expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each **community** planning group, and the initial members and terms of each **planning** group seat and member, will be submitted for approval by resolution of the City Council.

~~The Community Planners Committee maintains bylaws and operating procedures that address subject matter found in Attachment A of this Policy and are in compliance with the Brown Act.~~

Community planning groups that are also incorporated under the laws of the State of California shall maintain corporate bylaws separate from the ~~community planning groups'~~ bylaws.

~~Subsequent a~~ Amendments to adopted bylaws may be proposed to the City by a ~~two-thirds majority~~ vote of the elected members ~~hip~~ of a community planning group. Amendments shall be approved by the Mayor's Office and City Attorney if determined to conform ~~with to~~ ~~Council this~~ Policy ~~600-24~~. Bylaws amendments that cannot be approved by the Mayor's Office and City Attorney will be taken to the City Council for consideration. A **community** planning group's

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proposed revisions to their adopted bylaws ~~to bring them into conformity with the 2007 revisions to this Policy, to the extent such bylaws are inconsistent with this Policy.~~ do not go into effect, and may not be used by the planning group, until the City has approved the bylaws and has notified the planning group of the effective date of the amendment. Failure of a community planning group to comply with the approved operating procedures and responsibilities further detailed in Article VIII of this Policy will be cause for the City Council to withdraw the group's official recognition.

Community planning groups must utilize Council Policy 600-24 and their adopted bylaws to guide their operations. City staff ~~will be assigned to~~ prepare and maintain Administrative Guidelines in consultation with the CPC Community Planners Committee. The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of community planning groups. The Administrative Guidelines provide the community planning groups with explanations and recommendations for individually-adopted bylaws and ~~planning~~ group procedures. Robert's Rules of Order Newly Revised (Robert's Rules) should be used when this Policy, the Administrative Guidelines, and community planning group bylaws do not address an area of concern or interest.

The City Council may approve amendments to Council Policy 600-24 that will apply to all community planning groups even though individual groups' bylaws are not amended with duplicate language.

Where adopted bylaws and Council Policy 600-24 conflict on City Council-approved community-specific bylaws modifications, the adopted bylaws shall prevail. If a citywide amendment to this Policy creates a conflict with a City Council-approved deviation to a planning group's bylaws, the conflict will be identified and evaluated on a case-by-case basis.

It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a ~~recognized~~ community planning group or its individual members in accordance with Ordinance No. ~~O-19883 NS, O-17086 NS~~ adopted July 7/28, 20/09, entitled "An Ordinance Providing for Legal Representation to Defense and Indemnification of Community Planning Groups Committees Against Claims for Damages," as discussed further in Article IX, Section 1, and any future amendments thereto.

The intent of the Brown Act, as stated in section 45950, is that the actions of public bodies, ". . . be taken openly and that their deliberations be conducted openly . . ." This is consistent with the goals of the City and community planning groups operating pursuant to this Council Policy 600-24. Accordingly, community planning groups shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with each of the Brown Act provisions as identified in this Policy.

**ARTICLE I Name**

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Section 1. A ~~recognized~~ community planning group shall adopt an official name which shall be subject to the approval of the City Council.

Section 2. All activities of a ~~recognized~~ community planning group shall be conducted in its official name.

Section 3. A boundary for a ~~recognized~~ community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a community planning group the advisory responsibilities over an area that has been established based on logical, man-made, or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a community planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

Changing a ~~community plan boundary~~ or a ~~community planning group's area of authority~~ shall only be done as part of a community plan amendment or update conducted pursuant to the "General Plan and Community Plan Amendment Manual." Requirement for a community plan amendment may be waived if there is no change in a community plan boundary.

The community planning area boundaries which are applicable to each ~~recognized~~ community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

In accordance with Brown Act section 54954(b), meetings of ~~recognized~~ community planning groups shall be held within theseits boundaries. When, however, a community planning group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 4. The official positions and opinions of a ~~recognized~~ community planning group shall not be established or determined by any organization other than the ate-planning group, nor by any individual member of the community planning group other than one authorized to do so by the ~~planning~~ group.

**ARTICLE II Purpose of Community Planning Groups and General Provisions**

Section 1. Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff and other governmental agencies on land-use matters; specifically;

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concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. ~~Planning groups also advise on other land use matters as requested by the City or other governmental agency. Community planning groups advise the City and other governmental agencies on land use, mobility, urban design, public facilities & services, economic prosperity, conservation, noise, historic preservation, and~~ infrastructure.

Community planning groups may be called upon to advise on, or participate in, additional efforts such as CIP infrastructure needs identification discussed in Council Policy 000-32. Pursuant to the provisions of Council Policy 600-33, a ~~recognized~~ community planning group will be asked to review a park general development plan or capital improvements within the park only if there is no City--recognized park advisory group.

Section 2. A ~~recognized~~ community planning group reviewing individual development projects should focus such review on ~~conformance~~conformity with the Land Development Code, adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, a formal community planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process.

Substantive changes in projects subsequent to completion of the environmental review process will ~~sanction~~merit further evaluation by ~~the~~a community planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.

Section 3. Insofar as the efforts of ~~the~~a ~~recognized~~ community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided under the direction of the Mayor's Office.

Section 4. All activities of ~~recognized~~ community planning groups shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, Brown Act section 54953.2 requires that meeting facilities must be accessible to persons with disabilities.

Section 5. ~~A recognized~~eCommunity planning groups shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Community pPlanning group members shall not identify affiliation with their~~a~~ planning group when endorsing candidates for public office. ~~A~~

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- Section 6. ~~e~~Community planning groups may take a position on a ballot measure. Pursuant to the provisions of City Council Policy 600-5, a ~~recognized~~ community planning group's consistent failure to respond to the City's request for ~~planning group~~ input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's office.
- Section 7. A ~~recognized~~ community planning group may propose amendments to its bylaws by ~~two-thirds~~ ~~majority~~ vote of the elected members of the group. Proposed amendments shall be submitted to the offices of the Mayor and to the City Attorney, ~~respectively,~~ for review and approval. Any proposed amendments that are inconsistent with the standardized bylaws shell, attached to this Policy, shall be scheduled for consideration by City Council.

**ARTICLE III Community Planning Group Organizations**

- Section 1. A ~~recognized~~ community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. ~~The City Council may approve the inclusion of group seats that are "appointed seats" For the purpose of assuring better representation of unique or diverse community interests, a community planning group may created separate "appointed seats". Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.~~
- Section 2. ~~For the purposes of Council Policy 600-24, t~~The ~~original~~ members of ~~thea~~ ~~recognized~~ community planning group shall consist of ~~those members approved on~~ ~~as of~~ the date of ~~official~~ recognition ~~of the group~~ by the City Council, ~~and of such a~~ ~~Additional members as~~ shall thereafter be elected by eligible community members in the manner prescribed by this Policy.
- Section 3. Members of ~~recognized~~ community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. ~~Community p~~Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:



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- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area; only one representative of a particular establishment may hold a seat on the community planning group at one time.

Demonstration of individual eligibility to vote as a property owner, resident, or local business person, as described in (1) through (3) above, may be achieved through an application showing evidence of qualifications. Eligibility (and demonstration of eligibility) to vote may be further defined in community planning group bylaws. This may include minimum attendance requirements. Once eligibility to vote in an election is established, an individual remains eligible until he or she does not meet the eligibility requirements.

Section 4. Members of a recognized community planning groups shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial/original group members for a new groups. No person may serve on a community planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held. After a one-year break in service as a community planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee group.

Council This Policy 600-24 provides an exception for a community planning groups to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

A community planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if (1) there are fewer candidates than

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vacant seats, and (2) that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a community planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the elected members of the voting committee group membership.

The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

Section 5. A member of a recognized community planning group must retain eligibility during the entire term of service. A community planning group member may will be removed from the planning group, upon a majority vote of the elected members of the community planning group to ratify the findings of the Secretary that the member is no longer eligible to serve. Prior to the community planning group meeting at which this vote occurs the Secretary shall provide the group with documentation of the ineligibility and shall notify the member in question, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group, and has notified the member in question, that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3, or in Article IV, Section 1 of this Council Policy and in the community planning group's adopted bylaws.

Section 6. A community planning group or member or planning group found to be out of compliance with the provisions of Council this Policy 600-24, or with the planning group's adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-1988317086 NS, and any future amendments thereto.

Violations of the Brown Act may, in some circumstances, carry civil or criminal consequences as described in this Policy at Article IX, Section 2. However, as stated in a memorandum prepared by the City Attorney, by implementing bylaws and operating in compliance with this Policy, community planning groups will be considered to be in substantial compliance with the Brown Act. (City Attorney's MOL No. 2006- 26)

**ARTICLE IV Vacancies**

Section 1. A recognized community planning group shall find that a vacancy exists upon

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receipt of a resignation in writing from one of its members, or upon receipt of a written report from its secretary reporting the third consecutive absence, or fourth absence in the 12-month period of April through March each year, of a member(s) from regular meetings as established under Article VI, Section 2 below.

A vacancy may also exist following a vote of a community planning group as described in Article III, Section 5, related to ineligibility, or following conclusion of a member-removal process conducted under Article IX based this Policy or adopted bylaws violations.

Section 2. A single vacancy that occurs on a ~~recognized~~ community planning group shall be filled by the ~~planning~~ group in a manner specified by the ~~group's adopted~~ bylaws ~~of the planning group~~.

Two or more concurrent community planning group vacancies shall be filled by a vote of all eligible members of the community by secret written ballot. Vacancies shall be filled no later than 120 days, following the date of the determination of the vacancy, unless the end of the 120 day period would occur within 90 days of the annual March election as described in Article V.

The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.

Section 3. When a ~~recognized~~ community planning group is unable to fill a vacancy within the 120 days, as specified above, and ~~there are more~~ ~~planning group has more~~ than twelve members ~~in good standing~~, the ~~planning~~ group shall either leave the seat vacant until the next ~~regular~~ ~~planning group~~ election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the ~~community~~ planning group has less than 12 members in good standing, the ~~planning~~ group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the ~~community~~ planning group membership has not reached 12 members, the ~~planning~~ group will be deemed inactive and the City shall notify the City Council that the ~~community~~ planning group will be inactive until it has attained at least 12 members in good standing. The City shall assist with the ~~community~~ planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

**ARTICLE V Elections**

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Section 1. Elections of ~~recognized~~ community planning group members shall be held during the month of March in accordance with procedures specified in adopted ~~planning~~ group bylaws. Community planning groups shall hold elections every year or every other year. In the election process, ~~the~~ community planning groups shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight or nine consecutive years to leave the group for at least one year.

In order to be a candidate in the March election, an eligible member of the community must have documented attendance at one, two, or three of ~~at~~ the community planning group's last 12 meetings prior to the February regular meeting preceding the election- ~~depending on the individual group's approved bylaws.~~

Community planning groups may establish voting procedures that include opportunities for multiple voting times on the date of the election, or for multiple locations, or both, provided those procedures allow for the completion of the election during the month of March and they demonstrate an ability to assure fair access and avoidance of voting improprieties. Where an opportunity to vote on more than one date is proposed, then the voting procedures for such an election shall be submitted, at least forty-five (45) days in advance of the first day that voting is proposed to occur, to the office of the Mayor and to the City Attorney, ~~respectively,~~ for review and approval. All voting procedures must insure that voting is done only by eligible members of the community.

Section 2. The City shall publicize the elections of ~~recognized~~ community planning groups through the City website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

~~The e~~Community planning groups shall make a good faith effort to utilize means appropriate to their communities to publicize the ~~planning~~ group's eligibility requirements for candidacy and the upcoming elections.

Section 3. Voting ~~to elect new community planning group members~~ shall be by secret written ballot. ~~AC~~Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for elections if the ~~planning~~ group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed community planning group meeting at which the election will be held.

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Section 4. Unless otherwise explicitly provided for in a ~~recognized~~ community planning group's bylaws, an election becomes final after announcing the election results at a noticed ~~planning~~ group meeting. New members shall be seated in April.

**ARTICLE VI Community Planning Group and ~~Planning Group~~ Member Duties**

Section 1. It shall be the duty of a ~~recognized~~ community planning group to cooperatively work with the Mayor's staff throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

In accordance with the Brown Act section 54953(a) it shall be the duty of all ~~recognized~~ community planning group members to meet in open and in public, and all persons shall be permitted to attend any meeting of the ~~planning~~ group except as otherwise noted in this Policy.

~~The eC~~Community planning groups ~~and their~~ members shall conduct official ~~group~~ business ~~of the planning group~~ in a public setting. It is recognized that the officers of ~~thea~~ ~~community~~ planning group may oversee administrative business of the ~~planning~~ group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed ~~community~~ planning group meetings.

It shall be the duty of a ~~community~~ planning group as a whole, and of each individual ~~planning group~~ member, to refrain from conduct that is detrimental to the ~~planning~~ group or its purposes under ~~this Council~~ Policy ~~600-24~~. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the ~~community~~ planning group's agenda.

Section 2. ~~C~~~~Recognized~~ community planning groups and ~~their~~~~planning group~~ members are responsible for assuring compliance of meeting procedures and meeting records requirements under this Policy.

**(a) Meeting Procedures**

It shall be the duty of each ~~recognized~~ community planning group member to attend all planning group meetings.

- (1) **Regular Agenda Posting.** In accordance with Brown Act section 54954.2(a), at least 72 hours before a regular meeting, the agenda

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containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of an agenda item shall include the intended action of the community planning group regarding that item, for example, stating that the item is an information item only or it is an action item.

If ~~at~~ the community planning group maintains a website, the agenda should also be posted on that website at least 72 hours in advance of the meeting.

The ~~e~~Community planning groups shall offer their agendas to the City for posting on the City's website.

(2) **Public Comment-**

1. Agenda Items: Any interested member of the public may comment on agenda items during regular or special community planning group meetings. (Brown Act section 54954.3(a))
2. Non-Agenda Items: Each agenda for a regular community planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda, but that are within the scope of the planning group. (Brown Act section 54954.3(a)) Community planning group members may respond by asking for more factual information, or by asking a question to clarify, and also may schedule the item for a future agenda. However, no discussion, debate, or action may be taken on such items. (Brown Act section 59454.2)
3. A community planning group may adopt time limits for individual items and for individual speakers to ensure operational efficiencies but such time limits must be reasonable and give competing interests equal time. (Brown Act section 54954.3(b))

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- (3) **Adjournments and Continuances.** In accordance with Brown Act section 54955, [community](#) planning group meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on or near the door of the place where the original meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of [thea community](#) planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

In accordance with Brown Act section 54954.2, if a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared ~~(\*)~~; otherwise if shorter, the original meeting agenda is adequate.

- (4) **Continued Items.** In accordance with Brown Act section 54955.1, if an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

- (5) **Consent Agenda.** ~~In accordance with Brown Act section 54954.3(a),~~ ~~ff~~or items to be considered for a “Consent Agenda” all of the following are required:

1. A subcommittee of the [community](#) planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee’s consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a [Ceonsent Aa](#)genda item. Any interested member of the public may take a [Ceonsent Aa](#)genda item off the [Ceonsent Aa](#)genda by request.

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- (6) **Quorum and Public Attendance.** ~~This Council~~ Policy ~~600-24~~ defines a quorum as a majority of non-vacant seats of a community planning group. In accordance with Brown Act section 54952.2, a quorum must be present in order to conduct business, to vote on projects, and to take actions at regular or special ~~planning~~ group meetings.

In accordance with Brown Act section 54953.3, no member of the public shall be required, as a condition of attendance at any meeting of a community planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

- (7) **Development Project Review.** Community planning groups may ~~not~~, as a condition of placing an item on their agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the ~~City's~~ project review application process.

It shall also be the duty of a community planning group, when reviewing development projects, to allow participation of affected property owners, residents and business establishments ~~within~~ proximity to the proposed development.

~~A~~The community planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

- (8) **Action On Agenda Items.** In accordance with Brown Act section 54954.2(b)(2), an item not noticed on the agenda may be added if either two-thirds of the ~~entire~~ elected members ~~hip of the community~~ planning group, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the community planning group subsequent to the agenda being posted.

~~Voting requirements vary by subject of the action:~~

- a. ~~A two-thirds vote of the entire community planning group is required to R~~emovinge an elected or appointed community



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planning group member in accordance with Article IX of this Policy requires a two-thirds vote of the elected members of the group. A community planning group may adopt into its bylaws a substitute method to remove an appointed member.

b. ~~or to~~ Approving an amendment to adopted bylaws requires a two-thirds vote of the elected members of a community planning group.

c. A ratifying vote to remove a member due to ineligibility in accordance with Article III, Section 5 of this Policy requires a majority vote of the elected members of a community planning group.

d. Approval of a community plan update or a community plan amendment requires a majority vote of the elected members of a community planning group.

e. All other group actions, including subcommittee votes, only require a simple majority of the members in attendance when a quorum is present.

In accordance with Brown Act section 54953(c), community planning groups shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

In accordance with the Brown Act section 54953(c), all actions taken by the community planning groups, including votes, must be taken in public.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed members of positions on the community planning group identified in Article III, Section 1 of this Policy.

- (9) **Collective Concurrence.** In accordance with Brown Act section 54952.2, any attempt to develop a collective concurrence of the members of a community planning group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

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~~In accordance with the Brown Act section 54953(e), all action taken by the community planning group, including votes, must be taken in public.~~

- (10) **Special Meetings.** In accordance with Brown Act section 54956, the chair of a community planning group, or a majority of ~~planning~~ group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the community planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the ~~planning~~ group secretary a written waiver of notice at, or prior to the time of, the meeting.

Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting.

Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

- (11) **Emergency Meetings.** Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of a community planning groups and are prohibited under this Council Policy 600-24.
- (12) **Right To Record.** In accordance with Brown Act sections 54953.5 and 54953.6, any person attending a meeting of at the community planning group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the ~~planning~~ group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (13) **Disorderly Conduct.** In accordance with Brown Act section 54957.9, in the event that any community planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the ~~planning~~ group may first cause

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removal of the individual or individuals.

If that is unsuccessful then the [community](#) planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The [community](#) planning group may also readmit an individual or individuals who were not responsible for the disruption.

**(b) Subcommittees**

~~C~~~~Recognized~~ community planning groups are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular [planning](#) group meetings.

- (1) **Standing Committees.** Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as development review. In accordance with Brown Act section 54952(b), all standing subcommittees of a [community](#) planning group are subject to Brown Act public noticing and meeting requirements as set forth in **Council Policy 600-24**, Article **IVVI**, Section 2(a) **of this Policy**.
- (2) **Ad Hoc Subcommittees.** Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review. While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the [community](#) planning group and constituting less than a quorum of the [planning](#) group (Brown Act section 54952), **this Council Policy 600-24** requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular [community](#) planning group meeting.
- (3) **Committee Composition.** **The majority membership of any committee or subcommittee shall consist of elected or appointed community planning group members.** ~~All committees and subcommittees shall contain a majority of members who are members of the planning group.~~ Any member of a committee or subcommittee, who is not a member of **athe** [community](#) planning group, shall have completed formal training by the City in the duties and ~~r~~responsibilities of community planning groups, before serving on any such committee or subcommittee.

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- (4) **Recommendations.** All committee and subcommittee recommendations must be brought ~~forward~~~~forth to the full planning group~~ **in writing** for ~~a formal~~ **community planning group** vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the ~~official~~~~formal~~ recommendation of the **community** planning group without a ~~formal~~-vote **taken at a** ~~regular~~~~scheduled~~ **group meeting of the full planning group.**

**(c) Abstentions and Recusals**

- (1) **Recusals.** Any member of a ~~recognized~~-community planning group with a direct economic interest in any project that comes before the ~~planning~~-group or its committees or subcommittees must: (1) disclose to the **community planning**-group that economic interest, (2) ~~and~~ must recuse himself or herself from voting, and (3) must not participate in any manner as a member of the **community planning**-group for that item on the agenda. Situations requiring recusals are described in the Administrative Guidelines.
- (2) ~~Abstentions. In accordance with the Brown Act section 54953(e), all action taken by the planning group including votes must be taken in public.~~

In limited circumstances, from time to time, **community** planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention. Situations allowing abstentions are described in the Administrative Guidelines.

**(d) Meeting Documents and Records**

- (1) **Agenda by Mail.** In accordance with Brown Act section 54954.1, requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of **the** community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.
- (2) **Agenda at Meeting.** In accordance with Brown Act section 54957.5,

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any written documentation, prepared or provided by City staff, applicants, or community planning group members, that is distributed at a ~~planning~~ group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at a community planning group meeting, then it shall be made ~~aa~~available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or community planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. Further, the community planning group may charge for the cost of reproduction of any materials requested by an individual or individuals.

- (3) **Minutes.** For each community planning group meeting, a report of ~~planning group~~ member attendance and a copy of approved minutes shall be retained by the ~~planning~~ group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the ~~planning~~ group's next ~~regularly~~ scheduled meeting.

—The minutes of each community planning group's meetings shall include the group members who constituted a quorum at that meeting. In accordance with the Brown Act section 54953(c)(2), the votes taken on each action item shall include: group members who voted for, against or abstained on the item. In addition the item record should include ~~, and should record~~ the names of the speakers, the nature of the public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the ~~planning~~ group. If an applicant did not appear before the community planning group when an action was being taken on their project, then the meeting minutes must indicate the date when and type of notification (e.g., electronic, telephonic, fax ~~faesimile~~) that was provided to the applicant requesting his or her appearance at the ~~planning~~ group meeting.

A copy of the approved minutes shall be submitted to the City within 14 days after approval by the community planning group. If the ~~community~~ planning group maintains a website, the approved minutes shall be posted within 14 days after approval by the ~~community~~ ~~planning~~ group.

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Community pPlanning groups are not required to audio or videotape their meetings but if they do then, in accordance with Brown Act section 54953.6, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

- (4) **Records Retention.** In accordance with Brown Act section 54957.5, community planning group records, as described below, must be retained for public review. Community planning group records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the community planning group. Community planning group records do not include writings that are required to be submitted to the City in accordance with this Policy to substantiate and document a group's operation and compliance. Community planning groups also receive materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of a recognized community planning groups and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1 of this Policy. A The community planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

Section 4. It shall be the duty of a recognized community planning groups to maintain and retain a current, up-to-date roster of the names, terms, and category/qualifications of elected and appointed planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The eCommunity planning groups must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to the duties enumerated in Article II, Section 1 of this Policy. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. A recognized community planning groups may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the a planning group to promote understanding and participation in the

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planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any community planning group meeting. All contributions must be voluntarily made, and no official community planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. It shall be the duty of each newly-elected recognized community planning group member to attend an orientation training session administered by the City as part of ~~planning~~ group and individual member indemnification pursuant to Ordinance No. O-~~19883 NS 17086 NS~~ entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages," as discussed further in Article IX, Section 1 of this Policy, and any future amendments thereto. If it is not possible for a new member to attend the training session as required by O-19883 NS, then the member shall successfully complete the online orientation training.

It shall be the duty of the City to offer at least ~~onetwo~~ orientation sessions following the March elections each year, as well as topic-specific sessions intended to advance the knowledge of ~~planning~~ group members in subjects within the scope of responsibilities of ~~recognized~~ community planning groups throughout the year. Additionally, the City will maintain the availability of an online training session that meets the requirements of O-19883 NS in the event a newly-seated member is unable to attend the scheduled orientation session, or in the event that a new member is seated through a special election or in a month other than March. Newly-seated planning group members must complete an orientation training session within ~~12 months~~ 60 days of being elected or appointed to a planning group, or the member will become ineligible to serve.

**ARTICLE VII – Planning Group Officers**

Section 1. The officers of a ~~recognized~~ community planning group shall be elected from and by the members of the ~~planning~~ group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary, and by policy, a community planning group's bylaws may include such other officers as the ~~planning~~ group may deem necessary. Further duties of the officers may be defined in community planning group bylaws.

The community planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same ~~planning~~ group office for more than eight or nine consecutive years. After a period of one year in which

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that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a ~~recognized~~ community planning group and shall preside over all ~~planning~~ group and communitywide meetings organized by the community planning group.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the community planning group.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. The Secretary shall be responsible for the community planning group's correspondence, attendance records, and minutes and actions [including identification of those ~~planning~~ group members ~~whothat~~ constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that community planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. The Chairperson shall be a ~~recognized~~ community planning group's representative to the Community Planners Committee (CPC). However, by specific action vote of the ~~planning~~ group, some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each community planning group should also vote to select an alternate CPC representative.

Section 6. It shall be the duty of the officers of ~~recognized~~ community planning groups and of the Community Planners Committee representative to promptly disseminate to all elected ~~or appointed~~ ~~planning~~ group members any pertinent information that is received by the community planning group regarding its official business.

**ARTICLE VIII Community Planning Group Policies and Procedures**

~~In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, e~~Each community planning group shall include policies and procedures in its bylaws that are found necessary for the group's effective operation under this Council Policy 600-24. The following topic areas are those to be addressed. Explanations of



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when and why to adopt procedures or policies are found in the Administrative Guidelines.

- (1) Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the [community](#) planning group.
- (2) [Community](#) Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community ~~at~~-large.
- (3) Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of ~~the~~ general membership, **if any**, or the public in discussing agenda items.
- (4) Member and [Community](#) Planning Group Responsibilities, suggested but not limited to: filling vacant seats either during a term or following an election; how [community](#) planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.
- (5) Elections, suggested but not limited to: promoting [community](#) planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

**ARTICLE IX. Rights and Liabilities of Recognized Community Planning Groups**

~~C~~Recognized community planning groups operating under **this Council** Policy **600-24** are afforded certain protections for their activities within their identified scope of responsibilities.

As reviewed in a ~~M~~emorandum prepared by the City Attorney, issued November 3, 2006, (City ~~Attorney~~Att’y MOL No. 2006-26), the Brown Act provides various remedies for violation of its provisions but by implementing bylaws and operating in compliance with **this Council** Policy **600-24**, [community](#) planning groups will be considered to be in substantial compliance with the Brown Act. Any [community](#) planning group, or any of its individual members, may seek assistance and training from the City Attorney to conform with the Brown Act.

Section 1. Indemnification and Representation

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A ~~recognized~~ community planning group and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-~~1988317086~~ NS and any future amendments thereto if: the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in ~~Policy 600-24~~, Article II, Section 1 of this Policy; their conduct was in conformance with this Policy 600-24 and the Bylaws of the community planning group; and all findings specified in the ordinance can be made.

Section 2. ~~Brown Act Violations and Remedies~~ **Related to Provisions Citing the Brown Act**

Some provisions of Council Policy 600-24 are identified as requirements of the Brown Act. ~~Approved group bylaws which reflect those Policy provisions must also be Brown Act compliant.~~

The Brown Act includes civil remedies (California Government Code Brown Act sections 54960 through 54960.5) and criminal penalties (Government Code Brown Act section 54959) for violation of its provisions. Thus community planning groups are encouraged to proactively cure violations themselves. This is to prevent legal actions that would void community planning group actions, and it assures good faith, voluntary compliance with the Brown Act.

Both individual members of a community planning group, as well as the planning group as a whole, could potentially be subject to civil remedies. Civil remedies may include relief to prevent or stop violations of the Brown Act, or to void past actions of ~~the~~ community planning group, and may in some cases include payment of attorneys fees.

Individual community planning group members may potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the member intended to deprive the public of information which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Any community planning group, or any of its individual members, may seek assistance, as well as training, from the City Attorney to better understand, ~~to~~ implement, and comply with the Brown Act.

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Section 3. Council Policy 600-24 Violations and Remedies

Council Policy 600-24 provides various remedies for violation of its provisions that are not requirements of the Brown Act by ~~recognized~~ community planning groups or their elected members. Where a community planning group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

Alleged Violations by a Member of a Recognized Community Planning Group

In the case of an alleged violation of this Council Policy 600-24 or a ~~recognized~~ community planning group's adopted bylaws by a ~~planning~~ group member, the ~~planning~~ group shall conduct an investigation consistent with the Administrative Guidelines and adopted ~~planning~~ group bylaws.

If the community planning group, after a thorough investigation, determines that the individual member has violated a provision of this Council Policy 600-24 or the ~~planning~~ group's bylaws, the ~~planning~~ group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the ~~planning~~ group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the ~~elected~~ community planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted community planning group bylaws.

A community planning group member found to be out of ~~not in~~ compliance with the provisions of ~~this Council~~ Policy 600-24 that are not subject to Brown Act, or with their group's adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-~~1988317086~~ NS, as discussed further in Article X, Section 1, and any future amendments thereto.

Alleged Violations by a Recognized Community Planning Group

In the case ~~the~~ of an alleged violation of this Council Policy 600-24 or adopted ~~planning group~~ bylaws by a ~~recognized~~ community planning group as a whole, or by multiple members of the ~~planning~~ group, the violation shall be forwarded in writing to the City for investigation by the Mayor's office. The City will engage in a dialogue with the community planning group; to determine ~~determining~~ the validity of the complaint; and to seek ~~ing~~ resolution of the issue or dispute.

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If a violation against a ~~recognized~~ community planning group as a whole is proven and there is a failure of the ~~planning~~ group to take corrective action, the ~~planning~~ group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's office to the City Council.

A ~~community~~ planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A ~~community~~ planning group found to be out of compliance with the provisions of Council Policy 600-24 that are not subject to the Brown Act, or with its adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-~~1988317086~~ NS and any future amendments thereto.

**HISTORY:**

Amended by Resolution R-300940 - 10/17/2005

Amended by Resolution R-302671 - 05/22/2007

Amended by Resolution R-307347 - 04/05/2012

Amended

Attachment "Bylaws Shell"



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 27, 2013

REPORT NO. PC-13-134

ATTENTION: Planning Commission, Agenda of December 5, 2013

SUBJECT: AMENDMENTS TO THE LAND DEVELOPMENT CODE AND THE CITY'S LOCAL COASTAL PROGRAM PERTAINING TO MEDICAL MARIJUANA COOPERATIVES. (PROCESS 5)

### SUMMARY

**Issue:** Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program pertaining to medical marijuana consumer cooperatives?

**Staff Recommendation:** Recommend that the City Council approve the proposed amendments.

#### **City Council:**

- On September 13, 2010, the City Council voted 6-1 to initiate amendments to the Land Development Code and the City's Local Coastal Program pertaining to medical marijuana consumer cooperatives.
- On March 28, 2011 the City Council voted 5-2-1 to amend the Land Development Code to and the City's Local Coastal Program to include regulations for medical marijuana consumer cooperatives.
- On September 27, 2011 the City Council voted 7-6 to repeal the Medical Marijuana Consumer Ordinance rather than calling a special election to place the matter on the ballot.
- On April 22, 2013 the City Council held an informational hearing to discuss a new Medical Marijuana Consumer Cooperative Ordinance and voted 8-0 to direct the City Attorney to develop a revised 2011 Medical Marijuana Consumer Cooperative Ordinance that includes City Council directed revisions

**Community Planners Committee:** On October 22, 2013 the Community Planners Committee voted to recommend the City Council not adopt the ordinance regulating medical marijuana consumer cooperatives by a vote of 15-6-2.

**Environmental Review:** The Medical Marijuana Consumer Cooperative Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3), in that it is not a Project as defined by CEQA Guidelines Section 15378. Adoption of the ordinance does not have the potential for resulting in

either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Future projects subject to the ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA Guidelines Section 15004.

## BACKGROUND

On October 6, 2009, the San Diego City Council voted to establish a Medical Marijuana Task Force to advise the City Council on: (1) guidelines for medical marijuana patients and primary caregivers; (2) guidelines for the structure and operation of medical marijuana consumer cooperatives (cooperatives); and (3) guidelines for police department enforcement regarding medical marijuana. On March 24, 2010, the Task Force presented their report to the Land Use and Housing Committee (LU&H). The committee directed the City Attorney to develop an ordinance based on the recommendations of the Medical Marijuana Task Force as modified by LU&H. The intent of LU&H was to allow cooperatives only in Industrial Light Zone IL-3-1, Industrial Small Lot Zone IS-1-1, Commercial zones which allow watchkeepers quarters as the only permitted residential use (CC-2-1, CC-2-2, CC-2-3 and CR-2-1).

In March 2011 the City Council approved a Medical Marijuana Ordinance that limited cooperatives to only those zones identified by LU&H. The ordinance also included the following:

- Definition of medical marijuana consumer cooperative, playground, and youth oriented facility
- Requirement to process a Conditional Use Permit (Process Three) with a five year expiration
- Provision of a 600-foot separation from
  - Schools
  - Parks
  - Churches
  - City Libraries
  - Playgrounds
  - Childcare Facilities
  - Youth Serving Facilities
  - Other Cooperatives
- Prohibition of onsite consultations by medical professionals
- The following operational and physical requirements
  - Post the name and emergency contact number of the manager in a location visible from the outside
  - Security to include cameras and a State licensed security guard
  - Obtain a permit pursuant to Chapter 4, Article 2, Division 15 (Medical Marijuana Consumer Cooperatives)
  - Light the interior, façade, surrounding area and parking facilities
  - Signage limited to only the name of the business and two colors
  - Restrict the hours of operation to 7 a.m. to 9 p.m. seven days a week

Following adoption of the ordinance a petition to repeal it was circulated, deemed sufficient and qualified for submittal to the voters, and subsequently presented to the City Council by the City Clerk. In accordance with the Municipal Code, the City Council was required to either grant the referendary petition and repeal the ordinance, or adopt a resolution to submit the matter to the

voters at a special election. The City Council voted to repeal the ordinance in part to avoid the costly expense associated with a special election.

## DISCUSSION

On April 24, 2013 the City Council held a hearing to discuss components of a new Medical Marijuana Consumer Cooperative Ordinance. Generally speaking the new proposal differed from the 2011 ordinance in that it would increase the number of zones that could permit cooperatives, lowered the decision process from a Process Three CUP to a Process Two NUP, and specified the exact PDO zones that could allow cooperatives with an NUP whereas the 2011 ordinance allowed cooperatives in PDO zones that were similar to the citywide zones without specifically identifying those PDO zones.

After considerable testimony the City Council discussed the proposal and determined that it was too broad and voted 8-0 to direct the City Attorney to develop a new Medical Marijuana Consumer Cooperative Ordinance based on the 2011 ordinance. Included in the direction were the following specific items to be included in the new ordinance.

- Specifically identify the PDO zones that could permit cooperatives
- Revise the definition of “youth serving facilities” to be more specific
- Revise the definition of “schools” consistent with the definition in the April 2013 draft
- Change “child care facilities” to “child care centers”
- Add a 100-foot buffer from residential zones
- Add drug/alcohol rehabilitation centers (residential care facilities) to the sensitive uses
- Increase from 600 feet to 1,000 feet the buffer for sensitive uses and other cooperatives
- Prohibit use of patient operated vending machines for medical marijuana

These items are found in Resolution R-308124 (Attachment 1) and have been incorporated into the draft Medical Marijuana Consumer Cooperative Ordinance in Attachment Two

With regard to the land use regulations the City Council requested the Mayor’s Office do an analysis of potential zoning impacts. The mapping and data services of SANDAG were engaged to perform a number of analyses comparing the 2011 ordinance and the current proposal. The results of the analyses are threefold. First, it resulted in citywide and council district maps that identify the zones where cooperatives could locate and the areas within those zones (buffer areas) where cooperatives would be precluded due to proximity to specified uses in the ordinance. Second, mapping and data retrieval exercises were developed to identify the absolute maximum number of cooperatives that could exist under the two ordinances. And third, the maximum number of acres of permissible zones was identified citywide and by council district. The methodology used to develop the maps and data is provided in Attachment 3 and the data and citywide maps are provided in Attachments 4 through 7.

There are a number of factors that need to be understood with regard to the maximum number of potential cooperatives. First and foremost is that the numbers represent the absolute maximum potential number of cooperatives that could exist at this point in time, and that the actual number of cooperatives that could exist is very likely to be significantly less. Determining the maximum number of potential cooperatives was based the following assumptions.

- The cooperatives were perfectly located with the zone to maximize their number

- Every location within the zone is vacant and available
- Each of the locations would have a building that would be suitable for a cooperative (i.e. a 3,000 square-foot retail or office space could be suitable whereas a 30,000 square-foot industrial building would not be suitable)
- The property owner at each location would be willing to lease to a cooperative
- The methodology would capture absolutely every sensitive use (a submitted project application would be subject to verification that there was compliance with the distance separation from sensitive uses, other cooperatives, and residential zones)

It is not possible to determine the exact number of cooperatives that could be located within these zones, However when overlaying these five assumptions it becomes apparent that a significant number of potential cooperative locations would not be available.


### CONCLUSION

Public testimony at the April 22, 2013 City Council hearing reflected a broad spectrum of opinion as to the level of restriction that is appropriate to site medical marijuana consumer cooperatives. The proposed land use ordinance regulating medical marijuana consumer cooperatives is consistent with City Council Resolution 308124.

### ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the ordinance or that it adopt an ordinance with modifications.

Respectfully submitted,



**Dan Normandin**  
Senior Planner,  
Development Services Department



**Cathy Winterrowd**  
Deputy Director,  
Development Services Department

NORMANDIN

Attachments:

1. Resolution R-308124
2. Draft Medical Marijuana Consumer Cooperative Ordinance
3. Mapping and Data Methodology
4. Acreages of Zones that Could Permit Medical Marijuana Consumer Cooperatives
5. Maximum Potential Cooperatives
6. Citywide Map 2011 Ordinance
7. Citywide Map 2013 Ordinance



CLERK'S FILE COPY

ATTACHMENT 1

RESOLUTION NUMBER R- 308124

DATE OF FINAL PASSAGE MAY 10 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO REGARDING MEDICAL MARIJUANA  
REGULATION AND ENFORCEMENT.

WHEREAS, Council met on April 22, 2013, in open session regarding "Discussion of a Draft Medical Marijuana Ordinance and enforcement issues regarding medical marijuana"; and

WHEREAS, Council provided direction and made requests to the Mayor and City Attorney with respect to medical marijuana regulation and enforcement, as more specifically described in Attachment A, pages 3-4 (City of San Diego Memorandum, Subject: Item 200 of April 22, 2013 City Council Meeting) attached hereto; NOW, THEREFORE,

BE IT RESOLVED, Attachment A is incorporated into this resolution, and adopted by the Council.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Mary T. Nuesca  
Mary T. Nuesca  
Deputy City Attorney

MTN:jdf:cm  
4/24/2013  
Or.Dept:CITY ATTORNEY  
Doc. No.: 552185

ATTACHMENT 1

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 22 2013

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

Note: This Resolution was returned unsigned by the Mayor's Office to the Office of the City Clerk on May 10, 2013, at 3:37 p.m. Pursuant to San Diego Charter Section 295 (a) (2), this Resolution is deemed approved on May 10, 2013.

City of San Diego  
MEMORANDUM

DATE: April 24, 2013  
TO: CITY ATTORNEY – Shannon Thomas/Mary Nuesca  
FROM: Office of the City Clerk - Debbie Levenson-Cruz  
SUBJECT: Item 200 of the April 22, 2013 City Council Meeting

---

ITEM-200: Discussion of a Draft Medical Marijuana Ordinance and enforcement issues regarding medical marijuana. (Citywide.) (Rev. 4/19/13)

**ITEM DESCRIPTION:**

A City Council hearing to discuss a draft medical marijuana ordinance based on the Medical Marijuana Ordinance adopted by the City Council on March 28, 2011 (O-20042) and subsequently repealed. Generally, the draft prepared for discussion increases the number of zones in which a medical marijuana dispensary (dispensary) may be located, modifies the separation distance between dispensaries and sensitive uses, modifies the separation distance between dispensaries, changes the permit process, and prohibits the permitting and siting of medical marijuana vending machines.

**STAFF'S RECOMMENDATION:**

Take the following action:

HEARING HELD/DIRECTION GIVEN

Provide staff with direction on how to proceed with drafting the ordinance.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Any costs associated with implementation of the regulations in the future will be borne by project applicants.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- On October 6, 2009, the San Diego City Council voted to establish a Medical Marijuana Task Force (MMTF).
- On January 5, 2010, the City Council voted to refer the recommendations of the MMTF to the Land Use and Housing Committee.
- On March 24, 2010, the Land Use and Housing Committee directed the City Attorney to prepare an ordinance based on the recommendations of the MMTF with changes.
- On April 28, 2010, the Public Safety and Neighborhood Services Committee directed the City Attorney to review the MMTF Report and bring back legal recommendations.
- On May 26, 2010, the Public Safety and Neighborhood Services Committee directed the City Attorney to develop an ordinance using the recommendations of the MMTF with changes.
- On September 13, 2010, the City Council voted 6-1 to initiate amendments to the Land Development Code and the City's Local Coastal Program pertaining to medical marijuana cooperatives consistent with the recommendations from the Land Use and Housing Committee.
- On March 28, 2011 the City Council voted 5-1 to approve an Ordinance allowing medical marijuana dispensaries in the IL-3-1 and IS-1-1 zones subject to restrictions.
- On September 27, 2011 the City Council voted 7-1 to repeal the Medical Marijuana Ordinance.

Westlake/Goldstone

Primary Contact\Phone: Dan Normandin\619-446-5388  
Secondary Contact\Phone: Kelly Broughton\619-321-3233

City Attorney  
Item 200 of the 04/22/2013 Council Meeting  
Page 3 of 4

**COUNCIL ACTION WAS:** Motion by Councilmember Emerald to provide direction on how to proceed with drafting the ordinance.

Direct the City Attorney to draft a "land use" ordinance on medical marijuana nearly identical to O-20042 (Passed on April 27, 2011), except as revised below. Request that the revised ordinance be docketed as soon as it has been crafted with the direction below, and providing time for vetting by Community Planning Groups, CPC, Technical Advisory Committee and Planning Commission. Have the backup material include a study by a disinterested third party (i.e. University, private sector land use firm, etc) showing all prospective cooperative sites. The Mayor and Council President will work together regarding how a disinterested third party is selected and contracted. This study would be for the purpose of determining if the ordinance O-20042, as revised, would, in fact, be a "de facto ban".

The revised ordinance would differ from O-20042 as follows:

- Revise Section 151.0103 (b)(4), to apply the intent of that section regarding which Planned District Zones cooperatives may be located in, specifically to each Planned District;
- Revise the definition of "youth serving facilities" to be more specific;
- Revise the definition of "schools" per the currently proposed draft;
- Revise the sensitive use now listed as "child care facilities" to "child care centers";
- Add a 100-foot buffer from residential zones;
- Add drug/alcohol rehabilitation centers as a sensitive use;
- Extend buffer from sensitive uses and other cooperatives to 1000 feet;
- Prohibit placement and permitting of medical marijuana vending machines with the City Attorney issuing a legal opinion.

Request that the Mayor:

- Identify those City department(s) that will be responsible for issuing a permit to medical marijuana cooperatives under the "public safety" ordinance and enforcing its provisions;
- Develop a fee structure for full cost recovery of the issuance and enforcement of the "public safety" permit, for approval by Council;
- Provide a list of all the community groups that will be contacted for Planning Group consideration;
- Provide an analysis of the potential zoning impacts, in square footage, within each Council District.

Direct the Mayor to have Neighborhood Code Compliance Department investigate illegal dispensaries and take action to enforce the law.

Direct the City Attorney to:

- Provide the Council with its legal options regarding fees and/or taxes on Medical Marijuana above and beyond cost recovery.
- Examine the ability of the City to monitor doctors who recommend medical marijuana to patients.
- Bring back options for changes to the public safety ordinance regarding the system for medical card issuing.
- Look at various combinations of eligible areas in each council district, and issue a legal opinion as to whether the council can legally limit the number of dispensaries by council district. Second by Council President Pro Tem Lightner.

**COUNCIL VOTE WAS:** Unanimous; 4-vacant.

Please prepare the Ordinance to reflect Council's action using the appropriate language, and return to the City Clerk's Office for further processing.

ELIZABETH S. MALAND  
City Clerk

By: Debbie Levenson-Cruz, Deputy

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222, TABLE 131-02B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322, TABLE 131-03B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, TABLE 131-04B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING A NEW SECTION 141.0614 AND RENUMBERING THE CURRENT SECTION 141.0614 TO 141.0615; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0312; AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 153.0309 AND 153.0310; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTION 1514.0305; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 3 BY AMENDING SECTIONS 1517.0301 AND 1517.0302; AMENDING CHAPTER 15, ARTICLE 19, APPENDIX A, ALL RELATED TO MEDICAL MARIJUANA CONSUMER COOPERATIVES.

§113.0103 Definitions

*Abutting property to Marquee* [No change in text.]

Medical marijuana consumer cooperative means a facility where marijuana is

transferred to qualified patients or primary caregivers in accordance with the Compassionate Use Act of 1996 and the Medical Marijuana Program Act, set forth in California Health and Safety Code sections 11362.5 through 11362.83. A *medical marijuana consumer cooperative* shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.

*MHPA to Planned Urbanized Communities* [No change in text.]

*Minor-oriented facility* means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the *primary use* is devoted to people under the age of 18.

*Playground* means any outdoor premises or grounds owned or operated by the City that contains any play or athletic equipment used or intended to be used by any person less than eighteen (18) years old.

*Premises to Yard* [No change in text.]

**§126.0303 When a Conditional Use Permit Is Required**

[No change in text.]

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops to Major transmission, relay, or communication switching station [No change in text.]

*Medical marijuana consumer cooperatives*

Museums to *Wireless communication facilities* (under circumstances described in Section 141.0420)

(b) [No change in text.]

(c) [No change in text.]



**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the open space zones are shown in Table 131-02B.

**Legend for Table 131-02B**

[No change in text.]

**Table 131-02B  
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR <sup>(1)</sup> -	OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b> [No change in text.]		[No change in text.]				
<i>Medical Marijuana Consumer Cooperatives</i>		=	=	=	=	=
<b>Nightclubs &amp; Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees</b> – [No change in text.]		[No change in text.]				

Footnotes for Table 131-02B [No change in text.]

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the agricultural zones are shown in Table 131-03B.

**Legend for Table 131-03B**

[No change in text.]

**Table 131-03B  
Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b> [No change in text.]	[No change in text.]				
<u>Medical Marijuana Consumer Cooperatives</u>	=		=		
<b>Nightclubs &amp; Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]				

Footnotes for Table 131-03B [No change in text.]

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the residential zones are shown in the Table 131-04B.

**Legend for Table 131-04B**

[No change in text.]

**Table 131-04B  
Use Regulations Table of Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1 <sup>st</sup> & 2nd >>	RE-	RS-												RX-	RT-								
	3rd >>	1-	1-												1-	1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b>	[No change in text.]																							
<u>Medical Marijuana Consumer Cooperatives</u>	=		=		=		=																	
<b>Nightclubs &amp; Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]																							

Use Categories/ Subcategories	Zone Designator	Zones														
	[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	RM-													
3rd >>		1-			2-			3-			4-		5-			
4th >>		1	2	3	4	5	6	7	8	9	10	11	12			
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishment, Specialized Practice</b> [No change in text.]		[No change in text.]														
<u>Medical Marijuana Consumer Cooperatives</u>		=			=			=			=			=		
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]														

Footnotes for Table 131-04B [No change in text.]

**§131.0522 Use Regulations Table for Commercial Zones**

The uses allowed in the commercial zones are shown in the Table 131-05B.

**Legend for Table 131-05B**

[No change in text.]

Table 131-05B  
Use Regulations Table for Commercial Zones

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1 <sup>st</sup> & 2 <sup>nd</sup> >>	CN <sup>(1)</sup> -				CR-		CO-				CV-		CP-
	3 <sup>rd</sup> >>	1-				1-	2-	1-	2-	1-	2-	1-	1-	
	4 <sup>th</sup> >>	1	2	3	4	1	1	1	2	1	2	1	2	1
<b>Open Space through Separately Regulated Commercial Services Uses,</b> Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]												
<u>Medical Marijuana Consumer Cooperatives</u>		=	=	<u>C</u>	=	<u>C</u>	=	<u>C</u>	=	=	=	=	=	
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses,</b> Theater <i>Marquees</i> [No change in text.]		[No change in text.]												

Use Categories/Subcategories  [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zone																				
	1 <sup>st</sup> & 2 <sup>nd</sup> >>	CC-																				
	3 <sup>rd</sup> >>	1-			2-			3-			4-						5-					
	4 <sup>th</sup> >>	1	2	3	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6
<b>Open Space through Separately Regulated Commercial Services Uses,</b> Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]																				
<u>Medical Marijuana Consumer Cooperatives</u>		=	<u>C</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses,</b> Theater <i>Marquees</i> [No change in text.]		[No change in text.]																				

Footnotes to Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in the Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B  
Use Regulations Table for Industrial Zones

Use Categories/Subcategories	Zone Designator	Zones							
		IP-		IL-			IH-		IS-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1 <sup>st</sup> & 2 <sup>nd</sup> >>	1-	2-	1-	2-	3-	1-	2-	1-
	3 <sup>rd</sup> >>	1	1	1	1	1	1	1	1
	4 <sup>th</sup> >>	1	1	1	1	1	1	1	1
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b> [No change in text.]		[No change in text.]							
<u>Medical Marijuana Consumer Cooperatives</u>		=	=	=	=	<u>C</u>	=	=	<u>C</u>
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses, Community Entry Signs</b> [No change in text.]		[No change in text.]							
<del>Neighborhood-Neighborhood</del> <u>Neighborhood Identification Signs</u> through <u>Theater Marquees</u> [No change in text.]		[No change in text.]							

Footnotes to Table 131-06B [No change in text.]

**§141.0614 Medical Marijuana Consumer Cooperatives**

Medical marijuana consumer cooperatives may be permitted to operate for a maximum of five years with a Conditional Use Permit decided in accordance with Process 3 in the zones indicated with a “C” in the Use Regulations Table in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

(a) Medical marijuana consumer cooperatives shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:

- (1) 1,000 feet of public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San

Diego, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools.

For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) 100 feet of a residential zone.

(b) Consultations by medical professionals shall not be a permitted accessory use at a medical marijuana consumer cooperative.

(c) Lighting shall be provided to illuminate the interior of the medical marijuana consumer cooperative, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

(d) Security shall be provided which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present during business hours.

(e) Signs shall be posted on the outside of the medical marijuana consumer cooperative that contain only the name of the business, limited to two colors.

(f) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the medical marijuana consumer cooperative in character size at least two inches in height.

- (g) The medical marijuana consumer cooperative shall operate only between the hours of 7:00 a.m. to 9:00 p.m., seven days a week.
- (h) The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code section 42.1502, is prohibited. For purposes of this section, a vending machine is any device which allows access to medical marijuana without a human intermediary.
- (i) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

**§ 141.0614 141.0615 Nightclubs and Bars over 5,000 Square Feet in Size**

[No change in text.]

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) through (7) [No change in text.]
  - (8) Medical marijuana consumer cooperative regulations contained in Section 141.0614, when that use is specifically allowed by that planned district ordinance.

**§152.0312 Subdistrict D Permitted Uses**

- (a) through (b) [No change in text.]
- (c) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.
- (d) [No change in text.]

**§153.0309 Employment Center (EC)**

(a) Permitted Uses

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall any lot or premises be used except for one or more of the following purposes:

(1) through (10) [No change in text.]

(11) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

~~(11)~~ The following manufacturing uses only when secondary and supportive to the primary manufacturing use of the premises:

(A) through (D) [No change in text.]

~~(12)~~ The following uses and classes of uses shall be prohibited from locating in the Employment Center Zone:

(A) through (F) [No change in text.]

~~(13)~~ The following manufacturing uses shall be prohibited

(A) through (H) [No change in text.]

(b) through (c) [No change in text.]

**§153.0310 Special Use Area (SP)**

(a) [No change in text.]

(b) Permitted Uses

The following uses are permitted in the Special Use Area:

(1) through (11) [No change in text.]

(12) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.



(4213) Any other use, including accessory uses, which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of this zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

(c) through (d) [No change in text.]

**§156.0308 Base District Use Regulations**

(a) Permitted Land Uses

The uses allowed and level of review required in the Centre City Planned District base districts and overlay districts are shown in Table 156-0308-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

(b) [No change in text.]

<b>Table 156-0308-A: CENTRE PLANNED DISTRICT USE REGULATIONS</b>																
<b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
<b>Use Categories/ Subcategories</b>	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays	
<b>Public Park/ Plaza/Open Space Through Separately Regulated Commercial Services, Maintenance &amp; Repair [No change in text.]</b>	[No change in text.]															
<u>Medical Marijuana Consumer</u>	=	=	=	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>	=	=	=	<u>C</u>	<u>§141.0614</u>		

<b>Table 156-0308-A: CENTRE PLANNED DISTRICT USE REGULATIONS</b>															
<b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
<b>Use Categories/ Subcategories</b>	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	PF <sup>10</sup>	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays
<u>Cooperatives</u>															
<b>Regulated Commercial Services, Off-Site Services through Outdoor Activities</b> [No change in text.]	[No change in text.]														

Footnotes to Table 156-0308-A [No change in text.]

**§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)**

(a) [No change in text.]

(b) Permitted Uses

- (1) No building or improvement, or portion there of, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the uses listed for applicable zones in Table 1514-03I. The predominant land use shall be consistent with the community plan land use designation.

**Legend for Table 1514-03J**

Symbol in Table 1514-03I	Description of Symbol
-	<b>Not Permitted</b>
P	<b>Permitted</b>
L	<b>Subject to Limitations</b>
CUP	<b>Conditional Use Permit</b>

**Table 1514-03J  
Commercial Zones Use Table**

<b>Commercial</b>	<b>MV-CO</b>	<b>MV-CV</b>	<b>MV-CR</b>
Accessory Uses through Medical appliance sales [No change in text.]			
<u>Medical marijuana consumer cooperatives</u>	<u>CUP<sup>3</sup></u>	<u>CUP<sup>3</sup></u>	<u>CUP<sup>3</sup></u>
Music stores through Any other use which the Planning Commission may find, in accordance with Process four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]			

Footnote Table 1514-03J

(1) through (2) [No change in text.]

(3) When the multiple use option is utilized, medical marijuana consumer cooperatives are prohibited.

(3) through (4) [No change in text.]

(c) through (l) [No change in text.]

**§1517.0301 Permitted Uses**

(a) Industrial Subdistrict

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarge, nor shall any premises be used except for one or more of the following purposes:

(1) through (9) [No change in text.]

(10) Medical marijuana consumer cooperatives

Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

(b) Commercial Subdistricts

(1) through (7) [No change in text.]

(8) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

**§1517.0302 Otay International Center Precise Plan Subdistrict**

In the Otay International Center Precise Plan Subdistrict identified in Map Drawing No. C-680.2, the property development regulations as set forth within the Otay International Center Precise Plan shall apply, and no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for or more of the land uses permitted on the parcel by the Precise Plan, except that medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

**Article 19: Southeastern San Diego Planned District**

**Appendix A: Uses**

Legend: P = Permitted

- = Not Permitted

L = subject to Limitations

C = Conditional Use Permit in accordance with Chapter 12, Article 6, Division 3

SP = Special Permit

Special Permit for Alcohol Sales and Distribution - See Appendix C

Permitted Uses	Residential Zones		Commercial Zones			Industrial Zones	
	SF	MF	1	2	3	I-1	I-2
<b>Residential through Commercial Establishments engaged in the Retail, Wholesale, Service or Office Uses for the following unless otherwise indicated: Medical Appliance Sales [No change in text.]</b>							
<u>Medical Marijuana Consumer Cooperatives</u>	=	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=
<b>Commercial Establishments engaged in the Retail, Wholesale, Service or Office Uses for the following unless otherwise indicated: Motor Vehicle, Parts and Accessories, Retail Sale of New Items Only through Addressing and Secretarial Services [No change in text.]</b>							
Any other use which the Planning Commission may find to be similar in character or compatible to the uses permitted in the specific zone or zones. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk. Any other use allowed with a Conditional Use Permit decided in accordance with Process Five as identified in Section 151.0401(f) (General Provisions).							

Footnotes for Appendix A: Uses  
1 through 7 [No change in text.]

SMT:als  
11/07/13  
Or.Dept:DSD  
Doc. No. 558503\_2



## GIS Analysis – Methodology

Areas were selected from the City Zoning layer (from the SanGIS database) based on a list of cooperative-compatible zones under the City Council 2011, and City Council 2013 proposals. Parcels for sensitive receptors were selected using available data, and buffered at the distance specified under each proposal (the 2011 buffer at both 600 ft and the 2013 buffer at 1,000 ft resulting in a layer of exclusionary areas. Areas in compatible zones that overlapped with the exclusionary layer were removed. A list of data sources used to select sensitive receptors is listed below. Planar square footage was tabulated for the remaining areas in compatible zones (square footage refers to the entire remaining area, not office space) by Council District.

Eligible dispensary sites (outside of a restricted area and having compatible zoning and land use) were selected randomly with the criteria to include as many sites as possible while maintaining the appropriate distance (600 or 1000 ft depending on the proposal) from other sites. 100 iterations were run for each proposal, and the result with the maximum number of remaining sites was used. Land use data is from SANDAG's existing land use database (2012), compatible land uses as selected by City staff are listed below.

The actual number of dispensaries that would open would likely be much lower, as factors such as available units for rent, rental rates, overall demand for dispensaries, and proximity of potential sites to target markets would rule out some sites. Additionally, this methodology was designed to identify the maximum number of potential sites. In practice, a dispensary operator who is aware of the proximity restriction between dispensaries would have incentive to locate at a site that would rule out as many other dispensaries as possible based on the 600 or 1,000 ft buffers.

### Data Sources

Sensitive Receptor	Source	Notes
Schools	SANDAG GIS School Inventory layer	Based on California Department of Education schools database
Parks	SanGIS City of San Diego Parks layer, SANDAG Regional Parks inventory layer	SanGIS data is an extract from the City of San Diego Real Estate Assets "Allsites" file intended to serve as a "Parks" layer for the City of San Diego; SANDAG data maintained for District Attorney
Libraries	SanGIS Library Inventory layer	Maintained by San Diego County Library department
Churches	SanGIS parcel layer, SANDAG land use inventory layer	Parcels coded by Assessor as "church" or "church parking lot"; land coded as "religious facility"
Child Care	SanGIS State Licensed	Based on California Department of Social Services

<b>Sensitive Receptor</b>	<b>Source</b>	<b>Notes</b>
Centers	Child Care Centers layer	data, geocoded to parcels
Minority/Youth Oriented Facilities	YMCA of San Diego, San Diego Boys and Girls Clubs, SanGIS State Licensed Youth Group Homes layer	YMCA parcels and B&G Club data geocoded from addresses listed on website, Group Home data from California Department of Social Services. New Children's museum and Kroc Center also included.
Residential Care Facilities	County HHSA Alcohol and Drug Services listing (adult residential treatment services)	Geocoded address list
Playgrounds	SANDAG Regional Parks inventory layer	Maintained for District Attorney sex offender registry enforcement
Residential Zones	SanGIS City of San Diego Zoning layer	

**Compatible Existing Land Uses**

<b>code</b>	<b>Light Industry</b>
2101	Industrial Park
2103	Light Industry - General

<b>code</b>	<b>Commercial</b>
5001	Wholesale Trade
5002	Regional Shopping Center
5003	Community Shopping Center
5004	Neighborhood Shopping Center
5005	Specialty Commercial
5007	Arterial Commercial
5009	Other Retail Trade and Strip Commercial



**Acreages of Zones that Could Permit  
Medical Marijuana Consumer Cooperatives**

**City Council 2011**

<b>District</b>	<b>Allowable Acres<sup>1</sup></b>	<b>Prohibited Acres<sup>2</sup></b>	<b>Total Compatible Acres</b>
1	879.28	162.06	1,041.34
2	296.89	249.47	546.37
3	65.52	37.74	103.26
4	157.14	138.43	295.57
5	147.74	97.11	244.85
6	1,383.76	91.06	1,474.82
7	1,089.79	214.36	1,304.15
8	5,277.89	571.39	5,849.29
9	65.18	107.72	172.90
<b>Total</b>	<b>9,363.20</b>	<b>1,669.35</b>	<b>11,032.55</b>

**City Council 2013**

<b>District</b>	<b>Allowable Acres<sup>1</sup></b>	<b>Prohibited Acres<sup>2</sup></b>	<b>Total Compatible Acres</b>
1	701.37	339.96	1,041.34
2	184.28	362.09	546.37
3	37.99	65.27	103.26
4	34.43	261.14	295.57
5	73.24	171.61	244.85
6	1,267.09	207.73	1,474.82
7	820.94	483.20	1,304.15
8	4,875.20	974.09	5,849.29
9	14.66	158.25	172.90
<b>Total</b>	<b>8,009.21<sup>3</sup></b>	<b>3,023.34</b>	<b>11,032.55</b>

**Footnotes:**

- <sup>1</sup> Allowable acres are those acres within a permissible zone that are more than 1,000 feet from sensitive uses and other cooperatives, and 100 feet from a residential zone.
- <sup>2</sup> Prohibited acres are those acres within a permissible zone that are less than 1,000 feet from sensitive uses and other cooperatives, and 100 feet from a residential zone.
- <sup>3</sup> The City Council 2013 ordinance represents 1,353 fewer allowable acres.



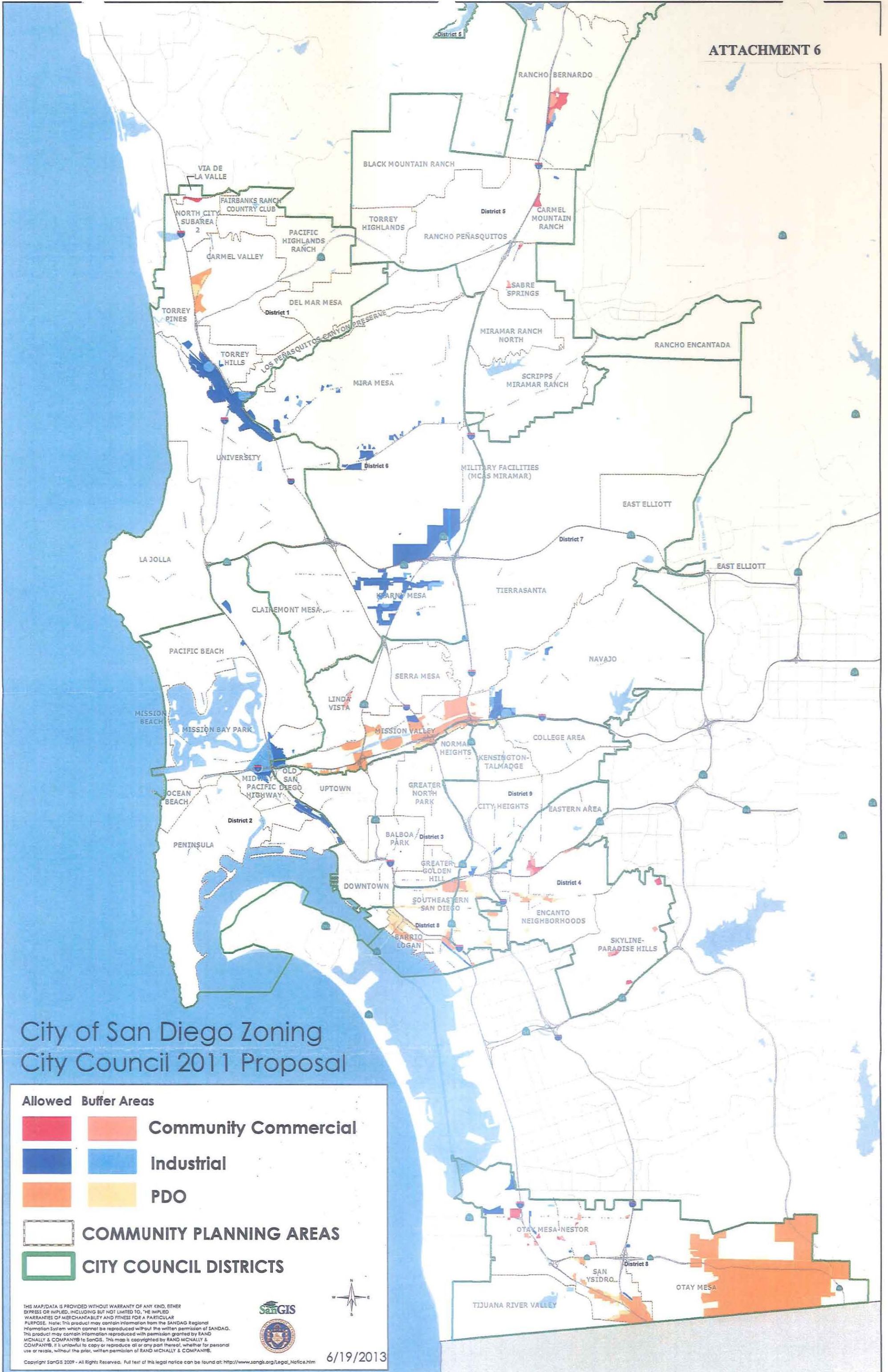
## MAXIMUM POTENTIAL COOPERATIVES

DISTRICT	Council 2011 600ft	Council 2013 1000ft
1	25	15
2	22	9
3	0	0
4	16	5
5	7	3
6	56	28
7	32	14
8	107	54
9	6	3
<b>Total</b>	<b>271</b>	<b>131</b>

**Note:** Determining the maximum number of potential cooperatives was based the following assumptions.

- The cooperatives were perfectly located with the zone to maximize their number
- Every location within the zone is vacant and available
- Each of the locations would have a building that would be suitable for a cooperative (i.e. a 3,000 square-foot retail or office space could be suitable whereas a 30,000 square-foot space in an industrial building would not be suitable)
- The property owner at each location would be willing to lease to a cooperative
- The methodology would capture absolutely every sensitive use (a submitted project application would be subject to verification that there was compliance with the distance separation from sensitive uses and other cooperatives)





# City of San Diego Zoning City Council 2011 Proposal

## Allowed Buffer Areas

- Community Commercial**
- Industrial**
- PDO**

**COMMUNITY PLANNING AREAS**

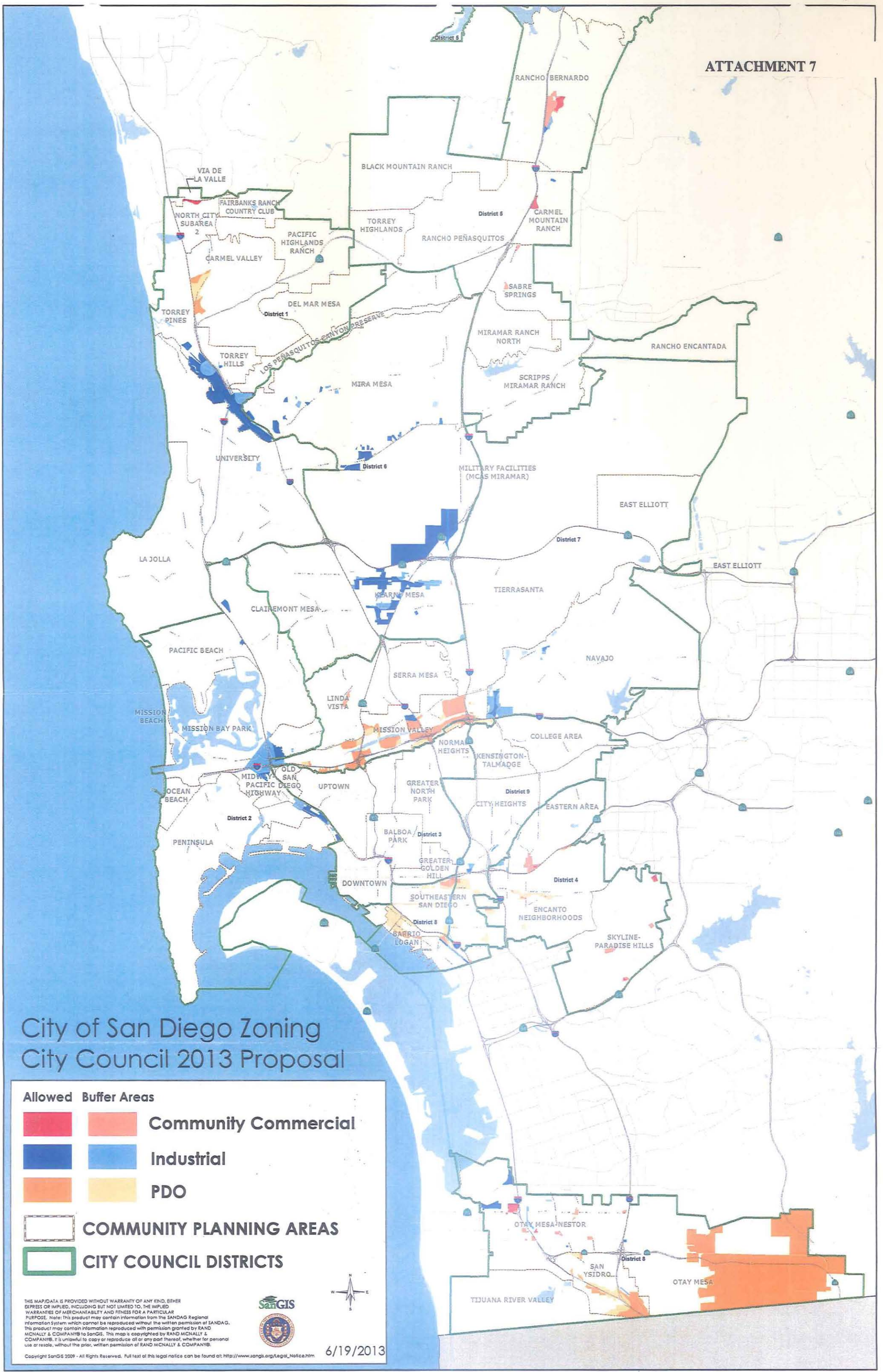
**CITY COUNCIL DISTRICTS**

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6/19/2013





# City of San Diego Zoning City Council 2013 Proposal

**Allowed Buffer Areas**

<span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span>	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	<b>Community Commercial</b>
<span style="display:inline-block; width:15px; height:15px; background-color:blue; border:1px solid black;"></span>	<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span>	<b>Industrial</b>
<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span>	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span>	<b>PDO</b>

**COMMUNITY PLANNING AREAS**

**CITY COUNCIL DISTRICTS**





CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

SUBJECT: STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES  
OF RECOGNIZED COMMUNITY PLANNING GROUPS

POLICY NO.: 600-24

EFFECTIVE DATE: ~~April 5, 2012~~ **highlighted revisions reflect post-CPC approval** - draft 29Jan2014

BACKGROUND:

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters; specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Community planning groups also advise on associated matters as described in Article II, and on~~Planning groups also advise on~~ other land use matters as requested by the City or other governmental agencies. ~~This Policy applies to the 12 to 20 elected members of a recognized community planning group, herein referred to as members.~~

The Community Planners Committee, (CPC), comprised of a representative of each recognized community planning group, was formed in 1970 to advise on the "new" 1967 General Plan and has since continued in its vital role advising the City on planning issues of citywide significance and in the development of subsequent General Plans and their amendments and implementation. The CPC is separately authorized under Council Policy 600-09.

Community planning groups are private organizations; **however, to be recognized by the City as the official voice of their community, groups must adhere to Council Policy 600-24 as well as their City-approved bylaws.** The City does not direct or recommend the election of specified individual members **following the initial authorization of the community planning group**, nor does the City appoint members to ~~community planning~~ groups, or recommend removal of individual members of a ~~planning~~-group. The City does not delegate legal authority to community planning groups to take actions on behalf of the City. Community planning groups are voluntarily created and maintained by members of communities within the City. Council Policy 600-24 was created to **establish minimum standards and** provide ~~the~~ guidance for organizations operating as **City Council-authorized**, officially recognized community planning groups **(herein after referred to as "community planning groups")**.

**In 2006, it was determined that since**Community planning groups are advisory bodies created by an action of the City Council, **and that they** are subject to California's Open Meeting Law, the Ralph M. Brown Act ("Brown Act") (California Government Code Sections 54950 through 54963). ~~The 2007 amendments to Council Policy 600-24 incorporate clear direction to planning groups about compliance with the Brown Act.~~

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Bylaws of **recognized** community planning groups shall ~~be amended to conform to the 2007-amendments to~~ Council Policy 600-24 ~~unless alternative bylaws language for specific provisions is approved by the City Council. within 6 months from the enactment of the 2007 amendment. Until the expiration of 6 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this Policy.~~

PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of ~~City Council recognized~~ **community** planning groups ~~(herein after referred to as "community planning groups")~~ when they operate in their ~~officially recognized~~ capacity. ~~Council Policy 600-24 applies to the elected or appointed members of a community~~ **planning groups** (herein after referred to as "members"), and who are ~~more fully described in Article III.~~

POLICY:

It is the policy of the City Council to require each ~~recognized~~ **community** planning group, as a condition of official recognition by the City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the City. These bylaws must contain, at a minimum, all the provisions addressed in ~~Council this~~ Policy ~~600-24~~, and conform to the criteria contained herein, including the standardized bylaws shell attached to this Policy. Individual **community** planning groups' bylaws may utilize options within the standardized bylaws shell and may also expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each **community** planning group, and the initial members and terms of each **planning** group seat and member, will be submitted for approval by resolution of the City Council.

~~The Community Planners Committee maintains bylaws and operating procedures that address subject matter found in Attachment A of this Policy and are in compliance with the Brown Act.~~

Community planning groups that are also incorporated under the laws of the State of California shall maintain corporate bylaws separate from the ~~community planning group's~~ bylaws.

~~Subsequent a~~ **A** amendments to adopted bylaws may be proposed to the City by a ~~two-thirds majority~~ vote of the elected members ~~hip~~ of a community planning group. Amendments shall be approved by the Mayor's Office and City Attorney if determined to conform ~~with to~~ **Council this** Policy ~~600-24~~. Bylaws amendments that cannot be approved by the Mayor's Office and City Attorney will be taken to the City Council for consideration. A **community** planning group's

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proposed revisions to their adopted bylaws ~~to bring them into conformity with the 2007 revisions to this Policy, to the extent such bylaws are inconsistent with this Policy.~~ do not go into effect, and may not be used by the planning group, until the City has approved the bylaws and has notified the planning group of the effective date of the amendment. Failure of a community planning group to comply with the approved operating procedures and responsibilities further detailed in Article VIII of this Policy will be cause for the City Council to withdraw the group's official recognition.

Community pPlanning groups must utilize Council Policy 600-24 and their adopted bylaws to guide their operations. City staff ~~will be assigned to~~ prepare and maintain Administrative Guidelines in consultation with the CPC Community Planners Committee. The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of community planning groups. The Administrative Guidelines provide the community planning groups with explanations and recommendations for individually-adopted bylaws and ~~planning~~ group procedures. Robert's Rules of Order Newly Revised (Robert's Rules) should be used when this Policy, the Administrative Guidelines, and community planning group bylaws do not address an area of concern or interest.

The City Council may approve amendments to Council Policy 600-24 that will apply to all community planning groups even though individual groups' bylaws are not amended with duplicate language.

Where adopted bylaws and Council Policy 600-24 conflict on City Council-approved community-specific bylaws modifications, the adopted bylaws shall prevail. If a citywide amendment to this Policy creates a conflict with a City Council-approved deviation to a planning group's bylaws, the conflict will be identified and evaluated on a case-by-case basis.

It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a ~~recognized~~ community planning group or its individual members in accordance with Ordinance No. ~~O-19883 NS, O-17086 NS~~ adopted July 7/28, 20/09, entitled "An Ordinance Providing for Legal Representation to Defense and Indemnification of Community Planning Groups Committees Against Claims for Damages," as discussed further in Article IX, Section 1, and any future amendments thereto.

The intent of the Brown Act, as stated in section 45950, is that the actions of public bodies, ". . . be taken openly and that their deliberations be conducted openly . . ." This is consistent with the goals of the City and community planning groups operating pursuant to this Council Policy 600-24. Accordingly, community planning groups shall ensure that all meetings are open to the public, properly noticed, and conducted in compliance with each of the Brown Act provisions as identified in this Policy.

**ARTICLE I Name**

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Section 1. A ~~recognized~~ community planning group shall adopt an official name which shall be subject to the approval of the City Council.

Section 2. All activities of a ~~recognized~~ community planning group shall be conducted in its official name.

Section 3. A boundary for a ~~recognized~~ community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a community planning group the advisory responsibilities over an area that has been established based on logical, man-made, or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a community planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

Changing a ~~community plan boundary~~ or a ~~community planning group's area of authority~~ shall only be done as part of a community plan amendment or update conducted pursuant to the "General Plan and Community Plan Amendment Manual." Requirement for a community plan amendment may be waived if there is no change in a community plan boundary.

The community planning area boundaries which are applicable to each ~~recognized~~ community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

In accordance with Brown Act section 54954(b), meetings of ~~recognized~~ community planning groups shall be held within theseits boundaries. When, however, a community planning group does not have a meeting facility within its boundary that is accessible to all members of the public, they may meet at the closest meeting facility.

Section 4. The official positions and opinions of a ~~recognized~~ community planning group shall not be established or determined by any organization other than the ate-planning group, nor by any individual member of the community planning group other than one authorized to do so by the ~~planning~~ group.

**ARTICLE II Purpose of Community Planning Groups and General Provisions**

Section 1. Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff and other governmental agencies on land-use matters; specifically;

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concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. ~~Planning groups also advise on other land use matters as requested by the City or other governmental agency. Community planning groups advise the City and other governmental agencies on land use, mobility, urban design, public facilities & services, economic prosperity, conservation, noise, historic preservation, and~~ infrastructure.

Community planning groups may be called upon to advise on, or participate in, additional efforts such as CIP infrastructure needs identification discussed in Council Policy 000-32. Pursuant to the provisions of Council Policy 600-33, a ~~recognized~~ community planning group will be asked to review a park general development plan or capital improvements within the park only if there is no City--recognized park advisory group.

Section 2. A ~~recognized~~ community planning group reviewing individual development projects should focus such review on ~~conformance~~conformity with the Land Development Code, adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, a formal community planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process.

Substantive changes in projects subsequent to completion of the environmental review process will ~~sanction~~merit further evaluation by ~~the~~a community planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.

Section 3. Insofar as the efforts of ~~the~~a ~~recognized~~ community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided under the direction of the Mayor's Office.

Section 4. All activities of ~~recognized~~ community planning groups shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability. In addition, Brown Act section 54953.2 requires that meeting facilities must be accessible to persons with disabilities.

Section 5. ~~A recognized~~eCommunity planning groups shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Community pPlanning group members shall not identify affiliation with their~~a~~ planning group when endorsing candidates for public office. ~~A~~

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- Section 6. ~~e~~Community planning groups may take a position on a ballot measure. Pursuant to the provisions of City Council Policy 600-5, a ~~recognized~~ community planning group's consistent failure to respond to the City's request for ~~planning group~~ input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Mayor's office.
- Section 7. A ~~recognized~~ community planning group may propose amendments to its bylaws by ~~two-thirds~~ ~~majority~~ vote of the elected members of the group. Proposed amendments shall be submitted to the offices of the Mayor and to the City Attorney, ~~respectively,~~ for review and approval. Any proposed amendments that are inconsistent with the standardized bylaws shell, attached to this Policy, shall be scheduled for consideration by City Council.

**ARTICLE III Community Planning Group Organizations**

- Section 1. A ~~recognized~~ community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. ~~The City Council may approve the inclusion of group seats that are "appointed seats" For the purpose of assuring better representation of unique or diverse community interests, a community planning group may created separate "appointed seats". Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.~~
- Section 2. ~~For the purposes of Council Policy 600-24, t~~The ~~original~~ members of ~~thea~~ ~~recognized~~ community planning group shall consist of ~~those members approved on~~ ~~as of~~ the date of ~~official~~ recognition ~~of the group~~ by the City Council, ~~and of such a~~ ~~Additional members as~~ shall thereafter be elected by eligible community members in the manner prescribed by this Policy.
- Section 3. Members of ~~recognized~~ community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. ~~Community p~~Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

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- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area; only one representative of a particular establishment may hold a seat on the community planning group at one time.

Demonstration of individual eligibility to vote as a property owner, resident, or local business person, as described in (1) through (3) above, may be achieved through an application showing evidence of qualifications. Eligibility (and demonstration of eligibility) to vote may be further defined in community planning group bylaws. This may include minimum attendance requirements. Once eligibility to vote in an election is established, an individual remains eligible until he or she does not meet the eligibility requirements.

Section 4. Members of a recognized community planning groups shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial/original group members for a new groups. No person may serve on a community planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held. After a one-year break in service as a community planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee group.

Council This Policy 600-24 provides an exception for a community planning groups to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

A community planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if (1) there are fewer candidates than

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vacant seats, and (2) that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a community planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the elected members of the voting committee group membership.

The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

Section 5. A member of a recognized community planning group must retain eligibility during the entire term of service. A community planning group member may will be removed from the planning group, upon a majority vote of the elected members of the community planning group to ratify the findings of the Secretary that the member is no longer eligible to serve. Prior to the community planning group meeting at which this vote occurs the Secretary shall provide the group with documentation of the ineligibility and shall notify the member in question, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group, and has notified the member in question, that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3, or in Article IV, Section 1 of this Council Policy and in the community planning group's adopted bylaws.

Section 6. A community planning group or member or planning group found to be out of compliance with the provisions of Council this Policy 600-24, or with the planning group's adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-1988317086 NS, and any future amendments thereto.

Violations of the Brown Act may, in some circumstances, carry civil or criminal consequences as described in this Policy at Article IX, Section 2. However, as stated in a memorandum prepared by the City Attorney, by implementing bylaws and operating in compliance with this Policy, community planning groups will be considered to be in substantial compliance with the Brown Act. (City Attorney's MOL No. 2006- 26)

**ARTICLE IV Vacancies**

Section 1. A recognized community planning group shall find that a vacancy exists upon



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receipt of a resignation in writing from one of its members, or upon receipt of a written report from its secretary reporting the third consecutive absence, or fourth absence in the 12-month period of April through March each year, of a member(s) from regular meetings as established under Article VI, Section 2 below.

A vacancy may also exist following a vote of a community planning group as described in Article III, Section 5, related to ineligibility, or following conclusion of a member-removal process conducted under Article IX based this Policy or adopted bylaws violations.

Section 2. A single vacancy that occurs on a ~~recognized~~ community planning group shall be filled by the ~~planning~~ group in a manner specified by the ~~group's adopted~~ bylaws ~~of the planning group~~.

Two or more concurrent community planning group vacancies shall be filled by a vote of all eligible members of the community by secret written ballot. Vacancies shall be filled no later than 120 days, following the date of the determination of the vacancy, unless the end of the 120 day period would occur within 90 days of the annual March election as described in Article V.

The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.

Section 3. When a ~~recognized~~ community planning group is unable to fill a vacancy within the 120 days, as specified above, and ~~there are more~~ ~~planning group has more~~ than twelve members ~~in good standing~~, the ~~planning~~ group shall either leave the seat vacant until the next ~~regular~~ ~~planning group~~ election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the ~~community~~ planning group has less than 12 members in good standing, the ~~planning~~ group shall report in writing the efforts made to fill the vacancy to the City. If, after 60 additional days, the ~~community~~ planning group membership has not reached 12 members, the ~~planning~~ group will be deemed inactive and the City shall notify the City Council that the ~~community~~ planning group will be inactive until it has attained at least 12 members in good standing. The City shall assist with the ~~community~~ planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

**ARTICLE V Elections**

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Section 1. Elections of ~~recognized~~ community planning group members shall be held during the month of March in accordance with procedures specified in adopted ~~planning~~ group bylaws. Community planning groups shall hold elections every year or every other year. In the election process, ~~the~~ community planning groups shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight or nine consecutive years to leave the group for at least one year.

In order to be a candidate in the March election, an eligible member of the community must have documented attendance at one, two, or three of ~~at~~ the community planning group's last 12 meetings prior to the February regular meeting preceding the election- ~~depending on the individual group's approved bylaws.~~

Community planning groups may establish voting procedures that include opportunities for multiple voting times on the date of the election, or for multiple locations, or both, provided those procedures allow for the completion of the election during the month of March and they demonstrate an ability to assure fair access and avoidance of voting improprieties. Where an opportunity to vote on more than one date is proposed, then the voting procedures for such an election shall be submitted, at least forty-five (45) days in advance of the first day that voting is proposed to occur, to the office of the Mayor and to the City Attorney, ~~respectively,~~ for review and approval. All voting procedures must insure that voting is done only by eligible members of the community.

Section 2. The City shall publicize the elections of ~~recognized~~ community planning groups through the City website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

~~The e~~Community planning groups shall make a good faith effort to utilize means appropriate to their communities to publicize the ~~planning~~ group's eligibility requirements for candidacy and the upcoming elections.

Section 3. Voting to elect new community planning group members shall be by secret written ballot. ~~AC~~Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for elections if the ~~planning~~ group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed community planning group meeting at which the election will be held.

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Section 4. Unless otherwise explicitly provided for in a ~~recognized~~ community planning group's bylaws, an election becomes final after announcing the election results at a noticed ~~planning~~ group meeting. New members shall be seated in April.

**ARTICLE VI Community Planning Group and ~~Planning Group~~ Member Duties**

Section 1. It shall be the duty of a ~~recognized~~ community planning group to cooperatively work with the Mayor's staff throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

In accordance with the Brown Act section 54953(a) it shall be the duty of all ~~recognized~~ community planning group members to meet in open and in public, and all persons shall be permitted to attend any meeting of the ~~planning~~ group except as otherwise noted in this Policy.

~~The eC~~Community planning groups ~~and their~~ members shall conduct official ~~group~~ business ~~of the planning group~~ in a public setting. It is recognized that the officers of ~~thea~~ ~~community~~ planning group may oversee administrative business of the ~~planning~~ group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed ~~community~~ planning group meetings.

It shall be the duty of a ~~community~~ planning group as a whole, and of each individual ~~planning group~~ member, to refrain from conduct that is detrimental to the ~~planning~~ group or its purposes under ~~this Council~~ Policy ~~600-24~~. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the ~~community~~ planning group's agenda.

Section 2. ~~C~~~~Recognized~~ community planning groups and ~~their~~~~planning group~~ members are responsible for assuring compliance of meeting procedures and meeting records requirements under this Policy.

**(a) Meeting Procedures**

It shall be the duty of each ~~recognized~~ community planning group member to attend all planning group meetings.

- (1) **Regular Agenda Posting.** In accordance with Brown Act section 54954.2(a), at least 72 hours before a regular meeting, the agenda

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containing a brief general description of each agenda item shall be posted. The brief general description of each agenda item need not exceed 20 words per item unless the item is complex. The agenda shall also provide notice of the date, time, and location of the meeting. The agenda shall be posted in a place freely accessible to the general public and shall include information on how a request for accessible accommodation may be made.

The listing of an agenda item shall include the intended action of the community planning group regarding that item, for example, stating that the item is an information item only or it is an action item.

If ~~at~~ the community planning group maintains a website, the agenda should also be posted on that website at least 72 hours in advance of the meeting.

The ~~e~~Community planning groups shall offer their agendas to the City for posting on the City's website.

(2) **Public Comment-**

1. Agenda Items: Any interested member of the public may comment on agenda items during regular or special community planning group meetings. (Brown Act section 54954.3(a))
2. Non-Agenda Items: Each agenda for a regular community planning group meeting shall allow for a public comment period at the beginning of the meeting for items not on the agenda, but that are within the scope of the planning group. (Brown Act section 54954.3(a)) Community planning group members may respond by asking for more factual information, or by asking a question to clarify, and also may schedule the item for a future agenda. However, no discussion, debate, or action may be taken on such items. (Brown Act section 59454.2)
3. A community planning group may adopt time limits for individual items and for individual speakers to ensure operational efficiencies but such time limits must be reasonable and give competing interests equal time. (Brown Act section 54954.3(b))

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- (3) **Adjournments and Continuances.** In accordance with Brown Act section 54955, [community](#) planning group meetings may be adjourned to a future date. Within 24 hours, a notice of adjournment must be clearly posted on or near the door of the place where the original meeting was to be held.

If a meeting is adjourned because less than a quorum was present, a new regular meeting agenda must be prepared. If a meeting is adjourned because no members of [thea community](#) planning group were present, the subsequent meeting, if not a regular meeting, must be noticed as if a special meeting.

In accordance with Brown Act section 54954.2, if a subsequent meeting is held more than 5 days from the original meeting, a new regular meeting agenda must be prepared ~~(\*)~~; otherwise if shorter, the original meeting agenda is adequate.

- (4) **Continued Items.** In accordance with Brown Act section 54955.1, if an item is continued from a prior regular meeting to a subsequent meeting more than 5 days from the original meeting, a new agenda must be prepared as if a regular meeting; otherwise the original meeting agenda is adequate.

- (5) **Consent Agenda.** ~~In accordance with Brown Act section 54954.3(a),~~ ~~ff~~or items to be considered for a “Consent Agenda” all of the following are required:

1. A subcommittee of the [community](#) planning group has discussed the item at a noticed subcommittee meeting,
2. All interested members of the public were given an opportunity to address the subcommittee, and
3. The item has not substantially changed since the subcommittee’s consideration.

The comments of the subcommittee and those made by interested members of the public should be reflected in the minutes of the subcommittee. Any interested member of the public may comment on a [Ceonsent Aa](#)genda item. Any interested member of the public may take a [Ceonsent Aa](#)genda item off the [Ceonsent Aa](#)genda by request.

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- (6) **Quorum and Public Attendance.** ~~This Council~~ Policy ~~600-24~~ defines a quorum as a majority of non-vacant seats of a community planning group. In accordance with Brown Act section 54952.2, a quorum must be present in order to conduct business, to vote on projects, and to take actions at regular or special ~~planning~~ group meetings.

In accordance with Brown Act section 54953.3, no member of the public shall be required, as a condition of attendance at any meeting of a community planning group, to register or provide any other information. Any attendance list or request for information shall clearly state that completion of such information is voluntary. No member of the public may be charged a fee for admittance.

- (7) **Development Project Review.** Community planning groups may ~~not~~, as a condition of placing an item on their agenda, require applicants to submit additional information and materials beyond which the applicant has been required to submit as part of the ~~C~~City's project review application process.

It shall also be the duty of a community planning group, when reviewing development projects, to allow participation of affected property owners, residents and business establishments ~~within~~ proximity to the proposed development.

~~A~~The community planning group shall directly inform the project applicant or representative in advance each time that such review will take place and provide the applicant with an opportunity to present the project.

- (8) **Action On Agenda Items.** In accordance with Brown Act section 54954.2(b)(2), an item not noticed on the agenda may be added if either two-thirds of the ~~entire~~ elected members ~~hip of the community~~ planning group, or every member if less than two-thirds are present, determine by a vote that there is a need to take an immediate action, but only if the need for action came to the attention of the community planning group subsequent to the agenda being posted.

~~Voting requirements vary by subject of the action:~~

- a. ~~A two-thirds vote of the entire community planning group is required to R~~removing an elected or appointed community

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planning group member in accordance with Article IX of this Policy requires a two-thirds vote of the elected members of the group. A community planning group may adopt into its bylaws a substitute method to remove an appointed member.

b. ~~or to~~ Approving an amendment to adopted bylaws requires a two-thirds vote of the elected members of a community planning group.

c. A ratifying vote to remove a member due to ineligibility in accordance with Article III, Section 5 of this Policy requires a majority vote of the elected members of a community planning group.

d. Approval of a community plan update or a community plan amendment requires a majority vote of the elected members of a community planning group.

e. All other group actions, including subcommittee votes, only require a simple majority of the members in attendance when a quorum is present.

In accordance with Brown Act section 54953(c), community planning groups shall not engage in, or allow, secret ballot or proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as by telephone or by e-mail are also prohibited.

In accordance with the Brown Act section 54953(c), all actions taken by the community planning groups, including votes, must be taken in public.

Votes taken on agenda items shall reflect the positions taken by the elected or appointed members of positions on the community planning group identified in Article III, Section 1 of this Policy.

- (9) **Collective Concurrence.** In accordance with Brown Act section 54952.2, any attempt to develop a collective concurrence of the members of a community planning group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

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~~In accordance with the Brown Act section 54953(e), all action taken by the community planning group, including votes, must be taken in public.~~

- (10) **Special Meetings.** In accordance with Brown Act section 54956, the chair of a community planning group, or a majority of ~~planning~~ group members, may call a special meeting. An agenda for a special meeting shall be specified as such, and shall be prepared and posted at least 24 hours before a special meeting. Each member of the community planning group shall receive the written notice of the meeting at least 24 hours before the time of the meeting as specified in the notice unless the member files with the ~~planning~~ group secretary a written waiver of notice at, or prior to the time of, the meeting.

Written notice shall be delivered to each local newspaper of general circulation and radio or television station requesting notice in writing at least 24 hours before the time of the meeting. The notice shall identify the business to be transacted or discussed at the meeting. No other business shall be considered at this meeting.

Public testimony on agenda items must be allowed; however, the non-agenda public comment period may be waived.

- (11) **Emergency Meetings.** Brown Act section 54956 describes emergency meetings for matters related to public health and safety. These matters are outside of the purview of a community planning groups and are prohibited under this Council Policy 600-24.
- (12) **Right To Record.** In accordance with Brown Act sections 54953.5 and 54953.6, any person attending a meeting of at the community planning group must be allowed to record or photograph the proceedings in the absence of a reasonable finding by the ~~planning~~ group that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the meeting.
- (13) **Disorderly Conduct.** In accordance with Brown Act section 54957.9, in the event that any community planning group meeting is willfully interrupted by a person or group of persons, so as to make the orderly conduct of the meeting infeasible, the ~~planning~~ group may first cause



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removal of the individual or individuals.

If that is unsuccessful then the [community](#) planning group may order the meeting room cleared and continue in session on scheduled agenda items without an audience, except that representatives of the media shall be allowed to remain. The [community](#) planning group may also readmit an individual or individuals who were not responsible for the disruption.

**(b) Subcommittees**

~~C~~Recognized community planning groups are encouraged to establish standing and ad hoc subcommittees when their operation contributes to more effective discussions at regular [planning](#) group meetings.

- (1) **Standing Committees.** Standing subcommittees are on-going subcommittees tasked with reviewing specific issue areas, such as development review. In accordance with Brown Act section 54952(b), all standing subcommittees of a [community](#) planning group are subject to Brown Act public noticing and meeting requirements as set forth in **Council Policy 600-24**, Article **IVVI**, Section 2(a) **of this Policy**.
- (2) **Ad Hoc Subcommittees.** Ad hoc subcommittee meetings are established for a finite period of time to review more focused issue areas and are disbanded following their review. While the Brown Act does not impose requirements upon ad hoc subcommittees when made up entirely of members of the [community](#) planning group and constituting less than a quorum of the [planning](#) group (Brown Act section 54952), **this Council Policy 600-24** requires all subcommittee meetings be noticed and open to the public by inclusion of the meeting announcement on a regular meeting agenda, by an electronic notice, or by announcement at a regular [community](#) planning group meeting.
- (3) **Committee Composition.** **The majority membership of any committee or subcommittee shall consist of elected or appointed community planning group members.** ~~All committees and subcommittees shall contain a majority of members who are members of the planning group.~~ Any member of a committee or subcommittee, who is not a member of **athe** [community](#) planning group, shall have completed formal training by the City in the duties and ~~r~~responsibilities of community planning groups, before serving on any such committee or subcommittee.

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- (4) **Recommendations.** All committee and subcommittee recommendations must be brought ~~forward~~~~forth to the full planning group~~ **in writing** for ~~a formal~~ **community planning group** vote at a noticed public meeting. In no case may a committee or subcommittee recommendation be forwarded directly to the City as the ~~official~~~~formal~~ recommendation of the **community** planning group without a ~~formal~~-vote **taken at a** ~~regular~~~~scheduled~~ **group meeting of the full planning group.**

**(c) Abstentions and Recusals**

- (1) **Recusals.** Any member of a ~~recognized~~-community planning group with a direct economic interest in any project that comes before the ~~planning~~-group or its committees or subcommittees must: (1) disclose to the **community planning**-group that economic interest, (2) ~~and~~ must recuse himself or herself from voting, and (3) must not participate in any manner as a member of the **community planning**-group for that item on the agenda. Situations requiring recusals are described in the Administrative Guidelines.
- (2) ~~Abstentions. In accordance with the Brown Act section 54953(e), all action taken by the planning group including votes must be taken in public.~~

In limited circumstances, from time to time, **community** planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention. Situations allowing abstentions are described in the Administrative Guidelines.

**(d) Meeting Documents and Records**

- (1) **Agenda by Mail.** In accordance with Brown Act section 54954.1, requests to mail copies of a regular agenda, and any accompanying material, shall be granted. Such materials shall be mailed when the agenda is posted, or upon distribution to a majority of the members of **the** community planning group, whichever occurs first. A request to receive agendas and materials may be made for each calendar year and such request is valid for that entire year, but must be renewed by January 1 of the following year. A cost-recovery fee may be charged for the cost of providing this service.
- (2) **Agenda at Meeting.** In accordance with Brown Act section 54957.5,

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any written documentation, prepared or provided by City staff, applicants, or community planning group members, that is distributed at a ~~planning~~ group meeting, shall be made available upon request for public inspection without delay. If such material is distributed at a community planning group meeting, then it shall be made ~~aa~~available upon request at the meeting. If such material is prepared by someone other than City staff, applicants, or community planning group members, or is received from a member of the public during public testimony on an agenda item, then the material shall be made available for public inspection at the conclusion of the meeting. Further, the community planning group may charge for the cost of reproduction of any materials requested by an individual or individuals.

- (3) **Minutes.** For each community planning group meeting, a report of ~~planning group~~ member attendance and a copy of approved minutes shall be retained by the ~~planning~~ group, and shall be available for public inspection. A copy of the draft minutes should be made available for public inspection as soon as possible but no later than the ~~planning~~ group's next ~~regularly~~ scheduled meeting.

—The minutes of each community planning group's meetings shall include the group members who constituted a quorum at that meeting. In accordance with the Brown Act section 54953(c)(2), the votes taken on each action item shall include: group members who voted for, against or abstained on the item. In addition the item record should include ~~, and should record~~ the names of the speakers, the nature of the public testimony, and whether each project applicant (whose project was subject to planning group action) appeared before the ~~planning~~ group. If an applicant did not appear before the community planning group when an action was being taken on their project, then the meeting minutes must indicate the date when and type of notification (e.g., electronic, telephonic, fax ~~faesimile~~) that was provided to the applicant requesting his or her appearance at the ~~planning~~ group meeting.

A copy of the approved minutes shall be submitted to the City within 14 days after approval by the community planning group. If the ~~community~~ planning group maintains a website, the approved minutes shall be posted within 14 days after approval by the ~~community~~ ~~planning~~ group.

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Community pPlanning groups are not required to audio or videotape their meetings but if they do then, in accordance with Brown Act section 54953.6, they are subject to a public request to inspect without charge. A cost-recovery fee may be charged for copies of recordings.

- (4) **Records Retention.** In accordance with Brown Act section 54957.5, community planning group records, as described below, must be retained for public review. Community planning group records are meeting agendas and any other writings that are distributed to at least a majority of the group members in connection with a matter subject to consideration at an open meeting of the community planning group. Community planning group records do not include writings that are required to be submitted to the City in accordance with this Policy to substantiate and document a group's operation and compliance. Community planning groups also receive materials that do not qualify as records. The Administrative Guidelines discuss categories of material that are City records, community planning group records, and non-records. City staff will establish a records retention schedule and method for collection and storage of materials that will be utilized by all planning groups.

Section 3. It shall be the duty of a recognized community planning groups and its members to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1 of this Policy. A The community planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

Section 4. It shall be the duty of a recognized community planning groups to maintain and retain a current, up-to-date roster of the names, terms, and category/qualifications of elected and appointed planning group members in its possession, and to forward the current roster, as well as any updates, to the City. The eCommunity planning groups must also submit to the City, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to the duties enumerated in Article II, Section 1 of this Policy. Rosters and annual reports constitute disclosable records under the Brown Act.

Section 5. A recognized community planning groups may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the a planning group to promote understanding and participation in the

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planning process. However, no membership dues shall be required and no fee may be charged as a condition of attendance at any community planning group meeting. All contributions must be voluntarily made, and no official community planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

Section 6. It shall be the duty of each newly-elected recognized community planning group member to attend an orientation training session administered by the City as part of ~~planning~~ group and individual member indemnification pursuant to Ordinance No. O-~~19883 NS 17086 NS~~ entitled "~~An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages,~~" as discussed further in Article IX, Section 1 of this Policy, and any future amendments thereto. If it is not possible for ~~athe~~ new member to attend the training session as required by O-19883 NS, then the member shall successfully complete the online orientation training.

It shall be the duty of the City to offer at least ~~onetwo~~ orientation sessions following the March elections each year, as well as topic-specific sessions intended to advance the knowledge of ~~planning~~ group members in subjects within the scope of responsibilities of ~~recognized~~ community planning groups throughout the year. Additionally, the City will maintain the availability of an online training session that meets the requirements of O-19883 NS in the event a newly-seated member is unable to attend the scheduled orientation session, or in the event that a new member is seated through a special election or in a month other than March. Newly-seated planning group members must complete an orientation training session within ~~12 months~~ 60 days of being elected or appointed to a planning group, or the member will become ineligible to serve.

**ARTICLE VII –Planning Group Officers**

Section 1. The officers of a ~~recognized~~ community planning group shall be elected from and by the members of the ~~planning~~ group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary, and , by policy, a community planning group's bylaws may include such other officers as the ~~planning~~ group may deem necessary. Further duties of the officers may be defined in community planning group bylaws.

The community planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same ~~planning~~ group office for more than eight or nine consecutive years. After a period of one year in which

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that person did not serve as an officer that person shall again be eligible to serve as an officer.

Section 2. Chairperson. The Chairperson shall be the principal officer of a ~~recognized~~ community planning group and shall preside over all ~~planning~~ group and communitywide meetings organized by the community planning group.

Appeals of discretionary decisions to the City shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a designee identified to appeal that particular action on behalf of the community planning group.

Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.

Section 4. Secretary. The Secretary shall be responsible for the community planning group's correspondence, attendance records, and minutes and actions [including identification of those ~~planning~~ group members ~~whothat~~ constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that community planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.

Section 5. The Chairperson shall be a ~~recognized~~ community planning group's representative to the Community Planners Committee (CPC). However, by specific action vote of the ~~planning~~ group, some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each community planning group should also vote to select an alternate CPC representative.

Section 6. It shall be the duty of the officers of ~~recognized~~ community planning groups and of the Community Planners Committee representative to promptly disseminate to all elected or appointed ~~planning~~ group members any pertinent information that is received by the community planning group regarding its official business.

**ARTICLE VIII Community Planning Group Policies and Procedures**

~~In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, e~~Each community planning group shall include policies and procedures in its bylaws that are found necessary for the group's effective operation under this Council Policy 600-24. The following topic areas are those to be addressed. Explanations of

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when and why to adopt procedures or policies are found in the Administrative Guidelines.

- (1) Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the [community](#) planning group.
- (2) [Community](#) Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community ~~at~~-large.
- (3) Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of ~~the~~ general membership, **if any**, or the public in discussing agenda items.
- (4) Member and [Community](#) Planning Group Responsibilities, suggested but not limited to: filling vacant seats either during a term or following an election; how [community](#) planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.
- (5) Elections, suggested but not limited to: promoting [community](#) planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

**ARTICLE IX. Rights and Liabilities of Recognized Community Planning Groups**

~~C~~Recognized community planning groups operating under **this Council** Policy **600-24** are afforded certain protections for their activities within their identified scope of responsibilities.

As reviewed in a ~~M~~emorandum prepared by the City Attorney, issued November 3, 2006, (City ~~Attorney~~Att’y MOL No. 2006-26), the Brown Act provides various remedies for violation of its provisions but by implementing bylaws and operating in compliance with **this Council** Policy **600-24**, [community](#) planning groups will be considered to be in substantial compliance with the Brown Act. Any [community](#) planning group, or any of its individual members, may seek assistance and training from the City Attorney to conform with the Brown Act.

Section 1. Indemnification and Representation

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A ~~recognized~~ community planning group and its duly elected or appointed members have a right to representation by the City Attorney and a right to indemnification by the City under Ordinance O-~~1988317086~~ NS and any future amendments thereto if: the claim or action against them resulted from their obligation to advise and assist the City and its agencies with land use matters as specified in ~~Policy 600-24~~, Article II, Section 1 of this Policy; their conduct was in conformance with this Policy 600-24 and the Bylaws of the community planning group; and all findings specified in the ordinance can be made.

Section 2. ~~Brown Act Violations and Remedies~~ **Related to Provisions Citing the Brown Act**

Some provisions of Council Policy 600-24 are identified as requirements of the Brown Act. ~~Approved group bylaws which reflect those Policy provisions must also be Brown Act compliant.~~

The Brown Act includes civil remedies (California Government Code Brown Act sections 54960 through 54960.5) and criminal penalties (Government Code Brown Act section 54959) for violation of its provisions. Thus community planning groups are encouraged to proactively cure violations themselves. This is to prevent legal actions that would void community planning group actions, and it assures good faith, voluntary compliance with the Brown Act.

Both individual members of a community planning group, as well as the planning group as a whole, could potentially be subject to civil remedies. Civil remedies may include relief to prevent or stop violations of the Brown Act, or to void past actions of ~~the~~ community planning group, and may in some cases include payment of attorneys fees.

Individual community planning group members may potentially face criminal misdemeanor charges for attending a meeting where action is taken in violation of the Brown Act, but only if the member intended to deprive the public of information which the member knew or had reason to know the public was entitled. Action taken includes collective decisions or promises, and also includes tentative decisions, but does not include mere deliberation without taking some action. Alleged violations will be reviewed and evaluated on a case-by-case basis.

Any community planning group, or any of its individual members, may seek assistance, as well as training, from the City Attorney to better understand, ~~to~~ implement, and comply with the Brown Act.



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Section 3. Council Policy 600-24 Violations and Remedies

Council Policy 600-24 provides various remedies for violation of its provisions that are not requirements of the Brown Act by ~~recognized~~ community planning groups or their elected members. Where a community planning group does not cure a violation by itself, it may forfeit its status as a recognized advisory body and lose its right to indemnification and defense by the City.

Alleged Violations by a Member of a Recognized Community Planning Group

In the case of an alleged violation of this Council Policy 600-24 or a ~~recognized~~ community planning group's adopted bylaws by a ~~planning~~ group member, the ~~planning~~ group shall conduct an investigation consistent with the Administrative Guidelines and adopted ~~planning~~ group bylaws.

If the community planning group, after a thorough investigation, determines that the individual member has violated a provision of this Council Policy 600-24 or the ~~planning~~ group's bylaws, the ~~planning~~ group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the ~~planning~~ group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the ~~elected~~ community planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted community planning group bylaws.

A community planning group member found to be out of ~~not in~~ compliance with the provisions of ~~this Council~~ Policy 600-24 that are not subject to Brown Act, or with their group's adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-~~1988317086~~ NS, as discussed further in Article X, Section 1, and any future amendments thereto.

Alleged Violations by a Recognized Community Planning Group

In the case ~~the~~ of an alleged violation of this Council Policy 600-24 or adopted ~~planning group~~ bylaws by a ~~recognized~~ community planning group as a whole, or by multiple members of the ~~planning~~ group, the violation shall be forwarded in writing to the City for investigation by the Mayor's office. The City will engage in a dialogue with the community planning group; to determine ~~determining~~ the validity of the complaint; and to seek ~~ing~~ resolution of the issue or dispute.

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

If a violation against a ~~recognized~~ community planning group as a whole is proven and there is a failure of the ~~planning~~ group to take corrective action, the ~~planning~~ group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Mayor's office to the City Council.

A ~~community~~ planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A ~~community~~ planning group found to be out of compliance with the provisions of Council Policy 600-24 that are not subject to the Brown Act, or with its adopted bylaws, risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-~~1988347086~~ NS and any future amendments thereto.

**HISTORY:**

Amended by Resolution R-300940 - 10/17/2005

Amended by Resolution R-302671 - 05/22/2007

Amended by Resolution R-307347 - 04/05/2012

Amended

Attachment "Bylaws Shell"