

**SOUTHEASTERN SAN DIEGO PLANNING GROUP (SSDPG)**

Meeting Location: Neighborhood House, 841 S. 41st Street, San Diego, CA 92113

~~AGENDA~~ *minutes*  
February 8, 2010 6:00 p.m. – 7:55 p.m.

This Planning Committee covers the area south of the Dr. Martin Luther King, Jr. Freeway (Highway 94), east of Interstate 5, north of the border of National City, and west of Interstate 805. It includes the communities of Sherman Heights, Logan Heights, Grant Hill, Memorial, Stockton, Mount Hope, Mountain View, Southcrest, and Shelltown.

NOTE: The General Election to become a general member of the SSDPG will be in March 2010. Election of Officers and SSDPG Board members will take place in April 2010.

1. CALL TO ORDER, ROLL CALL, AND INTRODUCTIONS

Steve Veach (Chair), representing Sherman Heights  
Reynaldo Pisaño, representing Mount Hope  
James Justus (Treasurer), representing the Business Community  
Louise Torio (Secretary), representing Sherman Heights  
Liliana Garcia-Rivera, representing Sherman Heights  
Robert Leif, representing the Business Community  
Ben Rivera, representing Logan Heights  
Paul Sweeney, representing the Business Community  
Reggie Womack, representing Stockton

Board Members Not At Meeting: Vincent Noto, Ivette Vela, Joshua Von Wolkfolk.

City of San Diego Planning Department Staff: Karen Bucey

Chair Steve Veach introduced himself, welcomed Board members and guests to the meeting, and explained the purpose of this planning group, which serves in an advisory capacity to the City of San Diego in regard to land use issues in this area.

2. APPROVAL OF TODAY'S AGENDA (ADDITIONS OR OMISSIONS)

Motion by Leif, seconded by Womack, to approve agenda. MSC: 9-0-0

3. PUBLIC COMMENTS (two minutes per public speaker, on non-agenda items only)

Ben Rivera complained that the owner of the Farmers Market building on Imperial is not painting out graffiti quickly and that the KUSI radio tower appears to have a junk yard under it and their may be industries causing possible pollutants to go into Chollas Creek. Rivera also stated he heard that for the future Southeastern San Diego Community Plan update that there would be 10 positions for community members for that update, and that 8 of those 10 position had already been filled. Karen Bucey from City Planning said emphatically that the process has not even started, so that was totally false and incorrect information.

4. STAFF REPORTS

- 1) Mayor's Office – none
- 2) Council District 4 – Bruce Williams reported the update of activities in District 4.

- 3) Council District 8 – Humberto Peraza reported that District 8 is working with District 4 regarding SEDC. The Local Jobs Initiative is something that may help businesses in both Districts 8 and 4.
  - 4) Congresswoman Susan Davis' Office – Ricardo Flores reported that Susan Davis would be conducting Neighborhood Days in our area and explained that district members may listen to virtual Town Hall meetings by dialing into a telephone system.
  - 5) Congressman Bob Filner's Office – none
  - 6) SEDC – On March 6 there will be a business forum.
  - 7) CCDC – none
  - 8) Planning Department – Bucey provided an updated map of our community planning area.
  - 9) Other – none
5. CONSENT ITEMS: **None**
6. INFO ITEM:

**City's Medical Marijuana Task Force**

Discussion and questions about the recommendations from the city Medical Marijuana Task Force and how it could impact communities. Alex Kreit, Assistant Professor Director, Center for Law and Social Justice Thomas Jefferson School of Law, presented.

The Medical Marijuana Task Force was established in October 2009 and it met five times. That group was made up of a wide variety of people, including law enforcement and those who dispense medical marijuana. Currently medical marijuana dispensaries have no restrictions on where they can be located, and anyone can run a medical marijuana dispensary. About three dozen cities already have regulations regarding these dispensaries, and the recommendation from the task force is that San Diego regulate them. (The City of Los Angeles put a numerical cap on the number of dispensaries allowed.) Because State law makes them legal but under Federal law they are illegal, medical marijuana cannot be sold through a regular pharmacy. The City cannot ban dispensaries; the courts have allowed for the coexistence of both sets of conflicting laws. After the planning groups provide comments to the recommendation to the Task Force, Land Use & Housing (LU&H) will review the issue.

The Task Force is recommending the following:

- That dispensaries be located only in commercial and industrial zones.
- They be 1000 feet or more from schools and youth facilities.
- They are located at least 500 feet one from another dispensary.
- That the City require a land use permit.
- That if the dispensary has 100 patients or fewer it use Process 2, or if 100 or more clients then Process 3 (appealable to the Planning Commission). This way, only those who will operate within California law will apply.
- That all dispensaries submit proof to the City that they are a nonprofit or that they plan to operate as a nonprofit (NOT turn a profit).
- That they have a security system and licensed security person on premises (these businesses have been the target of robberies).
- That they operate between 7:00 a.m. and 9:00 p.m. and have adequate exterior lighting.

The Task Force did not weigh in on doing criminal background checks of dispensary owners. The recommendations from the Task Force are not meant to be comprehensive of every issue. The City is not looking to raise any revenue via these dispensaries. (Oakland has a special tax on dispensaries that is raising revenue for the City of Oakland.)

The SSDPG Board expressed the following concerns:

- That this California law, which is not supported by Federal law, produces a giant loophole that will allow for the sale of marijuana in our neighborhoods.
- That the science of pain relief has not caught up to this issue, so that science has not distilled what may be effective pain relief from marijuana to distill it into a pill or liquid that may be sold in a pharmacy.
- If this is "medicine," it should be approved by the FDA, have health labeling requirements, and be dispensed out of a regular pharmacy. What is in the marijuana? How was it grown? Those seeking this "medicine" have no idea what might be in the item they come to purchase. Just the burning of marijuana leaves may be carcinogenic. This is not scientific.
- That while this planning group is not commenting on those individuals with legitimate prescriptions for medical marijuana, it is easy to find ads in newspapers like The Reader that promote how to find a physician to write the prescription.
- That background checks be mandated to prevent criminals from operating dispensaries.
- That the Task Force recommends these dispensaries be not closer than 500 feet from the next one, but it does not limit how many dispensaries can be within one neighborhood. This can be potentially disastrous for communities. If there were an overabundance of dispensaries, would you like to live in that neighborhood? It could further drive down the value of homes and businesses.
- That since the dispensaries do not have to be a nonprofit organization, they just must operate on a not-for-profit basis, it seems that there is no current method for verifying or auditing how the dispensaries may operate. Maybe an independent audit must be done annually.
- They be 1000 feet or more from schools, youth facilities, and CHURCHES.
- The SSDPG has opposed additional liquor stores in our area due to the trouble and issues associated with existing stores. Medical marijuana dispensaries can bring entirely new problems to our environment, where we are trying to steer people away from misuse of alcohol and the use of drugs.
- There are numerous social issues in the inner city. How do you prevent the locating of most of the City's dispensaries within poor neighborhoods where English may not be the first language of the residents?
- There should be no revenue generated for the City, since the City should not become dependent on this revenue stream and ENCOURAGE more dispensaries to develop because of that revenue stream.
- Dispensaries should not be located in a residential dwelling. There must be no selling of marijuana out of a house or apartment.
- A "bright light" should be on these dispensaries and they should be located in the open, so that no illegal behavior can be hidden.
- As dispensaries proliferate, this will become a law enforcement problem. There have been armed robberies in the past. We cannot have 18 year olds with skateboard injuries

getting the friendly physician advertised in the Reader to write medical marijuana prescriptions to youth.

- If a dispensary is busted by the Feds, does the City have to defend it? (No, the dispensary must cover that.)
- If dispensaries are legal, where is the marijuana grown? (It can be grown at the dispensary.) We cannot have marijuana "gardens" behind retail dispensaries. That would invite more crime issues.
- Like the multitude of bars in Pacific Beach, please don't let this loophole for marijuana sales become a new problem and burden in our already burdened communities.

7. ACTION ITEMS:

- A. **Gray-Water Reclamation, Request for Letter of Support** – Use the EIR information from ENCPG subcommittee 2/09 and the State update 7/28/09 to recommend including onsite gray water reclamation/reuse on all new construction inside the City of San Diego as part of the Community Plan and eventually the Building Code. Gregory Morales presented in November, and the SSDPG discussed this in January and reviewed the letter drafted by Leif.

Motion by Leif, seconded by Sweeney, that the SSDPG support the use of gray water reclamation/reuse on all the large-scale construction projects within the City of San Diego, and that permit fees be waived. MSC: 9-0-0

- B. **Marks Residence, Project #197604** – Site development permit to relocate an existing historically designated residence from 1037 15<sup>th</sup> Street to 2644 Island Avenue in the MF-3000 zone of Southeastern SD Planned District within the Southeastern SD Community plan.

This building is in the path of the City College expansion. Attorney Marie Lia represents the San Diego Community College District, and architects Jim Galvin and John Eisenhart presented the details to preserve the historic integrity of this building. A site development permit for the relocation is needed. The house is designated on Criterion C: architecture. Once moved, this 1880s house will be rehabilitated using the Secretary of the Interior Standards for historic structures. The City has approved the plans. The house will be located on a block with other single-family structures, and it will be place in line with the other residences on that street. The existing old stone wall at the Grant Hill site will be rebuilt once the building is moved on, and the cobblestones will go back into the new wall. There will be a picket fence in the front yard, and higher fencing around the sides and back yard. Parking will be in the rear, and cars will come into the back yard from the alley. The San Diego Community College District is paying for this. Once relocated and restored, the house will be for sale. If approved at the Historical Resources Board at the March meeting, the house could be moved in May 2010.

This is the type of appropriate move-on project that saves a historic resource and benefits our community with appropriate in-fill structures.

Motion by PISAÑO, seconded by Torio, to support the project with the SSDPG Project Committee recommendations, as follow:

1. Police Department Review and Recommendations be supported and implemented;
2. All Project Tracking System (PTS) issues be cleared;
3. Any and all applicable historical guidelines and standards must be met; and

4. Approach/communicate with the 8<sup>th</sup> District Council Office regarding the need for a mid-block light at the northeastern corner of the alley (this should be a capital improvement project expense).
5. Added at the Board meeting: that the crawl space under the house be functional enough to actually get under should future work need to be done.

M-S-C: 9-0-0.

Motion by Pisaño, seconded by Torio, to support the environmental document.

M-S-C: 9-0-0.

- C. CET San Diego, 4145 Market Street, Project #183582 – Conditional Use Permit for the use of an existing parking lot to supply parking for an employment training facility located at 4153 Market Street. Jonathan Zane and Maria Nuno presented the issue.**

Motion by Pisaño, seconded by Justus, to support the project with the SSDPG Project Committee recommendations, as follow:

1. SDPD CPTED Review and Recommendations be supported and implemented and that a security camera be operational 24/7;
2. All Project Tracking System (PTS) report issues must be cleared;
3. Mount Hope Planned District Landscape Standards be applied in creating a buffer on the west side and the south side of the lot along the rear of the adjacent residences facing 41<sup>st</sup> Street;
4. Comply with Best Management Practices in addressing urban runoff;
5. Basketball court markings on the lot should be eradicated; and
6. The adjacent neighbors on the west side (Reyes Residence at 519 41<sup>st</sup> Street and Kenniston Residence at 525 41<sup>st</sup> Street) be allowed to continue to use their rear yard access.

M-S-C: 9-0-0

- D. Vote on a new SSDPG Member**

B.D. Howard of Sherman Heights has attended the required number of meetings to meet eligibility to become a general member. Motion by Pisaño, seconded by Leif, for General Members for B.D. Howard. M-S-C: 9-0-0

- E. Approval of January 2010 Minutes – tabled until March meeting**

Tabled until March due to lack of time.

8. BOARD MEMBER COMMENTS – none due to lack of time.
9. SUBCOMMITTEE REPORTS AND ANNOUNCEMENTS – none due to lack of time.

ADJOURNMENT

SSDPG-2-8-10-MINUTES.LTORIO

