



Rancho Bernardo Community Planning Board
 12463 Rancho Bernardo Road #523, San Diego, CA 92198
www.rbplanningboard.com

September 15, 2022, 7:00 PM
Meeting Minutes
 Meeting was held via Zoom

<u>2022 RB PLANNING BOARD</u>									
P = Present			A = Absent			ARC = Arrived after roll call			
Robin Kaufman	P	Owen Nucci	A	Steve Dow	P	June Smith	P	Donald Bertsch	P
Benjamin Wier	P	Vicki Touchstone	ARC	Hugh Rothman	P	Patrick Batten	P		
Gary Long	P	Joni Edelman	P	Sonny Googins	P	David Wilson	P		
								Total Seated	13
								Total in Attendance	12

ITEM #1 Call to Order/Roll Call:

Chair, Robin Kaufman called the meeting to order at 7:01pm.

ITEM #2 Chair Remarks:

Robin Kaufman welcomed everyone to the meeting. She reminded the Board that the meeting is being recorded for accuracy in the meeting minutes, and noted that it is being conducted as if it were taking place in-person and that participants should extend all courtesies as such. She encouraged all of the non-Board members in attendance to considered volunteering to fill Board vacancies.

She publicly thanked the board Vice Chair, Benjamin Wier, for his continued support and leadership over the past few months.

She also reminded the board members that they should refrain from speaking on behalf of the Planning Board in public settings regarding procedural matters or Board positions on ongoing matters.

ITEM #3 Non-agenda public comment (3 minutes per speaker):

N/A.

ITEM #4 Government Staff Reports (Information Item):

Michaela Valk, Director of Community Engagement (Council District 6), provided updates from the office of [Mayor Todd Gloria](#) including the recent appointment of a new Chief Operating Officer (COO) and increased homeless shelter capacities and an increased focus on behavioral health.

Eric Young from the office of [Councilmember Marni von Wilpert](#) noted the recent passing a Surveillance Ordinance, the [Build Better SD](#) program, and the new 67-acre Apple center; also \$400k was allocated by the city for improvements to the RB Community Park.

Robin Kaufman asked for feedback regarding the Councilmember's vote regarding Community Planning Group policy updates. Eric Young clarified that Councilmember von Wilpert voted in favor of three amendments: reducing the cool-off period for Board members (from 2 years to 1 year); mid-year budget adjustment to provide stipends to Boards; and a one-time per year appeal fee waiver for Boards.

Hugh Rothman asked about the traffic signal at the corner of West Bernardo and Bernardo Rd; no update.

ITEM #5 Modification and Adoption of Agenda (Voting Item):

Benjamin Wier motioned to approve the agenda; Gary Long seconded; motion approved 11-0-0.

ITEM #6 Administrative Items (Voting Item):

Approval of August 2022 Board meeting minutes was motioned by Gary Long; seconded by Vicki Touchstone; motion was approved 8-0-3 (abstentions by Hugh Rothman, June Smith, and David Wilson due to absence at the August 2022 Board meeting).

Gary Long provided the Treasurer's Report: The Board has \$322.95 in the business checking account as of September 2022; additionally, \$500.00 in the reimbursable expense account with the city of San Diego; no other pending actions for September 2022 Gary Long motioned to approve the Treasurer's report as submitted; seconded by Donald Bertsch; motion was approved 11-0-0.

ITEM #7 Marijuana Outlet - Project No. 625766, 16375 Bernardo Center (Voting Item)

The Board discussed the Process Three Conditional Use Permit for a Marijuana Outlet to operate within a 6,647-square-foot tenant space in an existing 11,930-square-foot commercial building. The 0.63-acre site is located in the CC-2-3 Zone and must comply with San Diego Municipal Code Section 141.0504 (a).

Eric Young read a letter from Councilmember Marni von Wilpert in which she voiced her opposition to the location for the proposed cannabis outlet based on the sentiments of the local residents. She also asked in her letter for a third party to conduct an independent analysis of the contested distance measurements.

Rob Brienza voiced his opposition for the location of the proposed outlet based on the distances between residential and other sensitive use sites.

Kathleen Lippett voiced her opposition for the outlet on the basis of past behaviors of other Urban Leaf locations across San Diego.

Carie Jaquess voiced her opposition to the proposed location for the cannabis outlet due to the detrimental effects on young people; she expressed continued frustrations that the city could move forward with approving the location as it is in violation of the city's regulations.

Becky Rapp voiced her concern for the measurement process regarding this project almost two years ago; she also voiced her appreciation for Councilmember Marni von Wilpert taking the stance that additional measurements are appropriate.

Diane Davis, a Pastor from Hope United Methodist Church (adjacent to the proposed cannabis outlet location), voiced her opposition and expressed her frustrations with the stated measurements for the proposed location.

Benjamin Wier reviewed the application details and had Phil Rath, the representative for the applicant, review the briefing that had been provided to the Development Review Committee. His briefing specifically addressed the applicant's measurements from the proposed cannabis outlet location to the nearest residential zone as well as the sensitive use site (i.e., Hope United Methodist Church).

Gary Long expressed his incredulity that the slope near the residential zone east of the commercial site is considered easement. He also expressed his concern that there remains zero separation between the residential properties and proposed location, something specifically identified as a requirement per municipal code.

Joni Edelman expressed her concern that a consumption lounge would be sought at the site. Phil Rath reiterated that such consumption lounges are currently not approved by the city of San Diego and that any future considerations would be purely speculative.

Vicki Touchstone reiterated that there is no separation between the residential development and the proposed site, a matter that is clearly not in concert with Conditional Use Permit requirements. She asked to hear the applicant's plan to abate noise and marijuana usage on-site. Phil Rath communicated that they would use similar processes at other sites, including on-site security guards to police the site and clientele.

Patrick Batten asked when the hearing was scheduled. The applicant answered 9:00am on 21 September 2022.

Robin Kaufman brought up comments/questions from the Board chat regarding the Applicants search for a location in the Rancho Bernardo industrial zone. The Applicant noted that the city zoning would not permit any cannabis location west of Interstate 15 within Rancho Bernardo.

Scott Chapman provided comments in opposition to the Applicant (Will Senn) given past violation of California regulations.

Benjamin Wier asked if the Applicant has done an independent survey by a licensed engineer. Phil Rath stated that the Applicant did not use a licensed engineer to provide exact distance measurements and concurred that this would be a good idea and would follow up prior to the public hearing.

Benjamin Wier motioned that the Board disapprove the application, and provide a letter to city, due to contested interpretation of distances to residential and special use locations that would violate municipal code; incongruence with federal regulations; overall appropriateness for the location; and past commercial cannabis illegality on the part of the Applicant. Donald Bertsch seconded the motion; motion passed 11-0-0.

ITEM #8 Project # 667476 AT&T Rancho Bernardo Swim and Tennis (Voting Item):

The Board discussed recent developments regarding the Planned Development Permit/Conditional Use Permit to construct a Wireless Communication Facility (WCF) consisting of a 60-foot tall faux pine tree (monopine) supporting 12 panel antennas, 24 Remote Radio Units (RRUs) and a new equipment enclosure. The project is located at 16955 Bernardo Oaks Road, San Diego, CA 92128. The city planner communicated to the RB Planning Board prior to the August 2022 Board meeting that the project is being forwarded to the Planning Commission by AT&T and the RB Swim & Tennis Club, without first coming back to the Board with updated changes to the plan. This matter had been voted on by the RB Planning Board in December 2021 where a vote to not move forward with that particular location for the cell tower was approved (vote was 5-4-0).

Adil Yitiz, a resident, voiced his opposition to the additional infrastructure that would end up in additional noise pollution as well as having a negative aesthetic impact.

Carie Jaquess, a resident, asked what had changed in the past months to cause this issue to be brought before the board; the matter has been brought forth as the project has

advanced to the city despite the past vote of the Planning Board with minimal changes in design. She also expressed her opposition to the location due to the negative appearance such a cell tower would have on the immediate area.

Mike Stichter, a resident, also expressed his opposition to the location of this tower based on the negative visual impact, to include the potential additional of antennas that may be added to the tower in the future with less scrutiny.

Benjamin Wier motioned that the Board send the letter to city reaffirming opposition to the project; Gary Long seconded.

Patrick Batten commented that the letter is not necessary since the Board has already voted against the project and little design change has occurred since the Planning Commission staff have received the application with minimal changes since the original vote in December 2021.

Hugh Rothman expressed his opposition to sending the letter as the original vote was only passed 5-4-0 in opposition to the cell tower location and that this letter might imply a stronger opposition than existed on the Board. Steve Dow concurred with this position.

Robin Kaufman reminded the Board that the RB Swim & Tennis Club was not aware that AT&T had continued the application process; and that they were invited to this Board meeting but did not attend. She also noted that conditions have changed as the Board now has different members.

David Wilson reminded the Board that other objections from the December 2021 vote included the fact that there were already several other cell towers in the area and that this new proposal would only benefit AT&T customers.

The motion to submit the letter passed 8-3-0 in favor of sending a letter (voting for: Robin Kaufman, Benjamin Wier, Gary Long, Vicki Touchstone, Joni Edelman, Donald Bertsch, June Smith, David Wilson; voting against: Steve Dow, Hugh Rothman, Patrick Batten).

ITEM #9 Request Community Members to Identify Themselves if Interested in Appointment to Open Vacancies in Districts B, C, D, E, and F (Voting Item):

N/A

ITEM #10 Approval for Virtual Meeting for Next Month's Full Board Meeting (Voting Item):

Robin Kaufman motioned that the Board approve the use of virtual meetings for next month; seconded by Benjamin Wier; approved 11-0-0.

Patrick Batten expressed his preference for physical meetings in the future.

Joni Edelman voiced her concern about ensuring medical safeguards are in place prior to in-person meetings.

ITEM #11 Sub-Committee Reports (Information Item):

Development ReviewBenjamin Wier
Regional Issues.....Vicki Touchstone
Traffic & TransportationHigh Rothman

ITEM #12 Liaison Reports (Information Item):

Community Council.....Robin Kaufman (Report attached)*
Community Planners Committee (CPC)..... Vicki Touchstone
Community Recreation GroupRobin Kaufman
SANDAG..... Steve Dow (Report Attached)*
San Dieguito River Park David Wilson (Report Attached)*
San Pasqual/Lake Hodges Planning Group.... David Wilson
Commercial Representative TBD

ITEM #13 OLD BUSINESS ITEM:

N/A.

ITEM #14 NEW BUSINESS:

Patrick Batten motioned that the Board should agree at this time to appeal the decision by the planning hearing officer should they approve the Urban Leaf COP application at the planned 21 September hearing. This would be a time sensitive act as the Planning Board will not meet again prior to the 14 day appeal window. Benjamin Wier suggested that it would be prudent to hold until the hearing take place.

The motion was seconded by Vicki Touchstone under the conditions that the Planning Board’s appeal would be on the ground on the inappropriateness of the Conditional Use required for the permit.

The motion passed 7-4-0 in favor of sending a letter (voting for: Patrick Batten, Vicki Touchstone, Joni Edelman, Donald Bertsch, June Smith, Steve Dow, Hugh Rothman; voting against: Robin Kaufman, Benjamin Wier, Gary Long, David Wilson).

ADJOURNMENT:

Hugh Rothman made a motion to adjourn the meeting; Benjamin Wier seconded; motion passed 11-0-0. Meeting adjourned 9:01pm.

Meeting minutes respectfully submitted by Owen Nucci.

Standing Committee Meetings:

Regular meeting dates & times for committees are set as follows:

<u>Administrative Committee</u> The Monday 10 days prior to Regular Meeting, 6 PM Via Zoom meeting.	<u>Traffic & Transportation Committee First</u> Monday of each month, 6 PM Via Zoom meeting.
<u>Development Review Committee</u> First Tuesday of each month, 6 PM Via Zoom meeting.	<u>Regional Issues Committee</u> First Tuesday of each month, 7 PM Via Zoom meeting.

Community Council: Robin Kaufman

- The Board approved to conduct forums for: U.S. House of Representatives for District 50; California state Assembly District 76; California State Senate District 40. Dates and costs to be presented
- The Board approved annual reimbursement for landline
- The Board appointed the annual student member selection ad hoc committee -The Board approved the annual report
- The Board approved the annual financial review from the audit ad hoc committee -The Board approved the change in the process of the donut fun run.

San Dieguito River Park CAC San Dieguito River Park CAC (attended by Benjamin Wier)

CAC is writing a letter to request that the JPA Board ask the City of San Diego to address the following questions and implement the following recommendations:

General:

1. Appoint a City point-of-contact for land development and code enforcement issues on the Surf Cup lease and former Milan property with regular updates to the JPA.
2. Add the JPA to all land development and code enforcement public notification lists related to the Surf Cup and Milan properties.

Coast to Crest Trail:

3. Clarify the status of SDP #618626 (recorded Document No. 2011-0473204) and related grading permit (project #607845) to restore the 1.3-mile trail and adjacent habitat along the length of the Surf Cup Sports lease and the progress made to-date by the lessee on the permitted work.

4. Establish a completion date for this work that will enforce the City’s 2005 civil penalty order to restore the trail and habitat. Enforcement could include the following:

- a) Amend the existing Surf Cup lease to:

- 1) include a date of completion for trail and habitat restoration
- 2) include penalties for missing the deadline (such as fines, no events until the obligation is completed, etc.)

– or –

- b) Do not approve any land development permits on the Milan property until the 1.3 mile of trail is constructed

c) Meet with JPA board members/staff and Surf Cup representative to define and commit to a reasonable resolution to the trail/habitat restoration timeline.

Activities on the former Milan Property:

5. Provide a report on the grading, parking, and other unpermitted activities conducted by Surf Cup Sports over the past several months on their property at 3975 Via de la Valle and clarify if there are code violations, specifically zoning, grading, and environmental violations.

6. Clarify if code enforcement citations have been issued and their status and if the City is coordinating with other agencies regarding the violations.

7. If there are code violations and no citations have been issued, prioritize code enforcement on the property.

SANDAG Update: Steve Dow

- September 2022 highlights
- SANDAG Regional Planning Committee meetings cancelled for both August and September 2022
- State looking to give \$300M for “San Dieguito to Sorrento Valley Double Track” project (in relation to the greater LOSSAN Rail Realignment (Los Angeles-San Diego-San Luis Obispo))
- Board of Directors (BoD) asked to approve \$2+ million transferred from contingency funds to cover pending litigation related to the Los Penasquitos Lagoon Bridge Replacement project
- Mobility Bikeway
- Board to Bayshore Bikeway
 1. https://www.sandag.org/uploads/publicationid/publicationid_1950_19202.pdf
 2. 6.5 miles bikeway
 3. BoD asked to approve FY23 amendment for \$6 million transfer from Pacific Coast Highway/Central

San Dieguito River Park JPA Board Meeting August 19, 2022 – Friday 11AM

Dave Grosch, Chair - Approval of AB 36 Teleconference meeting

Public comments – none

Executive Directors Report- Shawna Anderson

Majority of report will focus on Coast to Crest trail, and how we get 71 miles completed. Currently 49 miles have been completed. Focus now is on the Osuna segment. 8 miles where we are partnering with other organizations like the county. 13-mile gap is the focus, shown on map. Lake Sutherland gap and the E San Pascual Gap. Getting this done would give the 71-mile completion a vision.

There are two concepts for the gaps, so we are getting estimates and working with consultants to determine which is best. RFPs are now out. Goal is to raise \$2 million for shovel ready projects.

Q: Are they ADA compliant? No. These are remote areas. Q: Cost to ongoing maintenance? Yes, it will require additional rangers, and any completed trail mile requires additional funding.

Budget Report – Shawna

Revenue exceeded projected by \$30k. Expenses about \$3k above. Had higher revenue due to performance of endowment, a trail event, and off-track betting revenue.

Endowments have done well last 5 years due to good stock performance, but down with the markets year to date. 3 purposes for endowments discussed. Overall, looks good.

Motion passed to accept end of year budget report.

Approval of Resolution 22-8 for SANDAG EMP Grant Application – Shawna

Goal to enhance 12 ½ acres burned in 2007 Witch fire. Will plant additional cactus
Isolated area trying to come back after fire to habitat and removing invasive species.
About 87k requested in grant and was given! 3 yr. project. Approved

**Approval of MOU with SDRVC to Manage and Distribute Contributions Raised from
Close the Gap Funding Campaign - Shawna**

Has been reviewed by our attorney. Memorandum of Understanding. Money will be put in
separate account, so distinguished only for Coast to Crest trail get to 71- mile campaign.

Approved

Adjourned