

OTAY MESA PLANNING GROUP

MEETING MINUTES, September 15, 2021

Via ZOOM

Otay Mesa Planning Group Chair, Mr. Rob Hixson, called the meeting to order at 3:02 p.m.

Introductions are made via the zoom meeting screen.

Members present:	Members absent:
Rob Hixson - Chair	Tony Blas
Ted Shaw - Vice-Chair	Tom Simmons
Chris Holder	Rodolfo Jr. Lopez
Diane Kirma	James Street
Clarissa Falcon	Alejandra Mier y Teran
Jimmy Ayala	
Rita Mahoney	
Ronnie Taylor	
Scott Merry	
Mark Freed	
Felipe Nuno	
Tom Ricotta	

Approval of minutes:

July 2021

- **Vote:** A motion was made by R. Mahoney & seconded by T. Shaw. Motion passed (12-0-0)
- **Yes:** R. Hixson, S. Merry, C. Holder, D. Kirma, T. Ricotta, F. Nuno, J. Ayala, C. Falcon, R. Taylor, & M. Freed.
- **Abstained:** None.
- **Vote No:** None.

Public Input/Comments on Matters Not on the Agenda:

None.

Chairman's Report:

Items received: *Emailed to the group as they are received.*

- A lot of activity in Otay Mesa
- Many positive things coming to Mesa for infrastructure so it's going to be a positive effect.

Government Liaison Reports

A. **COUNCILMEMBER MORENO'S OFFICE:** *No report was provided.*

B. **MAYOR'S OFFICE:** *Stephanie Estrada:*

- Mayor Todd Gloria announced the first Monoclonal Antibody Regional Center (MARC) in San Diego County to provide:
 - on-site COVID-19 testing
 - treatment for COVID-19
 - post-exposure prophylaxis
 - **All** at no cost for anyone who is medically eligible, regardless of health insurance or immigration status
- MARC sites provide early antibody treatment for COVID-19 patients that can help them fight the illness without having to go to the hospital.
- The site is located at the Cathy Hopper Clairemont Friendship Center at 4425 Bannock Avenue (Council District 6).
- This is part of Mayor Todd Gloria's effort to keep the health and safety of all San Diegans at the forefront. For more information on the announcement please visit: [Link](#)

OTAY MESA PLANNING GROUP

MEETING MINUTES, September 15, 2021

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- Other MARC sites are available in Escondido, at Vista Community Clinic and through Family Health Centers of San Diego in Hillcrest and Chula Vista. For more information about MARC sites in the County, click [here](#) or call 619-685-2500.

Mayor's Reforms to SDPD's Consent Search Policy

- On Friday, August 27th Mayor Todd Gloria and San Diego Police Chief David Nisleit to announce changes to SDPD's consent search procedures, found within [Department Procedure 4.01](#) which governs how police officers can conduct a search of a person or property.
- Consent searches allow officers to search an individual's person, vehicle or home without a warrant, if the individual gives consent.
- Prior to its revisions, members of the public have indicated that, when presented with the option of consent, they have felt intimidated and confused, creating questions of how and when consent is requested by officers and granted.
- **Key highlights from the modifications to the consent search procedure include:**
 - Obtaining consent for a search in verbal or written form and that it must be granted both freely and voluntarily.
 - Documenting verbal consent using Body Worn Camera (BWC) and recording a clear request to search the premises, person, personal property or vehicle. If BWC is not an available option, written consent shall be obtained.
 - Ensuring searches are not unduly intensive or intrusive so as to not unnecessarily harm the individual or destroy or damage the property or location during the search.
 - Maintaining the scope and reasonable duration of the search to not exceed what is granted by the individual.
 - Notifying the person of the right to refuse, modify or withdraw consent to a search at any time, even after consent was given and the search has begun.
- Changes to consensual searches are part of Mayor's [11 proposed reforms to police practices](#) that were announced in April. Here are the wins so far:
 - The elimination of gang injunctions
 - Removing the Office of Homeland Security (now known as Office of Emergency Services) from the Police Department
 - Funding the independent Commission on Police Practices

Mayor Gloria Partners with Lady Gaga's 'Born This Way' Foundation

- Mayor Todd Gloria and [Born This Way Foundation](#), co-founded by Lady Gaga and her mother, Cynthia Germanotta, announced the launch of the #BeKind21 campaign in the City of San Diego.
- This campaign seeks to encourage members of the public to practice an act of kindness each day from September 1st to September 21st to build kinder, more connected communities that foster mental wellness.
- San Diegans are invited to [take the pledge](#) to #BeKind21 and practice kindness toward themselves and others for the next 21 days. Those who take the pledge will join Born This Way Foundation's community, receive access to kindness calendars, tips, and inspiration from the Foundation's co-founders and partners, and have the opportunity to be featured on the Foundation's youth storytelling platform [ChannelKindness.org](#).
- As part of today's announcement, Mayor Gloria officially proclaimed "Be Kind 21 Days" in the City of San Diego.

C. Assemblymember Weber's OFFICE: No report was provided.

D. SUPERVISOR VARGAS' OFFICE: Andrew Harvey:

- The San Diego County Board of Supervisors, unanimously loosely voted to approve appointment and put forth by supervisor Vargas and supervisor Joe Anderson. This is the first step which will begin the process of establishing Meekers which is the micro enterprise home kitchen operations in San Diego County. So, adopting the Meekers program will help with non-traditional food entrepreneurs creating a more inclusive and equitable food economy,

OTAY MESA PLANNING GROUP

MEETING MINUTES, September 15, 2021

Via ZOOM

- We do have the community enhancement grants, and the neighborhood reinvestment grants so if you know of any organizations that haven't applied please feel free to pass my information along so that they can get that finished, it's kind of late but
- Supervisor Vargas is having an event tonight to celebrate Hispanic Heritage Month, so they'll be lighting up the county administration building, blue, red, green, white, red and green.

E. ASSEMBLY MEMBER LORENA GONZALEZ OFFICE: *No report was provided.*

F. SENATOR HUESOS' OFFICE: *Claudia Lopez:*

- SB 311 – This legislation requires that hospitals and certain types of healthcare facilities in the State of California allow a terminally-ill patient to use medical cannabis for treatment and/or pain relief.
- SB 394 – This bill clarifies Californians' eligibility for the Lifeline Universal Telephone Service Program by updating the definition of a "household" to ensure that all households eligible at the federal level are also eligible for California's Lifeline Program.
- SB 416 – This bill would amend the Penal Code to protect incarcerated students' access to face-to-face college instruction provided by quality, regionally-accredited, non-profit higher education providers, as well as amend Title 15 to recognize full-time enrollment in college as a full-time assignment.
- SB 589 – This legislation expands the state's Zero Emissions Vehicle (ZEV) transportation planning to include workforce needs for the state's ZEV goals.
- SB 712 – This bill requires local governments to evaluate a federally-recognized tribe's fee-to-trust acquisition application on its merits, and prohibits the adoption or enforcement of a local policy that would prevent a fair evaluation.
- SB 721 – This bill would designate August 26th as California Farmworker Day to honor the contributions farmworkers provide to the State of California.
- SB 734 – This bill seeks to protect the fiscal solvency of California cities by allowing them the opportunity to re-negotiate significant amounts of debt accrued through their redevelopment agencies.
- SB 756 – This legislation will ensure more of California's low-income families benefit from energy savings assistance in the form of energy efficiency upgrades to their home, including weatherization and appliance replacement.

G. POLICE DEPARTMENT & CODE COMPLIANCE: *Officer Carlos LaCarra:*

- We are limited on what we can do for motorhomes and their use. We continue to address the issues of motorhomes. We're still a little limited in regard to the motorhome is being used to see if it's being used or we suspect that it's being used to actually sleep on the street so we're limited on the enforcement we can take because of a lawsuit that's currently pending. But, you know, we try to do our best to deal with those situations.
- We sent an email out to everybody with a brochure on prevention tips regarding backflow valves we've had an increase in black backflow valve thefts and Otay Mesa, specifically an area of Britannia, and Cactus and around that area.
- Our shift changes this weekend. Basically, the three shifts that we have will rotate so you might be seeing different officers throughout the different spots that you're likely to see during the day.

H. FIRE DEPARTMENT: *No report was provided.*

I. IMMIGRATION & CUSTOMS DEPARTMENT: *No report was provided.*

J. CITY ATTORNEY'S OFFICE: *No report was provided.*

Monthly Report:

A. CPC-

July 27, 2021, Meeting Minutes: https://www.sandiego.gov/sites/default/files/cpc_draft-07-27-21_minutes.pdf

- **Item #5. CODE UPDATE:** Development Services Department presented the DSD update to City regulations involving ministerial applications for communication pedestals within the public right-of-way. Per the

OTAY MESA PLANNING GROUP

MEETING MINUTES, September 15, 2021

Via ZOOM

presentation, primary wireless pedestals are needed to maintain overall internet performance, as more people are telecommuting and using distance learning. Some right-of-way facilities will be processed ministerially if they meet qualifiers. DSD replied to Board Comment that facilities/pedestals would be placed in parkways and grassy areas out of pedestrian ROW; that CPG's would be allowed comment on locations; and noted that there was not currently a citywide map of proposed locations.

Motion: A motion to support was made and passed with the provision that the City require all service providers are required to provide regular maintenance for facilities. **See attached Item 4 Code Update. (Yes, it is numbered incorrectly)**

- **Item #6. AIRPORT OVERLAY DEVIATION LANGUAGE AND PROCESS UPDATE:** Planning Department proposes that any project requiring a deviation from the overlay zone must go to the Airport Land Use Commission (ALUC) for a consistency determination. Projects deviating from density or intensity would need a Process 4, instead of a Process 5 SDP. The proposal would also allow the City Council to overrule the Airport Land Use Commission, by a two-thirds vote. Planning replied to Board Comment that the revised process will D apply in all airport compatibility zones; that state law allows City Council to override the Airport Land Use Commission's decision to deny a project; that CPG's will be allowed to make recommendation to the City Council, if there is an effort to override the ALUC; and confirmed that the Federal Aviation Administration does not have jurisdiction to weigh in on the proposed amendment. Please see this link for more information [Sections 21670 to 21679.5](#)

Motion: A motion was made and passed to postpone a vote until the August CPC meeting.

- **Item #7. CITY ADU ORDINANCES:** Neighbors for a Better San Diego (NAFBSD) presented a request for a moratorium on the city's laws regarding Auxiliary Dwelling Units (ADU's) arguing that the City implementation; allows more ADU's than State law allows; that the added housing will not reduce the cost of housing but will increase the value of land; that there is no requirement for trees, no mechanism to encourage transit adoption, elimination of side and rear yard setbacks, etc. NBSD proposes that the Land Development Code include 1 ADU, 1 junior ADU with 4-foot setback, a height limit of 16 feet, fee waivers only as allowed by the State, exempt areas from ADU's based on public safety and development of ADU housing only on transit corridors/hubs. **See attached presentation by NFBSD.**

Motion: A motion was made and passed to postpone/continue item.

- **Item #8. PARKS MASTER PLAN (PMP):** Parks and Recreation Coalition (PARC) provided an update for CPC on the July 14 Public Safety & Livable Neighborhoods Council Committee meeting and PARC's recommendations for the upcoming City Council meeting on August 3, 2021. PARC claims though improved, the Parks Master Plan has still fallen short. The Council Committee approved a motion to approve with amendments, with some PARC recommendations incorporated into the motion. The PMP did not improve on public input and did not present to Park Recreation Councils. PARC urged residents to testify at the City Council on August 3, 2021 at 11:00 a.m. **See attached PARC Recommendations for City Council.**
- **Item #9. PARKS MASTER PLAN (PMP):** Livable San Diego and Neighborhood Coalition (LSDNC) claimed that the current PMP draft is inadequate and that; the PMP is based on making more use of existing parks, not creating new parks; that the arbitrary value of the proposed point system is problematic and that North Park is suffering from density with no infrastructure to support it; noted that previous CPC votes and recommendations to retain the land standard of 2.8 acres per 1,000 people in the PMP, are not included in the current draft and urges the CPC to not support the current draft of the PMP.

Action: The CPC Chair supported PARC recommendations, urged CPG's to carefully consider their position on the Parks Master Plan, and urged members to call into the City Council meeting and let their views be known.

OTAY MESA PLANNING GROUP

MEETING MINUTES, September 15, 2021

Via ZOOM

The meeting Minutes for the August 24, 2021 meeting have not been posted yet. Please see below and attached for information on items discussed/presented.

August 24, 2021 Agenda: <https://www.sandiego.gov/sites/default/files/cpc-agenda-210824.pdf>

- **ITEM #4 UPDATE: FY 2023-2027 COMMUNITY PLANNING GROUPS CIP PRIORITIES SURVEY** - City Engineering and the Engineering and Capital Projects Department provide an update of the CIP priorities online survey conducted during June thru August.
- **ITEM #5 SPACES AS PLACES:** The Planning Development presented "Spaces as Places", the City of San Diego's proposed program to transition temporary outdoor spaces, allowed to replace indoor capacity in response to the COVID-19 pandemic, to permanent places that safely bring people together to dine, play and gather. **See attached Spaces as Places CPC presentation and Spaces as Places Draft Regulations.**
- **ITEM #6 DSD PERMITTING AND CODE COMPLIANCE ISSUES:** The La Jolla Community Planning Association stated that there are several cases of intentional skirting of DSD permitting requirements and permit conditions in La Jolla, where Community members, their representatives and the LJCPA are clearly having no effect commenting on one project at a time. LJCPA Options include: informing both City Council and the Mayor about DSD's inadequacies; petitioning for more Code Compliance resources; adopting changes to administrative personnel, processes, codes, etc.; or, referral to the City Auditor or County Grand Jury for remediation. The LJCPA would like additional input from other CPG's in San Diego.

The Land Development Code update for CPC has been postponed until our September meeting.

The next CPC meeting is 9/28/21.

B. Southwest Village Committee - (Felipe Nuno, Resident)

- Nothing to report.

C. Border Transportation – No report provided.

D. La Media Truck Route- (David Wick, Business Representative)

- The City is out acquiring the right of ways.
- The flooding of airways everyone's noticed the city opened airway Road, which is great. I think the mayor's office and I think the council members office Vivian's, they both did an outstanding job to get that segment open, and it's my understanding that the city has identified eight four Stowe property owners that are have irrigation breaks in their property that potentially could be causing the flooding of that segment of airway road

E. San Diego Airport Advisory Committee – (Tom Ricotta, Business Representative)

- The one thing that got reported recently is that the city is pushing forward to build a temporary but permanent US Customs Border facility and they're going to put a resolution to council to get \$3.1 million to do that.

F. Otay Mesa Chamber of Commerce - No report provided.

G. East Otay Mesa Property Owner's Association Update – (David Wick, Business Representative)

- There was also some discussion with Caltrans because SRL 11 The segment of freeway that goes from Enrico Fermi east into the new port of entry is actually going to be open here probably in October, but it's not going to be open for traffic.
- The new port of entry is scheduled for the end of 2022 first of 2023.
- County fire has come out and said to be looking for a new permanent County Fire facility near the new EVOC facility. They continue to use the temporary facility; they continue to share a facility with the city of San Diego at Brownfield.
- LS power is breaking ground in October on the next battery storage facility.

H. La Media West Wetlands - No report was provided.

I. Informational Items: No report was provided.

OTAY MESA PLANNING GROUP

MEETING MINUTES, September 15, 2021

Via ZOOM

J. Action Items:

A. **Motion:** T-Mobile Duffer Residence CUP - Project No. 689340

Presented by: Shelly A. Kilbourn, PlanCom, Inc.

- **Vote:** None.
- **Abstained:** *T. Shaw*
- **Vote No:** None.
- **Comments:** No vote was made. Project does not belong to the Otay Mesa Planning Group district.

A. **Motion:** VIVA Logistics Center - Project No. 683463

Presented by: Adam Burrows, Ware Malcomb

- **Vote:** *A motion was made by J. Ayala & seconded by R. Taylor. Motion passed (11-1-0) Yes: R. Hixson, S. Merry, C. Holder, D. Kirma, T. Ricotta, F. Nuno, R. Mahoney, T. Shaw, & M. Freed.*
- **Abstained:** *C. Falcon*
- **Vote No:** None.

K. Closing remarks:

Thank you.

L. Old Business:

No old business.

Meeting adjourned at 3:45 p.m. by Rob Hixson, Planning Group Chair.