

CALIFORNIA COASTAL COMMISSION

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Th19c

LCP-6-SAN-22-0064-3 (Community Planning Group Reform)

August 2023

EXHIBITS

Table of Contents

EXHIBIT 1: Strikeout/Underline

9/13/2022 #330-B

(R-2023-87)
COR. COPY

RESOLUTION NUMBER R- 314337

DATE OF FINAL PASSAGE SEP 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING COUNCIL POLICY 600-24, ENTITLED "STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES OF RECOGNIZED COMMUNITY PLANNING GROUPS" RELATED TO COMMUNITY PLANNING GROUP REFORM AND MAINTAINING THEIR INDEPENDENCE FROM THE CITY.

WHEREAS, the City Council recognizes the importance of receiving community input into land use decisions and considers this input an integral component of the planning process; and

WHEREAS, Community Planning Groups (CPGs) provide formal mechanisms independent of the City for community input in land use decision-making processes; and

WHEREAS, in 1976 the City Council adopted Council Policy 600-24, entitled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups," to identify the responsibilities and establish the minimum operating procedures for CPGs to be officially recognized by the City of San Diego; and

WHEREAS, the City currently recognizes 42 CPGs made up of more than 500 volunteer members who devote countless hours of their time and private resources; and

WHEREAS, CPGs are recognized as independent organizations voluntarily created and operated by community members who are not City employees, City agents, or City representatives; and

WHEREAS, the City does not direct or recommend the election, appointment, or removal of voting members to CPGs, or delegate authority to CPGs to act on its behalf; and

WHEREAS, a recognized CPG may make advisory recommendations to the City and other governmental agencies on land use matters within the CPG's planning area boundaries, particularly matters related to the General Plan or other relevant land use plans; and

WHEREAS, over the past five decades, CPGs have become forums for community input; and

WHEREAS, numerous CPG responsibilities have been included in the City's Municipal Code; and

WHEREAS, on July 28, 2009, the City Council adopted Ordinance O-19883 providing for the defense and indemnification of CPGs; and

WHEREAS, Council Policy 600-24 was amended in 2005, 2007, 2012, and 2014; and

WHEREAS, on April 18, 2018, the San Diego County Grand Jury (Grand Jury) investigated CPG actions, policies, and procedures and made five recommendations for the City to consider in reforming CPGs after a complaint was filed claiming CPGs tend to delay decision making as a method of restricting growth in their communities; and

WHEREAS, in December 2018, San Diego's Office of the City Auditor issued a performance audit of CPGs to determine whether CPGs have an effective control environment, whether they are in compliance with key elements of Council Policy 600-24, and whether they are a contributing factor to permit approval delays, and made relevant recommendations related to the City's oversight of CPGs and their compliance with Council Policy 600-24 and the Ralph M. Brown Act; and

WHEREAS, on December 3, 2019, San Diego's Office of the City Attorney issued a report (City Attorney Report) to the Land Use & Housing (LU&H) Committee outlining an

overview of legal issues associated with CPGs and suggestions to amend Council Policy 600-24 to better reflect the independent legal status of CPGs; and

WHEREAS, community feedback that is truly representative of the diverse demographics of the communities is critical to equitably informing City land use decisions; and

WHEREAS, on December 5, 2019, the LU&H Committee discussed the City Attorney Report and relevant proposed revisions to Council Policy 600-24 and subsequently recommended to the City Council that they make amendments to Council Policy 600-24; and

WHEREAS, on November 23, 2021, a package of formal recommendations to amend Council Policy 600-24 was presented to the City's Community Planners Committee (CPC); and

WHEREAS, on March 10, 2022, amendments to Council Policy 600-24, consistent with the City Attorney Report, were presented to the Land Use & Housing Committee (LU&H Committee) for discussion; and

WHEREAS, on June 16, 2022, the proposed amendments to Council Policy 600-24 were presented to the LU&H Committee for review, and approval of the amendments were recommended to Council; and

WHEREAS, the proposed amendments reflect input from the City's Community Planners Committee and members of the public; and

WHEREAS, the proposed amendments will preserve CPGs' ability to be recognized by the City as independent advisory bodies, consistent with the City Charter; and

WHEREAS, the proposed amendments will update criteria and processes by which CPGs must adhere to seek and gain City recognition; and

WHEREAS, the proposed amendments will also allow CPGs to retain their ability to provide organized feedback on General Plan related issues, private and public development projects, and infrastructure priorities; and

WHEREAS, the proposed amendments institute changes to CPG operations, including but not limited to that CPGs will be required to (a) proactively seek Council recognition, (b) update individual governing bylaws and create new advisory documents such as Ethical Standards and a Community Participation and Representation Plan, (c) take ownership of their own official documents and records, (d) prohibit attendance requirements for annual election vote or candidacy, and (e) collect demographic data of existing and new CPG voting members; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that Council Policy 600-24 is amended as set forth in the Council Policy on file with the City Clerk as Document No.

RR- 314337.

BE IT FURTHER RESOLVED, that the City Council directs the City Clerk to update the Council Policy Manual to reflect the amended Council Policy.

BE IT FURTHER RESOLVED, that:

1) Currently recognized CPGs or any other newly-formed potential CPG must apply for new City Council recognition under this revised policy by December 31, 2023. CPGs that apply for City Council recognition that demonstrate a commitment to diversity and inclusion shall be given priority for recognition;

2) The Mayor or their designee is authorized to implement the updated policy consistent with the policy's intended goals; and

3) The City will continue to support CPGs, including through the following:

(a) Allocating funds when such funding is approved by the City Council,

(b) Maintaining a webpage outlining information and links to internal and external resources helpful to CPGs, and

(c) The City shall make ongoing efforts to provide staffing to liaise with CPGs and to identify and engage with non-City support groups to be resources for CPGs.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Noah J. Brazier
Noah J. Brazier
Deputy City Attorney

NJB:nja
08/22/2022
09/09/2022 Cor. Copy
Or. Dept: Council District - 1
Doc. No. 3068263_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2022

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/22/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 13 2022 by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 21 2022

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314337

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 86.0104; AMENDING CHAPTER 9, ARTICLE 8, DIVISION 5 BY AMENDING SECTION 98.0510; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 2 BY AMENDING SECTION 112.0203; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 5 BY AMENDING SECTION 112.0503; AMENDING CHAPTER 11, ARTICLE 2, DIVISION 6 BY AMENDING SECTION 112.0602; AND AMENDING CHAPTER 15, ARTICLE 7, DIVISION 2 BY AMENDING SECTION 157.0203 ALL RELATED TO COMMUNITY PLANNING GROUP REFORM.

§86.0104 Angle Parking

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

(c) The City Manager may install angle parking on any street without City Council approval provided that:

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

(3) a City-recognized ~~community planning group~~, community parking district, or Business Improvement District, having some or all of the proposed angle parking within its geographical area of responsibility, does not object to the proposed angle parking.

(d) The City Manager may remove or modify existing angle parking on any street without City Council approval provided that:

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

- (3) a City-recognized ~~community planning group~~, community parking district, or Business Improvement District, having some or all of the existing angle parking within its geographical area of responsibility, does not object to the removal or modification of the angle parking.
- (e) A written petition may be submitted to the City Manager that demonstrates approval for the proposed installation, removal, or modification of angle parking from:
- (1) [No change in text.]
- (2) all City-recognized ~~community planning groups~~, community parking districts, and Business Improvement Districts having some or all of the proposed or existing angle parking within their geographical area of responsibility.
- (f) [No change in text.]
- (g) At least 60 calendar days prior to installing, removing, or modifying angle parking without City Council approval, the City Manager shall provide notice in accordance with Municipal Code section 11.0301 to affected property owners and tenants. The City Manager shall also provide notice to all City-recognized ~~community planning groups~~, community parking districts, and Business Improvement Districts, having some or all of the proposed or existing angle parking within their geographical area of responsibility.
- (1) [No change in text.]

(2) The notice may include the date of the next public meeting of, and contact information for, all City-recognized ~~community planning groups~~, community parking districts, and Business Improvement Districts, having some or all of the proposed or existing angle parking within their geographical area of responsibility.

(h) [No change in text.]

(i) If the City Manager receives a written objection within 60 calendar days of notice from a majority of affected property owners and tenants, or a City-recognized ~~community planning group~~, community parking district, or Business Improvement District, having some or all of the proposed or existing angle parking within its geographical area of responsibility, the City Manager shall not install, remove, or modify angle parking without City Council approval.

(j) [No change in text.]

§98.0510 Project Selection and Disbursement of Funds

(a) ~~All projects considered for funding will be reviewed prior to Commission action by the local Community Planning Group or, in an area where there is no Planning Group, another community advisory group.~~

(b) The San Diego Housing Commission may notify potential recipients that specified funds from the Affordable Housing Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability.

§112.0203 Waiver of Fees or Deposits

- (a) ~~Appeal fees are waived for community planning groups officially recognized under City Council Policy 600-24.~~
- (b) If the City Manager determines that project delays have been caused solely by the actions of City agencies, the City Manager may, under the authority granted by the City Council, waive any portion of the fees or deposits.

§112.0503 Process Two

An application for a permit or other matter acted upon in accordance with Process Two may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request in accordance with Section 112.0504. A Process Two decision shall be made in the following manner:

- (a) [No change in text.]
- (b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

~~This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if~~

requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

§112.0602 Process CIP/Public Project-Two

An application for a Site Development Permit for a *capital improvement program project* or a public project determined to be in compliance with the Environmentally Sensitive Lands Regulations, Historical Resources Regulations without deviation, or a City-issued Coastal Development Permit in the non-*appealable area* of the Coastal Overlay Zone shall be acted upon in accordance with Process CIP/Public Project-Two. An application for a Process CIP/Public Project-Two decision may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request, in accordance with Section 112.0603. A Process CIP/Public Project-Two decision shall be made in the following manner.

- (a) [No change in text.]
- (b) **Decision Process.** The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

~~This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.~~

§157.0203 Gaslamp Quarter Development Permit Procedures

(a) Permit Review Process

All projects requiring a Gaslamp Quarter Development Permit pursuant to Section 157.0201(b)(1) shall be processed as follows:

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

(3) The City Council may approve, conditionally approve or deny new construction of buildings up to 125 feet in height with an *FAR* of up to 6.0 on sites of 30,000 square feet or more located south of Island Avenue, subject to Section 157.0302(a)(4), in accordance with Process Five. The *development* shall be reviewed, and a recommendation provided by ~~the planning group officially recognized by the City of San Diego~~, the Historical Resources Board, and the Planning Commission prior to consideration by the City Council.

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

(O-2023-35)

NJB:nja
08/26/2022
Or. Dept: Council District - 1
Doc. No.: 2843260

Passed by the Council of The City of San Diego on OCT 03 2022 by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 12 2022

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 13 2022

and on OCT 12 2022

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21546