

1. Roll Call, Confirmation of Quorum, Call to Order, Welcome. In-Person: Sheila, Andrea, Rob, Vinetia, Dorothy, Khalada, Michael, Sally, Marry, Jacinta, Leslie, Russell. Zoom: Everett Crudup. A quorum was established. The meeting was called to order at 6:32 p.m.

Housekeeping: Participants were reminded to be courteous to all. Wait until recognized by the chair to speak whether attending in-person or virtually. If present virtually, MUTE microphone when not speaking. On informational items, CVCPG Board Members will ask questions first followed by the public. *It is timesaving if an answer to your question is acknowledged in a previous speaker's comments.*

2. Adoption of the Agenda: It was M/S/C (Vinetia Jones, Sheila Minick) to approve the agenda as submitted. There were no abstentions or objections; all approved.

3. ACTION ITEM: Approval of Minutes:

- a. August 19, 2024: It was M/S/C to approve the minutes as corrected (Andrea Hetheru, Rob Campbell): (1) Item 3f typo; (2) Item 6 opposed v. abstained. There were no abstentions or objections; all approved.
- b. September 16, 2024: It was M/S/C (Rob Campbell, Michael Westmoreland) to approve the minutes as submitted. Vinetia Jones abstained. There were no objections. All others approved.

4. Info Item – Chair's Report

- a. Due to recent activity and involvement, several new applications from various neighborhoods have been received for CVCPG seats, including six from Emerald Hills and one from Broadway Heights and one from Encanto.
- b. Report on Klauber Appeal Hearing
 - i. Appreciation and Acknowledgements. The 11/12/24 hearing was historic. Andrea Hetheru, Chair, thanked the incredible community support to make this event occur. The presence was amazing. Everyone was informed, appropriately passionate, and the impact was known. The Director of the Department of Planning for the City is present tonight, per direction from Chief Operating Officer Eric Dargan and at the request of Councilmember Henry Foster given during that City Council meeting. Michael Westmoreland Andrea Hetheru expressed appreciation for the t-shirts that were conceived of and designed by Michael Westmoreland, provided and worn, and acknowledged Martha Abraham's and Rob Campbell's impeccable groundwork, stating that the hearing was a moment of democracy. It was reported that Groundwork San Diego has agreed to help with some of the expenses that were related to the hearing and reiterated that this sponsorship is facilitated by everyone wanting clean, green and blue space

~~where we live. everyone wants environmental justice and a nice place to live.~~

- c. Status of Footnote 7 (Found in San Diego Municipal Code, Chapter 13, Section 131.0431, Table 131-04D). The Chair reported that the community scored a major win, but we need to make the pause into a full stop. It is not yet settled, and the community will find out more tonight as this will be the beginning of seeing the pause become a stop.
 - i. Mayor's response to request for CVCPG policy approval: The CVCPG Board approved a policy to not approve any project that was reliant upon Footnote 7. This did represent a change of our bylaws. By City ordinance, any time we approve a bylaws change, it must be approved by the mayor and city attorney. We are asking the Mayor and the City Attorney where they stand. ~~There has not yet been a response by either the Mayor or City Attorney.~~
 - ii. City Attorney response to request for CVCPG policy approval (see Item i. above).
 - iii. Councilmember Foster's response to request for written position: Councilmember Foster ~~felt sent an e-mail stating that~~ it was inappropriate to respond in writing due to the subject being adjudicated. After the testimony, Councilmember Foster stated he was opposed and shared our concerns that it was ~~incorrectly done~~ discriminatorily. Councilmember Foster was invited to tonight's meeting, ~~and he in turn invited someone from the Mayor's office to attend.~~ Councilmember Foster was not present, but his Chief of Staff, Daniel Horton, was present.

5. Info Item – Vice Chair's Report: State of Affirmatively Furthering Fair Housing (AFFH) In Chollas Valley: Rob Campbell, Vice Chair, reported on the Change in Opportunity from 2024 to 2025 in the CVCPG Boundaries (PowerPoint presentation) detailing the 8 neighborhoods and 10 census tracts within the CVCPG boundaries. The goal of the map is to identify every region in the State, and there was less opportunity this year than last. There are a couple of areas of slight improvement, which are likely related to changes the State made to compiling data over three years. If this is the case, the inverse must also be true. He shared that 27% of homes were constructed in the high resource areas; most were in moderate, low, and poverty segregated areas. We are currently \$156,000 below the median home value in San Diego. Rob observed that the City can't keep adding people that need the most opportunity to the low income areas--they need to be placed in high resource areas. As an example, in relation to the Naranja Street project, the City waived \$500,000 in DIF and other regulations, e.g., parking and setbacks. This project did not come before the CVCPG due to being considered ministerial. The community needs to hold the City accountable for AFFH. Andrea expressed that CVCPG has been accused of ~~being NIMBYs but that we could never be characterized as such since such projects have always been in our "backyard."~~ ~~because Naranja Street is deed-~~

~~restricted.~~ AFFH is federal and state law and should take precedence and, therefore, such projects not be ministerial in low resource areas. Sheila Minick mentioned that the Naranja Street project is targeted toward seniors and reportedly have has accessible public transportation. While the project is built adjacent to the trolley line, residents will traverse unsafe streets and intersections to reach the bus stop and trolley station, none of which would be considered truly accessible, especially to those who are mobility-challenged. Michael Westmoreland expressed the need to find a way to prevent similar ministerial projects. Jacinta Hinojosa expressed concern about the Probation Department at the Live Well Center and requested that more information be provided to the public. Khalada Salaam-Alaji shared that she is one of the plaintiffs in a 2019 lawsuit that addresses this issue. Sally Smull indicated that we can stop ministerial projects, requesting they be posted, and the land development code can be changed to reflect Sustainable Development Areas and address Complete Communities. She further reflects that affordable housing and ADUs can go through without intervention or reporting. Leslie Dudley asked about the owner of the Naranja property, and Rob reported that it is someone from Idaho. The units are deed-restricted for 55 years. Leslie asked if potential residents are receiving Section 8. She stated that individuals have not been able to access Section 8 for years and she wondered where the residents will come from. Leslie further indicated that this is an example of what happens when the rights of Community Planning Groups have been removed. We should regain our rights. A member of the audience asked if the Naranja project is a Complete Communities project. Rob indicated it is classified as affordable housing; because it is affordable housing, it doesn't mean it is Section 8. There is a 15-year wait for those who have applied for Section 8 vouchers. Rob stated that we are trying to improve the lives of the people who live here and the future residents. It doesn't make sense or comply with AFFH to build in and move people into low-resourced communities. Rob indicated that there were 40 homes built in the highest resource areas, with 444 built in moderate resource areas. A resident stated that we are all in this fight and need to work together on shared issues, e.g., lack of transportation. There are Bonus ADUs being built in Encanto with minimally affordable housing. The State does not require the City to provide ADUs. For example, at 68th and Brooklyn, there are large parcels of land. A neighbor who doesn't live on the property is building 16 ADUs (2 single family homes and 8 2-story units). There is another 1-acre lot with 33 ADUs (IBUYSD.COM) and another with 40 ADUs.

6. ACTION ITEM: Presentation by Heidi Vonblum, Director, and Tait Galloway, Deputy Director, Department of Planning of City of San Diego and related request for recommendation of removal of Footnote 7 related to the RS-1-2 zone in the Encanto Neighborhoods and Southeastern San Diego Community Planning Areas from the Land Development Code (cited in 4c of this agenda). Selena Sanchez-Baillon, City Planner, was also invited. Heidi Vonblum presented a PowerPoint (Development Regulations for Residential Zones – Table 13104D Footnote 7 Removal). Ms. Vonblum thanked the

community for inviting her and for their participation. She acknowledged the name change from Encanto to CVCPG. In 2015 when the Community Plan was updated, property was zoned 1-4. She stated zoning is the implementation of a Community Plan. In a PowerPoint slide, Ms. Vonblum pointed out that all yellow areas on the map are single family density; the lighter yellow areas are lower density. The darker area is zoned 1-7. The 12th update of the City's 2019 plan included Footnote 7. Ms. Vonblum does not know how it appeared, and it does not appear that it went through the process that it should have. Subdivisions require a public hearing and must be consistent with the Community Plan. On Slide 8, Ms. Vonblum reviewed that "An affected city shall not enact changes to the general plan land use designation or zoning of a parcel or parcels ...unless the city concurrently changes other parcels within the jurisdiction to ensure that there is no net loss in residential capacity. " She stated that University City and Hillcrest/Uptown are considered high resource. On 12/1/24, the University City and Hillcrest/Uptown Community Plan Update rezones will take effect with increased density (50,000). Ms. Vonblum indicated that CVCPG could propose an ordinance that removes Footnote 7 and present it to the Planning Commission in December. The Land Use and Housing Committee can review it in January 2025, and City Council can hear it in February 2025.

CVCPG Chair Hetheru requested clarification if Ms. Vonblum's request is that CVCPG request the removal of Footnote 7 through this specific process or another process. Ms. Vonblum indicated that a Planning Commission recommendation is required. Chair Hetheru asked if there is another process, i.e., can the City Council agree to put it on its agenda and remove it? Ms. Vonblum stated this process is required because it is a change and thus required by the Government Code. Chair Hetheru also asked if the City ~~is required to will~~ process projects that were in place and if it is the position of the City that Footnote 7 is good law, ~~valid enough to have to depended upon other Government Code,~~ and ~~if it is~~ constitutional. Ms. Vonblum stated that ~~she has not asked for such an opinion~~ that any projects that were applied for before the footnote was repealed will, be entitled to proceed and rely upon it.

Rob Campbell, Vice Chair, stated that the community has been violated and we are offended that it is the City's position that this process must be followed when it can't even identify how Footnote 7 came into being- ~~that~~ the Planning Department has no answers as to how this occurred. Vice Chair Campbell requested clarification as to who provided this language. Ms. Vonblum stated she asked staff to reach out to ~~HUD HCD~~ and the State of California, but they have not yet formally had a response. The legal standard is that there is no net loss to density. Vice Chair Campbell responded that the City can't take one state law and use it to invalidate another state law, and further stated that Mayor Gloria can pause Footnote 7 by Executive Order. Michael Westmoreland stated that the only way to win is to file a lawsuit against the City. This would require funds, and the community might consider starting a Go Fund Me for this purpose. Leslie

Dudley expressed concern about dishonesty, stating that land for parks has been stolen. Marry Young thanked the community for its support, that it should be proud of what has been achieved, and she lives here by choice. She is unclear why something that is inappropriate and illegal should result in the community having to wait for Footnote 7 to be removed. Ms. Vonblum admitted that Footnote 7 should not be there and stated that just because something is wrong doesn't mean it is ~~unconstitutional~~ illegal. Sheila Minick stated her concern as a taxpayer that the City is liable for knowingly following policy that is illegal and discriminatory.

Public comments:

- a. Kathy stated she has lived in Encanto since 1996. She has questions about how the City regulates building. For example, there are two triplexes on different sized lots, with larger lots toward Imperial Avenue, yet people can get permits to build houses on smaller lots. There is a property on Scimitar with two housing units being built. How can we ensure the City follows its own rules?
- b. Cesar Javier shared that he is a constant attendee at City Council meetings and there have been some good plans. He is unclear why the City Council can't just follow good plans in good faith.
- c. Peter thanked the Planning Department for speaking with us. He requested the Planning Department restate why it can't determine how Footnote 7 was inserted into the document given the paper trail, recordings, etc., and he would like to know when the City will be able to tell us. Ms. Vonblum stated she has been with the Department since 2018. Oftentimes when there is a code change like this, it is at the request of a property owner.
- d. One resident stated that an 85,000 SF lot just sold next door to her home in the community. She asked how many houses can legally be put on it and stated she has been trying to find out.
- e. Another resident equated Footnote 7 with waking up one day and deciding to run a red light, no matter what the harm to others. Either one is not okay.
- f. Kathleen McLeod asked how many projects have taken advantage of Footnote 7 and how many more will be approved while it is dragged out before correction? Ms. Vonblum indicated that this currently applies to the Klauber project and Radio Towers.
- g. Vicky Estrella expressed concern about not getting a straight answer when residents ask a direct question about discriminatory projects and stated that Footnote 7 should be removed now.
- h. One person stated they were at City Council 11/12/24 when Ms. Vonblum stated Footnote 7 would be removed by 12/31. Chair Hetheru shared that this was not exactly what was said, and it is the CVCPG's intent to take this to the Planning Commission before the end of the year. The Planning Commission has no scheduled meetings between now and the end of the year and it would have to schedule a

special meeting to address Footnote 7. However, the Mayor could bypass the Land Use Committee. Processes always have exceptions, and there are always ways to facilitate an exception. Transparency is a huge issue with this item and process, and members of the community **have reason to** believe the City will only delay the process to do whatever it wants in the interim. Footnote 7 should be **annulled nullified**; anything that was approved using Footnote 7 should cease. **It's not just about Footnote 7, and this is why direct action from the Mayor is being requested.**

- i. Evelyn Smith asked that Footnote 7 be removed immediately. She shared that Emerald Hills Neighborhood Council has requested the Mayor come to its meeting since he has been in office and have been told that the Mayor is too busy and it is not an organized group. This group has been meeting since she moved to San Diego in 1973. She also stated that the Mayor, the former District 4 Council Member, and the current District 4 Council Member should come to us to address our issues.
- j. A community member observed that the project before the City is a discretionary process, and we need a commitment that it will not grant any subdivisions that were in place.
- k. An online participant thanked the CVCPG for the impressive presentation at City Council and observed that the Council often relies on decisions of DSD. Footnote 7 should be removed immediately and any decisions based on it should be null and void.
- l. Michelle, an online participant, asked who is the developer that facilitated Footnote 7. Public records and an e-mail search have been reviewed, and there is not a public record regarding Footnote 7. It was suggested that a developer may have made the request verbally.

It was M/S/C (Andrea Hetheru, Michael Westmoreland) to request that the Executive Branch of our City (the Mayor's Office) declare that no project will be approved past, present, or future that relies on Footnote 7, and to further request that the Mayor issue an Executive Order to immediately nullify Footnote 7. The motion carried unanimously with no abstentions or objections.

7. Info Item: PRJ-1117467 – 6052 Wunderlin Ave – Melina Rissone Presenting. Application has been filed with the City of San Diego for a Process 4 (Discretionary) Conditional Use Permit proposing a 12-bed residential care facility at an existing one-story single dwelling unit located at 6052 Wunderlin Avenue. The 0.22-acre site is in the RS-1-6 Zone, Airport Land Use Compatibility Overlay Zone (San Diego International Airport), Airport Influence Area (San Diego International Airport—Review Area 2), Very High Fire Hazard Severity Zone, and Transit Priority Area within the Encanto Neighborhoods Community Plan Area. The proposal is for a 24-hour residential care facility for the elderly (RCFE). Melina stated she moved to San Diego 24 years ago and has lived in various areas, but none as long as Encanto. She stated that during the pandemic, she and her daughter purchased the property at Wunderlin and 60th Street north of Imperial Avenue, which

took three months. They have beautiful memories and developed a sense of community during the pandemic. When her daughter began attending another school the commute became problematic, so they moved. Melina shared that she has given a lot of thought to how to add to the community and hopes to build a residential care facility to serve the elderly. She stated that every day in the US, 10,000 people turn 65 and need support in their daily lives. Melina invited Terry Short, a land use expert, to discuss the proposal. It is currently a 6-bedroom house, built in 1949. They have plans to remodel and expand it to be a 12-bed facility. It was M/S/C (Andrea Hetheru, Sheila Minick) to move this item to the AFFH Subcommittee. There were no abstentions or objections and the motion passed unanimously. The first committee meeting is pending, and information will be placed on the website. Sheila asked about licensing and funding. Melina was not able to respond to the question about licensing but stated that PACE will be funding. Sheila observed that residents will be reliant on public benefits and lower income. Melina will be notified when the AFFH subcommittee meeting will occur, and there will be a second hearing.

8. Non-Agenda Communication from the Public: Members of the public may raise matters not on the agenda but are within the scope of matters reasonably related to the well-being of the Chollas Valley Community Planning area. Community planning group members may respond by asking a question to clarify and may schedule the item for a future agenda. *However, no discussion, debate, or action may take place on such items (Brown Act section 59454.2).* There was no non-agenda communication from the public.
9. INFO Items: Staff Reports: There were no staff reports.
10. Info Item – Special Meeting December 9, 2024, 6:00 PM at Malcolm X/Valencia Park Library. Hearing to investigate and deliberate on report of alleged violation of Article 3.3.2 of CVCPG Terms and Conditions/Operating Procedures by a CVCPG member. This member has been duly noticed and has acknowledged receipt but is not named on this agenda. (Regular CVCPG meeting will take place on Monday, December 16 at 6:30 PM at KIPP Adelante Preparatory Academy.) There will probably be other agenda items as well.

Unfinished business shall be tabled and placed on the agenda for a following meeting.

Meeting adjournment. M/S/C (Andrea Hetheru, Sheila Minick) to adjourn the meeting. There were no abstentions or objections. All approved, and the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Sheila Minick

Sheila Minick

Chollas Valley Community Planning Group Meeting Minutes

November 18, 2024

Page 8

Recording Secretary