

1. Roll Call, Confirmation of Quorum, Call to Order. Andrea Hetheru, Chair, welcomed those present and called the meeting to order at 6:30 p.m. A quorum was established. In-Person: Andrea Hetheru, Sheila Minick, Dorothy James, Marry Young, Khalada Salaam-Alaji, Brian Matthews, Jacinta Hinojosa. Zoom: Michael Westmoreland, Rob Campbell, Vinetia Jones, Leslie Dudley, and Everett Crudup.

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 (Marry Young, Dorothy James) to approve the agenda as submitted. Sheila Minick proposed an amendment to Item 4d to reflect the meeting date of February 24, 2025 due to the Presidents Day Holiday. The amendment was accepted. There were no abstentions or objections. All were in favor of approving the agenda as amended and the motion carried.
3. 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).*
 - a. Purita Javier, supplemented by Cesar Javier, read a statement regarding the fact that she and Cesar are still waiting follow-up regarding June correspondence submitted related to toxicity from the ceramics kiln and the ceramics business license. Studies from the CDC indicate that chemicals, including metals, silica, wood, dust, and fuel, are toxic and contribute to air pollution, which impacts everyone's health, safety, and welfare.
 - b. Sandra Dryden, Power Up With Youth (powerupsd.org), shared that the group walked near the post office and noticed that there is a trail that needs to be cleaned and repaired. She does not know where to start to initiate this process and would like to get on the agenda for a future meeting. She would like for this project to be real and sustainable. Power Up With Youth is partnering with Groundworks, SDOP, and Henry Foster's office. Sandra was directed to the CVCPG website for information about how to have an item placed on the agenda.

- c. Marry Young thanked the leadership of CVCPG and stated she is inspired and impressed by what has been happening. Sheila Minick was recognized for taking minutes. Vinetia Jones was thanked for always doing the right thing and getting correspondence through. Once CVCPG makes a decision about what needs to be done, nothing can stop her. Andrea Hetheru and Rob Campbell were thanked for their courage, creativity and conviction. They have inspired everyone in the group and the community to work for the community and as a group to move forward. Andrea Hetheru thanked Marry Young for being an ombudsperson, the glue that holds the group together.
- d. Becky Rapp: Becky reported on the LA Times California cannabis and pesticides article, which seems to be recurring, and observed the State has not figured out how to monitor this to safeguard the public. The LA Times article reflected that half of cannabis products contain chemicals and pesticides that have no public safety monitoring procedure. It is crucial that before items are sold to the public, they should be subject to rigorous and consistent standards. She is requesting CVCPG to request from the City better oversight and an independent study of products sold in San Diego. Andrea Hetheru requested Becky submit to CVCPG a request in writing via the CVCPG e-mail address.

4. Chair's Report:

- a. Info Item: Hearing on Removal of Footnote 7 on 1/28/2025: An amendment to section 131.0431 development regulations table 131-04D related to RS-1-2 zones in the Encanto (Chollas Valley) Neighborhoods and Southeastern San Diego community planning areas. Andrea Hetheru, Chair, referenced the Notice of Public Hearing, reflecting that this is the final meeting regarding Footnote 7, hopefully without CVCPG having to go to court. The City Council will hear City administration and public comment regarding what the community would like to be done. The Chair noted that it took only four months from the date of discovery to being on the verge of repeal. She reviewed that the City first indicated it would be resolved when planning revisions were made. Next, the Director of Planning was sent to tell the CVCPG what it needed to do to have the change made. The Chair does not ~~feel~~ believe that that the CVCPG has been afforded the due process. The CVCPG was denied the appropriate amount of time to present to the City Council our request for appeal, despite CVCPG's discovery and action being the reason the problem was identified. In relation to the hearing, the Chair will need at least 11 people present to cede their time to her to present the CVCPG statement. The City agrees that Footnote 7 should be removed, but indicated the two projects that were approved while it was in place should go through. The City Attorney weighed in including case citations. Rob Campbell,

Vice Chair, has a work commitment and will present a one-minute statement online.

Chair Hetheru read a letter written by Dr. John Warren, Publisher of the Voice and Viewpoint, which was submitted via e-mail to City Council Members. Dr. Warren was present and stated he has staff working on the issue. He has a copy of the City Attorney's proclamation, and the Voice and Viewpoint will include an editorial on it in tomorrow's issue. Dr. Warren shared that he has been out of law school for more than 40 years and observed there are two professions that are referred to as practices: law and medicine. Dr. Warren does not believe CVCPG has been given due diligence related to Footnote 7 and housing without adequate study. He believes the current practice will result in the community becoming a ghetto. Dr. Warren stated that the question asked is if Footnote 7 is illegal and unconstitutional. Dr. Warren believes they asked the wrong question. He questioned how it is fair to people in the rest of the city to have lots of 20,000 square feet but those in this community can have only 5,000 square feet lots. When this issue came up, Mayor Gloria, Monica Montgomery-Steppe, and Henry Foster all signed off on it. What is significant now is that there is a movement to repeal Footnote 7, and there needs to be a remedy. The remedy is stopping the proposed construction of the Klauber Project and Radio Towers projects. Dr. Warren believes it is the City's hope that residents protesting the projects will go away. He stated that the entire City Council needs to vote to rescind the approval of the construction in spite of the fact that it may be sued by the developers. He also mentioned that sometimes the community needs to remind the City Attorney that this position is elected by the people, separate from representing the City Council.

Dr. Warren has a dissenting opinion from the City Attorney, and he read his editorial into record. He stated that the equal protection clause is in question by how the issue affects two or more groups in an unequal manner. He urged the community to continue to fight and not accept the City Attorney's statement. While the laws cited are true, inequality is a factor, and the only way to make the community whole is to revoke the rule. Five members of the City Council can vote to repeal. Dr. Warren stated he will continue writing and talking about the issue.

Dorene Dias-Pesta reminded participants that Footnote 7, aside from being discriminatory, is also designating the community as transit priority. The community really needs other Council Members to see some of the sites so they can realize the issues. Dorene also expressed concern that Council Member Foster released \$800,000 to Council District 7 for the habitat acquisition fund. This community has two parks that have been taken away.

Another resident thanked the CVCPG and others for making people aware that our community is being targeted. Many live on beautiful country-like roads; they encouraged those present to come to the hearing and bring friends and family.

Kathleen Lippitt applauded the CVCPG for all its efforts and the City for acknowledging and changing the law moving forward. She stated it is wrong for the City to fail to reduce the project approvals in accordance with policies in place prior to Footnote 7. She indicated these are not separate issues, and the City can't do one without the other. Footnote 7 has been shown that it needs to be removed, and two groups can't be treated unequally. Kathleen plans to be present and cede her time at the hearing.

Rob Campbell shared that he will be listening online and as such has only one minute to speak. He was excited to observe the enthusiasm and stated if the City doesn't retroactively remove Footnote 7, there will be a legal fight.

- b. Info Item: Status of Retention of Attorney for representation on Footnote 7 and any projects reliant on it. The Chair shared that she and Vice Chair have been talking informally with attorneys but have not yet ~~retained someone~~ been able to recommend retaining anyone. The attorneys have weighed in on some items, but none wish to be named at this time.
- c. Info Item: Two CVCPG Capital Infrastructure Projects (CIP) as submitted for 2024-25 submitted by Groundwork to city departments who own/manage the applicable assets. Petition for each will be placed on our website.
 - i. Chair Hetheru reported on Flood Park at Castana & 47th Streets. In July, the CVCPG voted to move forward with CIP projects from the previous year. There were 54 projects. Groundwork felt they could help with some in the CVCPG, Southeastern and Eastern Planning Group areas as CIP projects are important to what they are doing. CIP are large scale investments the City makes, and Groundwork usually tries to identify 2-4 projects that can be moved forward. Groundwork submitted a letter that identified two of the 54 projects on our list. Groundwork would like to make a form to put on the CVCPG website to get more support from the community. It has started doing this with the Southeastern Planning Group and has had more than 100 people sign on for support. The Asset Management Department of the City is going through the budgeting process. In response to a query about how Groundwork was informed about what people wanted to work on, Chair Hetheru shared that this was added as an agenda Info Item since the CIP list was already

approved and moved forward by CVCPG. The Chair was open to receiving a motion to make this an Action Item vs. Info Item; however, no motion was received, and the projects will move forward.

- ii. Stormwater system improvements on Imperial Avenue between Escuela & 47th Streets. This discussion was incorporated into Item 4 c.i.
- d. Info Item: Effective after the adjournment of this meeting, suspension of remote participation in meetings via Zoom unless and until equipment is secured that is adequate for compliance with the Brown Act pursuant to Government Code Section 54953. Expected to be in place by the February 17 24, 2025 (as amended in Agenda Item 2.) regular general meeting funded by Groundwork San Diego. We want people to participate but we have received ongoing feedback that people online can't hear. Groundwork has agreed to give us an Owl that has a bigger range that can accommodate a larger group.

5. Vice Chair's Report

- a. Info Item: Report on Affirmatively Furthering Fair Housing (AFFH) Ad Hoc Committee. Rob Campbell reported that the committee has met twice and will be assessing progress against the City plan, general development plan, and AFFH. The group will make recommendations internally and create a document of grade (A-F) as to if a project conforms to the criteria and if not, why not. The next meeting will be 2/4/25 at 5:30 p.m. at the Malcolm X Library. Two members have not yet attended and may need to be replaced. If anyone is interested, they were requested to contact Rob. Rob shared that the request for a CUP change at 6052 Wunderlin from a family home to a 14-bed residential care facility for the elderly will be discussed at the next meeting. Those who are interested are encouraged to come to the next meeting. Sheila Minick requested that AMI information be added to the rubric. Michael Westmoreland recommended that suggestions for and questions about the rubric should be sent to he and Rob.

6. Info Item: Najar's Engineering presenting on behalf of Diocese of San Diego – Proposal amendment to the Encanto (Chollas Valley) Community Plan to add polity allowing cemetery uses through a Conditional Use Permit (CUP). Expanding, without rezoning, the current 40-acre Holy Cross Cemetery encompassing 44th Street, 46th Street, and Hilltop Drive to adjacent properties currently owned by the Diocese.

Najar Engineering, representing the Diocese, is proposing an amendment that expands the cemetery. A PowerPoint presentation was displayed. The diocese owns the property, a vacant lot at the corner of 44th Street and Hilltop Drive. The project will technically contribute to the community's open space and consists of 11 rows of tombstone and 11 rows of flatstone. Each plot will be a double layer crypt for a

total of 3520 proposed burial spaces. Brian Matthews asked if the property is a cul-de-sac. The presenter stated there is a road, but it is primarily for maintenance vehicles and bringing in equipment for digging gravesites, etc. Martha Abraham observed it is currently a vacant lot. Cesar Javier stated he looks forward to seeing the Diocese move forward on the vision of this kind. A participant asked why the Diocese needs permission if it already owns the land. Najar Engineering stated that it is seeking a CUP, which is a requirement of the City. It is a Community Plan Amendment, per City of San Diego, and is necessary in order to process the CUP. Dorene Dias-Pesta asked what section, page, etc. in the Community Plan Amendment is being requested for amendment; the specific answer was not responded to. Erik Becerra suggested partnering with a Catholic Group that plants trees in remembrance to plant trees and have the area open to the public. Andrea Hetheru stated that this item was brought forward as an Agenda Info Item and will be added as an Agenda Action Item after 30 days.

7. Info Item: PRJ-1123421/Process 5 – Craig Howard and of DBRDS Design and Wat Lao Buddhist team presenting. Requesting deviations:
 - a. Height increase from zoning code limit of 30' max to 45'6" on 44th Street property in order to accommodate dramatic curved roof trusses held to be typical of Buddhist temple designs.
 - a. Re-routing a city-owned drainage easement around the proposed location of new temple. (It was noted that the easement currently curves where the new temple goes. They have been working with the City to route it straight down and around. City has signed off on this.)

Craig Howard shared the Wat Lao Buddharam SD Buddha Simma Shouchitto Power Point. He shared that Buddhist temples include high pitched roofs that point up to the sky and are prominent to temples. The Buddhist Temple owns the entire property, and the existing temple will remain for auxiliary purposes. The new temple will replace a small structure that is used for events and classrooms and is adjacent to Highway 805.

Martha Abraham asked how the people in the neighborhood feel about the expansion and if they have presented it to the neighborhood council. Craig Howard reported it has not been presented to a neighborhood council, but they will be talking to neighbors. Sheila Minick asked if there is an elevator for ADA access as the external structure reflects only stairs. It was clarified that there is an elevator inside the building. Brian Matthews is a resident of the area and stated that the temple has been a great neighbor. He is curious about the acreage due to the noise level. He also mentioned that the streets are small and narrow, and a school is under construction; traffic will need to be addressed. Michael Westmoreland lives nearby

and stated he doesn't believe there is a neighborhood council. Andrea Hetheru stated if there was an active and engaged neighborhood council, CVCPG would likely be aware. She expressed a need to engage the neighbors and invite them into the discussion. There was a question about the storm drain re-routing as it appears near Highway 805. Craig stated the angles of the storm drain are being changed and it will exit out the existing place.

Rob Campbell observed that this request is a Process 5, with a variance for height and re-routing the storm drain. He asked how many residents are within 300 feet of the project. Craig stated that a package went out to residents within 300 feet. He stated that they gave the City a list of names, addresses, and contact information and the City is supposed to notify them. Also, there are signs on the property. Rob Campbell stated it is the project's responsibility to notify people. He is concerned about the lack of public notice and would like clarification about how individual public notices are made. Rob also asked for clarity of the benefit to the public at large. A representative of the Temple shared that it is a religious temple, which also serves as a gathering place and community center. There are youth and senior programs, food drives, etc., and everyone is welcome to attend the temple. He further shared that it does increase the property values and will be a tourist destination as it will be the first Lao temple in the United States. It has taken 45 years and they have encountered many struggles to reach the point where the temple can be built. Rob acknowledged the history, but he noted it doesn't waive the height issue. In regard to being a community site, Rob suggested exploring an historical designation. The temple representative shared that they had previously met with Monica Montgomery-Steppe in regard to this issue and it is being pursued. Jacinta Hinojosa shared that she lives nearby. The temple is beautiful and has been welcoming of the community. She encouraged the temple to reach out directly to the neighbors to inform them. Andrea Hetheru indicated that the group will need to return in 30-60 days for action after CVCPG AFFH committee had made a recommendation.

8. Action Item: Neighbors for Encanto presenting on the pressing issues in connection with Bonus ADU projects in the Encanto neighborhood and Chollas Valley generally.
 - a. Letter to city officials requesting a halt to issuance of permits for Bonus ADU projects until it can be reconciled with Affirmatively Furthering Fair Housing (AFFH) law, state environmental law, and Due Process of law.

Chair, Andrea Hetheru, indicated that Footnote 7 is the storm and ADUs are the tidal wave, and she introduced Neighbors for Encanto. Becca Batista and Erik Becerra spoke on behalf of Neighbors for Encanto. Becca stated that developers are purchasing homes in the community, particularly from elderly residents, then

building ADUs. These projects are not up for community review and there is no environmental review. There has been a 2000% increase in our community, and it is not sustainable. The flooding and fire risks in the community are not addressed. There are no parking requirements. Becca indicated those responsible are hiding, and we need to talk about who has allowed this. We need to know what companies are coming into our neighborhoods. Rob Campbell stated that effectively the City implemented sustainable development areas after the Bonus ADU program. It is the same area affected by Footnote 7. There is no parking is due to “proximity” to transit. Homes are being purchased by developers, not individuals, and not for home-ownership opportunities. There are multiple properties with more than 30 units. Becca indicated there is also a petition going around for signature, but they are not sure who to talk to, who to approach, etc. There are ADUs on Winnett, Radio Drive, and Federal Boulevard with limited ingress and egress, and people can’t get to the freeway.

Kenny Key asked if there is data from the City that might address how much the City is losing on DIF, infrastructure, etc. He stated the community needs the information to put a cap on things. Rob Campbell made a motion to send a letter to all City Council Members and Mayor demanding executive order to protect the City’s duty to Affirmatively Further Fair Housing and comply with the Americans With Disability Act of 1990 (AD): (a) Immediate halt of any accessory dwelling unit (ADU) permit utilizing the San Diego Bonus ADU program; (b) Immediate halt of any reliance on the Sustainable Development Area (SDA) boundaries for Bonus ADUs; (c) The City has a duty to AFFH and comply with the ADA. The CVCPG demands the City Attorney immediately pause the Bonus ADU program and SDA and review for compliance against the duty to AFFH and compliance with ADA. Brian Matthews seconded the motion. Andrea Hetheru referenced a letter from Assembly Member Dr. LaShae Sharp-Collins that is being submitted at the hearing tomorrow to support removal of Footnote 7. State officials are coming to CVCPG and are monitoring these issues. They are aware that they can lean on City officials as much as state legislation allows and that it will have an impact on the City. Michael Westmoreland made a friendly amendment to the motion to include Governor Newsom in the letter, which Rob and Brian accepted. Rob made a further friendly amendment to include State Senators and Assembly Members, which was accepted by Brian. Andrea proposed a friendly amendment to delete the reference to City Attorney and replace it with State and City officials, but there was no second to this motion. Dorene Dias-Pesta and Michael Westmoreland suggested it should be sent to all City Planning Groups, the CPC, and 18 Town Council Groups in District 4. No action was taken on the recommendations. Brian Matthews and Sheila Minick called the question. There were no abstentions or objections. All approved, and the motion passed with friendly amendments by Michael Westmoreland and Rob Campbells.

9. Info Item: Matthew Gordon, 79th Assembly District Director, Office of Assemblymember Dr. LaShae Sharp-Collins.
 - a. Introduction to Mr. Gordon and his role related to CVCPG matters
 - b. Possible official statement of Assemblymember Sharp-Collins on Chollas Valley CPG stance on the disposition of Footnote 7 (section 131.0431 development regulations table 131-04D).

Matthew Gordon was introduced, and he indicated that he was previously with the Blue Heart Foundation, which he took over after the untimely death of Tracy Morris. He shared that he and his family live near the 62nd Street Trolley Station, and CVCPG is his home planning group. Matthew read the previously referenced letter from Dr. Sharp-Collins, which was displayed onscreen and has been submitted to Chair Hetheru. Matthew will be at the Council hearing tomorrow to read the letter from Dr. Sharp-Collins. He shared his intent to attend CVCPG meetings quarterly and will provide legislative updates as needed. Cesar Javier spoke about the concern regarding air pollution from the ceramics business. Martha Abraham suggested Matthew take a tour of what is going on in Encanto in relation to Footnote 7 and bonus ADUs. He stated he is not opposed to touring, particularly with regard to the ADU issue. The Assembly Member's Office has received some comments regarding what is happening with ADUs. They can also help with other state-related constituent issues, legislation, and suggestions for state laws. Matthew stated that anything local that pertains to land use should be addressed with the City. Martha encouraged Matthew and Dr. Sharp-Collins to see the impact of the decisions and stated they can influence the Mayor and Council Members. In regard to the letter from Dr. Sharp-Collins, Martha asked about why it didn't address the two projects related to Footnote 7, and Matthew Gordon stated they cannot weigh in on a potential legal matter. Susan Baldwin expressed concern about potential pending legislation to replicate San Diego's Bonus ADU program throughout the state.

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

Meeting adjournment. It was M/S/C (Sheila Minick, Dorothy James) to adjourn the meeting. There were no abstentions or objections, and all approved. The meeting adjourned at 8:47 p.m.

NEXT CVCPG General Meeting: February 24, 2025, 6:30 p.m. at KIPP Adelante Preparatory Academy, 426 Euclid Ave., San Diego, CA 92114.

Respectfully submitted,

Sheila Minick

Sheila Minick
Recording Secretary