The City of San Diego

Staff Report

DATE ISSUED: November 15, 2019

TO: City Council

FROM: Council District 7

SUBJECT: Recommend Revisions to Council Policy 600-24 Regarding Community Planning Groups

Primary Contact: Barrett Tetlow

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Council District(s): Citywide

OVERVIEW:

The Land Use and Housing Committee recommends that the City Council make revisions to Council Policy 600-24. In April of this year, the Land Use and Housing Committee heard the Performance Audit on April 10, 2019. The Land Use and Housing Committee (LUH) voted (4-0) to recommend that City Council form an eleven-member citizens committee. Councilmember Sherman created an eleven-member task force after LUH vote to review and compile recommendations for revisions to Council Policy 600-24.

The Taskforce consisted of eleven members with the following backgrounds: three representative of the Community Planners Committee (Dike Anyiwo, Barry Schultz, Albert Valasquez), two representatives of small businesses (Carla Farley, Angela Landsberg), a current or past member of the Planning Commission (Vicky Granowitz), a current or past employee of the Department Services Department or Planning Department (Dan Normandin), a member of a Mass Transit/Mobility advocacy organization (Maya Rosa), a member of the Building Industry Association (Matt Adams), a member of an Environment/Climate Change advocacy organization (Matthew Vasilakis), and an Urban Infill developer (Rammy Cortez).

The purpose of the Taskforce was to find recommendations that are supported by diverse stakeholders in land use and transportation issues. The Taskforce on Community Planning Group Reform convened to review existing recommendations that were proposed in the City Audit (attached), the Grand Jury report (attached), and the Democracy in Planning report (attached) produced by Circulate San Diego. The Taskforce also considered additional recommendations proposed by its members.

The Taskforce review the Grand Jury Report, City Auditor's Report, Circulate San Diego's memo about Community Planning Group (CPG) structure, and other relevant information. These documents in recent years have highlighted the need for necessary reforms to Council Policy 600-24 so that CPGs can be strengthened and empowered.

The referenced Grand Jury Report includes fourteen findings and five recommendations that are directed to the Mayor. The proposed findings and recommendations are included in the backup materials. The Mayor's response to the Grand Jury was issued on October 10, 2018. The responses disagree with one finding, partially disagree with six findings and agree with five findings.
The referenced City Auditor’s Report found that the City is providing limited oversight, guidance, and training of CPGs, which may be contributing to their lack of transparency, inconsistent records retention, and potential non-compliance with Council Policy 600-24 and the Brown Act. It found that a lack of oversight of their development review process has made it difficult to analyze their performance and influence. In addition, they concluded that data is insufficient to determine whether the CPGs’ review of projects caused delays in the process. The City Auditor’s Report made five recommendations, two of which are for the Planning Department’s proposed updates to Council Policy 600-24.

The referenced report by Circulate San Diego found that community planning should not be an exercise in excluding new homes, or preventing new transportation improvements. Instead, public participation should help develop policies to benefit everyone, not just those who have longstanding influence. There are many ways that CPGs can better meet the needs of the public and the challenges of moving San Diego forward. Amendments to Council Policy 600-24 can ensure that CPG elections are open and fair. Agenda reform can ensure that interested community members can participate in decisions that impact their lives, without having to sit through endless meetings and reports. Changes to term limits and continuing education requirements can ensure that new CPG members have an opportunity to serve as informed citizen planners. Wider and more diverse participation will ensure that our land use and transportation planning reflect the needs of the entire community.

The Taskforce presented the consolidated recommendations to the Community Planners Committee (CPC) for a vote on October 28, 2019. CPC voted to: support seven recommendations, support five recommendations with minor modifications, and reject one recommendation. During the month of November, most CPG discussed the Taskforce’s recommendations at their monthly meetings. Taskforce members presented the draft report to 16 community planning groups between CPC meetings to better engage members and solicit feedback. On November 26, 2019, CPC met again to discuss the taskforce recommendations. In total, CPC voted to support ten recommendations, support with minor modifications 18 recommendations and rejected five recommendations.

PROPOSED ACTIONS:
The Land Use and Housing Committee recommends that the Council support the Taskforce recommendations and direct staff to draft revisions to Council Policy 600-24.

DISCUSSION OF ITEM:
The Taskforce reviewed the Grand Jury Report, City Auditor’s Report, Circulate San Diego’s report about CPG structure, and other relevant information. To make clear the source of the recommendations, the Taskforce intentionally voted on each individual recommendation, sometimes with modifications, instead of consolidating or writing new recommendations from scratch. The findings and recommendations were supported by a majority of Taskforce members. The Grand Jury report included a number of findings. The Taskforce voted on the findings as well as the recommendations, and those findings are included in the reference draft report. The recommendations are broken down into major categories and numbered for ease of reference. Recommendations that were not supported by the Taskforce were not included except for two that were tie votes (located in the draft report. (attached)

Taskforce Recommendations:

Conduct of Meetings
1) Ensuring that Community Planning Group (CPG) rosters, annual reports, and meeting minutes contain all the required elements as described in Council Policy 600-24 through proactive monitoring of those documents. (A recommendation from the City Audit).

2) Establishing a 72-hour due date for receipt of CPG formal action recommendations to the Development Services Department Project Managers. (A recommendation from the City Audit with minor modifications by the taskforce).
3) Developing a formal mechanism for recording and posting CPG project review recommendations, either using a revised annual report that includes all project recommendations or using the Bulletin 620 Distribution Forum revised to include the number of times the applicant presented to the group per project and any major conditions to the project proposed by the group. The reporting mechanism should be uniform and mandatory for all CPGs. *(A recommendation from the City Audit with minor modifications by the taskforce).*

4) Identifying deadlines for CPGs to provide the Planning Department with rosters, minutes, and annual reports, so that the Planning Department can post them online to ensure this information is available to the public in a centralized location *(A recommendation from the City Audit).*

5) Including election results in the record retention requirements. *(A recommendation from the City Audit).*

6) Making member applications mandatory, subject to record retention requirements, and submitted to the City Clerk. *(A recommendation from the City Audit with minor modifications by the taskforce.)*

7) Require that CPGs determine a maximum duration for meetings, with the ability to extend the time by a majority vote of the CPG. *(A recommendation from Democracy in Planning).*

8) The Planning Department should coordinate with the Development Services Department to communicate a consistent message to project applicants of the role of CPGs in the project review process. *(A recommendation from the City Audit).*

**Development Process**

9) CPG meetings, when discretionary land use items are on the agenda, must be taped (either video or audio). *(A recommendation by the taskforce).*

10) For a development project that requires an Environmental Impact Report (EIR), the CPG must submit their recommendations before the public review period closes. If a CPG doesn't provide recommendations during the public review period their recommendations will not be considered for the project. *(A recommendation by the taskforce).*

11) Prioritize action items that inform City decision making in the order of the agenda. *(A recommendation from Democracy in Planning).*

12) We determine that members of the Planning Department staff should attend when a discretionary land use item is before the CPG. *(A recommendation by the Grand Jury with major modifications by the taskforce.)*

**Elections**

13) Candidates should not be required to have attended more than one meeting in the past 12 months to be eligible to join a CPG board. *(A recommendation from Democracy in Planning)*

14) Community members should not be required to have attended previous CPG meetings to be eligible to vote. *(A recommendation from Democracy in Planning)*

15) Define CPG resident representation as renters or homeowners *(A recommendation from the City Audit with major modifications by the taskforce).*

16) In-person voting should be available for at least two hours and should run at least two hours after the stated time of a CPGs regularly scheduled meeting if voting can run concurrently with the meeting. *(A recommendation from Democracy in Planning with minor modifications by the taskforce)*
17) Make explicit that CPGs are allowed to use social media. *(A recommendation from Democracy in Planning)*

18) The City shall develop and implement a robust outreach plan to publicize CGP elections. *(A recommendation by the taskforce)*.

**Membership**

19) Community Planning Groups that are unable to meet CP 600-24 quorum and attendance requirements should be considered for disbandment or consolidation with a neighboring CPG. *(A recommendation by the Grand Jury with major modifications by the taskforce)*.

20) Gather relevant demographic data of CPG board members in an audit immediately and require new CPG board members to complete a demographic survey at every election or time of appointment. The survey should include: Age, Business Owner or Property Owner, Ethnicity, Gender, Length of Residence, Neighborhood, Professional Background, Race, Religion, Renter or Owner, Years of Service on CPGs. *(A recommendation from Democracy in Planning with major modifications by the taskforce)*.

21) Require a termed-out board member to wait two years until they can run for their CPG again without exceptions. *(A recommendation from Democracy in Planning)*.

22) The Planning Department should develop methods and provide resources to improve recruiting that could result in more diverse CPG membership. *(A recommendation by the Grand Jury)*

**Training**

23) All CPG members should be required to complete the eCOW or COW training annually each time they are reelected or reappointed. *(A recommendation by the Grand Jury with minor modifications by the taskforce)*.

24) Provide required ongoing education for decision-making processes and planning. *(A recommendation from Democracy in Planning)*

25) Requiring annual training for all CPG members, not just new members.

   The COW will include:
   - A mandatory Brown Act training for all members.
   - A separate advanced curriculum for returning members
   There should be specific training at the COW and/or offered during the year which might include:
   - For Chairs and Vice-Chairs of CPG’s and any CPG subcommittee/Ad Hoc Committee.
   - Advanced training in the Development Review Process specific to CPG responsibilities and limits.
   - CEQA review training.
   - An interactive component where new members can learn from experienced CPG members.

   *(A recommendation from the City Audit with major modifications by the taskforce)*.

26) The Planning Department, in conjunction with relevant City departments, should provide a comprehensive training program that includes:

   1) Mandatory training segment focused entirely on project development reviews

   2) Sessions for CPG members and the public to increase understanding of the review process and roles and responsibilities.

   *(A recommendation from the City Audit with minor modifications by the taskforce)*.
Oversight
27) CPG members must file statements of economic interest, per the Political Reform Act. (A recommendation from the taskforce).

28) Direct the San Diego City Planning Department staff to closely monitor CPG actions and provide timely guidance to preclude requests for inappropriate project additions or modifications. (A recommendation by the Grand Jury with minor modifications by the taskforce).

29) If a CPG violates the Brown Act then the CPG will be referred to the City Attorney’s Office for disciplinary review. (A recommendation from the taskforce).

30) Revise the bylaws shell in 600-24. (A recommendation from Democracy in Planning).

31) The annual report should be a standardized electronic fill-in template with expanded components for the annual report, a member summary would include: number of members and member categories (i.e. homeowners, renters, property owners, and business representatives), turnover, mid-term election (A recommendation from the City Audit with major modifications by the taskforce).

32) The City Auditor should conduct a review of CPGs every five years. (A recommendation from Democracy in Planning with minor modifications by the taskforce).

33) The Planning Department, in conjunction with the Development Services Department, should improve its documentation of CPG recommendations and post all CPG documents, including project review recommendations on the City website. (A recommendation from the City Audit).

Fiscal Considerations: N/A

City Strategic Plan Goal(s)/Objective(s):

Goal 2: Work in partnership with all of our communities to achieve safe and livable neighborhoods.

Goal 3; Create and sustain a resilient and economically prosperous City with opportunities in every community.

Environmental Impact: This activity is not a project pursuant to the California Environmental Quality Act

Equal Opportunity Contracting Information (if applicable): N/A

Previous Council and/or Committee Actions: N/A
The Audit Committee heard the Performance Audit on Community Planning Group on January 30th, 2019. The Audit Committee heard the City of San Diego Response to San Diego County Grand Jury Report Entitled "San Diego City Community Planning Groups" on January 30th. The Audit Committee voted 5-0 to accept the report and refer it to the Land Use and Housing Committee.

The Land Use and Housing Committee heard the Performance Audit on April 10, 2019. The Land Use and Housing Committee voted (4-0) to recommend that City Council form an eleven-member citizens committee.

Key Stakeholders and Community Outreach Efforts:
Taskforce members presented the recommendations at the Community Planners Committee on October 28th and November 26.
Taskforce members presented the recommendations to 17 Community Planning Groups during October and November.
Barrett Tetlow

Chief of Staff/Department Director