

SAN YSIDRO COMMUNITY PLANNING GROUP

NOTICE OF REGULAR MEETING

Location:

San Ysidro School District Education Center
4350 Otay Mesa Road [north of Beyer Blvd]
in San Ysidro, California

Monday, October 19, 2015 at 5:30 p.m.

Chairman: Michael Freedman (619) 690-3833

City Planner: Sara Osborn (619) 236-6368

Except for Public Comment, Items Appearing On This Agenda May Be Acted Upon
Without Further Notice as Allowed by the Brown Act [California Gov. Code, §54950 et.seq.]

1. **Call to Order, Introduction, and Roll Call**
2. **Consent Items**
 - a. **Approval of the Published Agenda**
 - b. **Approval of Minutes.** Regular Meeting of September 14, 2015
3. **Communications, Announcements and Special Orders**
 - a. **Chairman**
 1. Community Plan Update meeting on November 11 Willow School, 6 p.m.
 2. San Ysidro Land Port of Entry - Phase 2. Outreach and Resource Fair. *Outlets at the Border* in the "Connect Lounge", October 21 from 2:00 to 4:00. Parking near the "Coffee Bean" just off Virginia Avenue. Hosted by Hensel Phelps & SY Chamber.
 3. *Sin Limites* workshop to update Hall Avenue playground, Otay Mesa Road sidewalk, UCSD-Blum community projects. SY Civic Center 212 W. Park Ave.
 4. Hearts & Hands Annual Fundraiser. October 23 at 5:30 p.m. Tickets \$10. Call (619) 662-7592
 5. Dia de los Muertos, Nov 2, Civic Center 212 W. Park Ave (619) 428-1115
 6. Community Projects Celebration Dinner. Nov 5 at 6:00 p.m. Sponsored by Casa Familiar. Need RSVP (619) 428-1115
 7. Casa Familiar Annual Thanksgiving Dinner. Nov 19. Food donations and/or cash to purchase food to serve 1000+ neighbors. Server volunteers. (619) 428-1115
 8. San Ysidro Health Center - For new families or individuals who have no health insurance and others who need assistance with health insurance, Sophia Kavoulakos can help.
 9. Girl Scouts are doing a nut sale for delivery on Nov 7th. Be on the lookout.

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- b. **Board Members**

- c. **Elected Officials and Public Servants.**

- d. **Members of the Public**

4. **Public Comment on Matters Not on the Agenda**

This is the time when any person may address the SYCPG regarding matters which are not on this Agenda. Comments and inquiries must be related to the SYCPG purposes, described in City Council Policy 600-24. The Chair can limit comment to a set period of time per item, or per speaker. The "Brown Act", a State law, does not allow any discussion of, or action to be taken on, items not properly noticed.

5. **Docket Items:**

- a. **San Ysidro Community Plan Update - April 2015 draft** (Steve Otto)
(Continued from September 14, 2015)

NO VOTES WILL BE CONSIDERED ON THIS ITEM AT THIS MEETING.

The *Infrastructure & Public Improvements Subcommittee* report on analysis of the *Implementation* Element in the draft Plan. This is an opportunity for the public and boardmembers to comment on and make recommendations on that Element. All other Elements were reviewed in previous meetings. All results will be compiled and presented at a future *San Ysidro Community Plan Update Advisory Committee* meeting.

It will be helpful if comments are also provided in writing.

- b. **San Ysidro Community Plan Update - Zoning Program** (Chairman Freedman)
Appoint a subcommittee to review and make recommendations on the revised *Zone Descriptions for San Ysidro* and the associated *San Ysidro Rezoning* Map Sheet C-963 presented at the September 14, 2015 General Meeting. This update is to support the Land Use Element that will be processed concurrently with the Plan Update.

6. **Subcommittee Reports**

- a. Infrastructure and Public Improvements - (Otto)
- b. San Ysidro Community Plan Update Advisory Committee - (Freedman)

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7. Representative's Reports

- a. SY POE Expansion & Reconfiguration - (Aguirre)
- b. SY Smart Border Coalition – (Currie)
- c. Community Planners Committee – (Meza)
- d. Otay Mesa Planning Group - (Martinez)

8. Adjournment

SAN YSIDRO COMMUNITY PLANNING GROUP

ATTENDANCE RECORD

APRIL 2015 - MARCH 2016

	APR 2015	MAY 2015	JUN 2015	JUL 2015	AUG 2015	SEP 2015	OCT 2015	NOV 2015	DEC 2015	JAN 2016	FEB 2016	MAR 2016	MEETINGS MISSED
AGUIRRE	A	P	P	P	P	P							1
CASTANEDA					P	P							NONE
CHAVARIN	P	A	P	P	P	P							1
CORRALES	P	P	A	P	P								Vacated
CURRIE	P	A	P	P	P	P							1
FLORES	A	P	A	P	A	P							3
FREEDMAN	P	P	P	P	P	P							NONE
GONZALEZ	P	P	P	P	P	P							NONE
GOUDEAU	P	A	P	P	P	P							1
MARTINEZ	P	P	P	P	P	P							NONE
MEZA	P	P	A	P	P	P							1
MORAN	P	P	P	P	P	P							NONE
OTTO	P	P	P	P	P	A							1
PAREDES	P	A	A										Resigned
PEREZ	P	P	P	A	P	P							1
QASAWADISH	A	P	P	P	P	P							1
<p>SYCPG BYLAWS & CITY COUNCIL POLICY 600-24 REQUIRES THAT A SEAT <u>MUST</u> BE DECLARED VACATED WHEN THERE ARE:</p> <p style="margin-left: 40px;">3 <u>CONSECUTIVE</u> ABSENCES, OR; 4 <u>TOTAL</u> ABSENCES BETWEEN APRIL OF ONE YEAR THROUGH MARCH OF THE NEXT YEAR.</p>													

SAN YSIDRO COMMUNITY PLANNING GROUP

Minutes from September 14, 2015

1. **Call to order:** At 5:35 p.m. Chairman Michael Freedman called meeting to order.

Roll Call: Present: A. Aguirre; M. Chavarin; T. Currie; D. Flores (5:40 pm); M. Freedman; B. Gonzalez; J. Goudeau; A. Martinez; B. Meza; R. Moran; A. Perez; D. Qasawadish; F. Castaneda
Absent: S. Otto

Quorum of 12 present at Call to Order, Item #2a, 2.b

Quorum of 13 present at Item #5.a, 5.b & 5.c

Quorum of 12 present at Item #5.d & 5.e

2. **Consent Items –**

a. **A motion was made by R. Moran and seconded by A. Perez to approve the Consent Items (Agenda (9/14/15) & Minutes (8/17/15)). Motion Passed (12-0-0). Yes: M. Aguirre; F. Castaneda; M. Chavarin; T. Currie; M. Freedman; B. Gonzalez; J. Goudeau; A. Martinez; B. Meza; R. Moran; A. Perez; D. Qasawadish. No: None. Abstain: None.**

3. **Announcements:**

- a. **Chairman:**

1. Clarification: It was mistakenly reported at the last meeting that GSA was to provide design services for the SANDAG Wayfinding Grant for the POE. This is misleading. The City of San Diego's Planning Department was awarded a SGIP grant from SANDAG to improve wayfinding in the POE District in San Ysidro. Outreach to begin on this effort next Spring once the granting agreements are finalized. There will not be an RFP for this particular grant effort. The City of San Diego will implement the project through an innovative partnership supporting at-risk youth in the Urban Corps of San Diego County's workforce development program.
2. *Use and Occupancy Permit* for City-owned land at 360-399 East San Ysidro Blvd. to allow for parking. Public has until September 25th to object to City. There are some storm water issues to be resolved.

- b. **Board Members:**

1. D. Flores:
 - a. Distributed Calendar of Events for Casa Familiar
 - b. Monthly Safety Walk scheduled for the end of September.
 - c. *Sin Limites* workshop - Community Projects October 21st at 212 W. Park Ave. 5:30 pm.

- c. **Elected Officials and Public Servants:**

1. Gabriella Dominguez (District 8 Council Member Alvarez):
 - a. District 8 office hours 10 am to 12 pm on Thursday October 8th at Otay Nestor Library 3003 Coronado Ave.
 - b. Town Hall Meeting with Councilmember David Alvarez Thursday October 15th at San Ysidro Middle School 4345 Otay Mesa Rd, at 6 to 7:30 pm.
 - c. BIKESD - Bike to the Border starting at Border X Brewing 2181 Logan Ave., at 8 am. 35 mile fun ride.

2. Sara Osborn (City of San Diego):
 - a. *Creating Great Cities*, an evening with Gil Penalosa, Thursday October 8th from 6:30 until 9 pm at 330 Park Blvd., Downtown Central Library.
- d. **Members of the Public:**
 1. Marvin Carpenter, Businessperson – Distributed letter regarding his plan to stimulate attractive residential development. Suggests allowing 1 residential unit for each 1700 sf of lot area and "rollback" on building fees.
4. **Public Comment on Matters Not on the Agenda:** Chairman – A vacancy is declared in the seat held by Luciana Corrales, representing a not-for profit (*Circulate San Diego*), because they do not maintain a non-residential business address in San Ysidro. The notice will be announced in the October meeting agenda. Please let all possible interested persons aware of the vacancy.
5. **Docket Items:**
 - a. **Pacific Ridge SDP/TM/PDP;** (Aaron Parker, Applicant, Michael Kootchick, Architect) Site Development Permit for Environmentally Sensitive Lands, Tentative Map, and Planned Development Permit to construct 44 detached two-story residential condominium units on a vacant 4.35 acre (189,486 sf) site at 1975-1/3 Smythe Avenue, north of West Foothill Road. APN 638-060-03, 04, 41. Three bedrooms (1,385 sf) and four bedrooms (1,501 sf) units with attached two-car garages. Additional 31 parking spaces provided. SYIO RM-1-1 zone (1 d.u./3,000) proposed density is 1 d.u./4,307 sf which will satisfy SY Community Plan density recommendations. **A motion was made by A. Martinez and seconded by B. Gonzalez to recommend approval of the project as presented. Motion Passed 13-0-1 Yes: M. Aguirre; F. Castaneda; M. Chavarin; T. Currie; D. Flores; M. Freedman; B. Gonzalez; J. Goudeau; A. Martinez; B. Meza; R. Moran; A. Perez; D. Qasawadish. No: None. Abstain: None**
 - b. **City of San Diego Geographic Targeting Initiative** (Joe Whittaker & Sima Thakkar, Economic Development Department Staff) – As outlined in the City's 2015-2019 Consolidated Plan, the Geographic Targeting Initiative will be used to identify areas of high need related to the *Community Development Block Grant* Program and allocation process. An overview of the HUD Programs was given and a briefing of the GTI Summary of Findings. The six neighborhoods were Barrio Logan, City Heights, Encanto Neighborhoods, Linda Vista, San Ysidro, and Southeastern San Diego. In San Ysidro there were 16 focus community block groups, where 7 were 51% low-income, 5 were 51% low-moderate income, and 4 were ineligible. **Information Only.**
http://docs.sandiego.gov/councilcomm_agendas_attach/2015/psln_150729_3.pdf
 - c. **El Pueblito Viejo Village Specific Plan -** (Sara Osborn; City Staff, RRM Design Group Diane Bathgate and Kimbey-Horn Leo Espelet) A presentation of the purpose, objectives and opportunities of a Specific Plan within the El Pueblito Viejo village area was given. The Specific Plan will be a companion document to the Community Plan and an implementation tool that is intended to enhance the Village identity and improve the transit focus in the area. **Information Only.**

- d. **San Ysidro Community Plan Update Zoning Program** (Sara Osborn, City Staff) This item was a discussion of the draft Zoning Program which will be processed concurrently with the Community Plan Update. The proposed zone will support the Community Plan's draft land use map and also reflect the SYCPG's input provided through its subcommittee on August 19, 2013 and include additional changes identified through the Community Plan Update process. **Information Only.**
 - e. **San Ysidro Community Plan Update – April 2015 draft.**
CONTINUED TO OCTOBER 19, 2015 MEETING. (*Infrastructure and Public Improvements Subcommittee Report on the Implementation Element.*)
6. **Subcommittee Reports:** CONTINUED TO OCTOBER 19, 2015 MEETING
- a. Infrastructure & Public Improvements: (Otto)
 - b. San Ysidro Community Plan Update Advisory Committee: (Freedman)
7. **Representative's Reports:** CONTINUED TO OCTOBER 19, 2015 MEETING
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 - b. SY Smart Border Coalition: (Currie)
 - c. Community Planners Committee: (Meza)
 - d. Otay Mesa Planning Group: (Martinez)
8. **Adjournment** – Meeting Adjourned at 8:25 p.m.

Next Meeting October 19, 2015
Minutes submitted by J. Goudeau

**Summary of
Previously Conforming Use Regulations**
City of San Diego Municipal Code
March 2013

The following responses are intended to provide a general understanding of previously conforming regulations in the City of San Diego. **These regulations would apply to any properties that are rezoned as a result of proposed density reductions, or to properties affected by any changes proposed to development regulations as a result of the Uptown Community Plan Update.** Specific situations will vary based on a variety of factors and unique circumstances. The Regulations for Previously Conforming Premises and Uses are located in Chapter 12, Article 7, Division 1 of the Municipal Code and can be found on line at ([Chap 12 Art 07 Div 01, General Review Procedures for Previously Conforming Premises and Uses](#)).

What does previously conforming mean?

Previously conforming means the circumstance where a use, structure, or premises complied with all applicable state and local laws when it was first built or came into existence, but because of a subsequent change in zone or development regulations, is not in conformance with the current zone or all development regulations applicable to that zone.

- Use – A use (residences and businesses) can become previously conforming when a new zone is applied and it does not permit the current use, or the permitted uses of the existing zone are modified so that the existing use is no longer permitted.
- Structure – Buildings can become previously conforming when a new zone is applied or the regulations of the current zone change and make regulations for setbacks from property lines, height, maximum floor area (square feet) and other regulations more restrictive.
- Premises – The property (lot) can become previously conforming when a new zone is applied or the regulations of the current zone change and make regulations for lot size and dimensions more restrictive.

What will happen to a previously conforming *STRUCTURE* if new development regulations are applied with the new plan/zone?

A previously conforming structure can continue as it currently exists. No changes to the structure are required. The structure can be sold and continue as it currently exists.

Can a previously conforming *STRUCTURE* be maintained and repaired?

- A previously conforming structure can continue to be maintained, altered, and repaired as needed when the cost of the alteration and repair is *less than or equal to* 50% of the market value of the structure provided that
 - no more than 50% of the walls are removed to make the repair, and
 - any increase in size of the structure complies with all current development regulations.
- With a Neighborhood Development Permit a previously conforming structure can continue to be maintained, altered, and repaired as needed when the cost of the alteration and repair is *greater than* 50% of the market value of the structure provided that
 - no more than 50% of the walls are removed to make the repair, and
 - any increase in size of the structure complies with all current development regulations.

**Summary of
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Can a previously conforming *STRUCTURE* be rebuilt after a natural disaster?

- A previously conforming structure can be reconstructed following a natural disaster where the cost to reconstruct is *less than or equal to* 50% of the market value.
- With a Neighborhood Development Permit a previously conforming non residential structure can be reconstructed following a natural disaster where the cost to reconstruct is *greater than* 50% of the market value (prior to destruction).

Can a previously conforming *STRUCTURE* be expanded?

- A previously conforming structure can be expanded provided that the new construction complies with all current development regulations.
- With a Neighborhood Development Permit a previously conforming structure can request to expand where the new development *requests a reduced setback* of up to 20% of the new required setback provided that no more than 50% of the walls are removed.

What will happen to a previously conforming *USE* if new development regulations are applied with the new plan/zone?

A previously conforming use can continue as it currently exists. No changes to the use or structure are required. The use can be sold and continue as it currently exists.

Can a previously conforming use change or modify their *USE*?

- A previously conforming use can change to a use that is permitted at any time. However, once it changes to a permitted use it cannot change back to a previously conforming use.
- A change to another previously conforming use within the same use category is allowed provided that the change does not result in a required increase in off-street parking. An example would be if office use is no longer allowed an existing Business & Professional office could change to an office for a Medical, Dental & Health Practitioner provided that the parking requirements for the Medical, Dental & Health Practitioner office is not higher than the requirement for the Business & Professional office. The new business would also be previously conforming.

What happens if a previously conforming *USE* goes out of business? Can the same *USE* return to the location?

- A previously conforming use that has been discontinued, where no permitted use has been in operations since, may be reestablished if it is less than two years since the use was discontinued.
- With a Neighborhood Development Permit a business that was previously conforming but had been closed for *more than 2 years* can be re-established.

Summary of
Previously Conforming Use Regulations
City of San Diego Municipal Code
March 2013

Can changes be made to buildings containing a previously conforming *USE*?

- Previously conforming uses can continue to maintain, repair, or alter their structure as needed when the costs of the repairs are *less than or equal to 50%* of the market value of the structure provided that:
 - no more than 50% of the walls are removed to make the repair, and
 - there is no increase in the building size.
- With a Neighborhood Development Permit a previously conforming use can continue to maintain their structure and make repairs as needed when the cost of repairs are *greater than 50%* of the market value of the structure provided that there is no increase in the building size.

Can a previously conforming *USE* be re-established if its building needs to be rebuilt after a natural disaster?

- Previously conforming uses that are in structures destroyed by a natural disaster can reconstruct their structures and re-establish their use following a natural disaster when the cost to reconstruct is *less than or equal to 50%* of the market value.
- With a Neighborhood Development Permit previously conforming non residential structures containing a previously conforming use can be reconstructed and re-establish their use following a natural disaster where the cost to reconstruct is *greater than 50%* of the market value (prior to destruction).

Can a previously conforming *USE* be expanded?

- With a Neighborhood Use Permit a previously conforming use may *increase its floor area up to 20%* provided that the previously conforming uses are **not detrimental to the public health, safety, and welfare**. The following uses are considered to be detrimental:
 - industrial uses in residential zones
 - auto repair or dismantling uses in residential zones
 - any use in a zone that would require a conditional use permit

Are there new restrictions on hours of operation, parking and other code issues for previously conforming uses?

No, the regulations that pertained to the use when it was permitted continue to be applied.

Amortization Schedule for Non-Conforming Industrial Uses

A new zoning ordinance **may not compel immediate discontinuance** of what was otherwise a lawfully established use or business. A city can, however, provide a period of time to eliminate nonconforming uses. In general, courts have upheld local ordinances that provide for terminating a nonconforming use. Therefore, the City may provide for terminating the non-conforming uses over an amortization period that generally allow a reasonable period of time for the property owner to recover his or her investment. Staff does not anticipate proposing an amortization schedule when new regulations are developed. The goal of the density decrease is generally to have new development conform closer to existing neighborhood character or address other concerns rather than to abate existing non-conforming uses.