KEVIN L. FAULCONER
MAYOR

October 10, 2018

Honorable Peter C. Deddeh
Presiding Judge of the Superior Court
220 West Broadway
San Diego, CA 92101

RE: Grand Jury Report: "San Diego City Community Planning Groups"

Dear Judge Deddeh:

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the attached response to the findings and recommendations included in the above-referenced Grand Jury Report.

If you require additional information or have any questions, please do not hesitate to contact Jessica Lawrence, Director of Finance Policy and Council Affairs, at 619-236-7787.

Sincerely,

Kevin L. Faulconer
Mayor

KLF/jbl

Attachments:

1. City of San Diego Response to San Diego County Grand Jury Report Entitled "San Diego City Community Planning Groups"

cc: Jeff Bryson, Foreperson, 2017/2018 San Diego County Grand Jury
Honorable Council President Myrtle Cole and Members of the City Council
Honorable City Attorney Mara Elliot
Andrea Tevlin, Independent Budget Analyst
Aimee Faucett, Chief of Staff
Kris Michell, Chief Operating Officer
Stacey LoMedico, Assistant Chief Operating Officer
David Graham, Deputy Chief Operating Officer
Mike Hansen, Planning Director
Elyse Lowe, Development Services Director

City of San Diego Response to San Diego County Grand Jury Report Entitled "San Diego City Community Planning Groups"

Pursuant to California Penal Code Section 933.05(a), (b) and (c), the City of San Diego provides the following responses to the findings and recommendations that are included in the above-referenced Grand Jury Report:

RESPONSE TO FINDINGS:

Finding 1: The work of some Community Planning Groups (CPGs) can be delayed by a lack of diverse membership and citizen interest.

Response: The City partially disagrees with the Grand Jury's finding. City staff has not seen any evidence that a lack of diversity on CPGs has created project delays. Furthermore, CPGs are independent self-governing organizations which are voluntarily created and maintained by members of communities within the City. Council Policy 600-24 recognizes CPGs as "private organizations" and establishes minimum operating standards for CPGs to follow in order to maintain their status as an advisory body to the City. Article III of Council Policy 600-24 as well as the Administrative Guidelines include provisions related to CPG membership assuring representation of diverse community interests. Specific categories of membership are further defined in each of the CPG bylaws in accordance with the Bylaws Shell included in Council Policy 600-24. Since the CPGs are private organizations, it is up to each of them to ensure compliance with their Bylaws. Council Policy 600-24 recognizes that City staff can act as a resource to CPGs however it does not establish oversight responsibilities for the City. The City does not direct or recommend the election or removal of individual members of a CPG.

Finding 2: The degree to which members of CPGs are representative of the geographic sections of the community and diverse community interests cannot be determined.

Response: The City partially disagrees with the Grand Jury's finding. CPGs provide the City's Planning Department with up-to-date membership rosters each year following the CPG elections. However, the CPGs are independent, self-governing organizations and while a majority provide comprehensive rosters which include information pertaining to the representation of its members, others only provide basic contact information. Council Policy 600-24 does not include a requirement that the City determine the degree to which members of each CPG represent diverse community interests. The CPGs are required to determine that each candidate has met the applicable eligibility requirements. Since CPGs are private organizations it is incumbent upon them that they self-report.

Finding 3: Selective consolidation of some CPGs in adjacent areas could, in some cases, increase diversity and facilitate the review and processing of development proposals and community plans.

Response: The City agrees with the Grand Jury's finding. See Response to Recommendation 18-01 below.

Finding 4: San Diego City Council Policy 600-24 Guidelines provide sufficient guidance on inappropriate additions or modifications.

Response: The City agrees with the Grand Jury's finding.

Finding 5: If a request with a marginal relation to a project occurs, it can either be resolved by the city staff without significant delay in the process or form the basis for satisfactory compromises between the developer and the CPG.

Response: The City agrees with the Grand Jury's finding.

Finding 6: Membership of some CPGs is not sufficiently diverse to represent their communities.

Response: The City partially disagrees with the Grand Jury's finding. CPGs are independent, self-governing organizations which must adhere to Council Policy 600-24 to be recognized by the City Council. Article III of Council Policy 600-24 includes provisions related to assuring a diverse membership representing community interests. Specific categories of membership are further defined in each of the CPG bylaws in accordance with the Bylaws Shell included in Council Policy 600-24. The City does not direct or recommend the election of specific individual members. City staff does recognize that diversity amongst certain CPGs can be improved and per Council Policy 600-24, is available as a resource to assist the CPGs with their efforts.

Finding 7: In some cases, there are insufficient volunteers to allow CPGs to maintain a diverse membership.

Response: The City partially disagrees with the Grand Jury's finding. In accordance with Council Policy 600-24, members of CPGs shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests. As independent, self-governing organizations, it is incumbent upon each of the CPGs to actively recruit members to represent the diverse groups which are present within their community and have been identified in Article III, Section 2 of their bylaws. City staff does recognize that diversity amongst certain CPGs can be improved and is available as a resource to assist the CPGs with their efforts.

Finding 8: Neither the CPGs nor the City have recruitment procedures that meet the stated goal of increased diversity.

Response: The City partially disagrees with the Grand Jury's finding. Article V, Section 2 of the Council Policy 600-24 Administrative Guidelines includes recommendations related to publicizing CPG elections to attract a diversity of candidates from various membership categories, including having CPGs publicize elections on their websites, sending email blasts, posting notices at public places, placing notices in community newspapers, as well as utilizing the City's TV Channel (TV24) and the City's website. City staff is available as a resource to assist CPGs with recruitment efforts.

Finding 9: Policy, procedure, or development issues sometimes arise during CPG meetings and if left unanswered or incorrectly answered, can result in unnecessary confusion or delays.

Response: The City partially disagrees with the Grand Jury's finding. The City has established procedures in place to outline the process for development project review by the CPGs and the roles for the development project applicant, CPG members, and the City's Project Manager as they relate to this process. Article VI of Council Policy 600-24 outlines the duties of a CPG when reviewing development projects. Further, the City's Development Services Department Information Bulletin 620 provides detailed guidelines for the coordination of project management with CPGs. The City

recognizes that some development projects are controversial and that issues sometimes arise. Therefore, as outlined in Information Bulletin 620, the City provides the option for the City's Project Manager to attend the CPG meeting in which the project is being heard, given certain criteria. Additionally, the City offers several annual trainings to CPG members and the public outlining the development project review process.

Finding 10: If members of the City Planning Department attended all CPG meetings, issues could be resolved in a timely manner.

Response: The City disagrees with the Grand Jury's finding. Staff from the City's Planning Department are primarily focused on long-range planning. In most instances, questions which arise in the development review process relate to other disciplines (traffic, engineering, environmental, etc), and therefore a single staff member may not be able to address project-related issues. This would require staff from many different disciplines to attend the CPG meetings, similar to the Planning Commission and City Council hearings. It is the responsibility of the project applicant to be able to address any questions/issues related to their proposed project. Consistent with the Development Services Department Information Bulletin 620, the project applicant may request that the assigned Development Project Manager from the Development Services Department attend the CPG meeting to address the City process only. The Development Project Manager is the single point of contact for City status on a development project. However, any discussion of the merits of the project is between the project applicant and the CPG, and would not include the Development Project Manager.

Also, if there are outstanding issues related to a project, the CPG can still move the project forward and make a recommendation on a project with the vote reflecting their concerns regarding the project as presented, including those issues on which there was insufficient information available. Further, the project applicant can choose to move forward to hearing without a CPG recommendation.

Finding 11: The training provided by the City of San Diego – the Community Orientation Workshop (COW) or the electronic version (eCOW) – provides adequate preparation for new CPG members.

Response: The City agrees with the Grand Jury's finding.

Finding 12: Periodic review of training materials would help continuing board members stay current on the Brown Act and changes in City policies.

Response: The City agrees with the Grand Jury's finding.

RESPONSE TO RECOMMENDATIONS:

Recommendation 18-01: Review Community Planning Group boundaries and determine if consolidation of some CPGs should take place.

Response: The recommendation has been implemented as City staff has reviewed such factors as membership, attendance, voting, geography, and other issues and determined that no further consolidation of CPGs should take place at this time. Staff will continue to monitor the above-listed

factors at the time in which a community goes through the community plan update process and evaluate any potential for boundary changes at that time.

Recommendation 18-02: Determine if the Planning Department should develop methods and provide resources to improve recruiting that could result in more diverse CPG membership.

Response: The recommendation has been implemented as the Planning Department has already taken steps to develop some tools to assist CPGs in both understanding the current makeup of membership within their group and developing a list of potential methods which CPGs can utilize to improve their recruitment process and meet the objective of this recommendation. This includes the creation of a standard template for CPG rosters, which requires each CPG to identify the membership category for every member. Further, the Planning Department is working with the City's Performance and Analytics Department to develop an electronic survey to be sent out to every CPG member citywide to solicit their input on improving and expanding recruitment efforts to encourage diverse representation on CPGs. Because CPGs are independent, self-governing organizations it is their responsibility to determine how to effectively use the tools developed by the Planning Department to implement recruitment efforts.

Recommendation 18-03: Determine if members of the Planning Department staff should attend all CPG meetings.

Response: The recommendation has been implemented as staff from the Planning Department did an evaluation of the staff resources necessary to attend all CPG meetings every month. It was determined that the addition of 7 new Associate Planners would be necessary to perform this function. A preliminary analysis of the costs determined that the current average annual cost including salary and benefits for an Associate Planner is $106,630. Therefore, there would be an annual budget impact of an additional $746,410 for the Planning Department to fund these positions. Following this evaluation the Planning Department has determined that this is not an effective way to address the issue.

Per the Planning Department's Work Program, the primary functions of the Department involves maintaining the City's General Plan, preparing comprehensive community plan updates, targeted community plan amendments, as well as multi-disciplinary focused planning for citywide efforts such as housing and climate change. Planning Department staff attend CPG meetings on a quarterly basis to keep them informed of the work that is within the Department's purview. Staff additionally attends CPG meetings and subcommittee meetings on a monthly basis when there is an active community plan update.

Planning Department staff are only involved in project review on Process 4 and Process 5 projects and only focus those reviews on long-range planning issues and therefore would not be able to address a majority of the questions which may arise at a CPG meeting. It is the responsibility of the project applicant to be able to address any questions/issues related to their proposed project. Further, as discussed in the response to Finding 9 above, the City provides the option for the Development Services Department's Project Manager to attend the CPG meeting in which a project is being heard, given certain criteria.

City of San Diego Response to San Diego County Grand Jury Report Entitled "San Diego City Community Planning Groups"

Recommendation 18-04: Consider directing the San Diego City Neighborhood Services Department staff to closely monitor CPG actions and provide timely guidance to preclude requests for inappropriate project additions or modifications.

Response: The recommendation has been implemented as staff from the City's Development Services Department already monitors CPG actions and provides guidance regarding CPG recommendations as provided within policy documents and staff procedures. Further, staff proactively discusses this subject during CPG trainings including the COW, PCOW, and Project Review Trainings. Staff from the Development Services Department and the Planning Department will continue to review the standard documents distributed to both CPGs and applicants to ensure they provide clear and up to date instructions.

Recommendation 18-05: Determine if all CPG members should be required to complete the eCOW training each time they are reelected or reappointed.

Response: The recommendation has been implemented. City staff has determined that it would be beneficial to require that all CPG members either take the eCOW or attend an in-person COW every two years as a refresher.