

**City of San Diego Community Planners Committee
Tuesday, October 25, 2011 - 7:00-9:00 p.m.
Metropolitan Operations Center II Auditorium
9192 Topaz Way, Kearny Mesa**

Transcription: Parke Troutman

Urban Agriculture Item

Note: the CPC's representative on the Code Monitoring Team, Guy Preuss, was absent. Also note that there were 27 voting members present, including the chair, who only vote on tie breaks.

CHAIR [Leo Wilson]: ... Urban Agriculture Potential Regulatory and general plan amendments. It's a possible action item. Jan... Dan Joyce, Senior Planner, DSD [Development Services Department] and Nancy Bragado, Principal Planner, DSD, will give a presentation on potential regulatory and general plan amendments to support urban agriculture.¹

CHAIR: I know a lot of people are present in this room.² About how many of you would like to speak? I see [counting]... one, two, Trout, I saw you're in here and I know you're a ringleader so... [laughter — starts people talking]³... three, four, five, six, seven, eight speakers... ah, if you could do two minutes, that would really be wonderful but you have a right to three. Dan, would you like to start it up?

JOYCE: Yes, good evening. On July 20th, I took a number of potential regulatory changes to increase access to local food, healthy food sources, including changes to regulations for farmers' markets, retail farms, and the keeping of chickens, goats and bees. [Starts up the PowerPoint.] Okay, got the right button. Farmers' markets on private... excuse me, *public* property are required to get a Special Events Permit. The cost is \$150 a year and takes up to 60 days to approve. However, farmers' markets on *private* property currently require a conditional use permit. The deposit is \$8,000. It takes six months or longer to process. And is allowed on only a limited number of commercial zones.

¹ One of the things that it's important to understand is that the City makes a sharp distinction between regulations (the rules, which are in the municipal code) and policy (in this case, the general plan, which spells out the goals of the city).

² I counted 88 empty seats afterward and was told that about 10 were empty during the urban ag item.

³ People have accidentally been calling your faithful transcriber 'Trout' for ages, starting with his third grade teacher. He would like to think that it doesn't imply any resemblance to a fish.

Staff is proposing regulations for two types of farmers' markets. The first is a daily farmers' market stand. The stand would be permitted as a limited use in all commercial zones and the IL-3-1 industrial zone.

Stands on private property: permission of the property owner would be required, no additional parking would be required, no parking could be displaced, and no value-added or prepared foods could be provided.

Stands within public rights-of-way: permission of the fronting property owner would be required. A certificate of insurance would be required — you are in the public right-of-way — no additional parking would be required, no value-added or prepared foods could be sold, the location would be limited to five feet in depth by sixteen feet in length with a minimum ADA⁴ clearance of four feet, and clear access to loading areas and other access points.

The second type of farmers' market is a weekly farmers' market, something we're all familiar with — except this would be on private property. It too would be permitted as a limited use in all commercial zones and the IL-3-1 industrial zone,⁵ provided that permission of the property owner was obtained, the event occurred only one day per week per location, access points would be maintained, there'd be no onsite cooking, access to restrooms was provided, and for parking, no additional spaces would be required, and any disabled spaces that were displaced during the market would be temporarily replaced.

Retail farms: retail farms would be a new use combining farming and grocery on one site. It would be permitted a limited use in Commercial Regional, Commercial Office, Community Commercial and the industrial IL-3-1 zone, provided that the area is no greater than four acres, no pesticides were used, 75 percent of the products were grown onsite, all storage, equipment and repair areas were completely enclosed, secured and located outside of all required setbacks, parking would be provided at the rate of one parking space per employee of the farm area and one space per one thousand square feet for the retail area. A 'pick your own' type of retail farm would be designed to be ADA accessible.

And now for the fun part... [mild laughter]

With regards to the keeping of chickens: the keeping of chickens would be permitted in single-family zones, on lots developed with single-family dwelling units, community gardens and retail farms, provided *no* roosters were kept. Up to five hens could be kept if the coop was outside of the required

⁴ADA: Americans with Disabilities Act, a federal law regulating access to public facilities.

⁵ The municipal code defines the IL-3-1 light industrial zone as "allow[ing] a mix of light industrial, office, and commercial uses".

setback,⁶ up to 15 chickens could be kept if the coop is 15 feet from the property line and up to 25 chickens could be kept if the coop is setback 50 feet from any residence, which is the current regulatory requirement. The chicken coop would need to be predator proof, easily clean, water tight and ventilated, and provide sufficient space for movement. The chicken enclosure — the outdoor area — would be predator proof, easily cleaned, and provide about ten square feet per chicken — for five chickens about a seven by seven area.

Regarding the keeping of goats: as discussed the report which I believe you all... which I provided, the state director of animal health and food safety and the County Department of Environmental Health have expressed concerns regarding the keeping of goats for milk and cheese production due to the health risks connected to the consumption of raw or poorly pasteurized products. Due to that concern, staff has removed goats from consideration from community gardens and retail farms. The current option is for two backyard goats and it is presented with a requirement for personal consumption only. Only miniature goats would be allowed and two would be required. They would need to be dehorned and males would need to be neutered. The shed requirement would be for ten square feet and be water proof, ventilated and easily cleaned. The outdoor enclosure would need to be providing 400 square feet at a minimum, surrounded by a minimum of a five-foot tall fence, and be easily cleaned and easily secured.

Regarding the keeping of bees: staff is still working with the County Entomologist and County Commissioner of Agriculture on appropriate distances for beekeeping. Notwithstanding the need to define the appropriate separation requirements, beekeeping would be permitting in single-family zones, community gardens and retail farms provided that there's a reliable water source within ten feet of the hive, the hive is encircled within a six-foot high screen or is located eight feet above the surrounding grade. The hive opening would have to face away from the nearest property line, the hive would be located within a secure area not visible from public rights-of-way, and there is only one hive per property except that an additional hive could be kept for every additional 5,000 square feet of area greater than the minimum lot size.

Now for community gardens, you've already seen the community gardens. But there were a couple of clean-up items that I was requested to make. The clean-up items include allowing community gardens in the IL-2-1 industrial zone with a neighborhood use permit, which the other IL [Industrial, Light] zones allow with a neighborhood use permit. For some reason this was left out of the regulations previously. And allow onsite sales consistent with the frequency limitations consistent with the limits for garage sales. Garage sales are allowed in residential zones — I think I mentioned this back in July — three times a year provided that each event is no more than three days.

And now Nancy Bragado will provide some information on the general plan amendments.

⁶ The zoning requires single-family zones to have setbacks so that things are not crowded against the edge of the property and a sense of visual proportion is maintained. They vary by zone.

BRADAGO: Good evening. In addition to the work that Dan is doing on the code, we've looked through the general plan to see what we might need in the general plan, what was already covered in our 2008 general plan, and what new policies we might need to bring this along further.

So first we thought, well, we don't really describe *urban agriculture* in the general plan. We cover community farms and gardens, which is just one subset of urban agriculture. We looked in the general plan and decided that the conservation element was really the best place for this discussion as because it already has a section on agriculture. So in there, we're linking the idea of urban agriculture as contributing to sustainability goals and we're writing up so we're writing up a general description of what urban agriculture is and how it has these multiple benefits related to the environment, economy and public health.

So we're looking at a couple of different policies that we want to add to the conservation element and one has to do with increasing opportunities for urban agriculture and that really gets to providing a policy foundation for some of the code amendments that you're hearing about today. We're also the role of urban agriculture in food systems planning, which is really everything that gets the food from the farmer to the plate, so you know there's different things, different types of infrastructure, different processes that are needed to help that along, so we have some policies that are in there related to food systems planning, including food systems security and access to fresh food, linking producers to local markets, and — thinking about it from an economic perspective — creating jobs that will benefit the local economy. Also, part of the work that we're doing here and when we're doing community plan updates is that we're having more collaboration with public health — the public health community — than we used to, so we're trying to integrate that into the plan as well.

Now back to Dan for [turns away from mike to hand him the clicker for the PowerPoint]...

JOYCE: Just as a reminder — I think you've all seen this slide or similar slides of ours: the process whenever we do code amendments. We have this process that was established by the Land Use and Housing Committee. Part of that is [unclear words: person beside me got up to leave] CPC. Go to the Code Monitoring Team, Technical Advisory Committee. Once we've gone to those three groups, what we do is put together is a draft that we think pretty much melds what we think we've heard. We e-blast that to 2,000 interested individuals and parties list. I think every single community planning group member who has an email is on that list. The next thing we do is take those comments, go through them, make modifications as we feel is necessary. Go the planning commission, get their recommendation. And in this case, we'll be going back again to LU & H⁷ after the planning commission. We'll get their recommendation and take it on to city council. We have a new step: the Airport Authority has to say that everything is okay, what we're doing. And from there, the areas that are in the Coastal Overlay Zone, we have to go to the California Coastal Commission.

⁷ Land Use and Housing: a subcommittee of city council that includes Councilmembers Lightner (chair), Gloria, Alvarez and Faulconer.

LU & H heard this item twice and supports moving forward with all the items through the public process. They haven't said that they're in favor or against the items. They just feel it's worthwhile to take them through the public process.

On October 12th, the Code Monitoring Team did hear the item and recommended the following changes by a vote of eight to zero:

For the weekly farmers' market on private property they thought that our initial proposal, that those things could occur Monday through Friday, should be one day a week, whatever day of the week that is, whether it is Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday.

They want us to consider not limiting parking to the number of spaces taken up by farmers' markets on private property. Our initial proposal was to consider a percentage, so if you're in a shopping center, our initial proposal was to consider to define the appropriate percentage of parking space that could be removed. Their [Code Monitoring Team's] feeling was, "Leave it up to the developer or property owner who owns the shopping center and let them see how much parking they're willing to displace."

They also recommended that we allow value-added products and cooking at farmers' markets on private property and at market stands. That we consider parking requirements at retail farmers that are tied to the intensity of the outdoors enclosed areas rather than just stand-alone standards.

That we revise the bee regulations to require signage so the public knows if someone does have bees on the property, reduce the setback distance requirement — that hasn't quite been established yet — and [brief interaction with a CPC member by the podium]

Revise the bee regulation for the signage, reduce the bee setback and add the specific bee species to the regulations. We don't want to have regulations that allow for Africanized bees.

And to move forward with regulations that allow us to have miniature goats.

And the last one was to allow community gardens in residentially zones to sell produce one day per week.

This whole process — we do have an expanded public outreach. We're collaborating with the International Rescue Committee — they have many members here today — the San Diego County Childhood Obesity Initiative and the 1 in 10 Coalition.

And that concludes our presentation. [12 mins 33 seconds]

<<<< SKIP PUBLIC COMMENT, GO TO 31 minutes 43 seconds>>>>

CHAIR: Dan, where are you? Could you come up for a second? [Joyce approaches the podium]

What are you looking for for a time frame? I know that this is coming up on the agenda for my planning group [Uptown] next month. When does this go forward?

JOYCE: We have a grant to do this work and the grant doesn't condition that we have to be complete by the end of January, but we are trying our best to be complete by the end of January. So our goal would be to take comments from this group, come out with a draft, probably within the next two weeks, send that out to an e-blast for public comments, get to the planning commission before the December recess, about the second week of December, back to LU & H at the beginning of January, and council hopefully the end of January.

CHAIR: This is... we have two options here. We could go around the table, throw a few comments out, or we can take this back to the planning groups and then forward comments, or we can try to do both. We in something of a time constraint here, so what's everybody's preference?

CITY HEIGHTS: A couple of suggestions.

CHAIR: Yes? Go ahead.

CITY HEIGHTS: Taking it back would be just fine. In fact I intend on doing that.

If the chairman will tolerate a few suggestions... on one day a week, which is a good idea, it should be a set day of the week.

CHAIR: Before we do, though, let's get set procedurally on how we're going to do this.

CITY HEIGHTS [deadpan]: I thought procedurally you're going to let me dictate the terms of [laughter]

CHAIR: I meant we were going to talk procedurally about how we want to do this because if we all go around with 27 people [members of the committee present] we have another half hour to 45 minutes, so... quickly just state what you think:

NORTH BAY: It seems to me that we got all these people who came out here, we've gotten all these presentations, to say, "Okay, come back in another month or two and do it again... I don't think it's fair.

CHAIR: I don't think we're talking about doing that but I hope everyone will take it to their planning group and send it along too because they came here to talk to us. So let's go around — two minutes a shot? Is that okay with everybody?

The other issue is that we're approaching ten minutes to eight. How much...

[back and forth not caught on the mike between CHAIR and EASTERN AREA]

Comments today? How about that?

Let's go... is everyone going to say something? [gesturing for people to raise their hands] I'm looking at about ten [hands], so twenty minutes. Let's continue comments until maybe 8:10 and then we'll see whether we want to cut it off and send it back to our planning groups. Then you'd get both then. I'm going to go to the chairs on my right. Go around again, be as brief as you can.

[Mike being handed to NORMAL HEIGHTS, who is also a bicycling advocate]

CITY HEIGHTS: No bicycles. [laughter]

NORMAL HEIGHTS: In the interest of short time, I'll disclose that I've been a backyard gardener and have two chickens now and have raised two sons, but they're not covered by this ordinance. [laughter]

I kinda have minor questions. I haven't read the document except for what I see in front of me. And under goats it says a minimum of two goats. So we all have to have two goats?

JOYCE: The idea behind that is that based on the research we've done goats are a herding animal and actually you will have [talking at the same time, clarifying that you can't just have one animal]

NORMAL HEIGHTS: You may not have one. You may have two or more.

JOYCE: You may have two. No more. That makes it [simultaneous talking]

You may have twelve kids...excuse me, you may have kids for up to twelve weeks.

NORMAL HEIGHTS: As it reads, everybody was required to have two goats and I didn't think that you meant that.

JOYCE: You do.

NORMAL HEIGHTS: You mean that everybody has to have two goats.

[Suddenly lots of people talking and laughing, back and forth to clarify that not everyone is required to have goats, only the people who want goats have to have two.]

I like goats, but...

Under the parking requirements, when you say

CHAIR [to quiet people down]: Could I have everybody's attention? Okay.

NORMAL HEIGHTS: Under the parking requirements, specifically for commercial or farms, you mean *car* parking?

JOYCE: For the retail farms, yes, we're talking about how we'd calculate the parking ratio as there may be... it might just be that they have stands up at the front and the rest of the area is far, so we were trying to find a way to calculate that part of the area might be retail, part of the area per-employee — that sort of thing.

NORMAL HEIGHTS: I'm the bicycle guy here. There are some zoning requirements for providing bike parking

JOYCE: Right.

NORMAL HEIGHTS: so as far as your [unclear] because these are going to be neighbor kind of events, activities, so if people could get there by walking or biking that would be desirable.

CHAIR: Thank you. Any further comments to the chair's right while I'm going around the table here? Drew, you'll be next.

DREW [Planning Group name plate facing away from audience]: Yeah. My quick comment is thank you. This is awesome. I'm going to take it back to my group. [Hands the mike to the next person.]

NORTH BAY: A couple of quick questions: are you recommending that cooking and value-added food be allowed? Is that part of your proposal?

JOYCE: Our current proposal is not to allow that but we have heard from the people in favor of it, who like it. The Code Monitoring Teams feels that they could. If you do cooking and value-added, then you get into the County Department of Environmental Health, so they'll have to inspect the kitchens of those providing those items, so everyone will know.

That brings up something that I would like to touch on right now. When we eventually get to council, we will have with us not just the regulations but all of these different things we'll have handouts that will provide information such that, for people who are doing — if it does get voted for value-added food — the fact that if you're going to do this, you're going to need to go to the County Environmental Health and get a permit to do this. So that will be part of the whole [unclear word] going before council.

NORTH BAY: That was my other question. Thank you. Personally, I'd like to vote tonight. I really don't think it's fair to have all of this presentation and then make them come back in a month or two. That's my opinion. [Applause from audience.]

KENSINGTON-TALMADGE: Two comments. I did discuss the chickens issue with my board and they were uncomfortable with the 15 chicken limit, regardless of whether it was 15 feet or no setback. They volunteered the number 5 without knowing what other lower number they wanted, so they were comfortable with 5.

Regarding the community garden sales, I think that there's a little bit of an anomaly there. You're going to allow three garage sale events of two days per year, which is six sales days a year. But we're having 52 sales days a year in residential zones for community garden sales.

JOYCE: If I could clarify that?

The proposal is to treat it just like garage sales. The Code Monitoring Team is suggesting that it be allowed once a week.

KENSINGTON-TALMADGE: Okay, then I'd be opposed to that change by the Code Monitoring Team.

PACIFIC BEACH: I like the idea of [unclear]. I'm a gardener myself. Why is there a grant needed and who are you applying for?

JOYCE: The grant has already been obtained.

PACIFIC BEACH: But you have to finish the writing of it by January?

JOYCE: No, the grant has been obtained. Maybe Nancy could talk about the grant. She's the administrator.

BRAGADO: We applied for a grant that's actually funding our staff time. So that's what's paying for our time to do the work and to get it done. If we run out of time, we can still finish the work — as long as we can fit it into our budget. That's why we're trying to get it done so we can still bill to the grant.

PACIFIC BEACH: Just curiosity, but who provided the grant?

BRAGADO: It's a grant that originally came through the federal government. It went to the County of San Diego which they passed through SANDAG so we got the grant from SANDAG but it's coming from them to the County to the federal government.

PACIFIC BEACH: Do you have a website where we could get more information or planning board members could get more information?

BRAGADO: The whole grant program?

PACIFIC BEACH: Just ... If I don't do this presentation justice [before his local group], how will the planning group members get...?

BRAGADO: On the CPC backup on the website, the CPC's website, there's the staff report that went to Land Use and Housing Committee. It has the details of the regulations and it also has initial draft language for the general plan.

CHAIR: Do you have anything 'cause we're going round the table...?

RANCHO BERNARDO [the way he holds the mike, it's not picking up what he's saying]: I do.

Basically, in looking at it, I don't have a terrible number of problems. I'm supportive of ['farming issues?']. But I had some questions about [unclear]. Has the County looked over this in terms of the County veterinarian or the County Department of Agriculture?

JOYCE: Yes. In fact, I've got their names here [looking down at notes]. We did some contact from the San Pasqual planning group. They were worried about the issue of the chickens and in particular exotic Newcastle disease and avian influenza. So we contacted the County veterinarian Dr. [Gurfield?]. I talked with one of the State veterinarians [named?] Dr. [Peachy?] and eventually with the State Animal Health and Food Safety and the State Veterinarian, Dr. Whiteford. And they all explained that so far there has been no bird-to-human transfer of these diseases in the continental United States ever. And in fact that the only outbreak they've had of avian influenza occurred in 2003 to some chicken ranches up north. What had happened was that there were able to trace it back to someone who had illegally brought over a rooster from Mexico for the purposes of cock fighting, which is also illegal in the County of San Diego, and that same individual happened to be working at one of the chicken ranches. And so that's how it go there. So typically speaking — first of all, we're banning roosters, so the idea is that... they had no concerns with the backyard chickens.

And there was another issue and that has to deal with — as the gentleman said [gesturing with the microphone] with pesticides and delousing also. Have you checked with anybody on that because in organic farming there are two incidents that I know of in San Diego County involving eye gnats that have been attributed to organic farming. One took a three-year study to prove that it was a problem and in San Pasqual there's another one in which residents are complaining about infestations of eye gnats because of organic farming in those these are approved and meet all standards.

CHAIR: Time's up on that one.

JOYCE: I will look into that but I haven't done that yet.

CHAIR: Okay, Jim [Varnadore] you're next, I think.

CITY HEIGHTS: A couple of things, Mr. Chairman. Ah, this is a good PowerPoint. I wonder whether you would email this to me?

JOYCE: Yes, in fact, what we could do is we can put it up online for everybody.

CITY HEIGHTS: Either way — doesn't make a difference.

I join my colleague in suggesting that the number of times a year should be the same for this sort of thing as for yard sales. We don't have Code Enforcement to keep this thing clean at the moment and we should do that.

Second, Mr. Chairman, we should not allow self-regulated parking. That's the surest path to having a farmers' market someplace where there is no parking that I can think of. Require parking that [will at least be available?].

And finally, rather than add... rather than put in value-added products and cooking, the initial [sic] on this thing should not have that and let's see how the farmers' market actually functions, and how people's growth of their vegetables and the sales in the neighborhood would actually function before we do that. I worry — with others — that cooking will require food handlers certificates and a number of other things and if you add value-added products, you're going to have every pushcart and roach-coach in town to come down to where it is and sell their stuff. I think we should avoid that kind of thing if we possibly can. So I like the proposal *before* the Code Monitoring Team got its hands on it, Mr. Chairman.

Thank you.

CHAIR: Any further comments on the chair's right? Laura.

EASTERN AREA: I was wondering whether they were going to be adding more Code Compliance officers. It seems like there is a potential for a huge increase in code monitoring.

JOYCE: We have not yet determined what will be needed but that will be of our [unclear] report that goes to City Council. In fact, we have found out that the County of San Diego has been doing a lot of code enforcement for the beekeeping even though they're not legally required to. We don't have an agreement with them. They handle about 900 calls a year.

EASTERN AREA: And I also want to say that I think that the sales in residential areas should be the same as garage sales.

I have a question on the private property farmers' markets. You show on your slide that currently it's a CUP \$8,000 deposit. Is the intention to just make it a Special Events Permit — \$150 fee?

JOYCE: It wouldn't be a... well, ideally, in my life, I would prefer that it *be* Special Events but the Special Events Officers — they're very overwhelmed already with the number of special events that they've got going on right now. It's about 400 special events per year that they handle with a staff of three.

It would be a limited use. We'd set up a set of regulations that they would have to comply with.

EASTERN AREA: Are these farmers' markets going to have to have sellers' permits?

JOYCE: Yes, there's going to have to have all the permits that are required. So they're going to have to tax... a business license, they're going to have to pay their taxes on that. They'll also have to get any permits that they need from County Health.

EASTERN AREA: And I think we should look into some kind of pesticide allowances — somehow have it ‘food safe pesticides’ or something.

LA JOLLA: A couple of things. One, I want to thank everyone who came out for their persistence in continually pushing this thing forward. It does take a long time but eventually we’ll get there. And I want to thank Dan [Joyce] for taking up this issue and for being so thoughtful and careful in putting together an ordinance that will actually implement this in the correct way. We need good ideas and good laws to go with them.

A couple of things real quickly: I’m fascinated by this idea of a daily farmers’ market in front of the store fronts on the sidewalks. I would have never thought of that. I think that’s a brilliant idea.

I’m going to repeat the same idea that’s been mentioned about *not* allowing sales in residential areas except at the same pace that garage sales are [allowed?]. I think it starts to turn our residential areas [unclear — speaker is looking down at notes and mouth has moved from the mike.] If you want to get a discretionary permit that someone can get through... for certain parts of the city, that’s fine, but it shouldn’t be allowed by right.

I don’t have a problem with the onsite cooking as long as it’s regulated by the health department as it is allowed on public property. I agree with allowing it every day of the week. I’m a little concerned about parking requirements but I’m not going to make a big thing about that.

One last question: you said that these would be allowed in commercial zones. What about planned districts?

JOYCE: The idea would be to allow them throughout the planned districts — all commercial zones citywide. [Camera movement made the entire next sentence unclear. Something about an exception to a rule.]

LA JOLLA: Would it override regulations that are currently in place?

JOYCE: If there are regulations currently in the planned district that prohibit it, we would not override that.

LA JOLLA: Okay, so if it fits, you’ll be slipping it in.

JOYCE: We’ll be looking at each PDO⁸ specifically to see if there’s something that prohibits it.

⁸ A planned district ordinance (PDO) is in effect a zoning code specific to a limited area.

LA JOLLA: Okay, the last thing: I would like see CPC take action as a group, whether it's tonight or in January.⁹ I think it's important for us to consistently take action on every single item that is going to city council. Thank you.

CHAIR: Chair's left. [Name, unclear.]

OTAY MESA: I'm excited about this. It looks like a lot of work into it. I'd like to see this group do a motion for approval and [unclear] minor things, I'd vote for approval. That's it.

CHAIR: Any further comments? Dennis?

TORREY PINES: Just a question or a consideration here: I do agree that it should be Monday through Sunday. On weekends I think you'll have more people out in the neighborhoods. Why restrict it?

The other question — having had a farm in [Colts Neck?] New Jersey at one point — all the crops come in at the same time, so only having one day a week when a bumper crop is coming in tends to mean that a lot of your stuff ends up rotting in a field or on the trees, so could you look at maybe a *seasonal* permitting process so it's two times a week [during the peak?] but then in the winter months when things aren't quite as available, nothing on a given week. Just a consideration, but I can't tell you how much I've seen things just lying in the field rotting when you can't bring it to the market place.

And great job.

NAVAJO: I've got several comments. I'm curious about this ADA required access, does that mean you have to pave the parking area?

JOYCE: It just means that it has to be sufficiently graded so that someone in a wheelchair can get access. That's the federal law.

NAVAJO: So it doesn't have to be pavement or concrete or anything?

JOYCE: As long as they can get adequate access, so not necessarily pavement.

NAVAJO: As long as I'm aware of, the land use requirements for property [unclear: or building?], you have to have a certain amount of landscaping. Why couldn't the City allow fruit trees, for example, to be one of the tree species that you're required — you're allowed — to build... er, plant?

JOYCE: That doesn't have anything to do with this. We're talking about gardens.

⁹ I'm not sure why he suggested January. The CPC typically doesn't meet in December. Perhaps he knows that the November agenda is already full.

NAVAJO: We're talking about planting fruit trees in, say, Grantville instead of —

JOYCE: Are you talking about street trees? You can do that now, but that's not this topic or subject.

NAVAJO: I guess thirdly, I'm not sure I understand where the gardens are permitted. Not all commercial zones, but not residential, mixed-use...?

JOYCE: It depends on which you're talking about. We're talking about retail farms, which would be up to four acres, and those would be in commercial zones.

MIRAMAR RANCH NORTH: I have a concern regarding the farmers' markets and stands in commercial zones, especially in terms of BID areas. Have you taken this to the BID council?¹⁰

JOYCE: I have spoken to some redevelopment staff and that is something that will have to be addressed.

MIRAMAR RANCH NORTH: Because I know that they're already having trouble with food trucks setting up right in front of restaurants and...

JOYCE: [Exactly wording unclear but a sentence to the effect that they'll be addressing this type of concern.]

MIRAMAR RANCH NORTH: They would be... if they're in those areas they'll need to pay the business license with the BID.

JOYCE [simultaneous to the above comment, making it hard to tell exactly what point he was agreeing with]: Yes.

MIRAMAR RANCH NORTH: I think it's almost best for the products and the cooking to delay it and see how it works out without it and come back later.

Regarding the proposals regarding the sales in residential zones, there is no enforcement in the city, so maybe split between the two and have six times a year for one day instead of garage sale three times a year for two days or once a week — somehow split the difference.

CHAIR: Any further comments? Vicky.

¹⁰ A BID is a Business Improvement District, which is a geographically small commercial area in which business owners agree to tax themselves for things like nicer trash containers, signage, etc. The concern is that the farm stands won't be paying into the district yet will benefitting from it. Councilmember Faulconer has asked the same question.

NORTH PARK: North Park spent a lot of time talking about chickens. And the motion that they finally — after discussion — was the concern that in North Park our lots are about 5,000 square feet, so we actually really live on top of each other, and so they felt like Kensington about limiting it to five chickens in the RS-1-1 through RS-1-4 zoning areas.¹¹ [Pause.] Don't ask me.¹²

JOYCE: RS-1-1 is a 40,000 square foot lot.

NORTH PARK: You know, how 'bout five chickens? [laughter]

We have planners on the committee, so I always act like I understand what they're saying, which is suspect. [sustained laughter] Well, it's true! Anyways...

And so I also think I understand that the goats and the bees won't fall under North Park as most of our lots are 5,000 square feet.

JOYCE: The way it's currently proposed is that it's single-family residential zones.

NORTH PARK: Yeah, that'd be really scary.

JOYCE: Now, we have someone here who has talked about the fact that you can have two Rottweilers in your backyard.

NORTH PARK: Yeah, I don't care. [some laughter] All I'm saying is... and the other thing is — and maybe it's all in this staff report somewhere — but [unclear word] possibly ending up with 15 chickens, 2 goats and bees?

[Unclear who speaks, not North Park or staff]: Yes.

NORTH PARK: And I have a *real* ... I have a *real* problem with that.

JOYCE: That's something we've been thinking about. Other cities limit the total number of animals that you could have onsite.

¹¹ RS stands for 'Residential – Single unit' — that is, parcels of land in these areas are expected to have single-family homes on them. Chapter 13 of the municipal code defines these zones as:

- RS-1-1 requires minimum 40,000-square-foot *lots* [slightly less than an acre]
- RS-1-2 requires minimum 20,000-square-foot *lots*
- RS-1-3 requires minimum 15,000-square-foot *lots*
- RS-1-4 requires minimum 10,000-square-foot *lots*

¹² The minutes for the October 18th North Park meeting are not out yet, but it seems like the motion was to have only the minimum chickens on the largest lots.

NORTH PARK: Yeah, I know that North Park is supportive of the chickens, but I would have to come back... I think that the other two were... yeah.

SOMEONE IN BACK OF AUDIENCE: What's your experience with that?

CHAIR: [unclear: Folks?] Pat, do you have a comment?

NORTH PARK: All I can say is that my neighbors had chickens and we all knew that they had chickens.

And I agree with the comments on the community gardens in residential areas and those limits. But I don't think that we'd have a problem with some of the other portions.

CHAIR: Pat? Okay, Giovanni?

OCEAN BEACH: Giovanni. Down in Ocean Beach in August, we started looking into this. One of the people who spoke here [points to the podium] spoke earlier and this went before our group. We did pass a motion to basically support a municipal code less restrictive [unclear word] of chickens and urban agriculture, but at that time we didn't know exactly what the code was because it had not been developed yet. So I'd personally like to see it go back to the planning groups.

CHAIR: Pat? Did you have something?

MIRA MESA [sitting right beside the podium]: The usual gadfly at the end here. My planning group looked at this in detail from the original proposal and to be very polite was skeptical. There are a number of issues that remained unanswered. Three of them come to mind real quick in the minute forty-five [seconds]. There's a comment about for every 5,000 square feet or whatever — I forgot what the number was — is that open space or sheer lot size? If there's a building on the property, what does that affect?

JOYCE [slowly]: I'm not quite sure what... it's not part of

MIRA MESA [interrupting]: I have a 5,000 square foot lot. [unclear]

JOYCE: The proposal has changed. It's a maximum of two, regardless of your single-family lot size. If you have an acre in your backyard, you can only have two.¹³

MIRA MESA: Because that was in your brief.

JOYCE [nods affirmative].

¹³ This is about beehive regulations. The version that went in the summary released in September said one hive with an additional hive for each additional 5,000 square feet.

MIRA MESA: Okay. The second thing: this calls for “considers [unclear] for parks and public facilities design.” Does that mean it counts against the required park rec requirement that we’re supposed to have in planning? It’s slide number about twelve or fifteen.

That one right there [JOYCE looks at where he’s pointing].

It’s a component of parks and design. Does that count against our mandate against developers to provide parks?¹⁴

JOYCE [looking toward BRAGADO]: This is a general plan issue.

BRAGADO [begins to approach the podium].

CHAIR: Time’s running.

MIRA MESA: I know. The last item I have is — I know it’ll likely sound [like an anathema?] to the fine folks here but some people raise goats and chickens for food. Is the point here going to be to slaughter chickens and goats in backyards?

JOYCE: That’s illegal.

MIRA MESA: That’s not mentioned anywhere in here. Is that mentioned in the code?

JOYCE: That’s illegal. It’s already in our code.

MIRA MESA: What about those kids that you have to get rid of after twelve weeks?

JOYCE: You can sell them or take them to a farm.

MIRA MESA: Okay.

BRAGADO: Just real quickly to respond to your question: in the existing general plan that’s already adopted, you can go through a public process and count community gardens as part of the park and recreation requirement. It’s in the equivancy...

MIRA MESA: Okay.

¹⁴ The issue: the City of San Diego has standards that developers have to provide a certain amount of acreage of park space, depending on the number of new residents that would live in the units they build. Much of the City falls well short of these standards and is considered ‘park deficient’. The concern that Mira Mesa is raising is that they don’t want community gardens to count as park space because then it might lower the obligations of developers to provide new parks.

BRAGADO: It's nothing new. That's what's in the existing...

MIRA MESA: Okay.

CHAIR: Okay, now, let's see where we're at.

First of all, you're going to take all the comments you've heard and put together a motion and come back to us. [The camera is focused on the chair, so it's not clear to whom he is speaking. It looks in the direction of the podium, where staff is standing.]

Melanie and Mel suggested that maybe we could do a motion. If it *is*, then it'd have to be conceptual — a yes or no. If we try to go details on it, we'll be here until midnight. And I think everybody understand that.¹⁵

The other option would be someone saying we'll bring it back after the planning groups look at it. I'll let you [points to NORTH BAY] since you... do you want to make a motion? Okay, very quick.

NORTH BAY: I move that we conceptually approve that was brought here without the additions from Code Enforcement or whoever that was because we mostly didn't seem to like those. But the original proposal — I move that we accept it in concept.

CHAIR: Do we have a second?

OTAY MESA: I second it.

CHAIR: Second, Mel. What about an up-or-down on this one? Those who want to continue the process [will probably?] vote no. If it doesn't pass, then we'll probably move this forward. Okay.

So the motion is to conceptually support the ordinance as originally presented by city staff.

EASTERN AREA: Leo, I thought her motion earlier was that we make a recommendation today. Can't we vote on whether we want any kind of recommendation? A lot of us want to take it back to our community groups.

UNCLEAR: If that's how you feel, then vote no.

CHAIR: Vote no. If any of you think that you want to look at it some more, vote against the motion. Then it will go back to your community groups.

UNCLEAR: Can I just ask about the garage sale issue?

CHAIR: We're not going to look at specifics.

¹⁵ The discussion has already taken 56 minutes and only 20 were allocated to it on the agenda.

UNCLEAR: But is it part of the original...

JOYCE: The garage sale version was staff recommendation.

NORTH BAY: The original proposal was six a year minimum [quickly corrects herself] *limit*.

[Multiple speakers — NORTH BAY: the staff thing without any additional... CHAIR: the original staff presentation... EASTERN AREA: unclear]:

CHAIR: ...Everyone is going to have to look at this closer when it comes back specifically so this is the first...¹⁶ We have a motion to approve it in concept, the original staff report. All in favor of passing that motion now raise your hand. [Stands up to count.]

One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve in favor.

UNCLEAR: I think you missed one.

CHAIR: Put your hands up again if you could please. Please.

One, two, three... One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, *thirteen*.

All... all against that motion? And we're going to have to do... read it in.¹⁷

One, two, three... One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve.

UNCLEAR: The chair has to break the tie.[laughter]

SOMEONE ELSE: It wasn't a tie.

CHAIR [raises voice slightly because multiple conversations erupt]: Some people aren't voting. Everybody put their hands up *against* the motion again. We really need you to put it up so I can see it. Okay, this is *against* the motion.

One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, *thirteen*.

UNCLEAR [audience?]: Oh, man!

¹⁶ Despite listening to this segment perhaps a dozen times, this sentence remains slightly unclear in wording and very unclear in meaning. It seems to be implying that the matter will return to the CPC regardless of whether the motion passes, but multiple people are speaking at the beginning so it's impossible to tell whether anything was cut off and the sentence ends abruptly and a new sentence is begun.

¹⁷ Minutes list which communities vote no.

CHAIR: Did anybody not vote?

UNCLEAR [someone on the left wasn't to receive voting privileges until the next meeting]: I didn't.

CHAIR: Well, well, you can't vote. But I've got 27 voters and 26 [votes]. I'd be 27.

Uhm... [extremely loud laughter from both the audience and the committee members because everyone knows he's suddenly on the spot, whooping from the audience]

CHAIR continues [looking slightly bashful]: I told my planning group that I'm not voting or doing anything until they get a chance to look at it, which is the first Tuesday of the month [that is, in exactly a week].

[apologetically making a praying like gesture to the audience]: Respectfully, while I'm supportive in concept, I can't support the motion right now. [Sits down.]

WRIGHT [staff sitting beside the chair says something to him].

CHAIR [stands again]: I need those who voted against that motion to raise their hand.

I've got: Golden Hill, Kensington-Talmadge, Rancho Bernardo, Clairemont, College, Eastern, City Heights, Uptown, San Ysidro, City Heights?, okay then. Help me: Rancho Peñasquitos, Mission Beach, North Park, Ocean Beach and Mira Mesa.

And College.

UNCLEAR: You did get that.

CHAIR [to audience]: And again, some of us just want to go back. It's not that we're opposing this.

MISSION BEACH: Excuse me, can I say something? I just want to let them know that we appreciate everything that they've done. A no vote doesn't mean that we don't support...

CHAIR [agreeing]: No.

MISSION BEACH: It just means that we have to take it back to our planning boards and let them know what's going on and let them figure out what they want to do.

CHAIR: And then we'll... [sees someone else asking to speak] Okay, very quickly.

TIERRASANTA: Dan, now that this didn't pass — some of us voted for it — are you going to be able to send us packages we can take to our planning groups?

JOYCE: Yeah, what I'll do is try to craft... well, you already have a motion, but I'll try to craft at least some of the things I've heard down and get it back to you and then I'll trying to come up with

something that we feel may address your comments and everything else we've done. And I will send out a draft ordinance to everybody.

CHAIR: [unclear sentence and then:] What we need is something now because I'm hearing this next week with my board. So any package that you're using for this, send it to me and I'll send it out to all of the chairs.

JOYCE: You know what, I can probably get it done within two days and send e-blast it out.¹⁸

CHAIR: That works. I've got a meeting coming up November 1st.

JOYCE: Okay.

CHAIR: Okay. [Turns to audience]: Thank you all, everybody, and we'll see this again. There was a level of general support for it. Some of us just have to consult with our boards.

Video length: 1 hr 1 min 47 seconds.

¹⁸ An 'e-blast' is sending something to a list of approximately two thousand persons and groups that have expressed an interest in being informed of all significant city issues. This list includes all community planning group members.