



Good Neighbors

San Diego
Housing Commission

MINUTES

**SAN DIEGO HOUSING COMMISSION
MINUTES OF THE REGULAR MEETING
OCTOBER 29, 2004, 9:00 A.M.
CITY ADMINISTRATION BUILDING
SAN DIEGO, CALIFORNIA**

ATTENDANCE

Present: Chair Salas and Commissioners Adams-Brooks, Cramer, Grinchuk, Knight, Tumminia. Also present were President and Chief Executive Officer Elizabeth Morris and Charles Christensen, General Counsel. Commissioner Yip was absent.

10 CALL TO ORDER

Chair Salas called the meeting to order at 9:10 a.m.

20 PUBLIC COMMENT

Darren Royster, a rental property owner who accepts Section 8 vouchers, voiced a complaint relating to inspections and communication. Chair Salas recommended Mr. Royster deal with Commission General Counsel on this matter.

30 COMMISSIONER COMMENTS

Commissioner Cramer provided a status report from the sub-committee conducting the review of the President and CEO.

40 REPORT BY THE PRESIDENT AND CEO

Ms. Morris noted that, as requested by the Board, Housing Commission agendas now list informational reports. Ms. Morris also discussed the groundbreaking ceremony held October 25 for "Smart Corner," a site that will include an office building to be owned by the Housing Commission. Developer Lankford and partners, CCDC, and others -- including "Magic" Johnson, whose urban fund has invested in the project -- attended the event.

50 APPROVAL OF THE MINUTES

Commissioner Tumminia asked that meeting minutes of October 8, 2004 be trailed to the next meeting.

ACTION AGENDA



100 HCR04-78 Inclusionary Housing and On-Site Building Bonus

Senior Program Analyst Todd Phillips gave a staff report.

Matt Adams representing the Building Industry Association and Tom Scott representing the San Diego Housing Federation spoke and responded to various questions from Commissioners Cramer, Salas, Adams-Brooks and Grinchuk.

MOTION BY CRAMER TO CONSIDER EACH RECOMMENDATION TO THE INCLUSIONARY HOUSING AND DENSITY BONUS ORDINANCE INDIVIDUALLY. SECONDED BY SALAS CARRIED A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY ADAMS-BROOKS TO APPROVE **RECOMMENDATION 1** - MAINTAINS IN-LIEU FEE PAYMENT OPTION FOR LARGE-SCALE DEVELOPMENTS. SECONDED BY CRAMER AND CARRIED A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY GRINCHUK TO APPROVE **RECOMMENDATION 2** - MAINTAINS OFF-SITE BUILDING TO WITHIN COMMUNITY PLANNING ZONE. SECOND BY CRAMER AND CARRIED A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY TUMMINIA TO APPROVE **RECOMMENDATION 3** - EXTEND SHARED EQUITY PROVISIONS FOR FOR-SALE AFFORDABLE UNITS FROM 15 YEARS TO 30 YEARS. SECONDED BY ADAMS-BROOKS AND CARRIED A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY TUMMINIA TO APPROVE **RECOMMENDATION 4** - MAINTAIN INCLUSIONARY HOUSING ORDINANCE EXEMPTION FOR PROJECTS OF 2 DWELLINGS UNITS OR LESS. SECONDED BY KNIGHT AND FAILED ON A 3-3 VOTE WITH YIP ABSENT.

MOTION BY ADAMS-BROOKS TO APPROVE **RECOMMENDATION 5** - EXTEND THE APPLICATION OF THE SELF-CERTIFICATION PROVISION FOR MODERATELY PRICED HOUSING PROJECTS. SECONDED BY GRINCHUK AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY GRINCHUK TO APPROVE **RECOMMENDATION 6** – EXEMPT FROM THE INCLUSIONARY HOUSING ORDINANCE CERTAIN RESIDENTIAL USES DETAILED IN NUMBER 1 OF THE REPORT. SECONDED BY CRAMER AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY ADAMS-BROOKS TO APPROVE **RECOMMENDATION 7** – MAINTAINS MODERATELY AFFORDABLE HOUSING EXEMPTION AT 150% OF AMI. SECONDED BY TUMMINIA AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY CRAMER TO APPROVE OPTION B, **RECOMMENDATION 8** – IN-LIEU FEE SHALL BE ASSESSED WHEN A DEVELOPMENT APPLICATION IS

COMPLETED AND RE-ASSESED EACH TIME A DEVELOPER APPLIES TO HAVE THEIR VESTING TENTATIVE MAP EXTENDED. SECONDED BY ADAMS-BROOKS AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY ADAMS-BROOKS TO APPROVE **RECOMMENDATION 9** – MAINTAINS IN-LIEU PAYMENT PHASE-IN SCHEDULE. SECONDED BY GRINCHUK AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY GRINCHUK TO TRAIL **RECOMMENDATION 10** UNTIL THE COMMUNITY PLANNING COMMITTEE HAS HAD AN OPPORTUNITY TO CONSIDER THIS ISSUE. SECONDED BY CRAMER AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

MOTION BY GRINCHUK TO APPROVE **RECOMMENDATION 11** – REVISE MUNICIPAL CODE TO ALLOW FOR STATE DENSITY BONUS TO QUALIFY FOR CITY INCLUSIONARY MANDATE. SECONDED BY CRAMER AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

101 HCR04-81 FUNDING FOR THE 2004/2005 CITY HOMELESS SHELTER PROGRAM (CITYWIDE)

Program Analyst Kathi Houck and Sharon Johnson, from the City of Diego Homeless Services Program, provided a staff report.

Commissioner Grinchuk thanked Ms. Johnson for the great job she is doing with the City's homelessness.

Commissioner Knight asked how many families are in the shelter programs and what is the success rate. Ms. Johnson responded that it is difficult to answer because homeless people move from shelter to shelter and the programs are not required to report the data.

MOTION BY GRINCHUK TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO HOUSING COMMISSION AND THE CITY OF SAN DIEGO TO PROVIDE UP TO \$445,000 FOR THE CITY'S FY05 FAMILY SHELTER AND WINTER SHELTER PROGRAMS. SECONDED BY KNIGHT AND CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

102 HCR04-81 UNIVERSITY CANYON PLAN FOR RE-USE (COUNCIL DISTRICT 6)

This item was trailed to the next meeting.

103 HCR04-88 WORKSHOP ON THE SAN DIEGO HOUSING RETIREMENT BENEFITS

General Counsel Charles Christensen introduced the workshop.

General Counsel requests that the disclosure and conflict opinion attached to the Housing Commission Report HCR 04-77 be included herein by reference, including all references to Government Code Sections 87103 and 1090, 1091 and 1091.5. Further, all employees of the San Diego Housing Commission are entitled to make comments, present questions and to attend and participate in the public workshop. They have abstained in accordance with the referenced opinion from making recommendations and/or decisions in connection with the Ad Hoc Committee and/or the San Diego Housing Commission.

Presentations were made by Mr. John Livingston from Diversified, Ms. Elaine Edwards from CalPers and Mr. Hirsh from the firm of Gabriel, Roeder, Smith & Company. The public, including Mr. Steve Snyder, Ms. Sharon Toner, Mr. Ted Burnett of SEIU, Mr. Thom Ford, Mr. Flavian Geis, Mr. Cecil Davis and Ms. Amy Benjamin spoke in favor of adoption of a CalPers Defined Benefit Plan. Mr. Mel Shapiro submitted a slip in opposition, but did not testify. Thirty-seven (37) other speakers submitted speaker slips in favor of the CalPers Retirement Option, but did not speak.

THIS WAS A WORKSHOP ITEM ONLY, AND THE BOARD TOOK NO VOTE OR ACTION ON THE MATTER.

104 HCR04-89 CONTRACTS FOR THE PROVISION OF RETIREMENT BENEFITS SERVICES

General Counsel requests that the disclosure and conflict opinion attached to the Housing Commission Report HCR 04-77 be included herein by reference, including all references to Government Code Sections 87103 and 1090, 1091 and 1091.5. Further, all employees of the San Diego Housing Commission are entitled to make comments, present questions and to attend and participate in the public workshop. They have abstained in accordance with the referenced opinion from making recommendations and/or decisions in connection of the Ad Hoc Committee and/or the San Diego Housing Commission.

MOTION BY TUMMINIA TO APPROVE **RECOMMENDATIONS 1, 2, and 3 as follows:**
RECOMMENDATION 1 AUTHORIZE THE RETENTION OF JANE BARRY OF THE EPLER COMPANY, AS A PENSION AND ACTUARY ADVISOR; ROBERT K. BUTTERFIELD OF THE FIRM OF BUTTERFIELD SCHECHTER, LLP, AS A RETIREMENT ATTORNEY; AND ROBERT BELL OF HELLER EHRMAN WHITE & MCAULIFFE LLP AS AN ATTORNEY CONCERNING LABOR ISSUES AFFECTING THE RETIREMENT PLAN, AS NECESSARY, ALL WITH CONTRACTS LIMITS UP TO (\$35,000) EACH. ALL WOULD ADVISE THE AD HOC COMMITTEE AND THE BOARD IN CONNECTION WITH ITS REVIEW OF THE RETIREMENT PLAN (S) CURRENTLY PROVIDED, AND/OR TO BE PROVIDED TO THE EMPLOYEES OF THE SAN DIEGO HOUSING COMMISSION INCLUDING RECOMMENDATIONS CONCERNING A DEFINED BENEFIT PLAN. **RECOMMENDATION 2** AUTHORIZE ANY TWO (2) MEMBERS OF THE AD HOC COMMITTEE TO EXECUTE AGREEMENTS RETAINING THE ATTORNEYS AND ADVISORS, AS RECOMMENDED ABOVE, IN RECOMMENDATION 1, IN A FORM APPROVED BY

THE GENERAL COUNSEL OF THE COMMISSION. **RECOMMENDATION 3**
AUTHORIZES THE BUDGET ACTION TRANSFERRING \$105,000 FROM RESERVES
AS REFERENCED WITHIN THE REPORT. SECONDED BY ADAMS-BROOKS AND
CARRIED ON A UNANIMOUS VOTE OF 6-0 WITH YIP ABSENT.

CLOSED SESSION

The Commission recessed and convened in closed session with the following agenda:

a. Real Property Negotiations

Conference with Real Property Negotiator – Pursuant to California Government Code
Sections 54954.5(b) and 54956.8:

Property: The property designated Site #428
located at Nimitz Boulevard and
Famosa Boulevard in the Ocean Beach
area currently owned by Housing
Authority of the City of San Diego; APN
449-270-20 thru -22.

Agency Negotiators: Sal Salas, Elizabeth Morris, Carrol
Vaughan, and Steve Snyder for the San
Diego Housing Commission.

Negotiated Parties: Coastal Holdings, LLC.

Under Negotiation: Price and Terms

INSTRUCTIONS WERE GIVEN TO REAL PROPERTY NEGOTIATOR BY A VOTE OF
6-0 WITH YIP ABSENT.

ADJOURNMENT

Commissioner Salas adjourned the regular meeting at 12:40 p.m.

Respectfully submitted,

Approved by,

**Signature on File
With Original Document**

Angie Risotti
Executive Assistant to the President and CEO

Elizabeth C. Morris
President and CEO