

**FALLBROOK COMMUNITY PLANNING GROUP
and
DESIGN REVIEW BOARD**

Chair Eileen Delaney
eileen.fallbrook@gmail.com

Regular Meeting
Monday, December 20, 2021
7:00 PM

Zoom Meeting

Meeting ID: 816 4886 6166 - Passcode: AVOCADO - Dial in by Phone: 669-900-9128 (Phone Passcode: 4665015)
<https://us02web.zoom.us/j/81648866166?pwd=eWdVTUdBNlNTMzlkSFFJQm4yUG9aQT09>

OFFICIAL MINUTES

1. Call to order.

Chair Eileen Delaney called the meeting to order at 7:00 PM.

2. Roll Call

Chair Delaney directed Secretary Ross L. Pike to call the roll. Attendance is as follows:

PRESENT: Jeniene Domercq, First Vice Chair Roy Moosa, Chair Eileen Delaney, Stephani Baxter, Steve Brown, Secretary Ross L. Pike, Mark Mervich, Jim Loge, Victoria Stover, Second Vice Chair Kim Murphy, Jacqueline Kaiser, Michele McCaffery, Anna Strahan. (13)

ABSENT: Lee DeMeo.

EXCUSED: Tom Harrington.

VACANT: None.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Strahan.

4. PUBLIC FORUM. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three-minute limitation. Non-discussion and non-voting item.

No public comment was offered.

5. Approval of the November 15, 2021 Planning Group meeting minutes. Voting Item

Motion by Murphy, second by Brown, to approve the minutes as drafted by Secretary Pike. 13-0. Motion passes.

6 Presentation and Discussion on VMT, Vehicle Miles Traveled. Edmond Vera, PDS, Edmond.vera@sdcounty.ca.gov. Community Input. Planning Group. Non-voting Item.

A presentation was given by Damon Davis of the San Diego County Planning & Development Services on the Vehicle Miles Traveled initiative. Discussion followed. **No action taken.**

7. Presentation and Discussion on CEQA, California Environmental Quality Act. Planners: Denise Russell, Denise.Russell@sdcounty.ca.gov, and Ashley Smith, Ashley.smith@sdcounty.ca.gov Community Input. Planning Group. Non-Voting Item.

A presentation was given by Robert Hingten of the San Diego County Planning & Development Services on the California Environmental Quality Act (CEQA). **No action taken.**

8. Discussion and recommendations on the County Cannabis Ordinance- Part 4: Continued discussion on Enforcement and Revenue. County Planners: Aleena Benedito, aleena.benedito@sdcounty.ca.gov and Conor McGee, conor.mcgee@sdcounty.ca.gov. **Cannabis Adhoc Committee. Community Input. Voting Item.**

Committee Chair Murphy announced there was no report as the December meeting had been canceled. The committee will resume its normal meeting schedule in February 2022. Public comment was received by Linda Wilson. **No action taken.**

9. MEHKO, Micro Enterprise Home Kitchen Ordinance. County Environmental Health Director, Heather Buonomo, heather.buonomo@sdcounty.ca.gov Land Use Committee. Community Input. Voting Item.

A letter was presented by Brown to oppose the county's MEHKO initiative. See below for the letter.

Motion by Murphy, second by Brown, to send the letter to the San Diego County Board of Supervisors. 8-4-1. Motion passes.

Aye: McCaffery, Kaiser, Murphy, Brown, Baxter, Delaney, Moosa, Domercq.

Nay: Strahan, Stover, Mervich, Pike.

Abstain: Loge.

Not Voting (Absent): Harrington, DeMeo.

10. Informational Report by Planning Group Member Anna Strahan on Cal Trans. Community Input. Planning Group. Non-Voting Item.

Presentation by Strahan about CalTrans and current initiatives by the state agency. **No action taken.**

11. Informational Presentation and discussion. Proposed project located on Pico/Fig Ave. Applicant: Mark Watkins, abletohelp.com. Community Input. Planning Group. Non-voting Item.

A presentation was given by Mark Watkins on the proposed project. Discussion was held. **No action taken.**

12. For Committees:

Authorization of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)

A motion to find there is a proclaimed state of emergency and state and local officials have imposed or recommended measures to promote social distancing authorizing teleconferenced meetings pursuant to Government Code section 54953(e). [This motion is intended to apply to all of the legislative body subcommittees this legislative body has created.] [If the legislative body does not hold a meeting within the next 30 days, the chair is directed to review the status of the state of emergency and whether state or local officials continue to impose or recommend measures to promote social distancing. If both conditions exist, the chair is directed to memorialize such determination in writing and such writing will be presented for ratification at the next meeting of the legislative body.] **Community Input. Planning Group. Voting Item.**

Motion by Moosa, second by Brown, to find there is a proclaimed state of emergency and state and local officials have imposed or recommended measures to promote social distancing authorizing teleconferenced meetings pursuant to Government Code section 54953(e) with in-person site visits being permitted. 13-0-0. Motion passes.

Aye: Domercq, Moosa, Delaney, Baxter, Brown, Pike, Mervich, Loge, Stover, Murphy, Kaiser, McCaffery, Strahan.

Nay: None.

Abstain: None.

Not Voting (Absent): Harrington, DeMeo.

13. For Planning Group:

Authorization of Teleconferencing Meeting Option Pursuant to Government Code Section 54953(e)

Motion:

Pursuant to Government Code section 54953(e)(3), a motion to find the legislative body has reconsidered the circumstances of the State of Emergency and state and local officials continue to recommend measures to promote social distancing.

Community Input. Planning Group Discussion. Voting Item.

Motion by Moosa, second by Pike, to find there is a proclaimed state of emergency and state and local officials have imposed or recommended measures to promote social distancing authorizing teleconferenced meetings pursuant to Government Code section 54953(e). 10-3-0. Motion passes.

Aye: Domercq, Moosa, Delaney, Brown, Pike, Mervich, Stover, Murphy, McCaffery, Strahan.

Nay: Kaiser, Baxter, Loge.

Abstain: None.

Not Voting (Absent): Harrington, DeMeo.

15. PLANNING GROUP BUSINESS:

Announcements & Correspondence:

Reports:

Michele McCaffery: Policy I-1 and Brown Act Reference/ Updates

Lee DeMeo & Jeniene Domercq: Parliamentary Procedure Reference

Mark Mervich: Technical Advisor in-person meetings

Tom Harrington: NCFPD Reports and information

Jim Loge: Social Media

Stephani Baxter: Trails Council & CSA-81

Anna Stahan: Cal Trans

Jacqui Kaiser: Schools

Victoria Stover: I-15 DRB

No announcements or reports were given. No public comment was accepted per the Chair's direction. No action taken.

16. Adjournment

The meeting was adjourned at 8:55 PM.

Respectfully submitted,

Ross L. Pike
Secretary
Fallbrook Planning Group

NOTE: The Fallbrook Planning Group occasionally has openings on its Land Use Committee (Chair Steve Brown: fallbrookplanning@aol.com), Circulation Committee (Chair Roy Moosa: 760-723-1181), Parks & Recreation Committee (Chair Stephani Baxter: sbaxter.fcpg@gmail.com), Public Facilities Committee (Chair Roy Moosa: 760-723-1181), and Design Review Board Committee (Chair Eileen Delaney: eileen.fallbrook@gmail.com) for non-elected citizens. *There are currently vacancies on the Circulation Committee and Public Facilities Committee.* Interested persons are directed to please contact the respective committee chair. *To sign up for notifications for the digital Dropbox, please contact Group Secretary Ross L. Pike (rosspike.fallbrook@gmail.com) or visit bit.ly/FallbrookPlanningGroup.* For general Fallbrook Planning Group matters, please contact Chair Eileen Delaney (eileen.fallbrook@gmail.com).

December 20, 2021

Honorable San Diego County Board of Supervisors
Chair, Nathan Fletcher
Vice Chair, Nora Vargas
Honorable Jim Desmond
Honorable Joel Anderson
Honorable Terra Lawson-Remer

Chair Fletcher and Supervisors:

Assembly Bill 626, Chapter 470 enacted in 2018 and the clean up legislation, AB 377 enacted in 2019 created Microenterprise Home Kitchen Operations (MEHKO) as a permissible category of retail food facilities and expanded the State's preemption of local authority of residential retail food facilities. This statute allows for the preparation, sale and consumption of any food products at a residential site operating as a MEHKO.

There is an apparent ambiguity in AB 626 and AB 377 regarding City or County authority. The current statute states that Cities and Counties have "full discretion" to authorize a MEHKO, but the statute also includes a provision that the County authorization of a MEHKO supersedes any City's prohibition on residential retail food operation. This preempts local land use and zoning authority which have been established to protect residential communities from the adverse impact of commercial operations in residential areas.

The handling, storing, preparation and related issues for commercial retail food kitchens are heavily regulated and monitored to insure public safety. According to the CDC, 48 million illnesses, 128,000 hospitalizations and 3,000 deaths can be traced to food borne pathogens every year. For this reason, retail restaurants and bars are subject to some of the most stringent rules, regulations and inspection standards existing for commercial businesses. The MEHKO ordinance circumvents and negates many of these regulations at the potential expense of public health and safety.

Additional concerns raised by the operation of MEHKOs in residential areas include a host of other issues, including, but not limited to:

- Traffic and parking in and on congested or rural streets;
- Noise and light and odor control;
- Handling of garbage, oil and grease;
- Building and fire code standards for retail operation of food facilities;
- ADA accessibility;
- Questionable increase in employment and tax revenue;
- Last but not least, the MEHKO program is grossly unfair to the brick and mortar retail food operations, many of which are small mom and pop operations which are regulated, licensed and would potentially suffer unfair competition from the MEHKO operators.

Although the ordinance proposes requirements regarding Food Safety certification, control of food storage areas, inspection frequency, limited number of meals and gross sales, it is not clear how any of these items can be regulated and controlled or monitored.

The County has three options to consider regarding the MEHKO program:

1. Authorize the program via Resolution or Ordinance;
2. Temporary Authorization (Pilot Program) via Resolution or via Ordinance;
3. Do not authorize program.

It is our opinion that the MEHKO program disregards the important public safety guidelines in place for the preparation, sale, and consumption of food and that the unregulated preparation and sale of food in home kitchens presents a potential threat to the health, safety and of the community in addition to overriding the basic right to quiet possession provided for in residential zoning.

The Fallbrook Community Planning Group supports economic incentives to help small businesses. To provide an incentive that is not fair across the board, however, and that is being provided at the expense of another business sector is not equitable or just.

Based on the above concerns, it is the recommendation of the Fallbrook Community Planning Group, that the Board of Supervisors adopt option #3. **DO NOT AUTHORIZE PROGRAM.**

Thank you for the opportunity to provide our recommendation and input.

Yours truly,

Eileen Delaney
Chair, Fallbrook Community Planning Group
Fallbrook Design Review Board
