

Andrew Keatts

From: Andrew Keatts
Sent: Tuesday, April 5, 2016 3:30 PM
To: Andrew Keatts
Subject: Update on The New One Paseo project
Attachments: FPPC Opinion.pdf

From: "Westlake, Mike" <MWestlake@sandiego.gov>
Date: April 4, 2016 at 2:15:28 PM PDT
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Subject: Update on The New One Paseo project

Good Afternoon Commissioners – This is an update on the New One Paseo situation. In summary, the Planning Commission will not be considering the project before it goes to City Council. On Friday we received an opinion (attached) from the State of California Fair Political Practices Board. Corrine summarizes the opinion best as follows:

Basically, their opinion is that the Act only recognizes financial conflicts of interest when invoking the legally required participation (aka rule of necessity) exception and since one of the commissioner's has a nonfinancial conflict (bias) the exception cannot be used. Their position is very unique considering that a previous opinion they issued recognized a nonfinancial conflict when using the exception. Although we brought this conflicting opinion to their attention, they were unwilling to change their opinion.

Given this new information, we are still left with three commissions who have financial conflicts (Mr. Hofman is scheduled to be appointed at the Council hearing next Tuesday, April 5th) and one commissioner who has stated that he has a nonfinancial conflict of interest. Without being able to use the exception to bring one of those commissioners with a financial conflict, the Planning Commission is left without a quorum to hear the item. At this point it appears as though the only remaining option is to proceed with going straight to Council and having all of the actions go by uncodified ordinance to exempt them from the requirement to go to Planning Commission.

At this time staff is in the process of scheduling the project for a City Council hearing.

Thanks.

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