



UPTOWN PLANNERS

Uptown Community Planning Committee
June 2, 2009, Tuesday – Meeting Minutes

Present: Hyde, Lamb, Seidel, Grinchuk, Gatzke, Wilson (Chair), Bonn, Gottschalk, O'Dea, Adler, Jaworski, Towne, Edward, Mellos, Wendorf, Gatzke (arrived late), Jaworski (arrived late)

Absent: none

Bill Anderson, City Planning Director; Mary Wright, Assistant City Planning Director; Marlon Pangilinan, City Planner, were present.

Board Meeting: Parliamentary Items/ Reports

Approval of Agenda:

O'Dea moved to place the West Lewis Street Mini-Park Appeal on the consent agenda. Approved by unanimous voice vote.

O'Dea moved to approve the agenda as amended. Approved by unanimous voice vote.

Approval of May Minutes:

Gottschalk moved to approve the May meeting minutes. Approved by unanimous voice vote.

Treasurer's Report:

Treasurer Dahl reported a balance of \$ 145.28 in the bank account.

Website Report:

Webmaster O'Dea indicated the website will be transferred to a Yahoo account; which is \$ 50.00 less expensive the previously considered website hosts.

Board member Jaworski arrives and becomes part of the quorum.

Chair/CPC Report:

Chair Report: Several community members have raised concerns over whether the thatch on the outside of Hula's Bar & Grill is fire retardant. The cycle issues for the project several months ago had indicated a potential issue in this regard. City Planner Pangilinan indicated he would inquire if the necessary documentation had been submitted to City Planning regarding the thatch meeting fire standards.

CPC Report: The CPC discussed water conservation issues at its May meeting. A motion to recommend the cut-off of new water permits in a Stage 2 drought condition, versus the current requirement for a Stage 3 drought condition, failed.

The CPC elected officers for 2009-2010: Leo Wilson, Uptown PG, was re-elected chair; Doug Case, College PG, re-elected Vice Chair; and Christine Robinson, Old Town PG, elected Secretary.

Board member Gatzke arrives and becomes part of the quorum.

Public Communication – Non-Agenda Public Comment

Board members and Joyce Summer, representing the Center City Development Corporation, announced upcoming events and forums.

Jay Hyde gave an update on the status of the repair of the Marston Hills Pergola.

Representatives of Elected Officials

Courtney Thomson, representing City Council Member Todd Gloria, and Stephen Puetz, representing City Council President Pro Tem Kevin Faulconer, provided an update on the recent activities of each elected official.

Consent Agenda

- I. **1. WEST LEWIS STREET MINI-PARK APPEAL: Public Facilities Subcommittee**
Recommendation: Adopt the consensus letter of five community members in support of an alternative design and expenditure cap for West Lewis Street Mini-Park project. .
(see attachment "D")

Motion by Seidel to approve the consent agenda, second by Wendorf. Passed by a 16-0- vote, chair abstaining.

Action Items: Projects

1. **101 DICKINSON STREET ("SHIRAZ MEDICAL CENTER") – Process Five** – Medical Complex – Site Development Permit and Rezone from RS-1-1 to demolish existing structures and construct a four-story medical building with height and setback deviations on a 1.4 acre site at 101 Dickinson Street within the Uptown Community Plan, FAA Flight Path, Community Plan Implementation Overlay Area B.

Project applicant had previously been come before Uptown Planners on March 3, 2009. Uptown Planners voted to oppose the project, by a vote of 9-4-1, with a recommendation the applicant work with the Medical Complex community, and return to Uptown Planners at a future date.

Applicant stated the project had been modified to reduce its size, and that the applicant agreed to fund several traffic related improvements. A letter from Ben Badlee, on behalf of the applicant, was submitted to the board.

George Wedemeyer, a Medical Complex resident, indicated residents had negotiated with the applicant, and obtained the funding of several traffic related improvements. Wedemeyer spoke in favor of the project. Milton Phegley, representing UCSD, spoke against the project.

The board discussion focused primarily on traffic related impacts and issues.

Gatzke moved, seconded by Seidel, to approve the project as revised. Liddell made a friendly amendment recommending the establishment of an advisory committee for the Medical Complex area that would assist the City in administering parking-related permit conditions. The amendment was accepted by the maker of the motion.

The motion failed 7-9, chair abstaining. Towne, Gatzke, Liddell, Lamb, Seidel, Edwards and Dahl voted in favor of the motion. Adler, O'Dea, Bonn, Gottschalk, Mellos, Jaworski, Hyde, Wendorf, Grinchuk voted against; Chair Wilson abstained.

There were no further motions, and therefore the board's March 3, 2009 recommendation stands.

2. 2965 FRONT STREET ("QUINCE STREET REZONE/ VACATION") – Process Five –
Bankers Hill/ Park West -- Public Right of Way Vacation to vacate a portion of West Quince Street and Rezone from RS-1-2 and RS-1-7 at 2965 Front Street; within Airport Influence Zone, FAA Part 77, Residential Tandem Parking, Transit Area.

Chair Wilson indicated Uptown Planners had received 26 letters in opposition to the project, which were presented to the board for review. E-mails were received from Norma Ferrara and Gary Bonner, Bankers Hill residents in opposition to the project, which were distributed to the board.

Ken Discenza, representing the applicant, make the presentation in favor of the project; Gary Bonner, a Bankers Hill resident, spoke against it

Liddell moved to deny, seconded by Edwards, based on the failure of the project to satisfy the legal requirements for a public right-of-way vacation. Motion passed by a 16-0 vote, chair abstaining.

3. 3919 PRINGLE STREET VARIANCE ("BERGER RESIDENCE") – Process Three –
Mission Hills -- Variance for a 1,261 sq. ft. addition to an existing family residence with necessary building height on a 0.15 acre site at 3919 Pringle Street in the RS-1-7 Zone. DRS Recommendation: To recommend approval of the project plans as revised by applicant; with the following specific recommendations: (1.) support the height variance if the existing area that is over the height limitation is removed; (2.) support the FAR variance if necessary to allow enclosure of crawl space below family room addition, and there will not be a "pole structure." (3.) landscaping be placed on the outside front wall of the of the dining room addition and to the east side of the garage to obscure the mass of blank wall and roof.

Chair Wilson inquired of the applicant if they were willing to comply with the conditions recommended by the Design Review Subcommittee. The applicant's representative stated "yes", they would comply. Applicant further indicated they delayed coming to the full board to modify the project design in accordance with the conditions.

Liddell moved to approve, seconded by Seidel, with the condition that the Design Review Subcommittee Recommendations become a condition of the approval. Motion passed 16-0, chair abstaining.

Action Items: Non-Project:

- II. UPTOWN COMMUNITY PLAN UPDATE ADVISORY COMMITTEE: --**
Recommendation of Bylaws/Rules Subcommittee Chair Don Liddell, and board member Jim Mellos, that in conformance with City Council Policy 600-24, Uptown Planners resolve to be a "committee of the whole" to act as the Uptown Community Plan Update Advisory Committee. Such committee of the whole shall closely work with local community plan update committees, and other stakeholders, in each of the six constituent communities of Uptown, as identified on pages 86/87 of the Uptown Community Plan. (*see attachment "A"*)

Don Liddell, Chair of the Uptown Planners Bylaws/Rules Subcommittee, explained the purpose and legal basis of the "committee of the whole" concept. Chair Leo Wilson and Jim Mellos supplemented Liddell's comments, contained in the memo attached to these minutes.

Liddell's pointed out that City Council Policy 600-24 expressly delegates the preparation, implementation and amendment of community plan to the recognized and duly-elected community planning group.

Bill Anderson, the Director of the City's Planning Department, stated that the Planning Department wanted to appoint a stakeholder committee to ensure broad and inclusive participation in the community plan update process beyond the board members of the community planning groups. The non-board member stakeholders committee would have seats for designed categories – the actual representatives to fill each seat would be chosen by lottery among those qualified to represent the category.

A dialogue took place between Bill Anderson and the board, whereby it appeared a potential compromise was that Uptown Planners would operate as the committee of the whole; but that the Planning Department would also appoint an independent stakeholders committee. Both separate independent groups would be involved in the community plan update. Only Uptown Planners, as the recognized community planning committee, would have voting rights. Uptown Planners would vote on issues involving the community plan update at its noticed public meetings.

Public Comment

Ben Nichols, Director of the Hillcrest Business Association, said that participation should not be limited to community planning group members. He said that if people had been aware that only community planning group members would be given the authority to update the community plan, more people might have run for election to the board of Uptown Planners.

Ian Epley, architect, agreed with Nichols, and characterized limiting participation to elected board members as a power grab by 17 people who would be given the authority to determine the future for 37,000 people.

Mellos, seconded by Jaworski, moved to approve the "committee of the whole" recommendation, as described in a memorandum submitted by Liddell, that in conformance with City Council Policy 600-24, Uptown Planners resolve to be a "committee of the whole" to act as the Uptown Community Plan Update Advisory Committee. Such committee of the whole shall closely work with local community plan update committees, and other stakeholders, in each of the five constituent communities of Uptown, as identified on pages 86/87 of the Uptown Community Plan. (see attachment "A")

Motion passed 14-2: Liddell, Jaworski, Bonn, Wendorf, Dahl, Mellos, Edwards, Adler, O'Dea, Seidel, Hyde, Towne, Lamb, Gottschalk in favor. Gatzke, Grinchuk against; Chair Wilson abstaining.

After the vote, Bill Anderson indicated the Planning Department would solicit comments from board members of Uptown Planners regarding the categories which would be part of the Planning Department's appointed advisory committee

2. UPTOWN COMMUNITY PARKING DISTRICT REORGANIZATION: The Public Facilities Subcommittee made the following recommendation:

- (1.) That a new board be appointed for the Uptown Community Parking District by City Council Districts Two and Three; each City Councilmember appointing members from

their respective districts. Appointees may include existing board members; individual should serve two years terms, subject to reappointment;

(2.) The City Council should not renew the contract with Uptown Partnership, Inc. to administer the Uptown Community Parking District. Instead a voluntary advisory board should be established under direct supervision of the city, similar to that which exists in other communities, such as Pacific Beach.

(3.) The revenue of the Uptown Community Parking District should be used primarily to fund needed public facilities; with a goal of limiting operating and administrative costs to approximately 10%. The projects funded should primarily be parking and mobility related, as required by City Council Policy 100-18.

(4.) Parking meter revenue should be used to fund public facilities in the Uptown community in which it is generated; whether Hillcrest, Mission Hills, Medical Complex, Middletown or Bankers Hill/Park West.

After public comment by community members, board members and officers of Uptown Partnership, and Ben Nichols representing the Hillcrest Business Association, Lamb moved to approve the Public Facilities Subcommittee recommendation to reorganize the Uptown Community Parking District.

Grinchuk moved, seconded by Gatzke, to table the motion indicating it was outside of the City Council-approved purview of a community planning group pursuant to City Council Policy 600-24. The motion failed 2 -11, 4 abstentions: Gatzke, Grinchuk voted in favor. Liddell, Jaworski, Lamb, Wendorf, O'Dea, Adler, Hyde, Edwards, Towne, Seidel, Gottschalk, Chair Wilson, Mellos, Bonn and Dahl abstained. Mellos and Bonn indicated their abstentions were based on involvement with community parking district organizations.

Edwards, seconded by Gatzke, moved to continue the matter until the August meeting of Uptown Planners. Motion failed 3,11, 3 abstentions. Edwards, Grinchuk and Gatzke voted in favor. Liddell, Jaworski, Lamb, Wendorf, O'Dea, Adler, Hyde, Dahl, Towne, Seidel, Gottschalk, Chair Wilson, Mellos and Bonn abstained.

Gottschalk called the question.

Lamb's original motion moving the Public Facilities Subcommittee recommendation passed. Lamb, Liddell, Jaworski, Adler, Wendorf, Seidel, Hyde, Gottschalk voted in favor. Towne, O'Dea, Dahl, Gatzke, Grinchuk and Edwards voted against. Chair Wilson, Mellos and Bonn abstained.

Board Member Recommendation: Action Item:

1. David Gatzke: Proposed written check-list of documents, renditions, etc., that project applicants should be requested to provide Uptown Planners. (*attachment B to the minutes*)

The proposed "Uptown Planners Tips for Successful Presentations" was well received and favorable commented on by the board. Chair Wilson suggested they be presented to the CPC and adopted by other community planning groups.

O'Dea moved, seconded by Jaworski, to approve Gatzke's checklist for project applicants. Motion passed 16-0, chair abstaining.

2. Janet O'Dea: Amendment to Uptown Planners standard condition regarding sidewalk scoring. (*attachment C to the minutes*)

Gatzke moved, seconded by Mellos, to approve the O'Dea recommended amendment to the Uptown Planners standard condition regarding sidewalk scoring. Motion passed 15-1, Dahl voting against; Chair Wilson abstaining. .

These minutes respectfully submitted by Board Secretary Andrew Towne

Attachment A

MEMORANDUM FROM DON LIDDELL, BYLAWS/ RULES SUBCOMMITTEE CHAIR

At the last Uptown Planners meeting on April 7, 2009, I recommended that Uptown Planners consider establishing an *ad hoc* "Community Plan Update Advisory Subcommittee" as the best way to facilitate its collaboration with the City, affected stakeholder groups, and members of the Uptown community in the Community Plan Update process. In order to (i) minimize layers of bureaucracy and confusion, and (ii) promote effective community outreach and discussion. The newly formed Advisory Subcommittee should exist for the duration of the Community Plan Update process, functioning as an Uptown Planners "committee of the whole". The Advisory Subcommittee would consist of all of the elected members of Uptown Planners, and would obviate the need for any form separate an advisory committee established by the City. To support the recommended approach, this memorandum reviews (i) the draft Community Plan Update Manuals as it currently is propose for adoption, (ii) the City of San Diego's Policy on the roles and responsibilities of community planning groups, (iii) the Uptown Planner Bylaws – all in the context of the requirements of Brown Act and the over arching goals and objectives of San Diego's General Plan

I. BACKGROUND

An invitation to an initial public meeting to discuss the Community Plan update process with City staff that was sent to the Uptown, North Park, and Golden Hill community planning groups on January 28, 2009, stated that the agenda would include "the planning framework established by the City's new General Plan, and public involvement in the process by the existing community planning groups, as well as stakeholder committees formed for this purpose. These stakeholder committees will provide the opportunity for other interested members of the community to be formally involved in the process".

At the initial public meeting, there was no mention of San Diego's City Council Policy No. 600-24, which provides that community planning groups, such as Uptown Planners, "have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, *specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries*". Council Policy 600-24 also states that the City does not direct or recommend the election of specified individual planning group members, nor does the City appoint members to planning groups, or recommend removal of individual members of a planning group."

The Uptown Planners Bylaws, adopted pursuant to City Council Policy No, 600-24, provide, at Article VI, that "It is the duty of the Uptown Planners to cooperatively work with the City throughout the planning process, including, but not limited to, the formation of long-

range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan." Article VI of the Bylaws also provide that "Uptown Planners may establish standing and *ad hoc* subcommittees when their operation contributes to more effective discussions at regular Uptown Planners meetings. In addition, the Bylaws require that any duly formed standing or *ad hoc* committees must consist of a majority of members that are elected members of Uptown Planners. Apart from the Brown Act and City Council policy, the Bylaws place no other procedural restrictions or requirements on formation of subcommittees. Like the Uptown Planners themselves, their meetings are conducted in accordance with Roberts Rules of Order.

II. DRAFT COMMUNITY PLAN UPDATE MANUAL

Following the initial public meeting, a Memorandum transmitting a "Final Draft of a Community Plan Preparation Manual" to San Diego's Community Planners Committee on March 17, 2009, says that "Planning staff manages the community plan update process and the recognized community planning groups serve as **the** major partner in the process." It goes on to say, however, that "At this time, the [City Planning & Community Investment] department is unable to support Community Planning Group (CPG) "veto" rights over non-CPG seats on the Community Plan Update Advisory Committees. Community Plan Update Advisory Committee seats are comprised of a CPG majority with additional seats reserved for other interested community persons. The CPG may provide input on the composition of the CPUAC seats. The non-CPG seats will be selected by either a lottery monitored by CPCI or by council member appointment."

The Final Draft of the Community Plan Preparation Manual was prepared by the City in accordance with guidance provided by the California State Office of Planning and Research 2009 General Plan Guidelines. There may be other sources of authority for its contents, but none are cited in the draft or the transmittal Memorandum. The draft says that "To ensure timely participation by the public and planning group a Community Plan Update Advisory Committee should be formed. This committee may be a subcommittee of the community planning group or formed as a separate committee by the City in consultation with the CPG. This committee will focus solely on the plan update and will meet regularly in a formal public setting where the appropriate time can be committed to the update and community input is encouraged. This committee is subject to the Brown Act meeting requirements and as a subcommittee of the planning group it is subject to the planning group's bylaws and Council Policy 600-24. (page 10).

The draft Manual states further "There is no single approach to public participation that fits all events or communities. All updates will have a Community Plan Update Advisory Committee that will be tasked with meeting regularly and reviewing all aspects of the plan update. The Community Plan Update Advisory Committee is responsible for convening the public discussion on the update and may be a newly formed group, a subcommittee of the community planning group, or other advisory body depending on the needs of the community." The draft Manual presents two suggested alternative approaches Uptown Planners to chose from: "A Community Plan Update Advisory Committee may be established as a subcommittee of the planning group or the planning group may have representatives on a separately established committee."

The draft Manual says: "Once the plan update begins and Planning staff has identified all the stakeholders involved, *the community planning group will form a Community Plan Update Advisory Committee.*"[Emphasis added] Contrary to the requirements of Council Policy 600-24 and the Uptown Planners Bylaws, the draft Manual then purports to dictate the appointment of a

category of members of a subcommittee of Uptown Planners: “The Community Plan Update Advisory Committee will need to have balanced representation and include both elected members of the community planning group as well as non-members who wish to participate in the plan update.”

III. CONCLUSION

Uptown Planners should establish a committee of the whole to act as an advisory group to the City as and by itself, rather than cede its legitimate authority and responsibilities to a body that has no legal standing. As described in Roberts Rules of Order: “When an assembly has to consider a subject which it does not wish to refer to a committee, and yet where the subject matter is not well digested and put into proper form for its definite action, or when, for any other reason, it is desirable for the assembly to consider a subject with all the freedom of an ordinary committee, it is the practice to refer the matter to the “Committee of the Whole.” The committee of the whole is a very common practice, used to facilitate discussion and streamline administrative procedures that is ideally suited to serve the functions contemplated by the draft Community Plan Update Manual. The San Diego City Council, of course, routinely sits as the committee of the whole to facilitate discussion in accordance with the Permanent Rules of Council and report recommend action to the Council sitting itself. There is simply no good reason to ignore a traditional, well understood, and very workable committee of the whole procedure in order to embrace an advisory committee approach to the Community Planning process that is untried and likely to produce an unintended consequence – chaos.

Attachment B

David Gatzke: Proposed written check-list of documents, renditions, etc., that project applicants should be requested to provide Uptown Planners. (*attachment B to the minutes*)

Attachment C

Janet O'Dea: Amendment to Uptown Planners standard condition regarding sidewalk scoring. (*attachment C to the minutes*)

Attachment D

CONSENSUS LETTER RE: WEST LEWIS STREET MINI-PARK

Councilmember Kevin Faulconer
Attn: Stephen Puetz

Re: West Lewis Mini Park Project

Dear Mr. Puetz:

Leaders of Mission Hills Heritage, the Mission Hills Town Council, Uptown Planners and residents who were originally involved with the design of this project recently met and concur with the following goals for this project:

- Light wash off; the pour can be allowed to set up then gently rinsed to remove the fines.

Note: a light wash off is less frequently used, and may be slightly more difficult to achieve consistency.

1. The design should be “softened” and made more organic to fit better within the natural setting of the adjacent canyon;
2. No more than \$450,000 of DIF funds should be spent on Phase I of this project, and no DIF funds should be allocated to Phase II of this project.

In order to accomplish these goals, we propose the following design modifications, which we feel are within “substantial conformance” with the existing approval for the project, which can be accomplished through changes to the construction drawings, and if necessary by sub-phasing of the project:

- Remove the four (4) northernmost corten steel raised planters with small trees.
- Remove approximately 70%-80% of the boulders with only a few left for seating.
- Increase native/drought tolerant plantings as necessary to soften the park.
- Delete the concrete grid.
- Reduce the size of the “accent paver” area and substitute a more organic appearing material.
- Retain the interpretive sign/kiosk and walkway.
- Retain the public art as budget permits.

We will ask our constituent groups to consider approving these changes. We urge Councilmember Faulconer to assist us with convincing the Department of Parks and Recreation to agree to the changes in advance of the hearing on the pending appeal to the Planning Commission.

Sincerely,
Barry Hager
Katherine Jones
Leo Wilson
John Lomac
James Gates

Attachment C

Matching the original color of the old sidewalks when they are being replaced either under the City's matching funds program, other infrastructure projects or when replacements are done under private contracts should all be following a recent example from Kensington.

Recently, SDG&E did work in Kensington as part of a project and were sensitive to matching the existing sidewalks by not just matching the scoring pattern but by also matching the color and creating a very smooth surface finish (instead of the typical standard gray with broom finish). This install would have been an even closer match had they used an etched finish to expose the sand which is common to all historic sidewalks. While this is extraordinary in practice the fact that the color and texture were matched should be part of the procedure and is referenced in several places.

Land development code:142.0506(j)(5) requires that driveway entrances crossing a sidewalk maintain the scoring pattern and color used in the adjacent sidewalk areas.

Historic Preservation Element (General Plan): Protect and preserve historic sidewalk stamps, street signs, lampposts, street trees and other hardscape and landscape elements that contribute to the historic character of a neighborhood.

Proposed Motion: That the standard conditions are amended to include closely matching the sidewalk color and texture. Further that the city and applicants are provided with the following resources to enable them to do so.

Resource Information;

The correct treatment for matching most historic sidewalk color and texture is

1. Using the appropriate integral color and 2. finish to expose the sand fines

INTEGRAL COLOR: Solomon "Thyme" (#238 at 1% Loading)

The resource for the work in Kensington was AVEE Consulting (619) 468.3810 and they provided the following information to the neighbors in Kensington who have shared it with us. The color that they used in Kensington that matched so well was Solomon "Thyme" (#238 at 1% Loading).

SURFACE TEXTURE: Grace Top Surface Retarder (or equal)

Use an etched finish gel retardant in a light/medium etch product, such as 03 light violet ("acid etch") or 05 powder blue violet ("sand blast") by the manufacturer Grace Top Surface Retarder. Follow manufacturers application instructions.

Alternate options to expose the sand:

- Light sandblast

- A medium acid etch will yield a very close match of the historic finish environmental restrictions may apply.

- Light wash off; the pour can be allowed to set up then gently rinsed to remove the fines.

Note: a light wash off is less frequently used, and may be slightly more difficult to achieve consistency.