



# UPTOWN PLANNERS

Uptown Community Planning Committee

AGENDA

## NOTICE OF PUBLIC MEETING

**April 7, 2009 (Tuesday) – 6:00-9:00 p.m.**

**Joyce Beers Community Center, Uptown Shopping District**

**(Located on Vermont Street between the Terra and Aladdin Restaurants)**

**I. Board Meeting: Parliamentary Items/ Reports: (6:00 p.m.)**

- A. Introductions
- B. Adoption of Agenda and Rules of Order
- C. Election of Officers
- D. Approval of Minutes
- E. Treasurer's Report
- F. Website Report
- G. Chair/ CPC Report

**II. Public Communication – Non-Agenda Public Comment (3 minutes);** Speakers are encouraged, although not required, to fill out public comment forms and provide them to the secretary at the beginning of the meeting. **(6:15 p.m.)**

**III. Representatives of Elected Officials: (3 minutes each) (6:30 p.m.)**

**IV. Consent Agenda:** Members present: Roy Dahl, Janet O'Dea, Ernie Bonn, Ian Epley, Jay Hyde, David Gatzke, Leo Wilson

**1. 3535 INDIA STREET CUP ("ROUTE 66 GAS STATION") -- Process Three –** Middleton --Conditional Use Permit (CUP) to amend CUP # 85-0789 to demolish existing mini-mart and construct a 3,398 sq. ft. convenience store for an existing gas station with two new gas dispensers on a 0.50 acre site at 3535 India Street in the CL-6 Zone; Airport Influence Area, FAA Part 77; AAOZ; *(DRS: Motion by O'Dea, 2<sup>nd</sup> Hyde: Recommend approval of the project and place on consent agenda, with the condition that two utility poles be placed underground; passed 5-0-2)*

**V. APPOINTMENT TO FILL BOARD VACANCY CREATED BY RESIGNATION OF STEVEN SATZ – (\*Qualifications for being a board member are listed below; any qualified Uptown community member may seek appointment) (6:45 p.m.)**

**VI. Action Items: Projects:**

**1. WEST LEWIS & FALCON SDP ("WEST LEWIS MINI-PARK") – Process Three** -- Mission Hills – Site Development Permit for Environmentally Sensitive Lands for a .033 acre park located over a vacated portion of Falcon Street and a section of West Lewis Street; FAA Part 77. *(PFS: Motion by Wilson, 2<sup>nd</sup> by Grinchuk: (1.) recommend support for the development of a mini-park at the location; (2.) eliminate the second phase ("Phase Two") of the project, and delete all*

*reference to it in project-related documents; (3.) cap the cost of the project at a set amount to be determined by the board, and require the cost of the project to stay within the established budget. passed 4 - 0) (7:00 p.m.)*

2. **BUCHANAN CANYON SEWER REPLACEMENT PROJECT SDP** – Process Three - University Heights/ North Hillcrest – Site Development Permit for Environmentally Sensitive Lands to replace and install sewer pipe mains in an area of University Heights and North Hillcrest including State Hwy 163, Mercy Hospital and Medical Center; Sleepy Hollow Villas, Washington Street, Lincoln Street. (7:20 p.m.)
3. **4496 ARCH STREET NDP (“HAMILTON RESIDENCE”)** – Process Two – University Heights – Neighborhood Development Permit for Environmentally Sensitive Lands to construct a single family residence on a 0.32 acre site at 4496 Arch Street in the RS-1-7 & RS-1-1 Zones; FAA Notification Area. (Continued from the November 12, 2008 board agenda.) (7:40 p.m.)
4. **142 UNIVERSITY AVENUE BUILDING PERMIT APPLICATION (“HULA’S BEACH BAR & GRILL T. I.”)** – Process Two – Hillcrest --Building permit for tenant improvement for existing restaurant. Code case to rectify all violations per Civil Penalty Notice & Order; Scope of work proposed: New frame work & thatching for ceiling fans. Associated electrical & lighting through-out. The (E) windows were removed & replaced w/sliding plexiglass panels. Permit for non-permitted awning that crosses into right of way \* \* Sidewalk café not included \* \* (8:00 p.m.)
5. **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: Motion by Gatzke, 2<sup>nd</sup> Dahl: 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, passed 6-0-1) (8:15 p.m.)

**VII. Action Items: Non-Project: (8:30 p.m.)**

1. **REQUEST FOR LETTER OF SUPPORT FOR THE 20<sup>th</sup> AIDS WALK:** Event will take place on May 31, 2009.
2. **REQUEST FOR LETTER OF SUPPORT FOR PRIDE:** Event will take place on April 18 through April 19, 2009.
3. **REQUEST FOR LETTER OF SUPPORT FOR NIGHTMARE ON NORMAL STREET;** Event will take place on October 31, 2009.
4. **REQUEST FOR LETTER OF SUPPORT FOR STONEWALL 2.0 DANCE PARTY;** Event will take place on July 18, 2009 at the Center on Normal Street.

**VIII. Subcommittee Reports/ Potential Action Items: (8:40 p.m.)**

1. Formation of Stakeholder Committee for Uptown Community Plan Update.

2. Historic Resources Subcommittee: Motion approved recommending that a representative from Save Our Heritage Organization be included on the Uptown Plan update stakeholder committee.

**IX. Board Member/ Community Organization Reports**

**X. Adjournment. (9:00 p.m.)**

**XI. NOTICE OF FUTURE MEETINGS**

**Design Review Subcommittee:** Next meeting: April 21 2009, at 5:00 p. m.; at Swedenborgian Church, 4144 Campus Avenue, in University Heights (subject to cancellation)

**Historic Resources Subcommittee:** Next meeting: April 14, 2009, at 3:00 p.m., at University Heights CDC, 4452 Park Blvd., in Bankers Hill/ Park West.

**Public Facilities Subcommittee:** – Next meeting; April 16, 2009, at 3:00 p.m., at Bassam Café, 3088 Fifth Avenue, in Bankers Hill/ Park West.

**Uptown Planners:** Next meeting: May 5, 2009, at 6:00 p. m. at the Joyce Beers Community Center, Hillcrest.

**\*Qualifications for appointment as a member of the board of Uptown Planners:**

- (1) A property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the Uptown community planning area, or
- (2) A resident, who is an individual whose primary address of residence is an address in the Uptown community planning area, or
- (3) A local businessperson, who is a local business or not-for-profit owner, operator, or designee at a non-residential real property address in the Uptown community planning area.
- (4) Submit a completed membership form – which may be obtained from the chair prior to or at the April 7 board meeting.

**Note: All times listed are estimates only:** Anyone who requires an alternative format of this agenda or has special access needs, please contact (619) 835-9501 at least three days prior to the meeting. For more information on meeting times or issues before Uptown Planners, contact Leo Wilson, Chair, at (619) 231-4495 or at [leo.wikstrom@sbcglobal.net](mailto:leo.wikstrom@sbcglobal.net) . Correspondence may be sent to 1010 University Ave, Box 1781, San Diego, CA 92103 Uptown Planners is the City's recognized advisory community planning group for the Uptown Community Planning Area.

*Visit our website at [www.uptownplanners.org](http://www.uptownplanners.org) for meeting agendas and other information*

# UPTOWN PLANNERS

## Project Pipeline: April 2009

**BUCHANAN CANYON SEWER REPLACEMENT PROJECT** – Process Three – University Heights/ North Hillcrest – Site Development Permit for Environmentally Sensitive Lands to replace and install sewer pipe mains in an area of University Heights and North Hillcrest including State Hwy 163, Mercy Hospital and Medical Center; Sleepy Hollow Villas, Washington Street, Lincoln Street. (UP; 7 Apr 2009)

*Distribution Form* dated 18 Feb 2009; *Notice of Application* dated 4 Mar 2009.

*Site Plans* state: “Work To Be Done”

“Construction consists of the installation of approximately 4,392 linear feet of eight inch (8”), ten (10”), twelve inch (12”), and fifteen inch (15”), sewer mains, sewer manholes, sewer laterals, sewer lateral replumbing, sewer pumps, trench shoring, pavement resurfacing, curb ramps, and all the other work and appurtenances in accordance with these specifications and drawing numbered 31845-1-D through 31845-12-D.”

**3252 FRONT STREET SDP (“MACKENZIE RESIDENCE”)** – Process Three – Bankers Hill/ Park West – Site Development Permit for Environmentally Sensitive Lands for a new pool with landscape improvements on a 0.45 acre site with an existing single family residence at 3252 Front Street in the RS-1-7 and RS-1-2 Zone; FAA Part 77; Residential Tandem Parking; Transit Area.

*Distribution Form* dated 18 Jul 2008 and 5 Dec 2008; *Notice of Application* dated 1 Aug 2008.

*Assessment Letter* dated 2 Sep 2008; applicant needs to prepare draft written findings for the SDP; *Biology Letter Report* must be submitted. A Brush Management Plan required; if project cannot comply with the 100 foot buffer, then an alternative method of compliance must be worked out with staff. A determination must be made if any sensitive biological resources exist on the site.

Responses to 1<sup>st</sup> Assessment Letter, (1.) Biological Report has been submitted; all areas within the limit of work have been previously disturbed.

**3535 INDIA STREET CUP (“ROUTE 66 GAS STATION”)** -- Process Three – Middleton -- Conditional Use Permit (CUP) to amend CUP # 85-0789 to demolish existing mini-mart and construct a 3,398 sq. ft. convenience store for an existing gas station with two new gas dispensers on a 0.50 acre site at 3535 India Street in the CL-6 Zone; Airport Influence Area, FAA Part 77; AAOZ; (UP; 7 Apr 2009)

*Distribution Form* dated 23 May 2008.

*Notice of Application* dated 5 Jun 2008.

*Assessment Letter* dated 27 Jun 2008; *Cycle Issues* dated 27 Jun 2008;

Project seeking to amend existing CUP to provide for demolition of existing mini-mart and construction of new 3,398 foot store; a Site Development Permit required because deviation is sought to Mid-City PDO requirement for off-setting plans. Planning staff can support the technical deviations as the building is articulated along the street-side of the building.

The project is below 30 feet in height so conforms to AAOZ; has no residential, so is not regulated by the Airport Environs Overlay Zone. The project must be reviewed for consistency with the ALUP, and by the FAA.

Project proposed a 14-foot retaining wall; however, the plans show only a 12-foot retaining wall; only a 12-foot retaining wall is permitted. Unclear if transparency requirement for street wall from three to 10 feet in length is being met.

A driveway entrance can only be 30-feet wide; site plans show a 36-foot driveway; must be narrowed to 30-feet in width.

Traffic impact analysis is required:

1 TRIP GENERATION-The proposed 3,389 sq ft convenience store minus the removal of the existing 400 sq ft mini mart, resulting in a net increase of 2,989 sq ft is expected to generate 1,189 average weekday trips (ADT), using the rate of 700 ADT/1,000sq ft (allowing a credit of 100 sq ft per fueling stations, resulting in 1200 sq ft credit in trip generation calculations), with 107 AM, and 83 PM peak hour trips. The proposed 4 additional fueling stations are expected to generate 600 average weekday trips (ADT), at a rate of 150ADT/ fueling station, with 48 AM, and 48 PM peak hour trips.

Water quality study required; also a hazardous waste questionnaire must be completed. Planning staff recommends that because of extent of hardscape; permeable surfaces and other measures be used to prevent storm water run-off.

A total of 12 parking spaces required; 13 are provided; lighting must be updated to meet code. Two telephone poles; utilities should be placed underground.

Use of solar and the provision of alternate fuels should also be considered. Landscape design statement requested, which indicates landscape theme of project. Eight street trees required.

**3919 PRINGLE STREET ("BERGER RESIDENCE") – Process Three** – 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. (UP, 7 Apr 2009)

Distribution Sheet dated 4 Feb 2009; Notice of Application dated 19 Feb 2009.

Site Plans prepared by Scott A. Spencer & Associates: The present sq. ft. of residence is 2,717.60; addition will add 1261.35 sq. feet, for a total area of 3075 sq. ft.

Scope of work: "Remodel and addition to an existing single family residence:

Main Level: add a dining room, entry and living room, remodel kitchen, new exterior deck w/covering:

Upper Level: Add a master bathroom, remodel new upper deck with fireplace & whirlpool spa.

Lower Level: Addition of new family room, deck, bedroom, # 2, and two new bathtubs.

"Findings for Variance Approval

A. There are Special Circumstances that apply to this parcel of land. As was explained in the existing project description, the existing residence for any addition requires a height variance. This alone is unusual in the existing non-conforming height. There are not a lot of options where to place the addition. Either to the northeast over a drainage pipe and in the area of steep gradients, to the west, closer to the neighbor, or to the southeast where there is space, but in an area of slope.

*In this area as the addition is placed, the datum points for height determination are further down the slope. One thing that the Project proposes is the removal of three and a half feet (3.5) of an awkward part of the roof in the upstairs Master Bedroom. From the front yard this makes it appear as though the actual height of the structure is lowered. The main point is that the non-conforming nature of the existing structure and lack of reasonable options where they do an addition requires that the granting of this variance be given.*

*B. If the strict application of the current code was enforced, this would prevent the applicant from doing any significant addition to the structure. This is a right that would be denied to applicant that the granting of this variance would allow such a right to be extended to the applicant.*

*C. The granting of this height variance request, while being over the current height regulations as determined in the current code would be unique in two aspects. One is the overall height of the proposed structure would be more in conformity than the current structure is, and two, from the street visibility of the proposed project, would be less in height than what currently exists.*

*D. The granting of the variance would not alter the type of structure or its use on the property. The area is a single family residential neighborhood, and would remain so. The Land use plan would be maintained even with the granting of the variance.”*

Assessment Letter/Cycle Issues dated 12 Mar 2009:

*“Staff can not support the requested variance because not all the required findings can be made. Specifically, the finding that the requested variance is the minimum amount necessary to allow reasonable use can not be made. There is an variance for the site which allowed development of the existing single-family residence, which has established reasonable use of the property.”*

*Property already has a variance, which allows a 0-foot street setback. The existing variance allowed the project to observe the 0-foot setback to avoid development down the slope and into the canyon. One of the findings of the variance was that the development was minimum necessary for reasonable use.*

*Staff cannot support the proposed development on the open space portion of the lot. Site is identified as part of the Washington Street canyon system and the biological/ geological zone. Community plan discourages grading and vegetation removal of undeveloped portions within the zone.*

*Several walls are proposed for demolition. The addition portions of the structure that create the over height situation should also be demolished so that no variance is needed for height.*

*Staff research in 1997 indicated the undeveloped portions of the site were on native/ undisturbed slopes.*

**WEST LEWIS & FALCON SDP (“WEST LEWIS MINI-PARK”) – Process Three** -- Mission Hills – Site Development Permit for Environmentally Sensitive Lands for a .033 acre park located over a vacated portion of Falcon Street and a section of West Lewis Street; FAA Part 77. **(UP, 7 Apr 2009)**

Notice of Application dated 15 Apr 2008; Distribution Sheet dated 1 Oct 2008.

*“The project proposes improvements to a 0.33 acre passive park located over a vacated portion of Falcon Street and a paper section of West Lewis Street, adjacent to open space canyon. The improvements would include finish grading, concrete walkways, stabilized decomposed granite*

surfacing, interlocking concrete paved areas, temporary irrigation systems, and native plants landscaping.”

Distribution Form dated 3 Mar 2008; Second Distribution Form on 10 Dec 2008.

Assessment Letter/ Cycle Issues dated 6 May 2008; project the development of a small park at the intersection of West Lewis and Falcon Street as Phase I; and at Goldfinch and West Lewis Street as Phase II; within the RS-1-1 and MR-1000 zones.

*“The Phase I project proposes development of park design east of the proposed foot bridge and includes finish grading, drainage, pedestrian ramps, hardscape, mow curbs, decomposed paving, decorative boulders, temporary irrigation and planting.”*

*“Phase II proposes construction of a steel supported pedestrian bridge with wood treads and a trail development of the park design; western portion (Goldfinch Street) and includes finish grading, drainage, pedestrian ramps, hardscape, decomposed granite paving, decorative boulders, temporary irrigation and plantings. The park will have lookouts to the natural canyon to the north”*

*The project must comply with brush management regulations, particularly in the case of the pedestrian bridge. The bridge design must be fire rated.*

*The bio study prepared for the project states that impacts would not have to be mitigated below the level of significance; this is a misinterpretation of the City’s Significant Determination Thresholds – to qualify for an exemption the total impacts to upland habitat must not exceed 0.1 acres; the combined project impacts would exceed .19 acres and so mitigation would be required. Biological report must include mitigation measures.*

*A brush management plan must be provided, and it must be clarified who is responsible for maintenance of the brush management. The city open space lots involved are rated “highly flammable.”*

*Must comply with the City’s storm water requirements; also, parking requirements must be determined. City standard curbs, gutter, sidewalk and pedestrian ramps must be installed along the frontage and at intersections. An exposed onsite sewer pipe exists on the vacated portion of West Lewis Street, which may have been improperly abandoned. Any sewer pipes within three feet of the ground level are required to be removed – if belong to any adjacent houses, the owner is required to connect to a main fronting their property.*

*A total of 130 cubic yards of material will be exported from the project site;*

Second Assessment Letter/Cycle Issues dated 29 Oct 2008.

*All landscape issues have been cleared; some minor changes to brush management plan required. Parking requirements will be determined by the Park & Recreation Department based on consultant’s guidelines.*

*The parking requirements and proposed on-site parking spaces need to be stated for the proposed park. The proposed park is expected to generate 12 daily weekday trips.*

*Additional information needed for biological resources – before environmental review can be completed; a determination has not been made whether an Environmental Impact Report, MND or ND will be required.*

*The biological report submitted indicated the impacts would be below the level of significance. This misinterpreted the City's Significance Determination Thresholds, to qualify for exemption, the total impacts must not exceed 0.1 acres; project will affect .10 acres. Mitigation will be required.*

*Curbs, gutter and sidewalks need to be installed. The pedestrian bridge should be a minimum of five to six feet wide; and not proposed four feet. There are 81 on street parking spaces within one block; planning staff requested further information about availability at various hours of the day.*

*Third Assessment Letter dated 15 Dec 2008;*

*\* Development of a small park at the intersection of West Lewis Street and Falcon Street as Phase I and at Goldfinch Street and West Lewis Street as Phase II within the RS-1-1 and MR-1000 Zone.*

*\*Phase I project proposes development of park design east of the proposed foot bridge and includes finished grading, drainage, pedestrian ramps, hardscape, mow curbs, decomposed paving, decorative boulders, temporary irrigation and planting.*

*\*Phase II proposes construction of a steel supported bridge with wood treads and trail development of the park design; western portion (Goldfinch) and includes finish grading, drainage, pedestrian ramps, hardscape, decomposed granite paving, decorative boulders, temporary irrigation and planting. The park will have lookouts to the natural canyon to the north.*

*"All items requested per the Extended Initial Study have been submitted, reviews and approved. Staff has determined a Mitigate Negative Declaration can be prepared. The project would be required to mitigate for impacts to sensitive biological habitat (non-native grassland).*

*All current street lighting requirements should be met.*

*"Thank you for providing the minutes from the University Heights Recreation Council and the Design Review Committee showing their approval for the project. However, the Uptown Planners is the group that is officially recognized by the City Council as a representative of the community, and as an advisor to the City in actions that would affect the community."*

*Question of what the parking requirement will be – applicant indicated there are 81 on-site parking spaces within one block. Staff has questions on availability during what times of the day.*

*Project should incorporate City standard curb and gutters, sidewalks, and pedestrian ramps; and comply with current street lighting requirements. Brush management conditions must be met.*

*Public Notice of a draft Mitigated Negative Declaration dated 27 Feb 2009; comments on the document must be received by 29 Mar 2009.*

## **Process Two Projects** **(Reviewed by Staff; Potential Appeal to Hearing Officer)**

**4496 ARCH STREET ("HAMILTON RESIDENCE") – Process Two – University Heights – Neighborhood Development Permit for Environmentally Sensitive Lands to construct a single family residence on a 0.32 acre site at 4496 Arch Street in the RS-1-7 & RS-1-1 Zones; FAA Notification Area. (UP, 7 Apr 2009)**

*Distribution Sheet dated 1 Aug 2008; Introductory Letter dated 4 Aug 2008; Notice of Future Decision dated 15 Aug 2008.*



Site Plans – a new two bedroom residence with basement and new car garage; 1,877 sq. ft. in size; existing residence was built in 1927; the entire site is in Environmentally Sensitive Lands and MSCP.

Notice of Future Decision dated 15 Aug 2008

Assessment Letter/ Cycle Issues dated 15 Sep 2008; A Biological Letter Report and Water Quality Technical Report must be prepared. Project must be modified to meet side yard setback requirements; and comply with brush management regulations and requirements of multi-species habitat planning area. Drainage needs to be directed away from steep hillside.

Key Issues: 1. Project must be modified to meet side yard setback requirements; the plans show a west side setback of 5 feet, six inches; west side setback needs to be 9 feet, five inches.

Biological Letter Report needs to address impacts upon sensitive habitats and species; archaeological survey may also be required. The residence on site was built in 1927; City's historic staff has reviewed project and determined a historic report will not be required.

Applicant's Response Letter to Assessment Letter dated 10 Dec 2008;

- 1.) All drainage around the house shall be directed with roof downspouts and property slope drainage towards front of the property and filtered with drain system;
- 2.) Brush management program incorporated into project;
- 3.) No access to MHPA from project site.

Assessment Letter dated 26 Jan 2009; Cycle Issues dated 27 Jan 2009:

1. Height Discrepancy; chimney goes above height limitation, needs to be redesigned;
2. Biological Report requires some revisions, but was accepted by staff – shows no direct impacts, but potential indirect impacts to MHPA and raptors;
3. Brush Management Plans needs revision.

**2044 FIRST AVENUE NUP (“SD CREDIT ASSOCIATION WCF”)** – Process Two – Bankers Hill/ Park West – Neighborhood Use Permit to install a wireless communication facility with associated equipment on the roof of an existing building on a 0.28 site at 2044 First Avenue in the NP-3 Zone; Airport Approach Overlay Zone; Airport Influence Area; FAA Part 77; Residential Tandem Parking Area; Transit Area.

Distribution Sheet dated 18 Aug 2008; Posted Notice of Future Decision dated 22 Sep 2008.

**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-1-7at 2965 Front Street; within Airport Influence Zone, FAA Part 77, Residential Tandem Parking, Transit Area. **(UP, 3 Mar 2009, continued)**

Notice of Application dated 25 Feb 2008.

Distribution Form dated 11 Feb 2008.

Site Plans – Existing parking – 32 compact; 1 assessable- 57 total; proposed parking 54 standard – 3 accessible – 57 total; new project results in eight fewer required off-street parking spaces.

*Assessment Letter/ Cycle Issues dated 4 Apr 2008. The City is requiring a site plan that shows the various boundaries of the property; cannot make a recommendation on the project until the site plans and other necessary documents are received. Steep hillsides and sensitive biological resources may be present; a biological survey and archeological survey is needed – a site development permit may be required. Brush management requires a 35/ 65 foot-wide zone – which could impact sensitive biological resources.*

*There needs to be an explanation of why the street vacation is required. There is an existing sewer main, sewer lateral and manhole within the area proposed for vacation. A historic photographic survey of existing structures also needs to be furnished.*

*Public right-of-way street vacations may only be granted if the following findings can be made:*

- (a.) There is no present or prospective public use for the public-right-of-way, either for the facility for which it*
- (b.) The public will benefit from the action through improved use of land made available by the vacation;*
- (c.) The vacation does not adversely affect any applicable land use plan or; and*
- (d.) The public facility for which the public-right-of-way was originally acquired will not be detrimentally affect by the vacation.*

*Assessment Letter/ Cycle Issues dated 8 Feb 2009; project proposes to vacate a portion of Quince Street to ameliorate a previous code violation, and rezone from RS-1-2 to RS-1-; would bring the property to single-family residential standards. The eastern portion of the existing structure would be demolished.*

*1. OPEN SPACE DESIGNATION: Present designation for 00.49 acre site is open space. Project is located within the Maple/Reynard Canyon System within Biological/Geological Zone 1 – which allows only very low density (1 to 2 units per acre). Currently is only one existing structure on the site.*

*No development is proposed with project. Planning staff inquired why the rezone, was it for renovations that cannot be accomplished with RS-1-2 zone. The Open Space and Recreation Element show project site is part of the Arroyo Canyon, which recommends an RS-1-2 zone. The RS-1-7 would only allow one dwelling unit – but not the zoning for open space.*

*2. OPEN SPACE EASEMENT: The CPCI Project Review Committee (21 Jan 2009) determined a plan amendment not necessary, since underlying one unit per acre zoning remains the same – expressed concern the proposed project “should preserve open space that serves to provide visual relief in the immediate neighborhood otherwise an amendment would be required.”*

*14 In order to maintain the intent of the community plan, the PRC recommended that the applicant place an open space easement over their vacated portion of Quince Street, excluding areas needed to accommodate proposed off-street parking and existing encroachments in the public right of way. (New Issue)*

*3. HISTORIC RESOURCES – No historic resources identified on the site.*

*4. UTILITY EASEMENT: The city requires both water and sewer easements over the subject property; can only be removed if the applicant pays for relocation.*

**142 UNIVERSITY AVENUE BPA ('HULA'S BEACH BAR & GRILL T. I.')** – Building Permit Application – Hillcrest --Building permit for tenant improvement for existing restaurant. Code case to rectify all violations per Civil Penalty Notice & Order; Scope of work proposed: New frame work & thatching for ceiling fans. Associated electrical & lighting through-out. The (E) windows were removed & replaced w/sliding plexiglass panels. Permit for non-permitted awning that crosses into right of way \* \* Sidewalk café not included \* \*. **UP, 7 Apr 2009)**

Distribution sheet dated 26 Feb 2009; Notice of Future Decision dated 19 Mar 2009.

*Sidewalk café permit originally granted 27 Jun 1997 to Rialto Airport Properties, Owner, Star of India, Lessee. Property zoned CN-1-A. "Prior to construction of the sidewalk café, an Engineering Development Permit and Encroachment Removal Agreement must be obtained from Development Services Department."*

Assessment Letter/ Cycle Issues dated 16 Mar 2009; Required approvals -- Neighborhood Use Permit to amend existing sidewalk café permit which allowing sidewalk café along Third Avenue. Issues include:

- 1. Sidewalk café does not have the required eight foot clear path for travel on the south and east side;*
- 2. "(S)idewalk café . . . does not have the required engineering permit and encroachment maintenance removal agreement."*
- 3. There is an non-permitted awning attached to the outside of the building on the south and east sides, which has been covered with vegetative matter (thatching). No flame retardant documentation has been provided for the thatching.*
- 4. Wooden farming has been installed near the ceiling with non permitted lighting attached and covered with vegetative matter (thatching) and no flame retardant documentation supplied.*

*Applicant needs to demonstrate that a clear path, at least eight feet in width, can be provided along University Avenue. Height of railing is limited to three feet. No clear enclose shall be used above the railing unless the awning are removed. Sidewalk café may only be used for dining, drinking and circulation. Any gate cannot swing or project beyond the delineated perimeter. All chairs and tables must be moveable.*

*Musical instruments or sound reproduction devices shall not be operated or used with the sidewalk café.*

*Original permit was granted in 1987, application for sidewalk café was submitted and approved along Third Avenue; permit was denied along University Avenue. The required engineering permit and encroachment maintenance removal agreement was not obtained.*

*Electrical is required to be GFCI protected – as dampness may result to interior dining area as a result of removal of south and east sides of building being replaced with bi-fold sliding doors. Non-permitted electrical branch circuits have been added to lighting and receptacles in the dining area, kitchen, and for outside lighting of building.*

*Neighborhood Use Permit – Section 126.0205*

- 1. The proposed development will not adversely affect the applicable land use plan;*
- 2. The proposed development will not be detrimental to the public health, safety and welfare;*
- 3. The proposed development will comply with the applicable regulations of the Land Development Code.*

## City of San Diego Projects: Request for Comments

## **DRAFT VERY HIGH FIRE HAZARD SEVERITY MAP – City of San Diego –**

State law requires that all local agencies identify very high fire hazard severity zones (VHFHSZ) within their jurisdictions. Inclusive within the VHFHSZ is based on vegetation density, slope severity, and other relevant factors that contribute to fire severity. The purpose of the VHFHSZ Map is to classify lands in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread and reduce the potential intensity of uncontrolled fires through vegetation management and implementation of building standards developed to minimize loss of life, resources, and property. Generally, these include requirements related to venting, roofing, and for exterior building surfaces. Existing buildings are not required to be retrofitted.

Included in the Map are areas mapped on the current 300 ft. buffer that was published pursuant to Section 145.3802 of the Municipal Code under ordinance 0-19258 N.S. in 2004 and VHFHSZ. Adoption of the Map will trigger compliance with Chapter 7A of the 2007 California Building Code as adopted and amended by the City of San Diego.

*About 75% of Uptown is included in areas identified as high fire hazard severity zones.*

### **Re-submittals/ Partial Reviews/Inactive Projects (No Activity for Six Months or Previously Reviewed)**

**EIGHTH AVENUE RIGHT-OF-WAY VACATION – Process Five – Hillcrest – Right-of-Way Vacation for a portion of 8<sup>th</sup> Avenue adjacent with lots 47 and 48, portion of lot 10, Map 1185, located in the RS-1-7 Zone; Brush Zone with 300-foot buffer; Transit Area Overlay Zone; Residential Tandem Parking Overlay Zone, FAA Part 77.**

*Distribution Form dated 23 Jun 2008.*

*Notice of Application dated 14 Jul 2008.*

*The project is associated with the property located at 3606 Eighth Avenue; Heard on 2 Sep 2008 to determine limited conceptual issue.*

**LOMA PASS CANYON SEWER MAINTENANCE ROAD SDP – Process Two – Mission Hills – Site Development Permit for the creation of permanent access and maintenance of approximately 1655 linear feet of existing eight-inch sewer pipe and 11 manholes within the Lomas Pass Canyon; which will consist of cleaning and grubbing of a three-foot wide access path for foot traffic.**

*Distribution Sheet dated 25 Jul 2008; Introductory Letter dated 28 Jul 2008; Notice of Future Decision dated 8 Aug 2008.*

*The Canyon Sewer Cleaning Program was initiated in an effort to reduce and/or eliminate sewage spills and avoid fines from the Regional Water Quality Control Board; required the City clean all canyon sewer mains by 31 mar 2004.*

*“The sewer mains within this canyon are adequately maintainable from the streets, as per the WWC maintenance crew: “Walking Access Paths” paths will be constructed along the length of the canyon in order to provide access to each internal manhole. These paths will be created by clearing and grubbing vegetation in order to provide maintenance crews with a three-foot wide path access for foot traffic.”*

**MARSTON CANYON SEWER MAINTENANCE ROAD (“I-163 NORTH CANYON SEWER LONG-TERM ACCESS PROJECT”) – Process Two/ Substantial Conformance Review -**

Hillcrest – The project proposes maintenance and access for sewers in I-163 North Canyon and is part of the Programmatic Environmental Impact Report (LDR No. 42-0077) and Master SDP/CDP.

Distribution Sheet dated 6 Apr 2008 was received 7 Jun 2008.

Notice of Future Decision dated 20 Jun 2008.

Introductory letter from Patricia Grabski, project manager, dated 12 Jun 2008.

Final Biological Resources Report and Impact Assessment dated April 2008:

*Site Location: “The 163 North Canyon study area is bounded by Robinson Avenue to the north, Upas Street to the south, State Route (SR) to the west and Park Boulevard to the east. The 163 North Canyon study area includes two canyons that extend in a west-northwesterly direction from SR 163; the main canyon which originates near the intersection of Park Boulevard and Robinson Street, and a smaller canyon to the north, which originates at Vermont Street.*

“Highway 163 North Canyon Long Term Maintenance and Emergency Access Plan, prepared by the City of San Diego Engineering and Program Management, Metropolitan Wastewater Department”; dated 8 June 2008.

*The majority of the project is located in the MHPA of the San Diego Multiple Species Conservation Program area.*

*“The ROF study and cost benefit analysis was prepared by Water & Sewer Design Division, E & CP Department and recommended the Leave in Place Alternative. Based on the study and site investigation, the widening of the existing access footpath to some areas along the canyon . . . to 8 feet is planned in order to accessed sewer mains and manholes by WWC crew to perform preventive maintenance. The west of Richmond Street canyon area will need about 1,468 feet of existing access paths to be widened to 8 feet and approximately 383 feet of new 8-foot wide access path for three manholes of different locations.”*

*“The proposed 8 foot wide new access path will be accomplished by clearing and grubbing of existing trees and vegetation. These access path construction and widening including storm water runoff crossings shall conform to council policy and community input. All canyon habitat that are disturbed will be restored.”*

Also received, a “Long Term Access Path Re-vegetation Plan: Hwy 163, North Canyon, prepared by Metropolitan Wastewater Department on May 2008; and a “Highway 163 North Canyon Redirection of Flow Study For the Community of Balboa Park, dated June 2006.

“City of San Diego Memorandum from Patricia Grabski, Development Project Manager, Development Services Department”; dated 4 Jun 2008:

*“To comply with the Council Policy 400-14’s requirement for community outreach, a community information session sharing the results of the study was held on May 22, 2006. Residents were provided a comment form and based on their feed back; they preferred the leave in place alternative. After some additional discussion the community voted to leave the sewer in place”.*

**3360 REYNARD WAY NDP (“REYNARD WAY ROWHOUSES”) – Process Two – Mission Hills**  
– Neighborhood Development Permit to demolish existing apartments and construct eight residential for rent units with reduced front, rear and side-yard setbacks on a 8,759 sq. ft. site at

3360 Reynard Way in the MR-1000 Zone; Airport Influence Area; Part 77 Flight Path.  
**(continued)**

Distribution Sheet dated 19 Jun 2008; Notice of Future Decision dated 7 Jul 2008.

This is a resubmittal of a project approved by Uptown Planners on its consent agenda on 7 Feb 2006; below is the description of the project on the consent agenda:

Assessment letter dated 28 Jul 2008; Existing zoning allows six to nine units on the site; project proposed eight units.

Project proposed front, side and rear deviations which planning staff cannot support; the Mid-City PDO only allows deviations up to 20%; the deviations proposed exceed 20%. Planning staff requires the project be redesigned to conform with the Mid-City PDO Neighborhood Development Permit requirement that deviations be below 20%;

- + Front deviation must be 10 feet; interior side must be six feet; rear deviation must be 15 feet;
- + Several encroachments in the setback area, which are not permitted;

The driveway on the site plans is too close to the intersection of Curlew Street and Reynard Way, and will need to be relocated. The driveway in particular is too near the cross-walk and curb ramp. The existing curb ramp will need to be repaired.

A storm water- related report will be required; and the project must be reviewed by the Airport Authority for conformity with the ALUCP.

The style of the building appears contemporary; need to call out five aspects of the architectural style in the project.

A question if FAR, with deviation allowed for enclosed parking, is exceeded; three off-setting planes must be shown on the portion of the building facing street.

Front yard fence may not exceed three feet; site plans indicate this height may be exceeded.

Garage does not count as a basement, so the project is four stories and therefore must be sprinkled. Landscaping plans need to show more detail.

1. **3360 REYNARD TOWNHOME APARTMENTS NDP – (Process Two) – Bankers Hill- Park West -- Neighborhood Development Permit to demolish existing apartments and construct seven residential (for rent) units on an 8,759 sq. ft. site with increased floor area, reduced front yard setback, and reduced front yard open space at 3360 Reynard Way in the MR-1000 Zone. (Approved 7-0-2; with condition that overhead utilities be put underground)**

**4005 STEPHENS STREET NDP (“SPURLOCK RESIDENCE”)** – Process Two – Mission Hills – Neighborhood Development Permit for Environmentally Sensitive Lands for previously constructed retaining walls and 216 sq. ft. deck attached to an existing single family residence on a 9, 350 sq. ft. site at 4005 Stephens Street in the RS-1-1 Zone.

Distribution Sheet dated 3 Apr 2008.

Site Plans state: “This Neighborhood Development is being processed in order to seek compliance with the City of San Diego (Code Enforcement) Civil Penalty Notice and Order dated September 27, 2007. The deck and retaining walls were built without permit; question on the garage.

Notice of Future Decision dated 15 Apr 2008.

Assessment Letter dated 23 May 2008; cycle issues dated 29 May 2008; project area has steep hillsides, possible sensitive lands, and is an existing code compliance case. Brush management issues also exist.

The project proposes retaining walls, stairs and fountain, a balcony/deck, conversion of den to bedroom, conversion of garage into workshop, and other minor interior and exterior improvements.

Neighborhood Development Permit (NDP) required for a single family development on a lot less than 15,000 sq. ft., which also contains environmentally sensitive lands.

Requirements:

1. Sensitive biological habitat and mature trees should be preserved;
2. As much as feasible, development should not encroach into steep hillsides;
3. Retaining walls should be used to reduce the extent of grading.

Uptown Plan allows low density residential and also designates as open space – is identified as a “highest priority preservation zone”: (1.) Development should be kept to a minimum; (2.) No grading or vegetation removal in the undeveloped portion of the zone; (3.) Any graded areas should be re-vegetated with native species.

Issues Identified:

*Retaining Wall:* The un-permitted retaining wall must be removed; the deck may remain, but the slope must be restored; a grading permit must be obtained, and a grading plan submitted. Also topographic and biological surveys must be submitted. Site areas graded without a permit must be restored.

*Brush Management Plan* must be prepared and submitted – must be contained on “Zone 1” and have no off-site impacts to “Zone 2.” The site contains Tier II coastal sage scrub; also near Mission Hills Park.

*Garage:* Applicant must document the existing garage was converted legally; existing tandem parking spaces must be removed as location not in the tandem overlay zone.

*Historic Review:* The site is located in potential historic district; changes to exterior require review by the historic review division of the planning department; canyon area sensitive for prehistoric and historic resources; possible paleontological monitoring



**COUNCIL PRESIDENT PRO TEM KEVIN L. FAULCONER  
CITY OF SAN DIEGO  
SECOND DISTRICT**

**M E M O R A N D U M**

**DATE:** March 17, 2009  
**TO:** Mayor Jerry Sanders  
**FROM:** Council President Pro Tem Kevin L. Faulconer  
**SUBJECT:** TOPS Outdoor Theater

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I respectfully request that the TOPS Outdoor Theater in Mission Hills be permitted to continue to operate until the *Uptown Community Plan* is updated.

The TOPS Outdoor Theater is a community asset enjoyed by residents citywide. It has been a fixture in the community for years, and provides quality, family-oriented, classic entertainment to Mission Hills and the surrounding communities.

Recently, Code Enforcement discovered that this outdoor theater was not permitted by land-use regulations in the Mid-City Planned District Ordinance and required that the owner, Doug Yeagley, pursue a CUP in order to remain in business. This theater operates seasonally during the spring and summer months. While in season, it is operational only Thursday through Sunday. In short, the owner operates the theater as a service to the community and profits minimally. The CUP process, with its associated costs, will effectively put this community fixture out of business.

Since this issue came to my attention, community leaders from Mission Hills and other Uptown communities have contacted my office in support of the theater and its owner. They believe there should not be a distinction between this intimate outdoor theater and an indoor movie theater.

The Uptown Planners voted 14-0 at its March meeting in support of the theater and sent me a letter of support. I've included a copy of the letter which explains this issue in more detail.

If you have any questions, please feel free to contact my office. I appreciate your assistance in this matter.

KF:sp

Attachment: Uptown Planners letter dated March 10, 2009