



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 23, 2009 **REPORT NO.** PC-09-083

ATTENTION: Planning Commission, Agenda of December 10, 2009

SUBJECT: QUINCE STREET – PROJECT NO. 149813
PROCESS FIVE

**OWNERS/
APPLICANTS:** Brian Ross (Attachment 10)

SUMMARY

Issues: Should the Planning Commission recommend City Council approval of a Public Right-of-Way vacation for a portion of Quince Street, and a Rezone from RS-1-2 to RS-1-7 for a project located at 2965 Front Street, within the Uptown Community Planning Area?

Staff Recommendation:

1. Recommend the City Council **Certify** Negative Declaration No. 149813.
2. Recommend the City Council **Approve** Public Right-of-Way Vacation No. 528919 and Rezone No. 528918.

Community Planning Group Recommendation: At their June 2, 2009 meeting, the Uptown Community Planning Group voted 16-0 to recommend denial of the proposed project as detailed in this report (Attachment 8).

Environmental Review: The City of San Diego Development Services Department as Lead Agency under the State of California Environmental Quality Act (CEQA) Guidelines has prepared and completed a Negative Declaration, Project No. 149813, dated September 14, 2009, covering this activity.

Fiscal Impact Statement: None with this action. Project costs are paid by the applicant through a deposit account.

Code Enforcement Impact: A Notice of Violation was issued for this property for a garage conversion and structures built over the property lines (Case No. NC 98758). A Neighborhood Code Investigator went to the site on October 19, 2009 and the garage conversion has been rectified. The remaining violations are being addressed as part of this action, as detailed in the 'Background' section of this report.

Housing Impact Statement: None with this action.

BACKGROUND

This project was originally scheduled for October 15, 2009 and was continued by the Planning Commission to November 19 and December 10, 2009.

The Quince Street project site is located at 2965 Front Street, east of First Avenue and along the West Quince Street Right-of-Way, within the Uptown Community Plan (Attachment 1). The project site is 0.049-acre in size and located within the RS-1-2 Zone, the Residential Tandem Parking and Transit Area Overlay Zones and the FAA Part 77 Notification area within the Park West Neighborhood of the Uptown Community Plan.

The site is developed with an approximately 2,100-square-foot, single-family residence. The site is bounded by multi-family residential development to the east, by the unimproved Quince Street right-of-way to the north, single-family residential to the south, and a parking lot for the San Diego Sports Club to the west.

The improved portion of Quince Street ends at First Avenue. The unimproved portion continues west until it reaches Front Street. This portion is relatively flat to gently sloping with the exception of the northeastern portion, which falls quickly with a steep slope to a water catch basin. There are water, sewer, and storm drain easements covering most of this paper street.

The Uptown Community Plan designates the site for Open Space. According to the Open Space and Recreation Element of the community plan, the project is located in the Maple/Reynard Canyon System which allows only very low density on site (1 to 2 dwelling units per acre). Currently, the site includes only one single-family residence.

Access to the property is currently, and would continue to be, from Front Street. The applicant has a shared access agreement from the neighbor directly to the south for a portion of the driveway that crosses both properties.

Originally, this project was the subject of a Neighborhood Code Violation for having two residential units where one is allowed in the RS-1-2 Zone. While the violation was being investigated, it was further identified that portions of the residence were built outside of the property lines to the east and the north, within the unimproved portion of Quince Street. Portions of this structure will be demolished (to the east) per conditions within the street vacation resolution and the northern portion will be rectified through the proposed street vacation and rezone. Approval of the requested rezone and street vacation will bring this project into conformance; no other discretionary actions are

required for the existing structure. If this action is approved, the applicant must then take appropriate steps to ensure proper construction permits are obtained, if required to maintain the existing structure.

DISCUSSION

Project Description:

The proposed project consists of a Public Right-of-Way Vacation for the unimproved portion of Quince Street and a Rezone from RS-1-2 to RS-1-7 for the property at 2965 Front Street. The project is subject to a Process 5, City Council decision due to the request for the rezone and the street vacation pursuant to section 123.0101 and 125.0901 of the Municipal Code. The project also proposes to demolish the portion of the structure that was built illegally over the eastern property line.

Quince Street Vacation

The proposed project requests to vacate a total of 0.33-acres of the unimproved portion of Quince Street right-of-way as depicted on drawing number 20889-B (Attachment 9). This portion of Quince Street is considered a paper street only and would have no impact on the current or proposed circulation systems, nor would this vacation impact existing access to any of the affected properties. The abutting property owners have all provided documentation supporting the proposed vacation.

According to the Uptown Community Plan, unimproved street rights-of-way should be vacated only when determined that the right-of-way will not be needed in the future for public access to individual parcels or public open space, to provide public parking, to provide open space for public use, or to maintain views of open space from the public right-of-way. As delineated in the draft resolution, staff believed the proposed project meets these requirements.

As part of the proposed vacation there will also be a water, sewer, and utility easement reservations as depicted on Drawing No. 20889-B. These easement reservations are necessary due to existing underground utilities. There is also a driveway (within an access easement) located off First Avenue within Quince Street, which serves as access to the apartment building located at 2980 First Avenue and will remain. In order to maintain the intent of the community plan, staff has required the applicant place an open space easement over the vacated portion of Quince Street, excluding areas needed for utility easements.

Rezone

The project site proposes a rezone from RS-1-2 (Residential-Single Family) to RS-1-7 (Residential-Single Family) in accordance with section 123.0105 of the Municipal Code. The purpose of the RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character, and livability.

It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

A rezone to RS-1-7, which allows one dwelling unit per lot with lots being a minimum of 5,000 square feet, would allow the same very low density on site, by continuing to allow only one dwelling unit on site. Currently the lot size is 2,145 square feet, which does not meet the RS-1-2 zone, and which has a minimum lot size of 20,000 square feet. The proposed rezone to RS-1-7 would allow the project site to be more in conformance with the minimum lot size (Attachment 4).

According to the Open Space and Recreation Element of the Uptown Community plan, the project is located in the Maple/Reynard Canyon System, which allows only very low density on site (1 to 2 dwelling units per acre). Staff supports the proposed rezone since the project would not add more intensity to the site beyond that of "very low density" (1-2 du/ac), no Environmentally Sensitive Lands (ESL) are present on site, and the proposed rezone would be compatible with other similarly zoned surrounding properties.

Environmental Analysis:

A Negative Declaration (Project No. 149813) was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. In addition to the above issue areas, visual quality/neighborhood character, water quality, noise, land use and geology were considered during the environmental review of the project and were determined not to be significant.

Community Planning Group Recommendations:

At their June 2, 2009, meeting (Attachment 8) the Uptown Planners voted 16-0 to recommend denial of the proposed project, indicating their belief that the project does not satisfy the legal requirements for a Public Right-of-Way Vacation. In their memo dated September 29, 2009 (Attachment 9), the Uptown Planners indicate that they do not support the project because they do not feel the applicant has been able to explain why there is no prospective use for the vacation area, nor has the applicant explained how the vacation serves the public interest. As indicated in Attachment 6, Staff believes the necessary findings can be made to support this project because this street cannot be improved due to the steep topography and because the connection is not needed for vehicular access or circulation in the community. In addition, vacating the right-of-way and returning it to the adjacent private property owners would benefit the public by removing the associated liability to the City and the City's responsibility to maintain it.

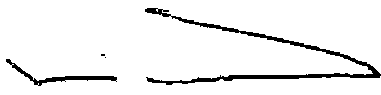
Conclusion:

In summary, Staff finds the project consistent with the recommended land use, and development standards in effect for this site per the adopted Uptown Community Plan and the RS-1-7 Zone. Draft Findings required to approve the project are included in the draft resolution and ordinance (Attachments 6 and 12).

ALTERNATIVES

1. Recommend City Council **Approval** of the Public Right-of-Way Vacation and Rezone and **Certification** of Negative Declaration No. 149813 with modifications.
2. Recommend City Council **Denial** of the Public Right-of-Way Vacation and Rezone and **Certification** of Negative Declaration No. 149813, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



**Mike Westlake, Program Manager
Development Services Department**



**Rence Mezo, Project Manager
Development Services Department**

WESTLAKE/ROM

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Rezone-B Sheet (B-4281)
5. Site Plan
6. Draft Street Vacation Resolution and Findings
7. Easement Vacation B Sheet (20889-B), including Legal Descriptions
8. Uptown Community Planning Group Recommendation
9. Uptown Community Planning Group Memo dated 9.29.09
10. Ownership Disclosure
11. Project Chronology
12. Draft Rezone Ordinance
13. Site Photos

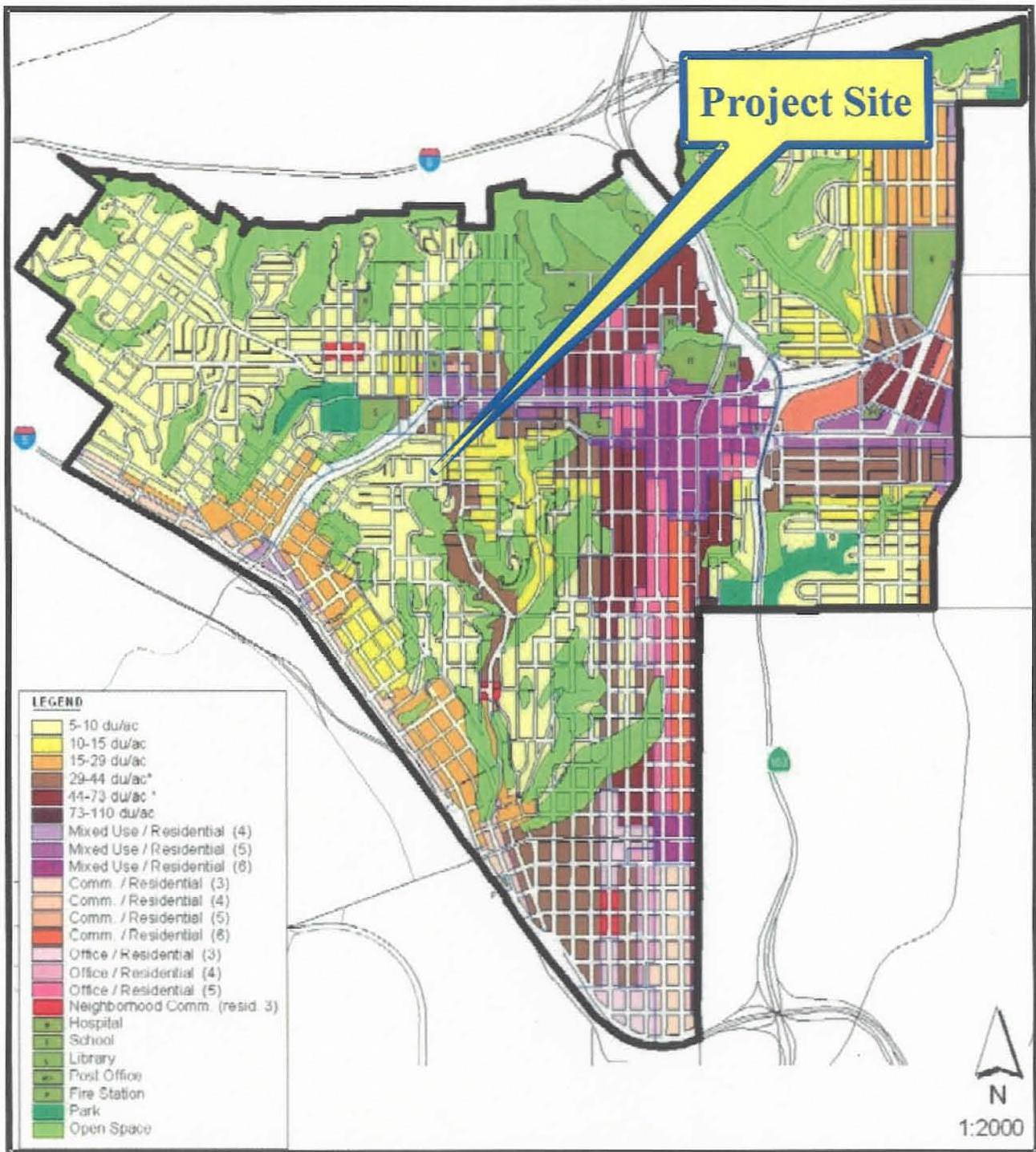


Aerial Photo

QUINCE ST REZONE/VACATION- 2965 FRONT STREET

Project Number - 149813

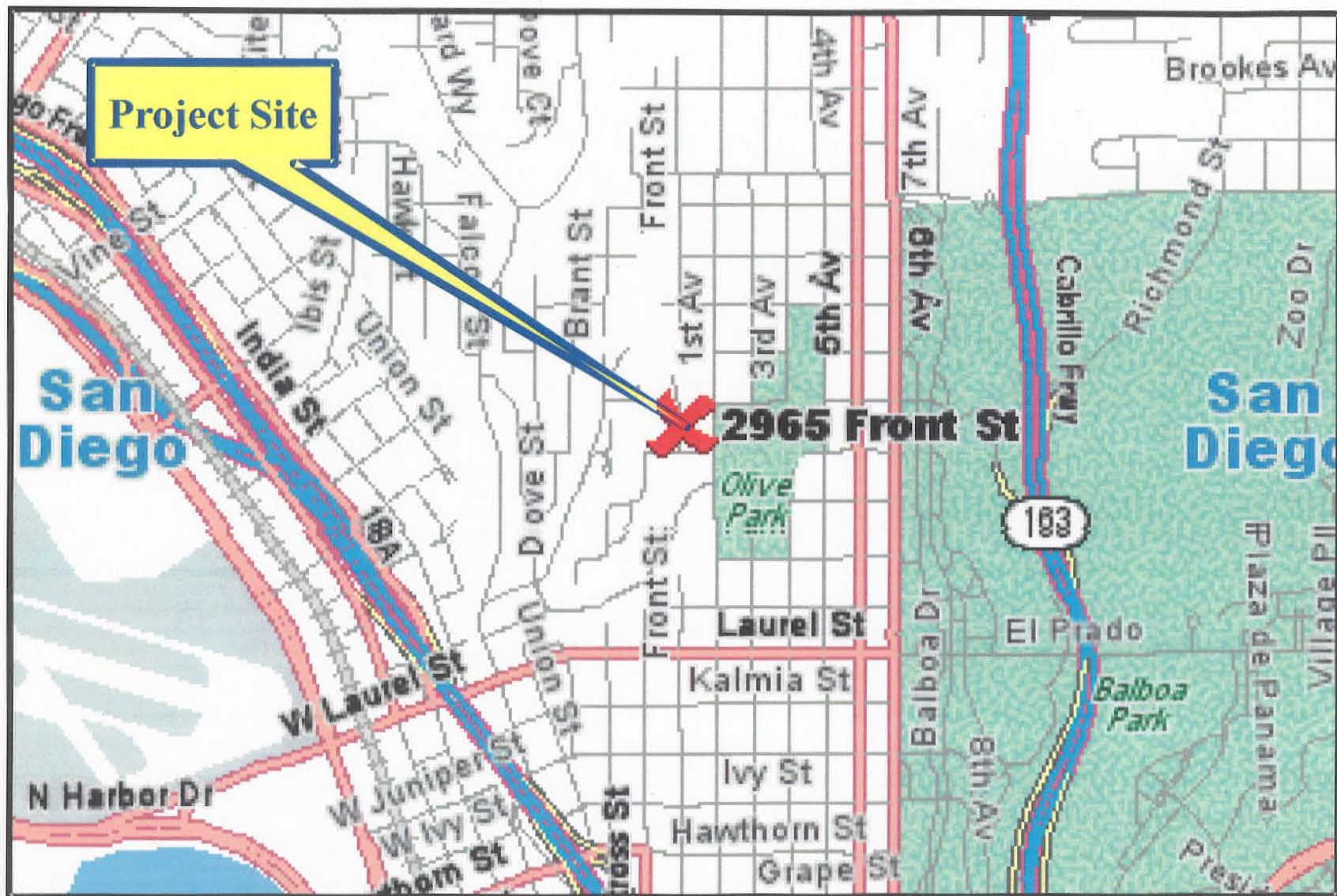




Land Use Map

QUINCE ST REZONE/VACATION – 2965 FRONT STREET
Project Number - 149813





Project Location Map

QUINCE ST REZONE/VACATION- 2965 FRONT STREET

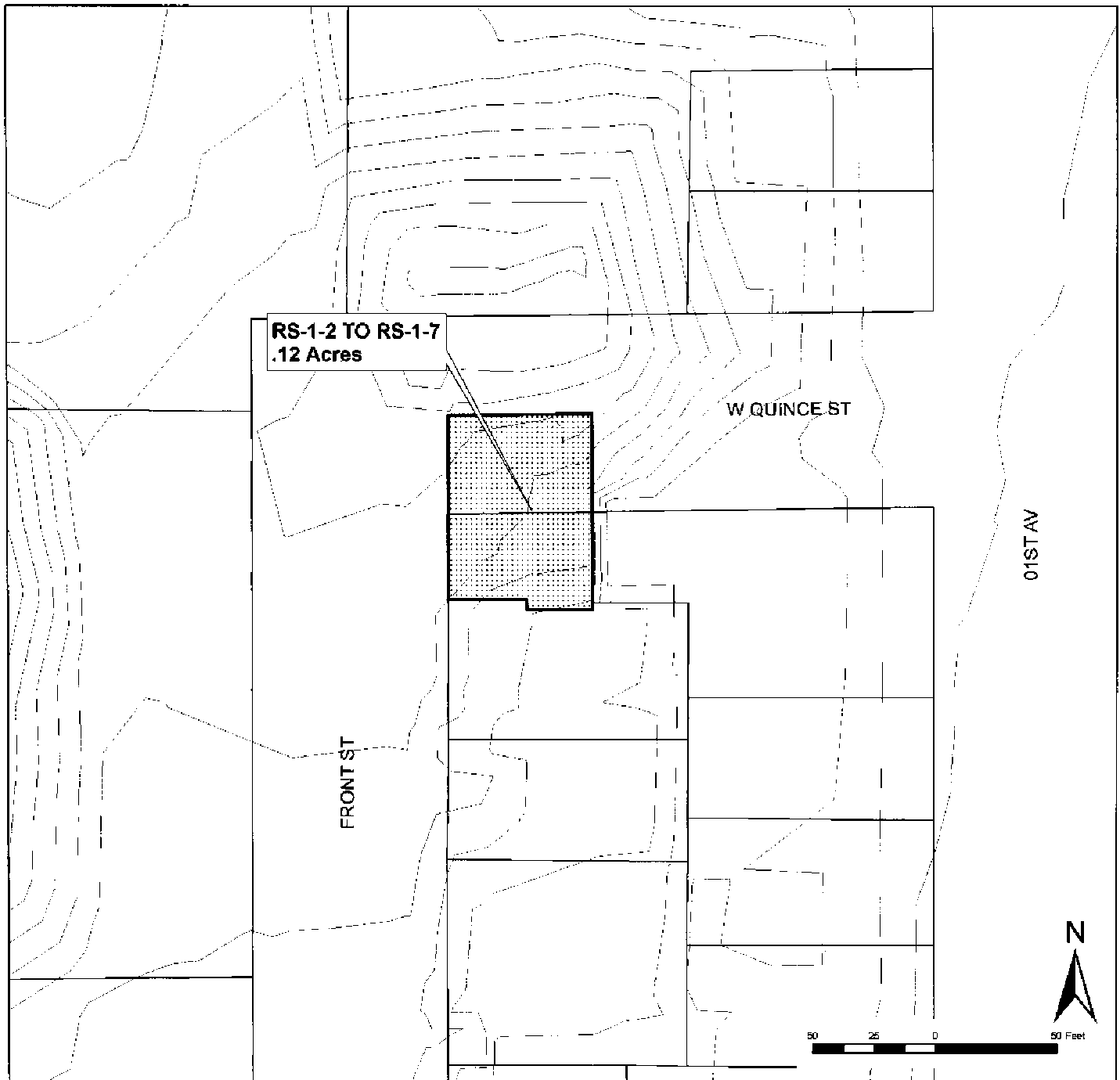
Project Number - 149813





CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



BLK 334 OF LOT A, HORTONS ADDITION

ORDINANCE NO. _____

EFF. DATE ORD. _____

ZONING SUBJ. TO _____

BEFORE DATE _____

EFF. DATE ZONING _____

MAP NAME AND NO. _____

REQUEST RS-1-7

PLANNING COMM.
RECOMMENDATIONCITY COUNCIL
ACTION

CASE NO.

DEVELOPMENT SERVICES MANAGER

B- 4281

APN:452-651-01

(208-1718) 10-21-09 LDJ

SITE PLAN

FOR
A PORTION OF LOT "A", IN BLOCK 334
OF HORTON'S ADDITION TO NEW SAN DIEGO

LEGAL DESCRIPTION

BEING PORTIONS OF LOT "A", BLOCK 334
OF HORTON'S ADDITION, RECORDED IN
BOOK 13, AT PAGE 522 OF DEEDS
IN THE CITY AND COUNTY OF CALIFORNIA,
STATE OF CALIFORNIA.

NAD83 COORDINATES:

1848N - 6275E C83 = 208-1717 (L.C.)

PARCEL AREA (NET):

EXISTING 2145.90 FT. (0.049 AC)
PROPOSED 6394.80 FT. (0.122 AC)

SOURCE OF TOPOGRAPHY

AERIAL PHOTOGRAMMETRY BY
MERCATOR ASSOCIATES, INC.
DATE OF SURVEY: AUGUST 26, 2005
SUPPLEMENTED OCTOBER 4, 2005

ZONING

EXISTING: RS-1-2
PROPOSED: RS-1-7

A.P.N.

452-651-01

BENCH MARK

STANDARD CITY BENCH MON. AT THE N.E. COR.
1st AVENUE AND SPRUCE STREET
E.L. = 259.12 M.S.L. (NGVD 29)

REFERENCE DRAWINGS

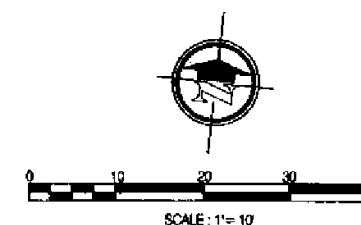
MAP 10517, 68224, 11725-104, 28239-364-D, 10412-2-D

NOTES

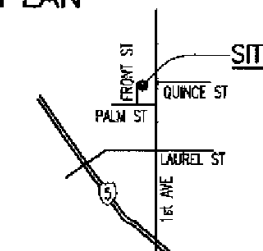
1. THERE ARE NO EXISTING EASEMENTS WITHIN THIS PROPERTY. THE PROPOSED EASEMENT IS SHOWN.
2. EXISTING AND PROPOSED USE: RESIDENTIAL.
3. NO GRADING IS PROPOSED. SITE WORK LIMITED TO DEMOLITION AND FOUNDATION EXCAVATION.
4. ALL ROOF DRAINS ARE TO BE DIRECTED TOWARD PLANTERS AND/OR LANDSCAPED AREAS.
5. THIS PROJECT CONSISTS OF A STREET VACATION OF QUINCE STREET, A REZONE OF THIS PROPERTY AND DEMOLITION OF A PORTION OF THE EXISTING STRUCTURE.

LEGEND

PROPERTY LINE	---
SETBACK LINE	---
EXISTING CONTOURS	---
EXISTING SPOT ELEVATION (ONSITE)	5.00
EXISTING FEATURES (ONSITE)	(XX)
EXISTING CONCRETE PAVEMENT (ONSITE)	(CONCRETE)
EXISTING SEWER	---



SITE PLAN



VICINITY MAP
NO SCALE

OWNER

BRIAN D. ROSS
1220 ROSECRAWS ST. #964
SAN DIEGO, CA 92106

PREPARED BY:

SITE DESIGN ASSOCIATES, INC.
1016 1/2 BROADWAY, SUITE A
EL CAJON, CA 92021
(619) 442-8487

By:

KENNETH J. DISCENZA, P.E. #25630
EXPIRATION DATE 6/30/11

DATE: 9/30/09



PROJECT ADDRESS

2965 FRONT STREET
SAN DIEGO, CA 92106

PROJECT NAME

2965 FRONT STREET

SHEET TITLE

SITE PLAN

P.T.S. NO. 148813
J.O. NO. 43-0309

Revision 6: 9/30/2009

Revision 5: 4/28/2009

Revision 4: 3/02/2009

Revision 3: 1/15/2009

Revision 2: 12/4/2008

Revision 1: 9/24/2008

Original Date 01/28/2008

Sheet _____ of _____

Dep. # _____

DRAFT

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

**SUMMARY VACATION OF QUINCE STREET WITH
RESERVATION OF EASEMENTS.**

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the summary vacation of public rights of way by City Council resolution; and

WHEREAS, it is proposed that a portion of Quince Street, Public Right-of-Way Vacation No. 528919 be vacated; and

WHEREAS, in connection with said vacation, the City desires to reserve and except a public easement(s); and

WHEREAS, The public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; and the public right-of-way has been impassable for vehicular travel for a period of 5 years and public funds have not been expended for maintenance of the public right-of-way during that period; and

WHEREAS, the public right of way to be vacated contains public utility facilities that would not be affected by the vacation; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to that portion of Quince Street, the Council finds that:

(a) There is no present or prospective use for the public right-of-way, either for the purpose for which originally acquired, or for any other public use of a like nature that can be anticipated.

The portion of the Quince Street Public Right-of-Way proposed to be vacated was originally dedicated as a part of the original Horton's Addition subdivision map in 1915. The purpose of the right-of-way was to join Front Street to the west with First Avenue to the east. However, this connection was never realized due to the steep topography lying between these two streets. A steep slope separates Front Street from First Avenue and the necessary public improvements to connect the two streets and utilize the right-of-way would be infeasible. Further, the connection is not needed for vehicular access or circulation in the community and this area is developed with a grid-pattern of streets and as such there are many different routes available to access this neighborhood without the development of this right-of-way. Therefore, there is no present or prospective use of the public right-of-way for the purpose it was acquired or of a like nature that can be anticipated.

(b) The public will benefit from the vacation through improved use of the land made available by the vacation.

The public does not currently utilize the Quince Street Right-of-Way and due to the extreme topography it is unsuitable for vehicular or pedestrian access. Vacating the right-of-way would benefit the public by removing the liability associated and the need for maintenance for an unimproved and unnecessary right-of-way and returning it to the adjacent private property owners.

(c) The vacation does not adversely affect any applicable land use plan.

The portion of the Quince Street Public Right-of-Way proposed to be vacated is within the Uptown Community Planning area. The community plan does not identify this portion of the Quince Street Right-of-Way as a through street and it is not required for vehicular circulation or access to any private or public property and this area is developed with a grid-pattern of streets and as such there are many different routes available to access this neighborhood without the development of this right-of-way. Therefore, Additionally, the community plan does not identify the public right-of-way as a view corridor and the right-of-way does not provide any recognized pedestrian access to or from any trail system. Therefore, the proposed vacation would not adversely affect any applicable land use plan.

(d) The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

The portion of the right-of-way proposed to be vacated was created as part of a standard grid pattern on a 1915 subdivision map and intended to connect Front Street to the west and First Avenue to the east. The grid system of the subdivision map did not take into consideration the

(R-[Reso Code])

topographic features of the neighborhood or the fact that the Quince Street right-of-way was comprised of steep slopes. The section of right-of-way through the slope was never utilized or improved and neither traffic nor pedestrian circulation through the neighborhood would be affected by the proposed vacation. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

1. That the portion of Quince Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20889-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by which said drawing is attached hereto and made a part hereof, is ordered vacated.
2. That said street vacation includes the following conditions listed below. In the event these conditions are not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.
 - (1) Prior to the recordation of the Street Vacation the applicant shall reserve a minimum 24' wide, sewer easement, for those portions of Front and W. Quince Streets. The easement shall be centered over all existing facilities. A 20' wide access road shall be provided to the existing sewer manhole. Vehicular access to existing manholes and any other appurtenances shall in no way be detrimentally affected by vacation of the right-of-way. Sewer Easements and Access Roads shall conform to the minimum requirements

(R-[Reso Code])

of the current editions of the City of San Diego Sewer Design Guide, and the Standard Specifications for Public Works Construction. No structures of any kind shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No trees, shrubs, or structures of any kind will be permitted within 10-feet of sewer facilities.

In lieu of retaining an easement over the subject rights-of-way, the applicant may relocate, at their own expense, the sewer mains, sewer laterals, manholes and facilities in accordance with the most current edition of the City of San Diego, Sewer Design Guide, and the Standard Specifications for Public Works Construction in a manner satisfactory to the Metropolitan Wastewater Department Manager in order to sewer all current properties and all future development.

- (2) Prior to the recordation of the Street Vacation the applicant agrees to grant to the City of San Diego a Storm Drain and Access Easement Reservation shown on Drawing No. 20889-B, marked as Exhibit "B".
- (3) Prior to the recordation of the Street Vacation, the Owner/Permittee shall assure, by permit and bond, all legal parking areas shall be surfaced with asphaltic concrete at least 2 inches in depth or it's equivalent, satisfactory of the City Engineer.
- (4) Prior to the recordation of the Street Vacation the applicant agrees to grant to the City of San Diego a water easement. The water easement must be a minimum of 40-feet in width, measured at right angles, 20-feet south and

(R-[Reso Code])

north parallel to the centerline of Quince Street public rights-of-way, in a manner satisfactory to the Director of Public Utilities and the City Engineer. No structures or landscaping shall be installed in or over any water easement that would inhibit vehicular access to replace a section of main or provide access to any appurtenance or isolated section of main. No approved improvements or landscaping, including private water facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement. No trees shall be installed within ten feet of any water facilities or in any water access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public water main or within access easements.

- (5) Prior to the recordation of the Street Vacation the applicant agrees to grant to the City of San Diego an open space easement shown on Drawing No. 20889-B, marked as Exhibit "B".
- (6) That the Owner/Permittee shall within sixty days of the approval of the vacation remove the encroachment(s) that extend beyond the eastern property line.

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along and across that portion of Quince Street, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20889-B, marked as Exhibit "B."

(R-[Reso Code])

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
JO: [INSERT JO No.}
Drawing No. [INSERT Drawing No.]
R-R-[Reso Code]

ATTACHMENT 7

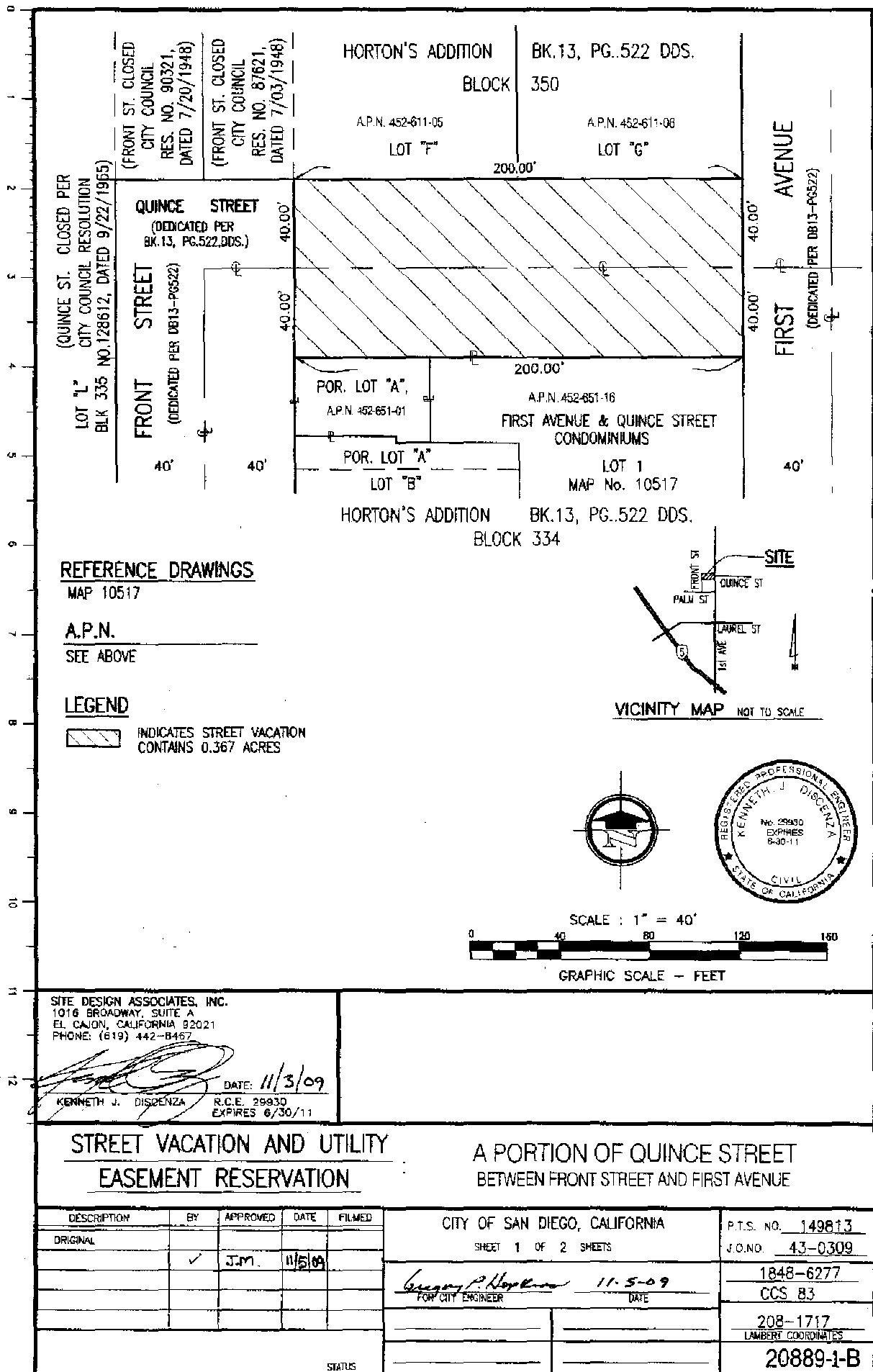
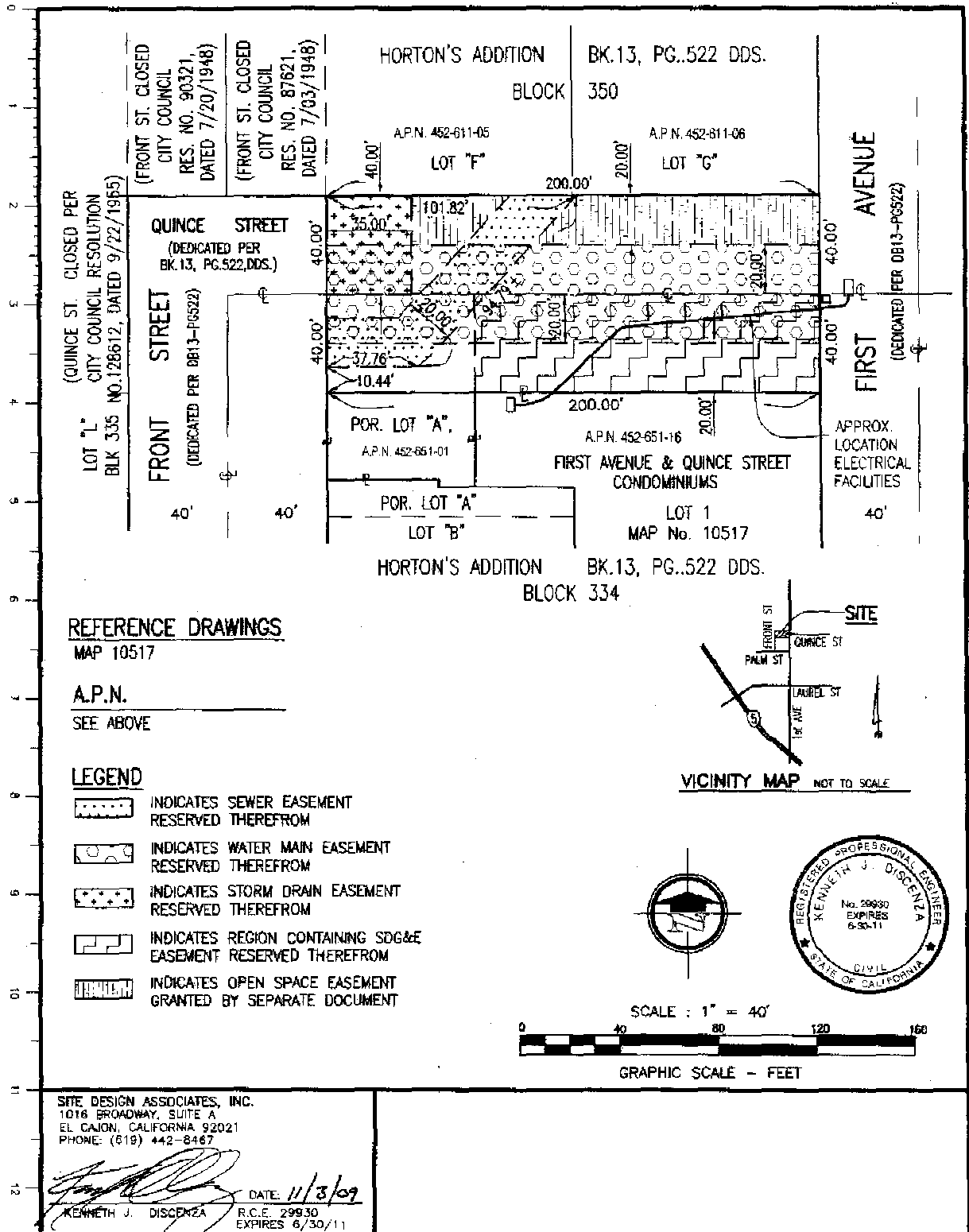


EXHIBIT "B"



STREET VACATION AND UTILITY EASEMENT RESERVATION

A PORTION OF QUINCE STREET BETWEEN FRONT STREET AND FIRST AVENUE

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO. 149813
ORIGINAL	✓	J.M.	11/5/09		SHEET 2 OF 2 SHEETS	J.O. NO. 43-0309
					<i>Gregory P. Hopkins</i> 11-5-09 FOR CITY ENGINEER DATE	1848-6277
						CCS 83
						208-1717
						LAMBERT COORDINATES
						20889-2-B

EXHIBIT "A"

OPEN SPACE EASEMENT

All that portion of Quince Street as the same was dedicated on the map of HORTON'S ADDITION, in the City of San Diego, County of San Diego, State of California, according to map thereof made by L. L. Locking on file in Book 13 at Page 522 of Deeds, in the Office of the County Recorder of said County, lying between Front Street and First Avenue and between Blocks 350 and 334, all as shown on said Map of said Horton's Addition, being vacated and closed to public use by City Council Resolution No. _____, adopted _____, recorded on _____ as Doc. No. _____ O.R. and depicted on the plat for said vacation filed as drawing No. 20889-B, being more particularly described as follows:

The northerly twenty (20) feet, measured at right angles, of that portion of quince street as described above.

Excepting therefrom the westerly thirty-five (35) feet.

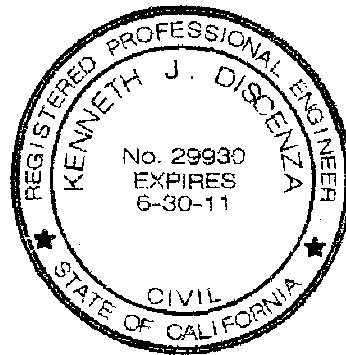
Also Excepting therefrom a strip of land that is twenty (20) feet wide, measured at right angles, lying northerly and northwesterly of the following described line:

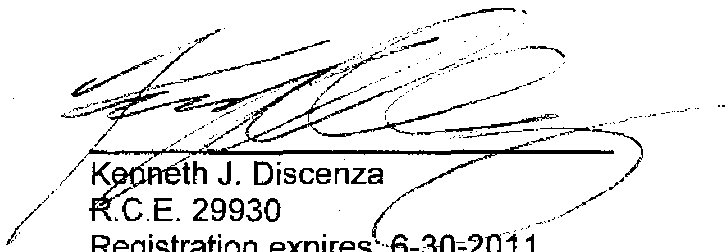
Beginning at a point on the westerly boundary of said portion of said Quince Street, as described above, that is 10.44 feet northerly, measured along said westerly boundary from the northwest corner of said Block 334 of said Horton's Addition; thence northeasterly along a line that is parallel with said northerly boundary of said Block 334 a distance of 37.76 feet to a point; thence northeasterly a distance of 94.79 feet, more or less, to a point of terminus on the southerly boundary of said Block 350 of said Horton's Addition, said point lying 101.82 feet easterly of the southwest corner of said Block 350.

The northerly and northwesterly sideline of said 20.00 foot wide strip of land shall be lengthened or foreshortened so as to begin on a line that is the northerly projection of the westerly boundary of said Block 334 of said Horton's Addition and end on said southerly boundary of said Block 350 of said Horton's Addition.

EXHIBIT "A" (cont'd)

Also excepting therefrom that portion of Quince Street lying adjacent to, and southerly of lot "G" in said block 350 of said HORTON'S ADDITION.




Kenneth J. Discenza
R.C.E. 29930
Registration expires: 6-30-2011

Date: 11/3/2009

PTS NO. 149813
JOB NO. 430309
DWG NO. 20289-B

EXHIBIT "A"

STREET VACATION AND UTILITY EASEMENT RESERVATION

QUINCE STREET

All that portion of Quince Street as the same was dedicated on the map of HORTON'S ADDITION, in the City of San Diego, County of San Diego, State of California, according to map thereof made by L. L. Locking on file in Book 13 at Page 522 of Deeds, in the Office of the County Recorder of said County, lying between Front Street and First Avenue and between Blocks 350 and 334, all as shown on said Map of said Horton's Addition.

Containing 0.367 acres, more or less.

Reserving therefrom an easement for sewers and appurtenances and for access thereto over a portion of that portion of said Quince Street, as described above, being more particularly described as follows:

A strip of land that is 20.00 feet wide, measured at right angles, lying northerly and northwesterly of the following described line:

Beginning at a point on the westerly boundary of said portion of said Quince Street, as described above, that is 10.44 feet northerly, measured along said westerly boundary from the northwest corner of said Block 334 of said Horton's Addition; thence northeasterly along a line that is parallel with said northerly boundary of said Block 334 a distance of 37.76 feet to a point; thence northeasterly a distance of 94.79 feet, more or less, to a point of terminus on the southerly boundary of said Block 350 of said Horton's Addition, said point lying 101.82 feet easterly of the southwest corner of said Block 350.

The northerly and northwesterly sideline of said 20.00 foot wide strip of land shall be lengthened or foreshortened so as to begin on a line that is the northerly projection of the westerly boundary of said Block 334 of said Horton's Addition and end on said southerly boundary of said Block 350 of said Horton's Addition.

EXHIBIT "A" (cont'd)

Also reserving therefrom an easement for water mains and appurtenances and for access thereto over a portion of that portion of said Quince Street as described above, said easement being more particularly described as follows:

Being the southerly 20.00 feet of the northerly 40.00 feet and the northerly 20.00 feet of the southerly 40.00 feet of that portion of said Quince Street as described above.

Also reserving therefrom an easement for storm drains and appurtenances and for access thereto over a portion of that portion of Quince Street as described above, said easement being more particularly described as follows:

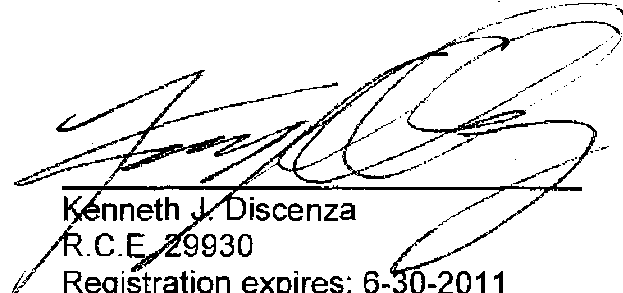
Being the westerly 35.00 feet of the northerly 40.00 feet of that portion of Quince Street as described above.

Also reserving therefrom an easement to San Diego Gas & Electric Company for underground electric facilities. Said easement shall grant the rights to construct, maintain, operate, replace, remove, renew and enlarge underground electric lines, conduits, cables, and other structures, equipment, and fixtures for the transportation or distribution of electrical energy and for incidental purposes including access to protect the property from all hazards in, upon, over and across a strip of land, including all of the area lying between the exterior sidelines, which sidelines shall be three (3) feet, measured at right angles, on each exterior side of each and every electric facility, the approximate location of which being shown and Identified as "APPROXIMATE LOCATION OF ELECTRICAL FACILITIES" on the plat for the vacation of said Quince Street filed as Drawing No 20889 - B. Said easement lying within a portion of said Quince Street more particularly described as follows:

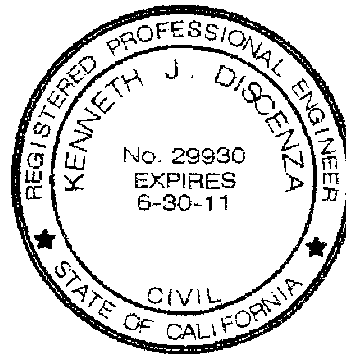
Being the southerly half of said Quince Street, as above described, lying northerly of, and adjacent to, the northerly line of Lot 1 of Map No. 10517,

EXHIBIT "A" (cont'd)

entitled FIRST AVENUE & QUINCE STREET CONDOMINIUMS, recorded in the office of the recorder of said San Diego County on October 27, 1982.



Kenneth J. Discenza
R.C.E. 29930
Registration expires: 6-30-2011



Date: 11/3/2009

P.T.S. NO. 149813
J.O. NO. 43-0309
DWG. NO. 20889-B

EXHIBIT "A"

OPEN SPACE EASEMENT

All that portion of Quince Street as the same was dedicated on the map of HORTON'S ADDITION, in the City of San Diego, County of San Diego, State of California, according to map thereof made by L. L. Locking on file in Book 13 at Page 522 of Deeds, in the Office of the County Recorder of said County, lying between Front Street and First Avenue and between Blocks 350 and 334, all as shown on said Map of said Horton's Addition, being vacated and closed to public use by City Council Resolution No. _____, adopted _____, recorded on _____ as Doc. No. _____ O.R. and depicted on the plat for said vacation filed as Drawing No. 20889 - B, being more particularly described as follows:

The northerly twenty (20) feet, measured at right angles, of that portion of Quince Street as described above.

Excepting therefrom the westerly thirty-five (35) feet.

Also Excepting therefrom a strip of land that is twenty (20) feet wide, measured at right angles, lying northerly and northwesterly of the following described line:

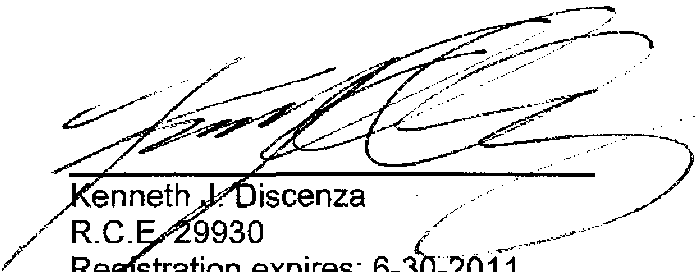
Beginning at a point on the westerly boundary of said portion of said Quince Street, as described above, that is 10.44 feet northerly, measured along said westerly boundary from the northwest corner of said Block 334 of said Horton's Addition; thence northeasterly along a line that is parallel with said northerly boundary of said Block 334 a distance of 37.76 feet to a point; thence northeasterly a distance of 94.79 feet, more or less, to a point of terminus on the southerly boundary of said Block 350 of said Horton's Addition, said point lying 101.82 feet easterly of the southwest corner of said Block 350.

The northerly and northwesterly sideline of said 20.00 foot wide strip of land shall be lengthened or foreshortened so as to begin on a line that is the northerly projection of the westerly boundary of said Block 334 of said Horton's Addition and end on said southerly boundary of said Block 350 of said Horton's Addition.

EXHIBIT "A" (cont'd)

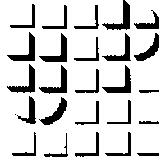
Also excepting therefrom that portion of Quince Street lying adjacent to, and southerly of lot "F" in said block 350 of said HORTON'S ADDITION.




Kenneth J. Discenza
R.C.E. 29930
Registration expires: 6-30-2011

Date: 11/3/2009

PTS NO. 149813
JO NO. 430309
DWG NO. 20009-B



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 choose 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:

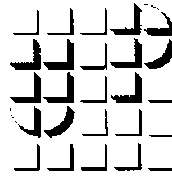
1. The design should be “softened” and made more organic to fit better within the natural setting of the adjacent canyon;
2. No more than \$450,000 of DIF funds should be spent on Phase I of this project, and no DIF funds should be allocated to Phase II of this project.

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



UPTOWN PLANNERS

1010 University Avenue, PMB 1781
San Diego, CA 92103
(619) 231-4495

September 29, 2009

Re: Quince Street Vacation: Recommendation to Deny Quince Street Vacation:

This letter memorializes and reiterates on the record for emphasis the recommendation the Uptown Planners made, and included in the minutes of their meeting on March 3, 2009, to deny the applicant's request for a street vacation. The Board of Uptown Planners based its unanimous recommendation on the fundamental fact that the applicants have made no attempt whatsoever to comply with (or even acknowledge) the long-standing policy of the City of San Diego (CP 600-15) to explain why: (i) there is *no* prospective public use, (ii) *and* it might serve the public interest to grant the vacation request.

In stark contrast, unanswered public testimony was provided on March 3rd to the effect that there are number of prospective uses of the property: most notably as an emergency exit route for a large "street-locked" area of Crescent Knoll, in Bankers Hill. The area encompasses six streets with a very narrow bottleneck point of access and egress at 1st Avenue and West Palm (Northwest corner of the 1st Street Bridge). Unlike a CEQA document, such as a Negative Declaration, that properly focuses on present and immediately foreseeable land uses, the City of San Diego requires that a vacation request must carefully investigate prospective future uses that may not become obvious for many years.

The Second Assessment Letter addressed to the applicants, dated February 6, 2009, says: Staff provides the decision maker with the recommendation from your locally recognized community-planning group. . . . In your re-submittal, if applicable, please indicate how your project incorporates any input suggested to you by the community planning group." (p. 3). There is no evidence in the record that the applicants have responded in any way to the Uptown Planner's recommendation to deny the vacation request.

The Cycle Issues Report enclosed with the Assessment Letter included the following very specific guidance to the applicant:

"1. Please provide staff with an explanation as to why this street vacation is required, since no explanation was provided in the submittal. Is the proposed street vacation proposed in conjunction with any existing or future plans for new development or expansion of existing development? (From Cycle 2)

2. The Open Space and Recreational Element of the Uptown Community Plan recommends that street rights-of-way should be vacated only if the following findings can be made that that the right-of-way will not be needed in the future:

1. Public access to individual parcels or public open space;
2. To provide public parking;
3. To provide open space for public use; or
4. To maintain views of open space from public rights-of-way

Please provide staff with draft responses to these findings.
(From Cycle 2)."

The Board discussed each of the foregoing criteria and determined that *none* of the required findings could reasonably be made

In addition to the passage of the Uptown Community Plan, that was paraphrased, (pages 167-168) the evidence requested by the staff was, of course, grounded on San Diego City Council Policy 600-15, which establishes citywide criteria to be used in evaluating the need for existing rights-of-way and public service easements as follows:

"It is the policy of the Council to vacate or abandon, in whole or in part, a public right-of-way when there is no present or prospective use for the right-of-way, and such action will serve the public interest. No action will be taken, however, until the following findings can be made:

- a. That there is no present or prospective use for the easement or right-of-way, either for the facility for which the it was originally acquired or for any other public use of a like nature that can be anticipated.
- b. That the public will benefit from the action through improved utilization of land made possible by the street vacation.
- c. That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program.
- d. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation."

The Board of Uptown Planners discussed each of these city-wide criteria and determined that *none* of the foregoing findings, particularly consistency with the Uptown Community Plan, could be made, so voted unanimously to recommend denial of the project.

Sincerely,

Leo Wilson
Chair
Uptown Planners

cc. Don Liddell,
Rene Mezo,
Marlon Pangilinan
Brian Pepin, Second City Council District



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☒ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☒ Other Street Vacation/
 Rezone/site plan approval
 Project Title _____ Project No. For City Use Only _____

Quince Street Vacation

149813

Project Address:

2965 Front St., San Diego, CA 92103

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of individual (type or print):
 Brian D. Ross
☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
 Street Address:
 1220 Rosecrans St. #954
 City/State/Zip:
 San Diego, CA 92106
 Phone No: (619) 523-2021 Fax No: (619) 758-9479
 Signature: *Brian D. Ross* Date: 1-29-08

Name of individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

Name of individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
 Street Address:
 City/State/Zip:
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 Signature: Date:

Name of individual (type or print):
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 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

DEVELOPMENT SERVICES
Project Chronology
 QUINCE STREET- PROJECT NO. 149813

	Action	Description	City Review Time	Applicant Response
2/8/08	First Submittal	Project Deemed Complete		
4/4/08	First Assessment Letter	First assessment letter sent to applicant.	55 days	
12/8/08	Second submittal	Applicant's response to first assessment letter		248 days
2/2/09	Second Assessment Letter	Second assessment letter sent to applicant	54 days	
5/7/09	Third submittal	Applicant's response to second assessment letter		94 days
5/24/07	Third Assessment Letter	Third assessment letter sent to applicant	17 days	
8/13/09	All issues resolved			81 days
10/15/09	Public Hearing-Planning Commission	Planning Commission Hearing - First Available-Continued to 11/19/09	63 days	
11/19/09	Public Hearing-Planning Commission	Continuance	35 days	
TOTAL STAFF TIME**			144 days	
TOTAL APPLICANT TIME**				423 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	567 days	

**Based on 30 days equals to one month.

**Rezone Ordinance
DRAFT**

(O-XXXX)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.12- ACRES LOCATED 2965 FRONT STREET, WITHIN THE UPTOWN COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RS-1-2 ZONE INTO THE RS-1-7 ZONE , AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION CHAPTER 13 ARTICLE 1 DIVISION 4; AND REPEALING ORDINANCE NO. O-17306 (NEW SERIES), ADOPTED MAY 30, 1989, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HERewith.

WHEREAS, under Charter section 280(a) (2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That 0.12-acres located at 2965 Front Street, and legally described as portions of Lot "A", Block 334 of Horton's Addition, in the Uptown Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4281, filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the RS-1-2 Zone into the RS-1-7 Zones, as the zones described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. 0-17306 (New Series), adopted May 30, 1989, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: JAN GOLDSMITH, City Attorney

By _____
Attorney name
Deputy City Attorney

Initials~
Date~
Or.Dept: INSERT~
Case No.149813
O-XXXXX
Form=inloto.frm(61203wet)

Sparkman, Georgia

From: Saunders, Kelley
Sent: Wednesday, November 18, 2009 5:54 PM
To: Sparkman, Georgia
Subject: Old Town Project

Hi Georgia,

The Old Town Project I referred to in my message is the Holiday Inn sign project, PTS 197966. I put an alert in the system.

Thanks!

Kelley Saunders

Kelley Saunders
Senior Planner
Historical Resources
City Planning & Community Investment
City of San Diego
202 C Street, MS 5A
San Diego, CA 92101

Phone: 619.236.6545
Fax: 619.236.6478
email: KMSaunders@sanidiego.gov
website: www.sandiego.gov/historic

Hours:
Monday thru Thursday: 8:30am - 6:00pm
Every other Friday: 8:30am - 5:00pm

ATTN: Correspondents should assume that all communication to or from this address is recorded and may be viewed by other parties.