



UPTOWN PLANNERS
Uptown Community Planning Group
May 1, 2012
MEETING MINUTES
Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Vice Chair Jaworski.

Present: Jennifer Pesqueira, Matt Winter, Joe Naskar, Tom Fox, Bob Grinchuk, Ernie Bonn, Gary Bonner, Rhett Butler (6:10), Chris Ward, Ken Tablang, Neil Ferrier, Tony Winney, Beth Jaworski, Janet O'Dea (6:25)

Absent: Kim Adler, Don Liddell, Jim Mellos,

Approximately 100 people were in attendance.

I. Board Meeting: Parliamentary Items/ Reports:

During introductions, Acting Secretary Wilson pointed out this was likely the first Uptown Planners meeting chaired by a woman since Joyce Beers, the first chair of Uptown Planners, presided.

No board member agreed to be Secretary, so former board member Wilson agreed to continue to serve as Acting Secretary.

Approval of Agenda:

Motion by Ferrier, seconded by Winney, to approve the agenda as presented; passed by a unanimous vote of 12-0-1.

Approval of Minutes:

Motion by Bonn, seconded by Ferrier, to approve the draft minutes for the February 7, 2012 meeting; approved by a 12-0-1 vote; Ward, Jaworski abstaining.

Motion by Bonn, seconded by Ferrier, to approve the draft minutes for the February 16, 2012 special meeting; approved by a 11-0-3 vote; Ward, Grinchuk, Jaworski abstaining.

Motion by Ferrier, seconded by Bonner, to approve the draft minutes for the March 6, 2012 meeting; approved by a 11-0-3 vote; Ward, Grinchuk, Jaworski abstaining.

Motion by Bonn, seconded by Ferrier, to approve the draft minutes for the April 3, 2012 meeting; approved by a 13-0-1 vote; Jaworski abstaining.

Treasurer's Report:

Fox reported there was a total of \$375.00 in the bank account; Fox and former Treasurer Dahl will change the bank account into Fox's name over the next month.

Website Report:

Winney reported he is working with O'Dea on learning how to operate the website.

Chair/ CPC Report:

None

II. Non-Agenda Public Comment:

Aaron Byzak from UCSD provided an update on the traffic circulation study that his organization is sponsoring in the Hospital District. He announced a public workshop would take place on June 27, 2012 to discuss the study. Byzak also announced that Paul Viviano will be the new CEO of UCSD Hospital beginning in June 2012.

III. Representatives of Elected Officials:

Anthony Bernal, representing City Councilmember Todd Gloria, passed out the latest "District Three Dialogue"; he spoke about the increase in street repaving from prior years because of the improved financial status of the city; and announced a bike corral would be placed in Hillcrest.

Ian Clampett, representing City Councilmember Kevin Faulconer, also spoke about the improved finances of the city, and indicated more police officers would be on the streets as a result. He also indicated Councilmember Faulconer had personally participated in the repair of pot holes; and that 100 miles of streets had been repaved compared with seven miles last year. Faulconer had participated in the centennial celebration for the Spruce Street Bridge; and the Mike Gotch Bridge dedication as well.

Jason Weisz, now representing California Assemblymember Toni Atkins, announced a school scholarship program the state enacted that would be paid for through a new tax on corporations.

IV. Consent Agenda:

None

V. Potential Action Items: Projects:

2121 SAN DIEGO AVENUE ("OLD TOWN TRANSITIONAL HOUSING") – Process Five –
Five Points/ Middletown -- Conditional Use Permit for Transitional Military Housing in an existing; 46,926 sq. ft. acre site at 2121 San Diego Avenue in the MCCPD CL-6 Zone; AAOZ; FAA Part 77, North Bay Redevelopment Area.

The Old Town Transitional Housing project had been continued from the April 3, 2012 meeting of Uptown Planners; and in the interim the board requested: (1.) a determination by the City Attorney whether the project is transitional housing or a treatment facility; and (2.) the completion of environmental review which required the submittal of a geotechnical report showing whether there is an active fault under the project site.

Subsequently, the City Attorney, in a letter dated April 18, 2012, declined to make the determination requested by the board, and further indicated the issue may not be resolved prior to the City Council hearing that will decide whether to grant the CUP.

A Notice of Environmental Determination, dated April 30, 2012, indicated the project was exempt from CEQA because it was infill; this determination was made upon submittal of the geotechnical report sometime in April.

Public Comment:

Dr. Robert Smith and Debbie Dominick gave an update on the project; and Jessica Poole from Congresswoman Susan Davis' Office spoke about whether the federal funds designated for the Old Town Transitional Housing site could be used at a different location in San Diego. Poole indicated there was no guarantee they could be transferred, and that they must be used by the end of the year. If the federal funds were withdrawn, it would deprive 600-900 veterans of the program's benefits. Dr. Smith indicated the CUP could be made subject to a five year mandatory review. Jim Bartell, a consultant for the project, stated the applicant was willing to place conditions on the project, such as restricting smoking and an earlier curfew. Bartell also indicated the applicant was offering to tint both the project's east windows and the west windows of the Old Town Academy, and that there would also be 24/7 security.

Attorney Cynthia Morgan, representing the Old Town Academy, submitted a letter dated April 30, 2012 in response to the City Attorney's letter; the letter had been distributed to the board by E-mail prior to the meeting. Morgan also distributed a letter from the Foley & Lardner law firm dated May 1, 2012 at the meeting, which argued that the Veterans Administration had the discretion to find an alternate site in San Diego and retain the federal funding. Morgan requested the board reject the CUP for the specific reasons stated in the letters. Tom Donohue of the Old Town Academy also spoke, and expressed a fear that the Old Town Academy would be forced to close if the CUP was approved.

The Chair requested that comment from those in attendance be limited to the new information provided the board since the April meeting, and that those who spoke at the April meeting defer from speaking again.

Public comment was made by both supporters and opponents of the project: Among those speaking in favor were Tess Banko, Robin Williams, Gary Rossio, Ian Epley, Christine Hamel, Steve ---, from the project's advisory committee, Elsa Olesen; Simon P-----; among those speaking against were Michael Rosenbaum, Bob Daniels, Lisa Mortensen, Tom Gabrielli. Cindy Abair, of the VA, pointed out that federal contract regulations prevented the VA from finding an alternative location unless the CUP was rejected by the City Council; Jessica Poole, from Congressman Davis' Office, questioned if there would be enough time to process an RFP for a new site should that happen.

Board members made brief comments; those against indicated concerns regarding proximity of the proposed project to the charter school, land use incompatibility and opposition from the neighborhood; those in favor believed the use was compatible with both the school and neighborhood.

Motion by Butler, seconded by O'Dea, that: "Uptown Planners oppose the application for the Old Town Transitional Housing project CUP as presented." The motion passed by a vote of 9-4-1; voting in favor Butler, O'Dea, Pesqueira, Fox, Naskar, Grinchuk, Ward, Bonn, Tablang; voting against Winter, Winney, Bonner, Ferrier; non-voting Chair Jaworski abstained.

3232 GOLDFINCH STREET PUBLIC ROW VACATION – Process Five – Mission Hills – Public Right of Way Vacation to vacate a portion of Goldfinch Street at 3232 Goldfinch Street in the RS-1-7 Zone; FAA Part 77, AAOZ, AEOZ; NCCD #137941

Claude-Anthony Marengo presented the project on behalf of Morton Architects. It would partially vacate the southernmost portion of Goldfinch Street, which currently has a 20-foot curb to property line; the northern portion of Goldfinch Street has a five-foot curb to property line. Street vacation would bring a garage at 3232 Goldfinch Street into conformance with code.

City transportation planning staff does not support the partial street vacation; they want a full street vacation supported by all the property owners along the block. Marengo indicated that all the properties along that block of Goldfinch Street were also in violation of code; and was seeking to file a master permit that other non-conforming property owners may use in the future to obtain a similar street vacation. Some property owners along the street are hesitant to support the partial street vacation now because it might result in increased property taxes.

The owner of the property also spoke in favor of the vacation, and explained the original plans for a larger street along this section of Goldfinch Street have been abandoned.

During public comment, Ian Epley supported the proposed street vacation. Marlon Pangilinan, of long-range city planning, stated he did not oppose it.

Motion by Ferrier to approve the street vacation as presented; seconded by Winter; the motion passed 13-0-1; Butler, O’Dea, Pesqueira, Fox, Naskar, Grinchuk, Ward, Bonn, Tablang, Winter, Winney, Bonner, Ferrier; non-voting Chair Jaworski abstained.

3930 FIFTH AVENUE (“DBAR DESSERTS SIDWALK CAFÉ”) – Process Two – Hillcrest --
Neighborhood Use Permit for a 409 sq. ft. sidewalk café at 3930 Fifth Avenue in the CN-1A Zone;
FAA Part 77, Transit Area.

Nick Fotias, of Awbrey, Cook, McGill Architects, presented the project on behalf of the applicant. The only issue that planning staff raised in the assessment letter for the project was the requirement for a “clear path” of travel of 8 feet between the outdoor café railing and any above ground obstruction on the sidewalk. There was only a 7.6 feet clear path indicated from possible obstructions in the site plans. Fotias, and the applicant, Keegan Gerhard, indicated that some of the obstructions in question were not above the ground, and in one case involved measuring the clear path from the beginning of a tree grate, instead of the tree.

During board discussion, it was pointed out that the proposed railing extended further out than that of the other existing outdoor cafes along the west side of the 3900 block of Fifth Avenue. Several board members stated the alignment should be the same as the other existing outdoor cafes along the block. The applicant indicated he was favorable to having his railing match the existing alignment of other outdoor cafes, even though it might remove two seats from his cafe.

Motion by Butler, seconded by Grinchuk, to approve the project subject to the following condition: that the outdoor cafe railing be aligned with the existing outdoor café railing of the adjacent Snooze outdoor café and the other outdoor cafe railings along the west side of the 3900 block of Fifth Avenue. This would maintain the existing symmetry of the railing along the block. The motion passed by a 13-0-1 vote; Butler, O’Dea, Pesqueira, Fox, Naskar, Grinchuk, Ward, Bonn, Tablang, Winter, Winney, Bonner, Ferrier; non-voting Chair Jaworski abstained.

VI. Adjournment:

Meeting adjourned at approximately 8:00 p.m.

Respectfully submitted,
Leo Wilson, Acting Secretary