



UPTOWN PLANNERS

Uptown Community Planning Group

AGENDA

NOTICE OF PUBLIC MEETING

October 1, 2013

6:00-9:00 p.m.

Joyce Beers Community Center, Uptown Shopping District

(Located on Vermont Street between the Aladdin Restaurant and Panera Bread)

All times listed are estimates only: an item may be heard earlier than the estimated time:

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

- A. Introductions
- B. Adoption of Agenda and Rules of Order
- C. Approval of Minutes
- D. Treasurer's Report
- E. Website Report
- F. Chair Report
- G. CPC Report
- H. Vacant Board Seat: Board appointment for seat vacated by Kim Adler:

II. Public Communication: Non-Agenda Public Comment (3 minutes); Speakers are encouraged, but not required, to fill out a public comment form and provide them to the Secretary at the beginning of the meeting. **(6:20 p.m.)**

III. Representatives of Elected Officials: (3 minutes each)

IV. Consent Agenda: None

V. Potential Action Item: Projects: (6:40 p.m.)

- 1. 4077 FIFTH AVENUE SIGNS ("SCRIPPS MERCY HOSPITAL SIGNS") – Process Two**
– Medical Complex – Neighborhood Use Permit to erect 11 illuminated directional signs (relocating three existing signs; adding eight new signs) at Scripps Mercy Hospital (CUP 98-1075) located at 4077 Fifth Avenue. The site is in the MCCPRD CN-1A zone.
- 2. NEXT G TRIAS@FORT STOCKTON NUP (TRIAS STREET & FORT STOCKTON DRIVE)** – Mission Hills - Application for a neighborhood use permit for a wireless communications facility (WCF) within the public right-of-way at the intersection of Trias Street and Fort Stockton Drive. The WCF consists of a 20'-3" tall pole with a 26" Omni-antenna attachment. The overall height of the structure is 29 feet above ground level; located in the RS-1-7 zone.
- 3. 1236 UNIVERSITY AVENUE NUP ("UPTOWN TAVERN NUP AMENDMENT") – Process Two** – Hillcrest – Neighborhood Use Permit Project application was reviewed and received a favorable recommendation by Uptown Planners on May 7, 2013. The applicant had sought to replace a previously approved mesh metal barrier (NUP-40-0502) with new concrete planters topped with glass on the existing sidewalk café. Planning staff

subsequently informed applicant that the concrete planters are not permitted; and the project has been revised to incorporate black metal fencing. The project will add 168 sq. ft. to the sidewalk café of an existing restaurant at 1236 University Avenue; in the CN-2A zone.

4. **REQUEST FOR A LETTER OF SUPPORT FOR THE HILLCREST FARMERS MARKET** –Request for a letter of support by the Hillcrest Business Association for its permit renewal application for the use of the Normal Street DMV site as a farmers market on Sundays in 2014.
5. **REQUEST FOR A LETTER OF SUPPORT FOR HILLCREST MOVIE NIGHT** – Request for letter of support by the Hillcrest Business Association for Hillcrest Movie Night, which will be held on November 14, 2013. In celebration of the revival of the Hillcrest Egyptian Quarter the movie “Cleopatra” will be shown.

VI. Informational Presentation:

1. **650 ROBINSON STREET (“AT&T STORAGE TANK REPLACEMENT”) TEMPORARY/PARTIAL STREET CLOSURE** – AT&T will be replacing an underground storage tank at its facility at 650 Robinson Street, and will close a portion of Robinson Street between Sixth Avenue and Seventh Avenue for approximately 10 days.

VII. Potential Action Items: Non-Planning: (8:00 p.m.)

1. **REQUEST THAT UPTOWN PLANNERS REAFFIRM ITS SUPPORT FOR THE DEMOLITION POLICY RECOMMENDATIONS IT APPROVED ON SEPTEMBER 1, 2009, AND RECOMMEND THAT THEY BE ADOPTED BY THE CITY OF SAN DIEGO** – Uptown Planners voted 15-0-1 on September 1, 2009 to approve the demolition policy recommendations contained in Attachment 1. The Uptown Planners recommendation was subsequently adopted by Community Planners Committee by a vote of 16-0-2 on September 22, 2009. Recently, Acting Mayor Todd Gloria has stated the city will be taking action to revise its current demolition regulations.
2. **CAPITAL IMPROVEMENT PROGRAM: UPTOWN:** – Update on Uptown Planners recommendations for the Capital Improvement Program budget made at the September 3, 2013 meeting, which were submitted to the city in late September. The recommendations will be considered for inclusion in the City of San Diego’s fiscal year 2014-2015 capital improvements budget.
3. **REQUEST FOR AN UPDATE OF THE STATUS OF UPTOWN DEVELOPER IMPACT FEES (DIF) BETWEEN 2008 AND 2013** – In 2008, Uptown Planners prepared an analysis of the total amount, source, and use of developer impact fees generated in Uptown prior to 2008. Recommendation that Uptown Planners request the City of San Diego provide necessary information regarding DIF for the years 2008-2013, so that the Uptown DIF analysis may be updated.

VIII. Community Reports

- Aspire VA Center Advisory Committee;
- West Mesa Subcommittee: Balboa Park Committee

IX. Adjournment: (9:00 p.m.)

NOTICE OF FUTURE MEETINGS

Uptown Planners: November 5, 2013, at 6:00 p.m., at the Joyce Beers Center meeting facility on Vermont Street in the Uptown Shopping District (*see parking map below*);

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, call (619) 231-4495, or E-mail: leo.wikstrom@sbcglobal.net. Uptown Planners is the City of San Diego's recognized advisory community planning group for the Uptown Community Planning area.

Attachment 1

Land Use and Housing Demolition Policy Concerns & Proposed Solutions

Recently, there has been considerable effort by City Staff and neighborhood groups to support historic review of applicant projects in the older areas of San Diego. The most successful results of the process have been with applicants who are working in good faith. However, lax enforcement and some processes that obscure public involvement have pointed to a variety of process issues. The results have been shocking because those who seemingly intend to bypass the system or use political influence to bend the rules in favor of their own interests and are granted demolition permits. Examples of abuses in the system continue and much can be achieved by correcting deficiencies in these systems through often-simple process changes, by adjusting regulations and adjusting policies. When the system supports more transparency it seems that it will be easier to identify those who do not intend to comply to regulations before there is actual demolitions.

Results of the changes to the current codes, regulations and policies would have the overall positives effects:

- Preserving San Diego's historic architecture and cultural heritage
- Decreasing landfill waste and discarding quality materials such as old growth lumber
- Enable more cost effective reinvestment into the established communities and maintaining the rhythm and scale of the streetscape, which invites aesthetic upgrades and staves off blight.
- Complying with CEQA and reducing the city's liability exposure.

Specific actions that LU & H can take to address the issues concerning demolitions are listed as proposed solutions in the below table.

Open Issues

Number	Issue	Proposed Solutions
1.	Communication with Stakeholders	Proposals
	<p>A. Community Member/Stakeholders are not given timely or accurate notice of pending demolition permits, which inhibits action at the time an actual permit is issued.</p> <p>B. Community Stakeholders have trouble verifying when permitted work or unpermitted work is being done and often only have access to information after the fact. Permits are not on buildings and building addresses are not required to be visible during construction/demolition</p> <p>C. Permits are issued for properties but notices are delayed and verification is difficult.</p> <p>D. Permit notices are inconsistent and don't provide the planning area or current zoning. Also permits don't list all of the properties involved in the project. Demolition permits don't provide information connecting it to current or future projects.</p> <p>E. The Code Monitoring Team and the Technical Advisory Team have not undertaken these issues. Yet un-permitted work goes on all of the time and is pervasive in our older communities. The unpermitted work eliminates the ability for the process to work as it was intended and ultimately affects our quality of life.</p> <p>Recent examples:</p> <p>1051 Myrtle Street</p> <p>4337 Valle Vista</p>	<ul style="list-style-type: none"> • Provide on-line notices of pending and issued permits in real time, or delay granting the applicants permit until the actual notice is published and available to the public. • An option immediately available for implementation is to process demolitions and upcoming controversial projects or those sites with buildings 45 years or older through the community-planning groups since they may be in a better position to understand the cumulative impacts. • Require permit notices and addresses to be posted and visible on any construction/demolition site. • Permits provide consistent information regarding all of the addresses/parcels involved in the application, the planning area and zoning information on the permit notice. • Put forward language for these proposals to coincide with the next Land Development Manual "LDM") or Code or otherwise request staff to make policy and regulation changes effective immediately. Additionally, include community member oversight of the legislative process and changes in the LDM or LDC as they affect demolition policies and historic preservation. <p>Results: Opens up the process to the stakeholders in the community and makes the process more transparent. Also makes code enforcement easier.</p>
2.	Legal Issues	Proposals
	<p>A. The City's process of taking permit applications out of the Ministerial process to review it for the 45-Year analysis should in and of itself require it to be moved into a Discretionary process. Ministerial</p>	<ul style="list-style-type: none"> • Revise current practices to comply with CEQA and the land development code. When a project is pulled out of the Ministerial process for any reason, it becomes Discretionary.

	<p>projects are for straightforward projects that don't require intervention/evaluation by staff. Once pulled out of the Ministerial track the project is inherently Discretionary. The city does not abide by this and routinely pulls and reinserts applications returning them back on the Ministerial track. This opens the city to unnecessary liability.</p> <p>B. Buildings must be considered historic under CEQA if there is a fair argument that they are eligible for the California register even if they are not already designated. If there is simply a fair argument that the structure is eligible the impacts must be assessed and an environmental document is required. Also the current and foreseeable new project needs analysis because of the cumulative impacts. Demolitions are granted for historic buildings when a fair argument has been made but the CEQA analysis is not provided for both the proposed new project/demolition and therefore demolitions occur without full and complete analysis or mitigation.</p> <p>These practices allow for substantial loss of historic buildings in our established communities and put the City in a position of liability exposure.</p> <p>Recent examples:</p> <p>4114 Goldfinch</p> <p>4114 Ibis</p>	<ul style="list-style-type: none"> • Arrange SOHO and City Attorney co-sponsored training for DSD Staff on interpretation of CEQA law. • Adhere to the environmental review and analysis required by CEQA when buildings are over 45 years old and analyze the foreseeable future projects cumulative impacts when stakeholders, consultants and/or City Staff raise concerns about historical resources (CEQA fair argument). Compliance with CEQA is not optional. • When a disagreement occurs pertaining to the historic status of a building between staff and/or community stakeholders this triggers the fair argument standard of CEQA and the application should then follow a Discretionary process. • Provide a database system to ensure that cumulative impacts are properly monitored including air quality, water quality and waste. <p>Results: Enforcement of the CEQA, laws and regulations, increased staff and community input. Analysis of potential environmental impacts and alternatives and mitigation to the community through the process or by review of environmental documents (NMD, ND or EIR) when necessary.</p>
3.	Community Plan Historic Surveys and EIR	
	A. It is widely accepted that a reconnaissance windshield survey cannot reveal all of the character defining features or historic references related to a	Not all properties can be given intensive study but further investigation should be warranted for the oldest properties, as has been the case

	<p>given property. The change in the 45-year review process is an example of what can be found while looking at properties more closely. In 2006, the draft Uptown Survey was submitted but not adopted. Concerns were raised at that time because of the potential elimination of further investigation on over half of the properties in Uptown. City Staff now plan to adhere to the State status codes and is working towards adoption of the new Surveys in preparation of Community Plan Updates. Without similar protections invested into the survey process as the current 45-year review, the older communities become vulnerable if a more in-depth analysis for oldest properties in our established San Diego communities are not required before demolition permits are issued.</p> <p>B. An EIR was not conducted before adoption of the General Plan but must be done as part of the Community Plan updates for North Park, Golden Hill and Uptown because these affect some of our oldest communities.</p>	<p>citywide with the current 45-year process.</p> <ul style="list-style-type: none"> • City staff should require more intense investigation such as when properties are 65 years or older after reconnaissance surveys are adopted. • EIRs should be conducted during the Community Plan updates. <p>Results: Research of the oldest resources in San Diego’s older communities relate to the historic context of the community and contribute to the story of San Diego’s history. These older properties should be given more in-depth analysis before demolition permits are issued.</p> <p>An EIR for each community plan update will include alternatives and mitigation as part of the discussion in the community for the update process and offer opportunities for substantive dialogue and consideration pertaining to the quality of life factors in our communities.</p>
4.	Permit Process Aberrations	
	<p>A. The Preliminary Review process bypasses the 45-year review (a 10 day review by the community) that also results in issuance of demolition permits. It is a loophole that results in land use decisions without adequate analysis or review. This process was used issuing one permit to demolish six houses on Centre Street and the resulting development of the site should not be Ministerial bypassing community input but because its scope should have triggered a CEQA review and Discretionary process.</p>	<ul style="list-style-type: none"> • Review of all demolition permits by staff meeting the Secretary of Interior Standards qualifications. • Preliminary Review should not bypass securing community input so instead it should be part of the Community Planning Group meeting process. • Abide by CEQA and provide a mechanism to take projects out of the Ministerial or Preliminary Review process when they require more community input– Such as potentially historic properties, controversial projects or large projects

<p>B. When inadequate research is presented by the applicant and there is not enough time for a community response then bad decisions are made simply because the time is up. Once the resource is demolished, the report, if inaccurate, is the only documentation left behind and it does not adequately represent the history or legacy.</p> <p>C. Those who profit from demolishing historic properties pay consultants who leave out facts or misinterpret analysis with apparent intent to bypass CEQA.</p> <p>D. Demolition by neglect is accepted as a persuasive argument to demolish historic buildings instead of promoting adaptive reuse.</p> <p>Recent Examples: 3761 Centre Street – (Actually 6 houses on Centre Street)</p> <p>4638 West Tallmadge Drive</p> <p>801 University</p> <p>Our Lady of Peace</p> <p>4337 Valle Vista</p> <p>Effects: Demolition of historic properties and changes to the historic context of our communities because the Preliminary Review process sidesteps the 45 year review analysis and other community input processes. Often investors neglect or don't maintain the building or property to attempt to make a case that the building is not significant because they have not kept it up. Paid consultants with an agenda to suit their clients submit inadequate, and biased reports pertaining to applicants' projects and cause a loss of confidence and integrity in the process because there is little City supervision or adjustment to mitigate the faulty or inadequate reports. Permits processed for the sake of a bonus instead of quality of the review perpetuates these problems and leads to unjustified demolition of historic properties and violates CEQA</p>	<p>such as the application to demolish six old houses on Centre Street.</p> <ul style="list-style-type: none"> • City staff should provide better oversight of historic reports including reference and data checking with conclusions based on evidence or supportive documentation. • Provide community members and City Staff with a feedback mechanism to remove consultants from the city's consultant list when reports repeatedly leave out facts or conclusions are unjustified. • When consultant reports leave out facts or conclusions are unjustified consider community input under CEQA fair argument standards and require environmental documents as the next step, before any demolition permits are issued. • Promote adaptive reuse and enforce code compliance issues since it encourages improving communities. <p>Results: Reduce rushed demolitions of properties that are historic in nature, less vacant lots and reduced losses of the historic integrity of the community. Beautify and improve the built environment. Improve integrity of the historic review process. Also provide incentives for quality historic research reports by enabling City Staff to raise the standards for submitted reports which may be the only documentation pertaining to the resource. Enforces CEQA and codes while protecting historic assets from reckless demolitions.</p>
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	and the intent of CEQA.	
5.	CEQA and Mitigation for Non-Compliance	
	<p>A. Permits are issued after demolition takes effect.</p> <p>B. Demolition permits are separated from the foreseeable project and there is no analysis of the cumulative impacts.</p> <p>C. Simple permits are issued but are not relevant to the work being completed. (Permit for a water heater does not pertain to siding being removed/installed).</p> <p>D. Penalties are too low to discourage un-permitted demolitions.</p> <p>E. Errors in processing applications by staff or mis-information by applicants resulting in demolition of significant properties.</p> <p>Recent Examples:</p> <p>4337 Valle Vista</p> <p>3096 Alameda Drive</p> <p>3809 Seventh Ave. A water heater upgrade permit was issued but work was more extensive.</p> <p>Kensington Sign</p> <p>Effects:</p> <p>Cumulative impacts are not addressed and are out of CEQA compliance</p>	<ul style="list-style-type: none"> • Projects including demolitions on a particular site should not be partitioned. Thus permits for a demolition would not be issued as a bureaucratic process but in context with the proposed new project, zoning, site, planning area and all affected parcels. • Posted addresses and permits during notice and all phases of construction will help inspectors and community members verify the work that is being done matches the issued permit. • DSD should maintain and make a database available to the public that shows the cumulative impacts related to built, planned and future projects (per zoning) for better analysis as projects come forward. • Substantially increasing enforcement and meaningful fines are in the work plan and need to be completed. A substantial and punitive interim penalty should be established until all the details of the fine in the work plan are fully approved. <p>Results: Projects include the plan for the demolition so that it can be viewed thoughtfully and comprehensively in accordance with CEQA analysis of the whole record. Fines will deter those who wish to circumvent the system and could provide mitigation to the community by funding other preservation projects. Issues with projects would be discovered earlier when enforcement actions are more meaningful</p>

6.	Other Policy Issues and Impacts to Older Undesignated Structures	
	<p>A. Remodels and demolitions differ and need to be permitted differently. Demolitions disguised as remodels cheat the community out of input as well as review of parking requirements. Coastal Commission requirements are clear and could be the model for city codes.</p> <p>B. Applicants obtain legitimate permits for a minor item or partial permit but exceed and cheat the permit resulting in major demolition/losses. (i.e. kitchen remodel permit results in tear down)</p> <p>C. Zoning creates pressure on commercial historic resources in high-density zones and Conservation Areas need to be implemented. There is currently no mechanism to do so.</p> <p>D. Ministerial projects bypass the goals set out in the community plan and erode the unique character of San Diego communities over time.</p> <p>E. Spot planning by frequent community plan amendments undermines the community planning process.</p> <p>Recent examples:</p> <p>3475 Tenth (Now 1005 Robinson)</p> <p>4460 Texas Street and 4374 Cleveland Ave.</p>	<ul style="list-style-type: none"> • Revise the definition of a remodel so it is limited to 25% or less of the building and include language in requirements effecting remodels mirror the provisions enforced by the Coastal Commission. • An ongoing inspection at various thresholds to ensure that demolition of existing resources is not excessive. • Issue fines and provide mitigation measures for projects that exceed permitted actions. • LDC & Procedures for Design Guidelines is missing from General Plan Actions – Implementation of Conservation Areas need to be established for older areas now because they are undergoing plan updates. • Ministerial projects need to show conformance and be subject to the Community Plan. • Limit the number of introductions/adoptions of Community Plan updates each year. <p>Results: The public would be clear on the project permitted when remodels and demolitions are clearly distinct. Conservation Areas with complementary zoning that recognizes the benefits of historic commercial areas reduces pressure to radically alter the established character of these areas.</p> <p>Ministerial projects that adhere to the community plan will appear complementary to the established streetscape.</p>

