



# UPTOWN PLANNERS

Uptown Community Planning Committee

November 11, 2007

Meeting Minutes

**Members Present:** Present: Liddell, Towne, Grinchuk, Epley, Satz, Dahl, Gatzke, Hyde, Wilson (Chair), O'Dea, Adler, Matthews (late), Wendorf (late), Edwards, Sachs

## **I. Parliamentary Items:**

B. Adoption of Agenda: Wilson (Chair) suggested moving the following action items to the consent agenda: letters of support requested by City Fest, the Hillcrest Mardi Gras and Father Joe's Village Thanksgiving Day 5K Run/Walk; adoption of the revised bylaws. Sachs said that he wanted to discuss the bylaws as an action item. Wilson agreed not to recommend putting that item on the consent agenda. The board agreed to put the remaining items (the letters of support) on the consent agenda by voice vote (12,0,1; Chair abstaining.)

Appointment of Secretary: Towne elected secretary by voice vote (12,0,1; Chair abstaining)

Board Members Matthews and Wendorf arrive – 14 members of Board Present.

C. Approval of October Minutes: O'Dea moved to approve October minutes. Motion passed by voice vote 14,0,1; Chair abstained)

D. Treasurer's Report: Treasurer Dahl reported on the current bank balance and last month's income for Uptown Planners.

E. Chair/ CPC Report: Wilson (Chair) announced that he has copies of the plans for expanding Lindbergh Field if anyone wants to see them. He noted that a request for a letter of support from "In Motion" arrived too late for the board to take action at the time requested. He said that he has information on a request for a water main replacement in the Bankers Hill area for anyone who wants to find out more. He noted that the last CPC meeting was delayed by the fires. He noted that progress is being made on an indemnification ordinance for planning groups. He noted that the COW training for new planning group members will take place on November 29, but that those who cannot attend can attend the next workshop.

## **II. Public Communications:**

Sheila Hardin representing the CCDC announced upcoming workshops on parking and affordable housing. Dale Purcell, Uptown Planners liaison to the North Bay Planning Area Committee (Middletown) asked the board for direction on any height limit that might be proposed in Middletown. Wilson (Chair) said that he will put that item on the agenda for a later meeting. Epley said that no buildings higher than 65' are allowed in Middletown at the present time. City Planner Marlon Pangalanan announced an upcoming community forum on the Hillcrest Corridor Mobility Strategy.

Representatives of Elected Officials: James Lawson introduced himself as the new representative for Councilmember Faulconer.

Jeffrey Tom announced his impending departure as Councilmember Atkins' liaison to Uptown and introduced the new liaison. He said that the State of California is looking for a developer to develop the DMV site in Hillcrest. Community suggestions for the DMV development can be forwarded to the State through Jeffrey Tom or City Planner Marlon Pangalinan. Suggestions already made include preserving the Farmers Market, including affordable housing, creating a pedestrian friendly environment and using green building methods. Tom said that he was working on resolving the problem of standing water (sewage) at 7th and Brookes.

Wilson (Chair) praised Jeffrey Tom as one of the best representatives of a city official that he had encountered in his many years of working with San Diego city officials.

Todd Gloria, representing Congresswoman Davis, announced that his position would be taken over in a few months by Nick Norbel. He noted that there was a limited time for fire victims to register with FEMA. He announced some upcoming community meetings with Davis. In reply to a question from Epley, he said that Davis voted to forward H.R. 333 -- the bill to impeach the Vice-President -- to the House Judiciary Committee.

### **III. Consent Agenda:**

The following three items were moved to consent upon the adoption of the agenda:

- 1. REQUEST FOR LETTER OF SUPPORT – FATHER JOE’S VILLAGE THANKSGIVING DAY 5K RUN/WALK (Special Event) – Bankers Hill/Park West – Event will take place on November 22, 2007.**
- 2. REQUEST FOR LETTER OF SUPPORT – MARDIS GRAS -- (Special Event) – Hillcrest – Event will take place on February 8, 2009**
- 3. REQUEST FOR LETTER OF SUPPORT – CITY FEST -- (Special Event) -- Hillcrest – Event will take place in August 2008.**

Gatzke moved to approve the consent agenda. Sachs seconded. Motion passed by voice vote 14,0,1 (Chair abstained)

### **IV. Action Items: Proposed Interim Height Limitation**

**PROPOSED INTERIM HEIGHT LIMITATION ORDINANCE -- Uptown –** Would impose a mandatory interim height limitation for a section of the Uptown community planning area north of Brookes Street, which would apply to any proposed structure that exceeds 50 feet in Area “A” , and 65 feet in Area “B”; as identified in the map attached to the proposed ordinance;

Would impose a discretionary height limitation for a section of the Uptown community planning area south of Brookes Street, which would apply to any proposed structure that exceeds 65 feet in Area “B”; as identified in the map attached to the proposed ordinance;

The interim ordinance would expire either: (1.) upon the adoption of an updated Uptown Community Plan, or (2.) 30 months from the date of adoption of the amendment, at which time for the City Council would decide whether to extend it for an additional period of time.

City Planner Marlon Pangalinan presented the mayor's proposal for an interim height limitation in Uptown. Uptown resident Barry Hager, Chair of the Independent Task Force for the Interim Height Ordinance, said that his task force would reluctantly endorse the mayor's proposal (the task force wanted a strict limit north of Upas; the Mayor proposed a strict limit north of Brookes) with the following conditions: 1) delete "and intended" from language in the ordinance concerning the character of the community; 2) insert "mid-range assumptions" in language concerning acceptable heights; 3) delete language regarding the city's intention to comply with state law in granting density bonuses for affordable housing (state law would apply anyway); 4) delete exceptions granted to applicants who have completed applications on file with the city as of the date the ordinance is finally approved by the city council; instead, the ordinance should be retroactive to the date it was first proposed.

Public Comment: Rick Wilson said that the strict height limit should be north of Upas, not north of Brookes. George Wiedemeyer said that he was not impressed by the discretionary review proposed in the mayor's version of the ordinance and that he would be interested in asking a judge for an injunction against any tall buildings approved under such review based on the five elements cited by the judge who stopped the 301 University Ave. project. Marc Perrault said that he supported "building up, not building out" in keeping with smart growth principles advocated by Al Gore as a corrective to long commutes and suburban sprawl. Tom Mullaney said that the height limit in the core of Hillcrest should be even lower than that proposed in the interim ordinance -- 25-30' -- using Santa Barbara as a model. Former City Planner Ron Buckley said that he agreed with Perrault, that height limits were a bad idea reflecting a misunderstanding of the community plan by newcomers to the community, and that adopting a height limit would make Uptown "like El Cajon Boulevard".

Satz moved to approve the mayor's proposal, attaching Barry Hager's conditions. Towne seconded. Epley proposed a substitute motion to deny the proposal with attached conditions by Hager. Gatzke seconded. Motion failed 3,11,1 with the Chair abstaining and Liddell, Epley and Gatzke voting in favor. Sachs offered a friendly amendment (to Satz's original motion) to change the dividing line for the strict height limit from Brookes to Upas. Satz asked James Lawson and Jeffrey Tom (respectively, the representatives for councilmembers Faulconer and Atkins) whether the councilmembers would support Upas as the dividing line. They said they did not know. Satz then said that he would not accept Sachs's amendment. Sachs then moved for the adoption of the amendment as an unfriendly amendment. Towne seconded. Wilson (Chair) said that insisting on Upas would kill the strict height limit for the rest of Hillcrest. Motion failed 5,8,1,1 (Chair and Adler abstained; Sachs, Towne, Epley, Wendorf and O'Dea voted in favor.) Adler called the question on the original, unamended motion by Satz to approve the mayor's proposal, attaching Barry Hager's conditions. Adler's motion to vote on the original, unamended motion passed 11,3,1 (Chair abstained; Sachs, Gatzke and Dahl voted against.) Motion to approve the mayor's proposal, attaching Barry Hager's conditions, passed 11,3,1 (Chair abstained; Liddell, Epley and Gatzke voted against.)

## **VI. Action Items**

**ST. PAUL'S CATHEDRAL – (Process Five) – Encroachment/Street Public Right of Way** -- Bankers Hill/Park West – Early Consideration before the City Council, pursuant to San Diego Municipal Code Section 129.0710(c), for proposed encroachment of an underground parking garage into the public right of way of Fifth Avenue and Nutmeg Streets; Airport Approach Overlay Zone; Proposed Sixth Avenue/ Balboa Park Urban Edge Landscape District.

Representatives from the Cathedral presented plans for two high-rise mixed use buildings on Cathedral property, including plans for underground garages that would encroach on the public right of way. They said that the project would provide 18 affordable units, preserve the historic La Moderne apartments, provide more than two parking spaces per unit plus an additional 59 spaces for use by the cathedral, and strive to comply with LEED certification standards.

Public Comment: Beth Jaworski asked why the cathedral needed to build condos to raise money. She wondered whether the cathedral had considered other ways of raising money. A representative of the cathedral replied that many churches raise money by selling land and developing real estate. June Gattschalk said that she opposed the project because it was too high and out of character with the surrounding community. She noted that the Synagogue on 3rd and Laurel is raising money without building high-rise condos. Pat Kelley said that the proposed buildings were too high. David Chadwick Brown said that the proposed buildings were too high and that the city's zoning for the airport overlay zone should be respected. John Lamb said that approving the cathedral project would open the door to more high-rises. He noted that the applicant was using the same airport consultant used by Sunroad Enterprises to build a building that had to be lowered in order to comply with FAA rules. He noted that a lack of objection to the project by the FAA should not be determinative; that the city's own height restrictions in the overlay zone should be complied with. Ed Patrick asked about the number of off-street parking spaces that the project would provide. Another resident asked how the project could provide more than the absolute minimum required parking and still comply with LEED certification standards, which discourage parking. Carol Schofield said that the project was too big and too high, and would contribute to traffic problems as well as adding unnecessary demand for the city's limited supply of water. Amelia Gardner said that the project would bring more cars to the neighborhood and cause more traffic problems.

During board discussion of the project, Wilson (Chair) said he wanted to know the specific reasons why city staff opposed the encroachment requested by the project.

Sachs moved to support the encroachment, saying that supporting it did not imply approval of the project as a whole. Dahl seconded. Motion failed 4,9,2 (Chair and Gatzke abstained; Sachs, Dahl, Epley and Towne voted in favor.) Liddell moved to continue the item until the board was informed of city staff's reasons for opposing the height of the project. Satz seconded. Edwards made a substitute motion to deny the encroachment. Motion passed 9,4,2 (Chair and Gatzke abstained; Liddell, Towne, Epley and Sachs voted against.)

## **VII. Subcommittee Reports:**

**Bylaws Subcommittee: DRAFT BYLAWS** – Action Item: Review and adoption of revised bylaws.

Sachs suggested edits to clarify the boundaries of University Heights and the deletion of a required 24-hour notice of recusal. Towne moved to delete the 24-hour notice requirement. Sachs seconded. Motion passed 14,0,1 (Chair abstained.) Sachs moved to adopt the bylaws with the edits suggested by Sachs. Liddell seconded. Motion Passed 12,2,1 (Chair abstained; Liddell and Hyde voted against.)

**Design Review Subcommittee:** Projects on the November agenda include: 1750 Robinson (“Nasmante on Robinson TM”), Thomas Jefferson School of Law CUP, Fifth & Thorn SDP & TM, 4085 Hawke Street (“Aciro Residence SDP”), 635 Robinson (“AT & T Parking Facility CUP/SDP”).

Wilson (Chair) asked whether anyone thought that the design review subcommittee should meet outside of Saint Paul's Cathedral. No one thought so. Wilson said that a suggestion had been received that University Heights be included in Uptown for planning purposes. He said that he would put this on the December agenda.

## **Historic Resources Subcommittee:**

O'Dea reported on the work of the Historic Resources subcommittee.

**Adjournment:** Satz moved to adjourn. Motion passed 14,0,1 by voice vote (Chair abstained.)

Respectfully Submitted,

Andrew Towne,  
Secretary