

GREATER NORTH PARK COMMUNITY PLANNING COMMITTEE
2901 NORTH PARK WAY, 2ND FLOOR
P.O. BOX 4825, SAN DIEGO, CA 92164
APPROVED MINUTES: JANUARY 15, 2008

- I. **Called to Order:** 6:32 pm.
- II. **In Attendance:** Sal Arechiga, Steve Chipp, Ed Cronan, Mike Forbes, Vernon Franck, Vicki Granowitz, Brenda Martin, Judith O'Boyle, Dean Petersen, Keoni Rosa, Rob Steppke, Liz Studebaker, Stephen Whitburn.
Absent: Rene Vidales.
Secretary Report on Attendance: Ms. Armelin's position on the Committee remains vacant.
- III. **Motion to Adopt January 15, 2008 Agenda** (with modification that Consent Item IV.C. (Walgreens) be pulled and considered as Action Item V. A.): **Martin/Petersen 13-0-0**
- IV. **Chair's Report/CPC**
- A. Chair allowed Officer David Surillo to introduce himself as the new North Park Community Officer. The Hillcrest Office at 1001 University Avenue has reopened. He can be reached at (619) 876-9646. He stressed that emergency calls should be made to 911 and any non-emergency calls should be directed to 619-531-2000.
 - B. Chair announced the upcoming March Annual Elections for the Committee. Rob Steppke is the Chair of the Election Subcommittee. Serving with him will be Ed Cronan and Judi O'Boyle.
 - C. UD/PR Subcommittee will need to find a new location for its meetings. A possibility is Jefferson Elementary. Judi O'Boyle is looking into this. Meetings there would have to end at 9:00 pm and there will be costs. UD/PR will need to find a location before its February Meeting. The Chair, Ms. Granowitz, would like to have a location where both the UD/PR and the full Committee would be able to meet.
 - D. Year End Report is due in March. The Chair needs goals from the Subcommittee Chairs by February 12, 2008.
 - E. An article in the UHCA newsletter indicated an interest in annexing University Heights- currently a part of the North Park planning area- into Uptown Planners' area of planning.
- V. **Motion to approve November 20, 2007 minutes:** **Steppke/Whitburn 13-0-0**
- VI. **Treasurer's Report:** Balance as of January 1, 2008 was \$345.22 At the UD/PR Subcommittee meeting, \$96.50 was collected and \$50.00 was used to pay for the rental of the meeting location. \$46.50 remains in that account.
- V11. **Announcements**
- 1. Lynn Elliot announced that planning has begun for the upcoming Summer Bird Park Concerts. The NPCA is looking for input.
 - 2. Sheila Hardin, Community Relations Manager for CCDC announced that there will be a Multicultural Festival downtown on Saturday, January 19, 2008 from 11:00am- 5:00pm. In addition, the Balboa Theatre will have its opening gala on January 31, 2008.
 - 3. Dana Hosseini spoke about the recent UD/PR subcommittee Meeting regarding the Bluefoot Lounge. He was disappointed in the process that took place. Mr. Hosseini alleged the following: There was not equal time for the opponents; there was a random pattern of speakers; subcommittee members expressed opinions and anecdotes before the public spoke; the proponents were allowed to sit at the table with the Subcommittee; the Subcommittee Chair was disinterested in the elements of a Neighborhood Use Permit and the Subcommittee Chair failed to disclose a conflict of interest.
 - 4. Mr. Petersen announced that Committee Member Keoni Rosa received an Environmental Award from Assembly Member Lori Saldana in December

5. Mr. Cronan announced that the Historical Resources Board is considering some significant changes to the Mills Act qualifications, which may restrict its availability.

VIII. Planner's Report: Marlon Pangilinan, (619) 235-5293, mpangilinan@sandiego.gov.

Mr. Pangilinan stated he had some issues to discuss. There are some concerns regarding the way the UD/PR Subcommittee has been conducted.

1. The Brown Act notice requirements must be followed pertaining to timeliness and compliance regarding items on the Agenda.
2. There have been alleged violations of the Brown Act. These need to be addressed by the Chair of the full GNPCPC. An investigation should be conducted and remedies devised, up to and perhaps including the removal of the UD/PR Subcommittee Chair.
3. Meetings must be fair. Matters should be introduced objectively:
 - A. The applicants are heard from.
 - B. The Board can ask technical questions.
 - C. Public Comment. There may be time limits. Then public comment is closed.
 - D. Then the Board can comment and ask questions. Questions can be directed to the applicants or the public, both of which may respond.
4. A conflict of interest does not apply to the GNPCPC and its subcommittees. There must be a Direct Economic Interest. A member *may* have other interests that they may want to fully disclose and state that they do not have a Direct Economic Interest.
5. The Planning Staff strives to remain out of these matters and prefers that the individual community planning committees handle these matters on their own. If necessary, the City Attorney's Office can provide guidance as well. The GNPCPC is now on notice. The Chair, Ms. Granowitz, will meet with Mr. Pangilinan to discuss this. This meeting was approved by the full board, in that no objection was made and the Chair asked for approval.

IX. Elected Officials Report

1. Todd Gloria (rep for Congresswoman Susan Davis, U.S. Congressional District 53): Todd is leaving on a leave of absence to run for City Council. He introduced his replacement, Nick Norvell. Nick can be reached at (619) 280-5353. Nick noted that all are welcome to sign up for e-news from the Congresswoman's office. He noted that there have been changes in requirements crossing the border in returning from Mexico. You will need a passport soon.
2. Kirsten Clemons (rep for Lori Saldana, CA State Assembly District 76): Kirsten can be reached at (619) 645-3090. Two critical items at the State level are the Budget and the Health Care Bill. The governor has called a fiscal emergency in light of the \$14.5 Billion deficit. The legislature has 45 days to act. So far, the governor has called for a 10% cut. Among items affected, education will see a \$400 million reduction and state beaches will see reductions in lifeguards. The Health Care bill has passed out of the Assembly. Once through the Senate, the governor has indicated a willingness to sign it. As noted earlier, Keoni Rosa was one of the recipients of Ms. Saldana's Environmental Awards. California Center for Sustainable Energy is available for workshops.
3. Monica Pelaez (rep for Toni Atkins, City Council District 3): Monica can be reached at (619) 533-4068. On January 23, 2008 at 2:30 pm there will be a meeting of the Land Use and Housing Committee. On the agenda to be discussed will be demolition permits. The City Council passed the second reading of the min-dorm ordinance. With the inclusion of a provision regarding low-income families, Ms. Atkins voted for the ordinance. Ms. Atkins remains on a number of committees and will continue to chair the Budget Committee for the City Council.

X. Consent Agenda

(Members Present PF/PA January 3, 2008: René Vidales, Sal Aréchiga, Rob Steppke, Judi O'Boyle, Michael Forbes, Jeffrey Wergeles).

1. **Installation of Stop Sign on Boundary Street at Palm Street.** This petition replaces the previously presented petition and motion passed by the NPPC on the installation of a stop sign on Boundary Street at Cooper Street. A new request by the McKinley Elementary School Officer was presented. **Motion:** To recommend the City to install a Stop Sign on both northbound and southbound Boundary Street at the intersection with Palm Street, and a Crosswalk at its intersection with Palm Street. O'Boyle/PFPA On Consent 13-0-0.

2. **Drainage at the end of the 2300 block of 34th Street.** The end of the cul-de-sac for 34th Street drains into a canyon, but the driveway for 2345 34th Street is on the path of the drainage pattern with every storm. **Motion: To recommend the City to install a Curb Inlet and Storm Drain to discharge public runoff coming from the 2300 to 2500 blocks of 34th Street in order to eliminate surface drainage from entering the private property at 2345 34th Street. O'Boyle/ PFPA On Consent 13-0-0.**

Note: Vernon Franck left at 7:10 pm.

XI Action Items

1. **Walgreens Neighborhood Use Permit (PTS# 141798)** 3202 University Ave. Replacement of an existing manual changing copy sign on an existing pole sign with a double-sided electronic changeable copy message center type sign with 40 SF of sign face on each side. CL-1 zone of the Mid-City PDO. **Motion:** Approve the replacement of manual copy sign with electronic changeable copy sign conditioned by low voltage LED letters, no animation, and no more than 4 - 5 copy changes per hour. Passed in UDPR Franck/Petersen 6-2-0. Following discussion by the Full Board, there was a Motion to Postpone this Matter: **Motion to Postpone 10-2-0 (Those opposed were Cronan and Petersen. All others present voted for the motion to postpone.)**
2. **PAC Elections.** The GNPCPC needs a candidate to run for the PAC. **Motion to Nominate Judi O'Boyle 11-0-1 (Martin abstained.)** Mike Forbes was designated to be the voting member for the GNPCPC at the PAC Elections.
3. **Gibbins Vacation (#5719)** Applicants John and Karen Gibbons. Item was heard and approved at the Sept 2, 2003 UDPR meeting. Following discussion **Motion to approve the vacation with the condition that the applicant returns with the final plan of grading, street and curb improvements they will be making. Petersen/Rosa 12-0-0**
4. **4052 32nd Street Map Waiver (PTS# 139502)** Daniel Dillard. (Process 4) to convert 6 residential units (UNDER CONSTRUCTION) to condominiums on a 7,000 SF site in the MR-1250-B Zone of Mid-City PDO; Transit Area Overlay Zone. Extensive discussion by the Board members. Concerns among those opposing this application were rooted in the original plans lacking architectural diversity. Those members in favor expressed appreciation for the applicants picking up a project that had stalled at 90% of completion. Applicants indicated a good faith willingness to return to the Board with their landscape plans. Denial at UDPR was on a 4-3 vote. After close of discussion, **Motion to Approve the Project Cronan/Petersen** Following further discussion, Mr. Arechiga moved the question. **Motion passed 7-5-0 (Voting in favor- Chipp, Cronan, Forbes, Granowitz, Martin, Petersen, Whitburn. Those opposed- Arechiga, O'Boyle, Rosa, Steppke, Studebaker.)**
4. **Bluefoot Bar & Grill NUP (PTS# 143884)** 3404 30th Street. (Process 2) to re-establish previously conforming use for an existing bar/lounge in the CN-1-2 zone within the Greater North Park Community Plan. Prior to this being heard, Ms. Studebaker declared that she works for North Park Main Street. The Applicant is not yet within the BID, and Ms. Studebaker has no Direct Economic Interest.. Following this disclosure, Planner Pangilinan indicated that Ms. Studebaker was fine to stay to hear this matter. Applicant's Attorney, Felix Tinkoff stated that a bar had been at this location since 1935. In 1984, the City Council restricted the liquor license to beer and wine only, a type 42 license. When the current applicants came onto the scene, they applied to have the full type 48 (beer, wine and spirits) license re-instituted. The City mistakenly approved this and ABC granted a full type 48 license. Following an appeal by a group of nearby residents, the ABC granted a restricted type 48 license. Among the restrictions was that the bar had to close at midnight from Sunday through Thursday, and could only remain open until 2:00 AM on Friday and Saturday nights. The Applicants are now applying for a Neighborhood Use Permit, which actually should have preceded the City's approval in the first place. The current City Planning Staff recommendation has 6 conditions attached. If the N.U.P. is denied, the

Applicants will simply revert to their type 42 license (beer and wine), which has no restrictions, thus allowing them to stay open until 2:00 AM every day. Cuong Nguyen, one of the bar owners, spoke to the bar's involvement in the renewal of the community and their efforts to alleviate the issues of concern by employing security at the door, a person to monitor the patio and a roving security person. They empathize with the neighbors and are trying to be responsible business owners.

Dana Hosseini spoke for the organized opposition. The opponents have no objection to the bar being there. They want a balance. The CN-1-2 Zoning accomplishes that, by allowing establishments to serve alcohol only until midnight, every day of the week. There is a proliferation of businesses in the neighborhood that are able to serve alcohol, soon to be 6. Jaime Rosales lives behind the bar on 29th Street. His property abuts Upas Street, as shown on an aerial photograph. He had no issues with noise before the bar opened. Since then, the level is "unreal." Patrons are disrespectful on their way to their cars parked near Mr. Rosales' home. He noted that since the Bluefoot has been closing earlier from Sunday through Thursday, it has been a "lot more" quiet.

Mr. Hosseini read from excerpts from the ABC hearing officer's decision. Mr. Hosseini set forth 6 conditions proposed by the Residents. In essence, the conditions are:

1. Only allow sale of beer, wine and spirits until midnight every day.
2. Alternatively, allow the applicants to serve only beer and wine (type 42) until 2:00 AM every day.
3. No amplified music after midnight every night of the week.
4. If no other conditions, at least an independently managed and licensed security staff of 2 guards to patrol the nearby neighborhood.
5. Direct phone line to the bar to handle complaints.
6. Quarterly meeting with bar owners and residents, to be mediated by the NPPC.

Both sides were allotted equal time in their presentations.

A Motion to Approve the NUP, with certain conditions, was read. Thereafter, various Board Members posed numerous questions to the Applicants and Opponents. Following this, the discussion was opened up to Public Comment.

19 people spoke in favor of the Applicants. The crux of their statements was that they supported the bar; it is a cultural hub and has made a significant contribution to the revitalization of the corner of Upas and 30th Street. An additional 13 names were read of people who supported the Applicants, but did not need to speak.

9 people spoke in opposition to the Applicants. The main thrust of the opponents' comments related to issues of excessive noise by departing patrons late at night; trash; the negative impact on neighborhood parking, and that these issues all arose after Bluefoot opened for business. 2 additional names were read of people who opposed the Applicants, but did not wish to speak.

A Motion was formally made to Approve, but first, Mr. Whitburn presented an Amendment. The Amendment entailed adding on 2 additional conditions: the quarterly meetings and that the NUP shall expire in 2 years.

Further discussion ensued among the Board Members regarding the Amendment. Following this, Mr. Whitburn split the question, to vote on each additional condition separately. Accordingly:

Part 1. Motion To Amend, to add the additional condition that there be quarterly meetings between the bar owners and residents, to be mediated by a member of the GNPCPC. Whitburn/Rosa Motion failed 6-6-0 (Voting in favor of the Motion to Amend Part 1- Arechiga, Chipp, Granowitz, Rosa, Steppke, Whitburn. Voting opposed- Cronan, Forbes, Martin, O'Boyle, Petersen, Studebaker.)

Part 2. Motion to Amend, adding the condition that the NUP expire after 2 years Whitburn/Rosa Motion failed 3-9-0 (Voting in favor- Rosa, Steppke, Whitburn. Voting opposed- Arechiga, Chipp, Cronan, Forbes, Granowitz, Martin, O'Boyle, Petersen, Studebaker.)

Thereafter the original Motion was put to the vote:

Motion: Approve the NUP with the following conditions: 1. The business owners will responsibly manage loitering during business hours and after closing; 2. This permit shall expire within 5 years in order to reevaluate compatibility with surrounding development and, if necessary, to add conditions to protect the public health, safety, and welfare; 3. The operator of the establishment shall take reasonable steps to prevent loitering on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises; 4. A litter control plan shall be implemented to keep the facility and adjacent property free of litter. (Conditions 2-4 conform to City Conditions 4-6) Martin/Cronan Motion passed 10-1-0 (Steppke opposed. All other members present voting for the motion as read.)

Note: Ms. Studebaker departed at 9:10 PM.

XII. Information Items

At the request of the full Board, the Chair deferred the information item on Balboa Park, due to the late hour.

XIII. Subcommittee Reports

1. **Policy/Community Relations**, Rob Steppke, North Park Main Street Office, 3076 University Ave., 6:30 pm, 2nd Wednesday. Subcommittee did not meet. Will probably meet next month to discuss the upcoming Annual Elections.

XIV. Liaison Reports

1. **Project Area Committee**- Rob Steppke. Discussed the Housing Enhancement Loan Program.
2. **Maintenance Assessment District**. Brenda Martin. City presented 3 different budgets to spend down the balance in M.A.D.'s account.
3. **NP Parking Garage/Art Selection Working Group**- Granowitz noted that this group is still in process.
4. **North Park Main Street**- Ed Cronan. Shooters bar has been purchased. A big remodel is planned. It will be upscale and have food available from nearby Urban Solace.

XV. Future Business

1. Secretary Petersen suggested, in light of Planner Pnagilinan's comments at the beginning of the meeting, that the full Board consider the matter of the removal of Mr. Franck as Chair of the UDPR Subcommittee.
2. Mr. Forbes indicated that he would like the Board to consider the matter of the Mobile Needle Exchange.

XVI. Next Meeting on February 19, 2008

**XVII. Motion to Adjourn Petersen/Arechiga 12-0-0
Meeting adjourned at 9:25 PM.**

Submitted by:

Dean Petersen, Secretary.