



DOWNTOWN COMMUNITY PLANNING COUNCIL MINUTES OF THE MEETING OF February 20, 2019

Call to Order: Acting Chair Rosenbaum @ 5:35 pm.

Roll Call: Rosenbaum noted that 16 of 21 members were present, constituting a quorum.

Members Present @ Call to Order (16): Atsumi, Baker, Ball, Barbano, Blair, Brown, Clark, Dion, Escala, Gattley, Litwak, Nauta, Pensebene, Rosenbaum, Wery, Wilson-Ramon

Late Arrival (2): Perry

Members Absent (4): DiFrancesca Egan, Lachman, Stark

Early Departure (2): Clark, Wery

2. Approval of January 23, 2019 Meeting Minutes

- Minutes approved,

3. Public Comments on Non-Agenda Items –

Gary Smith – Did anyone receive notice of relocation of Father Joe’s Shelter?; should consider as non-Agenda item.

4. Elected Representative Comments:

- District 3 Councilman Ward representative Brian Elliott –
 - Defer report to Scooter Agenda item

5. Chairperson’s Report, Subcommittee Reports:

- Elections, Rosenbaum: Election info sent out in eblast; 3 polling locations; need more candidates and will need new Exec board – please notify Committee with your interest. Candidate Forum tonight will be moved up in the agenda so all can attend.
- Pre-Design, Escala: 11th & B tower – concern about 6 levels of above grade parking
- Social Issues. Ball : Feb. 8th Bus Tour to Orange County/ Los Angeles to view modular Affordable Housing (56 people attended). Lunch March 8 Athens Market to review trip/modular project. Housing trivia quiz distributed.
- Ad Hoc Dockless Scooter/Bike Regulation, Blair: meeting Feb ? reviewed principles for letter to Mayor/ City Council and subsequent drafts to subcommittee and other pertinent people; further discussion during Action Item.

Information

6. Project Updates ~ Brad Richter, Civic SD

- Front & Beech, Makers Project approved by CIVIC board
- Downtown Mobility Phase 1 in Process – J Street Cycle track underway
- Parking – Council Hearing Monday March 4, 2pm

Consent Items – 3 Items moved from action to consent

7. CONSENT Manchester Pacific – Easement Vacation (PCH at E & F Streets) – Chair

Motion: Support staff recommendation

1st: Wery

2nd: DiFrancesca

	In Favor	Opposed	Abstain	Recuse
DCPC	15	0	0	0

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Brown, Clark, Dion, Escala, Gattey, Nauta, Pensabene, Rosenbaum, Wery, Wilson-Ramon

Opposed:

Recuse:

13. CONSENT - 17th & G (East Village) – CCDP – Substantial Conf Review ~ James Alexander

14. CONSENT Third & A (Cortez) – CCDP/PDP – Substantial Conf. Review ~ William Chopyk

Motion: Support staff recommendation

1st: Wery

2nd: DiFrancesca

	In Favor	Opposed	Abstain	Recuse
DCPC	13	0	0	2

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Clark, Dion, Gattey, Nauta, Pensabene, Rosenbaum, Wery, Wilson-Ramon

Recuse: Brown, Escala

Candidate Forum pulled out of order to facilitate public here to hear candidates

15. DCPC Election Update and Candidate Forum ~ Michael Rosenbaum, DCPC

Short speeches by those candidates running in next election

- David Priver – Candidate at Large -City Front, former member/ vice-chair DCPC
- Paul Pensebaum – Little Italy Occupant Owner - serving since July last year; retired naval officer; issues: urban design and architecture important, large and unique cultural environment
- Rand Barbano – appointed last year; HOA Grand South; BOSA neighborhood committee
- Cindy Blair – Marina Business Rep – 8 years DCPC, former chair Pre-Design, and Public Spaces, past and current Secretary
- Caroline Perry – Community Wide – Padres general consul, involved in real estate transaction.
- Now running for East Village business seat

Action

8. Proposed scooter regulation letter (Downtown) ~ Cindy Blair, DCPC

DCPC letter to Mayor/ City Council to propose additional recommendations to Mayor’s proposed dockless scooter and bike regulations.

Mayor’s Proposal – Brian Elliott

Current proposal covers Permitting, Processing, Geofencing to limit Speeds, Data Sharing, and revocation of permits.

Modifications by Council Transportation Subcommittee this morning:

- Underage scooter riders – how operators can prevent;
- Geofencing - added Little Italy Piazza and special events;
- Parking - More info on how vehicles staged by operators/ 4 vehicles per 40’ language removed except for downtown; staging location around downtown to begin in street designated parking space even if ends somewhere else;
- 75% vehicle fees toward mobility fund, 25% to general fund

Schedule: Regulation Revisions in process now, to Council for approval next month and effective by June.

Public: Gary Smith, DRG: Regulations exist under Motor Vehicle Code - start in street, ride in street, end in street. Geofencing not that precise yet to curtail scooter activity on promenade and other

desired areas. There are 1586 blocks downtown – reach out to neighborhoods; encourage special enforcement overtime by grants;

Committee Questions/ Discussion: Add all parks to geofencing?? Who is the Governing body? . Can scooters be modified to make more noise? Could neighborhoods opt in or out?

- Parking - Not necessary to reduce parking spaces if red curb and other underutilized street spaces marked for dockless vehicle parking. Illegal parking must be rectified by operator within 3 hours after notification.
- Use - Keep in streets. Scooters should be encouraged to use bike paths. Implement Mobility plan asap.
- Permit Fee - Consider per use fee versus current per vehicle fee currently proposed. Some fees should come back to Downtown centralized community 75/ 25 .- align like parking fund.
- Accountability -Develop individual vehicle identification so public can report improper use and personal accountability can be enforced by Operators and City. Encourage coherent reliable program of reporting enforcement and penalties
- Regulations to be evaluated in 6 months.

Motion: Authorize Ad Hoc Committee Chair to draft letter including items from straw poll to present letter to chair for signature

1st:Rosenbaum

2nd: Baker

	In Favor	Opposed	Abstain	Recuse
DCPC	16	0	0	0

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Brown, Clark, Dion, Escala, Gattey, Nauta, Pensabene, Perry, Rosenbaum, Wery, Wilson-Ramon

Opposed:

Recuse:

9. Tower 180 Annex Rooftop Pavilion (Core – Broadway between 1st & 2nd) CCDP/CUP/NUP Core – Civic/Core Neighborhood ~ Nicole Pare, CivicSD

The Project is part of the overall renovation and reimaging of Tower 180 office building originally constructed in 1963. The owner is requesting approval to allow the construction of a 4,727 square-foot (SF) rooftop pavilion, a 3,395 SF rooftop deck, and 993 SF of street-level outdoor dining, and indoor but not outdoor live entertainment for a new private event venue located on the rooftop.

Public: Gary Smith, DRG: Noise code enforced at property line at base of building, radiates up to taller buildings; recommend entertainment hours restricted and not on holidays

Motion: Support staff recommendation

1st:Baker

2nd: Nauta

	In Favor	Opposed	Abstain	Recuse
DCPC	13	0	0	2

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Clark, Dion, Gattey, Nauta, Pensabene, Perry, Rosenbaum, Wilson-Ramon

Opposed:

Recuse: Escala, Brown

10. Bay City Brewing Company (East Village – Eighth Ave, between G and Market) CUP/NUP ~ Nicole Pare, Civic SD

Applicant requesting approval to allow sale of alcoholic beverages for off-site consumption, an outdoor rooftop dining deck, and a street-level outdoor dining area in an existing 3-story office

building. Neighborhood concerns/ opposition: potential noise from rooftop outdoor use area; too many bars in area. Staff recommends standard brewery conditions for outdoor street level and roof use area.

Greg Andersen, Ben Dubois, owners, Ryan Semk, Acoustic Engineer; Edward Barbat: Have commissioned acoustical study - Acoustical separation panels recommended have provided beneficial effect in Born & Raised, a similar establishment in Little Italy.

Public:

Support: Andy Bowler, Libby Navarro, Samantha Haller, Chad Robley, Daniel Hellbusch, Clint Walden, Kirk Snyder, Megan Cobb, Mark Bausbrek, project architect;

Oppose: Eriko Niwa, Eric Ramos – Condominium tenants concerned about noise affecting long term property values

Gary Smith, DRG: This CUP runs with license type so not running with land; staff rec same as sidewalk café with lesser hours; urge support of staff recommendation.

Discussion Committee:

Downward firing speakers can mitigate sound/ reduce effect, however these noise comments concern voice levels already experience in the previous office use.

Alternative motion: Table item until Acoustical Study vetted and CIVIC has further proposal.

1st: Pensabene *2nd: Blair*

	In Favor	Opposed	Abstain	Recuse
DCPC	7	7	0	0

In Favor: Atsumi, Blair, Dion, Gattey, Pensabene, Rosenbaum, Wilson-Ramon

Opposed: Baker, Ball, Barbano, Brown, Escala, Nauta, Perry
Substitute Motion fails in event of tie

Motion: Support staff recommendation with Administrative Review in 6 months. Friendly amendment from Jon Baker to include mitigation measures for noise at North and East side and additional friendly amendment from Rand Barbano to limit roof deck hours to no later than 10 pm and conduct noise study from adjacent property balconies.

1st: Escala *2nd: Nauta*

	In Favor	Opposed	Abstain	Recuse
DCPC	10	4	0	0

In Favor: Atsumi, Baker, Ball, Barbano, Brown, Escala, Gattey, Nauta, Perry, Rosenbaum

Opposed: Blair, Dion, Pensabene, Wilson-Ramon

11. Cedar Park Amendment (Little Italy) – Outdoor Use Area, Extension, Design Revisions ~ James Alexander, Civic SD

Amend previously approved addition of outdoor dining area on ground floor and extend permit expiration date by additional 36 months as well as implement design modifications for a new restaurant Cedar Park.

Questions: Bulb-out built at corner of Cedar with no encroachment into mini piazza. Sidewalk café proposed is already code compliant and not a part of this proposal.

Public Comment: Gary Smith, DRG – Likes building design, but Little Italy associations have not approved this building and request deferment.

Discussion: Concern that revised changes never communicated with Little Italy re design. Not briefed.

Motion: Support staff recommendation
1st: Baker *2nd: Brown*

	In Favor	Opposed	Abstain	Recuse
DCPC	14	0	0	0

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Brown, Dion, Escala, Gattey, Nauta, Pensabene, Perry, Rosenbaum, Wilson-Ramon

Opposed:

12. - 14th & Commercial (East Village) – CCDP – Substantial Conf. Review ~ James Alexander, Civic SD

Request Design Review of Façade revisions to previously approved 14 story mixed use development with 407 dwelling units (403 affordable), 99 parking spaces and some ground level retail space. Some storage areas located on commercial street but still complies with 60% frontage.

Motion: Support staff recommendation for
1st: Pensebaum *2nd: Dion*

	In Favor	Opposed	Abstain	Recuse
DCPC	16	0	0	0

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Brown, Clark, Dion, Escala, Gattey, Nauta, Pensabene, Perry, Rosenbaum, Wery, Wilson-Ramon

Miscellaneous

11. Potential Agenda Items and Member Comments

- Thank Rosenbaum for chair, Blair for Ad Hoc

12. URGENT NON-AGENDA ITEMS (Action Items Must Meet Gov. Code Section 54954.2)

Motion: Draft letter to Mayor/ City Council requesting why DCPC did not get notification of new site for Bridge Shelter

- *1st: Rosenbaum* *2nd: Wilson-Ramon*

	In Favor	Opposed	Abstain	Recuse
DCPC	14	0	0	0

In Favor: Atsumi, Baker, Ball, Barbano, Blair, Brown, Dion, Escala, Gattey, Nauta, Pensabene, Perry, Rosenbaum, Wilson-Ramon

Adjournment 8:37

