

Kensington-Talmadge Planning Group



P.O. Box 16391, San Diego, CA 92176

www.ktpg.org

Regular Meeting Minutes - **DRAFT**

2011-10-26

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PARLIAMENTARY ITEMS

CALL TO ORDER, ROLL CALL AND INTRODUCTIONS

A regular meeting of the Kensington Talmadge Planning Group (KTPG) Communications Subcommittee meeting was called to order by subcommittee chair John M. Garrison on October 26, 2011, at 7:00pm in the Franklin Elementary School Auditorium (4481 Copeland Ave., San Diego, CA, 92116). The minutes were recorded by John M. Garrison, acting as secretary of the subcommittee.

Members present at the start of the meeting: Jeanie Camp, Frank Doft, Gail Greer, John M. Garrison



Members absent at the start of the meeting: Pam Hubbell

Also present: David Moty (KTPG chair), Daniele Laman (KTPG member), and approximately 20 members of the public

MODIFICATIONS TO AND ADOPTION OF AGENDA (ADDITIONS / DELETIONS TO AGENDA)

A motion to approve the agenda with no changes was made by Frank Doft and seconded by Jeanie Camp. The motion was approved unanimously.

APPROVAL OF MINUTES – MINUTES FROM PRIOR MEETING(S)

Approval of past minutes was deferred in order to focus on the main agenda item.

COMMUNITY FORUM / NON-AGENDA PUBLIC COMMENT

David Moty suggested that the subcommittee might want to consider starting a Google Group.

ACTION ITEMS

ACTION ITEM: LETTER REGARDING 4496 EUCLID AVENUE

The agenda item was published as: “Drafting of letter to the City of San Diego regarding code compliance issues at 4496 Euclid Avenue for referral to the full board.”

The meeting followed this process:

- The chair introduced the committee members, read the agenda item, explained the process the subcommittee would follow, and passed a sign-in sheet so that those interested in speaking could have their names correctly captured in the minutes.
- The chair read the letter from concerned citizens and community groups to Mr. Roger Utt in June, 2010 (<http://www.ktpg.org/projects/4496-euclid/letter-to-utt-from-talmadge.pdf>)
- The chair read an email exchange between the chair and Mr. Utt, since Mr. Utt was not present for the meeting.
- Kelly Waggonner spoke as representative of the residents, who brought the matter to the attention of KTPG.
- The community members, who listed their names, were each called upon to speak.
- The chair polled the subcommittee members for their views.
- The chair read a possible draft letter he created prior to the meeting.
- The chair took suggestions from the subcommittee members and the audience to refine the letter.
- The chair put forth a motion to submit the modified letter to KTPG, and the motion was seconded.
- The chair read the modified letter.
- The subcommittee voted to approve the letter.



The following are the meeting minutes the chair took during the discussion on the action item.

PLEASE NOTE – *these comments are not a verbatim transcript of the discussion. They are intended to be detailed enough to provide an overview of some of the points discussed in order to provide context to the actions of KTPG. Statements made by individuals are the views of those individuals and their inclusion here does not imply the support or agreement of KTPG.*

Kelly Waggoner:

You have heard the letter from June 2010, but the issue actually began long before that. We have been trying to get something done to address the state of this property for a long time.

I know I first contacted Dion Akers in Council Member Todd Gloria's office by 2009 or earlier. Dion investigated the matter, and we were told by the City that even though no construction was occurring, the building permits were still open. The City said the permits were due to close at the end of 2009. The City said there was very little that could be done so long as the property was in compliance with an open building permit. So the community decided to wait until the end of 2009 to raise the issue again when the permits expired. The City then decided, due to economic conditions, to allow everyone a one-year extension to their permits, meaning the owner would have an additional year (to the end of 2010).

We checked back with the City in early 2011 and now it turns out that the City says the permits expired in January 2010 after all, and that the prior information about the permits being extended was incorrect. So we wasted a year because of the incorrect information from the City.

This time around, when we spoke to Neighborhood Code Compliance, they said they have issued a letter of non-compliance and they have also referred the matter to the City Attorney's office.

We have spoken to Diane Silva-Martinez in the City Attorney's office. Ms. Silva-Martinez is trying to get Mr. Utt to come in for a meeting on the item. She is aware that this is being discussed at the KTPG subcommittee meeting tonight. She can't go into all the details with us, but she says there are code compliance issues as well as discrepancies between the work done so far and what was stated and allowed in the actual building permits. There is also the issue that those permits have now expired.

[Secretary's note – there was a question I didn't capture pertaining to the history of the property and the zoning of it.]

David Moty – it would have been zoned Commercial prior to the 1998 community plan update.

Kelly Waggoner - Some of the problems on the property site include:

- Repeated graffiti problems, which volunteers have helped correct as it happens
- Broken glass
- Weeds in spring and summer that grow from 2 to 2 ½ feet tall
- Open trenches, which are a safety hazard
- Damage to the sidewalk, also a safety hazard



- Piles of trash
- Torn tarps flapping on the roof and walls
- Drainage problem into the adjacent dentist office property
- Homeless people sleeping on the back porch or in the open driveway
- Storage of a non-operational vehicle.

Kelly Waggoner – we urge KTPG to help us get this matter resolved.

Ann Burrett Troisi – The zoning on the property was originally commercial. I was on the TMAD board in 2002. Roger came to us and said he was going to buy the property and enhance the property. He said he wanted to help make the area more walkable. He also volunteered to help build a center divider in the roadway. Now through his actions, we see he doesn't care about the community at all. We have reached out to him and tried to work with him, and we have gotten nowhere.

Erin Judson – I second the above comments.

Carl Sundstrom - Visitors driving through often comment and wonder what on earth is going on with this property. I also want to second the comments on the attitude of the owner and his disrespect for the community.

Paul Desrochers – I also wrote a letter a few years ago to the community group. I saw a way online that you can make a complaint, but it starts by asking if you have contacted the owner. So I decided to do that. I could never get hold of him, so I slipped a letter in his mail-slot, but he never replied. I finally caught him after a meeting in the spring of 2010. He said he didn't know what he was going to do with the property. I asked him again after the July meeting, and he didn't want to discuss it at all, and wouldn't walk around the corner with me to look at the property. He also seems to be using it as an office, and I wonder if that is permitted, given there is probably no Certificate of Occupancy.

Joyce Desrochers – For the last 3 years, or maybe more, Talmadge has had an email that goes around about issues in the community. There are usually comments about crime. I finally made a reply that points out that we are worried about crime, but we have this building at our entryway that says we are not concerned about crime or our community in the slightest.

Dan Trujillo – I am a newer resident and I want to give my perspective coming from that point of view. It was the very first thing I noticed when house shopping in the area. I asked my realtor what was up with that eyesore house and if it is under construction. He quickly said “no” and changed the subject. But he is a friend of mine and I pursued him for an answer and got the history. So this shows it does affect people's immediate impressions and it colors their opinions of the community. It affects our property values. If you listened to Roger Utt, you would believe he is being set upon by villagers with pitchforks. But his attitude is to not respect the community at all, and he is the one who is the source of the problem. The neighborhood is not picking on him. He has not been a good neighbor and we have every reason to dislike him, but we are not here about that. We are here to get the issue corrected.

Derek Palmer – Roger Utt does claim that as his residence and takes a homeowner's exemption, which is not proper if you don't live there.

[Secretary's note – I didn't catch who said it, but a public attendee replied that Mr. Utt is renting the place where he actually lives so he may be counting this property as a residence in lieu of counting where he actually lives.]



Having completed the list of community members who wanted to speak, the chair asked the subcommittee members for their comments.

Gail Greer – I am concerned about the legal issues and the process. The issue is where it needs to be currently, with the City Attorney’s office and Code Compliance. Cities have actions they can take. I think we need to support that process and ensure things are done by the book.

Jeanie Camp – I don’t have any comments at this time.

Frank Doft – I understand everyone is frustrated and I don’t know exactly what we can do. I am interested in doing what we can to help out.

John M. Garrison – at this point, I would like to introduce the draft letter I prepared for us as a starting point, in case we do decide to take action on this. I can tell you that I have already heard two things in the discussion today that would make me want to edit the letter slightly, and I am sure we will have other changes. Just to remind everyone of the process, there are a variety of ways the subcommittee can act. They can vote on this letter as is, modify it, reject it completely, defer consideration to another day, etc. I would like to read the letter, then discuss it among the subcommittee members, and then we will take some final comments from the audience. At that point we will see if the subcommittee wants to pass a motion to send the letter to KTPG.

[Secretary’s note – At this point the time was about 7:30. The next ~30 minutes were spent refining the original draft letter.]

John M. Garrison – I think we now have a good product. I move we approve the letter in its current form to the KTPG for their consideration. Our bylaws that that the chair can continue to make grammatical, stylistic, or spelling changes so long as the do not change the meaning.

Gail Greer seconded the motion.

John M. Garrison then read the letter a final time and asked the subcommittee members if they had any further discussion on the letter. Since there was none, the chair called for a vote, and the motion passed unanimously.

John M. Garrison (after conferring with KTPG chair David Moty) - This will be on the KTPG agenda in November. It will probably have about 30 minutes total on the agenda, which means that the community members bringing this forward will probably have time for about a 10-minute presentation.

John M. Garrison – We will get the DRAFT meeting minutes and this proposed letter posted to our website at www.ktpg.org, probably by this weekend. As a reminder, this subcommittee is also in charge of the website, so if you have comments about it, please stop by and let us know after the meeting. At this point we are done with our agenda, and unless there are any further items we could entertain a motion to adjourn.

Jeanie Camp made a motion to adjourn, which was seconded by Frank Doft. The motion passed unanimously at 8:16pm



APPENDIX A

Letter from KTPG to San Diego City Attorney's office Regarding 4496 Euclid Avenue

Dianne Silva-Martinez
Deputy City Attorney
[Insert contact info]

The Honorable Jerry Sanders
Mayor, City of San Diego
202 C Street
San Diego, CA 92101

The Honorable Todd Gloria
Councilmember, City of San Diego
2020 C Street
San Diego, CA 92101

RE: Blighted property at 4496 Euclid Avenue, San Diego, CA, 92115

Ladies and gentlemen:

Many members of the communities of Talmadge and Kensington are concerned about the dilapidated status of the property at 4496 Euclid Avenue, which sits at the corner of Monroe Avenue and Euclid Avenue, the primary gateway to the Talmadge Community. These concerned citizens are also joined by the Talmadge Neighborhood Watch and The Talmadge Community Council. In the opinion of these groups, the property is in a blighted state and has become an eyesore to all who pass by this historic corner of Talmadge. The construction on the property has been incomplete and the property had been in disrepair for well over six years. During that time, it has constituted a public nuisance and has become a magnet for crime.

The above-named groups have tried to address the situation directly with the owner and have not seen an improvement in the property. They have also taken their concerns to the City Attorney's office and Neighborhood Code Compliance. Although the City has said they are working on the situation, the community remains unclear on the specific actions the City is taking to correct this problem. The community would like to be informed of the plan to resolve the issue and also of the expected timeline. To that end, they have brought the matter to the attention of KTPG to help ensure better communication and to seek a speedier resolution. The KTPG has now considered the item and has voted to send this letter requesting your help.

We request that the City of San Diego take the following actions:

- By November 30, 2011 – inform the KTPG chair of what action the city has taken so far to address the situation, and the planned process with regards to the property. We request that this include an explanation of whether the owner will be asked to restore the property to its prior state or to move forward with completing the



planned changes We also request the city give the KTPG chair monthly ongoing reports on the project until the situation is resolved.

- By December 10, 2011, or sooner – Require the owner to begin rectifying the problems.
- By February 10, 2012, or sooner – Require the owner to bring the property into complete compliance with all applicable laws. If this is not feasible, please report to us your alternative timeline.

We have collected and considered a variety of materials pertaining to this property, and you can find supplemental material [attached here](#), as well as on our website, at <http://www.ktpg.org/projects/4496-euclid/>

Thank you very much for your consideration and attention to this matter. We appreciate your help in preserving and improving the character of our beautiful neighborhood and our wonderful city.

Sincerely,

David Moty

Chair, Kensington-Talmadge Planning Group

Tel - 619-255-2882