

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
FEBRUARY 29, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:09 a.m.
Chairperson Neils adjourned the meeting at 4:45 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner David Watson-present
Commissioner Frisco White-present
One vacant seat on the Commission to be appointed
Ernest Freeman, Planning Director-present
Mike Stepner, Urban Design Coordinator-not present
Rick Duvernay, Deputy City Attorney-present
Tina Christiansen, Department Director-not present
Gary Halbert, Deputy Director, Development Services
Department-present
Jeff Washington, Deputy Director, Long Range and Facilities
Planning-not present
Mohammad Sammak, Development Coordinator, Engineering and
Development-present
Linda Lugano, Recorder-present

ITEM-1: ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD.

No one present to speak.

ITEM-1A: REQUESTS FOR CONTINUANCE.

Maryann C. Miller, Planning Manager, Pacific Bell Mobile Services requested a continuance on Item No. 3, Rose Canyon Coaster PBMS as they would like to wait until the City Council has an opportunity to hear this on March 19, 1996.

Bruce Sherman, requested that the appeal be withdrawn on Item No. 7., at the request of the appellant on the Sickels Residence.

ITEM-1B: DIRECTOR'S REPORT.

Ernie Freeman, Director of Comprehensive Planning, discussed the brochure and letter distributed by the Housing Commission inviting the Commission to attend the Affordable Housing Public Hearing on March 15, 1996.

Rick Duvernay, Deputy City Attorney, requested that the Commission docket a Special Order of Business regarding proposed Planning Commission Policy for Reconsideration of a Process 3 or Process 4 Matter previously acted upon. This in light of inconsistencies in the recent past on this type of action. Item to be docketed.

Commissioner Quinn requested that the City Manager meet with the Commission on the latest reorganization plan provided. This is based on several concerns with the "splits" in the departments and how it will effect the Communities and the planning function. A request was made by the Commission to have this meeting on March 14, 1996 at 1:30 p.m.

ITEM-2: **APPROVAL OF THE MINUTES OF FEBRUARY 15, 1996.**

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE THE MINUTES OF FEBRUARY 15, 1996. Second by White. Passed by a 6-0 vote.

ITEM-3: **PACIFIC BELL MOBILE SERVICES (PBMS) ROSE CANYON COASTER; CONDITIONAL USE PERMIT NO. 95-0350-43; TO ALLOW FOR THE CONSTRUCTION OF A PERSONAL COMMUNICATION SERVICES SITE (PCS).**

COMMISSION ACTION:

MOTION BY WHITE TO CONTINUE AT THE REQUEST OF THE APPLICANT. Second by Skorepa. Passed by a 6-0 vote.

ITEM-4 **AIRTOUCH-FLETCHER HILLS CONDITIONAL USE PERMIT NO. 95-0556; TO ALLOW FOR THE CONSTRUCTION OF AN 80-FOOT HIGH MONOPOLE (65-FOOT HIGH MONOPOLE AND 15-FOOT WHIP ANTENNAS) AND A UTILITY BOX.**

Terri Bumgardner presented Report to the Planning Commission No. P-96-061.

Testimony in favor by:

Kevin McGee/Chris Morrow, representing Airtouch. Described the project in detail as proposed, and explained their attempt to obtain the maximum coverage throughout San Diego and their objective for this coverage. Described the proposed site and rationale for choosing this site. Discussed the visual aspects of this antenna. They advised they approached two Community Planning Groups to discuss this project and got their approval as this is an ideal site for this type of monopole. Discussed the particular co-location situation as it pertains to this site.

Testimony in opposition by:

Bob Guess, resident. Spoke to three reasons why he is in opposition: 1) it is a residential area; 2) health reasons and that these poles emit radiation; and 3) water tower and other structures unsightly.

Barbara Selah, resident. Distributed a petition signed by several residents and discussed the following points: adverse effects on property values due to unsightliness of the water tower; long term potential health risks; possible interference with phones and television; possible traffic increase due to maintenance crews. Navajo Planners Committee denied this project and this tower will not benefit this community.

Eugene Rollee, resident. Explained that he lives directly underneath the proposed installation. He is a licensed amateur radio operator. He can operate on any frequency dictated by the FCC. This project will interfere with this operation and substantially reduce his ability to operate.

Leroy Judkins, resident. Described how the water tower faces the east and the Santee/LaMesa Areas are to be serviced. They are in San Diego and they don't feel they have to service these other areas. The planning groups recognized that the residents did not want the monopole because of the effects on radio, TV, health, pace makers, etc. and children. These questions have not been answered.

Debora Skinner, resident. Distributed photos taken from her living room showing how the water tower is in their line of view and how this monopole will then just add to this view with more and more structures going up. Read a letter into the record.

Ramon Valle, resident. He stated that he supports what the previous speakers have been saying. Property values should not be discounted because of this structure. Twenty four hour exposure from these facilities is not good for anyone's health. Feels this company should take a look at additional locations and go somewhere else.

Patricia Pascucci, resident. Read a letter into the record. She mentioned that the noticing should have gone out to the entire area as the effects of this go behind the 300 feet. The Freeway came in two years after they purchased their house, now this. Begged the Commission not to approve as the reality of the health issues are unclear. The water tower does have a purpose, but this monopole has no beneficial use.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO CONTINUE TO MARCH 28, 1996 FOR ADDITIONAL INFORMATION. STAFF WAS DIRECTED TO REQUEST THE WATER UTILITIES DEPARTMENT AND DEVELOPMENT SERVICES DEPARTMENT TO GO BACK AND WORK WITH AIRTOUCH ON THE ISSUE OF LOCATING THIS MONOPOLE ON THE WATER TOWER; REQUESTED AIRTOUCH TO FURTHER RESEARCH THE OPPORTUNITY TO HIDE THE POLE AND TO COME BACK TO THE COMMISSION WITH A PHOTOGRAPHIC DISPLAY EXACTLY HOW THAT TOWER IS GOING TO LOOK IN A SUPER-IMPOSED IMAGE; STAFF WAS REQUESTED TO INVITE A MEMBER OF THE COMMUNITY PLANNING GROUP TO THE NEXT HEARING. Second by Anderson. Passed by a 4-0 vote with Commissioners Quinn and Watson abstaining.

ITEM-5: **CROCKETT RESIDENCE - COASTAL DEVELOPMENT AND SENSITIVE COASTAL RESOURCE ZONE PERMIT, CASE NO. 95-0435.**

Glenn Gargas presented Report to the Planning Commission No. P-96-045.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE A COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE ZONE PERMIT NO. 95-0435 WITH THE MODIFICATION TO CONDITION NO 2 A. TO CORRECT THE SQUARE FOOTAGE TO READ 2,740 SQUARE FEET; CONDITION NO. 12 TO READ, "NO STRUCTURE OR PORTION THEREOF, GREATER THAN THREE FEET ABOVE GRADE SHALL BE UNDERTAKEN WITHIN 40 FEET OF ANY POINT ALONG THE COASTAL BLUFF EDGE, EXCEPT AS ALLOWED UNDER THE MUNICIPAL CODE SECTION 101.0480 (SENSITIVE COASTAL RESOURCE OVERLAY ZONE), WHICH IS SHOWN ON THE APPROVED PLAN EXHIBIT A. ADD A CONDITION TO REQUIRE A COMMON MAINTENANCE AGREEMENT ON THE DRIVEWAY. Second by Skorepa. Passed by a 6-0 vote.

ITEM-6: **LA VALENCIA HOTEL. APPEAL OF COASTAL DEVELOPMENT PERMIT AND EXTENSION OF TIME FOR A LA JOLLA PLANNED DISTRICT SPECIAL USE PERMIT NO. 95-0206 FOR THE EXPANSION OF A HOTEL ON A HISTORICALLY DESIGNATED SITE.**

Nick Osler presented Report to the Planning Commission No. P-96-060.

Testimony in favor by:

Paul Robinson, representing La Valencia Hotel Corporation. Spoke to the letter distributed to the Commission, dated 2/22/96. This letter indicated that it is his opinion that two issues of the appeal were improper: Since the appellant checked the box on the appeal form that indicates that the findings do not support the decision of the Hearing Officer, the appellant should focus on the findings. The findings of the extension of time on the two permits, previously approved are changes in circumstances. To date, he doesn't know what they are alleging as far as changes in circumstances. Issues dealt with height measurement, process and parking. Spoke to the parking issue. La Valencia is a valuable asset to the community and the City and this expansion will only improve it.

Larry Jackman, La Jolla Cove Suites. He is the General Manager of the La Jolla Cove Suites, a neighbor to the La Valencia. He is in support of their efforts. Feels they are an exemplary asset to the City. La Jolla village is badly in need of convention and banquet space and La Valencia will be able to provide this service.

Testimony in opposition by:

Martin Mosher, resident. Only objection to this project is the parking. Staff has indicated that there is an existing lot. The existing lot does not meet City standards which include landscaping and striping. They also don't have any plans for employee parking for existing or future employees.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO DENY THE APPEAL AND APPROVE THE PERMITS. Second by Watson. Passed by a 6-0 vote.

ITEM-7: **SICKELS PROPERTY CDP/HR EXTENSION OF TIME PERMIT NO 95-0158. APPEAL OF THE DECISION OF THE HEARING OFFICER.**

COMMISSION ACTION:

MOTION BY WHITE TO DENY THE APPEAL AND APPROVE THE PERMIT BASED ON THE LETTER RECEIVED FROM THE ATTORNEY AT THE REQUEST OF THE APPELLANT. PERMIT TO BE REVISED TO CORRECT THE TYPO ON PAGE NO. 1, ITEM NO. 1. REFERENCING A "NON-SINGLE FAMILY RESIDENCE". Second by Anderson. Passed by a 6-0 vote.

ITEM-8: **REGULATORY RELIEF SUMMARY**

Stephen Haase discussed the summary of issues raised by the Planning Commission at the Regulatory Relief Workshop accompanied by a response.

Testimony in favor by:

Lynne Heidel, representing herself. She stated that it is overly burdensome to apply the process of coastal development permit review to projects that are outside the appealable area.

Tracey Morgan, representing San Diego Association of Realtors. The cost and the time is what impacts their members and especially when the issue of historic review is raised. They would appreciate support of Item No. 4. Ms. Morgan advised that the Association supports Item No. 5, Legal Lots which would reduce restrictions and legalize lots held as separate parcels and recognize lots created prior to January 4, 1972. On Item No. 12, Ms. Morgan complimented the Commission for having implemented this. The issue is do you bring in people and have structures be brought up to the code. These people are feeling that their homes were built so early, they don't have the plans, etc. The City then benefits from increased property taxation because they are going to have that on the books

through the Assessors office because all the permits go through that office.

Testimony in opposition by:

Opal Trueblood, representing herself. Advised the Commission that the public did not receive any of the material that the Commission and staff are referring to. Public was not given the strikeout version or anything else. Spoke to the inadequacy of the Negative Declaration.

Joanne Pearson, La Jolla town Council. Spoke to the availability of these documents under CEQA. Under CEQA there is a 20 to 30 day review period that is required for review of environmental documents. Ms. Pearson emphasized two points: CEQA impacts of this and the conformance of this project with the local coastal program requirements under the California Coastal Act.

Craig Adams, representing Sierra Club. Expressed his opposition for the reason that this idea on the consolidated hearing dates, is a good one in theory but the way it is written now makes this part of a cumulative erosion of what community planning is designed to be.

COMMISSION ACTION:

MOTION BY ANDERSON TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION FOR ITEM NO. 1, SUBSTANTIAL CONFORMANCE AND HOW IT IS APPLIED TO SPECIFIC PROJECTS TO THE CITY COUNCIL WITH TWO ADDITIONAL RECOMMENDATIONS: THAT THERE BE A WRITTEN RECORD OF ALL ADMINISTRATIVE DECISIONS; AND WRITTEN IDENTIFICATION BY STAFF TO COUNCIL ON THOSE ITEMS THAT GO TO COUNCIL, OR OTHER DECISION MAKER THAT CLEARLY IDENTIFY THAT THIS IS A CHANGE, AND WHAT THE CHANGE IS; LANGUAGE TO BE ADDED TO CLARIFY THE TERM OF THE TENTATIVE MAP AS FOLLOW, "...OR THE DATE TO WHICH THE TENTATIVE MAP COULD HAVE BEEN EXTENDED, WHICHEVER DATE IS LATER". Second by Quinn. Passed by a 6-0 vote.

MOTION BY QUINN TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION TO THE CITY COUNCIL FOR ITEM NO. 2, THE CERTIFICATION OF SPECIAL INSPECTORS. Second by White. Passed by a 6-0 vote.

MOTION BY WATSON TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION FOR ITEM NO. 3, TO THE CITY COUNCIL, ADVANCED GRADING PERMITS FOR PROJECTS IN THE HILLSIDE REVIEW ZONE. Second by White. Passed by a 6-0 vote.

MOTION BY QUINN TO CONTINUE ITEM NO. 4 AND ITEM NO. 10 TO MARCH 14, 1996 AT 1:30 P.M. FOR TIME TO REVIEW THE ENVIRONMENTAL DOCUMENTS. Second by Anderson. Passed by a 5-1 vote with Commissioner Watson voting nay.

MOTION BY SKOREPA TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION FOR ITEM NO. 5, TO THE CITY COUNCIL ON LEGAL LOTS. Second by Anderson. Passed by a 6-0 vote.

MOTION BY ANDERSON TO RECOMMEND NOT TO APPROVE STAFF'S RECOMMENDATION NOW FOR ITEM NO. 6, NONCONFORMING USES BUT DEFER ADDRESSING IT AS PART OF THE ZONING CODE UPDATE. Second by Quinn. Passed by a 6-0 vote.

MOTION BY ANDERSON TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION FOR ITEM NO. 7, LANDSCAPE REGULATIONS, WITH THE ADDITION OF THE RESTRICTION THAT THE PAVERS-BE NOT BE ADJACENT TO THE DRIVEWAYS. Second by Skorepa. Passed by a 6-0 vote.

Revised 3/18/96 L. Lugano

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL THAT WE RETAIN THE CONSOLIDATED HEARING DATE PROCESS AND DENY THIS PROPOSAL, ITEM NO. 8. Second by White. Passed by a 5-1 vote with Commissioner Watson voting nay.

MOTION BY WHITE TO RECOMMEND APPROVAL TO THE CITY COUNCIL ON ITEM NO. 9. STAFF'S RECOMMENDATION ON PUBLIC IMPROVEMENT EXACTIONS WITH THE REVISION TO INCREASE THE VALUE FROM \$50,000 TO \$100,000. Second by Watson. Passed by a 5-1 vote with Commissioner Quinn voting nay.

MOTION BY QUINN TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF STAFF'S RECOMMENDATION ON ITEM NO. 11., ELIMINATION OF NOISE BOARD. Second by White. Passed by a 6-0 vote.

MOTION BY ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF STAFF RECOMMENDATION ON ITEM NO. 12, THAT WE IMPLEMENT THE PENALTY FEE FREE DAYS, BUT ALSO TAKE THIS OPPORTUNITY TO MONITOR THE NATURE OF THE COMPLIANCE AND WHO THE PEOPLE ARE APPLYING FOR THE RELIEF. Second by White. Passed by a 6-0 vote.

STAFF WAS DIRECTED TO BRING BACK LANGUAGE TO THE COMMISSION ON THE ABOVE MOTIONS.

ITEM-9: OTAY MESA-NESTOR COMMUNITY PLAN UPDATE. CONTINUATION OF PLANNING COMMISSION WORKSHOP.

COMMISSION ACTION:

MOTION BY WHITE TO CONTINUE TO APRIL 18, 1996 AT 9:00 A.M. Second by Watson. Passed by a 5-1 vote with Commissioner Quinn voting nay.

The Planning Commission was adjourned at 4:45 p.m. by Chairperson Neils.