

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
FEBRUARY 8, 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 9:08 a.m.
Chairperson Neils adjourned the meeting at 4:35 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-not 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-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-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.

Matthew Welsh requested a continuance on Item No. 5 Kaye Residence in La Jolla for a full Commission. Decision was made to hear this item at this meeting.

ITEM-1B: DIRECTOR'S REPORT.

Gray Halbert, Assistant Director, DSD announced that an item was noticed for public hearing that does not appear on the docket: the La Valencia Hotel in La Jolla. This item is scheduled to be heard on February 29, 1996 and it will be renoticed.

Mr. Halbert advised the Commission of the modified conditions made on the motion by the Commission for the Nissanoff Residence project heard at the hearing of February 1, 1996. Staff advised that since last week's public hearing they have re-reviewed the project plans and are of the opinion that the grading and development plan does not work for the one lot as a stand-alone project. Significant changes to the grading plan would have to be made in order to limit the grading to the one lot; possibly there would need to be changes to the house plan as well. Drainage must be reoriented, large retaining walls would have to be added to the project to keep the grading confined to the one lot and also to take brush management off the second lot. Implementation of the project requires staff to work with the applicant to approve design changes and staff believes this would likely result in a project that looks significantly different from that which was before the Commission and would be a project not previously seen before due to the changes. Therefore, staff requested the Commission to reconsider their motion and redocket this item.

COMMISSION ACTION:

MOTION BY WHITE TO RECONSIDER THE MOTION MADE ON THIS RESIDENCE ON FEBRUARY 1, 1996. Second by Anderson. Passed by a 5-0 vote with Commissioner Skorepa not present.

Ernie Freeman, Planning Director advised that the Planning Commissioners will be receiving a Planning Commission Manual in the very near future.

Mr. Freeman advised that LAFCO, Sphere of Influence efforts, has approved Chula Vista's request to annex 12,000 acres. At the City of San Diego's request, the areas that relate to San Diego were deleted in their consideration of Chula Vista's request for them.

The Commission was advised that the City Manager has directed the Planning Department to look at the potential designation of State Route 52, the part of it that runs through Mission Trails Regional Park, as a state scenic highway.

ITEM-2: APPROVAL OF THE MINUTES OF JANUARY 25, 1996.

COMMISSION ACTION:

MINUTES WERE TRAILED TO THE NEXT REGULAR MEETING FOR A FULL COMMISSION.

ITEM-3: WORKSHOP - STREET DESIGN MANUAL

Workshop held.

ITEM-4: USIU INTRAMURAL SPORTS CENTER CUP 133-PC.

Staff requested that this item be returned to the City Manager, as USIU has agreed to amend their CUP.

COMMISSION ACTION:

MOTION BY QUINN TO REMOVE THIS ITEM FROM THE DOCKET. Second by White. Passed by a 5-0 vote with Commissioner Skorepa not present.

ITEM-5: **KAYE RESIDENCES - COASTAL DEVELOPMENT/LA JOLLA SHORES PERMITS NO. 95-0223 AND 95-0224. APPEAL OF THE HEARING OFFICER'S APPROVAL OF THE DEMOLITION OF A SINGLE FAMILY RESIDENCE AND THE CONSTRUCTION OF TWO NEW SINGLE FAMILY RESIDENCES AT 7764 LOOKOUT DRIVE IN THE LA JOLLA COMMUNITY PLAN AREA.**

COMMISSION ACTION:

MOTION BY QUINN TO CONTINUE FOR FULL COMMISSION. Second by Anderson. Motion failed with Commissioners White and Watson voting nay, Chairperson Neils abstaining and Commissioner Skorepa not present.

Terri Bumgardner presented Report to the Planning Commission No. P-96-043.

Testimony in favor of the appeal:

Matthew Welsh, neighbor. Spoke to the demolition of the house and the fact that the house was a potential historic building, and the applicant never obtained a demolition permit before he demolished it. Discussed the lot line adjustment received without review and the false premise assuming two legal lots. These two houses are too large for these lots and therefore a traffic and safety issue arises from this as well. He is not against building only one house on this lot and requested the Commission to please consider the bulk and scale of these homes and only approve one house.

David Kilmer, LaJolla Shores Association. He expressed his feelings that he is unsure that the development of this property conforms to the character of that neighborhood. Another concern is that the project fails to meet the PDO minimum lot size, and quoted the number of dwelling units and average unit density from the ordinance.

Stuart Rubin, neighbor. Read a letter from Jain Malkin another neighbor, into the record. They both feel that this applicant has been allowed to get away with disregarding codes and regulations, and that he has received special attention and treatment. And, that this applicant has threatened several neighbors in the process as well. The fact remains that two houses overburden the lot. There is no off-street parking for these houses and the placement of the garages will cause a severe traffic hazard.

Testimony in opposition of the appeal:

Matt Peterson, representing Marc Kaye and MDK Development. Gave the background on this case from early January, 1995 to present. Discussed the FAR, view impacts and scale of development; the demolition of the house without a permit which was undertaken based upon oral representation made by the City Building and Construction Permit Counter; lot line adjustment, size of lots and La Jolla shores PDO dwelling unit density regulations; discussed the dangerous blind curves, and concluded that they received the unanimous recommendation of approval from the La Jolla Community Planning Association. Explained that his client has spent an inordinate amount of money already on this project and requested approval today.

Marc Kaye, applicant. Explained that he was given approval from the City on all of the permits applied for and advised that to date he has spent thousands of dollars on these homes already because of the delays. Visually the homes are in scale with the smallest home in the area. Displayed photoboards of homes in the neighborhood and discussed the FAR issues.

Michael Pallamary, Engineer representing the applicant. Discussed the sensitive hillside review permit as he does not feel that this is a sensitive hillside, so it does not apply. Echoed Mr. Peterson's statements on the concerns of the traffic, lot line and demolition of the house and that they complied with all rules and regulations in order for these two homes to be developed on these lots.

Philip Merten, representing the La Jolla Community Planning Association. Advised that he is Chair of the Permit Review Committee. This project is in conformance with the La Jolla Shores Planning District Ordinance and meets the Municipal Code requirements for development in a single family zone, with a .36 FAR as originally recommended by the DSD. It is this extraordinary recommendation by DSD with which the La Jolla Community Planning Association takes exception. This is the same recommendation that the Planning Director rejected when he approved this project last November. Spoke to a letter distributed to the Commission regarding the FAR.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL AND APPROVE THE PROJECT. Second by White. Failed by a 3 to 1 vote with Commissioner Quinn voting nay, Chairperson Neils abstaining and Commissioner Skorepa not present. Therefore, the decision of the lower body stands to approve the permits.

ITEM-6: **BLACK CONTRACTORS ASSOCIATION. SOUTHEAST SAN DIEGO PLANNED DISTRICT/SPECIAL USE PERMIT 93-0029.**

COMMISSION ACTION:

MOTION BY QUINN TO CONTINUE FOR ONE WEEK AS THE NEGATIVE DECLARATION WAS NOT DISTRIBUTED TO THE COMMISSION PRIOR TO THE HEARING, AND FOR A FULL COMMISSION. Second by Neils. Failed by a 3 to 1 vote with Commissioner Anderson voting nay, Commissioner White abstaining, and Commissioner Skorepa not present.

John Fisher presented Report to the Planning Commission No. P-96-029.

Testimony in favor of the appeal:

Anna Major, Chair of the Southeast San Diego Development Committee. Spoke to the following issues in the Staff report, dated 2/2/96: Under Community Planning Recommendations: community requested a legal written opinion by the City Attorney and was not provided one for the special permit use. Environmental Impact: There should be a mitigation monitoring program to assure underground fuel contamination is removed and the site certified clean by the County. The project was presented to the planning committee as an apprenticeship training center for construction trades and not as a teaching studio for applied practical and industrial arts. Appeal application: staff continues to be in error by interpreting and inserting verbiage in order to qualify the word "art". Staff's responsibility is to follow the SESD district ordinance and not to interpret.

Reynaldo Pisano, SESD Development Committee. The major issue parallel to the appeal that is before you is a preservation of the Southeast San Diego Planned District Ordinance's integrity and that can be accomplished by instructing staff to rezone to avoid compounding the error and precedence setting that Ms. Major spoke to. They do not want the integrity violated and the Committee is not against the project per se, but they want the proper zoning application filed, not the special permit.

Testimony in opposition to the appeal:

Abdur-Rahim Hameed, Executive Director, Black Contractors Association. Explained the history of this project and how BCA acquired this property, and the interpretation of the word "art" and the use of this facility. The building has been torn down and the property has been assessed and they are in the process of cleaning up the contaminated soil. Spoke to the art of building from its inception in this country. Explained how this teaching will take place on the site of construction where hands-on training is conducted. Academic aspects takes place at school sites, not at this site. Please deny this appeal so the project can go ahead at this time and get started.

George Stevens, San Diego Council Member, Fourth District. Explained the intent of the use of this facility and the need for a Special Use Permit. A rezone would take a long time to complete and they are anxious to get this project off the ground. The Council Member clarified what the use clearly was, and discussed the issue of crime and how this training will help to alleviate this problem by helping young people in this community. Requested that the appeal be denied for the above reasons.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO DENY THE APPEAL, CERTIFY THE NEGATIVE DECLARATION AND APPROVE THE PERMITS. Second by Watson. Passed by a 4-0 vote with Commissioner White abstaining and Commissioner Skorepa not present.

ITEM-7: **BIG SISTER LEAGUE CONDITIONAL USE PERMIT NO. 95-0661 TO ALLOW FOR THE OPERATION OF A 15 BED RESIDENTIAL CARE FACILITY.**

Patrick Hooper presented Report to the Planning Commission No. P-96-040.

The following were present to submit testimony in favor of this project but did not speak:

Richard F. Ontiveros, Annette Clark, Rosemary Sires, Dina Gemar, George Kissling, Mary McAtee, Paul Ross, Mitchell Cushman, Phd, George Helland, Peter Winn.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE THE CONDITIONAL USE PERMIT, SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT 3. Second by White. Passed by 5-0 vote with Commissioner Skorepa not present.

ITEM-8: **WORKSHOP - LAND DEVELOPMENT/ZONING CODE UPDATE.**

Workshop held.

The Planning Commission was adjourned at 4:35 p.m. by Chairperson Neils.