

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
JANUARY 18, 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 Vice-Chairperson McElliott at 9:07 a.m. Chairperson Bernet adjourned the meeting at 5:40 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Scott Bernet-present
Commissioner Karen McElliott-present
Commissioner William Anderson-present
Commissioner Christopher Neils-present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-not present
Commissioner Frisco White-present
Ernest Freeman, Planning Director-present
Mike Stepner, Urban Design Coordinator-not present
Rik Duvernay, Deputy City Attorney-present
Tina Christiansen, Department Director-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. Staff requested that Item No. 5, Sickels Property, be continued at the request of the applicant.

ITEM-2: DIRECTOR'S REPORT. No report given.

ITEM-2A: CASA DE LA PLAYA SHORELINE STABILIZATION COASTAL DEVELOPMENT AND SENSITIVE COASTAL RESOURCE PERMIT NO. 92-0318. CONTINUED FROM JANUARY 11, 1996.

Bill Tripp gave the status of this project since last being heard on January 11, 1996, and read additional conditions into the record concerning assumption of risk and liability and installation of the coastal protection device.

Testimony in opposition:

Wendell Gayman, representing S.E.A. Expressed that he is strongly opposed to the present design and construction and alluded to the letter distributed to the Commission by S.E.A. which outlines their opposition to riprap. Also spoke to the erosion issues raised by the Commission.

Dave O'Dell, representing S.E.A. Spoke to the ordinance and City Council policy regulation regarding the construction of this wall. Also discussed the legal ramifications involved.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE PROJECT AND CERTIFY THE NEGATIVE DECLARATION WITH THE INCLUSION OF LANGUAGE TO CONDITION NO. 5 TO STATE AFTER THE WORD TEXTURED, "THREE DIMENSIONALLY CONTOURED"; CONDITION NO. 25C TO BE REVISED AS STATED BY THE CITY ATTORNEY REGARDING THE LIABILITY INSURANCE TO ADD THE LANGUAGE "THAT

CONSTRUCTION MAINTENANCE, STATE OF USE, REPAIR OR PRESENCE OF THE STRUCTURE" SO THERE IS NO AMBIGUITY THAT THIS LIABILITY INSURANCE IS NOT ONLY FOR THE CONSTRUCTION PHASE, BUT TO BE HELD IN PERPETUITY. Second by Neils. Passed by a 4-0 vote with Vice-Chairperson McElliott and Commissioner Anderson abstaining, and Commissioner Skorepa not present.

ITEM-3: J2VZ PARTNERSHIP - TENTATIVE MAP, COASTAL DEVELOPMENT/HILLSIDE REVIEW PERMIT AND VARIANCE 94-0283.

Georgia Sparkman presented Report to the Planning Commission No. P-96-016.

Testimony in favor by:

dissolution
property
Lynne Heidel, representing applicant. Discussed the subdivisions and the rationale for same due to the disillusion of the original partnership, basically for financial reasons. A third person will own a parcel of this proerty and it will be some time before they develop this property. There isn't any plans at this point to come forwawrd with a design. Based on that, Ms. Heidel spoke to the access concerns mentioned by the Commission.

Revised 2/5/96 LL

Public testimony was closed.

COMMISSION ACTION:

MOTION BY McELLIOTT TO CERTIFY MITIGATED NEGATIVE DECLARATION 94-0283 AND APPROVE TM, CDP AND HRP 94-0283 WITH CONDITIONS AS NOTED IN ATTACHMENT 3 AND 4 BASED UPON THE FINDINGS STATED IN ATTACHMENT 3,5 AND 6, WITH THE FOLLOWING CONDITIONS: INCLUDE IN THE APPROVAL A LINE THAT STATES THAT THE RURAL CHARACTER OF THE NEIGHBORHOOD FOR THE SIDEWALKS WILL BE MAINTAINED, THEREFORE THE REQUIREMENT OF A 1911 ACT WAIVER TO ALLOW FOR A GUARANTEE OF THAT IN THE FUTURE WILL BE INCLUDED; THE TENTATIVE MAP WILL BE ADJUSTED TO REFLECT A REVISION TO THE COASTAL DEVELOPMENT PERMIT THAT EITHER THE WALL OR ALTERNATIVE COMPLIANCE, INCLUDING A NEGATIVE OPEN SPACE EASEMENT WILL BE REQUIRED FOR BRUSH MANAGEMENT PURPOSES. Second by Neils. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-4: WORKSHOP - REGULATORY RELIEF DAY - 1996.

Workshop held.

ITEM-5: APPEAL OF SICKELS RESIDENCE - EXTENSION OF TIME OF A COASTAL DEVELOPMENT/HILLSIDE REVIEW PERMIT CASE NO. 95-0158.

Request by Staff on the part of the applicant to continue.

COMMISSION ACTION:

MOTION BY QUINN TO CONTINUE TO FEBRUARY 29, 1996 AT 9:00 A.M. Second by Anderson. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-6: INITIATION OF AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN, NCFUA FRAMEWORK PLAN, CARMEL VALLEY COMMUNITY PLAN AND THE NEIGHBORHOOD FOUR PRECISE PLAN.

Anna McPherson presented Report to the Planning Commission No. P-96-018.

Testimony in favor by:

David Goodell, applicant. Spoke to Commissioner Neils question regarding the unwillingness of the Subarea III owners to proceed as a group. He has met with Pardee and was advised that they have no plans to go forward at this time.

Thomas Steinke, representing Pardee Construction Co. Spoke to the issuance of building permits in Carmel Valley and its constraints due to Council Policy 600-36 and the Carmel Valley Building Permit Allocation method. He brought this up before the Commission because the proposal before them today would ultimately annex the Seabreeze Farms property area and project into Carmel Valley; the Seabreeze Farms would be subject to the Carmel Valley building allocation method.

Testimony in opposition by:

Opal Trueblood, representing herself.

Asked the question that if this does in fact become part of the Carmel Valley, will it be subject to the restrictions of Carmel Valley or will it be under the restrictions of the FUA? What would this do in relationship to that?

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE INITIATION. Second by Anderson. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-7: MULTIPLE SPECIES CONSERVATION PROGRAM: POLICIES FOR THE FINAL MSCP PLAN, DRAFT SUBAREA PLAN AND FINANCING.

Tom Story presented Report to the Planning Commission No. P-96-023.

Testimony in favor by:

Michael Beck, Endangered Habitats League. This plan has a five year history behind it and it has layers and layers of technical issues. There are a few outstanding issues - one being Brush Management Zones. He requested that the Commission request an analysis to the entire scope of the program, and an analysis of what the staff proposal will do to the program.

Gail MacLeod, independent consultant. Discussed mitigation monitoring and encroachment ratios, as well as the uncertainty of what the small property owners' ability will be to sell their property and how to negotiate areas to help them sell.

Jim Peugh, Wetlands Advisory Board, San Diego Audobon. He discussed their concerns with the definition of the wetlands. The Federal wetlands definitions are made for the nation as a whole, and San Diego has lost a lot more wetlands then the country at large. San Diego has a lot more need for wetlands and our wetlands definition needs to accommodate that kind of variation.

Craig Benedetto, Building Industry Association. Spoke to the mitigation ratios, and the BIA's involvement; Also brush management, equity issue, and spoke to the tiers established by the Manager regarding biology guidelines.

Rikki Alberson, Alliance for Habitat Conservation. Has concerns with comments made by previous speakers. Addressed the proposed biology guidelines and complimented staff on the work done so far. Draft does not reflect some of the actions taken by NRC&A and they hope the next draft will be updated.

Jim Whalen, Alliance for Habitat Conservation. Landowners group involved with MSCP from its inception. Spoke to the mitigation ratio, and brush management issue and their importance.

Testimony in opposition by:

Opal Trueblood, representing herself. Also spoke to the brush management and wetlands definition and expressed her concerns for same.

Craig Adams, Sierra Club, San Diego. Spoke to the same two major issues - brush management and wetlands definition. He is extremely upset that this plan is being rushed through so quickly. Requested that the Planning Commission not make a decision today and have all the new information before them at the next meeting.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL UNDER MANAGEMENT, MAINTENANCE AND MONITORING, NOS. 15, 16b AND 17a THAT THE CITY, AS POLICY, NEGOTIATE WITH THE FEDERAL AND STATE AGENCIES TO HAVE ONE NON-PROFIT CORPORATION TO BE RESPONSIBLE FOR BIOLOGICAL MONITORING AND MAINTENANCE WITHIN THE CITY, PREFERABLY THROUGHOUT THE WHOLE SYSTEM IN THE COUNTY TO TAKE ADVANTAGE OF THE ECONOMY AS A SCALE, AND THAT THE STATE AND FEDERAL AGENCIES BEAR THE GREATEST BURDEN OF THAT COST, BUT THAT COST BE SHARED AND OPERATING COSTS BE CAPITALIZED BY AN ENDOWMENT; RECOMMEND THAT GRADUATE STUDENTS ARE ABLE TO PARTICIPATE IN BIOLOGICAL MONITORING. Second by White. Passed by a 6-0 vote with Commissioner

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Skorepa not present.

MOTION BY NEILS TO RECOMMEND TO THE CITY COUNCIL UNDER FUTURE LISTINGS OF SPECIES POLICIES NO. 1a. AND 1b. THAT THIS LANGUAGE BE CHANGED SO THAT THE "SHOULD" IN 1a. AND IN THE LAST SENTENCE OF THE FIRST PARAGRAPH OF 1b. BECOMES "WILL". ALSO THE CITY NEEDS TO BE ASSURED THAT THIS PROCEDURE WILL BE AGREED TO BY THE WILDLIFE AGENCIES AND PUT INTO THE IMPLEMENTING AGREEMENT. Second by White. Passed by a 6-0 vote with Commissioner Skorepa not present.

MOTION BY BERNET TO RECOMMEND TO THE CITY COUNCIL THAT POLICY NO. 11 a., b., c., BE APPROVED AS WRITTEN EXCEPT TO DELETE THE WORD "PREFERABLY"; AND ADDING LANGUAGE TO CLARIFY THAT AREAS TO REMAIN AGRICULTURE SHALL RETAIN AN AGRICULTURAL ZONE. Second by McElliott. Passed by a 6-0 vote with Commissioner Skorepa not present.

MOTION BY ANDERSON TO CONTINUE TO JANUARY 25, 1996 THE MITIGATION RATIOS AND BRUSH MANAGEMENT POLICIES AND ALSO ADDRESS THE QUESTION OF HOW QUALITY OF THE HABITAT FITS INTO THE EVALUATION OF MITIGATION NEEDS. AT THE TIME IT IS BROUGHT BACK STAFF TO DETERMINE A DATE FOR THE NEXT HEARING. Second by Quinn. Passed by a 5-0 vote with Vice-Chairperson McElliott and Commissioner Skorepa not present.

DIRECTION TO STAFF BY ANDERSON TO PROVIDE TO THE CITY COUNCIL AN ANALYSIS OF THE TYPE AND LOCATION OF HOUSING UNITS LOST AND GAINED THROUGH THE PROPOSED CHANGES TO THE GENERAL PLAN AND THEN LOOK AT THE IMPACT ON FACILITIES. FROM THIS REPORT REASON IF THERE ARE NEGATIVE IMPACTS ON THE STRUCTURE OF THE CITYWIDE GENERAL PLAN ~~IN~~ RESPECT TO HOUSING THAT SUGGESTS THAT THEY MIGHT NEED TO BE REDRESSED.

WITH

MOTION BY ANDERSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE WETLANDS DEFINITION, AND ADDING THAT THE DELINEATION SHOULD BE MADE PER THE ARMY CORP OF ENGINEERS MANUAL WITH THE UNDERSTANDING THAT VERNAL POOLS AND INTERMITTENT STREAMS ONLY REQUIRE ONE OF THOSE THREE CONDITIONS, AS INDICATED IN THE STAFF REPORT. Passed by a 4-0 vote with Vice-Chairperson McElliott and Commissioners Quinn and Skorepa not present.

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL THAT POLICY 9b. WITHOUT THE UNDERLINED WORDS "OR LOCAL FUNDS" BE APPROVED. STAFF WAS DIRECTED TO PROVIDE IN THE PLAN A LIST OF THE ALTERNATIVE FORMS OF FINANCING OR IMPLEMENTATION THAT ARE NOT PART OF THE PRIORITY LIST, BUT ARE THERE AS A BACKUP LIST OF MECHANISMS IN CASE WE DON'T ACHIEVE THE PRIORITY LIST. Second by Neils. Passed by a 4-0 vote with Vice-Chairperson McElliott and Commissioners Quinn and Skorepa not present.

The Planning Commission was adjourned at 5:40 p.m. by Chairperson Bernet.