

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
JUNE 20, 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 9:02 a.m.
Chairperson Neils adjourned the meeting at 3:54 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-not present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner David Watson-present
Commissioner Frisco White-present
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
Rob Hawk, Engineering Geologist, Development Services -
present
Linda Lugano, Recorder-present

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

None.

ITEM-1A: REQUESTS FOR CONTINUANCE FOR MORNING AGENDA ITEMS.

None.

ITEM-1B: DIRECTOR'S REPORT.

None.

ITEM-2: APPROVAL OF THE MINUTES OF MAY 23, 1996 AND MAY 30, 1996.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE THE MINUTES OF MAY 23, 1996, ALONG WITH A DRAFT OF THE RESOLUTION, AS REQUESTED IN CONNECTION WITH THE REVOCATION HEARING ON SAN DIEGO SQUARE SENIOR HOUSING, WITH THE FOLLOWING REVISION TO THE MOTION ON PAGE 6, ITEM NO. 2, CHANGING THE WORDS "...WERE WRITTEN 20 YEARS AGO...", TO "...18 YEARS AGO..." Second by Quinn. Passed by a 6-0 vote with Commissioner Butler not present.

MOTION BY WATSON TO APPROVE THE MINUTES OF MAY 30, 1996. Second by Quinn. Passed by a 6-0 vote with Commissioner Butler not present.

ITEM-3: SPECIAL ORDER OF BUSINESS: In the matter of deciding whether to reconsider the previous decision of May 30, 1996 to deny CDP 95-0348.

Testimony in favor by:

Matt Peterson, representing Tom and Cinda Hicks. Explained the purpose of the request for reconsideration on the part of the applicant. A reconsideration is their preferred procedural path so that they can redesign the project to address the Planning Commission's concerns.

Sara Mosher, LaJolla Shores Advisory Board. Stated that she was in agreement with staff on the reconsideration.

Testimony in opposition by:

Mike McDade, representing numerous neighbors. Pleaded that there has been a suggestion of redesign, as long as it is a meaningful one. Would like to give emphasis on requesting ample time for this to go back through the neighborhood hearing process at LaJolla Shores.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO RECONSIDER FOR THE PURPOSE OF ALLOWING THE APPLICANT TO REDESIGN THE PLAN AND PRESENT ALTERNATIVES THAT ADDRESS THE CONCERNS RAISED BY THE COMMISSION, SPECIFICALLY THE VIEW CORRIDOR, BULK, SCALE AND HEIGHT ISSUES. HEARING TO BE HELD ON AUGUST 1, 1996; IF STAFF AND THE COMMUNITY DO NOT FEEL THEY HAVE RECEIVED AMPLE TIME TO REVIEW THE PLANS, THEN IT WILL BE HEARD ON AUGUST 29, 1996. Second by White. Passed by a 4-2 vote with Commissioners Quinn and Skorepa voting nay and Commissioner Butler not present.

ITEM-4: APPEAL OF THE HEARING OFFICER'S APPROVAL OF RIVER TRAILS - COASTAL DEVELOPMENT PERMIT 94-0546.

Corey Braun presented Report to the Planning Commission No. P-96-030 and gave a brief review of the status of this project to date since the last hearing on February 1, 1996.

Testimony in opposition of project:

Bill Wooton, representing himself. Described the terrible floods that have occurred over the last few years and how he and his family could not drive out of the area because of the floods. He feels if more land fill is going to be put in at this development it will cause more flooding as the other water has to flow somewhere else.

David Gomez, Otay Mesa/Nestor Planning Committee. Explained that the City is building a wastewater treatment plan in the Valley and in the past have taken steps to protect the existing residents in this area from flooding. How can the City let all these homes be built there when there's been so much flooding already, and the city has taken preventive measures in this area to protect the existing homes.

Ruth Schneider, representing herself. Explained that the Corp of Engineers put in a dike that was supposed to end all the floods - it did not. If this development is for low income families, how can poor people withstand flooding of their homes better than anyone else.

Testimony in favor of the project:

Rick Rubin, representing Dr. Peus, the owner. Read a letter from the owner into the record which explained in detail what this project has been through for many years in the system to achieve approval; how the owner has complied with all the City's zoning requirements and rules and regulations and how he feels he should now be able to develop his land.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL AND APPROVE THE PROJECT AND CERTIFY THE ADDENDUM TO THE EIR. Second by Anderson. Failed by a 3-3 vote with Commissioners Quinn, Skorepa and White voting nay.

MOTION BY QUINN TO APPROVE THE APPEAL AND DENY THE PROJECT BASED ON THE FACT THAT FINDINGS CANNOT BE MADE IN SUBSECTION F AND DUE TO CONCERNS ABOUT THE STATEMENT OF OVERRIDING CONSIDERATION. Second by White. Failed by a 3-3 vote with Chairperson Neils and Commissioners Anderson and Watson voting nay.

THE DECISION OF THE HEARING OFFICER STANDS.

ITEM-5: DEL MAR MESA SPECIFIC PLAN (SUBAREA V).

Andy Watson presented Report to the Planning Commission No. P-96-159 and reviewed the status of the project since the last workshops, and answered the Commissioner's questions raised at those workshops. Kathy Winterrowd presented an environmental review and Gary Hess discussed the financial planning. Steve Mikelman addressed the affordable housing issue.

Testimony in favor by:

Gale Auerbach, Del Mar Mesa Homeowners Assoc. Distributed a letter which talked to her property and the existing houses on Shaw Ridge Road. These owners are long term resident owners who feel very strongly that a density of one dwelling per acre is fair and equitable, and would bring their properties into conformity with the parcels created 50 years ago, as well as with the new Subarea V Plan.

Jan Fuchs, Carmel Valley Community Planning Board. They are requesting direction from the Commissioners to the City Council to look at what is happening on the western part of the plan area. They don't have a solution, but they would like it looked at. The master EIR and the specific plan does not get into solving the problems they see with the open space corridors on the western end, but they believe it needs to be looked at. Some improvement to the corridor could be made.

Ann Harvey, resident. Reiterated Jan Fuchs' statement regarding the culvert area - which crosses the 100 year flood plain in which a drainage facility is very necessary. In looking at the trail going through this area, as well as a wild life corridor, the more room they can get at that point, the better. They feel that the box culvert proposed should be better.

Jim Bessemer, resident. Shaw Ridge Road resident. Wanted to urge the Commission to keep in mind that this area is special to those people who have lived there for so long. The Specific Plan calls for the preservation of the rural atmosphere, and he requested that this be maintained.

Tom Steinke, representing Pardee Construction Co. Thanked the staff for the job they have done in putting together this Specific Plan. Mr. Steinke addressed two issues: Del Mar Union School District and the school mitigation and indemnification agreement which was distributed that morning that he has not seen; and the wetlands regulations contained within the Specific Plan, and how they conform to the State's regulations.

Dave Nielsen, representing various owners. Representing the group who recently proposed the idea of a Specific Plan for Subarea V. They support the land uses as proposed in this plan and agree to the hard line MSCP boundaries in exchange for the ability to develop at these densities, but remain concerned about fees and financing.

Tom DiBenedetto, representing Bougainvillea Project. Stated that he was at this meeting to answer questions, and that he supports the plan.

Rebecca Michael, representing the Shaw family. The Shaw's are pleased with this plan and have worked closely with staff. Spoke to the companion unit issue as shown on Attachment 3, and requested that the cap that is in the Plan on the utilization of companion units, be lifted.

COMPANION
REV. 7/16/96
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Stephen Coury, Alliance of Property Owners. Kudos to the staff; they've done a superb job. The only objection he has is the decision to move from a DIF to an FBA. From a property owners standpoint, the two seem to be the same, but he is not sure if they are and what the constraints are for both.

Dave Goodell, Del Mar Land Management. Owned property in Del Mar Mesa in the A-1-1 area where there is existing one acre zoning. He discussed their concern over the Shaw Ridge closure. They feel it is important to retain that access.

Testimony in opposition by:

Kathryn Sanders, attorney representing the San Dieguito Union High School District. The school district is in favor of this project, the reason they filled out an opposition form is that the school district does not feel that the mitigation measures in the plan for school facilities are adequate. The alternatives presented in

the errata sheet have not been agreed to in any respect. The specific request that the School District has would be to provide for full mitigation of school facilities.

Cheryle Besemer, resident. Thanked the staff for their patience and response to their gripes and concerns. Her house is very close to Shaw Ridge Road and her main concern is that this specific plan calls for Shaw Ridge Road to be the only road that links the western end of the mesa to future developments at the eastern end. That would lead to heavy traffic on a small rural road.

Robert Stewart, representing Mr. & Mrs. Robert Stephens. His specific concern is the one raised relative to the Shaw Ridge Road question. A traffic circulation alternative was mandated by LU&H and was not addressed in the transportation study, the specific plan or the master plan EIR. He is requesting staff to include the cul de sacing of Shaw Ridge Road as originally depicted in earlier drafts of the specific plan.

Jan Hudson, Shaw Ridge Home Owners Group. They are all for cul de sacing this road as they feel it is very important. The issue of street lights was raised and they are adamant that they do not want street lights on the hill. The Shaw Valley Trail issue and trails in general are still up in the air and need to be renegotiated.

Fred Pierson, Department of the Navy. Distributed a letter that addressed the impacts of flight operations on the proposed Del Mar Mesa Specific Plan, and requested in addition to required real estate transfer disclosure statements and airport noise disclosure forms, full disclosure on all exchange of title, recorded to deed.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO RECOMMEND APPROVAL OF THE FOLLOWING TO THE CITY COUNCIL:

- 1) CERTIFY THE EIR, ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATION, AND STATE FOR THE RECORD THAT THE FINAL EIR HAS BEEN REVIEWED AND CONSIDERED.

- 2) APPROVAL OF THE ASSOCIATED AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN, NORTH CITY LOCAL COASTAL PROGRAM, AND FRAMEWORK PLAN CONTINGENT UPON ADOPTION OF A DEL MAR MESA PUBLIC FACILITIES FINANCING PLAN AND FACILITIES BENEFIT ASSESSMENT.
- 3) APPROVAL OF THE ASSOCIATED AMENDMENTS TO THE A-1 ZONE (MUNICIPAL CODE SECTION AS OUTLINED BY STAFF).
- 4) APPROVAL OF THE DEL MAR SPECIFIC PLAN WITH THE FOLLOWING REVISIONS:
 - A) IN THE LANGUAGE RELATING TO THE SHAW RIDGE ROAD LIGHTS, INSERT THE WORD "ONLY" BEFORE THE WORD "INTERSECTION". ("STREET LIGHTS ARE TO BE INSTALLED ONLY IF ESSENTIAL FOR ROADWAY, FACILITY USE AND SAFETY").
 - B) NOISE - A DISCUSSION OF POTENTIAL NOISE EFFECTS ASSOCIATED WITH FLIGHT OPERATIONS AT NAS MIRAMAR SHOULD BE ADDED TO THE SPECIFIC PLAN INCLUDING A MAP OF PROJECTED NOISE CONTOURS.
 - C) SHAW VALLEY TRAIL - PURSUE DESIGN SOLUTIONS, SUCH AS ADDING A TREE BUFFER AREA TO ADDRESS POTENTIAL SAFETY PROBLEMS ASSOCIATED WITH THE PROXIMITY OF GOLF.
 - D) WETLANDS - REVISE SPECIFIC PLAN TO RELY ON CITY REGULATIONS REGARDING WETLANDS THAT ARE IN EFFECT AT THE TIME OF TENTATIVE MAP OR DISCRETIONARY PERMIT APPROVAL. ADD NOTE INDICATING THAT RESOURCE MANAGEMENT REGULATIONS ARE BASED ON THE PROPOSED ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE DEVELOPED AS PART OF THE LAND DEVELOPMENT/ZONING CODE UPDATE.
 - E) SCHOOLS - REVISE CHAPTER IV "IMPLEMENTATION", SECTION G FACILITIES FINANCING AND FEES AS FOLLOWS: "A CERTIFICATE OF COMPLIANCE WILL BE ISSUED BY THE DMUSD ONLY AFTER THE APPLICANT HAS EXECUTED A SCHOOL FACILITIES FUNDING AND MITIGATION AGREEMENT (IN A FORM SUBSTANTIALLY SIMILAR TO THE AGREEMENT SET FORTH IN APPENDIX C) AGREEING TO PAY THE SPECIFIC MITIGATION PAYMENT OR ACQUIESCING TO PARTICIPATE IN A

COMMUNITY FACILITIES DISTRICT (BENEFITING THE DMUSD). SIMILAR REVISIONS SHOULD BE ADDED TO THE SECTION ADDRESSING FINANCING OF SCHOOL FACILITIES WITHIN THE SAN DIEGUITO HIGH SCHOOL DISTRICT.

Second by White. Passed by a 6-0 vote with Commissioner Skorepa voting nay and Commissioner Butler not present.

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL THAT LANGUAGE BE ADDED STATING THAT SHAW RIDGE ROAD COULD BE A CUL DE SAC IF CONSTRUCTION OF CAMINO SANTA FE (INCLUDING A CONNECTION TO SR-56) PRECEDES CONSTRUCTION OF SHAW RIDGE ROAD AS A THROUGH ROAD. Second by White. Passed by a 5-1 vote with Commissioner Skorepa voting nay.

MOTION BY QUINN TO RECOMMEND TO THE CITY COUNCIL THAT COMPANION UNITS NOT BE ALLOWED IN SUBAREA V EITHER AS ROUTINE OR AS A SOURCE OF AFFORDABLE HOUSING. Second by Skorepa. Failed by a 2-4 vote with Chairperson Neils and Commissioners Anderson, Watson, and White voting nay.

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL THAT THE CRITERIA FOR OCCUPANCY OF COMPANION UNITS (FOR DEVELOPMENTS OF TEN OR FEWER, BUT ONLY IF THEY ARE COUNTED AGAINST AFFORDABLE HOUSING REQUIREMENTS) STATED IN THE ERRATA SHEET DATED JUNE 20, 1996 BE REVISED TO STATE THE FOLLOWING. (THIS IS CONTINGENT ON REVIEW BY THE CITY ATTORNEY): "RESTRICTIONS ON OCCUPANCY OF THESE UNITS IN THE ABOVE CODE SECTION MAY BE DEVIATED FROM SUBJECT TO CERTIFICATION BY THE HOUSING COMMISSION. IT IS THE INTENT OF THIS SPECIFIC PLAN THAT OCCUPANCY OF THESE UNITS BE LIMITED TO LOW-INCOME HOUSEHOLDS EARNING NO MORE THAN 65 PERCENT OF MEDIAN AREA INCOME AT AFFORDABLE RENTAL RATES. Second by Watson. Passed by a 4-2 vote with Commissioners Quinn and Skorepa voting nay.

STAFF WAS DIRECTED TO BRING BACK A DRAFT OF THIS MOTION WITH THE APPROVAL OF THE MINUTES OF THIS MEETING.

ITEM-6: SABRE SPRINGS PARCEL 31, TENTATIVE MAP, CASE NO. 95-0188.

Glenn Gargas presented Report to the Planning Commission No. P-96-146 with the addition of a new landscape condition to the draft TM resolution.

Testimony in favor by:

David Poole, representing Pardee Construction Co. Spoke to the street tree issue and clarified the location of these trees; zoning and rationale for the zoning.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE A ONE LOT TENTATIVE MAP OF A VACANT 2.38 ACRE PROPERTY, WITH THE INCLUSION OF THE NEW CONDITION PROVIDED BY STAFF. Second by White. Passed by a 6-0 vote with Commissioner Butler not present.

ITEM-7: **COX CALIFORNIA PCS, INC.-GENNY CONDITIONAL USE PERMIT AND COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE, INCLUDING AN EXCEPTION FROM THE CLAIREMONT MESA HEIGHT LIMITATION ZONE.**

Patrick Hooper presented Report to the Planning Commission No. P-96-156.

No one present to speak.

COMMISSION ACTION:

MOTION BY SKOREPA TO RECOMMEND TO THE CITY COUNCIL TO CERTIFY NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT NO. 95-0351-22. Second by White. Passed by a 4-0 vote with Commissioners Quinn and Watson abstaining and Commissioner Butler not present.

ITEM-8: **TOWNSEND PARCEL MAP - TENTATIVE MAP AND MISSION VALLEY PLANNED DISTRICT PERMIT 96-0061.**

COMMISSION ACTION:

MOTION BY WATSON TO CONTINUE TO JULY 11, 1996 AT 1:30 P.M. AT THE REQUEST OF STAFF AND APPLICANT FOR ADDITIONAL TIME TO REVIEW INFORMATION RECENTLY RECEIVED EFFECTING THIS DEVELOPMENT. Second by White. Passed by a 6-0 vote with Commissioner Butler not present.

ITEM-9: THE CITY OF SAN DIEGO'S PROPOSED FISCAL YEAR 1997 CAPITAL IMPROVEMENTS PROGRAM (CIP).

Sonya Chambers presented Report to the Planning Commission No. P-96-160.

No one present to speak.

COMMISSION ACTION:

MOTION BY QUINN TO RECOMMEND TO THE CITY COUNCIL TO ADOPT THE RESOLUTION WHICH FINDS THAT THE PROJECTS IN THE PROPOSED FY 1997 CIP ARE IN CONFORMANCE WITH THE CITY'S PROGRESS GUIDE AND GENERAL PLAN AND APPLICABLE COMMUNITY PLANS, WITH THE EXCEPTION OF THE CITY OTHER-FUNDS IN A FUTURE URBANIZING FIRE STATION; AND ADD A STATEMENT THAT THE COMMISSION'S IS STILL CONCERNED ABOUT THE DEFICIENCIES IN THE URBANIZED COMMUNITIES. Second by White. Passed by a 6-0 vote with Commissioner Butler not present.

The Planning Commission was adjourned at 3:54 p.m. by Chairperson Neils.