

PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
MAY 23, 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 3:45 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present  
Vice-Chairperson William Anderson-present  
Commissioner Patricia Butler-present  
Commissioner Verna Quinn-present  
Commissioner Andrea Skorepa-present  
Commissioner David Watson-present  
Commissioner Frisco White-present  
Ernest Freeman, Planning Director-not 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.**

Commissioner Quinn thanked staff for the information they provided on the Casa Las Companas project.

**ITEM-2: APPROVAL OF THE MINUTES OF MAY 2, 1996 AND MAY 9, 1996.**

**COMMISSION ACTION:**

MOTION BY QUINN TO APPROVE THE MINUTES OF MAY 2, 1996. Second by Watson. Passed by a 4-0 vote with Commissioner Butler not present and Chairperson Neils and Vice-Chairperson Anderson abstaining as they were not present at this meeting.

MOTION BY QUINN TO APPROVE THE MINUTES OF MAY 9, 1996 WITH THE REVISION TO ITEM NO. 6, PAGE 4 TO STATE IN THE MOTION BY COMMISSIONER WATSON THAT THE CONTINUANCE WAS REQUESTED IN ORDER TO ALLOW STAFF TIME TO REWRITE THEIR REPORT AND RECOMMENDATIONS BASED ON THE SPECIFIC COMMENTS OF THE COMMISSIONERS. Second by Watson. Passed by a 5-0 vote with Commissioner Butler not present and Commissioner Skorepa abstaining as she was not present at this meeting.

**ITEM-2A: REQUESTS FOR CONTINUANCE FOR MORNING AGENDA ITEMS.**

At the request of the City Manager, via Development Services Department staff to continue item No. 7, Carmel Mountain Ranch, Unit No. 23 for further negotiations with the applicant and community planning group. Item will be continued to July 18, 1996.

**ITEM-2B: DIRECTOR'S REPORT.**

Gary Halbert, Development Services Department briefed the Commission on the action taken by the City Council on items previously heard by the Planning Commission: Villas at Laurel and Ralph's Market on El Cajon Blvd. were taken on consent; Rancho Santa Fe Golf Driving Range was approved by Council with amendments and Pescadero Sea Wall, was also approved with modifications.

Stephen Haase presented a memo drafted from the Planning Commission to the LU&H Committee. Commissioners reviewed this memo and finalized it for signature and presentation to LU&H Committee.

**ITEM-3: RUSSELL RESIDENCE, COASTAL DEVELOPMENT AND SENSITIVE COASTAL RESOURCE (CDP/SCR) PERMIT NO. 95-0372.**

Bill Tripp presented Report to the Planning Commission No. P-96-130.

Testimony in favor by:

**Thomas Silvers, architect representing the owners of the property.** Stated that he has reviewed the report by staff and that he is in full agreement with the draft permit. He was present to answer any questions raised by the Commission.

Public testimony was closed.

**COMMISSION ACTION:**

**MOTION BY WATSON TO APPROVE STAFF'S RECOMMENDATION WITH THE MODIFICATION TO CONDITION NO. 1 DELETING THE WORDS "SENSITIVE COASTAL RESOURCE".** Second by White. Passed by a 7-0 vote.

**ITEM-4: REVOCATION HEARING FOR PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 52, AMENDMENT NO. 1 - SAN DIEGO SQUARE SENIOR HOUSING, 1055 NINTH AVENUE.**

Greg Wade, CCDC presented Report to the Planning Commission No. P-96-134.

Testimony in opposition by:

**Matt Peterson, Peterson & Price, representing San Diego Kind Corp.** Described the entire project in detail and the permit uses. Distributed a timetable from 1978 when the original permits were established to present describing the applications and amendments made to the permit. Explained how he feels that the permit conditions have been met by his client and that the permit has been satisfied. Discussed the County's

recent adoption of an amendment mandating that permits not require parking for senior care facilities. There are serious safety consequences for that parking area and long range safety problems should the City allow parking. They have hired retired Police Department personnel to head up their staff because of the crime in the surrounding area in an effort to create a secure complex. The 28 parking spaces have been there for 16 years and they will not be utilized now.

**Percil Stanford, representing San Diego King Corporation.** Explained that it would be difficult to provide parking for everyone in the complex - how do you provide for everyone. The original permit was issued with the intent to not allow parking and they met the requirement for parking without specifying who particularly would use them. He expressed his concerns for the security and crime problems due to the surrounding area.

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**Manny Lopez, representing San Diego Square as a security consultant.** He was hired by San Diego Square as a result of the crime in the area of the Square. He feels they have met the recommendation for security. Described all the security they have installed recently as a result of their own residents being victims of crime; this is the highest crime rate area in the City of San Diego.

**Duane Shinnick, representing himself.** Addressed the time period in the development of this permit. He explained the specific language regarding the number of parking spaces to be utilized and in general this is within the number used as a limitation that was specific for this project. The key terms of the permit reflect the negotiating process to leave the discretion up to the management of the square concerning how to use the parking.

**Jerald Goldberg, representing himself.** Advised that in the mid 1970's HUD became a consultant to Kind Corporation. He has clear recollection with respect to parking, that the intent was limited for business and emergency and commercial, and not residential.

Testimony in favor by:

**John Cunningham, resident.** Was a builder and developer and is very familiar with the procedures. The permit granted that the residents have parking. Every HUD center in San Diego has parking facilities for residents and they can't be denied this use. When they put together 28 spaces it was negotiated down from 50. HUD mandated these spaces be given to residents. Explained about security and cameras for the whole complex and how easy it would be to install a second gate to alleviate this parking problems.

**B. Lynn Jeppson, resident.** Explained her personal health situation and her concern about the parking. Addressed the fact that she has had car problems in this area and how important it is to have parking.

**Anwsh Anna Vandanian, resident.** Addressed her personal problems and financial situation and expressed that she has been patient and would like to be able to buy a car and park in the square to protect her car and herself. Can't buy a car unless she can park inside the gate.

**Eleanor Baleme, resident.** Parking in rear of building should be for residents only. Has to park in a lot as her car was vandalized several times. She was badly beaten in January and she needs to park inside the complex.

**Joseph Pena, resident.** Wants the parking lot they were promised when they moved in.

**Marianne Berto, resident.** Pleaded that the Commission allow the parking for the residents. Told of vandalism that has happened to her and her car through the years. Please let us park where we are supposed to and allowed.

Public testimony was closed.

Planning Commission adjourned into closed session pursuant to Government Code Section 54956.9 to confer and receive ~~advice~~ from the legal counsel, specifically that the City has received written communication from San Diego Kind Corporation threatening litigation.

advice,  
Rev. 6/21/96  
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**COMMISSION ACTION:**

**MOTION BY WHITE TO ADJOURN INTO CLOSED SESSION.** Second by Skorepa. Passed by a 7-0 vote.

The Planning Commission reconvened at 11:28 a.m.

**COMMISSION ACTION:**

**MOTION BY WATSON:**

1. THE PLANNING COMMISSION FINDS THAT IT AGREES WITH THE STAFF INTERPRETATION THAT THE CURRENT PERMIT REQUIRED RESIDENTIAL PARKING. THIS FINDING IS BASED ON SEVERAL PIECES OF EVIDENCE IN THE RECORD, INCLUDING:

- A) THE APPLICATION FORM - THE NUMBER OF 28 RESIDENTIAL PARKING SPACES WAS BASED ON THE FORMULA FOR RESIDENTIAL PARKING THAT COMPARED THE NUMBER OF UNITS TO THE NUMBER OF SPACES;
- B) THE ACTUAL LANGUAGE OF THE ENTIRE RESIDENTIAL FACILITY PERMIT - INTERPRETING ALL THE PROVISIONS TO FORM A COHERENT MEANING, RESULTING IN CONCLUDING THE PARKING WAS MEANT TO BE USED FOR RESIDENTIAL PURPOSES AS WELL AS SOME COMMERCIAL PURPOSES;
- C) THE SUB-LEASE THAT INDICATED THAT THE SPACES WOULD BE USED FOR RESIDENTIAL PARKING;
- D) THE RESIDENTIAL LEASES THAT WERE PREVIOUSLY USED ON BEHALF OF THE RESIDENTS INDICATING THAT PARKING WOULD BE USED FOR RESIDENTIAL PURPOSES;
- E) THE MEMORANDUM BY MR. MICHAEL STEPNER;
- F) THE MEMORANDUM BY MR. J. R. CROSBY, ENGINEERING AND DEVELOPMENT DEPARTMENT;
- G) THE COMPARISON OF THE RESIDENTIAL SQUARE FOOTAGE TO THE COMMERCIAL SQUARE FOOTAGE;
- H) AND ALL ISSUES CONTAINED IN THE CCDC LETTER OF NOVEMBER 6, 1995.

2) THE PLANNING COMMISSION CONSIDERED ALL THE EVIDENCE PRESENTED ON BEHALF OF THE OPERATOR, AND SPECIFICALLY REJECTED IT FOR THE PURPOSES OF MAKING THE FIRST FINDING. THE LETTERS RECEIVED FROM HIGH-RANKING COMMUNITY PEOPLE WERE WRITTEN 20 YEARS AFTER THE FACT, AND RECOLLECTIONS CAN CHANGE

OVER THE COURSE OF TIME. THE DOCUMENTS LISTED IN THE FIRST FINDING ARE UNAMBIGUOUS AND CONTRADICT THE OPERATOR'S EVIDENCE.

- 3) THE PLANNING COMMISSION FINDS NOTHING IN THE RECORD THAT SPECIFICALLY ALLOWS THE OPERATOR TO PRECLUDE RESIDENTS FROM PARKING IN THE PARKING LOT; THE PLANNING COMMISSION FINDS THAT THE UNDATED ADDENDUM TO THE RESIDENT MANUAL IN TAB NO. 3 IN THE PETERSON AND PRICE DOCUMENT, DATED MAY 15, 1996 IS NOT SUFFICIENT EVIDENCE. IT IS AN AFTER-THE-FACT DOCUMENT WHERE THE OPERATOR MADE AN ADDENDUM TO THE RESIDENTS MANUAL PRECLUDING RESIDENTS FROM PARKING.
- 4) BECAUSE THE PLANNING COMMISSION AGREES WITH THE STAFF INTERPRETATION THAT RESIDENTIAL PARKING IS REQUIRED, IT FINDS SPECIFICALLY THAT IT IS A VIOLATION OF THE PERMIT TO PRECLUDE RESIDENTIAL PARKING.
- 5) BASED ON ITS FINDING THAT THERE IS A VIOLATION OF THE PERMIT, THE PLANNING COMMISSION WOULD STRONGLY SUGGEST TO THE STAFF AND CITY ATTORNEY THAT THEY TAKE ALL ACTIONS NECESSARY TO PURSUE REMEDIES ALTERNATIVE TO REVOCATION AT THIS TIME TO ENFORCE THE PERMIT. SUCH REMEDIES COULD INCLUDE A SERIES OF ACTIONS INCLUDING GOING TO COURT FOR INJUNCTION OR ORDER TO HALT THE VIOLATION OF THE PERMIT.
- 6) CONTINUE THE ISSUE OF REVOCATION UNTIL THE FIRST MEETING OF SEPTEMBER. AT THAT POINT IN TIME, THE PLANNING COMMISSION WOULD RE-ADDRESS WHETHER THE NEED TO REVOKE THE PERMIT STILL EXISTS.

STAFF WAS DIRECTED TO BRING BACK TO THE PLANNING COMMISSION A DRAFT OF THIS MOTION WITH THE APPROVAL OF THE MINUTES. Second by Anderson. Passed by a 7-0 vote.

**ITEM-5: MONTGOMERY RESIDENCE - SENSITIVE COASTAL RESOURCE/COASTAL DEVELOPMENT PERMIT 95-0379.**

Corey Braun presented Report to the Planning Commission No. P-96-131, along with revised conditions which were read into the record: Condition No. 24 and 26.

Testimony in favor by:

**Louis Beacham, Beacham Construction.** Advised he was at the meeting to answer any questions should they arise.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY WHITE TO CERTIFY THE MITIGATED NEGATIVE DECLARATION 95-0379 AND APPROVE SCR/CDP 95-0379 SUBJECT TO CONDITIONS, ALONG WITH DELETION OF DEPARTMENT SPECIFIC LANGUAGE AND INCLUSION OF CORRECT LANGUAGE TO BE BROUGHT BACK WITH THE MINUTES OF THIS MEETING. Second by Skorepa. Passed by a 7-0 vote.

**ITEM-6: GAN-EPHRAIM - PLANNED INFILL RESIDENTIAL DEVELOPMENT AND TENTATIVE MAP NO. 93-0145.**

Tracy Elliot-Yawn presented Report to the Planning Commission No. P-96-114.

No one present to speak.

**COMMISSION ACTION:**

MOTION BY ANDERSON TO APPROVE TENTATIVE MAP NO. 93-0145, SUBJECT TO RECOMMENDED CONDITIONS, AND APPROVE PLANNED INFILL RESIDENTIAL DEVELOPMENT NO. 93-0145, SUBJECT TO RECOMMENDED CONDITIONS. Second by Butler. Passed by a 7-0 vote.

**ITEM-7: CARMEL MOUNTAIN RANCH UNIT 23. VESTING TENTATIVE MAP AND PLANNED RESIDENTIAL DEVELOPMENT PERMIT, CASE NO. 87-1082.**

**COMMISSION ACTION:**

MOTION BY QUINN TO CONTINUE TO JULY 18, 1996 AT THE REQUEST OF THE CITY MANAGER. Second by Skorepa. Passed by a 6-0 vote with Commissioner Butler not present.



**ITEM-7A: REQUESTS FOR CONTINUANCE FOR AFTERNOON AGENDA ITEMS.**

None.

**ITEM-8A: VERDE DEL MAR, PROPOSED SPECIFIC PLAN AND PUBLIC FACILITIES FINANCING PLAN AMENDMENT 35-0213, TENTATIVE MAP, REZONE PLANNED RESIDENTIAL DEVELOPMENT AND HILLSIDE REVIEW PERMIT 92-0430.**

Kevin Sullivan presented Report to the Planning Commission No. P-96-098.

Testimony in favor by:

**Paul Robinson, representing applicant, Del Mar Development, Inc.** Advised that these owners have been attempting to develop this property for years. In the beginning, the City Council directed them to go back to the drawing board and come back with a more sensitive residential development. The results of many meetings and redesigns are before the Commission today. The project complies with the City Council direction. Discussed all the community groups who are also in support of this project. Discussed the design criteria and the history behind the rationale for this design.

**Gail McLeod, consultant.** Advised that she has been working on this project for seven years. Reviewed the information distributed to the Planning Commission which included the complete history of this project from its inception, what was there previously, what is planned now. Displayed an aerial view of the entire property. They worked with the homeowners in an attempt to make this compatible with the neighborhood.

**Camille Worthington-Adair, Rancho Del Mar Homeowners Association.** Explained that a sub-committee was appointed to overlook this project design and that this design manual was approved by this committee and subsequently by the homeowners. The concerns were all addressed up front.

**Donald McKahan, Rancho Del Mar Homeowners Association.** Explained that they have been involved in the design and are in support of this project as it is designed. Have reviewed the environmental documents and they wish to support Verde del Mar.

Testimony in opposition:

**Don Willis, San Dieguito Planning Group.** This group reviewed this project and they feel there are no significant changes since it was originally discussed with them. The issues of high density, traffic conditions, and bringing traffic even closer to their homes were discussed. This project will not reflect the rural character of this area. These issues have not been addressed substantially and any alternatives have not been proposed.

**Alice Goodkind, Friends of the San Dieguito River Valley.** They recommended reasonable alternatives to the owners which were never addressed. JPA voted in favor of the open space easement. This project will be built up from the road and it will be seen; property owners are settling for less than they really know about.

**Robert Cushman, adjacent property owner.** Addressed the concerns they had when they bought their home. They researched the zoning and built their home predicated on what they knew would be below their property. The owner changed his mind and decided to built 19 homes. Traffic will be impacted and it is going to be impossible to get around this area.

**Opal Trueblood, representing herself.** Advised that staff suggested in the draft EIR that an alternative of 15 homes be considered rather than 19. Would like to know why the alternative they suggested was not considered in the final EIR. Is this in conformance with City requirements? Reiterated that the traffic condition is going to be very serious in this area and it should be mitigated.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL AND STATE FOR THE RECORD THAT EIR 92-0430 HAS BEEN REVIEWED AND CONSIDERED BY THE PLANNING COMMISSION; AND RECOMMEND THAT THE CITY COUNCIL CERTIFY THE EIR AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAMS AND FINDINGS OF OVERRIDING CONSIDERATIONS. APPROVE THE PROPOSED AMENDMENTS TO THE SPECIFIC PLAN AND PUBLIC FACILITIES FINANCING PLAN ADDING THE CONDITION REGARDING THE 30 FOOT TOTAL HEIGHT LIMIT, AND ALSO A CONDITION REFERENCING THE DESIGN GUIDELINES THAT WERE PRESENTED TO THE COMMISSION AT THIS HEARING; RECOMMEND APPROVAL OF THE REZONE, TENTATIVE MAP AND PLANNED RESIDENTIAL DEVELOPMENT AND HILLSIDE REVIEW PERMIT. ALSO TO RECOMMEND THAT ARCHITECTURAL ELEVATION, SPECIFICALLY ELEVATIONS WHICH ARE THE REAR OF THE HOUSES FRONTING VIA DE LA VALLE; THE REAR OF THE HOUSES LOOKING NORTH TO THE NEIGHBORS; ELEVATIONS THAT ARE FACING EAST, AS WELL AS WEST THAT ARE VISIBLE FROM PUBLIC RIGHT-OF-WAYS BE ENHANCED BEYOND WHAT IS IN THE EIR DOCUMENTS AND IN THE DESIGN GUIDELINES. Second by Quinn. Passed by a 5-1 vote with Commissioner Skorepa voting nay and Commissioner Butler not present.

**ITEM-9: REGULATORY RELIEF PROPOSALS.**

Kelly Broughton presented Report to the Planning Commission No. P-96-122 and briefed the Commissioners on the status of the City Manager's recommendations since the last hearing.

Testimony in opposition by:

**Joanne Pearson, Past President La Jolla Town Council.** Requested that the Commissioners retain their former position and not approve this amended proposal for the following: support Community planning, and planning in general. Suggested there is a better way to do this, as outlined in her letter dated May 21, 1996. Spoke to the fact that the value in the Coastal Permit lies in the fact that it is the master permit, the finding in the CDP that the community would lose is the finding that says the project must conform with the adopted land use plan - the standard of coastal review. It

would be completely inappropriate to eliminate this prior to the implementing ordinances in place and adopted.

**Opal Trueblood, representing herself.** Expressed that she hope the Commission will to continue their position taken previously. This area is known as non-appealable area which means they have no recourse. The non-appealable coastal area is the whole area where most people are housed. They are trying to preserve the coastal area and the spaces that are in the coastal area.

Public testimony was closed:

**COMMISSION ACTION:**

MOTION BY ANDERSON TO RECOMMEND DENIAL TO THE CITY COUNCIL OF STAFF'S RECOMMENDATION ON COASTAL PERMIT EXCLUSIONS AND THAT THIS PROPOSAL SHOULD BE REVIEWED AS PART OF THE COMPREHENSIVE REVIEW OF THE ZONING CODE UPDATE. STAFF WAS DIRECTED TO REVISE THE LANGUAGE IN THE DRAFT THAT TALKS SPECIFICALLY TO APPROVAL BY THE "DEVELOPMENT SERVICES DIRECTOR" TO READ THE CITY MANAGER OR DESIGNEE. Second by Quinn. Passed by a 5-1 vote with Commissioner Watson voting nay and Commissioner Butler not present.

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF'S RECOMMENDATIONS WHICH INCORPORATE THE PLANNING COMMISSION'S RECOMMENDATIONS. Second by Quinn. Passed by a 6-0 vote with Commissioner Butler not present.

The Planning Commission was adjourned at 3:45 p.m. by Commissioner Neils.