

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
September 8, 1988
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairman ZoBell at 9:00 a.m.
The Planning Commission adjourned at 4:40 p.m.

ATTENDANCE DURING THE MEETING:

Chairman Karl ZoBell-present
Commissioner Yvonne Larsen-present
Commissioner Ralph Pesqueira-present
Commissioner Albert Kercheval-present
Commissioner Paula Oquita-present
Commissioner Lynn Benn-present
Commissioner Chris Calkins-present
Michael J. Stepner, Assistant Planning Director-present
Lee Okeson, Deputy Director, Development Planning-present
Fred Conrad, Chief Deputy City Attorney-present
Tom Steinke, Deputy Attorney-present
Jim McLaughlin, Engineering and Development-present
Tom Salgado, Principal Planner-present
Recorder Janet MacFarlane-present

ITEM-1 MINUTES

APPROVAL OF MINUTES OF AUGUST 11, 1988.

COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by AL KERCHEVAL, the Commission voted 6-0 (LARSEN abstaining) to approve the minutes of August 11, 1988.

ITEM-2 HARDY AVENUE STUDENT HOUSING CONDITIONAL USE PERMIT NO. 88-0250; A REQUEST TO CONSTRUCT A STUDENT HOUSING FACILITY TO ACCOMMODATE 98 STUDENTS. LOCATED ON THE NORTH SIDE OF HARDY AVENUE BETWEEN 55TH STREET AND CAMPANILE DRIVE IN THE R-400 ZONE IN THE STATE UNIVERSITY COMMUNITY PLANNING AREA. EQD-88-0250. LOT 6 IN BLOCK 17 OF COLLEGE PARK UNIT NO. 3, MAP NO. 2527. OWNER/APPLICANT: GUTTMAN CONSTRUCTION, INC.

MR. OKESON indicated the applicant had requested a four-week continuance.

COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by PAULA OQUITA, the Commission voted 7-0 to continue this item to October 6, 1988 at 9:00 a.m.

ITEM-3 CONDITIONAL USE PERMIT NO. 88-0665; REQUEST TO EXPAND A SPECIAL EDUCATION PROGRAM TO INCLUDE A SECOND CURRICULUM (GRADES 9-12) AT SPRINGALL ACADEMY. LOCATED AT 6550 SOLEDAD MOUNTAIN ROAD, WEST OF LA JOLLA SCENIC DRIVE IN THE R1-20,000 ZONE IN THE LA JOLLA COMMUNITY PLAN. EQD NO. 88-0665. OWNER/APPLICANT: PETER SPRINGALL.

TRACY ELLIOT-YAWN presented Planning Department Report No. 88-341.

ANNA FIUMAN spoke in opposition to the permit. She indicated her opposition was based on noise generation of the facility, additional traffic as well as the appearance of the temporary structures.

GERRARD SALOMON, area resident, indicated his opposition was based on the appearance of the trailers and the aesthetics of the project.

PETER SPRINGALL, applicant, explained the property was leased from the School District and this particular conditional use permit was to permit 25 of the allowed 85 students to be of secondary age.

MR. OKESON indicated that the conditions of the Zoning Administrator permit should be incorporated into the permit if approved by the Planning Commission.

COMMISSION ACTION

On motion of LYNN BENN, seconded by RALPH PESQUIERA, the Commission voted 4-2 (KERCHEVAL not voting with CALKINS and LARSEN voting in the negative) to certify the Negative Declaration and approve the permit subject to an additional condition that the landscape plan be modified in such a manner as to screen the temporary trailers. This condition would be to the satisfaction of the Planning Director. Further, approval included the conditions of the Zoning Administrator permit will be incorporated into the permit.

ITEM-4 CONDITIONAL USE PERMIT NO. 87-0308; ONE-YEAR REVIEW OF THE DOWNTOWN HEALTH SERVICES FACILITY. LOCATED AT 952 12TH AVENUE BETWEEN BROADWAY AND "E" STREET IN THE RCX ZONE IN THE CENTRE CITY COMMUNITY. OWNER: MCCLURKEN MACHINERY, INC. APPLICANT: EPISCOPAL COMMUNITY SERVICES.

TRACY ELLIOT-YAWN presented Planning Department Report No. 88-342.

GLENN ALLISON, representing Episcopal Community Services, spoke in support of its operation. He indicated he was not opposed to a yearly review. He stated his concern was the hazardous condition with the trolley tracks in close proximity to the curb near his facility.

COMMISSION ACTION

On motion of RALPH PESQUIERA, seconded by AL KERCHEVAL, the Commission voted 7-0 to modify Condition No. 11 of

the permit to require a yearly review of this use in order to monitor its compliance with the conditions. The Commission further expressed a desire for staff to communicate with the Metropolitan Transit Development Board about the possible hazardous conditions related to the trolley operation near the facility.

ITEM-5 SIEBEL AND ROBINSON RESIDENCE, APPEAL OF PLANNING DIRECTOR APPROVAL OF LA JOLLA PLANNED DISTRICT SPECIAL USE PERMIT NO. 87-0791. PROPOSING TO CONSTRUCT A TWO-STORY, SINGLE FAMILY DWELLING OBSERVING FOUR-FOOT INTERIOR SIDE YARD SETBACKS WHERE SEVEN FEET IS THE MINIMUM REQUIRED FOR STRUCTURES ABOVE 20 FEET HIGH WITHIN THE LA JOLLA PLANNED DISTRICT ORDINANCE (PDO). A 1,908-SQUARE-FOOT, LA JOLLA PDO (ZONE 5) ZONED SITE LOCATED ON THE WEST SIDE OF EADS AVENUE BETWEEN KLINE AND SILVERADO STREETS; PARCEL H, BLOCK 32, LA JOLLA PARK MAP NO. 352. LA JOLLA COMMUNITY PLAN. OWNER: PAUL SIBEL AND NICK ROBINSON. APPLICANT: RICHARD GOMBES.

MARK CANO presented Planning Department Report No. 88-343.

PAUL SIBEL, applicant, spoke in favor of the permit.

No one appeared in opposition to this item.

COMMISSION ACTION

On motion of RALPH PESQUIERA, seconded by YVONNE LARSEN, the Commission voted 7-0 to deny the appeal and approve the permit according to staff recommendation and to further add a condition that the storage area not be used for trash.

ITEM-6 AN APPEAL OF THE DECISION OF THE ZONING ADMINISTRATOR DENYING CONDITIONAL USE PERMIT NO. C-19951; TO CONSTRUCT A THREE-STORY MINI-WAREHOUSE TO ESTABLISH A WATCHMANS' QUARTERS; AND TO ALLOW A VARIANCE FOR PARKING SPACES. LOCATED IN THE 3800 BLOCK OF SHERMAN STREET BETWEEN KURTZ STREET AND INTERSTATE 5 IN AREA B OF THE MIDWAY PLANNED DISTRICT IN THE MIDWAY COMMUNITY. PARCEL 2 OF PARCEL MAP 14630, BEING A LOT LINE ADJUSTMENT OF CENTERPOINT SUBDIVISION, MAP 11047. APPLICANT: RICHARD J. CARROLL. APPELLANTS: RICHARD J. CARROLL/ED OLSEN.

KEVIN MCKEE presented Planning Department Report No. 88-349.

LYNN HEIDEL, attorney representing the applicant, spoke in support and recommended certain changes to the proposed parking requirements.

ED OLSEN, representing the applicant, spoke in support of permit.

COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by YVONNE LARSEN, the Commission voted 6-0 (BENN not voting) to continue this item to September 22, 1988 at 9:00 a.m.

RECESS, RECONVENE

The Commission recessed at 10:40 and reconvened at 10:45 a.m.

ITEM-6A

The Commission trailed this item to 1:30 p.m.

ITEM-7

EXTENSION OF THE APPLICATION OF THE PEDESTRIAN COMMERCIAL OVERLAY ZONE (PCOZ) TO THE NEWPORT CENTER COMMERCIAL DISTRICT IN OCEAN BEACH. EXTENSION OF THE PEDESTRIAN COMMERCIAL OVERLAY ZONE IN THE NEWPORT CENTER COMMERCIAL DISTRICT TO INCLUDE PROPERTIES LOCATED ALONG SUNSET CLIFFS BOULEVARD, SOUTH OF NEWPORT AVENUE AND NORTH OF DEL MONTE AVENUE. APPLICANT: CITY OF SAN DIEGO.

YVONNE LARSEN abstained from discussion and vote on this item.

GEORGIA SPARKMAN presented Planning Department Report No. 88-347.

DENISE KNOX, representing the Ocean Beach Merchant's Association, spoke in support of the Overlay Zone.

GINA GOSS, representing the Bushards Printing Company, indicated her opposition. She stated that because her property had no alley access, this zone would create a hardship for her business.

COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by AL KERCHEVAL, the Commission voted 6-0 (LARSEN abstaining) to continue this item to October 6, 1988 at 9:00 a.m.

ITEM-8 REUBEN H. FLEET THEATER AND SCIENCE CENTER EXPANSION. LOCATED WEST OF PARK BOULEVARD AND SOUTH OF THE CASA DE BALBOA FOUNTAIN IN BALBOA PARK. APPLICANT: REUBEN H. FLEET THEATER AND SCIENCE CENTER.

MARK WARDLAW presented Planning Department Report No. 88-350.

CHRIS FONTANA, representing the Space Theater, spoke in support of the plan.

JEFF KIRSH, Executive Director, Ruben H. Fleet Space Theater, spoke in support of the proposal. He then presented a site plan for Commission consideration.

PETER RODI, architect, spoke in support of the plan.

BARBARA BAMBERGER, representing the Sierra Club, spoke in opposition. She indicated they did not have a problem with this particular expansion but they were concerned over the cumulative effect of all proposals being considered in Balboa Park. She also indicated concern with the maintenance costs of this and other facilities in the park.

COMMISSION ACTION

On motion of YVONNE LARSEN, seconded by CHRIS CALKIN, the Commission voted 7-0 to approve in concept the expansion of the Ruben H. Fleet Space Theater as contained in Alternative "B" of the Environmental Impact Report recommending that the monumental steps be incorporated into the plans. The Commission further adopted Findings of Overriding Consideration.

ITEM-8A APPEAL OF THE PLANNING DIRECTOR'S CONDITION OF APPROVAL FOR THE CHEVRON OIL COMPANY CONDITIONAL USE PERMIT NO. 88-0072 FOR OPERATION OF A GASOLINE STATION AND CONVENIENCE STORE. LOCATED ON THE NORTHEAST CORNER AT THE INTERSECTION OF SAN DIEGO AVENUE AND WASHINGTON STREET IN THE C-1 ZONE IN THE UPTOWN COMMUNITY. EQD NO. 88-0072. LOT 1, PARCEL 27, OF FAYMAN SUBDIVISION, MAP NO. 5787. OWNER/APPLICANT: CHEVRON U.S.A. INCORPORATED. APPELLANT: CHEVRON U.S.A. INCORPORATED.

TOM WILLIAMS presented Planning Department Report No. 88-319.

JERRY HOLMQUEST, representing CHEVRON, spoke in support of the appeal, which is based on a 24-hour operation. He indicated that the station was currently operating at 24 hours and to restrict the hours would give an unfair advantage to his competitors.

JIM MELLO, area resident, indicated he operated ten apartments and a commercial property in close proximity to the station. He indicated he had received many complaints from his tenants about the noise generated from this facility.

NATHANIAL TOLLEFSON, area resident, spoke in opposition to the 24-hour operation.

COMMISSION ACTION

On motion of PAULA OQUITA, seconded by LYNN BENN, the Commission voted 6-0 (CALKINS not present) to certify the Negative Declaration and deny the appeal and deny the 24-hour operation, limiting the hours of operation of the service station from 6:00 a.m. to 12 midnight.

ITEM-9 PRESENTATION ON PANDA AWARD

The Commission trailed discussion of Item 9.

RECESS, RECONVENE

The Commission recessed at 12:05 p.m. and reconvened at 1:50 p.m.

ITEM-6A, 10, 11, 12, 13, 14

TOM STEINKE responded to questions from the Planning Commission regarding the hearings on the proposed development agreement.

PAUL PETERSON, attorney, indicated he was representing applicants of three development agreements and asked that testimony be allowed on these items.

ITEM-6A REGENCY HILL DEVELOPMENT AGREEMENT. CASE: DA 88-0907 LOCATED AT 1832 W. WASHINGTON STREET BETWEEN REFLECTION DRIVE AND SANTO ROAD; LEGAL DESCRIPTION: HILLTOP, LOT 2 MAP 9577. APPLICANT: BARNETT/RANGE/HARBRECHT/REGENCY HILL.

JACK McGRORY presented Planning Department Report No. 88-344.

CHARLES GILL spoke in support of the agreement.

TOM HARBRECH spoke regarding the off-site improvements.

JIM MADAFFER, president of the Tierra Santa Community Council, spoke in support of the development agreement.

LINDA MICHAEL, representing the Sierra Club, indicated inasmuch as the reports were not available until this date, she requested a continuance of one week.

COMMISSION ACTION

On motion of YVONNE LARSEN, seconded by CHRIS CALKINS, the Commission voted 6-0 (BENN not present) to deny the development agreement according to staff recommendation.

ITEM 10 MIRAMAR RANCH NORTH DEVELOPMENT AGREEMENT. CASE: DA 87-0768; LOCATION: SD-015; LEGAL DESCRIPTION: POR OF SEC. 20, 21, 27, 28, 29, 32, 33 T14S R2W. APPLICANT: BCE DEVELOPMENT INC.

JACK McGRORY presented Planning Department Report No. 88-322.

JIM MILCH indicated that negotiations on this agreement had been in process for many years and spoke in support of its approval.

BILL RICK reviewed the significant benefits as a result of this agreement.

LINDA MICHAEL, representing the Sierra Club, requested a continuance of one week because the reports were not available until the day of the meeting.

COMMISSION ACTION

On motion of CHRIS CALKIN, seconded by YVONNE LARSEN, the Commission voted 5-1 (OQUITA voting in the negative with BENN not present) to deny the development agreement as recommended by staff.

ITEMS 11 AND 12 SCRIPPS EASTVIEW D/A FOR PORTION OF 'COUNTY ISLAND'
CASE: DA 88-0423 LOCATED AT POMERADO ROAD NEAR POWAY ROAD; LEGAL DESCRIPTION: SAN BERNARDINO MERIDIAN R2 T 14 PORT SEC. 26. APPLICANT: INVESTORS LEASING CORPORATION. AND SCRIPPS SUNBURST D/A FOR COUNTY ISLAND/242 SF/2 ST; CASE: DA 88-0424 LOCATED AT POMERADO ROAD NEAR POWAY ROAD; LEGAL DESCRIPTION: SEC. 26 35 T142 R2S SBBM FOR PORTION OF 26. APPLICANT: SUNBURST HOMES COMPANY.

JACK McGRORY presented Planning Department Report Nos. 88-323 and 88-324.

PAUL PETERSON, attorney representing the applicant, spoke to the contributions that the City would gain by approval of these development agreements.

LINDA MICHAEL, representing the Sierra Club, requested a one-week continuance based on the unavailability of the reports.

THE CHAIR read a comment by MARGARET WILLIAMS requesting a continuance because the Planning Reports were not available until the date of the meeting.

COMMISSION ACTION

On motion of YVONNE LARSEN, seconded by RALPH PESQUEIRA, the Commission voted 6-0 (BENN not present) to deny the development agreements according to staff recommendation.

ITEM 13 TIERRASANTA NORTE DEV AGMT. CASE: DA 87-0976 LOCATED AT CLAIREMONT MESA BOULEVARD NEAR SANTO ROAD; LEGAL DESCRIPTION: POR. OF PM 14737 PAR 2, 4, 5, 8, 8-13, 15 PM 10185. APPLICANT: THE LUSK COMPANY.

JACK McGRORY presented Planning Department Report No. 88-325.

DENNIS O'NEILL, representing L&L Partnership, spoke in support of the development agreement indicating they were still not in total agreement based on use vested rights issue.

JIM MADAFFER, representing the Tierra Santa Community Council, spoke in support of the development agreement.

LINDA MICHAEL, representing the Sierra Club, asked for a one-week continuance on this item.

COMMISSION ACTION

On motion of YVONNE LARSEN, seconded by AL KERCHEVAL, the Commission voted 6-0 (BENN not present) to deny the development agreement according to staff recommendation.

ITEM 14 LEVI CUSHMAN DEVELOPMENT AGREEMENT. CASE: DA 86-0628. LOCATED AT SD-008 BETWEEN FRIARS ROAD AND FASHION VALLEY ROAD; LEGAL DESCRIPTION: POR OF PUEBLO LOTS 1103, 1104, 1105; APPLICANT: CHEVRON LAND AND DEV. CO.

JACK McGRORY presented Planning Department Report No. 88-326.

PAUL PETERSON, attorney for Levi-Cushman, spoke in support of the development agreement.

LINDA MICHAEL, representing the Sierra Club, requested a continuance on this item.

COMMISSION ACTION

On motion of YVONNE LARSEN, seconded by PAULA OQUITA, the Commission voted 5-0 (KERCHEVAL and BENN not present) to deny the development agreement according to staff recommendation. It was indicated that denial was based on the fact that the development agreements were

inconsistent with the adopted policy. It was further stated that the policy that permits development agreements should provide for vesting, and there was no mechanism to evaluate the value to the City as opposed to the cost to the City of these developer-provided improvements.

ITEM 9 PRESENTATION ON PANDA AWARD

The Commission considered and voted on proposals to receive the Panda Award.

ITEM 15 ANNOUNCEMENT/PUBLIC COMMENT

There were no announcements nor public comment during this portion of the meeting.

ADJOURNMENT

The meeting adjourned at 4:40 p.m.