

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
AUGUST 29, 1996  
IN THE COUNCIL CHAMBERS - 12TH FLOOR  
CITY ADMINISTRATION BUILDING**

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Chairperson Neils at 9:07 a.m. Chairperson Neils adjourned the meeting at 4:04 p.m.

**ATTENDANCE DURING THE MEETING:**

Chairperson Christopher Neils-present  
Vice-Chairperson William Anderson-not 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, DSD Director-not present  
Gary Halbert, Deputy Director, DSD-present  
Rob Hawk, Engineering Geologist, DSD-present  
Linda Lugano, Recorder-present

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

None.

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

Staff requested that Item No.8, Laurel Park Plaza Municipal Code Amendment be rescheduled to September 26, 1996 as the item was not noticed.

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

Larry Monserrate, Development Services advised the Commissioners on the Customer Selected Accelerated Environmental Impact Report Preparation Options.

Staff was directed to bring back a report on the Romero Residence status at the next scheduled Planning Commission meeting on September 5, 1996, as requested in the minutes of July 25, 1996.

**ITEM-3: APPROVAL OF THE MINUTES OF JULY 25, 1996 AND AUGUST 1, 1996.**

**COMMISSION ACTION:**

MOTION BY WATSON TO APPROVE THE MINUTES OF JULY 25, 1996 WITH THE FOLLOWING CLARIFICATION TO THE MOTION ON ITEM NO. 9 VILLA RICA APARTMENTS TO READ, "THERE WILL BE A NO BUILDING EASEMENT PLACED ON THE ADDITIONAL 9,000 SQUARE FEET OF LAND ACQUIRED TO REDUCE THE FAR." Second by White. Passed by a 4-0 vote with Chairperson Neils and Commissioner Butler abstaining as they were not present at that meeting and Vice-Chairperson Anderson not present.

The minutes of August 1, 1996 were trailed to September 5, 1996 for a quorum for that meeting.

**ITEM-4: UNOCAL SERVICE STATION #6893 PALM AVENUE; CONDITIONAL USE PERMIT AMENDMENT AND PLANNED COMMERCIAL DEVELOPMENT PERMIT AMENDMENT, NO. 95-0271.**

Jeff Koch, Development Services, presented Report to the Planning Commission No. P-96-203.

Testimony in favor of appeal by:

**Ruth Schneider, Otay Mesa Nestor Planning Committee.** Advised that the Committee feels this community is a bedroom community and that this station should not be allowed to sell alcohol. The community has a lot of schools and children close by. The shopping center is small and the traffic circulation is a very big problem. This expansion would only create a greater traffic problem and serious injuries.

**Mr. D. Padilla, resident.** Advised that he is very active in this community and also coaches a lot of school teams. He too feels this project should not be approved as there are so many accidents involving people coming in and out of that shopping center. Discussed the poor traffic situation as well.

Testimony in opposition to the appeal by:

**Scott Harvey, representing Unocal.** Gave an overview of what was considered for this project on the whole, and the consideration of selling alcohol in this gas station. The applicant met with the community early in the process and altered the project's design as a result. They also placed restrictions in the CUP prohibiting the advertisement of alcohol as well as fortified wines, liquor and single cans of beer.

**Scott Peotter, Unocal.** Spoke to the signage issue and gave a complete background on this project since it first required a permit. Advised that they reduced their operation in size to accommodate the needs of the community, and explained that in convenience stores, alcohol is a very big part of these stores, and a large part of the company's business.

**Ralph Saltzman, Council for Unocal.** Addressed questions raised on public convenience and corporate responsibility. Explained what their

marketing surveys indicated and that the public is very much in favor of this type of convenience for their shopping pleasure.

**Les Sourisseau, Unocal.** Distributed a brochure and spoke to the Unocal Street Smart Program currently established and operating by the company to increase awareness of drinking and driving.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY QUINN TO GRANT THE APPEAL AND DENY THE PROJECT AS THE FINDINGS CANNOT BE MADE FOR THE CONDITIONAL USE PERMIT FOR PUBLIC CONVENIENCE AND NECESSITY RELATED TO WINE AND BEER, AND FINDINGS FOR PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; AND THE FACT THAT THERE WAS NO PUBLIC DISCLOSURE IN THE CEQA DOCUMENT REGARDING TRAFFIC CIRCULATION PROBLEMS. Second by Skorepa. Passed by a 4-2 vote with Chairperson Neils and Commissioner Butler voting nay and Vice-Chairperson Anderson not present.

Revised 9/12/96  
See attached list  
of revisions. \*

L. Lugano 9/17/96

**ITEM-5: COAST BOULEVARD PARK IMPROVEMENTS. COASTAL DEVELOPMENT PERMIT, SENSITIVE COASTAL RESOURCE PERMIT NO. 94-0472.**

Tracy Elliot-Yawn presented Report To The Planning Commission No. P-96-199.

Testimony in favor by:

**Gayle Tejada Pate, La Jolla town Council.** Distributed a preliminary plan for the La Jolla Coastline from the La Jolla Coastline Community workshop , and an article from the Light advising the Town Council's approval for the coastline plan. Ms. Pate also advised that additional money has been funded from private sources in addition to the City's budget for this project.

**Walt Hall, resident.** Spoke to the erosion at the cove and the rest rooms and requested that both of these issues be number one priority in conjunction with this project.

**Dick Smith, LaJolla Community Planning Association.** Advised that the Association is in unanimous support of this project and they are pleased that it is going through.

**Cynthia Meinhardt, representing City of San Diego.** Addressed the issue of the restrooms at the Cove and advised that the restrooms are not part of this project. Explained what the process would be to have the restrooms improved and the financial implications. Did say she would look into the maintenance of these rooms.

**Richard Smith, resident.** Commented on the process of approval and design. Please do not make any changes so this project can go ahead as planned.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY SKOREPA TO CERTIFY MITIGATED NEGATIVE DECLARATION AND ADOPT RECOMMENDED MITIGATION, MONITORING AND REPORTING PROGRAM; AND APPROVE CDP/SCR 94-0472 SUBJECT TO CONDITIONS IN ATTACHMENT 4. STAFF WAS REQUESTED TO LOOK INTO THE RESTROOM SITUATION TO SEE IF THEIR UPKEEP CAN BE EXPEDITED IN THE SYSTEM. Second by Butler. Passed by a 6-0 vote with Vice-Chairperson Anderson not present.

**ITEM-6: GREEN DRAGON COLONY. COASTAL DEVELOPMENT SENSITIVE COASTAL RESOURCE/LAJOLLA PLANNED DISTRICT PERMIT NO. 95-0318.**

Georgia Sparkman presented Report to the Planning Commission No. P-96-205. Gary Halbert advised of a correction to the docket for Department Recommendation; based on additional information provided by the applicant, the Department Recommendation had been revised to reflect approval of the project.

Testimony in favor by:

**Marie Lia, representing the applicant.** Introduced the participants involved in the project, and that she has been involved since 1987. Spoke to the CDP and the design elements and the feasibility study and how the design element would be incorporated into the plan. Discussed the rationale for the design and spoke to the Heritage Structure status, as well as the off street parking needs.

**Chuck Berke, Chairperson La Jolla PDO Committee.** Gave background on the function of the Committee and that the owners came to his committee with a review of the proposed plan. Advised that the committee liked the plan as it was unique for this property. They then worked with the developer to come back with a plan that conformed with the PDO.

**Dick Smith, La Jolla Community Planning Association.** In attendance to answer questions and that the Association was unanimously in support of this project.

**Wayne Donaldson, Architect for project.** Spoke to the design elements involved in this project and the history of the buildings and the historical status. Discussed the Historical Site Board's recommendation in favor of Heritage Structure status for the site rehabilitation proposal that is entailed in the proposed permit application. Feels the new design is compatible with Mr. Mosher's 1948 design and the overall development will be harmonious with the community.

Testimony in opposition:

**Joanne Pearson, representing herself.** Provided the Commission with an entire binder of information relating back to the inception of the project and the research she gathered to ascertain why the staff recommendation was changed from denial to approval and the confusion that exists. Discussed the parking situation with off vs. on street parking for this project. Feels strongly that issues need to be cleared up entirely before this project can be allowed to go forward due to all the discrepancies involved.

**Al Strohlein, representing himself.** Spoke to the discrepancy of correspondence received from the Coastal Commission to City staff and conflicting dates and timing of events. This project has never gone before the Coastal Commission to date, therefore there is some confusion involved with this correspondence and approval on their part.

**Jeffrey Shorn, Architect.** Read letter dated August 21, 1996 into the record stating his opinion and explained how totally different the new project will be versus the original cottages.

**Ron Buckley, representing himself.** Discussed the conditions of approval by the Coastal Commission and the confusion involved. The four cottages demolished in violation of the Coastal Act. The project should be reconstructed are supposed to be based on the design of the original cottages. The feasibility study showed the original square footage was approximately 3,000 square feet, the new townhouses will be 16,000 square feet.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY WHITE TO CONTINUE TO OCTOBER 17, 1996 TO ALLOW BOTH PARTIES TIME TO GATHER INFORMATION ON ALL ISSUES RAISED AND SUBMIT TO THE PLANNING COMMISSION AS FOLLOWS:

BOTH PARTIES SHOULD LOOK AT THE LETTER OF AUGUST 9, 1996 FROM LAURINDA OWENS AS IT APPEARS TO BE CONTRADICTORY AND SHOULD BE CLARIFIED, IN PARTICULAR LANDSCAPE ISSUES AND HER COMMENTS ABOUT THE ELEMENTS OF THE PROPOSED DESIGN;

WHY IS THE HISTORICAL HERITAGE ISSUE BEING RELIED ON AS THE PARKING ISSUE IS ALREADY RESOLVED.

PROVIDE FURTHER CORRESPONDENCE FROM THE COASTAL COMMISSION TO UNDERSTAND THEIR INTENTIONS AND LOOK INTO THE ISSUE OF MR. RICK'S LETTER;

STAFF TO PROVIDE A COPY OF THE ORIGINAL COASTAL COMMISSION STAFF REPORT FOR THE MEETING IN WHICH THEY APPROVED THE PERMIT, AND THEIR RECOMMENDATIONS.

PROVIDE PERSPECTIVE DRAWINGS OF THE VIEW AND ELEVATIONS FROM THE PROSPECT AVENUE SIDE AND THE COAST BOULEVARD SIDE OF THE PROJECT.

PROVIDE INFORMATION ON THE WALKWAY AS IT RELATES TO THE EASEMENT FOR SAFETY ISSUES, AND PROVIDE ALTERNATIVES TO PROVIDE ANOTHER ACCESS TO THE PROPERTY.

PROVIDE A LIST OF THE 32 REQUIREMENTS/CONDITIONS OF THE HISTORICAL AND ARCHITECTURAL CHARACTER DEFINING ELEMENTS. STAFF TO PROVIDE A LIST OF THESE DESIGN ELEMENTS THAT WERE INCORPORATED INTO THE PLAN AND THE ONES THAT WERE NOT.

PUBLIC TESTIMONY WILL BE OPENED AT THE CONTINUED HEARING. Second by Quinn. Passed by a 6-0 vote with Vice-Chairperson Anderson not present.

**ITEM-7: STREET ACTION 96-502 AND COASTAL DEVELOPMENT PERMIT NO. 96-0176 -- THE VACATION OF FAY AVENUE.**

Ralph Adamos presented Report to the Planning Commission dated August 23, 1996.

No one present to speak.

**COMMISSION ACTION:**

MOTION BY WHITE TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION TO THE CITY COUNCIL WITH A MINOR MODIFICATION TO THE PERMIT ON PAGE 1 OF 6, ITEM NO. 2. AS FOLLOWS: "THE VACATION OF APPROXIMATELY 1.73 ACRES...SHALL BE REVISED TO READ, "...1.02 ACRES..." Second by Skorepa. Passed by a 6-0 vote with Vice-Chairperson Anderson not present.



**ITEM-8: LAUREL PARK PLAZA MUNICIPAL CODE AMENDMENT.**

Item to be rescheduled as it was never noticed.

**ITEM-9: REQUESTS FOR CONTINUANCE FOR AFTERNOON ITEMS.**

Staff requested a continuance of Item No. 11, Amendments to the San Pasqual Valley Plan and the Progress Guide and General Plan to design unincorporated land in advance of annexation to resolve whether fire service can be provided to the area proposed for annexation and to prepare a final environmental document.

**Item-10: BOULDERS COAST WALK - COASTAL DEVELOPMENT PERMIT/SENSITIVE COASTAL RESOURCE PERMIT AND SLOPE EASEMENT ABANDONMENT NO. 96-0138.**

Tracy Elliot-Yawn presented Report to the Planning Commission No. P-96-200.

Testimony in favor by:

**Mark Steele, representing Boulders, LLC.** Spoke to the model displayed in Chambers and the design issues and rationale for same. Spoke to the driveway issues and the use of house "C" and the easement.

**Paul Robinson, representing Boulders LLC.** Spoke to the easement situations and the one private and one public easement and the vacation of same and the requirement of the encroachment agreement.

**Karl Zobell, representing himself.** Discussed his view and the open space concern. Also discussed the tennis court and the retaining wall which is in need of repair.

Testimony in opposition:

**Betty Dowe, neighbor.** She is not opposed to the project, however she feels if they turn the narrow access easement into the only entrance for their easternmost house she believes it will be vehicle congested,

inconvenient and very annoying for the other neighbors to come and go from their own property.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL CERTIFICATION OF MITIGATED NEGATIVE DECLARATION NO. 96-0138 AND ADOPTION OF THE MITIGATION, MONITORING AND REPORTING PROGRAM; RECOMMEND APPROVAL OF CDP/SCR/VAR NO. 96-0138, AND APPROVAL OF THE SLOPE EASEMENT ABANDONMENT SUBJECT TO CONDITIONS WITH THE FOLLOWING ADDITIONAL CONDITIONS:

1. THE APPLICANT PROVIDE THE CITY WITH EVIDENCE THAT THE PRIVATE EASEMENT EXISTS TO THE CITY'S SATISFACTION.
2. OBTAIN AN ENCROACHMENT PERMIT OR A VACATION OF THE PUBLIC RIGHT-OF-WAY TO SATISFY THE APPLICANT'S TITLE CONCERNS.
3. TO INCLUDE A DISCLOSURE PROVISION IN THE PERMIT ABOUT THE POSSIBILITY OF FUTURE DEVELOPMENT ON THE LOT THAT MR. ZOBEL REFERRED TO.  

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4. PROHIBITION OF USE OF THE EASEMENT FOR CONSTRUCTION TRAFFIC; ONLY TO ALLOW "LIGHT CONSTRUCTION VEHICLES"; TERMINOLOGY TO BE CLARIFIED.
5. RECONSTRUCTION OF THE RETAINING WALL ON THE EASEMENT ABOVE THE TENNIS COURT TO THE REASONABLE, MUTUAL SATISFACTION OF MR. ZOBEL AND THE APPLICANT.  

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REVISED PERMIT WITH THE ABOVE ADDITIONAL CONDITIONS TO BE BROUGHT BACK TO THE COMMISSION WITH THE APPROVAL OF THESE MINUTES. Second by White. Passed by a 6-0 vote with Vice-Chairperson Anderson not present.

Item-11: **AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN AND THE SAN PASQUAL VALLEY PLAN TO DESIGNATE UNINCORPORATED LAND FOR OPEN SPACE AND AGRICULTURE AND TO PREZONE IN ADVANCE OF ANNEXATION.**

**COMMISSION ACTION:**

MOTION BY WATSON TO CONTINUE TO OCTOBER 31, 1996 AT THE REQUEST OF STAFF. Second by White. Passed by a 6-0 vote with Vice-Chairperson Anderson not present.

The Planning Commission meeting was adjourned by Chairperson Neils at 4:04 p.m.  
Neils

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-2: **APPROVAL OF THE MINUTES OF AUGUST 29, 1996.**

**COMMISSION ACTION:**

MOTION BY WHITE TO:

APPROVE THE MINUTES OF AUGUST 29, 1996 WITH THE FOLLOWING MODIFICATIONS/ADDITIONS:

1. APPROVE THE MOTION BROUGHT BACK ON BOULDERS COAST WALK, CDP 96-0138 WITH THE MINOR REVISION TO CONDITION NO. 27 TO ADD THE WORD "COST" IN REFERENCE TO THE RETAINING WALL.
2. APPROVE THE MOTION ON THE UNOCAL HEARING DECISION, CUP NO. 95-0271 WITH THE FOLLOWING MODIFICATIONS:
  - A. IN THE MOTION BROUGHT BACK BY STAFF FOR APPROVAL, IN THE SECOND PARAGRAPH, LAST SENTENCE TO READ "...PARK AND THE EXISTING LIQUOR STORE/DELI PROVIDING A SIMILAR CONVENIENCE-STORE AND ALCOHOL SALES USE.
  - B. CLARIFY THE ENTIRE MOTION IN THE ACTUAL MINUTES AS FOLLOWS: MOTION BY QUINN TO GRANT THE APPEAL AND DENY THE PROJECT:
    1. AS THE FINDINGS CANNOT BE MADE FOR THE CONDITIONAL USE PERMIT FOR THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; AND

2. NOR COULD THE FINDINGS BE MADE FOR PUBLIC CONVENIENCE AND NECESSITY RELATED TO THE SALE OF WINE AND BEER; AND,
3. THE CEQA DOCUMENT WAS NOT ADEQUATE TO CERTIFY IT SPECIFICALLY REGARDING TRAFFIC CIRCULATION PROBLEMS.
4. IN RUTH SCHNEIDER'S TESTIMONY INCLUDE HER STATEMENT THAT THE OTAY MESA NESTOR'S PLANNING COMMITTEE'S CONCERN THAT THE PROJECT AS PROPOSED WAS GOING TO DIMINISH THE VISIBILITY OF THE OVERALL COMMUNITY CENTER, AND THAT THEY FEEL IT IS OUT OF SCALE, OR TOO INTENSE FOR THAT COMMUNITY LEVEL RETAIL CENTER.

Second by Quinn. Passed by a 5-0 vote with Vice-Chairperson Anderson abstaining as he was not present for that meeting, and Commissioner Skorepa not present.

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

Georgia Sparkman provided a status report on the Romero Residence.

**ITEM-3: HICKS RESIDENCE - RECONSIDERATION OF THE PLANNING COMMISSION'S DENIAL OF COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE/LAJOLLA SHORES PLANNED DISTRICT PERMIT CDP/SCR/LJS 95-0348.**

Ron Buckley presented Report to the Planning Commission No. P-96-215.

Testimony in favor by:

**Matt Peterson, representing Mr. & Mrs. Hicks.** Thanked the Commission for the opportunity to work on a redesign and bring this item back before the Commission. Explained that rather than filing an appeal, they sought reconsideration so his client could explore alternatives to