

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
JANUARY 23, 1997
IN 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 4:15 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-not present
Commissioner David Watson-present
Commissioner Frisco White-present
Betsy McCullough, Community Planning & Development Manager-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.

None.

ITEM-3: DIRECTOR'S REPORT.

None.

ITEM 3A: COMMISSION COMMENT.

Commissioner Quinn inquired as to the status of the Romero Residence case. Staff advised the Commission would be given an update on this project on February 6, 1997.

ITEM-3B: CONTINUED FROM JANUARY 16, 1997. LUSK/MIRAMAR BUSINESS PARK (PARCELS 28 AND 64). PROPOSED TENTATIVE MAP AND PLANNED INDUSTRIAL DEVELOPMENT PERMIT AMENDMENT 96-0592.

Kevin Sullivan presented Report to the Planning Commission No. P-97-002.

Testimony in favor by:

Ed McArdle, architect. Ran through the evolution of this project and where it is today. Explained he just found out last week about the Community Planning Group requesting a continuance due to the parking requirements. He feels he has complied with all the requirements requested of him and is seeking approval today.

Tim Hoag, representing John Burnham Co. Explained that he is in charge of marketing and that his firm already has three commitments to lease these parcels and they expect that these companies are going to grow and expand and he will not have any vacancies. Spoke to the project design, and the rationale for parking allocation.

Testimony in opposition by:

Bob Chamberlain, Mira Mesa Community Planning Group. Spoke to the meeting schedules and time lines. Advised that his board requested the City to require a redesign of the project so that each lot would have adequate parking to support the entire uses, and that each building still be contained within the confines of each lot. Feels that the Planning Group should have gotten into this process earlier to work out any differences.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO CERTIFY NEGATIVE DECLARATION 96-0592; AND APPROVE TENTATIVE MAP AND PLANNED INDUSTRIAL DEVELOPMENT PERMIT AMENDMENT 96-0592, SUBJECT TO CONDITIONS IN ATTACHMENTS 6 AND 7, WITH A REVISION TO CONDITION NO. 2A TO REFLECT THE SAME LANGUAGE AS THE NEGATIVE DECLARATION REGARDING GRADING; REVISE SITE PLAN TO SHOW THE MECHANISM THE APPLICANT WILL USE TO RESERVE PARKING SPACES FOR BUILDING "A", I.E., SIGNAGE, CURB PAINTING, ETC.; CONDITION NO. 24 IN THE PID TO BE REVISED TO INCLUDE THE CITY ATTORNEY AS WELL AS THE CITY ENGINEER, AND MODIFY THE LANGUAGE TO REFLECT THAT THE REA WILL BE AN ON-GOING REQUIREMENT AND THAT IT CANNOT BE AMENDED WITHOUT THE APPROVAL OF THE CITY. Second by Watson. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-4: CARMEL VALLEY PLAN AMENDMENTS. AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN, CARMEL VALLEY COMMUNITY PLAN (NO. 35-0380), NEIGHBORHOOD 3 AND 7 PRECISE PLANS, REZONES (NO. 96-0241), VESTING TENTATIVE MAPS, PLANNED DISTRICT DEVELOPMENT PERMIT (NOS. 96-0549, AND 96-05512), AND STREET VACATION.

Anna McPherson presented report to the Planning Commission No. P-97-016.

Testimony in favor by:

Chuck Corum, Pardee Construction Co. Complimented staff on a job well-done. Addressed issues raised by the Planning Commission regarding SF-3 and SF-4 zones and the 15 foot parking issue as well. Feels there is sufficient on-street parking to cover the parking concern. Advised that the garage doors will be roll-up type to allow parking in the driveways.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF RECOMMENDATION AS OUTLINED IN REPORT NO. P-97-016. Second by Watson. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-5: SAN DIEGO MUSEUM OF CONTEMPORARY ART; APPEAL OF COASTAL DEVELOPMENT, LA JOLLA PLANNED DISTRICT AND SPECIAL USE PERMIT (CDP/LJC/SUP) AMENDMENT NO. 96-0257 WHICH PROPOSES MODIFICATIONS TO CONDITIONS OF PREVIOUSLY APPROVED CDP/LJC/SUP PERMIT NO. 90-0747.

Bill Tripp presented Report to the Planning Commission No. P-97-012.

Testimony in favor of the appeal:

Melinda Merryweather, representing herself. Requested that the Planning Commission uphold the previous decision as there is no new evidence or any other reason to change the original decision. Stated the entire history of this project, the status of the fence in question and that the fence has never been left unlocked; the museum's reactions and procedures to this decision. Distributed additional information, corrected pieces of information pertinent to the project and requested that the original decision be upheld. The community has a right to have the garden and art center which was agreed to by the Museum.

Sue Oxley, representing the community. Requested that the Commission approve this appeal and uphold the decision previously approved in May of 1992. This redesign would reduce the front setback from Coast Boulevard and allow the gate to remain locked at all times, and do away with the garden. Feels the community has already compromised. Thanked the museum for providing this excellent institution for their area, but requested that they not go ahead with these new amendments.

Marilyn Olson, representing herself. Please allow the gate to be left open so the community can enjoy the garden - what's left of it. Community feels they compromised and they were promised this garden. Please grant this appeal.

Joanne Pearson, representing herself. Requested that the Commission deny the request to amend this permit. The variance findings, as stated, do not support deviations from the Planned District regulations and applicable zoning ordinances. There has been no change in conditions to warrant deletion of Condition 13, which was the result of major negotiations between applicants and the community.

Chuck Nicklin, representing himself. He is a neighbor to the museum. Feels there is no reason to allow the moving of the fence. The fence protects the garden, what little there is of it.

Testimony in opposition to the appeal:

Karl Zobel, representing Museum of Contemporary Art. Spoke to the application for amendments to the permits in 1990 and 1992, and the application for the variance in 1997. Discussed modifications to two conditions imposed during the 1992 decision; the fence and the set back issue. Explained they are here today seeking the variance and the special circumstances regarding the variance in a cultural zone and how it affects the museum.

Rebecca Michael, representing Linda and Steve Scaroni. Her client's property is adjacent to the museum on the north side. Spoke to the view problem that the fence will present. The museum discussed possible options with her client and came up with an agreement regarding the distance of the fence from their property. If this can be incorporated into the language on the exhibit, they will withdraw their opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO GRANT THE APPEAL AND DENY THE PERMITS WITH THE INCLUSION OF AN ADDITIONAL CONDITION THAT THE CITY INVESTIGATE MEANS TO ENFORCE THE ORIGINAL CONDITION NO. 13 THAT THE GATE SHOULD REMAIN OPEN DURING NORMAL BUSINESS HOURS. Second by Quinn. Passed by a 4-1 vote with Chairperson Neils voting nay, Commissioner Watson abstaining, and Commissioner Skorepa not present.

ITEM-6: **TEXACO REFINING AND MARKETING INCORPORATED; APPEAL OF HEARING OFFICER APPROVAL OF CONDITIONAL USE PERMIT NO. 95-0449 LOCATED AT 8920 MIRAMAR ROAD.**

Bill Tripp presented Report to the Planning Commission No. P-97-011.

Testimony in favor of the appeal by:

Bob Chamberlain, Mira Mesa Community Planning Group. Spoke to the traffic situation at this particular location. Dealt with the landscaping with the applicant but could not resolve the issue of traffic. Spoke to the ingress and egress at this location. Traffic circulation issue addressed.

Mark Kornheiser, Mira Mesa Community Planning Group. Also spoke to the traffic issue. Explained how fast the traffic is now with the two right-hand lanes and that this presents a highly dangerous safety concern on to Camino Ruis. He also feels that the parking spaces should be redesigned as they are right across the pedestrian walk-through.

Testimony in opposition to the appeal by:

Lynne Heidel, representing Texaco Refining & Marketing. Spoke to the rationale for Texaco choosing this particular site. Also stated for the record that two out of the three appeals received were invalid. Spoke to the traffic situation and the difference between the Bank traffic vs. the gas station and the trip generations.

Dave Mattson, representing Texaco. Spoke to the sale of beer and wine and the hours of operation for the mini mart.

Testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO CERTIFY ENVIRONMENTAL MITIGATED NEGATIVE DECLARATION NO. 95-0449, DENY THE APPEAL AND APPROVE THE CUP WITH THE INCLUSION OF THE CONDITIONS THAT RELATE TO THE SALE OF ALCOHOL AS PROPOSED IN THE REPORT TO THE PLANNING COMMISSION NO. P-97-009 RELATIVE TO LUSK MIRA MESA TM 96-0161 AND CUP 96-0076, SPECIFICALLY CONDITIONS 30, 31, 32 AND 33. Second by Quinn. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-7: ZOGOBI FAMILY RESIDENCE - APPEAL OF COASTAL DEVELOPMENT AND LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 92-0679.

Bob Korsh presented Report to the Planning Commission No. P-97-010.

Testimony in favor of the appeal by:

Tony Crisafi, Island Architects West. Advised that there are still unresolved issues with the neighbors and spoke specifically to the height limit, bulk and scale, and community character and that this project does not conform to the La Jolla Shores Design Manual.

Ava Carmichael, neighbors. Claims the house will impact her privacy totally and they were assured their privacy would be protected. Does not feel it conforms with the neighborhood as it is much too large in bulk and scale.

Nancy Didricksen, neighbor. Feels the third floor viewing deck is clearly in violation of the La Jolla Shores CC&R's. The owners are very social and have many parties; they feel their visitors can easily violate her privacy from this upper deck.

Janay Kruger, representing herself. Explained the appeal process and what happened at the original hearing officer's hearing. Believes the true height of this tower is higher than the code calls for. This will definitely impact the privacy of everyone's view.

Testimony in opposition to the appeal by:

Richard Gombes, Architect. Exhibited a model of the original design and discussed the difference between that design and the revised one. Also spoke to the grading issue and the elevator tower.

Richard Zogob, owner. Just wants to be a good neighbor and satisfy all concerned. Feels he has compromised all he can and promises not to violate anyone's privacy - they have no intention of doing that.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL AND GRANT THE CDP AND LA JOLLA SHORES PLANNED DISTRICT PERMIT. Second by White. Passed by a 6-0 vote with Commissioner Skorepa not present.

ITEM-8: LUSK MIRA MESA, LOT 42 - TENTATIVE MAP (TM 96-0161) AND CONDITIONAL USE PERMIT (CUP 96-0076).

Mary Roush, presented Report to the Planning Commission No. P-97-009.

Testimony in favor by:

Allen Sipe, Tait & Associates. Gave a brief history of the CUP application and the outcome of their meeting with the Community Group. They met with adjacent land owners to mitigate a traffic situation that exists. Viper Way is a private street with shared mutual access for both property owners. Spoke to an internal traffic study and gave the outcome.

David Sorenson, representing the applicant. Worked on the overall traffic study for the larger Viper automotive center development. Spoke to two points: did they adequately address traffic impacts; and secondly do the deceleration lanes mitigate traffic concerns.

Testimony in opposition by:

K. B. Narain, representing himself. Lessee and owner of Mobil station at corner of Mira Mesa Blvd. And Camino Santa Fe. Addressed the issue of the number of gas stations serving this area and that the applicant has not provided sufficient data to show that there is demonstrated need for an additional service station in this area. Spoke to the sale of wine and beer for off premise use and the patterns that the additional traffic will create.

Charles Black, representing Del Mar Partnership, Inc. Explained that his client is opposed to this project because it violates the policies and goals of the Mira Mesa Community Plan; violates the PID which regulates development on this site and the environmental analysis conducted in the mitigated negative declaration for the project does not comply with CEQA.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO CERTIFY MITIGATED NEGATIVE DECLARATION NO. 96-0161/96-0076, APPROVE TENTATIVE MAP NO. 96-0161 SUBJECT TO CONDITIONS, (ATTACHMENT 6) AND DENY THE CONDITIONAL USE PERMIT 96-0076 AS THE FINDINGS CANNOT BE MADE THAT THIS USE SHOULD BE PERMITTED UNDER THE PROVISIONS OF THE COMMUNITY PLAN, NOR CAN THE FINDINGS BE MADE OF PUBLIC NECESSITY OR CONVENIENCE FOR AN ALCOHOL LICENSE IN THIS LOCATION. Second by White. Passed by a 5-0 vote with Commissioner Watson abstaining and Commissioner Skorepa not present.

The Planning Commission meeting was adjourned by Chairperson Neils at 4:15.m.