

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
FEBRUARY 27, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:06 a.m. Chairperson Neils adjourned the meeting at 4:54 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
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.

Kelly Broughton spoke to the Commissioners regarding the scheduling of the Zoning Code Update and the review and strategy for the hearings. Commissioner Skorepa requested a list of the organizations where the zoning code update has been sent so that the public could have access to it. And, to provide a list of issues that seem to be drawing the most controversy so the Commission can be brought up to date and go back to those areas to elicit more input and to expand the outreach effort to the affected parties.

ITEM 3A: COMMISSION COMMENT.

None.

ITEM-3B: APPROVAL OF MINUTES OF FEBRUARY 6, 1997.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE MINUTES OF FEBRUARY 6, 1997. Second by Butler. Passed by a 4-0 vote with Chairperson Neils, and Commissioners Quinn and Watson abstaining as they were not present at that meeting.

ITEM-3C: TORREY HILLS, SORRENTO HILLS COMMUNITY PLAN AMENDMENT, PUBLIC FACILITY FINANCING PLAN AMENDMENT, ASSOCIATED AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN, NORTH CITY LOCAL COASTAL PROGRAM, REZONE, STREET AND EASEMENT VACATIONS, VESTING

TENTATIVE MAP, PLANNED INDUSTRIAL DEVELOPMENT/PLANNED RESIDENTIAL DEVELOPMENT/HILLSIDE REVIEW/COASTAL DEVELOPMENT PERMIT.

John Fisher and Mike Westlake presented Report to the Planning Commission No. P-97-015.

Testimony in favor by:

Bill Meyer, applicant, American General. Gave a history of the project and how they got to where they are today. Discussed the industrial land issue raised; the SDG&E issue and the revisions made to accommodate them, and the project design. Requested approval of this project.

Jim Omsberg, California Pacific Homes. Advised that he was selected to build in this master plan community. He is responsible for the acquisition of land and knows that there is a scarcity of residential land as well as industrial land. Feels it is necessary to have a balance of both and that there is tremendous housing demand in this area. The balance of both in this area will put housing and jobs together.

Testimony in opposition:

Don Rose, San Diego Gas & Electric. Explained that while the applicant has made good faith efforts to come to terms on this project, he feels they are not enough. Their primary concern is the revision from industrial to residential land use. SDG&E believes the currently proposed Torrey Hills plan places residences too close to a regional electric bulk power facility.

Public testimony was closed.

COMMISSION ACTION

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF RECOMMENDATIONS IN REPORT NO. P-97-015 WITH THE FOLLOWING MODIFICATIONS:

1. CONDITIONS FOR RESIDENTIAL STRUCTURE SETBACKS SHOULD BE REVISED FROM 100 FEET TO 150 FEET.

2. CLARIFY THE LANGUAGE IN THE DESIGN GUIDELINES REGARDING MASSING AND ARTICULATION, AND MAKE CLEAR THAT THIS WILL APPLY TO ALL SITE DESIGN EXAMPLES.
3. DISCLOSURE NOTICE REGARDING SDG&E WILL BE RECORDED AS AN ENCUMBRANCE AGAINST THE RESIDENTIAL PROPERTY.
4. AMEND THE LIMITED ACCESS SECTION TO READ THAT "EACH INDIVIDUAL RESIDENTIAL ENCLAVE MAY REQUEST LIMITED ACCESS BASED ON ADOPTED COUNCIL POLICIES."
5. INCLUDE POINTS NO. 3,4, AND 5 REGARDING SDG&E ISSUES AS ADDITIONAL CONDITIONS AS LISTED IN MR. E. WILLIAM MEYER'S LETTER DATED FEBRUARY 18, 1997, OF AMERICAN GENERAL.

Revised 3/26/97 Second by Skorepa. Passed by a 7-0 vote. 5-0 vote with Chairperson L. Lugano Neils and Commissioner Butler Abstaining.

ITEM-4: RENAISSANCE COFFEE COMPANY - REZONE/MID-CITY COMMUNITIES DEVELOPMENT PERMIT 96-0540.

Corey Braun presented Report to the Planning Commission No. P-97-038.

Testimony in favor by:

Brian Ash, applicant. Gave background as to where they are located, how they operate and the service they provide for the surrounding community and hospital areas. Feels that the draftees of the current zone in the last 1970's had once envisioned a thriving, growth-oriented medical center needing room for expansion. However this has changed dramatically and the Uptown planners feel that this rezone application is consistent with sound zoning practice and have recommended approval.

Testimony in opposition by:

Roy Davies, Chair Uptown Planners. Advised that contrary to what Mr. Ash stated, Uptown Planners are not in support of rezoning this property.

Since the applicant wishes to expand the coffee cart into the building it then is no longer an accessory use to the zone. Uptown supports only a conditional rezone to allow operation by this particular applicant.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THIS PROJECT AND ADOPT THE MID-CITY'S COMMUNITY DEVELOPMENT PERMIT, ATTACHMENT 5 OF THE STAFF REPORT WITH THE FOLLOWING MODIFICATIONS AND ADDITIONS:

1. CONDITION 3 WILL BE REVISED TO READ THAT SEVEN OFF-STREET PARKING SPACES WILL BE REQUIRED.
2. CONDITION 4 WILL BE REVISED TO CHANGE THE HOURS OF OPERATION TO 7:00 A.M. TO 10 PM.
3. CONDITION 11A AMENDED AS PROPOSED BY THE CITY ATTORNEY TO READ, "UNLESS THE PERMIT IS MODIFIED BY A PROCESS 4 DECISION, OR", 11B WILL STAND AS WRITTEN.
4. CONDITION 14 WILL BE DELETED.
5. BASED ON ABOVE MODIFICATIONS, RECOMMEND APPROVAL TO THE CITY COUNCIL OF ATTACHMENT 7 AND RECOMMEND FAVORABLE FINDINGS UNDER THE TOPICS RAISED BY ATTACHMENT 6, SUBJECT TO THE COMMISSION'S APPROVAL OF THE ACTUAL WORDING WHEN IT IS BROUGHT BACK WITH THE MINUTES OF THIS MEETING.

Second by White. Passed by a 7-0 vote.

ITEM-5: **INITIATION OF AN AMENDMENT TO THE MISSION VALLEY HEIGHTS SPECIFIC PLAN, MISSION VALLEY COMMUNITY PLAN, AND PROGRESS GUIDE AND GENERAL PLAN.**

There was no one present to speak on this item.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE THE INITIATION OF THE PLAN AMENDMENTS. Second by Quinn. Passed by a 7-0 vote.

ITEM-6: **5071 67TH STREET TENTATIVE MAP 96-0478.**

There was no one present to speak on this project.

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE TENTATIVE MAP NO. 96-0478. Second by Anderson. Passed by a 7-0 vote.

ITEM-7: **COX COMMUNICATIONS-SCRIPPS RANCH-CONDITIONAL USE PERMIT (NO. 95-0351-35) TO ALLOW FOR THE CONSTRUCTION OF A 60 FOOT HIGH MONOPOLE LOCATED AT 10455 POMERADO ROAD.**

Terri Bumgardner presented Report to the Planning Commission No. P-97-033.

Testimony in favor by:

Rick Scott, representing Cox California PCS. Advised that he concurs with the staff recommendation and the findings. At this meeting to answer any questions.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO CERTIFY NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT NO. 95-0351-35. Second by Skorepa. Passed by a 5-0 vote with Commissioners Watson and Quinn abstaining.

ITEM-8: **RENOVATION OF VENCOR HOSPITAL. CONDITIONAL USE PERMIT (AMENDMENT) 96-0713.**

John Fisher presented Report to the Planning Commission No. P-97-018.

There was no one present to speak on this item.

COMMISSION ACTION:

MOTION BY WHITE TO CERTIFY THE NEGATIVE DECLARATION DEP NO. 96-0713 AND FINDING OF NO SIGNIFICANT IMPACT; APPROVE THE CONDITIONAL USE PERMIT (AMENDMENT) 96-0713 ALONG WITH THE ERRATA SHEET PRESENTED AT THIS HEARING. Second by Watson. Passed by a 7-0 vote.

ITEM-9 **NUFFER RESIDENCE - APPEAL OF COASTAL DEVELOPMENT PERMIT NO. 96-0477 TO ALLOW FOR THE CONSTRUCTION OF A TWO-STORY SINGLE-FAMILY RESIDENCE IN THE PENINSULA COMMUNITY PLAN AREA.**

Patrick Hooper presented Report to the Planning Commission No. P-97-021.

Testimony in favor of appeal by:

Jayne Cassedy, representing the neighborhood. Read a letter into the record from her neighbor, Mr. & Mrs. Butler who lives across the street from the Nuffer house. This letter discussed the bulk and scale of this project and the fact that it does not conform to the neighboring homes. Requested that the house be set back further, and scaled down.

Testimony in opposition to the appeal by:

Gayle Nuffer, owner. Distributed a photo display of the design of her home. Discussed the bulk and scale issue and the results of research they conducted of the entire surrounding neighborhood and the findings that their home would be in conformance.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO UPHOLD THE DECISION OF THE HEARING OFFICER AND DENY THE APPEAL AND APPROVE THE CDP NO. 96-0477. Second by Watson. Passed by a 7-0 vote.

ITEM-10: **SERVICE STATION AT TORREY PINES - COASTAL DEVELOPMENT PERMIT AND LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 96-0112.**

Mary Roush and Nick Osler presented Report to the Planning Commission No. P-97-039, and read two additional permit conditions into the record, as recommended by staff.

Testimony in favor by:

Lynne Heidel, representing K. A. Financial, applicant. Advised that the Denny's Restaurant adjacent to the proposed service station has been demolished, and a revised site plan has been submitted. The revised project is consistent with all relevant planning and zoning regulations and responds to the concerns raised by the Planning Commissioners at the previous hearing. Requested approval of the project as currently proposed.

Jim Milch, representing the applicant. Spoke to the visitor zone and the municipal code regulations, traffic comparison, and responded to the eight points of contention listed in the La Jolla Shores advisory board motion, and the negotiations to come to a compromise.

Ken Assi, K. A. Financial. Expressed that he had met with the buyers of the hotel near the property. Advised that they refused to discuss the project with him when he proposed the revised plans. He has attended several community meetings and has made an effort to make every concession with all the community groups.

Dick Smith, La Jolla Community Planning Association. Gave the history and results of each public hearing and the Association's decisions. Explained that this project was unanimously approved at three different public hearings.

John Mraz, La Jolla Traffic and Transportation Board. Advised that the Board carefully looked into the traffic situation and parking at the site. Both were analyzed and researched for mitigation and were found to be adequate for this project.

Jess Robbins, representing himself. Felt the original proposal was too large and would cause congestion. Now the new plan has mitigated all of his issues and thinks it should be approved.

Joan Nareau, representing herself. Advised that she has no objection if the Commission approved this permit. She feels that the owner has done nothing but cooperate with the community and that there's nothing to object to.

Testimony in opposition by:

Susan Stone, representing La Jolla Shores Planned District Advisory Board. Spoke to several laws and guidelines established for this area. Feels the negative declaration has flaws. The Board has approved the project with eight considerations as presented in their letter to the Commission, dated February 18, 1997.

Dick Dahlberg, La Jolla Shores Association. Feels that the project will increase the traffic movements into and out of the driveways creating conflicts and friction adjacent to this already congested intersection. The proposed land uses are too intensive for the small constrained site.

Greg Moser, Dennis Griffin, Sherri Lightner, Jack Morrison, Betty Morrison, Althea Brimm, Keith Adams, representing La Jolla Shores Association. Discussed their dissatisfaction with the Denny's restaurant, drive-throughs, mini-mart, parking, landscaping illegal uses, walk up windows, alcohol, traffic and loudspeaker system. Feels that zoning is not being adhered to and the La Jolla PDO is being violated.

Curtis Fitzpatrick, representing the owner of the Summerhouse Inn. The project site is within the visitor zone. Multi-family dwellings and hotels are the primary uses. The list of permitted accessory uses includes restaurants and bars, but such uses must be located within the hotel building. From Shoreview's point, the proposed restaurant is not a permitted accessory use. Had concerns regarding other illegal uses in this zone.

Kate Adams, Patricia Axelrod, Marcia Robinson, William Newman, representing themselves. She lives directly across the street from the service station. Told of frequent traffic accidents occurring in this area and requested that an adequate traffic study be conducted. Asked the Commission to consider the health of the neighborhood with the additional traffic.

Judith Mienk, Coalition for Neighborhood Zoning. Discussed the conformity of neighborhoods and how LaJolla put together their plans years ago to keep certain characteristics throughout. Feels staff is not considering what should be followed by the guidelines established for La Jolla.

David Kleintell, representing Dr. Beth Friedman. Discussed the parking situation and how the cars will be "stuck" from movement as the parking and traffic situation is not adequate for this site. It is an overbuilt area causing gridlock. The environmental issue was not addressed and no one has mentioned the noise concern that there's no way to contain the noise that will be coming from this station.

Tom Elms, Jr., previous owner. Spoke to what their plans were going to be before they lost their lease, and clarified the ownership lease issue.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE STAFF'S RECOMMENDATIONS, AS STATED IN REPORT NO. P-97-039, ALONG WITH THE ADDITIONAL CONDITIONS READ INTO THE RECORD BY STAFF, WITH THE FOLLOWING ADDITIONAL CONDITIONS:

1. THERE WILL BE NO EXTERIOR SIGNAGE FOR THE SANDWICH SHOP.
2. TRAFFIC CALMING DEVICES WILL BE INSTALLED.

Second by Skorepa. Passed by a 5-2 vote with Chairperson Neils and Vice-Chairperson Anderson voting nay.

The Planning Commission meeting was adjourned by Chairperson Neils at 4:54 p.m.