

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
APRIL 3, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:03 a.m. Chairperson Neils adjourned the meeting at 5:05 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.

Staff requested that Item No. 9, ARCO AM/PM be removed from the docket at the request of the applicant to allow them to determine the feasibility of that particular site.

ITEM-3: DIRECTOR'S REPORT.

Betsy McCullough advised the Commissioners that the City Council took an action to find that the City's Apartment Vacancy rate was above 5% and therefore the companion unit regulations would remain suspended .

ITEM 3A: COMMISSION COMMENT.

Commissioner Anderson advised that the American Planning Association advised him that this national conference being held in San Diego the week of April 7-10, 1997 is going to be the largest conference ever in the nation.

ITEM-3B: DISCUSSION ITEM - STATUS REPORT ON THE ROMERO RESIDENCE.

Staff advised of the status of this project to date, and the City Attorney discussed the letter sent to Jeffrey Horowitz regarding the legal action that will be taken in the near future. Staff to bring back an update at the Commission meeting of April 17, 1997.

ITEM-4: APPROVAL OF MINUTES OF MARCH 20, 1997.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE MINUTES OF MARCH 20, 1997. Second by Watson. Passed by a 6-0 vote with Commissioner Quinn abstaining as she was not present at that meeting.

ITEM-5: WORKSHOP - STATE ROUTE 56 DRAFT ENVIRONMENTAL IMPACT REPORT, CIP 52-463.0

Frank Belock, Director of Engineering and Tony Perez represented Report to the Planning Commission No. P-97-067.

Workshop held. Staff was directed to bring this item back to the Commission for a public hearing and action for the Planning Commission to make a recommendation to the City Council on this matter on May 8, 1997.

ITEM-6: PACIFIC BELL MOBILE SERVICES - STEPHENS 56 - CONDITIONAL USE PERMIT NO. 95-0350-01 TO ALLOW FOR THE CONSTRUCTION OF A WIRELESS COMMUNICATION SYSTEM LOCATED AT 5109 SHAW RIDGE ROAD.

Terri Bumgardner presented Report to the Planning Commission No. P-97-060.

Testimony in favor by:

Susan Gregg, representing Pacific Bell Mobile Services. Distributed photos illustrating a mock-up pole and the view from the east and south. Advised that there was no community opposition and requested approval of this installation of a 15 foot high pole.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO CERTIFY NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT NO. 95-0350-101. Second by White. Passed by a 5-0 vote with Chairperson Neils and Commissioner Quinn abstaining.

ITEM-7: COX COMMUNICATIONS PCS - UNIVERSITY CITY.

Terri Bumgardner advised the status of this project since the last hearing of March 10, 1997, and that the applicant has provided an adequate redesign and one that complies with all the permit regulations.

No one present to speak on this project.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE PROJECT AND LET THE APPLICANT AND STAFF WORK OUT THE DETAILS FOR CONDITIONS AND BRING THESE BACK, ALONG WITH THE FINDINGS FOR THE RECORD WHEN THE MINUTES ARE APPROVED. Second by Anderson. Passed by a 5-0 vote with Commissioners Quinn and Watson abstaining.

ITEM-8: **WEEGE RESIDENCE, COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE/HILLSIDE REVIEW PERMIT AMENDMENTS, A CONDITIONAL USE PERMIT AND VARIANCE CASE NO. 96-0639.**

Glenn Gargas presented Report to the Planning Commission No. P-97-063.

Matt Peterson, representing Weege family. Advised they are in concurrence with staff's recommendation and that his client has no objection to the prohibition or language concerning non-rental of guest house, caretaker, gate house and entertainment house restriction. They would prefer not to designate all of the parking spaces as required parking as it would be too restrictive in the future. The variance request for the fence has been withdrawn.

Kevin Scanlon, representing Mr. & Mrs. Neal Blue, owners directly north of the Weege residence. Announced that his client is in support of this application for the CUP.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY BUTLER TO:

CERTIFY MITIGATED NEGATIVE DECLARATION AND ADOPT MITIGATION MONITORING AND REPORTING PROGRAM;

APPROVE COASTAL DEVELOPMENT/HILLSIDE/SENSITIVE COASTAL RESOURCE PERMIT AMENDMENTS AND THE ASSOCIATED

CONDITIONAL USE PERMIT, SUBJECT TO THE CONDITIONS CONTAINED IN THE DRAFT PERMIT;

DENY THE VARIANCE REQUEST.

ADD A CONDITION PROHIBITING RENTAL OF THE ADDITIONAL GUEST HOUSES AND ENTERTAINMENT BUILDING;

REVISE THE PERMIT REQUIREMENTS FOR OFF-STREET PARKING SPACES TO EIGHT;

DELETE THE SECOND SENTENCE OF CONDITION NO. 24. REGARDING AN IRREVOCABLE OFFER TO GRANT IN FEE.

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

ITEM-9: **ARCO AM/PM AUTOMOBILE SERVICE STATION AND MINI-MART CONDITIONAL USE PERMIT INCLUDING A BUILDING RESTRICTED EASEMENT ABANDONMENT, SLOPE EASEMENT ABANDONMENT AND REVESTMENT OF ABUTTERS RIGHTS OF ACCESS, PERMIT NO. 96-0467.**

COMMISSION ACTION

MOTION BY QUINN TO REMOVE FROM DOCKET AND RETURN TO THE CITY MANAGER. Second by Watson. Passed by a 5-0 vote with Commissioners Butler and White not present.

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

Opal Trueblood requested that Item No. 11 be continued as the final EIR has not been adequately circulated. Request was denied.

ITEM-10: **INITIATION OF AN AMENDMENT TO THE MIRA MESA COMMUNITY PLAN AND THE PROGRESS GUIDE AND GENERAL PLAN TO ALLOW FOR RETAIL RESIDENTIAL MIXED-USE DEVELOPMENT OF A 65-ACRE SITE.**

Bernie Turgeon and Mike Westlake presented Report to the Planning Commission No. P-97-066.

Testimony in favor by:

Matt Peterson, representing Hopkins Real Estate Group and Cousin MarketCenter, Inc. Advised they are in support of staff's recommendation. They believe that one of the three primary initiation criteria pursuant to Muni code can be established and that is material change in circumstances that would result in a hardship to the applicant by denying any reasonable use of the subject real property.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE INITIATION. Second by Anderson. Passed by a 6-0 vote with Commissioner Butler not present.

ITEM-11: **AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN AND THE NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN, VESTING TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, AND RESOURCE PROTECTION ORDINANCE PERMIT, PROJECT NO. 94-0576.**

Nick Osler presented Report to the Planning Commission No. P-97-054.

Testimony in favor by:

Chuck Corum, Doug Boyd, representing Pardee. Spoke to the project highlights which included the project's compliance with MSCP; meets objectives of the NCFUA framework plan; meets a guiding principle of the NCFUA framework plan and Council Policy 600-19; dedes 65% of the project to the City for open space; meets objectives of the PRD ordinance for clustering; creates a minimum 1,000 foot wide east/west wildlife corridor in Gonzales Canyon; creates a minimum 700 foot wide north/south wildlife corridor; restores 77 acres of disturbed lands; and contributes \$50,000 for a wildlife crossing at San Dieguito Road.

Testimony in opposition by:

Dr. Charles Williams, owner of property on the southern edge of Gonzales Canyon. Advised that a portion of his lot was unstable and Pardee had to come in and stabilize this land. There is movement again on his property. He thought Pardee would have taken more care of this situation. He is very concerned that the same thing will happen to these new homes in this project.

Jan Fuchs, Chair Carmel Valley Community Planning Board. Spoke to the Board's letter, dated March 11, 1997 regarding proposal for an environmentally preferable alternative; method of transferring units from the Shell Parcel; the inconsistency with framework plan recommendations and that the City should realize the benefits before approving a plan which jeopardizes the critical canyon connecting the major elements of the MSCP.

Susan Holtkamp, Solana Beach School District. Advised that the representatives of the District and Pardee have met numerous times attempting to develop a mitigation agreement for this project. The District continues to maintain its position that the City Council should not approve the project absent a fully executed mitigation agreement. The District expects the 172 units to generate 75 K-6 students; the District will need approximately \$1,380,000 to house these students. Also spoke to the inaccuracies within the draft EIR.

Alice Goodkind, Friends of San Dieguito River Valley, Allison Rolfe, Roberta Halliburton. Discussed the inaccuracies in the EIR as well, and how the comments discuss the disruption of the wildlife corridor. The trail just will not work as it is proposed. Spoke to the traffic conditions on San Dieguito Road and Derby Farms Road and the proposed traffic restrictions. Look at the grading impact and the density. Originally only 77 units, not they are proposing 172.

Robin Lipman, homeowner in area. Explained that she bought a home in this area two years ago and how difficult it was to get fire insurance as there is a lot of confusion as to who is responsible for the brush management.

Opal Trueblood, resident. The affordable housing site is separated from the rest of the project and there is no access from this site to the project, and the affordable housing is under power lines. She has not seen any mitigation as required by the State for the cessation of farming in this area. There is very little farming and agricultural land left in this county

and here is another part being replaced by houses. It is her understanding that the building height for this project is higher than is allowed.

Public testimony was closed.

COMMISSION ACTION:

RECOMMEND THAT THE CITY COUNCIL
 MOTION BY WHITE TO DENY THE PROJECT AS THERE ARE A LOT OF UNANSWERED QUESTIONS ON THIS PROJECT AND WOULD LIKE TO SEE AN ALTERNATIVE SOLUTION WITH LESS DENSITY. No second.

MOTION BY WATSON TO CONTINUE AS THE EIR IS DEFICIENT BECAUSE IT FAILS TO IDENTIFY WHY THE REDUCED PROJECT ALTERNATIVE IS INFEASIBLE; IT FAILS TO INCLUDE AS AN ALTERNATIVE A DEVELOPMENT COMPLETELY CONSISTENT WITH THE EXISTING ENTITLEMENTS; IT FAILS TO INCLUDE A REASONABLE RANGE OF ALTERNATIVES; THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS DIRECTLY CONTRADICT THE FINDINGS FOR REJECTING ALTERNATIVES IN THE TEXT OF THE EIR; THEREFORE THIS SHOULD BE CONTINUED UNTIL THE EIR HAS BEEN CORRECTED. Second by Quinn. Failed by a 3-2 vote with Chairperson Neils and Commissioner White voting nay, Commissioner Butler not present and Commissioner Anderson abstaining.

recommend that the City Council
 MOTION BY WHITE TO DENY THE PROJECT AS THE EIR HAS FLAWS IN THE ABILITY TO MAKE THE CEQA FINDINGS, PROBLEMS WITH RESPECT TO THE AFFORDABLE HOUSING ISSUES; TOT LOT RECREATIONAL AREA FOR THE MULTI FAMILY NEED TO BE LOOKED AT; DESIGN GUIDELINES INACCURACIES, I.E., UNIT SIZES, HEIGHT FROM GRADE AND NOT FROM FINISHED FLOOR; THE CORRIDOR WIDTH THAT IS ENCROACHED BY LOT 55 THROUGH 60 SHOULD NOT BE INCREASED; AND THE OTHER COMMENTS MENTIONED BY COMMISSIONER WATSON. Second by Neils. Passed by a 5-0 vote with Commissioner Butler not present and Commissioner Anderson abstaining.

ITEM-12: **745 COAST BOULEVARD SOUTH - TENTATIVE MAP NO. 96-0654.**

Mary Roush presented Report to the Planning Commission No. P-97-047.

There was no one present to speak on this project.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE THE TENTATIVE MAP NO. 96-0654 SUBJECT TO RECOMMENDED CONDITIONS (ATTACHMENT 3).
Second by Quinn. Passed by a 6-0 vote with Commissioner Butler not present.

The Planning Commission meeting was adjourned by Chairperson Neils at 5:05 p.m.
