

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MAY 1, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:14 a.m. Vice-Chairperson Anderson adjourned the meeting at 5:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-present
Commissioner Verna Quinn-not 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.

None.

ITEM 3A: COMMISSION COMMENT.

Commissioner Watson requested a briefing on the budget for the Community and Economic Development and Development Services departments.

ITEM-4: APPROVAL OF THE MINUTES OF APRIL 17, 1997.

These minutes were trailed.

ITEM-4A: APPROVAL OF REVISED MINUTES FROM THE JOINT PLANNING/HOUSING COMMISSION MEETING OF MARCH 27, 1977.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE THE MINUTES FROM THE JOINT MEETING OF MARCH 27, 1997. COMMISSIONER SKOREPA REQUESTED FOLLOW UP ON THE RECOMMENDATIONS CONTAINED IN THESE MINUTES. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

ITEM-5: FOLLOW UP FROM THE WORKSHOP OF MARCH 20, 1997 ON ISSUES OF INDUSTRIAL LAND SUPPLY AND RESIDENTIAL DENSITY REDUCTION.

Removed from this docket; to be heard on May 8, 1997.

ITEM-6: ***THE FOLLOWING ARE TENTATIVE RECOMMENDATIONS MADE BY THE PLANNING COMMISSION. THE FINAL RECOMMENDATIONS TO CITY COUNCIL WILL BE MADE ON MAY 8, 1997.***

ADOPTION OF THE LAND DEVELOPMENT/ZONING CODE UPDATE. AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE, AND REZONING OF SINGLE UNIT RESIDENTIAL PROPERTY.

Kelly Broughton and Bob Manus discussed Issue 5A, Architectural Projections which was trailed from April 24, 1997, and distributed a drawing which illustrated staff's recommendation.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE CITY MANAGER'S RECOMMENDATION. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

Testimony On issue No. 7 - Land Use Plan Conformance by:

John Ziebarth. Stated that the AIA supports the Manager's position on consistency. Supports the Manager's fall back recommendation on coastal exclusion although they still support the full exclusion. Feels that coastal permits should be a process three decision in the appealable portion of the coastal zone.

Dick Smith. Feels that La Jolla plan and zoning code are consistent.

Mitch Lizar. Representing the Mira Mesa Community Planning Group. Feels the code homogenizes individuality of their community for the sake of speeding up the development process. No language that allows PDO's. Concern raised that proposed code does not require non-contiguous sidewalks which was identified in the Mira Mesa community Plans.

Gerri Stryker. Representing CPC. Feels the code has not gone far enough to ensure consistency between community planning and zoning.

Judy Ashcraft. Consistency issue and timing concerns. NDP, NUP, and SDP findings are so ministerial that it takes the ability for community input out of the process.

Michael Beck. Habitat League. Supports CPC position. Feels there is a need to define what "consistency" means.

Frances Kamen. Agrees with the two previous speakers. Wants to maintain character and scale of their neighborhood. Fear the reduction in public involvement and input would encourage more development.

Opal Trueblood. Feels state law says that zoning is required to be consistent with community plans. Feels that staff does not allow PDO's. Feels coastal development permits should stay where they are now. Proposal to allow exemptions is not supported. Alterations and demolition changes are not supported.

Craig Adams. Sierra Club supports CPC's position on a consistency regulation. Supports coastal permit change but has problems with some regulatory changes such as the elimination of hillside encroachment. Feels the findings should include consistency requirement. Felt that there was a need to explore the line between subjective and objective requirements.

Al Strohle. Concern with enforcement of City regulations and cited specific examples of a house built out of conformance with regulations and a single family unit with 14 students living in it. Feels community plans should 'trump' zoning regulations.

Joanne Pearson. Submitted attorney letter regarding consistency. Tailored zoning has been eliminated. Feels additional detailed studies are required in order to implement the La Jolla Community Plan.

Richard Ross. Representing Mira Mesa Planning Board. Supports community involvement in the decision process. Talked about enforcement issues and problems getting violations addressed currently. Against manager's recommendation.

Scott Peters. General Plan consistency questions. Feels it is difficult to ask volunteers to determine consistency. Feels consistency requirement should be included in ordinance.

David Krietzer. Supports Michael Beck, Opal Trueblood and Al Strohlein's positions.

James Moore. Representing SANPAC. CLUP's should be incorporated into the underlying zoning maps.

Harmon Nelson. Vice-Chair of Golden Hill. Requested that the Commission extend the public review period. Concern with homogenizing the community.

Carolyn Chase. EIR identifies areas where inconsistency exists between regulations and community plans. Notice of workshop and hearings were received late. Codes too confusing. Supports CPC's letter.

Eric Bowlby. Representing Surfrider Association. Stated they do not support changes to coastal regulations that increase runoff or increase erosion. Need more time to make recommendations. Notice was received late. Issue of coastal bluff guideline requirements regarding coastal access easement.

Ann Fathy. Raised inconsistency issue with Marina District. The PDO does not implement the community plan. Identified designator system that the County uses.

Public testimony was closed on issue No. 7.

COMMISSION ACTION:

MOTION BY WATSON TO RECOMMEND ON ISSUE 7A THAT COUNCIL REINFORCE THE CONSISTENCY POLICY AS PART OF THE CODE UPDATE PROCESS, BUT THAT A WORK PROGRAM TO ANALYZE CONSISTENCY PROBLEMS AND METHOD FOR CORRECTION BE DEFERRED IMMEDIATELY TO STAFF AND THAT THE RESULTS AND PROPOSALS BE BROUGHT FORWARD FOR CONSIDERATION AS PART OF THE QUARTERLY REVIEW CYCLES OF THE CODE UPDATE AFTER ADOPTION. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY BUTLER TO RECOMMEND ON ISSUE 7B THAT EXCLUSION BE DELETED AND THE NON-APPEALABLE AREA BE PROCESS THREE COASTAL PERMITS AND THE APPEALABLE AREA BE PROCESS FOUR COASTAL PERMIT. DO NOT SUPPORT

EXEMPTIONS OF DEMOLITIONS OR ALTERATIONS. Second by Skorepa. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WHITE TO ACCEPT THE CITY MANAGER'S RECOMMENDATION ON ISSUE 7B FOR EXEMPTION OF NEW SINGLE UNIT DEVELOPMENT AS LONG AS IT IS UNDER 80% OF MAXIMUM FAR AND HEIGHT. Second by Watson. Passed by a 5-1 vote with Commissioner Butler voting nay and Commissioner Quinn not present.

MOTION BY SKOREPA TO RECOMMEND ON ISSUE 7C THAT FINDINGS BE ADDED IN ALL THREE PERMIT TYPES THAT THE PROJECTS DO NOT ADVERSELY AFFECT THE LAND USE PLAN. SUPPORT CHANGES TO AUTO SERVICE STATION CUP'S. Second by Watson. Passed by a 6-0 vote with Commissioner Quinn not present.

Testimony on Issue No. 8 - ESL Regulations/Open Space Zones by:

Michael Beck. Supports the CPC letter position on open space provisions. Does not support increases on encroachment.

Opal Trueblood. Community based parks would be lost. Should not do away with other protections on open space outside the MSCP area. Does not support decreasing regulation restrictions on hillsides in the coastal zone. Did not support the alternative compliance findings.

Bruce Warren. Mitigation ratio issues. Sand gravel operators feel a different ratio should apply to their operations because they must restore properties after their temporary use.

Joanne Pearson. Hillside encroachment limits are necessary. Cited appendices of community plans which contain encroachment limitations. Raised issues of geologic instability and runoff problems. Concerned with alternatives compliance. Cited example of recent brush management alternative compliance. Feels current guidelines are more clear than the proposed ones.

John Leppert. Encroachment allowances should be eliminated where slopes are not designated as open space. Feel that the 25 percent slope trigger that the encroachment limit applies to is too restrictive.

Gerri Stryker. CPC representative passed out proposed language adopted by the CPC to amend the open space zone and the ESL regulations. This would provide a sense of surety to the community.

Jim Whelan. Co-chair of Alliance for Habitat Conservation. Supports CPC proposal provided that lots are not subject to hillside encroachment limitations.

Craig Adams. Sierra Club supports the CPC proposal. Would request that the Planning Commission reiterate their elimination of Process Two. Does not feel the guidelines are ministerial and should be left in a public hearing process. Does not support elimination of encroachment requirements.

Craig Benedetto. Long term visibility of mitigation outside the preserve is a concern for the small property owner. Feel the standard is very subjective. Feel the proposed mitigation ratios penalize those who have to, because of other regulatory restrictions, limit development on property outside the preserve, and yet are not allowed to utilize this restricted land as mitigation.

Rikki Alberson. Supports the CPC proposal as long as areas outside the preserve and not zoned with the new OR zone are not limited by other encroachment restrictions.

Public testimony was closed on issue No. 8.

COMMISSION ACTION:

MOTION BY WATSON TO RECOMMEND APPROVAL OF ISSUE 8A TO SUPPORT THE PROPOSED LANGUAGE FOR THE OR ZONE AND ESL REGULATIONS AS SUBMITTED BY THE CPC. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WATSON TO RECOMMEND ON ISSUE 8B ELIMINATION OF ENCROACHMENT LIMITATION AFTER 5 YEARS TO ALLOW FOR CONSIDERATION OF REZONINGS TO THE NEW OR-1-1 OR EARLIER IF A COMMUNITY PLAN UPDATE AND REZONING PROCESS OCCUR TO REVIEW OPEN SPACE. Second by Butler. Failed by a 3-3 vote with Commissioners Butler, Anderson, and Chairperson Neils voting nay and Commissioner Quinn not present.

MOTION BY ANDERSON TO RECOMMEND ON ISSUE 8B APPROVAL CITY MANAGER'S RECOMMENDATION. Second by White. Passed by a 4-2 vote with Commissioners Watson and Skorepa voting nay and Commissioner Quinn not present.

MOTION BY ANDERSON TO RECOMMEND ON ISSUE 8B THAT SITE DEVELOPMENT PERMITS FOR ALL DEVELOPMENT ON STEEP HILLSIDES SHOULD BE A PROCESS THREE DECISION. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WATSON TO RECOMMEND ON ISSUE 8C APPROVAL OF THE CITY MANAGER'S RECOMMENDATION. Second by Butler. Passed by a 6-0 vote with Commissioner Quinn not present.

Public testimony on Issue No. 9 - ESL/Wetlands Regulations by:

Eric Bowlby. Concern with impacts on the last 5-10 percent of wetlands that exist today. Support the Planning Commission's past position. Feel that additional time should be allowed to review any revised proposal.

COMMISSION ACTION:

MOTION BY WHITE TO CONTINUE THIS ITEM TO MAY 29, 1997 TO ALLOW THE GROUP THAT IS CONSIDERING REVISIONS TO DEVELOP A REVISED PROPOSAL. THIS WILL ALLOW THE ITEM TO STILL BE HEARD BY THE LU&H COMMITTEE ON JUNE 4, 1997. Second by Watson. Passed by a 6-0 vote with Commissioner Quinn not present.

Public testimony on issue No. 10 - Miscellaneous Regulations by:

Craig Adams. Uptown Planners question the new sidewalk cafe requirements that have been eliminated contrary to the change summary description.

Gerri Stryker. CPC representative reiterated their position that the code should be revised to provide regulations for the inclusion, modification, and maintenance of Planned District Ordinances.

Public testimony was closed on issue No. 10.

COMMISSION ACTION:

MOTION BY WHITE TO RECOMMEND APPROVAL ON ISSUE 10A TO ACCEPT THE MANAGER'S RECOMMENDATION WITH CHANGES TO SECTION 143.0410 CHANGING "SHOULD" TO "SHALL". Second by Anderson. Passed by a 4-2 vote with Commissioners Watson and Skorepa voting nay and Commissioner Quinn not present.

MOTION BY SKOREPA TO RECOMMEND APPROVAL OF THE CITY MANAGER'S RECOMMENDATION ON ISSUE 10B. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY SKOREPA TO RECOMMEND APPROVAL OF THE CITY MANAGER'S RECOMMENDATION ON ISSUE 10C. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY NEILS TO RECOMMEND ON ISSUE 10E REVISION TO SECTION 126.0302 TO REQUIRE THAT TIME LIMITS SHALL BE REQUIRED AS PART OF A CUP UNLESS IT IS DEMONSTRATED THAT ONE IS NOT NECESSARY, AND THAT THOSE TIME LIMITS BE ESTABLISHED ON A CASE-BY-CASE BASIS. Second by Skorepa. Passed by a 4-2 vote with Vice-Chairperson Anderson and Commissioner Watson voting nay.

MOTION BY NEILS TO RECOMMEND ON ISSUE 10E THAT THE CITY ESTABLISH A BASE TIME LIMIT TO START FROM FOR ALL CUP'S. Second by Skorepa. Failed by a 3-3 vote with Commissioners Butler, Watson and Vice-Chairperson Anderson voting nay.

Issues No. 11 and 12 were continued to May 8, 1997.

The Planning Commission meeting was adjourned by Vice-Chairperson Anderson at 5:00 p.m.