

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MAY 8, 1997
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:15 a.m. Chairperson Neils adjourned the meeting at 4:45 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.

Tony Perez with the Engineering staff requested that Item No. 5, SR-56 be removed from the docket as an addendum to the EIR is currently being prepared for additional studies. This project will be renoticed and brought back to the Commission.

ITEM-3: DIRECTOR'S REPORT.

Betsy McCullough advised that the Otay Mesa Nestor Community Plan was approved by the City Council and will now go to the Coastal Commission. Ms. McCullough gave a brief description of what was approved.

Rick Duvernay introduced two high school students who are participating in an intern program with the City attorney's office.

Gary Halbert advised the status of the City Council's actions for the service station project at Torrey Pines and Ardath, and discussed the Council's modifications to this project as approved.

ITEM 3A: COMMISSION COMMENT.

Commissioner Anderson inquired as to the status of the 1998 CIP budget, when it would come before the Commission, and the Commission's involvement with the implementation of this budget.

ITEM-4: APPROVAL OF THE MINUTES OF APRIL 24, 1997.

Trailed until the minutes from all the Zoning Code Update Meetings are before the Commission for approval. Those to include April 24, May 1 and May 8, 1997.

ITEM-5 STATE ROUTE 56 - CARMEL VALLEY ROAD TO RANCHO PENASQUITOS.

Staff requested that this item be removed from the docket and returned to the Manager.

COMMISSION ACTION:

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

ITEM-5: CALIFORNIA INFANT/WORK FURLOUGH SOUTHEAST SAN DIEGO DEVELOPMENT CONDITIONAL USE PERMIT AMENDMENT NO. 96-7113.

Corey Braun presented Report to the Planning Commission No. P-97-064.

Testimony in favor by:

Patricia Seals, California Infant Work Furlough. Gave history of the project and how the buildings were laid out on the property and the design for the facilities to accommodate mothers and children, and women without children. The Department of Corrections changed their regulations about who can reside in these types of facilities. They are asking for an increase in residents because of economic reasons as it would not be cost effective to run this operation. Discussed the situation with the fence and trash. She feels they have complied with all regulations.

Barbara Cornist. Also gave history of the purchase of the properties and the zoning. It was down zoned two years later and she had to rezone. She didn't want to give up the CUP's and that she has applied for three already which has cost her a lot of money. The value of her property has decreased because of this down zoning and she feels she should be able to maintain the permit and keep her operation running.

Calvin Jones. Resident of the community. Living within a short distance of this project and has observed how the inmates act and that the operation is running smoothly, and feels this is an asset to the community and that the community is in full support.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO:

1. APPROVE THE DRAFT PERMIT, ATTACHMENT 4 AND DIRECT STAFF TO PREPARE THE APPROPRIATE RESOLUTION FINDINGS TO ACCOMPLISH THE RESULTS REQUESTED, ALONG WITH THE LANGUAGE AS SUBMITTED BY THE SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE.
2. LANGUAGE IN PARAGRAPH 1, ATTACHMENT 4 TO BE REVISED TO SHOW THE CORRECT NUMBER OF BEDS INCREASED FROM "...42 TO 77, 37 OF WHICH WILL BE FOR WOMEN WITH INFANT CHILDREN AND 40 OF WHICH WILL BE FOR WOMEN WITHOUT CHILDREN". PARAGRAPH 2A TO BE REVISED TO READ, " A MAXIMUM OF 37, BUT AN OVERALL MAXIMUM OF NOT MORE THAN 74 WOMEN AND CHILDREN".
3. THE RESOLUTION OF FINDINGS SHOULD INCLUDE THE CITY ATTORNEY'S INFORMATION PROVIDED AT THIS HEARING.
4. STAFF TO BRING BACK THE AFFIRMATIVE RESOLUTION OF FINDINGS WITH THE APPROVAL OF THE MINUTES OF THIS MEETING.

Second by White. Passed by a 5-0 vote with Commissioners Butler and Quinn not present.

ITEM-7: WORK PROGRAM ON INDUSTRIAL LAND SUPPLY AND RESIDENTIAL DENSITY REDUCTION ISSUES.

Mike Stepner and Myles Pomeroy presented Report to the Planning Commission No. P-97-081.

Workshop held. Staff was requested to look at creative ways to co-use industrial land and develop multiple use of this land, i.e., roof tops, etc.

ITEM-8: WORKSHOP ON REPORT REGARDING PROPOSED CHANGES TO THE PLAN AMENDMENT INITIATION PROCESS.

Anna McPherson presented Report to the Planning Commission No. P-97-085.

Workshop held.

ITEM-9: LAND DEVELOPMENT/ZONING CODE UPDATE.

Kelly Broughton presented Report to the Planning Commission No. P-97-077.

Testimony on Issue No. 11, General Use Regulations by:

Opal Trueblood - concerned with previously conforming uses. When the definitions were changed this made a great deal of projects that were built non-conforming. Now, when someone comes in to do something to previously conforming projects, it has to be decided whether or not the new regulations will be applied to them.

Al Strohlein - What works in one neighborhood might not work in another. Conforming may not fit just because something conforms to one area, but might not conform to another. By changing the definitions doesn't mean all things to all people. Previously conforming should be removed.

Gerri Stryker - representing CPC. City Heights concern has to do with previously conforming uses. Gave example of a dental clinic, it is now a methadone clinic. These two fell into the same-use categories. Two uses may seem same-use, but it has an impact to the community when you start comparing uses.

Bruce Warren - SD County Rock Producers Association. Concern on restriction of CUP's for sand and gravel extraction in residential zones. Feels that sand and gravel extraction should be allowed through CUP's in residential zones because in many cases it is where the resources are.

Craig Adams - Uptown Planners. Spoke about the presently defined "previously conforming use". This is not a minor change - it is a major change in concept. Comparing the technicalities of the present with the proposed is not fair. What happens if a child care facility is turned into a peep show or recycling center; sited other examples and the possible impact on the community.

Public testimony was closed on item No. 11

COMMISSION ACTION:

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE MANAGER'S RECOMMENDATION FOR ISSUE 11A. Second by Watson. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WATSON TO RECOMMEND APPROVAL OF THE MANAGER'S PROPOSAL ON ISSUE 11B TO ALLOW A CHANGE OF USE FROM ONE PREVIOUSLY CONFORMING USE TO ANOTHER PREVIOUSLY CONFORMING USE WITHIN THE SAME USE CATEGORY, EXCEPT THAT SECTION 127.0107 SHOULD BE CHANGED SO THAT A PREVIOUSLY CONFORMING USE CANNOT CHANGE TO A SEPARATELY REGULATED USE. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WATSON TO RECOMMEND APPROVAL OF THE MANAGER'S RECOMMENDATION ON ISSUES 11C, D AND E. Second by White. Passed by a 6-0 vote with Commissioner Quinn not present.

Public testimony on Issue No. 12 - General Development Regulations:
Bluff Edge, Establishing Grade and Maximum Parking by:

Robert Thiele, representing La Jolla Planning Association. Distributed graphic illustrations of coastal bluff edges. Strongly encouraged that the 200 year criteria be added to the determination of coastal bluff edges. Feels that certain resources should also be used to review stability along the coast line such as the Shoreline Erosion Assessment Atlas produced by Scripps.

Craig Adams - representing the Sierra Club. Supports changes recommended by the Commission for community open space. Major

reduction in open space requirements for projects requiring planned development permits. Doesn't feel that the change summaries have been complete enough and that all changes have not been identified. Does not think changing the process two decision to process three goes far enough. Application information should be completed before the code is adopted.

Al Strohle - parking - there isn't enough of it. In pacific beach and most of the other coastal areas, there is no parking because we are jamming as many condos and homes into residential areas. Strive for minimal parking to not impact the neighborhood. There is no enforcement of the law to keep garages as garages so people do not have to park on the street.

Opal Trueblood - concerned about the regulations on bluff edges. Lives in an area in north county where the houses are about to fall into the ocean. Feels bluff setbacks should be increased as much as possible. Reiterated the previous speaker's feelings on maximum parking. In the beach areas, there is no parking and this precludes the use of the ocean and other facilities from the rest of the city.

Norah DeSilva - served on ZCU update and is an ocean front homeowner. Supports the language regarding the visual access view corridor, and the language in the current draft. Raised a question about bluff guidelines, page 6, item two, last sentence of the guidelines. Don't punish property owners because of the actions of a few. Proposed a minimum stay for single family rentals of 7 days instead of 30 days.

Gary Ruyle - San Diego chapter president of landscape architects. Appreciated that the ASLA's comments were incorporated in the final draft. Requested that staff be directed to look at additional requests for clarification and elimination of conflicting regulations within chapters 11, 13 and 14 for clarification of terms and requirements in the landscape regulations and graphic examples within the development review guidelines.

Mitch Lizer - Litigating under the current ordinances therefore it will take years for the attorneys to learn the new code and litigate under these rules. Felt a summary of changes would have made the review of the new code easier. Did not feel that the fact that the old code has a requirement should be used as justification for why the new code contains the same requirement.

Public testimony was closed on issue no. 12

COMMISSION ACTION:

MOTION BY WHITE TO RECOMMEND APPROVAL OF MANAGER'S RECOMMENDATION ON ISSUE 12A AND TO REVISE SECTION IIB2 OF THE GUIDELINES TO ELIMINATE OUTRIGHT PROHIBITION OF EROSION CONTROL MEASURES AND TO PROVIDE WORDING THAT CLARIFIES WHEN EROSION CONTROL MEASURES WOULD BE APPROPRIATE. Second by Butler. Passed by a 6-0 vote with Commissioner Quinn not present.

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE CITY MANAGER'S RECOMMENDATION ON ISSUE 12B. Second by Watson. 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 12C. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

Follow up to Issue 4A - Uses in Residential Zones - Bed & Breakfast:

MOTION BY ANDERSON TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION TO MODIFY BED AND BREAKFAST PARKING REQUIREMENTS IN TRANSIT AREAS TO REDUCE THE PARKING REQUIREMENTS AND ALLOW TANDEM PARKING. Second by Watson. Passed by 6-0 vote with Commissioner Quinn not present.

Action on Issue 1A - EIR Adequacy:

MOTION BY BUTLER TO RECOMMEND THAT THE COUNCIL CERTIFY THE EIR AND MAKE THE STATEMENT OF OVERRIDING CONSIDERATIONS WITH A MODIFICATION TO ADD INFORMATION TO THE STATEMENT OF OVERRIDING CONSIDERATIONS THAT IDENTIFIES THE CHANGES MADE BY THE PROPOSED CODE THAT ARE REDUCING ENVIRONMENTAL IMPACTS WHEN COMPARED WITH THE EXISTING CODE. Second by Watson. Passed by a 6-0 vote with Commission Quinn not present.

MOTION BY NEILS TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE LAND DEVELOPMENT ZONING CODE UPDATE AND RELATED ACTIONS IN ACCORDANCE WITH THE CITY MANAGER'S RECOMMENDATION EXCEPT AS MODIFIED BY THE PLANNING COMMISSION MADE AT THEIR HEARINGS ON APRIL 24, MAY 1, AND MAY 8, 1997. IT WAS REQUESTED THAT A REPRESENTATIVE OF THE PLANNING COMMISSION APPEAR BEFORE THE CITY COUNCIL WHEN IT GOES BEFORE THEM FOR ADOPTION AND ALSO TO PROVIDE A WRITTEN STATEMENT BEFOREHAND FOR THEIR REVIEW. Second by Anderson. Passed by a 6-0 vote with Commissioner Quinn not present.

The Planning Commission meeting was adjourned by Chairperson Neils at 4:45 p.m.