

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

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:35 a.m. Chairperson Neils adjourned the meeting at 2:50 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-not 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.

Kevin Villani requested a continuance for Item No. 6 due to pending litigation issues.

ITEM-3: APPROVAL OF THE MINUTES OF MAY 29, 1997.

MOTION BY BUTLER TO APPROVE THE MINUTES OF MAY 29, 1997. Second by Anderson. Passed by a 5-0 vote with Commissioners White and Quinn not present.

ITEM-4: DIRECTOR'S REPORT.

Betsy McCullough advised the land development code update has gone through the LU&H Committee, and staff will bring back the Committee's recommendations to the Commission prior to the Council meetings. Also, Ms. McCullough reported on the successful Community Orientation Workshop last week with over 90 planning group members in attendance.

Gary Halbert advised that interviews for Project Managers have been completed and that after July 1, 1997 all new projects entering the City will now be processed through Process 2000.

ITEM-5: COMMISSION COMMENT.

None.

ITEM-6: PAIGE RESIDENCE BALCONY ADDITION. SENSITIVE COASTAL RESOURCE/COASTAL DEVELOPMENT PERMIT NO. 96-0584 (AMENDMENT TO CDP 91-0139).

Michele Sokolowski presented Report to the Planning Commission No. P-97-099, and read an additional condition into the record.

Testimony in favor by:

Rob Hayes, attorney representing Mr. & Mrs. Paige. Stated that he doesn't believe this is the right forum to discuss any legal matters in light of the pending litigation. This is simply a permit for a balcony before the Commission and that his client has met the concerns of the staff. His only presence at this meeting is to address the legal issues, should they arise.

Mark Lyon, architect for the Paige's. Application is for a Sensitive Coastal Development permit for an expansion of an existing deck on the second floor. Spoke to the details of this proposed extension and the technical qualities; and compliance of this permit. Explained that they are not intensifying the use of this space but they are just increasing the existing area.

Testimony in opposition by:

Kevin Villani, neighbor. Reiterated what was stated in his letter dated June 9, 1997. The foundation for the suit is that it is illegal for the city to allow cantilever construction over the setback requirements. This suit generated cross complaints that relate to the rest of the property. Spoke to the allegations on the Paige property and that the city has not yet checked this out. He feels any action taken today could implicate the City further in this law suit. Also, there was no community input for the original property.

Steve Rossi, architect. His concern is with the balcony extension in that no geotechnical report was filed. There are no reports justifying this extension and the bluff edge has been relocated further out toward the ocean. He would like to know why the edge has been moved out and what is the impact on the property.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO APPROVE SCR/CDP NO. 96-0584, SUBJECT TO CONDITIONS (ATTACHMENT 4), ALONG WITH THE ADDED CONDITION REGARDING FENCES WHICH WAS READ INTO

THE RECORD, ALONG WITH THE FOLLOWING MODIFICATIONS:

1. REDRAFT CONDITION 17 SO THAT IT REQUIRES REMOVAL OF ALL ENCROACHMENTS INTO THE PUBLICLY DEDICATED PARK LAND.
2. DELETE CONDITIONS 18 AND 19 WHICH ALL RELATE TO THE ENCROACHMENT REMOVAL AGREEMENT.
3. ADD ANOTHER CONDITION TO STATE THAT APPROPRIATE PROTECTIVE MEASURES WILL BE TAKEN NOT ONLY FOR THE REMOVAL OF ENCROACHMENTS, BUT RESTORATION OF THE BLUFF IN THE AREA WHERE THE ENCROACHMENTS ARE REMOVED.

REVISED LANGUAGE TO BE BROUGHT BACK BEFORE THE COMMISSION WITH THE APPROVAL OF THESE MINUTES. Second by Anderson. Passed by a 5-0 vote with Commissioners Quinn and White not present.

ITEM-7 PROPOSED CIP FISCAL YEAR 1998 CAPITAL IMPROVEMENTS PROGRAM (CIP) BUDGET.

Charlene Gabriel and Betsy McCullough presented Report to the Planning Commission No. P-96-105.

No one present to speak on this item.

COMMISSION ACTION:

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL THAT THE PROPOSED CAPITAL IMPROVEMENTS PROGRAM ARE IN CONFORMANCE WITH THE CITY'S PROGRESS GUIDE AND GENERAL PLAN AND APPLICABLE COMMUNITY PLANS. Second by Watson. Passed by a 5-0 vote with Quinn and White not present.

ITEM-8: **CARMEL VALLEY NEIGHBORHOOD 10 AMENDMENT. AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN, CARMEL VALLEY COMMUNITY PLAN AND CARMEL VALLEY NEIGHBORHOOD 10 PRECISE PLAN; AMENDMENTS TO THE "NEIGHBORHOOD 10" AND "NEIGHBORHOOD 10 NORTH" VESTING TENTATIVE SUBDIVISION MAPS, PLANNED DISTRICT DEVELOPMENT PERMITS AND RESOURCE PROTECTION ORDINANCE PERMITS (CASE NOS. 96-0736 AND 96-0737); AND AMENDMENT TO THE CARMEL VALLEY PLANNED DISTRICT ORDINANCE (REZONE).**

Nick Osler presented Report to the Planning Commission No. P-97-101.

Testimony in favor by:

Chuck Corum, representing Pardee Construction. Explained that they have been working with staff and concur with their recommendations. Also worked closely with staff on the location of the horse trail, and advised that Pardee has no problem with the horse trail being located in the area proposed.

Jan Hudson, representing Shaw Ridge Home Owners Association. Strongly supports the inclusion of the Shaw Valley Trail in the Neighborhood 10 Plan Amendment. This trail provides a vital link to Penasquitos Canyon and also a loop connection to the north-south trail which borders Neighborhoods 10 and 8A.

Testimony in opposition by:

Ann Harvey, representing herself and the Carmel Valley Community Planning Board. Spoke to the merits of this project, but feels that the current version has taken away any views into the open space area unless one lives in one of the houses on the edge. Speaking for the Carmel Valley Community Planning Board, they are concerned with the way the Mesa Top property is being used for mitigation. This project has no special virtues and should not be given any special consideration.

Craig Adams, representing the Sierra Club. Spoke to issues about implementation of the settlement agreement and mitigation. Feels the Commission is being asked to approve a mitigation package for projects that have not yet come before them. Feels the underlying issue is: does the settlement agreement require the city to provide twelve acres to fulfill

their conditions. Read from the settlement agreement regarding the mitigation of the Mesa Top property. Mitigation is not appropriate here. His recommendation is to approve all the conditions with the exception of No. 1, and recommend to the City Council that they approve mitigation only directly contributing to the project's applicant which would be about 27 acres.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO APPROVE STAFF'S RECOMMENDATIONS 1 THROUGH 4, AS STATED IN REPORT TO THE PLANNING COMMISSION NO. P-97-101, ALONG WITH THE UNDERSTANDING THAT THE VERBIAGE SUBMITTED BY STAFF AT THIS HEARING ON THE ~~EQUESTRIAN TRAIL~~ WILL BE A MANDATORY REQUIREMENT, AS OPPOSED TO AN ELECTIVE ONE. Second by Butler. Passed by a 4-0 vote Vice-Chairperson Anderson abstaining and Commissioners White and Quinn not present.

SHAW VALLEY TRAIL
Revised 7/1/97
L. Lugano

ITEM-9: **KEMP RESIDENCE. APPEAL OF COASTAL DEVELOPMENT PERMIT NO. 96-7208.**

Glenn Gargas presented Report to the Planning Commission No. P-97-093.

Testimony in favor of the appeal, opposed to the project:

Adnan Derbas, neighbor adjacent to the proposed development. Described the existing lot, construction and how it will impact the community. It is being proposed to be built on an existing tennis court, which has been used and paid for by the community. The building's floor area ratio is too large for this lot and it will block several home owners' views.

Thomas Fanning, Sr., neighbor to the proposed property. Advised that the proposed building is too large for the lot; it destroys the character of the neighborhood. It will downgrade the value of the other homes in the area.

Cassius Carter, neighbor. Spoke to the issues of the parameter and that the lot is too small for a house this large. There are now retaining walls surrounding the property, and they feel there's a certain hazard of injury involved.

Testimony in opposition to appeal, in favor of project:

David Kemp, applicant. Showed a video displaying the architectural renderings of the proposed house along with the entire surrounding area. Also distributed photos illustrating the proposed house and area.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL AND APPROVE THE COASTAL DEVELOPMENT PERMIT SUBJECT TO THE FINDINGS AND CONDITIONS (ATTACHMENTS 5 AND 6) WITH A MODIFICATION TO CONDITION 12 FOR CLARIFICATION. CONDITION 12 SHOULD READ, "...OPPOSITE THE RESIDENCE TO THE EAST. PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT, SAID WALL OR FENCE SHALL BE CONSTRUCTED OR COMPLETED TO THE SATISFACTION OF THE CITY MANAGER." Second by Butler. Passed by a 5-0 vote with Commissioners Quinn and White not present.

ITEM-10: **CAMINO HOLDINGS, INC. SEAWALL - COASTAL DEVELOPMENT PERMIT (CDP) AND SENSITIVE COASTAL RESOURCE PERMIT(SCR) NO. 96-0227.**

Mary Roush presented Report to the Planning Commission No. P-97-058.

Testimony in favor by:

Lynne Heidel, representing the applicant. Presented overheads which illustrated the entire coast line and the seawall, as it exists now, and the proposed seawall. Advised that they believe the interpretation of the SCR overlay zone does not require that there be an immediate need, just that there be a need and that the proposed erosion control devise be the

minimum necessary to protect the property. Advised that the community planning groups all approved the project.

David Skelly, applicant's engineer. Explained that this beach is used by many local families and that this area has unsupported blocks, so public safety is an issue. Asked the question what would happen if they did not go through with this project. Loss of picnic area, erosion, parking, etc. Feels there is an opportunity to be proactive to handle an issue before it becomes a major problem to prevent erosion.

Richard Smith, representing himself. Addressed this issue from the public benefit concern. This is an area that has heavy use by surfers, swimmers, kayaks, etc. with fairly easy access. Not just local neighborhood people who use the beach, but a lot of people from all over also use it. Great deal of public benefit for protecting this area.

No one present to speak in opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO CERTIFY NEGATIVE DECLARATION (LDR 96-0227); AND APPROVE THE PROPOSED REPAIRS TO THE EXISTING SEAWALL, RETAINING WALL AND GARDEN WALL; SEAWALL CONSTRUCTION DIRECTLY IN FRONT OF SEA CAVES AND PLUGGING OF THE SEA CAVES AND **APPROVE** THE PROPOSED SEAWALL EXTENSION BETWEEN THE EXISTING SEAWALL AND THE SEAWALL PROTECTING SEA CAVES (ATTACHMENT 2); MODIFY THE FINDINGS IN ORDER TO SUBSTANTIATE THE INCLUSION OF THE 35 FOOT SEAWALL AND BRING THE REVISED LANGUAGE BACK WITH APPROVAL OF THE MINUTES. Second by Butler. Passed by a 5-0 vote with Commissioners Quinn and White not present.

The Planning Commission meeting was adjourned by Chairperson Neils at 2:50 p.m.