

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

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:10 a.m. Chairperson Neils adjourned the meeting at 2:20 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.

None.

ITEM-4: COMMISSION COMMENT.

Vice-Chairperson Anderson presented a resolution to Chairperson Neils in recognition for his tenure on the City's Planning Commission.

Commissioner Skorepa advised the result of the LU& H Committee meeting she attended on July 2, 1997 regarding the binational planning effort and the Commission's concerns and interests on this matter. Staff was requested to prepare a workshop for the Planning Commission to apprise them of the current status and future plans for the border.

ITEM-5: HOMESTEAD VILLAGE RANCHO BERNARDO, PROGRESS GUIDE AND GENERAL PLAN AMENDMENT, COMMUNITY PLAN AMENDMENT, REZONE, PLANNED COMMERCIAL DEVELOPMENT PERMIT 96-0564.

John Fisher presented Report to the Planning Commission No. P-97-090.

Testimony in favor by:

Brad Griggs, VP Homestead Village, Inc. Thanked staff for their efforts and that he has worked closely with them and the community planning group. Explained that this is a wonderful project and will meet all the needs in the area. Advised this is the third Homestead Village hotel in the area and they have received support from the local planning group, and they are in full concurrence with staff report.

Paul Robinson, representing Homestead Village, Inc. Thanked Chairperson Neils for his hard work and dedication on the Planning Commission. Advised that he was at this meeting to answer questions.

No one present to speak in opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE STAFF'S RECOMMENDATIONS AS STATED IN REPORT NO. P-97-090, WITH A MINOR MODIFICATION TO CONDITION NO. 3, PAGE 2 OF 9, ATTACHMENT 5 TO REPLACE THE WORDS "SUBDIVISION MAP" FOR "FINAL MAP". Second by Anderson. Passed by a 7-0 vote.

ITEM-6: WORKSHOP - NEW CENTURY CENTER MASTER PLAN. PROPOSED REDEVELOPMENT OF THE KEARNY MESA GENERAL DYNAMICS PROPERTY.

Mike Westlake presented Report to the Planning Commission No. P-97-111.

Workshop held.

ITEM-7 KURTZ STREET FACILITY - CONDITIONAL USE PERMIT NO. 96-7240. TO ALLOW FOR A 30,000 SQUARE FOOT, 256 BED CORRECTIONAL PLACEMENT CENTER LOCATED AT 2053 KURTZ STREET.

Patrick Hooper presented Report to the Planning Commission No. P-97-103. Gary Halbert stated that the ownership disclosure statement in the report was incorrect, and read the correct ownership into the record .

Testimony in favor by:

Michele Anderson, representing E. H. Wright & Associates, the applicant. Explained that this is a classic case of "NIMBY". There is not one single place in San Diego that they could open their business without

receiving opposition. Described the other facilities and businesses they currently own and where they are all located. When they first began the CUP process, they were cognizant that fear would be engendered wherever they located. They met with the community because of this several times, to address their concerns. From experience they feel that once they are given a chance to be good neighbors, the community will come around and be in agreement. Spoke to condition no. 3 in the report regarding the time limit from 10 years to 50 years. Explained that they own the property and plan to make a \$4 million investment. Attracted to this site and spoke to the reasons why. They have not had any incidences with their other facilities regarding children and foot traffic and that this facility will not be any different. Uniformed personnel will be a deterrent to prevent crime. Went through the material distributed describing the facility. Addressed the issues of the number of beds and how they derived at that number.

Testimony in opposition by:

Jim Milch, representing the Armour family. This family owns property one block away from the proposed facility and he is working in tandem with Gary Helm and his client. Feels that staff bought into the applicant's argument that this facility belongs there. There's a lot of discrepancy and excuses. At previous meetings the applicant implied that staff advised they were allowed to build there, that's why they did. These requirements were known by this applicant, but they chose to buy a building regardless of the laws. There is some belief that the applicant never really did talk to the community. A document is missing which is required specifically in the CRC requirements and that is that a CUP for a correctional placement facility shall be accompanied by a map. That map still has not been supplied by the applicant. The report fails to note the land use on their map showing the other land uses in the area. The purpose is so everyone knows what's in the surrounding area. Why have so many requirements been ignored. These people bought a piece of property knowing they could not use it for this purpose.

Murray Helm, representing himself. The applicant pledged that they would work with the Midway Planning group. They wanted them to submit questions in writing. They submitted in writing and never received any response. They never got an invitation to tour the facility. The building was purchased without making the CUP a condition of sale presuming they were going to get their permit. Always full speed ahead without any conditions of requirements required despite the fact that they have not

met any of their requirements, i.e., distance between facilities. Spoke to Prop D; setback violations, lot coverage, multi-purpose space, change in ownership form has not been filed; on site parking spaces - all in violation of zoning regulations. Midway Planning Group denied this project because of all the above. These rules were designed to protect the community and this project will not do this.

Michael Boyle, owner of Sundown property directly adjoining the facility. Opened his business and complied with every ordinance. Now there's a proposal for this facility next door and it is in direct violation of their own ordinance that the owners help to write. This facility will overwhelm this entire community; he is not in opposition to a facility of this type, but not in this area. Please consider the right of the rest of the people who are playing by the rules.

Claire Melton, representing herself. Opposed to this from what she has seen in this area. The area is laced with homeless people and crime; you can not walk down the street and feel safe. Senior citizens feel unsafe in this area, and this facility will only bring this down more.

George Cable, representing neighborhood homeowners. The point of his testimony was the single family residents who are doing everything to rehabilitate and raise families because they want to be part of the urban core of San Diego. The concept is a reasonable one, but in the size and type of modifications, make it inappropriate for that neighborhood.

Ann Adams, resident of Old Town. Representing herself. Listening to the applicant talking about the facility, and she feels they are bringing felons into their community. Children come into Old Town every day, families, tourists, etc., and we don't want felons in this community.

Celeste Northrop, Director of Sales, Old Town Inn. Easily within site of the proposed facility, illustrated aerial photo to make her point to show that the business improvement district engulfs where the new facility would be which is the Old Town community. Schools, residences, the Old Town Chamber of Commerce asked questions and the questions have not been answered. They are not showing that they are good neighbors. People are unpredictable as far as the residents of this facility go. All she wanted was answers to her questions.

Carmen Toigo resident of Old Town. Raised family there and now will have to worry about her granddaughter coming home from work because of this facility. Took a petition around Old Town, businesses and residents. They are not too happy because they feel this facility will draw homeless and increase crime.

Karen Gomez, San Diego Visitor Information Center. They represent hotels, motels, attractions in Old Town and other areas. They oppose this center as it would take away tourist dollars. Feels they need to reconsider where this facility is being placed. She is not in opposition to a facility of this type, but not in this area.

Keith Webb, business owner on Kettner. Listened to all the opposition and gave another perspective which was the Mayor's vision of linking bay-to-bay. The success of a redevelopment area is based on establishing a base tax rate that will increase with time. This facility will jeopardize this vision.

Craig Missla, representing himself. Owns a business on the same block where this facility is being proposed. Commitment went into his property to make it into a better upscale business. He feels he will not be able to attract new tenants in the future when the leases are up because of this facility.

Dale Pursel, currently Chairman of Midway Planning group. He takes exception about what is said about "NIMBY". Feels that the land use and zoning exceptions being made here are ridiculous. Feels this facility is just too big and it doesn't fit.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO CERTIFY NEGATIVE DECLARATION 96-7240 AND APPROVE CONDITIONAL USE PERMIT 96-7240 (ATTACHMENT 5), WITH THE ADDITION OF A CONDITION TO INCLUDE THE LIST OF EXCLUDABLE OFFENSES. CONDITION NO. 5 TO BE REWRITTEN FOR CLARIFICATION TO INCLUDE BOTH CONCEPTS OF REVIEW FOR IMPACTS ON COMMUNITY AND WHETHER THE APPLICANT IS OPERATING IN COMPLIANCE WITH THE PERMIT IN BOTH PARAGRAPHS.

STAFF WAS DIRECTED TO PROVIDE REVISED PERMIT LANGUAGE AND A RESOLUTION TO THE COMMISSION WITH THE APPROVAL OF THESE MINUTES. Second by White. Passed by 4-3 vote with Vice-Chairperson Anderson and Commissioners Butler and Quinn voting nay.

The Planning Commission meeting was adjourned by Chairperson Neils at 2:20 p.m.