

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
AUGUST 30, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Vice Chairman Pesqueira at 9:15 a.m. The Planning Commission adjourned at 2:20 p.m.

ATTENDANCE DURING THE MEETING:

Chairman Karl ZoBell-not present
Commissioner Tom La Vaut-present
Commissioner Ralph Pesqueira-present
Commissioner Edward Reynolds-not present
Commissioner Scott Bernet-present
Commissioner Lynn Benn-present
Commissioner Chris Calkins-present
Michael J. Stepner, City Architect-present
George Arimes, Assistant Planning Director-present
Fred Conrad, Chief Deputy City Attorney-present
Mary Lee Balko, Deputy Director, Long Range
Planning-present
Jeff Strohming, Engineering & Development
Department-present
Rachel Hurst, Principal Planner-present
Bob Korch, Acting Principal Planner-present
Janet MacFarlane, Recorder-present

ITEM-1 APPROVAL OF MINUTES OF JULY 26 AND AUGUST 2, 1990

COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by SCOTT BERNET, the Commission voted 4-0 (LA VAUT abstaining with ZOBELL and REYNOLDS not present) to approve the minutes of July 26 (as corrected) and August 2, 1990.

ITEM-2 RANCHO BERNARDO COMMUNITY PLAN AMENDMENT INITIATION REQUEST. THE APPLICANT IS PROPOSING TO AMEND THE COMMUNITY PLAN BY REDESIGNATING 4.1 GROSS ACRES OF LAND FROM INSTITUTIONAL TO LOW DENSITY RESIDENTIAL USE (1-9 DWELLING UNITS/NET ACRE). THIS WILL ALLOW THE DEVELOPMENT OF SEVEN PROPOSED DWELLING UNITS IN THE "BATTLE MOUNTAIN" AREA OF RANCHO BERNARDO. PERMIT REQUESTS ASSOCIATED WITH THIS PROPOSAL THAT ARE ALSO BEING CONSIDERED BY THE PLANNING DEPARTMENT INCLUDE A VESTING TENTATIVE MAP (VTM), A RESOURCE PROTECTION ORDINANCE (RPO) PERMIT AND A PLANNED RESIDENTIAL DEVELOPMENT (PRD) PERMIT, CASE NO. 90-0701. OWNER/APPLICANT: MCCOMIC-WESTWOOD LTD.

CHRIS JACOBS presented Planning Department Report No. 90-255.

CHARLES CONNAWAY, representing Greens North and Montelana Homeowners Associations, stated they were opposed to the designation as an institutional use. He stated the land should revert to residential use and felt approximately seven homes could be developed on the site.

JACK TEMPLETON, area resident, spoke in support of the proposed initiation of the plan amendment.

BARRY MCCOMIC, representing McComic-Westwood, stated the site was infeasible for development as a church because of its size and topography. He noted other institutional uses were also not feasible based on land cost or size.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 4-1 (BERNET voting in the negative with ZOBELL and REYNOLDS not present) to deny the plan initiation as recommended by staff.

ITEM-3 GENERAL PLAN AMENDMENT AND ACCOMPANYING POLICY AND ORDINANCES RELATED TO GROWTH MANAGEMENT.

PAUL FISKE presented Planning Department Report No. 90-268. Mr. FISKE noted a letter from the school district requesting they be placed as an exemption in the Phasing category for development.

BILL SCHEMPERS reviewed the elements of the ordinance.

OPAL TRUEBLOOD spoke in support of the growth management plan.

RECESS/RECONVENE

The Commission recessed at 10:40 a.m. and reconvened at 10:45 a.m.

FRANK PANARISI, representing the Greater San Diego Chamber of Commerce, spoke in opposition. He stated the impact of the proposed ordinances needed further review and the costs associated with its implementation needed to be identified. He stated they were also opposed to the phasing element. Mr. PANARISI stated the cumulative impact of impact fees needed to be identified.

GAIL MacLEOD, representing Potomac Investments Associates, spoke in opposition. She stated the environmental report did not address policy changes in the future urbanizing area, which could affect public service availability.

MAC STROBL, representing the Coalition for San Diego, spoke in opposition to the proposed plan amendments and ordinance. He stated the quality of life needs to be balanced with the economic health of the community. He stated the environmental impact report, to date, was deficient. He stated they were in support of the 20-year CIP.

STEPHEN COURY, representing the Alliance of Property Owners, spoke in opposition to the proposed plan amendments and ordinance. He stated the proposed General Plan Amendment appeared to validate policies that have not been adopted by the City, particularly in the future urbanizing area.

JIM LANTRY, representing the Southern California Grocers Association, stated they were opposed to having the same restrictions applied to grocery stores as industrial or residential development.

COMMISSION ACTION

On motion of TOM LA VAUT, seconded by LYNN BENN, the Commission voted 5-0 (REYNOLDS and ZOBELL not present) to continue this item to September 27, 1990, at 1:30 p.m.

RECESS/RECONVENE

The Commission recessed at 11:15 a.m. and reconvened at 11:20 a.m.

ITEM-4 APPEAL OF THE PLANNING DIRECTOR'S DECISION TO APPROVE LA
AND 4A JOLLA SHORES/COASTAL DEVELOPMENT PERMIT NO. 90-0531 FOR
THE DEMOLITION OF ONE EXISTING SINGLE-FAMILY RESIDENCE,
WHICH CURRENTLY STANDS OVER TWO LOTS; AND THE
CONSTRUCTION OF TWO, TWO-STORY SINGLE-FAMILY RESIDENCES,
ONE ON EACH OF THE TWO LOTS. SUBJECT PROPERTY IS
LOCATED AT 8315 CAMINO DEL ORO IN THE SINGLE-FAMILY ZONE
IN THE LA JOLLA SHORES COMMUNITY. LOTS 7 AND 8 OF THE
LA JOLLA SHORES UNITS NO. 6 ACCORDING TO MAP NO. 2147
FILED ON FEBRUARY 26, 1929. OWNER/APPLICANT: ADMA CO.,
INC. AND NATHAN S. ADLER. APPELLANTS: L.R. KELLER, ON
BEHALF OF W. WILLIAMS, J. SNODGRASS, C. WILLS, J.
PATRIDGE, ET. AL.

TERI AVAKIAN-HUGHES presented Planning Department Report
No. 90-256. She further noted modification to two
conditions contained in the permit.

LARRY KELLER spoke in support of the appeal and denial
of the permits.

J. P. SNODGRASS, area property owner, stated the two
lots should have been merged and one lot created. He
was opposed to the project.

CHRISTOPHER WILLS stated he owned the property
immediately behind the proposed residences. He stated
he obtained over 200 signatures of those opposed to the
project because they want to preserve the scale of
development in the neighborhood.

WILLIAM J. KELLOGG, La Jolla Beach and Tennis Club,
stated the area was developed with predominantly
one-story, low-density residential. He stated the
development did not conform to the CC&R requirements
relating to the surrounding area and they were opposed
to the development.

NINA McCARTY, La Jolla Shores Advisory Board, stated
they were opposed to the project based on neighborhood
compatibility, bulk and scale of the project, height and
view blockage. Ms. McCARTY stated they were concerned
that this would set a precedent for development in the
area.

FORREST MILLER, representing the La Jolla Shores
Association, stated his organization voted to oppose the
project. He stated their opposition was based on bulk
and scale, and view blockage.

REBECCA MICHAEL, attorney representing the applicant, spoke in support of the proposed development. She noted no variances were being requested and the project conformed to the requirements of the planned district ordinance. Ms. MICHAEL further noted the proposed homes were 22 and 24 feet in height, and the CC&R's in the area did not apply to these particular lots.

DALE COMBS, architect for the project reviewed the project.

Public testimony was closed on this item.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by RALPH PESQUEIRA, the Commission voted 5-0 (ZOBELL and REYNOLDS not present) to deny the appeal and approve the permits as recommended by staff and with the following modification as recommended by staff:

"18. To the extent this condition is consistent with state and local laws, this project shall comply with standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The owner/permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

"20. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the event that a challenge pertaining to future growth management requirements, as discussed in Condition No. 18, is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained."

RECESS/RECONVENE

The Commission recessed at 12 noon and reconvened at 1:35 p.m.

Because only four Commissioners would be present for most the afternoon, the Chair entertained requests for continuances.

ITEM-7 APPEAL OF THE AUSTIN LOTS 1 AND 3 PROJECT, PROPOSED
AND 8 HILLSIDE REVIEW PERMIT AND COASTAL DEVELOPMENT PERMIT
NO. 89-0799, FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY
RESIDENCES ON TWO SEPARATE LOTS ON PROPERTY WITHIN THE
TORREY PINES COMMUNITY. LOCATED ON THE EAST SIDE OF VIA
LATINA, BETWEEN PORTOFINO DRIVE AND VIA GRIMALDI IN THE
R-1-5000 (PORTIONS IN THE HILLSIDE REVIEW OVERLAY) ZONE
IN THE TORREY PINES COMMUNITY (EQD NO. 89-0799).
OWNER: KENT AND LANA WILSON, OWNERS. APPLICANT: DOUGLAS
AUSTIN. APPELLANTS: TORREY PINES COMMUNITY PLANNING
GROUP, BY OPAL L. TRUEBLOOD, CHAIR.

Both the applicant and appellant concurred with the
recommended continuance.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by LYNN BENN, the
Commission voted 5-0 (ZOBELL and REYNOLDS not present)
to continue these items to September 27, 1990, at
8:30 a.m.

ITEM-9 APPEAL OF THE CASTAGNOLA RESIDENCE COASTAL DEVELOPMENT
PERMIT NO. 90-0061. LOCATED AT 620 SAN GORGONIO IN THE
R1-10000 ZONE IN THE PENINSULA COMMUNITY. DEP
NO. 90-0061. LOT 5, CORONADO VISTA MAP NO. 2568A.
OWNER/APPLICANT: LOUIS CASTAGNOLA, JR. APPELLANTS: MR.
AND MRS. MARTIN DICKINSON.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by TOM LA VAUT, the
Commission voted 5-0 (ZOBELL and REYNOLDS not present)
to continue this item to October 4, 1990, at 9:00 a.m.

ITEM-12 CLAIR BURGNER ESTATES COASTAL DEVELOPMENT PERMIT AND
CONDITIONAL USE PERMIT NO. 89-1157 (AMENDS CONDITIONAL
USE PERMIT NO. 444-PC). LOCATED ON SHASTA STREET
BETWEEN FORTUNA AVENUE AND LA PLAYA IN THE R-1500 ZONE
IN THE PACIFIC BEACH COMMUNITY. DEP NO. 89-1157.
LOTS 30-48, BLOCK 16; LOTS 1-24, BLOCK 17; AND LOTS 1-6,
BLOCK 27, FORTUNA ADDITION, MAP NO. 894.
OWNER/APPLICANT: ASSOCIATION FOR RETARDED CITIZENS.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by LYNN BENN, the
Commission voted 5-0 (ZOBELL and REYNOLDS not present)
to continue this item to September 13, 1990, at
9:00 a.m.

ITEM-5 APPEAL OF THE LA JOLLA CANCER RESEARCH FOUNDATION COASTAL
AND 6 DEVELOPMENT PERMIT AND AN AMENDMENT TO A PLANNED
INDUSTRIAL DEVELOPMENT PERMIT, CASE NO. 89-0850.
LOCATED AT 10901 NORTH TORREY PINES ROAD ON THE
SOUTHEAST CORNER OF NORTH TORREY PINES ROAD AND SCIENCE
PARK ROAD IN THE SR ZONE IN THE UNIVERSITY COMMUNITY.
DEP NO. 89-0850. PARCELS 1-4, MAP NO. 13341.
OWNER/APPLICANT: LA JOLLA CANCER RESEARCH FOUNDATION.
APPELLANTS: TORREY PINES ASSOCIATION - BENNY CHIEN,
ATTORNEY.

GLENN GARGAS presented Planning Department Report
No. 90-569. Mr. GARGAS noted Condition 17 had been
revised at the request of the Engineering and
Development Department.

OPAL TRUEBLOOD, Chair of the Torrey Pines Community
Planning Group, stated her planning group voted
unanimously to deny the project based on the impact the
project would have on the Peñasquitos Lagoon. She said
they were also concerned about the parking and traffic
impacts of the project. Ms. TRUEBLOOD stated findings B
and C of the permit could not be made.

LYNN HEIDL, attorney representing the applicant, spoke
in support of the project. She reviewed the plans and
surface runoff that would occur. She reviewed the
increase in traffic that would be generated by the
facility expansion.

Public testimony was closed.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the
Commission voted 5-0 (ZOBELL and REYNOLDS not present)
to certify the supplemental EIR, and deny the appeal and
approve the permits as recommended by staff, modifying
Condition 17 as follows:

"Prior to the issuance of any building permits, the
applicant shall pay to the City cash, in the amount of
\$82,500, as a deposit towards this applicant's share of
the future assessment of the Genesee Avenue/North Torrey
Pines Road intersection to be deposited in fund
No. 72012. A cost reimbursement district is being
established for this improvement, which is estimated to
cost \$10,000,000. This district will establish the
percentage responsibility of the benefiting property
owners. The North City Facilities Benefit Assessment
has assured \$2,500,000 financial responsibility to
date."

ITEM-10 THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

ITEM-11 THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

ITEM-13 ANNOUNCEMENTS/PUBLIC COMMENT - ITEMS OF INTEREST WITHIN THE JURISDICTION OF THE PLANNING COMMISSION NOT PREVIOUSLY HEARD.

No one appeared to speak at this time.

ADJOURNMENT

The meeting adjourned at 2:20 p.m.