

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

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairman ZoBell at 9:10 a.m.
The Planning Commission adjourned at 3:45 p.m.

ATTENDANCE DURING THE MEETING:

Chairman Karl ZoBell-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-not present
George Arimes, Assistant Planning Director-present
Mary Lee Balko, Deputy Director, Long Range
Planning-present
Fred Conrad, Chief Deputy City Attorney-present
Rachael Hurst, Principal Planner-present
Bob Korch, Acting Principal Planner-present
Recorder Janet MacFarlane-present

ITEM-1 APPROVAL OF MINUTES OF JULY 12, 1990

COMMISSION ACTION

On motion of RALPH PESQUEIRA, seconded by SCOTT BERNET, the Commission voted 4-0 (LA VAUT abstaining with CALKINS and REYNOLDS not present) to approve the minutes of July 12, 1990.

- ITEM-1B 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 TH AT ARE ALSO BEING CONSIDERED BY THE PLANNING DEPARTMENT INCLUDE A VESTING TENTATIVE MAP (VTM), A RESOURCE PROTECTION ORDINANCE (RPO) PERMIT AND PLANNED RESIDENTIAL DEVELOPMENT (PRD) PERMIT, CASE NUMBER 90-0701. OWNER/APPLICANT: MCCOMIC-WESTWOOD LTD.

DEE SNOW, representing R. B. McCombic, requested a continuance in order that the area planning group would have an opportunity to review the requested plan amendment.

COMMISSION ACTION

On motion of LYNN BEEN, seconded by RALPH PESQUEIRA, the Commission voted 4-0 (CALKINS, BERNET AND REYNOLDS not present) to continue this item to August 30, 1990 at 9 a.m.

- ITEM-7 APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF A REQUEST FOR A COASTAL DEVELOPMENT TO CONSTRUCT A SINGLE FAMILY HOME ON A VACANT LOT IN THE PENINSULA COMMUNITY PLAN. LOCATED ON SUNSET CLIFFS BOULEVARD BETWEEN ADAIR STREET AND OSPREY STREET IN THE R1-5000 ZONE IN THE PENINSULA COMMUNITY PLAN. DEP NO. 89-0945. PARCEL 1, MAP NO. 11610, A DIVISION OF LOTS 21 AND 22, BLOCK 11 OF SUNSET CLIFFS. OWNER/APPLICANT: GLOBUS DEVELOPMENT, INC. APPELLANT: DALE NESS EGGARS.

A Lady in the Audience requested a continuance on this item because one of the appellants could not be present.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 4-1 (ZOBELL voting in the negative with CALKINS and REYNOLDS not present) to continue this item to September 6, 1990, at 9:00 a.m.

ITEM-1A INITIATION OF AN AMENDMENT TO THE SABRE SPRINGS COMMUNITY PLAN TO RELOCATE A PARK & RIDE. THE APPLICANT IS PROPOSING TO REDESIGNATE A 1.3 ACRE UNDEVELOPED PARK AND RIDE SITE ALONG POWAY ROAD TO COMMUNITY COMMERCIAL USE, RELOCATING THE PARK AND RIDE TO THE SOUTHWEST OF SABRE SPRINGS PARKWAY AND NORTH CITY PARKWAY AS PART OF AN UNDEVELOPED SITE CURRENTLY DESIGNATED FOR SPECIALTY COMMERCIAL USE AND OPEN SPACE IN THE SABRE SPRINGS COMMUNITY PLAN.
OWNER/APPLICANT: PARDEE CONSTRUCTION COMPANY.

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

DAVID POOLE, representing Pardee Construction, spoke in favor of the initiation of the plan amendment. He explained the amendment included the relocation a park and ride facility to a better location.

MANUEL DEMETRE, representing CalTrans, stated they were in favor of the relocation of the park and ride facility. He stated the new site would better serve riders of the HOV, Rancho Carmel and North Poway.

DAVE SCHUMAKER, representing MTDB, stated they favored the new site as it better served the transit in the area.

Public testimony was closed.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by RALPH PESQUEIRA, the Commission voted 4-1 (BENN voting in the negative with CALKINS and REYNOLDS not present) to initiate the plan amendment with special attention to: (1) the issue of the open space designation (concept of why there was an open space designation at this location) to the area now proposed for a park and ride site; (2) timeliness of the plan amendment; (3) relationship to other park and ride locations; (4) plan amendment to be processed when and if appropriate staff area available without removing them from other approved work programs; and (5) note of the request by CalTrans that a stairway be built adjacent to the parkway.

ITEM-1C APPEAL OF THE REGENTS CLUB, PROPOSED PLANNED RESIDENTIAL DEVELOPMENT PERMIT (AMENDMENT) NO. 89-1403. THE PROJECT SITE IS BOUNDED BY LA JOLLA VILLAGE DRIVE, GENESEE AVENUE, NOBEL DRIVE AND REGENTS ROAD IN THE R-1500 ZONE IN THE UNIVERSITY COMMUNITY (DEP NO. 89-1403). OWNER/APPLICANT: GSC REALTY CORPORATION. APPELLANT: PAUL E. ROBINSON, REPRESENTING GSC REALTY.

PAUL ROBINSON, attorney representing the applicant, requested a continuance to after the City Council meeting of September 10, 1990.

COMMISSION ACTION

On motion of RALPH PESQUEIRA, seconded by TOM LA VAUT, the Commission voted 4-0 (CALKINS, BERNET AND REYNOLDS not present) to continue this item to September 13, 1990 at 1:30 p.m.

ITEM-2 THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

ITEM-3 APPEAL OF THE SAN ANTONIO STREET CONDOS COASTAL DEVELOPMENT PERMIT. LOCATED 302 SAN ANTONIO STREET IN THE R-600 ZONE IN THE PENINSULA COMMUNITY. DEP NO. 89-0525. A PORTION OF LOT 3, LOT 4, BLOCK 121, LA PLAYA M.M. 35. OWNER/APPLICANT: MATTHEW J. ROTH. APPELLANTS: JOHN W. HOWARD, HOWARD G. TIRSCHWELL.

KEVIN MCGEE presented Planning Department Report No. 90-258.

JAMES FEDERHART spoke in opposition to the project. He stated the plans only provided seven standard-size parking spaces, not the nine required. He explained it was difficult to turn around on this dead end street.

PATRICIA HOLMES spoke in opposition to the project based on the need for parking in the area and a need to reduce the number of units proposed.

MARGARET AYLOTT spoke in opposition citing the narrow street. She stated there was no turn-around provided at the end of the street which required motorists to pull into driveways to turn around.

JOSEPHINE REED spoke in opposition stating too many units were being proposed and cited the problem of parking in the area.

JOHN HOWARD spoke in opposition and stated he had a petition with 98 signatures opposed to the project. He stated the development should be redesigned so as not to reduce on-street parking in the area.

DR. HOWARD TIRSCHWELL spoke in opposition to the project.

NORMAN MAGNESON, representing the Peninsula Community Planning Board and Point Loma Association, state both groups voted unanimously to support the appeal and recommend denial of the project. He stated their opposition was based on parking, bulk and scale of the project, and other considerations.

RANDY HANNA, representing the applicant, reviewed the proposed projects, noting they had pulled the building back so as to reduce the scale and bulk. He stated the building was under the allowable FAR as well as density.

Public testimony was closed on this item.

COMMISSION ACTION

On motion of LYNN BENN, seconded by SCOTT BERNET, the Commission voted 5-0 (CALKINS and REYNOLDS not present) to approve the appeal and deny the permit because the project may encroach on physical accessways; the project is not visually compatible with the area; and the project does not conform to the General Plan because of the safety aspect of the narrow street.

RECESS/RECONVENE

The Commission recessed at 10:35 a.m. and reconvened at 10:45 a.m.

ITEMS-4 APPEAL OF THE PLANNING DIRECTOR AND SUBDIVISION BOARD
5 AND 6 APPROVALS OF A COASTAL DEVELOPMENT PERMIT (CDP), AN
AMENDMENT TO A PLANNED RESIDENTIAL DEVELOPMENT (PRD)
AND VESTING TENTATIVE MAP (VTM) CASE NO. 89-0925.
LOCATED NORTH AND SOUTH OF SORRENTO VALLEY
BOULEVARD/CALLE CRISTOBAL, NORTH OF MIRA MESA
BOULEVARD, WEST OF CAMINO SANTA FE AND EAST OF
INTERSTATES 805/5 IN THE R1-5000 ZONE AND THE COASTAL
ZONE AND IN THE NORTH CITY LOCAL COASTAL PROGRAM, AND
THE MIRA MESA COMMUNITY PLAN AREA COMMUNITY. DEP
NO. 89-0925. OWNER/APPLICANT: NCH-BECK.
APPELLANTS: SIERRA CLUB, SAN DIEGO CHAPTER AND
NCH-BECK.

KARL ZOBELL noted his daughter was with law firm representing the applicant, and there was no legal conflict of interest with him participating in this item. If, however, there was any objection, he would abstain. Hearing none, the meeting continued.

TRACY REED presented Planning Department Report No. 90-245. He stated the appellant was recommending a performance bond as a conditions of approval which the

department had no objection. Further, staff was in favor of the proposed revised conditions as it related to Conditions 28 and 45 of the permit.

FRED CONRAD stated the proposed revised conditions were consistent with Council direction.

LINDA MICHAEL, representing the Sierra Club, explained the appeal was based on the visual impact the project would have on the adjacent Penasquitos Park. Ms. MICHAEL recommended a bond in the amount of \$100,000 to be posted to insure that landscape screening would reduce the visual impact of the project to a level no greater than that described in the EIR and its planting should be sufficient to promote its use by wildlife.

BARRY McCOMBIC, General Partner, spoke in support of the project. Mr. McCOMBIC stated the narrow issue identified by the Sierra Club involves visual impacts. He stated Condition 25 of the PRD requires that all criteria and all measures have been set forth to minimize the visual impact. He did not object to posting a bond in the amount of \$27,500, but would object to a bond in the amount of \$110,000. Further, Mr. McCOMBIC stated there had to be definitive language contained in the bond to identify when the work had been performed so the bond could be released.

JERRY DAWE, attorney representing the applicant, spoke in support of the revised Conditions 28 and 45. he stated given the changes to Condition 37, the language would be adequate.

MIKE KELLY, representing Friends of Penasquitos Canyon, stated the conditions appeared adequate with one specific focus, landscape screening.

Public testimony was closed on this item.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 5-0 (CALKINS and REYNOLDS not present) to certify the environmental impact report, deny the appeal and approve the permits, amended as follows:

Require a performance bond to assure compliance with Condition 25 of the permit with Planning and legal staff to develop the bond language satisfactory to both the applicant and appellant, noting if agreement was

not reached this could be brought back to the Planning Commission; and to further amend Conditions 28 and 45 as follows:

"28. To the extent this condition is consistent with state and local laws, this project shall comply with the 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; and

"45. 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. 28, 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."

" In the event the City Council, in an action taken subsequent to the date of approval of this permit, revises or approves a revision of this condition, this condition shall be deemed revised in accordance with such revisions without further action."

ITEM-8 THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

ITEM-9 PROPOSED AMENDMENTS TO THE DEFINITION OF FLOOR AREA RATIO AND RELATED DEFINITIONS. THE PROPOSED AMENDMENTS TO FLOOR AREA RATIO AND RELATED DEFINITIONS WOULD REVISE THE METHOD OF CALCULATING THE FLOOR AREA RATIO PROVISIONS OF INDIVIDUAL LAND USE ZONES.

GENE LATHROP presented Planning Department Report No. 90-253.

HEDY ST. JOHN, representing the Peninsula Planning Board, stated they were in favor of the new definition.

DAVE ODELL, representing the La Jolla Community Planning Association and Town Council, stated they were in favor of the proposed definitions but recommended changing the wording from "six feet" to "three feet" throughout the text.

WALLACE CUNNINGHAM stated he was basically in favor of the proposal but was concerned how atriums and courtyards would be counted in the FAR.

KEN KELLOGG stated they wanted to make sure there was some flexibility in the ordinance without the need for discretionary permits.

OPAL TRUEBLOOD, representing the Torrey Pines Planning Board, stated they supported the proposed amendments and agreed with the suggestion of Mr. ODELL.

JIM DAWE stated he was concerned how this would apply to the recently enacted Centre City Plan. He stated the proposed change in definitions was driven by concerns in the suburban area but he was concerned how it would apply to urban areas.

JOHN HUSSEY stated he was troubled with the proposed of including mezzanines, open air courtyards, parapets and screening of mechanical equipment into the FAR. He felt the proposed language did not relate to commercial developments where these types of amenities are encouraged.

WILLIAM SMITH spoke in opposition to the definitions as it would impact basement garages.

MARK FEHLMAN, representing the AIA, stated they agreed with the general direction of the proposed change but felt it had gone too far. He cited the proposal to include balconies and atriums into the gross FAR.

BRIAN PAUL stated many of the elements included in the proposed definitions would stop good architecture. He explained the loss of FAR results in reduction of land value.

JEREMY COHEN stated many of the recommendations did not relate to urban forms of housing and high density. He cited the inclusion of elevator shafts and mechanical equipment into the FAR.

ROBERT CULVER, representing Sentury Investments, spoke in opposition, stating there were many urban, unique instances which when applied to the ordinance would create an undesirable outcome. He recommended the

revised definitions be reviewed by the Centre City Planning Committee and Centre City Development Corporation before adoption.

Public testimony was closed on this item.

COMMISSION ACTION

On motion of RALPH PESQUEIRA, seconded by LYNN BENN, the Commission voted 5-0 (CALKINS and REYNOLDS not present) to continue this item on September 13, 1990, at 1:30 p.m.

RECESS/RECONVENE

The Commission recessed at 3:05 p.m. and reconvened at 3:10 p.m.

ITEM-10 ZONING CODE UPDATE

Assistant Director GEORGE ARIMES gave an update on the zoning code project.

ITEM-11 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 3:45 p.m.