

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
NOVEMBER 14, 1996  
IN COUNCIL CHAMBERS - 12TH FLOOR  
CITY ADMINISTRATION BUILDING**

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Chairperson Neils at 9:06 p.m. Chairperson Neils adjourned the meeting at 2:45 p.m.

**ATTENDANCE DURING THE MEETING:**

Chairperson Christopher Neils-present  
Vice-Chairperson William Anderson-not present  
Commissioner Patricia Butler-present  
Commissioner Verna Quinn-present  
Commissioner Andrea Skorepa-present  
Commissioner David Watson-present  
Commissioner Frisco White-present  
Mike Stepner, Urban Design Coordinator-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.

Mike Stepner announced the recent promotions for Betsy McCullough who has been appointed as the Manager of Community Planning and Development. Marceia Escobar-Eck was also appointed as Staff Team Leader working on major plan amendment projects.

Mr. Stepner also advised of two items that went before the Coastal Commission recently: Del Mar Mesa Plan which the Commission approved; and the Categorical Exclusions which were pulled from the docket on a procedural matter and will come back to the Coastal Commission.

Gary Halbert advised the Commission of the status of the sea wall at Pescadero which also went before the Coastal Commission and was approved. City Council denied the Ranch at Stallions Crossing this week and approved the Hicks Residence project.

ITEM 3A: COMMISSION COMMENT.

None.

ITEM-4: APPROVAL OF THE MINUTES OF OCTOBER 24 and 31, 1996:

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE THE MINUTES OF OCTOBER 24, 1996 WITH THE FOLLOWING CORRECTION TO PAGE 8, CONDITION 4 REGARDING THE INDUSTRIAL PARK. LANGUAGE SHOULD BE CHANGED TO STATE "...PROPERTY OWNERS ASSOCIATION" RATHER THAN "HOMEOWNERS ASSOCIATION". Second by Quinn. Passed by a 6-0 vote with Vice-Chairperson Anderson not present.

The minutes of October 31, 1996 were trailed to the next scheduled hearing when the accompanying draft permit is submitted to the Commission for review.

ITEM-5: CENTRAL IMPERIAL AMENDMENTS.

Coleen Frost of Community and Economic Development and Carolyn Smith of SEDC presented Report to the Planning Commission No. P-96-262.

Testimony in favor by:

**John Knapp, III, representing Central Imperial PAC.** Stated that he is in favor of the rezoning. He is a resident of the North Creek condos and has enjoyed the rural aspect of having a large open-space near his home. He has also experienced the threat of fires in the field and notices more and more erosion. He believes developing this area would take care of the safety issues, improve the look of the area and bring in additional revenue for their public services. If homes were built it would increase the burden of the overloaded schools and other public services; however, a commercial venture would be a better choice.

**Angela Harris, representing the PAC.** As members of this area, they have been in touch with the community and are in favor of this development because they feel they are the only community in the City in which they have to leave their area for entertainment and various services. The community is asking for the opportunity to not be different from everyone else, but to have those niceties and to have their tax dollars stay in their community.

Testimony in opposition by:

**Reynaldo Pisano, representing the Southeast San Diego**

**Development Committee.** Spoke to the letter from the Chair, Anna Major, dated November 13, 1996 in which the following was discussed: the Committee's votes on the second amendment, General Plan amendment and rezone of North Creek, recommendations made on the draft EIR; Hilltop rezone clarifications; correction to the legend and graphic. They also requested a full environmental impact report and not an amendment or a secondary report and questioned why there is a rezone proposal when there is no application for all permits necessary for a project development.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF'S RECOMMENDATION IN REPORT NO. P-96-262 NOS. 1 AND 2 AND EXCLUDE NOS. 3 AND 4, AS THEY CAN BE EASILY DONE AT THE SAME TIME THEY COME FORWARD FOR ALL OF THEIR OTHER DISCRETIONARY PROPOSALS. Second by Quinn. No vote taken.

MOTION BY WATSON TO AMEND THE MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE STAFF'S RECOMMENDATION, (SUBJECT TO CONDITIONS) AS FOLLOWS:

1. AMEND THE GENERAL PLAN AND THE SOUTHEAST SAN DIEGO COMMUNITY PLAN TO CHANGE THE LAND USE DESIGNATION ON THE NORTH CREEK SITE FROM RESIDENTIAL TO COMMERCIAL (NOT MULTIPLE USE AS ORIGINALLY PROPOSED) CONTINGENT UPON COMPLETION OF A DISCRETIONARY PERMIT APPLICATION WITHIN 18 MONTHS FROM THE DATE OF CITY COUNCIL AND AGENCY APPROVAL AND SUBSEQUENT APPROVAL OF THE DISCRETIONARY PERMIT. IF THE APPLICATION AND DISCRETIONARY ACTIONS ARE NOT COMPLETED, THE LAND USE DESIGNATION WILL REVERT TO RESIDENTIAL.

2. REZONE THE 30-ACRE NORTH CREEK SITE FROM SF-5000 TO CT-2 (NOT EITHER "SF-5000" OR "CT-2" AS ORIGINALLY PROPOSED) CONTINGENT UPON COMPLETION OF A DISCRETIONARY PERMIT APPLICATION WITHIN 18 MONTHS FROM THE DATE OF CITY COUNCIL AND AGENCY APPROVAL AND SUBSEQUENT APPROVAL OF THE DISCRETIONARY PERMIT. IF THE APPLICATION AND DISCRETIONARY ACTIONS ARE NOT COMPLETED, THE LAND USE DESIGNATION WILL REVERT TO RESIDENTIAL.

3. INCLUDE TEXT IN THE COMMUNITY PLAN AMENDMENT TO ADDRESS BULK AND SCALE OF A COMMERCIAL DEVELOPMENT ON THE NORTH CREEK SITE WITH SPECIFIC DESIGN CRITERIA FOR BUILDING SETBACKS, HEIGHT, AND ARTICULATION, TO ENSURE A SENSITIVE DESIGN ADJACENT TO THE EXISTING RESIDENTIAL DEVELOPMENT.

4. INCLUDE THOSE AMENDMENTS PROPOSED BY THE SOUTHEAST SAN DIEGO DEVELOPMENT COMMITTEE IN THEIR LETTER DATED NOVEMBER 13, 1996, IN WHICH STAFF WAS IN SUPPORT.

5. DELETE TEXT IN THE COMMUNITY PLAN ON PAGE 97 RELATED TO THE EXTENSION OF FEDERAL BOULEVARD PROVIDED NO ADDITIONAL TRAFFIC OR ENVIRONMENTAL ANALYSIS IS REQUIRED.

STAFF TO BRING BACK A DRAFT OF THESE REVISIONS WITH THE APPROVAL OF THESE MINUTES. Second by Quinn. Passed by a 5-0 vote with Commissioner Butler abstaining and Vice-Chairperson Anderson not present.

ITEM-6:

FREEDOM HOUSE - CONDITIONAL USE PERMIT NO. 96-0121. A REQUEST TO BRING AN EXISTING RESIDENTIAL CARE FACILITY INTO CONFORMANCE WITH THE REQUIREMENTS SET FORTH IN SAN DIEGO MUNICIPAL CODE SECTIONS 101.0510.

Tracy Elliot-Yawn presented Report to the Planning Commission No. P-96-250.

Testimony in favor by:

**Louise Fyock, Director, Community Connection Resource Center.**  
Gave history of who they are, what they do, and how the process came about from the State.

**Chad L. Hall, Neighborhood Watch Captain.** Spoke to his experience with this organization as he was involved with them as the Neighborhood Watch Captain. They are good neighbors - quiet, clean and helped solve significant problems which included drug dealers, etc. Requested that their permit be approved.

**Ann Fathy, representing herself.** Attorney and a Fair Housing advocate. This application is before the Commission because the City has determined that this meets their definition of a residential care facility and therefore requires a CUP. The City's residential care facilities regulations are in violation of state and federal fair housing law. The people who are residing in this facility are recovering from substance abuse; by Federal and State fair housing law they are classified as disabled and the law prohibits using zoning and land use regulations to discriminate in the choice that disabled people have in housing.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY SKOREPA TO CERTIFY NEGATIVE DECLARATION NO. 96-0121 AND APPROVE CONDITIONAL USE PERMIT NO. 96-0121 SUBJECT TO CONDITIONS (ATTACHMENT 4) WITH THE FOLLOWING REVISIONS:

1. CONDITION NO. 29 TO READ AS FOLLOWS: "THE APPLICANT SHALL FOLLOW THE FREEDOM HOUSE ADMISSIONS CRITERIA AND HOUSE ONLY WOMEN WHO ARE (1) 18 YEARS OR OLDER (2) ON PAROLE IN SAN DIEGO COUNTY (3) HAVE A HISTORY OF SUBSTANCE ABUSE (4) WILLING TO FOLLOW ALL RULES AND REGULATIONS (5) FOLLOW ALL CONDITIONS OF PAROLE (6) SUBMIT TO RANDOM URINALYSIS, AND (7) ARE NOT CONVICTED OF ARSON OR SEX CRIMES."

- 2. A 6-MONTH TIME LIMIT WILL BE INCLUDED IN CONDITIONS 7 THROUGH 17 FROM APPROVAL OF THE PROGRAM IN LIEU OF REFERENCE TO "ISSUANCE OF BUILDING PERMITS."

- 3. CONDITION NO. 33 WILL INCLUDE THE REQUIREMENT THAT WHEN FREEDOM HOUSE MAKES THEIR REPORTS TO THE STATE REGULATORY AGENCIES AND DEPARTMENT OF CORRECTIONS THAT THEY COPY THE CITY.

Second by Butler. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson not present.

ITEM-7:

HARWELL RESIDENCE - EXTENSION OF TIME, COASTAL DEVELOPMENT PERMIT AND SENSITIVE COASTAL RESOURCE PERMIT NO. 96-0624 FOR CDP/SCR NO. 92-0316, APPROVED BY THE CITY COUNCIL ON JUNE 8, 1993. AN EXTENSION OF TIME FOR A PREVIOUSLY APPROVED PERMIT TO DEMOLISH AN EXISTING RESIDENCE AND CONSTRUCT A NEW HOUSE.

Tracy Elliot-Yawn presented Report to the Planning Commission No. P-96-251.

No one present to speak.

**COMMISSION ACTION:**

MOTION BY WHITE TO REVIEW AND CONSIDER PREVIOUSLY CERTIFIED NEGATIVE DECLARATION, NO. 92-0316; AND APPROVE EOT/CDP/SCR NO. 96-0624 SUBJECT TO CONDITIONS IN THE DRAFT PERMIT (ATTACHMENT 5). Second by Quinn. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson not present.

ITEM-8:

SABRE SPRINGS/SOUTH CREEK PARCELS (96-0442). REZONING OF 9 PARCELS (65 ACRES) TO VARIOUS ZONES TO CORRESPOND TO A RECENTLY APPROVED AMENDMENT TO THE SABRE SPRINGS COMMUNITY PLAN; AMENDMENT TO PLANNED RESIDENTIAL DEVELOPMENT PERMIT 86-0885 TO REVISE DEVELOPMENT FROM MOBILE HOME PARK TO SINGLE-FAMILY

**HOMES; AMENDMENT TO PRD PERMIT 92-0685 TO REVISE DEVELOPMENT FROM ATTACHED RESIDENTIAL TO SINGLE FAMILY HOMES; AMENDMENT TO VTM 86-0885 TO CORRESPOND TO THE PRD AMENDMENTS; AND VACATION OF A PORTION OF SPRINGBROOK DRIVE.**

Nick Osler and Mary Roush presented Report to the Planning Commission No. P-96-264, along with several revisions to this report which were read into the record.

Testimony in favor by:

**David Poole, representing Pardee Construction.** Advised that the Community Planning Group has reviewed and approved this project unanimously and that he was present to answer any questions that may arise.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY SKOREPA TO RECOMMEND TO THE CITY COUNCIL THAT THEY REVIEW AND CONSIDER PREVIOUSLY CERTIFIED MITIGATED NEGATIVE DECLARATION NO. 35-0373; RECOMMEND CERTIFICATION OF MITIGATED NEGATIVE DECLARATION NO. 96-0442; AND RECOMMEND APPROVAL OF THE REQUESTED REZONING, AMENDMENTS TO VTM/PRD 86-0885 AND PRD 92-0685 AND TO THE SPRINGBROOK DRIVE STREET VACATION, SUBJECT TO CONDITIONS (ATTACHMENTS 8 AND 10), ALONG WITH THE DELETION OF ANY CONDITION REFERRING TO ACCESS CONTROL GATES, SHOULD IT BE INCLUDED INCORRECTLY IN THE NEW PERMIT. Second by White. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson not present.

ITEM-9:

**TEEN CHALLENGE - CONDITIONAL USE PERMIT (CUP) NO. 96-0445. A REQUEST TO OPERATE A PROPOSED RESIDENTIAL CARE FACILITY.**



Sandra Teasley presented Report to the Planning Commission No. P-96-261. Staff read a condition into the record that should there be any violations on site that this permit will be returned to the Planning Commission for consideration of revocation, to be paid for by the permittee.

Testimony in favor by:

**Robert Buschman, representing Teen Challenge.** Described the program involved in the Teen Challenge, and explained the program and the use of this facility. Spoke about the residents who would be housed in this facility and their rehabilitation needs.

**Art Salzberg, representing himself.** Advised that some of these residents will be homeless people in need. Described a personal family situation and how a facility like this would be helpful. Gave acknowledgment to the effectiveness of this facility.

**Ann Fathy, attorney, representing herself.** Spoke to the state and federal fair housing laws prohibiting zoning and land use practices which have the effect of limiting the residential choice of persons with disabilities.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY BUTLER TO:

1. CERTIFY NEGATIVE DECLARATION 96-0445.
2. APPROVE CONDITIONAL USE PERMIT 96-0445 SUBJECT TO CONDITIONS (ATTACHMENT 4).
3. APPROVE THE PROVISION READ INTO THE RECORD REGARDING THE PERIODIC REVIEW AND COST RECOVERY IF A VIOLATION IS FOUND.
4. INCLUDE A NEW CONDITION WHICH STATES THAT SEX OFFENDERS WOULD BE EXCLUDED FROM THIS PROGRAM.

- 5. APPLICANT TO PROVIDE RECREATIONAL FACILITIES ON THE UNUSED PARKING AREA, AND PRIOR TO THE BEGINNING OF THE THIRD YEAR HAVE THE TWO PARKING DRIVeways ABANDONED AND RE-LANDSCAPED.

- 6. INCLUDE THE REVISION THAT NO MORE THAN 20 JUNIOR HIGH TO HIGH SCHOOL STUDENTS, WITH ONE STAFF MEMBER PER FIVE STUDENTS, WILL BE REQUIRED FOR THE TUTORIAL PROGRAM ONLY. WILL BE ALLOWED FOR THE TUTORIAL PROGRAM. ONE STAFF MEMBER PER FIVE STUDENTS SHALL BE REQUIRED FOR THE TUTORIAL PROGRAM.

Second by White. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson not present.

ITEM-10:

**SEAVIEW LIMITED LIABILITY COMPANY (LLC). COASTAL DEVELOPMENT PERMIT SENSITIVE COASTAL RESOURCE PERMIT NO. 96-0460.**

Michele Sokolowski presented Report to the Planning Commission No. P-96-246.

Testimony in favor by:

**Matt Peterson, Peterson & Price representing the owner.** Stated that the phrase "prior to demolition permit for recordation for beach access" would be acceptable to his client. Advised that his client worked with all of his surrounding neighbors and has letters of support from each of them; modified the project to address their concerns.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY WHITE TO CERTIFY THE MITIGATED NEGATIVE DECLARATION NO. 96-0460 AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM; APPROVE CDP/SCR PERMIT NO. 96-0460, SUBJECT TO CONDITIONS (ATTACHMENT 4), ALONG WITH THE AMENDED CONDITIONS READ INTO THE RECORD BY STAFF, AND THE CONCURRENCE OF THE APPLICANT TO PROVIDE THE LATERAL ACCESS DISCUSSED.

Second by Butler. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson not present.

**HOMESTEAD VILLAGE, COMMUNITY PLAN AMENDMENT, REZONE, TENTATIVE PARCEL MAP, PLANNED INDUSTRIAL DEVELOPMENT AMENDMENT, PLANNED COMMERCIAL DEVELOPMENT PERMIT (96-0336).**

John Fisher presented Report to the Planning Commission No. P-96-254.

Testimony in favor by:

**Brad Griggs, Homestead Village.** This project represents their second project in this city and is one that they worked very diligently with staff and the community. They concur with the staff report and their recommendations with the exception of condition 11 where they are required to pay a reimbursement fee. They would like to modify this so they can pay their pro-rata share of the entire acreage.

**Paul Robinson, presenting Homestead Village.** Addressed the issue of the reimbursement fee and the settlement agreement out of litigation with Pacific Corporate Center and Lusk. The property owner who will retain ownership of the last two parcels knows that whomever develops that property will be required to reimburse Lusk and FCC for their pro-rata share of the improvements.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY WHITE TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF RECOMMENDATIONS AS STATED IN REPORT NO. P-96-254, WITH MODIFICATIONS AS READ INTO THE RECORD BY STAFF AS FOLLOWS:

1. DELETE CONDITION NO. 14 OF ATTACHMENT 4, PAGE 5.

2. CONDITION 22 B. WILL BE REWRITTEN TO REFLECT THE SAME WORDING AS THE LAST SENTENCE OF 21 A. WHICH

ITEM-11:

SAYS, "WATER FACILITIES PROPOSED FOR THIS PROJECT AS SHOWN ON THE APPROVED TM ARE SUBJECT TO THE APPROVAL OF THE WATER UTILITY DEPARTMENT" BUT WILL BE REVISED TO SAY "SEWER FACILITIES...".

3. CONDITION NO. 25 WILL BE DELETED IN THE TM, ATTACHMENT 4, PAGE 8.

4. UNDER THE SECTION "FOR INFORMATION", THE FIRST BULLET WILL BE REVISED TO STATE "...BY THE DEVELOPMENT SERVICES DIRECTOR", INSTEAD OF DIRECTOR OF BUILDING INSPECTION.

5. FINDING NO. 1 OF THE TPM, ATTACHMENT 4 WILL BE REVISED TO DELETE THE WORDS, "...OR ANY LIKE USE AS APPLICABLE UNDER THE CV ZONE", AND RESTRICT PARCEL NO. 1 TO HOTEL USE ONLY. THIS TO BE WORKED OUT WITH THE CITY ATTORNEY AND STAFF BEFORE REZONING HAS BEEN INTRODUCED.

STAFF TO BRING BACK A DRAFT OF THIS TENTATIVE MAP WITH REVISIONS WITH THE APPROVAL OF THESE MINUTES. Second by Skorepa. Passed by a 5-0 vote with Vice-Chairperson Anderson and Commissioner Watson not present.

The Planning Commission meeting was adjourned by Chairperson Neils at 2:45 p.m.