

REVISED 2/12/98

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
JANUARY 29, 1998
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Steele at 9:25 a.m. Chairperson Steele adjourned the meeting at 4:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Mark Steele-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-not 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-not present
Marcela Escobar-Eck, Community & Economic Development-present
Rick Duvernay, Deputy City Attorney-present
Tina Christiansen, DSD Director-not present
Gary Halbert, Deputy Director, DSD-not present
Bob Didion, 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.

Staff requested that the U. S. Marshal's Service Facility item be continued to February 19, 1998 at 9:00 a.m.

ITEM-3: DIRECTOR'S REPORT.

None.

ITEM-4: COMMISSION COMMENT.

Commissioner Watson advised the Commission of the Baseball Task Force's recommendation on site location to the City Council and the rationale.

ITEM-5: APPROVAL OF MINUTES OF JANUARY 15, 1998.

COMMISSION ACTION:

MOTION BY ANDERSON TO APPROVE THE MINUTES. Second by Skorepa. Passed by a 4-0 vote with Commissioners Quinn, Butler and White not present.

ITEM-6: INITIATION OF AN AMENDMENT TO THE UNIVERSITY COMMUNITY PLAN AND GENERAL PLAN AND PROGRESS GUIDE FOR THE UNIVERSITY TOWN CENTER EXPANSION PROPOSAL.

Bill Levin presented Report to the Planning Commission No. P-98-003.

No one present to speak.

COMMISSION ACTION:

MOTION BY ANDERSON TO APPROVE THE INITIATION. Second by Watson. Passed by a 4-0 vote with Commissioners Quinn, Butler and White not present.

ITEM-7: **RESIDENCE INN BY MARRIOTT, COMMUNITY PLAN AMENDMENT, REZONE, AND PLANNED INDUSTRIAL DEVELOPMENT AMENDMENT NO. 96-7709.**

Pat Grabski and Bernie Turgeon presented Report to the Planning Commission No. P-98-013.

Testimony in favor by:

Mark Linman, representing Marriott. Advised that the goal by the applicant was to come up with a mechanism to avoid spot zoning. They feel they have been successful in achieving that. What needs to be clear is that this does not allow any additional hotel use without discretionary approval. Explained the PID process as it pertains to this hotel as well as other areas. They have unanimous support of the Planning Group and the Pacific Corporation Center's support.

Revised **Dominick Drago, representing Chartwell Leisure and Hilton Garden Inn.** Advised that they understand and support the soundness of the approach this applicant is taking and also understand the purposes behind the 10% limitation. At this point, they are looking at how that 10% issue would affect their project specifically, and they are going to work with staff to try to understand it more fully. They therefore need to reserve their decision on how they approach their application.

No one to speak in opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO APPROVE STAFF'S RECOMMENDATION AS OUTLINED IN THEIR REPORT WITH THE REVISION TO LANGUAGE ON PAGE 4 TO CHANGE THE WORD "LIMITED" TO "BUSINESS" IN THE SECOND SENTENCE TO CLARIFY THE

DEFINITION OF USE AND INCLUDE THIS SENTENCE IN THE PLAN AMENDMENT LANGUAGE AS WELL. Second by Watson. Passed by a 4-0 vote with Commissioners Quinn, Butler and White not present.

ITEM-8: **AIRTOUCH CELLULAR - MTSO CONDITIONAL USE PERMIT (CUP) 96-7673 TO ALLOW CONTINUED OPERATION OF AN EXISTING TELECOMMUNICATION FACILITY.**

Dan Joyce presented Report to the Planning Commission No. P-98-020.

Testimony in favor of appeal by:

Chris Morrow, representing Airtouch. Thanked staff for their hard work. Explained that this facility is the central switch for Airtouch operations and gave the history of this facility and the rationale for the extension of time. Advised the Kearny Mesa Community Planning Group approved it as it has been in existence for 10 years at this site.

No one to speak in opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO CERTIFY NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT NO. 96-7673. Second by Watson. Passed by a 4-0 vote with Commissioners Quinn, Butler and White not present.

ITEM-9: **AIRTOUCH CELLULAR - BLACK MOUNTAIN CONDITIONAL USE PERMIT (CUP) 96-7657 TO ALLOW CONTINUED OPERATION OF AN EXISTING TELECOMMUNICATION FACILITY.**

Dan Joyce presented Report to the Planning Commission No. P-98-021.

Testimony in favor by:

Chris Morrow, representing Airtouch. In attendance to answer questions.

No one to speak in opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO CERTIFY NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT NO. 96-7657. Second by Anderson. Passed by a 4-0 vote with Commissioners Quinn, Butler and White not present.

ITEM-10: **APPEAL THE DECISION OF HEARING OFFICER: 4220 MEADE AVENUE - MID-CITY COMMUNITIES DEVELOPMENT PERMIT NO. 96-0636.**

Corey Braun presented Report to the Planning Commission No. P-98-030.

Testimony in favor of the project by:

Jim Turner, owner. Gave the history of events on his property and advised the Commissioners of his previous judicial proceedings.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL AND APPROVE MID-CITY COMMUNITY DEVELOPMENT PERMIT NO. 96-0636 AS APPROVED BY THE HEARING OFFICER. Second by Skorepa. Passed by a 4-0 vote with Commissioners Quinn, Butler and White not present.

ITEM-11: **RHODES SUBDIVISION EXTENSION OF TIME PERMIT NO. 96-7864.**

Kevin Sullivan presented Report to the Planning Commission No. P-98-002.

Testimony in favor by:

Chris Morrow, representing the applicant. Explained that no revisions or circumstances have changed with this project; it is exactly the same. Discussed the EIR and that the community planning group voted unanimously to approve the extension of time.

Keith Rhodes, applicant. Discussed the reasons for the extension of time, basically it was due to the economy. He is now capable of funding this project and would like to get started.

No one to speak in opposition.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO APPROVE THE EXTENSION OF TIME TO CARMEL VALLEY PLANNED DISTRICT AND CDP 90-0554 SUBJECT TO CONDITIONS, AND APPROVE EOT 96-7863 TO VESTING TENTATIVE MAP 90-0554. Second by Watson. Passed by a 4-0 vote with Commissioners Butler, Quinn and White not present.

ITEM-12: REQUESTS FOR CONTINUANCE FOR AFTERNOON ITEMS.

Revised Mr. Steve Bram requested a continuance on Item No. 13, the Bram Residence as his attorney could not be present for this hearing. Vice-Chairperson Anderson made the motion to continue. No second was received, therefore the item was heard.

ITEM-13: APPEAL THE DECISION OF THE HEARING OFFICER: BRAM RESIDENCE COASTAL DEVELOPMENT PERMIT (CDP) AND VARIANCE NO. 96-7238.

Tracy Elliot-Yawn presented Report to the Planning Commission No. 98-027.

Testimony in favor of project:

Steve Bram, applicant. Gave the history of the entire project and the design and legal requirements that he has had to go through to get to this

point. Discussed the main issues being appealed those being the FAR and height. Explained that he thought the Commission would grant his right to continue this matter as his attorney is out of town and not available and that he was going to appeal this to the City Council.

Testimony in opposition to project:

Duncan Agnew, neighbor. Claims there were a number of neighbors opposed to granting Mr. Bram a variance. Feels the time line is right as described, but until the framing went up, they had no idea what the house would look like. The description fits well, but it seems that the house was originally designed to be at a maximum height not above it as it appears now. The improvement on the house was Mr. Bram's doing and if the variance is granted, it would be like a reward to him for this bad behavior.

Wayne Dunlap, representing Torrey Pines Community Planning Group; Robert Hayes and Opal Trueblood. Explained at their regular meeting in April, 1997, the Board voted to deny the CDP and a variance for the single family residence. They felt the completed project did not conform with the General Plan, the Local Coastal Plan or the Community Plan. The Board felt that the project did not meet the required findings of a variance. Originally, Mr. Bram did not request a CDP, he just got the building permits and used them to violate the CDP. Grading was done and soil and water are now flowing into the neighbors yards. They never saw the grading plans, nor were they properly notified.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL; UPHOLD THE HEARING OFFICER'S DECISION AND APPROVE CDP NO. 96-7238 AND DENY THE REQUESTED VARIANCES. Second by Skorepa. Passed by a 4-0 vote with Commissioners Butler, Quinn and White not present.

ITEM-14: **WORKSHOP - DRAFT MISSION CITY SPECIFIC PLAN AND RELATED DEVELOPMENT PERMITS.**

Nick Osler presented Report to the Planning Commission No. P-98-010.

Workshop was held.

ITEM-15: **PLANNED DISTRICT ORDINANCE AMENDMENTS RELATED TO THE LAND DEVELOPMENT CODE.**

Theresa Wilkinson presented Report to the Planning Commission No. P-98-004.

Testimony in favor by:

Mark Lyon, La Jolla Community Planning Association. Thanked staff for their hard work. Advised that the CPA has voted to approve these amendments. Spoke to small parking lot exemptions and that they may come before the Commissioner after a meeting at the City Council.

Orrin Gabsch, representing La Jolla's concerns for parking and traffic. Spoke specifically to in-lieu of parking and clarified the use for current construction. There's a traffic and parking situation that exists now where a nail salon is going to be converted to an 80 seat restaurant - where will everyone park?

Martin Moser, La Jolla Town Council. They are in favor of these changes as they relate to La Jolla. However, the shared parking is a Process 1 and he feels it should be changed to a Process 2. The City has deleted a paragraph for outdoor dining which should be reinserted for in-lieu of parking.

Joanne Pearson, representing La Jolla Town Council and herself. Thanked staff for the time they gave them to go over all the PDO information.

Kathryn Clause, representing Mission Beach Precise Planning Board. Asked for assurance the these new land development amendments will not allow past abuses to continue, nor allow future abuses to be created that have an unfavorable impact on their PDO.

No one to speak in opposition

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO RECOMMEND TO THE CITY COUNCIL THAT THEY ADOPT THE MUNICIPAL CODE AMENDMENTS RELATING TO THE PLANNED DISTRICTS IN THE COASTAL ZONE AND FORWARD THESE TO THE COASTAL COMMISSION FOR CERTIFICATION. Second by Skorepa. Passed by a 4-0 vote with Commissioners Butler, Quinn and White not present.

The Planning Commission meeting was adjourned by Chairperson Steele at 4:00 p.m.