

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
JULY 9, 1998
IN COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Steele at 9:07 a.m. Vice-Chairperson Anderson adjourned the meeting at 5:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Mark Steele-present
Vice-Chairperson William Anderson-present
Commissioner Patricia Butler-present
Commissioner Andrea Skorepa-present
Commissioner David Watson-present
Commissioner Frisco White-present
Commissioner - vacant
Betsy McCullough, Community Planning & Development Manager-present
Rick Duvernay, Deputy City Attorney-present
Gary Halbert, Deputy Director, DSD-present
Rob Hawk, Deputy City Engineer, DSD-not 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: REQUESTS FOR ITEMS TO BE PLACED ON CONSENT AGENDA. Commissioners requested that Items No. 7, 12 and 13 be placed on the consent agenda.

ITEM-4: DIRECTOR'S REPORT.

None.

ITEM-5: COMMISSION COMMENT.

None.

ITEM-6: APPROVAL OF MINUTES OF JUNE 18, 1998.

Trailed to the next scheduled meeting of July 23, 1998.

ITEM-7: EXTENSION OF TIME FOR "SOUTH PALM VISTA" VESTING TENTATIVE MAP, REZONE, PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION ORDINANCE PERMITS NO. 98-0270.

COMMISSION ACTION:

CONSENT MOTION BY WHITE TO APPROVE THE EXTENSION OF TIME. Second by Butler. Passed by a 5-0 vote with Commissioner Skorepa not present.

ITEM-8: INITIATION OF AN AMENDMENT TO THE TORREY HIGHLANDS SUBAREA IV PLAN AND THE PROGRESS GUIDE AND GENERAL PLAN TO SWITCH THE LOCATIONS OF THE COMMERCIAL REGIONAL AND LOW MEDIUM DENSITY LAND USE DESIGNATIONS.

Bernie Turgeon presented Report to the Planning Commission No. P-98-107.

COMMISSION ACTION:

MOTION BY BUTLER TO APPROVE THE INITIATION. Second by Anderson. Passed by a 5-0 vote with Commissioner Skorepa not present.

ITEM-9: ROBINHOOD RIDGE PRECISE PLAN AMENDMENT.

Bill Levin presented Report to the Planning Commission No. P-98-114.

Testimony in favor by:

Barry Ross, Robinhood Homes. Gave the chronological of this project, when it was started, processed, and approved. They had a three year airport delay which lengthened to five years, then they finally got approval from the City Council. Then MSCP came along, and they've gone through a redesign over the last two years, and \$400,000 more dollars for a project that had already been approved.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE PROJECT AS STATED IN THE PLANNING REPORT WITH THE REVISION TO THE STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS, AS SUGGESTED BY COMMISSIONER BUTLER, TO USE INFORMATION PROVIDED BY THE APPLICANT AS THE BASIS TO MAKE THE COMPARISON OF COSTS WITHOUT ~~GIVING AWAY THE PRECISE NUMBERS~~ AND REMOVE THIS STATEMENT REGARDING CONFIDENTIAL FINANCIAL

DATA; ALSO DELETE ITEM NO. 8 OF OVERRIDING CONSIDERATIONS. Second by White. Passed by a 5-0 vote with Commissioner Skorepa not present.

ITEM-10: MIRA MESA MARKETCENTER - AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN AND THE MIRA MESA COMMUNITY PLAN, VESTING TENTATIVE MAP, STREET ACTION, REZONE, PLANNED COMMERCIAL DEVELOPMENT PERMIT, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, RESOURCE PROTECTION ORDINANCE PERMIT, LDR NO. 96-7371.

Mike Westlake presented Report to the Planning Commission No. P-98-113.

Testimony in favor by:

Matt Peterson, representing Cousins MarketCenters. Gave background of his participation in this project. Discussed the economics of this project and the \$13,000,000 fees paid, as well as the \$2,500,000 spent on marketing. Explained that this project involves a mix of use, office components, and residential. Negotiations with the federal agencies took over a year and have been finalized now with approvals from all involved. Also discussed the consideration of the vernal pools and the biological affects on these pools based on the layout of this project. Explained the process of the application they had to comply with and that they ultimately obtained all the agency approvals.

Kevin Doherty, Heather Finlay, representing Cousins MarketCenters. Gave slide presentation which illustrated the design of the project, and gave background on the Cousins corporation. Oriented the Commission on the entire project; explained the improvements made and the update proposed for the infrastructure.

Ted Brangel, Marvin Miles, Keith Flitner, Mira Mesa Planning Group. Expressed that the Planning Group has worked with this developer for over a year, and although there were many concerns initially, they have worked them out to come to a compromise. Discussed that they feel the proposed project as amended is of significant benefit to the residents of Mira Mesa and the surrounding communities. The benefits outweigh the various negative factors that have come to light. Based on these findings their group voted to recommend approval of this project.

Marjorie Liv, Mobile Home Estates Association and owners. They have 125 homes in one complex and 165 in the other and have met and worked with the developer on all elements and feel that many compromises have been made and they approve this project as proposed.

Pamela Stevens, resident of area. Feels this MarketCenter should be supported as it is a well designed project with a mix of use which will benefit the community.

Nancy Burke, Kaiser Permanente. Was involved in the meetings with the U. S. Army Corps of Engineers and Fish, Game & Wildlife and answered Commissioner Watson's inquiry as to the original permit issued.

Testimony in opposition by:

Linda Sloan, Chair, Craig Jones, Deborah Hawkins, Mike Batesh, Rodney Solenberger, members of the Scripps Ranch Planning Group. Oppose approval of the proposed project based on the following: the project is not in conformance with planning, zoning and development laws; the proposed amendment to the community plan changing the community center to a regional center is in conflict with the Miramar North community plan. The final EIR is inadequate and fails to comply with CEQA; the EIR fails to analyze direct traffic impacts to Scripps Ranch; the project violates TOD guidelines; it violates the City's MSCP contract with government agencies regarding the vernal pools and the project would compete with Scripps Ranch and Mira Mesa commercial uses.

Brian Mooney, Mooney & Associates. Likes to look at this project regionally and how twenty years ago when Carmel Mountain Ranch was designed, no one considered the traffic impact that has occurred since then. Requested that this be redesigned and take another look at the traffic circulation.

Michael Beck, Endangered Habitats League, Allison Rolfe, Sierra Club. Both discussed the realization that there are planning issues with this project, but no one has discussed the fact that there are a lot of vernal pool considerations and the loss that will occur. Asked a question: Will this project have to make a deviation finding for compliance with the MSCP? Feels there is a way to redesign this project to avoid the destruction of the pools. Feels this project will set a bad precedent as there are several projects in the pipeline that will affect vernal pools. A Committee has been set up to handle vernal pools projects.

Claudia Unhold, Chair, Miramar Ranch North Planning Group. Just learned about this project when the EIR was sent out. They do have a right to make a statement regarding this project because they are within the ten miles of the proposed regional center, all of the marketing material they get come from Mira Mesa and Scripps Ranch, and they market to their area and it will have an impact. These are basically twin communities, and have shared boundaries. They are concerned as Scripps Ranch Boulevard is scheduled to open later this month and the traffic patterns are going to be extremely impacted. Asked why lite rail was not considered in this area.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO CONTINUE TO JULY 23, 1998 FOR ADDITIONAL TIME FOR STAFF TO ANSWER QUESTIONS RAISED DURING THE HEARING. THOSE ARE:

INADEQUACIES TO THE EIR, ESPECIALLY THE TRAFFIC STUDIES.

LOOK INTO A SCENARIO WITH LESS RETAIL AND MORE RESIDENTIAL.

CONFORMANCE TO THE GENERAL PLAN.

HOW AND IF THE VERNAL POOLS CAN BE PRESERVED AND HOW THAT MIGHT IMPACT THE PROJECT.

ADDRESS THE QUESTION RAISED BY MICHAEL BECK REGARDING DEVIATION FINDING FOR COMPLIANCE WITH THE MSCP.

PROVIDE A COPY OF THE ARMY CORPS OF ENGINEERS PERMIT AUTHORIZATION.

PROVIDE A MORE DEFINITIVE ESTIMATE OF THE NET INCREMENTAL IMPACT OF THE CENTER.

Second by Anderson. Passed by a 6-0 vote.

ITEM-11: 8480 PASEO DEL OCASO - APPEAL OF COASTAL DEVELOPMENT PERMIT/LAJOLLA SHORES PLANNED DISTRICT DEVELOPMENT PERMIT NO. 96-7879.

Bob Gentles presented Report to the Planning Commission No. P-98-132.

Testimony in favor of the appeal by:

Mary Ann Dorman, representing William and Iris Grace Dorman.

They had a problem figuring out what had happened with this property. The reso distributed at the hearing illustrated that the garage had a zero side yard. There is confusion regarding this wall because it's right on the property line. It sounds like the owner wants to build all the way ten feet from the sidewalk, that would leave them a tunnel to go through because it would be 10 feet from their ground floor to the top of the wall.

Testimony in opposition to the appeal by:

Jeff Fargo, representing King Real Estate, owners. He is their general contractor. In designing the project, they met with the Dorman's even before buying the property. They were aware that their garage was on the property actually encroaching on the property. They have designed the new house in a way to buffer both houses.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO DENY THE APPEAL AND APPROVE THE CDP/LJS PDP NO. 96-7879. Second by Watson. Passed by a 6-0 vote.

ITEM-12: HECHT-NIELSEN, CARMEL VALLEY PLANNED DISTRICT/RESOURCE PROTECTION ORDINANCE PERMIT NO. 96-7636.

COMMISSION ACTION:

CONSENT MOTION BY WHITE TO APPROVE THE CARMEL VALLEY PLANNED DISTRICT/RESOURCE PROTECTION ORDINANCE PERMIT 96-7636 AND CERTIFY THAT MITIGATED NEGATIVE DECLARATION DEP NO. 96-7636 HAS BEEN REVIEWED AND CONSIDERED BY THE

PLANNING COMMISSION AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM. Second by Butler. Passed by a 5-0 vote with Commissioner Skorepa not present.

ITEM 13: BUIE OFFICE COMPLEX AT SORRENTO HILLS, PLANNED INDUSTRIAL DEVELOPMENT/HILLSIDE REVIEW PERMIT/REZONE NO. 98-0140.

COMMISSION ACTION:

CONSENT MOTION BY WHITE TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THIS REZONE, PID AND HR PERMIT. Second by Butler. Passed by a 5-0 vote with Commissioner Skorepa not present.

ITEM-14: **BLACK MOUNTAIN RANCH SUBAREA PLAN FOR SUBAREA I NORTH CITY FUTURE URBANIZING AREA.**

Cathy Winterrowd presented Report to the Planning Commission No. P-98-129.

Testimony in favor by:

Mike Stepner, Gail MacLeod, Allen Haynie, representing Black Mountain Ranch. This has been a collaborative effort from day one working together to develop a plan that implements the framework plan, progress guide and general plan. Discussed issues raised by the Commission regarding schools and the adjacent employment center. Distributed information on the Subarea I planning process and public involvement which detailed all meetings with groups they interacted with. Spoke to the San Dieguito Road impacts and gave chronology of how they got to where they are today.

Shuf Swift, representing himself. Spoke in support of the proposal for affordable housing in Subarea I for families earning no more than 65% of the median area income adjusted for family size.

Paul Blackburn, Sierra Club. They are concerned to make sure that the impacts to all these projects are minimized. They would like to make sure that the density is appropriately placed throughout the City and that areas are well planned and have accommodations for transit.

Dennis Moser, representing 4S Ranch. Have worked with BMR over the last seven years and that has been reflected in the compatibility between the two plans along the boundary lines - and that goes to road alignments, open space, shared school siting, etc.

Dave Schumacher, representing MTDB. In discussions with BMR and other people in SR-56 area, 4S Ranch, Pacific Highlands regarding public transit. It appears that the move toward transit oriented design is encouraging. One concern they have is people expect transit to be available to them when they move into a new area. MTDB does not know when transit will be available in this area. Expressed they will need developer contributions to make transit routes a reality.

Don DeBevoise, representing his daughter Anne. Expressed that his daughter supports the plan on the whole but has some reservations - those being that the area around her father's property outside the proposed MHPA is actually 23.5 acres, not 22 and she wanted to substantiate this claim. The other issue raised is the link to Bernardo Center Drive with Carmel Valley Road and how if this is not constructed, they would not have access to the western portion.

Scot Sandstrom, representing BMR Phase 2 Subcommittee. This committee recommends the approval of the project and submitted additional conditions to be included in the final recommendation to the City Council.

Testimony in opposition by:

Cecilia Langland, Joyce Tavrow, Tom Murphy, Hal Goldberg, representing PROD(Planned, Responsible, Orderly Development). They are opposed to this project because no one is addressing the situation regarding the water and how and where it is imported to this area. PROD'S intent is not to stop development, but rather to assure that projects proceed with meaningful phasing and infrastructure planning so surrounding communities are not harmed. They feel BMR presents them with the same problems that resulted in the rejection of Prop C which would have changed the designation of 12,000 acre FUA to Planned

urbanizing. Since the framework plan was formulated, Route 680 from Camino Del Norte in RB to Encinitas Boulevard has been eliminated. This will create enormous traffic impacts.

Sal Romero, representing REAL Action Committee. Spoke to the major transportation problems experienced in San Diego County in the I-5/805 projects; managed lane concepts for I-15 and other I-15 projects.

Mike McDade, James Stanko, Dave Abrams, representing Fairbanks Ranch Association. Announced that the Board of Directors have unanimously taken a position of opposition to the proposed BMR. Fairbanks Ranch is concerned about the project impacts that are indicated in the environmental documents. Traffic congestion forecast for San Dieguito Road through Fairbanks will be horrendous even in the middle state of construction. Also the lack of attention placed on the environmentally superior alternative - i.e., development without a phase shift. They feel this and other lower density development scenarios should receive further study and consideration. They are opposing this project until further study and proper mitigation of impacts is accomplished. They had requested that this project be looked at in a regional context and it has not been done so. Looking to the City to give them some release. Would like to see the public facilities financing plan and was told it wasn't ready. Alternatives have not been properly addressed as well. Asked the Commission to give them some help.

Ramona Salisbury, representing herself. Said there is a lot that is good about this project, but because of the severe traffic congestion on I-15 it is premature to recommend that BMR move forward at this time. There are other ideas on how to improve I-15, but they have not been funded. Please delay this project until alternative traffic plan are completed.

Richard Belzer, RB Planning Board, Lisa Roop, Rancho Santa Fe Association, Karen Frongello, Bill Darnell. All spoke to the undisclosed impacts of the proposed BMR subarea Plan on traffic and circulation within the Mid-North County region and specifically within the Rancho Santa Fe covenant area and the RB area. They feel that the traffic analysis completed for this project is incomplete and inaccurate. They are also concerned about the proposed phasing plan and are opposed to the large scale developments in the mid-North County area until SR-56 is completed and until a northbound ramp from SR-56 onto I-5 is planned, funded and constructed.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF'S RECOMMENDATION AS OUTLINED IN THE PLANNING REPORT ALONG WITH THE FOLLOWING:

INCLUDE THE RANCHO PENASQUITOS BOARD'S CONDITIONS AS SUBMITTED AT THIS HEARING BY SCOT SANDSTROM,

REQUEST THAT THE FAIRBANKS RANCH ASSOCIATION MEET WITH BMR AND RESOLVE THE FEASIBILITY OF WIDENING SAN DIEGUITO ROAD,

STAFF WAS DIRECTED TO DETERMINE THE CORRECT DEVELOPMENT AREA ACREAGE FOR THE DEBEVOISE PROPERTY.

It was suggested that staff invite a representative from CalTrans and/or SANDAG to be present at the City Council hearing on this project to address regional transportation issues. Second by White. Passed by a 4-0 vote with Chairperson Steele and Commissioner Watson abstaining.

The Planning Commission meeting was adjourned by Vice Chairperson Anderson at 5:00 p.m.