

PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
FEBRUARY 14, 1991  
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 9:00 a.m.  
The Planning Commission adjourned at 3:30 p.m.

ATTENDANCE DURING THE MEETING:

Chairman Karl ZoBell-present  
Commissioner Tom La Vaut-present  
Commissioner Ralph Pesqueira-present  
Commissioner Edward Reynolds-present  
Commissioner Scott Bernet-present  
Commissioner Lynn Benn-present  
Commissioner Chris Calkins-present  
Fred Conrad, Chief Deputy City Attorney-present  
Tom Story, Deputy Director, Development and  
Environmental Services-present  
Mary Lee Balko, Deputy Director, Long Range  
Planning-present  
Joe Flynn, Deputy Directors, Neighborhood Services-present  
Jeff Strohming, Engineering and Development  
Department-present  
Ron Friedman, Principal Planner-present  
Tom Huffman, Principal Planner-present  
Michael Stang, Principal Planner-present  
Betsy McCullough, Principal Planner-present  
Janet MacFarlane, Recorder-present

ITEM-1 ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD.

No one appeared to speak at this time.

ITEM-2 APPROVAL OF MINUTES OF JANUARY 17, 1991.

COMMISSION ACTION

On motion of TOM LA VAUT, seconded by EDWARD REYNOLDS, the Commission voted 4-0 (BENN, BERNET and PESQUEIRA not present) to approve the minutes of January 17, 1991.

MISCELLANEOUS

MARY LEE BALKO and TOM STORY introduced newly appointed staff to their respective divisions.

ITEM-3 INITIATION OF AN AMENDMENT TO THE OTAY MESA COMMUNITY PLAN - CLEAN WATER PROGRAM. CITY-INITIATED AMENDMENT TO THE OTAY MESA COMMUNITY PLAN TO REDESIGNATE A 100-ACRE SITE FROM INDUSTRIAL TO PUBLIC FACILITY TO ADDRESS THE PROPOSED LOCATION AND SLUDGE PROCESSING FACILITIES ON THAT SITE.

ANNA McPHERSON presented Planning Department Report No. 91-059.

RUTH SCHNEIDER spoke in opposition to the plan initiation.

COMMISSION ACTION

On motion of RALPH PESQUEIRA, seconded by SCOTT BERNET, the Commission voted 7-0 to initiate the plan amendment as recommended by staff.

ITEM-4 STREET ACTION SA 88-534 - THE VACATION OF THE ALLEY ADJACENT TO LOTS 1208-1219 OF MAP 2889 IN CONJUNCTION WITH CONDITIONAL USE PERMIT NO. 88-0098.

KEN TEASLEY presented Engineering and Development Department memorandum dated November 23, 1990.

ARTHUR STILLWELL, representing the Salvation Army, spoke in support of the street vacation.

MICHAEL MEDOFER, representing Project Design Consultants, reviewed the requested street vacation and stated he was available for Commission questions.

IRVIN THRUSH spoke in opposition to the street vacation.

Public testimony was closed.

COMMISSION ACTION

On motion of RALPH PESQUEIRA, seconded by EDWARD REYNOLDS, the Commission voted 6-0 (CALKINS not voting) to approve the subject street vacation.

ITEM 4A APPLICATION OF HILLSIDE REVIEW OVERLAY ZONE TO AREAS IN THE SOUTHEAST SAN DIEGO COMMUNITY (AREA 9)

ANDY WATSON reviewed Planning Department memorandum dated February 14, 1991.

It was noted public testimony had been closed at the Commission's hearing on this item of February 7, 1991.

Commissioners REYNOLDS, PESQUEIRA, and BERNET indicated they had listened to tape recordings of previous meetings and were, therefore, eligible to participate and vote on the matter.

COMMISSION ACTION

On motion of LYNN BENN, seconded by EDWARD REYNOLDS, the Commission voted 2-5 (LA VAUT, PESQUEIRA, CALKINS, BERNET and ZOBELL voting in the negative) to apply the HR Overlay Zone to Area 9 as recommended by staff. This motion failed for lack of four affirmative votes.

On motion of SCOTT BERNET, seconded by RALPH PESQUEIRA, the Commission voted 5-2 (REYNOLDS and BENN voting in the negative) to recommend against applying the HR Overlay Zone to Area 9.

ITEMS 4B, MIRAMAR ROAD AUTO CENTER PLANNED INDUSTRIAL DEVELOPMENT  
4C & 4D PERMIT NO. 88-0612 AND RESOURCE PROTECTION PERMIT  
NO. 88-0612 AND ACCOMPANYING VESTING TENTATIVE MAP  
NO. 88-0612. LOCATED ON THE NORTH SIDE OF MIRAMAR ROAD  
EAST OF EASTGATE MALL IN THE M-1B IN THE UNIVERSITY  
COMMUNITY PLAN. DEP NO. 88-0612. EAST ONE-HALF OF  
LOT 3, SECTION 10, T5S, 123W, SBBM. APPLICANT:  
BOB BAKER ENTERPRISES.

SHELLY KILBOURN presented Planning Department  
memorandum dated February 14, 1991.

It was noted public testimony had been closed at the  
previous hearing on these items.

Commissioners PESQUEIRA and REYNOLDS indicated they had  
listened to a tape recording of the previous hearing on  
these items and were eligible to participate and vote.

#### COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the  
Commission voted 2-5 (REYNOLDS, PESQUEIRA, CALKINS,  
BERNET and ZOBELL voting in the negative) on a motion  
to deny the map and permits based on the destruction of  
the on-site vernal pool. This motion failed for lack  
of four affirmative votes.

On motion of SCOTT BERNET, seconded by RALPH PESQUEIRA,  
the Commission voted 5-2 (BENN and LA VAUT voting in  
the negative) to certify the environmental impact  
report and approve the map and permits as recommended  
by staff.

#### ITEMS-5 &

6

LABORERS' TRAINING CENTER CONDITIONAL USE PERMIT/OTAY  
MESA DEVELOPMENT PERMIT NO. 90-0844. THE SUBJECT SITE  
IS ON THE SOUTH SIDE OF CALLE DE LINEAS IN THE  
INDUSTRIAL SUBDISTRICT OF THE OTAY MESA DEVELOPMENT  
DISTRICT, CUP/OMD NO. 90-0844 (SEE ATTACHMENT 1). LOT  
12 OF THE INTERNATIONAL BUSINESS CENTER.

JEAN CAMERON presented Planning Department Report  
No. 91-047.

No one appeared in opposition to the item.

Public testimony was closed.

COMMISSION ACTION

On motion of LYNN BENN, seconded by RALPH PESQUEIRA, the Commission voted 6-0 (REYNOLDS not present) to certify the Mitigated Negative Declaration and approve the permits, modifying the following conditions as recommended by staff:

"17. A six-foot high solid masonry wall shall be constructed along the south and west property boundaries for a distance of approximately 190 feet along the west property line and 240 feet along the south property line in accordance with the noise mitigation requirements stated in the Environmental Negative Declaration No. 90-0844.

18. Prior to the issuance of occupancy permits, the applicant shall notify the Principal Planner of the Environmental Analysis Section for a site inspection to verify proper construction of the noise barrier as required in the Environmental Mitigated Negative Declaration No. 90-0844."

ITEM-7 MEMORIAL GARDEN CONDITIONAL USE PERMIT NO. 90-0870. A PORTION OF LOT 0110 OF THE PUEBLO LANDS OF SAN DIEGO, MAP NO. 36.

JEAN CAMERON presented Planning Department Report No. 91-057.

No one appeared in opposition to this item.

COMMISSION ACTION

On motion of RALPH PESQUIERA, seconded by LYNN BENN, the Commission voted 6-0 (REYNOLDS not present) to approve the permit as recommended by staff.

ITEMS-8 & 9 JUEGOS DE JUAN TENNIS CLUB TO PLANNED RESIDENTIAL DEVELOPMENT AND CONDITIONAL USE PERMIT NO. 90-0170 (AMENDMENT TO PLANNED RESIDENTIAL DEVELOPMENT PERMIT 20-207-0 AND CONDITIONAL USE PERMIT 10-448-PC). LOCATED AT 4960 WARING ROAD IN THE R1-5000 AND R1-40000 ZONE IN THE NAVAJO COMMUNITY. LOT 1, JUEGOS DE JUAN TENNIS CLUB, MAP NO. 8393.

It was noted that these items would be trailed to 1:30 p.m.

ITEM-10 APPEAL OF THE B AND W CONDOS COASTAL DEVELOPMENT PERMIT, NO. 90-0660. LOCATED AT 3326 BAYSIDE WALK IN THE R-S ZONE OF THE MISSION BEACH PLANNED DISTRICT.

KEVIN McGEE presented Planning Department Report No. 91-041.

RON DAVIS, architect for the project, reviewed the plans and spoke in favor of the project.

CHERISSE BRANTZ, applicant, spoke in support of the project.

Public testimony was closed.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by LYNN BENN, the Commission voted 6-0 (REYNOLDS not present) to deny the appeal and deny the permit as recommended by staff.

RECESS, RECONVENE

The Commission recessed at 10:30 a.m. and reconvened at 10:40 a.m.

ITEM-11 RENTAL HOUSING BUSINESS REGULATIONS/DEFINITION OF FAMILY.

JOAN HARPER presented Planning Department Report No. 91-032.

PAUL HILLERY spoke in support of staff's recommendation to regulate the rental housing business in single-family zones.

HELEN TREVEY spoke about the impact renting to several adults had in single-family zones.

ROBERT BEGLEY spoke in support of regulating rentals in single-family zones.

BRIAN BENNETT, representing College Area Community Council, spoke in support of regulating rental housing in the College area.

DON BENNETT spoke in support of the SFROZ.

PATRICIA KENT, attorney representing the College Area Homeowners Association, spoke in support of regulating rental housing and made recommendations on its implementation.

ROBERT MARDON stated he owned rental property and was opposed to its regulation.

MARGAREY McGRATH spoke in opposition to multi-tenant use in single-family zones.

ROBERT KLAUSCHE spoke in opposition to the proposed regulations.

SHIRLEY MANZ stated she rented to students for five years and they proved to be fine tenants. She was opposed to the proposed regulations.

PARLAN EDWARDS spoke in opposition to the citywide application of the ordinance.

JOHN MOWERY spoke in opposition to the proposed regulations because the current regulations were ineffective. He felt maintenance and repair of rental structures should be required.

JOSAN FEATHERS stated she was opposed to the business license requirement for rental housing. She felt it would be better to levy a fine of any violation and suggested SFROZ be repealed.

DR. NORMAN MANN spoke in opposition to the SFROZ.

ALAN SMITH, representing San Diego Apartment Association, spoke in opposition to the proposed fee associated with the regulation of rental housing in single-family zones and felt there should be equal treatment of owner-occupied and tenant-occupied housing.

DENNIS KEITH, representing CARLA, spoke in opposition to staff recommendation. He felt the single-family use in single-family zones should be protected.

BRUCE HERSTEIN stated he owned rental units and was opposed to staff recommendation. He stated the problem was not unique to San Diego and recommended instead, fines to property owners that cause problems.

TOM LEDUC stated he owned property on Dorothy Drive and did not feel the application of the SFROZ solved the problem.

REBECCA LINDQUIST spoke in opposition to the proposed fees and regulation of rental housing. She stated the Police Department's program was effective in that most of the problems associated with mini-dorms were ones of behavior.

TRACY MORGAN, San Diego Association of Realtors, recommended that revenues from fees associated with rental housing should be applied to deal with the backlog of complaints.

ROBERT RADLOW spoke in opposition in mini-dorm rentals in single-family zones. He felt it was not appropriate to conduct a business in R-1 zones property.

OPAL TRUEBLOOD, Vice Chair of CPC, stated they had several problems associated with the regulations proposed. She felt it would prevent rental of units in older areas because of the parking requirements. She also stated the requirements associated with bedroom size and bathrooms were not adequate.

Dr. CLYDE FIXMER, representing CARLA, spoke in opposition to staff recommendation.

PETER KAUFMAN stated the existing regulations were adequate and felt no new regulation was necessary.

Public testimony was closed.

This item was trailed to 2 p.m.

RECESS, RECONVENE

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

ITEMS-8  
& 9

JUEGOS DE JUAN TENNIS CLUB TO PLANNED RESIDENTIAL DEVELOPMENT AND CONDITIONAL USE PERMIT NO. 90-0170 (AMENDMENT TO PLANNED RESIDENTIAL DEVELOPMENT PERMIT 20-207-0 AND CONDITIONAL USE PERMIT 10-448-PC). LOCATED AT 4960 WARING ROAD IN THE R1-5000 AND R1-40000 ZONE IN THE NAVAJO COMMUNITY. LOT 1, JUEGOS DE JUAN TENNIS CLUB, MAP NO. 8393.



SHELLY KILBOURN presented Planning Department Report No. 91-058.

SHORTY BEIGHTS spoke in support of the permit and gave a history of the project.

JOSEPH BARR, attorney representing the applicant, spoke in support of the permit.

MATT PETERSON, attorney representing the Tennis Office Park, spoke in opposition to the commercial use of the tennis facility. He felt an environmental review should be required.

PEGGY LIEB spoke in opposition to the permit.

ALLEN LIEB spoke in opposition to the permit stating there was insufficient parking in the area.

DAVID PARE stated traffic and parking was a problem in the area and recommended against approval of the permit.

GORDON O'NEIL spoke in opposition to the permit was based on the impact of parking the facility would have.

Public testimony was closed.

#### COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 5-0 (REYNOLDS and CALKINS not present) to deny the permits.

#### RECESS, RECONVENE

The Commission recessed at 2:25 p.m. and reconvened at 2:30 p.m.

#### ITEM-11 SINGLE-FAMILY RENTAL BUSINESS REGULATIONS AND LOCAL COASTAL PROGRAM AMENDMENT.

The Commission continued discussion of this item which was trailed earlier.

COMMISSION ACTION

LYNN BENN moved to approve the license modified to recommend that existing business fees be used to fund the program and to exempt the fee to those renting to senior citizens. RALPH PESQUEIRA seconded the motion.

AMENDED MOTION

On motion of LYNN BENN, seconded by RALPH PESQUEIRA, the Commission voted 3-2 (BERNET and ZOBELL voting in the negative with CALKINS and REYNOLDS not present) to amend the main motion to recommend adoption of the ordinance but use only existing, general fund revenue to administer the program. This motion failed for lack of four affirmative votes.

On motion of RALPH PESQUEIRA, seconded by KARL ZOBELL, the Commission voted 5-0 (CALKINS and REYNOLDS not present) to continue this item to March 7, 1991, at 1:30 p.m.

ADJOURNMENT

The Commission adjourned at 3:30 p.m.