

PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
FEBRUARY 7, 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 9:10 a.m.  
The Planning Commission adjourned at 4:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairman Karl ZoBell-present  
Commissioner Tom La Vaut-present  
Commissioner Ralph Pesqueira-not present  
Commissioner Edward Reynolds-not present  
Commissioner Scott Bernet-present  
Commissioner Lynn Benn-present  
Commissioner Chris Calkins-present  
Robert P. Spaulding, Planning Director-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  
Jeff Strohming, Engineering & Development-present  
Rachel Hurst, Principal Planner-present  
Ron Friedman, Principal Planner-present  
Betsy McCullough, Principal Planner-present  
Janet MacFarlane, Recorder-present

ITEM-1 REPORT FROM THE PLANNING DIRECTOR

Planning Director ROBERT SPAULDING gave a status report on the department's activities.

ITEM-2 ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD

No one appeared to speak at this time.

ITEM-3 APPROVAL OF MINUTES OF JANUARY 17, 1991

COMMISSION ACTION

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

ITEM-4 APPLICATION OF HILLSIDE REVIEW OVERLAY ZONE TO AREAS IN THE SOUTHEAST SAN DIEGO COMMUNITY (AREAS 2, 7 AND 9)

SCOTT BERNET indicated he was not present at the Commission meeting when this item was discussed and had not listened to the tape recording of the meeting. Therefore, he would abstain from discussion and vote on the item.

ANDY WATSON presented Planning Department Report No. 91-038.

REYNALDO PISANO, representing the Southeast Planning Committee, stated his group voted 10-0-2 to recommend approval of Planning Department's recommendations.

Area 2

No one appeared to speak on the application of the HR Overlay Zone to this area.

Public testimony was closed.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 4-0 (BERNET abstaining with REYNOLDS and PESQUEIRA not present) to approve the HR Overlay Zone to this area.

Area 7

SAM WRIGHT stated he lived on Radio Drive which is identified as Area 7. He supported staff's position that his area did not qualify for inclusion in the HR Overlay Zone.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 4-0 (BERNET abstaining with PESQUEIRA and REYNOLDS not present) to delete Area 7 from application of the HR Overlay Zone as recommended by the department.

Area 9

CHRIS MONTGOMERY stated he owned property in the area of 66th and Santa Clara, and was opposed to the HR Overlay Zone being applied to his property. He stated he had not received notice of the hearing.

GURMANTRA KHALSA spoke in opposition to the overlay zone being applied to his property. He felt the cost of processing the extra permit would adversely affect the value of his property.

CECIL HERRINGTON stated he owned property at 533 and 539 south 65th Street and he objected to the overlay zone being applied to his property. He was concerned that the overlay would not allow brush management.

Public testimony was closed.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 2-2 (ZOBELL and CALKINS voting in the negative with BERNET abstaining and PESQUEIRA and REYNOLDS not present) to apply the HR Overlay Zone to this area. This motion failed for lack of four affirmative votes. Therefore, this item will trail to the Planning Commission meeting of February 14, 1991.

ITEM-5 AMENDMENTS TO THE SERRA MESA COMMUNITY PLAN, GENERAL PLAN AND RELATED REZONINGS; ADOPTION OF KEARNY MESA COMMUNITY PLAN, APPLICATION OF COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE, INSTITUTIONAL OVERLAY ZONE AND RELATED REZONINGS

KARL ZOBELL abstained from discussion and vote on this item. CHRIS CALKINS assumed Chair of the meeting.

CHRIS JACOB reviewed Planning Department Memorandum No. 90-051.

GARY KAKU, Kearny Mesa Planning Group, requested a six-month continuance on the plan adoption in order to resolve several issues.

PAUL MUZZY stated he owned five parcels in the Kearny Mesa area and was in support of the six-month continuance.

MATT ANDERSON, representing General Dynamics, stated they wished the issues to be resolved before going to the City Council and suggested it might take six months to perform a major rewrite of the proposed plan.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 4-0 (ZOBELL abstaining with REYNOLDS and PESQUEIRA not present) to continue this item to April 4, 1991, at 9:00 a.m., and to renote the hearing.

ITEM-5A KEARNY MESA PUBLIC FACILITIES FINANCING PLAN

GARY HESS presented Planning Department Report No. 91-055.

GARY KAKU spoke in opposition to the financing plan and cited as an example the tank farms at the southeast end of the community.

COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 4-0 (ZOBELL abstaining with REYNOLDS and PESQUEIRA not present) to continue this item to April 4, 1991, at 9:00 a.m.

RECESS, RECONVENE

The Commission recessed at 10:10 a.m. and reconvened at 10:15 a.m.

KARL ZOBELL resumed Chair of the meeting.

ITEM-6 SAN YSIDRO REZONINGS - (1) COMMUNITY-WIDE RESIDENTIAL REZONES TO IMPLEMENT THE ADOPTED SAN YSIDRO COMMUNITY PLAN; AND (2) EAST BEYER COMMERCIAL REZONE TO IMPLEMENT THE COMMUNITY PLAN

LISA HUNTS-COUNT presented Planning Department Report No. 91-023.

East Beyer Boulevard

STACEY SULLIVAN, attorney representing Herb and Evelyn Sevel, spoke in opposition to the recommended retention of residential zoning on their property with the requirement of a discretionary review. He felt rezoning to the CSR Zone would accomplish the objective of the plan.

ED VIGNEAU spoke in opposition to the recommended zoning for the property at 4250 Beyer Boulevard.

COMMISSION ACTION

LYNN BENN moved to follow staff recommendation and recommend an amendment to the San Ysidro community Plan to require a development permit in conjunction with a rezone application on those properties on the south side of East Beyer Boulevard, from Center Street to west of Bolton Hall Road, and require that proposed projects meet certain conditions regarding project building and site design. TOM LA VAUT seconded the motion.

Both the maker and the seconder withdrew this motion.

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 5-0 (PESQUEIRA and REYNOLDS not present) to rezone the south side of East Beyer Boulevard from Center Street to west of Bolton Hall Road to Border Commercial and to apply CPIOZ Type B to the area. Further, to recommend amendment to Page 66A of the Draft Community Plan Amendment to state, "Site and Building Design: Recommend frontage on or access from San Ysidro Boulevard . . . ."

Residential Rezones

LILIA GONZALEZ stated she owned four properties in the area and supported multi-residential zoning for her property. She explained the property was near the shopping center and about 400 feet from a school.

DANIEL SALAS, representing Daniel Dixon, stated he was opposed to the recommended residential rezoning of his client's property which was currently zoned CA-RR.

FEDERICO ROSAS spoke in opposition to the proposed rezoning of his property from commercial to residential. He explained he purchased the property in 1988 with the understanding it was commercially zoned.

DR. HELFON HANOND stated he owned property zoned commercial and would be opposed to any change to residential zoning.

ED VIGNEAU spoke in opposition to the rezoning of an existing apartment building. He explained if the rezoning were approved, his apartment building would be a nonconforming use.

ADRIEN VIGNEAU spoke in opposition to the proposed rezonings to property under his ownership. He explained one property would become nonconforming under the proposed zone. He was also opposed to the recommended change from commercial to residential on his property located on Beyer Boulevard from Alaquinas Drive.

Public testimony was closed.

#### COMMISSION ACTION

LYNN BENN moved to recertify the environmental impact report and approve the residential rezonings as shown on C-836 as recommended by the department. TOM LA VAUT seconded the motion.

#### Amended Motion

CHRIS CALKINS moved to amend the motion to retain the commercial zone on that property on West San Ysidro Boulevard between Cottonwood and Smythe currently zoned and used as commercial. The Chair seconded the motion.

The question was called and the Commission voted 3-2 (BENN and LA VAUT voting in the negative with REYNOLDS and PESQUEIRA not present) to approve the amendment to the motion. This failed for lack of four affirmative votes.

Main Motion

The question was called and the Commission voted 4-1 (BERNET voting in the negative with PESQUEIRA and REYNOLDS not present) to approve the motion.

RECESS, RECONVENE

The Commission recessed at 11:45 a.m. and reconvened at 1:45 p.m.

ITEM-7 STREET ACTION SA 89-540-000 - THE VACATION OF THE BIRMINGHAM DRIVE BETWEEN MEADOW LARK DRIVE AND FROST STREET, MAPS 849, 4757 AND 5569.  
APPLICANT: CHILDREN'S AND SHARPS HOSPITALS

COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by SCOTT BERNET, the Commission voted 4-0 (BENN, PESQUEIRA and REYNOLDS not present) to approve the subject street action.

ITEM-8 STREET ACTION SA 90-502-000 - THE VACATION OF THE EAST/WEST ALLEY ADJACENT TO LOT 4 AND LOT 5 IN BLOCK 54 OF NORMAL HEIGHTS MAP 985.  
APPLICANT: STEVEN H. FRANKS.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by LYNN BENN, the Commission voted 4-1 (CALKINS voting in the negative with PESQUEIRA and REYNOLDS not present) to approve the subject street action.

ITEMS-9  
9A & 9B

MIRAMAR ROAD AUTO CENTER PLANNED INDUSTRIAL DEVELOPMENT 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 ZONE 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 Report No. 91-049.

JOSEPH HERTEL, representing Miramar Road Auto Center, spoke in support of the permits and map.

LINDA MICHAEL, representing the Sierra Club, questioned the adequacy of the vernal pool mitigation. She stated it would appear the mitigation might have been counted twice.

STEVE LACEY, consultant representing the applicant, reviewed the offsite mitigation on the vernal pools.

A representative of Rick Engineering spoke regarding the final grading plan.

Public testimony was closed.

#### COMMISSION ACTION

On motion of LYNN BENN, seconded by TOM LA VAUT, the Commission voted 5-0 (PESQUEIRA and REYNOLDS not present) to continue this item to February 14, 1991, at 9:00 a.m., so that staff from the Environmental Section of the Planning Department could be present to answer questions on the environmental mitigation for the project.

ITEM-10 PLANNING COMMISSION AGENDA OF FEBRUARY 7, 1991 ITEM NO. 10, REVOCATION OF LA BODEGA WHOLESALE, OTAY MESA DEVELOPMENT PERMIT NO. 89-0228. A 44,300-SQUARE-FOOT SITE WITH A 12,850-SQUARE-FOOT BUILDING AND 42 PARKING SPACES LOCATED AT 1575 PASEO DE LAS AMERICAS BETWEEN MARCONI DRIVE AND SIEMPRE VIVA ROAD IN THE BASIC USE ZONE OF THE OTAY MESA DEVELOPMENT DISTRICT'S OTAY MESA COMMUNITY PLANNING AREA.

JEAN CAMERON requested a 30-day continuance in order to afford the applicant time to comply with the condition of their conditional use permit.

LYNNE HEIDL spoke in opposition to the requested continuance and asked the item be heard.

GREG KNUDSEN stated he operated a grocery store in the area and was opposed to a continuance on the revocation of the permit.

MICHAEL GREEN, representing Hermanos Lopez, spoke in support of the requested continuance.

MATT PETERSON explained retail sales had been conducted since mid-September in violation of the permit and was opposed to granting a continuance.



THOMAS CARROLL explained he was an adjacent property owner to the permittee and was supportive of a continuance.

JEAN CAMERON presented Planning Department Report No. 91-048.

LYNNE HEIDL spoke in support of revocation of the permit. She stated staff's report concluded the owners were in violation of their permit.

CRAIG KNUDSEN spoke in support of the permit revocation.

MATT PETERSON stated it was important to maintain the integrity of the precise plan and imperative that all retail sales be discontinued immediately.

MICHAEL GREEN, attorney representing the property owner, explained his client did operate a wholesale business and that the zone did allow for five percent retail sales. He explained steps were being taken to fully comply with the conditions of the permit, and requested a continuance to allow the necessary permits to be processed.

NICOLAS LOPEZ explained that 95 percent of their business was wholesale. He stated steps were taken to be sure those purchasing in his warehouse did have a bonafide wholesale or retail license.

FRANCISCO LOPEZ indicated the signs had been installed as requested by the department in order to comply with the permit and plans had been submitted for approval on the changes outlined in the notice of violation.

THOMAS CARROLL stated it was obvious the property owner was attempting to correct the situation, and to revoke the permit would put them out of business.

Public testimony was closed.

#### COMMISSION ACTION

On motion of CHRIS CALKINS, seconded by KARL ZOBELL, the Commission voted 4-1 (BENN voting in the negative with PESQUEIRA and REYNOLDS not present) to continue the revocation hearing to May 2, 1991, at 9:00 a.m. in order to allow the property owners time to process the necessary permits needed to comply with the conditions of the permit. Further, to restrict retail sales during this period to incidental sales to employees only.

ITEM-11 APPEAL OF THE PLANNING DIRECTOR'S DENIAL OF THE ATKINSON RESIDENCE COASTAL DEVELOPMENT PERMIT. LOCATED AT 4516 TRIVOLI STREET IN THE R1-5000 ZONE OF THE PENINSULA COMMUNITY. APPLICANT: LELAND ATKINSON.

KEVIN MCGEE presented Planning Department Report No. 91-035.

LEE ATKINSON spoke in support of the permit. He stated the project was compatible with the neighborhood, and the community planning group supported the project as well as the immediate neighbors. He stated no variances were being requested.

RUSSELL REX, architect for the project, reviewed the plans and addressed the issue of bulk and scale.

BENJAMIN DILLINGHAM, area resident, spoke in opposition to the permit. He explained this was an established neighborhood. He stated there were a few two-story homes in the neighborhood but was predominantly single story while the applicant was proposing a three-story structure. He recommended the house be limited to two stories with no more than 2,000 square feet of living area.

Public testimony was closed.

COMMISSION ACTION

On motion of LYNN BENN, seconded by CHRIS CALKINS, PESQUEIRA and REYNOLDS (not present) the Commission voted 5-0 to deny the appeal and deny the permit as recommended by staff.

RECESS, RECONVENE

The Commission recessed at 3:35 p.m. and reconvened at 3:40 p.m.

KARL ZOBELL left the meeting. CHRIS CALKINS assumed Chair of the meeting.

ITEMS-12 CARMEL VALLEY NEIGHBORHOOD I, NORTH CITY WEST & 12A DEVELOPMENT PERMIT, TENTATIVE MAP AND ACCOMPANYING STREET VACATION, CASE NO. 90-0471. LOCATED ON THE NORTH SIDE OF CARMEL CENTER ROAD BETWEEN CARMEL CREEK ROAD AND THE SDG&E EASEMENT, AND SOUTH OF KERWOOD COURT IN THE SF-3 AND EP ZONES IN THE NORTH CITY WEST COMMUNITY. DEP NO. 90-0471.

GLENN GARGAS presented Planning Department Report No. 91-043.

JEFF STROHMINGER recommended modifications to the Engineering conditions.

NEAL HRIBAR stated he was opposed to the project until such time as the Baldwin Company complies with the sign ordinance.

ROD CAMERON, representing the Baldwin Company, spoke in support of the permit.

Public testimony was closed.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by LYNN BENN, the Commission voted 4-0 (ZOBELL, PESQUEIRA and REYNOLDS not present) to certify the mitigated negative declaration and approve the map and permit subject to the modified tentative map conditions as recommended by Engineering and Development Department as follows:

1) delete Condition 6; 2) modify Condition 12 to read, "The subdivider . . . Lot 71, and grant a landscape easement over the rear of Lots 53 through 68, to be maintained by the Landscape Maintenance District, subject to the approval of the Park and Recreation Department; and 3) modify Condition 16 to refer to Tentative Map 90-0471 not the previous Tentative Map 85-0728."

ADJOURNMENT

The meeting adjourned at 4:00 p.m.