

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

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Neils at 9:06 a.m. Chairperson Neils adjourned the meeting at 5:10 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Christopher Neils-present
Vice-Chairperson William Anderson-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-1A: REQUESTS FOR CONTINUANCE FOR MORNING AGENDA ITEMS.

None.

ITEM-2: APPROVAL OF THE MINUTES OF AUGUST 29, 1996.

COMMISSION ACTION:

MOTION BY WHITE TO:

APPROVE THE MINUTES OF AUGUST 29, 1996 WITH THE FOLLOWING MODIFICATIONS/ADDITIONS:

1. APPROVE THE MOTION BROUGHT BACK ON BOULDERS COAST WALK, CDP 96-0138 WITH THE MINOR REVISION TO CONDITION NO. 27 TO ADD THE WORD "COST" IN REFERENCE TO THE RETAINING WALL.
2. APPROVE THE MOTION ON THE UNOCAL HEARING DECISION, CUP NO. 95-0271 WITH THE FOLLOWING MODIFICATIONS:
 - A. IN THE MOTION BROUGHT BACK BY STAFF FOR APPROVAL, IN THE SECOND PARAGRAPH, LAST SENTENCE TO READ "...PARK AND THE EXISTING LIQUOR STORE/DELI PROVIDING A SIMILAR CONVENIENCE-STORE AND ALCOHOL SALES USE.
 - B. CLARIFY THE ENTIRE MOTION IN THE ACTUAL MINUTES AS FOLLOWS: MOTION BY QUINN TO GRANT THE APPEAL AND DENY THE PROJECT:
 1. AS THE FINDINGS CANNOT BE MADE FOR THE CONDITIONAL USE PERMIT FOR THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE; AND

2. NOR COULD THE FINDINGS BE MADE FOR PUBLIC CONVENIENCE AND NECESSITY RELATED TO THE SALE OF WINE AND BEER; AND,
3. THE CEQA DOCUMENT WAS NOT ADEQUATE TO CERTIFY IT SPECIFICALLY REGARDING TRAFFIC CIRCULATION PROBLEMS.
4. IN RUTH SCHNEIDER'S TESTIMONY INCLUDE HER STATEMENT THAT THE OTAY MESA NESTOR'S PLANNING COMMITTEE'S CONCERN THAT THE PROJECT AS PROPOSED WAS GOING TO DIMINISH THE VISIBILITY OF THE OVERALL COMMUNITY CENTER, AND THAT THEY FEEL IT IS OUT OF SCALE, OR TOO INTENSE FOR THAT COMMUNITY LEVEL RETAIL CENTER.

Second by Quinn. Passed by a 5-0 vote with Vice-Chairperson Anderson abstaining as he was not present for that meeting, and Commissioner Skorepa not present.

ITEM-2A: DIRECTOR'S REPORT.

Georgia Sparkman provided a status report on the Romero Residence.

ITEM-3: HICKS RESIDENCE - RECONSIDERATION OF THE PLANNING COMMISSION'S DENIAL OF COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE/LAJOLLA SHORES PLANNED DISTRICT PERMIT CDP/SCR/LJS 95-0348.

Ron Buckley presented Report to the Planning Commission No. P-96-215.

Testimony in favor by:

Matt Peterson, representing Mr. & Mrs. Hicks. Thanked the Commission for the opportunity to work on a redesign and bring this item back before the Commission. Explained that rather than filing an appeal, they sought reconsideration so his client could explore alternatives to

address as many of the Commission's concerns as possible. Explained that the latest modification to the project includes an overall reduction in the height of the structure, a reduction in the floor area ratio, and a modification of the structure to eliminate any encroachment into the view corridor down Camino del Collado. Also provided computerized artist renderings to illustrate that the home has been tastefully done and will be compatible with the character of the surrounding neighborhood.

Drex Patterson, Island Architects, architect for the project. Focused specifically on the Commissioner's concerns from the last meeting and the list of adjustments made to the project; in particular Mr. Patterson provided an illustration which identified public vantage points from the draft La Jolla Community Plan and Local Coastal Land Use Plan and further discussed the view corridor. Also discussed and showed an illustration of the comparison of other homes in the area compared to this home as it relates to the neighborhood compatibility. He feels that to ask him to downsize this house when it is in conformance is not just.

Tom Hicks, owner. Discussed his family situation and the rationale for their purchasing this house. He feels the renovation should be allowed as it complies with all zoning regulations.

Joan Palmer, neighbor. Explained that she is in total support of this project. Feels this house will only be a plus and a wonderful addition to this neighborhood. She met and talked to the architect to see the new modifications to this project and feels the modification that have been made were a good faith attempt to compromise and try to please the neighborhood. She thinks there is a personal vendetta for some of the neighbors, and that they have their own agenda.

Janay Kruger, consultant to the Hicks. Explained that she reviewed the tapes from the last Commission hearing in which questions were raised regarding lot size, beach easement, and percentage of coverage, the neighboring lots, and their size in relation to the Hicks' lot. Ms. Kruger then described the size of each adjoining lot and house and discussed the beach easements granted to the City and Coastal Commission for public use.

Fred Borrelli, neighbor. Explained that he has lived in this area for several years. His wife's family has three other homes in the area, one of which will have it's view blocked from this house. He took the time to view

adjoining

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this "massive structure" that is going to be built. He can't believe this project has taken so much time in getting where it has, and thinks the process is just ridiculous and doesn't understand why all this time and money are being wasted just because someone wants to build a home on the beach.

Testimony in opposition by:

Sara Moser, Chair, LaJolla Shores Planned District Ordinance Advisory Board. Explained that the board voted unanimously 6-0 at its July meeting to recommend denial of the Hicks project because it was basically the same as before. They reviewed this home in November of 1995 and January and July of 1996. Each time the project changes it seems they are only cosmetic changes. There is no serious attempt to address bulk and scale and blockage of the design view corridor. The distinctive and desirable characteristics of the Shores area are the same characteristics outlined in the PDO that the Hicks are proposing to disregard.

Dick Dahlberg, LaJolla Shores Association. The Association believes that the revised project is still massive for that site and that neighborhood. They recognize that the view corridor has been improved, but along the street the height of the building has only been reduced by about a foot. The Shores Association is not concerned with private views but with community views and architectural unity - which is the key phrase in the PDO.

Peter Solecki, representing Joyce Corrigan and Esther Marley. This family has been in the Shores for many generations. When you granted the reconsideration you felt that the bulk and scale and view corridor issues would be addressed and revised. Three months later the only thing that's before you today is a mockery of the process. They are doing what they please, once again, and have not made any substantial changes at all. This house does not belong in the La Jolla Shores area.

Mike McDade, representing neighboring property. This is one of the last chances to save a very valuable neighborhood in the La Jolla area. Two findings must be made to comply with the La Jolla Shores PDO: the first is whether the project complies with all technical regulations. The second, is whether the project is consistent with the purpose and intent of the PDO. Please use your common sense with regards to bulk and scale

as this house takes up the entire lot.

Michelle Sarnoff, neighbor across the street. Explained that her concern is for the area of La Jolla Shores, and she feels that this project would be detrimental and its negative impact will change the shores district. Traditionally west-siding, or beachfront homes have always been considered different from those across the street or up the hill. This home is 10,900 square feet and rises 45 to 48 feet high which is beyond the bulk and scale allowed for this area and for a beachfront home.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO APPROVE CDP/SCR/LJS 95-0348. Second by Watson. Passed by a 4-3 vote with Commissioners Butler, Quinn and Skorepa voting nay.

ITEM-4: **INITIATION OF AN AMENDMENT TO THE FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT (FSDRIP) SPECIFIC PLAN, MISSION VALLEY COMMUNITY PLAN AND PROGRESS GUIDE AND GENERAL PLAN - MISSION VALLEY WEST SHOPPING CENTER.**

Jennifer Champa presented Report to the Planning Commission No. P-96-219.

No one present to speak.

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE THE INITIATION OF AN AMENDMENT TO CHANGE THE LAND USE DESIGNATION ON A 16-ACRE SITE FROM COMMERCIAL-OFFICE TO COMMERCIAL-RETAIL. Second by White. Passed by a 7-0 vote.

ITEM-5: **TEXACO AT PALM AVENUE - CONDITIONAL USE PERMIT NO. 95-0672; APPEAL OF THE DEVELOPMENT SERVICES HEARING OFFICER'S APPROVAL.**

Jeff Koch presented Report to the Planning Commission No. P-96-204.

Testimony in favor of the appeal by:

Ruth Schneider, Otay Mesa Nestor Planning Committee. Reason the Committee appealed this project was because they could not get an assurance or an understanding that the points they wanted to see included in this CUP would be put there when they worked with the rep of Texaco. They are asking the Commission approve the last five conditions of the CUP. They have asked that there would be no consumption of liquor on the premises of this station.

Harvey Swinford, Otay Mesa Nestor Planning Committee. Texaco has been before their committee twice, and he was the only one who went along with the sale of liquor. The other members were opposed to the design of the building. They convinced him that the design was a "bad thing" and he agrees with them. It looks like a shoe box and doesn't match anything else in the community.

Testimony in opposition to the appeal:

Allen Sipe, TAIT and Associates, representing Texaco. Discussed style issues with regard to the architectural design and height of the building. Answered questions regarding the liquor sale on the site. Advised that they recently submitted landscaping plans which have been approved.

Carol Henley, representing Texaco. Discussed Texaco's policy on alcohol sales. Stressed that the alcohol license is for off-site premise consumption only. They recertify the employees who make alcohol sales every 90 days. No sales of alcohol are made without a positive form of identification. Texaco has not had a violation on any of their alcohol licenses within the last five years.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO DENY THE APPEAL AND AFFIRM THE HEARING OFFICER'S DECISION TO APPROVE CONDITIONAL USE PERMIT 95-0672 WITH THE FOLLOWING ADDITIONS/MODIFICATIONS:

1. ADD A NEW CONDITION REQUIRING A DECORATIVE THREE-DIMENSIONAL FACADE TREATMENT OF THE EAST, WEST AND NORTH ELEVATIONS TO BE APPROVED BY THE DEVELOPMENT SERVICES MANAGER.
2. UNDER CONDITION NO. 25, NO VISIBLE ADVERTISING DISPLAY FROM INSIDE OR OUTSIDE REGARDING THE SALE OF ALCOHOL. CONDITION 25 WOULD MAKE SPECIFIC REFERENCE TO THE EXISTENCE OF THE LIQUOR LICENSE.
3. SALE OF ALCOHOL ONLY BETWEEN THE HOURS OF 8:00 A.M. TO 2:00 A.M.
4. NO SALE OF SINGLE CANS OF ALCOHOL OR FORTIFIED WINES.

Second by Butler. ~~Passed by a 7-0 vote.~~

MOTION BY SKOREPA TO AMEND THE MAIN MOTION TO NOT DELETE CONDITION NO. 34, BUT REWORD IT SO THAT THERE IS STILL A REQUIREMENT TO DO LANDSCAPING AND MAINTENANCE SUBJECT TO OBTAINING PERMISSION FROM THE NEIGHBOR.

Second by White. Passed by a 5-2 vote with Commissioners Butler and Watson voting nay.

MAIN MOTION AS AMENDED. Passed by a 7-0 vote. Rev. 10/1/96 LL

ITEM-6: **DIABLO COMMUNICATIONS - CONDITIONAL USE/HILLSIDE REVIEW PERMIT NO. 96-0118, TO ALLOW FOR THE DEMOLITION OF A 180-FOOT HIGH GUYED TOWER AND THE CONSTRUCTION OF A 175-FOOT HIGH, STEEL LATTICE SELF-SUPPORTING TOWER AND THE ADDITION OF A 1,152 SQUARE FOOT EQUIPMENT STORAGE BUILDING.**

Terry Bumgardner presented Report to the Planning Commission No. P-96-216.

Testimony in favor by:

Shelly Kilbourn, representing Diablo Communications. They concur with the staff report and recommendation. They have worked with staff to provide conditions that would minimize the visual impacts to the extent possible while also allowing the structure that would provide a needed service. They requested approval of this project.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO CERTIFY NEGATIVE DECLARATION NO. 96-0118, AND APPROVE CUP/HRP NO. 96-0118. Second by White. Passed by a 6-0 vote with Commissioner Quinn abstaining.

ITEM-7: **COX CALIFORNIA PCS, INC./RANCHO PENASQUITOS SOUTH - CONDITIONAL USE PERMIT NO. 95-03512-32 TO ALLOW FOR THE CONSTRUCTION OF A WIRELESS PERSONAL COMMUNICATION SYSTEM CONSISTING OF SIX-FACADE MOUNTED ANTENNAS, ONE GPS ANTENNA AND AN EQUIPMENT CABINET TO BE LOCATED AT GROUND LEVEL.**

Terry Bumgardner presented Report to the Planning Commission No. P-96-208.

Testimony in favor by:

Ted Shaw, representing the applicant. They have read the staff report and concur with staff's recommendations and agree to the conditions of the permit.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO CERTIFY NEGATIVE DECLARATION NO. 95-0351-32 AND APPROVE CONDITIONAL USE PERMIT NO. 95-0351. 32. Second by Butler. Passed by a 5-0 vote with Commissioners Quinn and Watson abstaining.

ITEM-8: **PACIFIC BELL MOBILE SERVICES/JOHNSON RESIDENCE
CONDITIONAL USE/HILLSIDE REVIEW PERMIT NO. 95-0350-73 TO
ALLOW FOR THE CONSTRUCTION OF A WIRELESS
COMMUNICATION SYSTEM CONSISTING OF TWO, 20 FOOT HIGH
PIPE MOUNTED PANEL ANTENNAS AND TWO EQUIPMENT
CABINETS.**

Terri Bumgardner presented Report to the Planning Commission No. P-96-209.

Testimony in favor by:

Heather Johnson, Pacific Bell Mobile Services. Wanted to bring to the Commission's attention that the two property owners who were in opposition of the site cannot see the facility, and distributed a photo exhibit which helped to illustrate that fact.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO CERTIFY NEGATIVE DECLARATION NO. 95-0350-73, AND APPROVE CONDITIONAL USE/HILLSIDE REVIEW PERMIT NO. 95-0350-73. Second by White. Passed by a 5-0 vote with Chairperson Neils and Commissioner Quinn abstaining.

ITEM-9: **APPEAL OF THE HEARING OFFICER'S APPROVAL OF
ACACIA ~~AGADIA~~/IMPERIAL TRAILER PARK - SOUTHEAST SAN DIEGO
DEVELOPMENT PERMIT NO. 95-0256.**

Corey Braun presented Report to the Planning Commission No. P-96-218.

Testimony in favor of the appeal:

Lenore VanDolsen, resident of park. Advised that she is being harassed by the owners of this park and her health is suffering because of it. The City has required that the owner make many improvements but none of these improvements covers the people problem. No work is being done that any of the residents can see. There are very dangerous conditions that still exist. Trash is still a problem; a hostile attitude exists from the owners toward the residents and eviction notices are going out to certain residents.

Sidney Hall, resident of Park. Advised that he feels no work is being done, especially after speaking to the manager about his patio and other areas of his home. He also has experienced some vandalism. Requested that something be done to relocate the residents as well if they are going to be evicted.

Reynaldo Pisano, Southeast San Diego Development Committee. Read a letter into the record, dated September 12, 1996. The letter stated the Committee's recommendations regarding neighborhood code compliance violations. Feels that the Hearing Officer's approval decision lacks definite assurance that all conditions of the permit will be performed without a financial assurance performance bond in place prior to the permit issuance. Requests that all violations be corrected before selling the park; and that a 10 year time limit be placed on the permit.

Testimony in opposition to the appeal:

Matt Peterson, representing Tom Rouse, owner. Explained that the purpose of the permit is to bring an older trailer park into conformance with current standards. With the requirements of the City Neighborhood Code compliance and with the conditions of approval set forth in the permit, it is their understanding that the city is satisfied that the project will be brought up to appropriate standards within a reasonable time frame. Feels that the performance bond is unreasonable and unnecessary since there is a specific time frame which the project must be brought into compliance.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WATSON TO:

1. REVIEW, CERTIFY AND CONSIDER NEGATIVE DECLARATION 95-0256; AND DENY THE APPEAL AND APPROVE SED 95-0256 SUBJECT TO CONDITIONS (ATTACHMENT 3).
2. STATE SPECIFICALLY IN THE PERMIT THAT BY SIGNING AND ACCEPTING THE PERMIT, WOULD BE AN ACKNOWLEDGEMENT BY THE APPLICANT THAT THEY HAVE BEEN DESIGNATED AS A MOBILE HOME PARK, AND IF THERE IS A SUBSEQUENT CLOSURE EVENT, THEY ARE RESPONSIBLE FOR WHATEVER THE LAW REQUIRES ON THE CLOSING OF A MOBILE HOME PARK.

Second by Anderson. ~~Passed by a 7-0 vote.~~

MOTION BY QUINN TO AMEND THE MAIN MOTION TO:

1. INCLUDE ANOTHER CONDITION THAT THE CITY REQUIRE A \$600,000 SURETY BOND TO ASSURE THE COMPLETION OF THE COMPLIANCE PROBLEMS ON THIS SITE.
2. ADD A TEN YEAR TIME LIMIT ON THE SOUTHEAST DEVELOPMENT PERMIT.

Second by Anderson. Passed by a 5-2 vote with Chairperson Neils and Commissioner Watson voting nay.

AMENDED MAIN

MOTION BY QUINN TO AMEND THE ~~PRIOR~~ MOTION TO SUBSTITUTE A FIVE YEAR COMPLIANCE REVIEW FOR A TEN YEAR TIME LIMIT. THIS REVIEW WOULD ALSO MAKE RECOMMENDATIONS FOR REVOCATION IF NECESSARY. Second by Watson. Passed by a 6-1 vote with Commissioner Skorepa voting nay.

MAIN MOTION AS AMENDED. Passed by a 7-0 vote. Rev. 10/1/96 LL

Item-10: **WORKSHOP ON OCEAN BEACH PLAN UPDATE.**

Workshop held.

The Planning Commission meeting was adjourned by Chairperson Neils at 5:10 p.m.