

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
DECEMBER 7, 1995
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Vice-Chairperson McElliott at 9:08 a.m. Vice-Chairperson McElliott adjourned the meeting at 5:47 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Scott Bernet-not present
Commissioner Karen McElliott-present
Commissioner William Anderson-present
Commissioner Christopher Neils-present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner Frisco White-present
Ernest Freeman, Planning Director-present
Mike Stepner, Urban Design Coordinator-present
Rik Duvernay, Deputy City Attorney-present
Tina Christiansen, Department Director-not present
Gary Halbert, Deputy Director, Development Services
Department-present
Jeff Washington, Deputy Director, Long Range and Facilities
Planning-not present
Mohammad Sammak, Development Coordinator, Engineering and
Development-present
Linda Lugano, Recorder-present

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

Commissioner Skorepa directed staff to docket a discussion item for those projects that have already gone before the Land Use and Housing Committee before coming before the Commission. This in an effort to ascertain proper direction and action on the Commission's part.

ITEM-2: REQUESTS FOR CONTINUANCE.

Request by Sara Mosher to continue Item No. 4 - Scott Residence, was withdrawn.

Dennis Tuffin, a former member of the Ocean Beach Planning Board requested Item No. 6 be continued on behalf of two neighbors to the property. They requested this continuance based on the fact that they did not receive proper notice prior to this hearing. This request was denied.

ITEM-2A: DIRECTOR'S REPORT.

Tom Story, Deputy Director advised the Commission that staff is preparing to go before City Council to present the various policy positions approved by the NRC&A and LU&H Committee, a draft Sub-area Plan, the General and Community Plan amendments, the draft Development Regulations, the finance and economic policy issues and the revised model implementing agreement. It was agreed to bring all this material before the Commission in January for a public hearing for action.

Rik Duvernay, City Attorney discussed the Council's action on two ballot propositions for the March ballot related to the FUA. Mr. Duvernay distributed a copy of the ballot proposition as it will appear in the ballot pamphlet related to two hotels in Subareas I and V.

ITEM-3: **PACIFIC BELL MOBILE SERVICES (PBMS) CONDITIONAL USE PERMIT (CUP) NO. 95-0350-02, 95-0350-06, 95-0350-08; 95-0350-09, 95-0350-12 AND 95-0350-13; TO ALLOW FOR THE CONSTRUCTION OF PERSONAL COMMUNICATION SYSTEM (PCS) SITES.**

Terri Bumgardner presented Report to the Planning Commission No. P-95-191.

Public testimony in favor by:

Mike McDade, representing Pacific Bell Mobile Services. Expressed his feelings that the installations of these facilities mark a real step forward in the progress of communications in San Diego.

James Tuthill, General Counsel and Vice President, Pacific Bell Mobile Services. Gave a brief overview of the new technology and a high level view of what the personal communication service is and what the future brings.

Mary Ann Miller, Planning Consultant for Pacific Bell Mobile Services. Spoke to the co-location issue and the feasibility/possibility of this concern. Expressed that they are trying to utilize any existing vertical structure in all areas.

Public Testimony in opposition:

John Kern, representing California Communication Council and UCAN. Spoke to the medical concerns, in particular hearing aids, and the problems that have arisen from these units. Spoke to another issue and that was the technology and the alternatives that can be provided to avoid all of these problems. Explained how the hearing devices are definitely affected by these units. Advised the Commission that they could not make the findings on the health and safety issue and to please deny this project.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ANDERSON TO CERTIFY NEGATIVE DECLARATION NO. 95-0350 AND APPROVE CONDITIONAL USE PERMITS NO. 95-0305-02, 06, 08, 09, 12 AND 13, ALONG WITH LANGUAGE REVISIONS SUGGESTED BY STAFF IN CONDITIONS 7 AND 9. Second by White. Passed by a 5-0 vote with Chairperson Bernet not present, and Commissioner Quinn abstaining.

ITEM-4: **SCOTT RESIDENCE, COASTAL DEVELOPMENT/LA JOLLA SHORES PERMIT NO. 94-0286, APPEAL OF THE HEARING OFFICER'S APPROVAL OF THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AT 8391 WHALE WATCH WAY IN THE LA JOLLA COMMUNITY PLAN AREA.**

Terri Bumgardner presented Report to the Planning Commission No. P-95-192.

Public testimony in favor by:

Marc Tarasuck, Architect on project. Explained that he was hired by the owners as the second architect. Described what was previously approved and the new proposed home submitted for approval. Discussed the view issue as well. Explained that there were be no impairment of white water view. The Scott's have retained the same structural engineer as the Brown's therefore everything will be in compliance, and that this has been explained to Mr. Brown.

Amy Nefouse, representing Mr. Scott, the owner. Spoke to Staff's comments that Mr. Brown may have had different conditions imposed on house; any conditions imposed on Mr. Brown's house would not have any relevance to this project. Spoke to "implied acceptance" issue that they believe the Scott's accepted when they bought their house, therefore it would have to stay as it is, and that is not the case.

Charles Christian, Southern California Soil and Testing. Discussed the original soil test done 17 years ago and discussed how the soil is affecting the hillside. Based on the standards and practice today, it will help stabilize the hill and not make it worse. The retaining wall will protect the hillside and not move.

Testimony in opposition by:

Ray Beuligmann, representing himself. Read a petition with thirty one signatures into the record. Strongly urged the Planning Commission to deny the project as it is four times the original size of the residence.

Tom Brown, neighbor. Contrary to the representation of staff and proponents, he has had no contact whatsoever from the other side in this matter from the hearing a year ago today, other than the hearing notice received a few days ago. Explained how this project is entirely different today than a year ago. The excavation has been almost doubled. No one has worked with him to work out plans; the drawing referred to in which there was a line of site is a misleading sectional drawing.

George Vano, neighbor. Explained how he did not become aware of this project until just recently. Wanted to add his voice with everyone in opposition in hopes that the issues will be adequately addressed - namely the environmental issue. The size of the house is the precedent involved on this block - feels this is turning into Miami Beach with enormous homes on small lots.

Robert Dose, neighbor. Urged the Commission for a no vote because of the precedent being set in putting a 12,000 square foot house on a small lot. Compared this situation to Japan which has extremely crowded conditions with homes being built to the edge of their lots with no greenery, etc., increasing the trend to fill small lots with big houses.

Edwin Bennett, neighbor. Felt the real problem has not been addressed which is the size of the project. Twelve thousand square feet translates to a very large home and it does not belong here. Urge denial of this project.

Joseph Cornfield, neighbor. He feels that change has been accelerated in the neighborhood since the late 1960's and scale has been created dramatically. This house is too big for the lot and it is setting a precedent for future development in this region.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO DENY THE APPEAL AND APPROVE THE PROJECT. Second by Quinn. Passed by a 5-1 vote with Commissioner Skorepa voting nay and Chairperson Bernet not present.

ITEM-5: **RANCHO SANTA FE GOLF RANGE AND PARK AMENDMENT TO THE CITY OF SAN DIEGO MUNICIPAL CODE (SDMC); CONDITIONAL USE PERMIT (CUP) AND RESOURCE PROTECTION ORDINANCE (RPO) PERMIT NO. 94-0572.**

Tracy Elliot Yawn presented Report to the Planning Commission No. P-95-166, and read additional and revised conditions into the record.

Testimony in favor by:

Donald Worley, representing Mr. & Mrs. T. C. Hu, owners of the property. The Hu's have attempted to plan for the development of this property for a period of sixteen years. This property is an island, isolated from the rest of the FUA. The property has had permanent buildings for the past thirty years, and has been devoted to commercial/recreation uses. They are not talking about a change in the quality or quantity of use for this property. The framework plan for FUA does designate this property for low density residential, but says that the developable area on the southside of Via De La Valle, east of El Camino Real may be considered for other uses during the sub-area planning process.

Jim Dawe, representing the applicant. Spoke to the detailed description of each project and the ruling of the FUA and framework guidelines. Discussed the projects allowed under the existing ordinances, of which roller hockey rinks are allowed, whereas staff is stating that roller hockey was not allowed. The project is consistent with the framework plan, is consistent with Prop A, also consistent with other rules and regulations. Discussed hours of operations and that they have accepted a revision to the hours of operation from midnight to 10:00 pm. Sale of alcoholic beverages are only in connection with golf uses - no sales near the roller hockey rink.

Dean Reinmuth, representing Dean Reinmuth School of Golf. Local Golf professional who is extremely supportive of this project as it will be the most state-of-the-art golf driving range in all of San Diego. Distributed a brochure detailing his school.

Patrick Collins, Matt Sullivan, Suzy Fingers, Joe Noris, Arlene Monroe, Nancy Howard, Joe Charest. All residents of surrounding communities. All spoke to the importance of having a park available for the children in this area as well as the surrounding communities, particularly an area available for roller hockey which is the latest and largest growing sport.

Public testimony in opposition:

Supervisor Pam Slater, representing County residents and constituents in the coastal communities of Carmel Valley, Solana Beach, Del Mar, etc. Explained that she does not think this is a bad project, but weather or not the project is located appropriately. She has a problem with the issue of a negative declaration and that it should be subjected to water quality. Points made referred to the letter provided by Supervisor Slater. Since there is public controversy, an EIR should be requested; 73 letters of comments listing awareness of the serious public controversy with traffic, hydrology, bright lights, land use, FUA community care. A Roller Hockey rink is not allowed in the FUA. Feels a traffic study also should be completed.

Mike McDade, representing Citizens for Responsible Development. Expressed what the coalition of his group is - good planning - they are just people who are interested in the area and good planning. Planning Commissions is the planning group for the FUA and serious concerns are being bypassed for this project. Noticing was defective - why are we amending a city ordinance, changing CUP ordinance, no environmental analysis, etc. Please require an EIR be completed on this project.

Don McKahan, Nancy McElfresh, Marvin Gerst, John Ramuno, Dave Abrams, Susan Thrasher, Lisa Ross, Donald Willis, Victoria Touchstone. Spoke to the issue of night lighting. There are 218 outdoor fixtures on poles for this project. The project is well designed for direct lighting, however, this will cause vertical

light pollution; the fog magnifies the lights. The range alone has airport tarmac lights. Lights mounted at 35 feet which would have to be readjusted in order to see the golf balls hit at higher heights. There is a convalescent home directly across the street. This night lighting will definitely have an impact on these seniors in the home. Must have a complete environmental document done for this project. There is extreme concern by the JPA regarding the cubic yards of fill and contaminated soil. Described the terminology of "youth sports" - this facility is not being built for youth, but it is geared to adults. There will be additional unacceptable traffic congestion, deterioration of the visual and aesthetic quality at this highly visible location, and detriment to the semi-rural community character of the area. This is blatant "spot zoning" and erodes the integrity of the North City Future Urbanizing Area.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY NEILS TO RECOMMEND TO THE CITY COUNCIL THAT THE CITY COUNCIL REFER THIS FOR AN ENVIRONMENTAL IMPACT REPORT. Second by Quinn. No vote taken.

MOTION BY NEILS TO RECOMMEND TO THE CITY COUNCIL TO CONDITIONALLY APPROVE, SUBJECT TO THE CONDITIONS THAT AN EIR BE PREPARED AND CIRCULATED, AND SUBJECT TO THE CONDITION THAT THAT EIR IS ULTIMATELY CERTIFIED AS HAVING NO ADVERSE ENVIRONMENTAL IMPACTS NOT MITIGATED TO A LEVEL OF INSIGNIFICANCE. Second by Quinn withdrawn. Second by White. Failed by a 2-4 vote with Skorepa, Anderson, Quinn and McElliott voting nay and Chairperson Bernet not present.

MOTION BY QUINN TO RECOMMEND THAT THE NEGATIVE DECLARATION NOT BE CERTIFIED, THAT AN ENVIRONMENTAL REPORT BE PREPARED ON THIS PROJECT AND RECOMMEND DENIAL UNTIL SUCH TIME AS THAT STUDY HAS BEEN COMPLETED. Second by Anderson. Failed by a 3-3 vote with Neils, White and McElliott voting nay and Chairperson Bernet not present.

MOTION BY WHITE TO RECOMMEND APPROVAL OF THE PROJECT TO THE CITY COUNCIL AND ACCEPT STAFF'S RECOMMENDATION OF THE MITIGATED NEGATIVE DECLARATION. No second.

MOTION BY NEILS TO RECOMMEND TO THE CITY COUNCIL THAT THE SENSE OF THE PLANNING COMMISSION IS TO COMPLETE AN ENVIRONMENTAL IMPACT REPORT FOR THIS PROJECT.** Second by Anderson. Passed by a 5-1 vote with McElliott voting nay and Chairperson Bernet not present.

"Primarily due to concerns about traffic and circulation impact."
Revised 1/11/96. L. Lugano

ITEM-6: **SANDAGE RESIDENCE - REMODEL, APPEAL OF COASTAL DEVELOPMENT PERMIT NO. 95-0580.**

Glenn Gargas presented Report to the Planning Commission No. P-95-187.

Public testimony in favor by:

Wallace Den Herder, general contractor, representing Den Herder Construction. They received the permits with everything approved and started the building. It's a very attractive building and much improved over the original style of the house.

Annette Sandage, family member of owner. She's very happy that there are people like the Sandage's who are willing to upgrade their houses. This remodel brings the property value up considerably. Hope the Commission will approve this project.

June Sandage, representing herself. She and her husband are the original owners of the house. When they purchased there was a 30 foot height restriction on the lot. This is not a new height limit. The house is visually compatible with the other houses in the area.

Chris Loewer, representing Mr. & Mrs. Sandage. Spoke to the four stages of a neighborhood from a real estate perspective. Explained how this house will only enhance this neighborhood as it is in long term stability which has to be upgraded.

Larry Sandage, owner. Expressed his frustration over this appeal as the house is only 28 feet high, not 30 feet. He has complied with all rules and regulations and the house is compatible with the area. He has received approval for all the permits and all he wants is to build the house.

Jerry Simmons, architect. Explained that the project was in complete compliance with the City and that it was the City who made an error in the internal routing of these permits. This house is beautiful and this appeal should be denied.

Larry Pappas, Peninsula Community Planning Board. They received word of this project, but never received the plans. The application was deemed complete on October 5, 1995 and came to hearing on the 25th of October - that's the fastest he's ever seen a project go through the City, and it was stamped "expedite" all over it. Until the Board got involved with it the City assumed it was the correct height until we started challenging some of the assumptions, and that's when it was discovered that it was too high.

Public testimony in opposition by:

Ned and Maxine Garrigues, neighbors. Read a note that Julie Spradly left. Advised of a petition with 94 signatures of other neighbors. Received the hearing notice only last Saturday. His property is directly inland of the project being reviewed. Mr. Garrigues responded to each of the points that Glenn Gargas raised regarding the noticing error and the height limitations.

Lynn Robbins, representing herself. The property line of this home is approximately 30 feet from the property line of the Sandage home. She advised that she was never notified of any significant remodel before construction started. The third story being constructed is very disturbing.

Dennis Tuffin, representing himself. There's a pattern of oversized houses in this area. How do we keep domestic harmony in a neighborhood. In this case all the rules were broken. A structure that everybody who lives there knows is higher than 30 feet. No one has certified the height of this house. Fraud - is there an accident that three houses on Sunset Cliffs have been remodel without a coastal development permit.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO CONTINUE TO DECEMBER 14, 1995 AT 9:00 A.M. Second by Anderson. Passed by a 6-0 vote with Chairperson Bernet not present.

The Planning Commission was adjourned at 5:47 p.m. by Vice-Chairperson McElliott.