

PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
JUNE 29, 1995  
AT 9:00 A.M.  
IN THE COUNCIL COMMITTEE ROOM - 12TH FLOOR  
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Bernet at 9:05 a.m. The meeting was recessed at 12:05 p.m. and reconvened at 1:35 p.m. Chairperson Bernet adjourned the meeting at 5:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Scott Bernet-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  
Hal Valderhaug, Chief Deputy City Attorney-present  
Tina Christiansen, Department Director-not present  
Ed Oliva, Assistant Director, Development Services  
Department-present  
Jeff Washington, Deputy Director, Long Range and Facilities  
Planning-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.**

Chairperson Bernet thanked Commissioners Neils and Anderson for representing the Planning Commission at the City Council hearing for the San Pasqual Valley Community Plan. Commissioners Neils and Anderson then gave a brief status report on that meeting.

Chairperson Bernet requested staff to provide a letter to the Mayor and City Council thanking them for their support of the Planning Department's budget and the reinstatement of some of the department's positions.

**ITEM-2: APPROVAL OF THE MINUTES OF JUNE 15, 1995.**

**COMMISSION ACTION:**

MOTION BY QUINN TO APPROVE THE MINUTES OF JUNE 15, 1995. Second by Neils. Passed by a 5-0 vote with Commissioner White not present and Commissioner Skorepa abstaining as she was not in attendance for that meeting.

**ITEM-2A: REQUESTS FOR CONTINUANCE.**

None.

**ITEM-2B: DIRECTOR'S REPORT** - Ernie Freeman, Planning Director informed the Commissioners of awards and recognition that the City has received: APA has extended an award to San Diego for its efforts associated with Livable Neighborhoods initiative; the City Heights Development, Economic and Crime Summit received an honorable mention; and a Citation for Special Projects Bay-To-Bay from AIA; Mayor Golding received the John Nolan Award for Planning and Urban Design.

ITEM-3: CONTINUED FROM MARCH 30, 1995. CORNERSTONE LOT 10,  
TENTATIVE MAP NO. 94-0574.

Tracy Elliot-Yawn presented a review of the status of this project since it was continued from March 30, 1995.

COMMISSION ACTION:

MOTION BY ANDERSON TO APPROVE THE TENTATIVE MAP NO. 94-0574. Second by White. Passed by a 7-0 vote.

ITEM-4: ADOBE FALLS ROAD TENTATIVE MAP NO. 94-0245.

Bill Trip presented Report to the Planning Commission No. P-95-093.

Public testimony in favor by:

Gary Lipska, of Aquaterra Engineering representing owner/applicant. Advised that the owner has reviewed the conditions and intend to comply with all the conditions specified, as well as those stated at this meeting.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY McELLIOTT TO APPROVE TENTATIVE MAP NO. 94-0245 SUBJECT TO CONDITIONS, ALONG WITH THE INCLUSION OF THE FOLLOWING LANGUAGE ON ATTACHMENT 4 OF THE TM, PAGE 2, "BE IT FURTHER RESOLVED...SUBJECT TO THE FOLLOWING CONDITIONS BEING COMPLIED WITH PRIOR TO RECORDATION OF THE MAP UNLESS OTHERWISE SPECIFIED IN A PARTICULAR CONDITION". Second by Skorepa. Passed by a 7-0 vote.

ITEM-5: ZONING CODE UPDATE WORKSHOP - MEASURING GROSS FLOOR AREA OF BUILDINGS.

Workshop held.

The Planning Commission recessed at 12:05 p.m. and reconvened at 1:35 p.m.

ITEM-6: **PALM GOLF CENTER; CONDITIONAL USE PERMIT AMENDMENT (CUP/AM) NO. 95-0235, PROPOSED OUTDOOR LIGHTING AND EXTENSION OF HOURS OF OPERATIONS FOR EXISTING GOLF FACILITY.**

Tracy Elliot-Yawn presented Report to the Planning Commission No. 95-101, along with a revision to the docket language to read, "Hours of operation to be 6:00 a.m. to 10:00 p.m."

Testimony in favor by:

**Joe Botkin, representing Palm Golf Center.** Advised the Commission that they feel this is the nicest project in the entire region and the Palm City neighborhood is very well served by this project as a neighborhood asset. Believes they have kept their promises and can't believe that the community planning group has stated that they are breaking a promise by applying for night lights. Advised that they did not apply for night lighting so as to expedite the process to get the project open. Found they will have a difficult time competing with existing golf ranges nearby, therefore need the extended hours of operation.

**George Merziotis, owner of Palm Golf Center.** Discussed the hours of operation and cost to do the lighting. Advised he is willing to open at 7:00 a.m. if 6:00 a.m. is a problem and he will eliminate the leaf/grass blowers before that time, if necessary.

Public testimony was closed.

**COMMISSION ACTION:**

MOTION BY QUINN TO CONTINUE TO JULY 20, 1995 AT 1:30 P.M. FOR TIME TO REVIEW THE TAPE FROM THE PREVIOUS MEETING HELD ON FEBRUARY 24, 1994, AND TO ALLOW THE APPLICANT TIME TO GET ADDITIONAL INPUT FROM THE OTAY MESA/NESTOR PLANNING COMMITTEE. Passed by a 6-0 vote with Commissioner McElliott not present.

**ITEM-7: CONTINUED FROM JUNE 8, 1995. ALCOHOLIC BEVERAGE OUTLETS ORDINANCE.**

Angeles Leira/Ella Paris presented a supplement to Report to the Planning Commission No. P-95-090 which was continued from the June 8, 1995 hearing.

Public testimony in favor by:

**Reynoldo Pisano, SESD Development Committee.** Spoke to issues No. 6 and 9 and recommend approval of the remainder of staff's recommendations and pass this approval on to the City Council for their approval as soon as possible.

**Ann Hall, Lucky Markets.** Thanked the staff for allowing this to come back to the communities for additional input and reconsideration. Requested the Commission to recommend approval to the City Council as proposed.

**Paulette Dewire, representing Sav-On.** Advised that she was originally opposed to the ordinance, but now is in favor of staff's recommendation as stated.

**Pat Weimer, representing Von's market.** Is in support of staff's recommendation to Council, as presented.

**Howard Mack, representing Palava Tree.** He is in support of the CUP permit process as he believes there is a direct correlation between crime and areas where there is a heavy population of alcohol beverage outlets. He would like to prevent oversaturation. Please recommend approval of this ordinance.

**Guy Preuss, Skyline-Paradise Hills Planning Committee.** Discussed the letter he distributed and advised he is in support of the staff recommendation. Discussed items 3,6 and 9 and expressed why and what the issues are concerning these three conditions. He would like to be sure that these three conditions are put back in the ordinance.

**Juan Smith, representing the people of Southeast San Diego.** There is a beer and wine outlet and liquor outlet right near his home. There is crime, drunkenness, gangs, etc. The store owners are already responsible and have to continue to be so, therefore would like to ask the Commission to recommend approval to the City Council.

Testimony in opposition by:

**Stephen Zolezzi, San Diego Tavern & Restaurant Association.** Discussed the letter distributed to the Commission stating the association's position. Thanked the staff and felt that the last two meetings accomplished a lot. Requested that the Commission postpone the implementation of the CUP for at least one year to allow the present ABC rules to take place. They will do a better job than this CUP could ever do.

Rev. 7/21/95 LL  
Chaldean

**Robert Haisha, of Haisha Associates, representing Chaldean American Grocers Association.** They have reviewed the current amendments and they would be willing to approve this ordinance with three reservations: the interest is concurrently addressed in the state law and that should be allowed to take effect; language of the proposed ordinance in C3 and E8.

**David Hallak, Moonlite Market.** Reiterated Robert Haisha's opinion as to the three items addressed.

**Linda O'Brien, 7-11 Franchises.** Was initially in opposition of this ordinance, now in favor of new amendments. Thanked staff for all of their input and effort.

**Beth Beeman, California Grocers Association.** They believe this is a really tough issue but they also believe something does need to be done about the few problem operations who cause problems. After reviewing the memo prepared by staff, overall they are in support of the recommendations as put forth in this memo.

**Zack Romaya, store owner.** Owns three grocery stores and has been held up three times. All of these issues should apply to everyone; he is concerned about his safety. Who is going to be responsible for his safety if something happens to him.

**Amer Karmo, Chaldean American Grocers Association, President.** Pleased with the staff's recommendation. Supports imposing a moratorium and new CUPS for at least one year to see how the ABC laws will work. ABC has good rules and method of punishment for violators. Would like to see safety provided outside the premises.

Public Testimony was closed.

**COMMISSION ACTION:**

MOTION BY QUINN TO RETAIN SECTION D 2)B, PAGE 3 OF 8 FOR ISSUE NO. 5. Second by Neils. Passed by a 5-1 vote with Chairperson Bernet voting nay and Vice-Chairperson McElliott not present.

MOTION BY NEILS TO APPROVE THE LANGUAGE AS PROVIDED BY STAFF IN THE STRIKE-OUT VERSION OF ISSUE NO. 6, AND REPLACE IT WITH, "OR TWO SUSPENSIONS OF ANY LENGTH OF TIME WITHIN THE PRECEDING 12 MONTHS." Second by Quinn. Failed by a 3-3 vote with Chairperson Bernet and Commissioners Neils and White voting nay and Commissioners Quinn, Skorepa and Anderson voting yea with Vice-Chairperson McElliott not present.

MOTION BY WHITE TO APPROVE STAFF'S RECOMMENDATION IN THE STRIKE-OUT VERSION OF ISSUE NO. 6. Second by Anderson. Failed by a 3-3 vote with Commissioners White, Neils and Anderson voting yea, and Chairperson Bernet, and Commissioners Quinn, Skorepa voting nay with Vice-Chairperson McElliott not present.

THE COMMISSION TO REPORT TO THE COUNCIL THAT THERE WAS AGREEMENT ON TWO POINTS RECOMMENDED BY STAFF, BUT THERE WAS SOME DISCUSSION ON THE THIRD POINT.

MOTION BY NEILS TO APPROVE STAFF'S RECOMMENDATION ON ISSUE NO. 8 ON HOURS OF OPERATION. Second by Skorepa. Passed by a 6-0 vote with Vice-Chairperson McElliott not present.

MOTION BY WHITE TO APPROVE STAFF'S RECOMMENDATION ON ISSUE NO. 9 ON SAFETY OF AREAS OUTSIDE THE BUSINESS AND DELETE PARAGRAPH F.12. Second by Anderson. Passed by a 6-0 vote, with Vice-Chairperson McElliott not present.

MOTION BY NEILS TO APPROVE STAFF'S RECOMMENDATION FOR ISSUE NO. 10, VIOLATOR RESPONSIBILITY FOR COST OF CODE ENFORCEMENT WITH THE ADDED RECOMMENDATION THAT PARAGRAPH F17 BE DELETED, BUT LANGUAGE WILL BE ADDED THAT STATES THAT AMONG THE REMEDIES FOR VIOLATION CAN BE COST OF COLLECTION AND ENFORCEMENT. Second by White. Passed by a 6-0 vote with Vice-Chairperson McElliott not present.

MOTION BY SKOREPA TO APPROVE STAFF'S RECOMMENDATION ON ISSUE NO 3 TO RETAIN THE 15,000 SQUARE FEET EXEMPTION AND THE 10% INCIDENTAL USE WITH THE ADDITION OF THE LANGUAGE TO STATE THAT THE AREA DEVOTED TO ALCOHOL SALES IS PHYSICALLY SEPARATED TO DISCOURAGE EASY ACCESS BY MINORS. Second by White. Passed by a 6-0 vote with Vice-Chairperson McElliott not present.

MOTION BY NEILS TO ADD THE LANGUAGE IN ISSUE NO. 7 IN PARAGRAPH D ON PAGE 3 OF 8 TO CHANGE THE WORDING AFTER THE COMMA WHICH FOLLOWS 180 DAYS AND EXPRESS THE CONCEPT THAT, "... OR IF DURING A PERIOD OF SHORTER THAN 30 DAYS THAT THE PREMISES ARE NOT CONTINUOUSLY MAINTAINED AND SECURED", TO BE CLARIFIED BY THE CITY ATTORNEY. Second by White. Passed by a 6-0 vote with Commissioner McElliott not present.

MOTION BY WHITE TO APPROVE STAFF'S RECOMMENDATION ON ISSUE NO. 11. Second by Neils. Passed by a 5-0 vote with Vice Chairperson McElliott and Commissioner Anderson not present.

MOTION BY NEILS TO REQUEST THE CITY ATTORNEY IN SECTION F. NO. 8, TO REPLACE THE WORD "ENSURE" WITH A WORD TO BE SUPPLIED BY THE CITY ATTORNEY WHICH DIRECTS THAT THE OWNER HAS TO TAKE RESPONSIBLE STEPS TO HELP ACCOMPLISH THAT GOAL, (THE CONCEPT IS THAT IT IS MORE THAN A NO TRESPASSING SIGN). Second by White. Passed by a 5-0 vote with Vice Chairperson McElliott and Commissioner Anderson not present.



MOTION BY QUINN TO DIRECT STAFF TO DETERMINE WHAT ANNUAL FEE WOULD BE APPROPRIATE FOR ONE INSPECTION PER BUSINESS PER YEAR AND IMPOSE THAT ON ALL OF THESE FUTURE CUP'S, PROCESS THREE'S - (JUST FOR ALCOHOL ORDINANCE, NOT CITYWIDE) AND TAKE THIS INFORMATION AND THE SUGGESTION THAT THE COMMISSION WOULD LIKE THE COUNCIL TO STRONGLY LOOK AT THAT AND INCLUDE IT IN THE ORDINANCE. Second by Skorepa. Passed by a 4-1 vote with Commissioner Neils voting nay and Vice-Chairperson McElliott and Commissioner Anderson not present.

MOTION BY SKOREPA TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE PROPOSED ALCOHOLIC BEVERAGE OUTLETS ORDINANCE INCLUDED IN ATTACHMENT B OF REPORT NO. P-95-090 WITH THE ABOVE MODIFICATIONS. Second by Quinn. Passed by a 5-0 vote with Vice-Chairperson McElliott and Commissioner Anderson not present.

The Planning Commission was adjourned at 5:00 p.m. by Chairperson Bernet.