

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
OCTOBER 12, 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 Chairperson Bernet at 9:05 a.m. The meeting was recessed at 12:20 p.m. and reconvened at 1:35 p.m. Vice-Chairperson McElliott adjourned the meeting at 4:15 p.m. in memory of Susan Lay.

ATTENDANCE DURING THE MEETING:

Chairperson Scott Bernet-present
Commissioner Karen McElliott-present
Commissioner William Anderson-present
Commissioner Christopher Neils-not present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner Frisco White-present
Ernest Freeman, Planning Director-present
Mike Stepner, Urban Design Coordinator-not present
Rik Duvernay, Deputy City Attorney-present
Tina Christiansen, Department Director-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-not present
Linda Lugano, Recorder-present

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

No one present to speak.

ITEM-2: **APPROVAL OF THE MINUTES OF SEPTEMBER 28, 1995.**

COMMISSION ACTION:

MOTION BY McELLIOTT TO APPROVE THE MINUTES OF SEPTEMBER 28, 1995. Second by White. Passed by a 6-0 vote with Commissioner Neils not present.

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

None.

ITEM-2A: **DIRECTOR'S REPORT.**

Ernie Freeman, Director, Planning Department briefed the Commission again on the creation of a "Planning Commission" award for exemplary efforts in community planning initiatives. Commissioner Skorepa requested that the criteria be provided to the Commission to have an opportunity to review this. The costs involved with this award were also discussed.

Jeff Washington, Deputy Director, Long Range & Facilities Financing advised the Commission on action taken at a T&LU Committee workshop held on Wednesday, October 11, 1995. Chairperson Bernet requested staff to write a letter to the Mayor and Council asking them to reconsider their actions and to take additional time in making the final decision in this very critical area.

The Planning Commission adjourned to Closed Session at 9:25 a.m. and reconvened at 9:46 a.m. to discuss existing litigation with legal counsel pursuant to California Government Code section 54956.9(a) - that case is Torrey Pines Investment Group and Mesa Top Properties I and II v. The City of San Diego, San Diego Superior Court Case No. 690329.

ITEM-3: **ADOPTION OF A PRECISE PLAN FOR CARMEL VALLEY NEIGHBORHOOD 8A; AMENDMENTS TO THE CARMEL VALLEY COMMUNITY PLAN, THE CARMEL VALLEY NEIGHBORHOOD 10 PRECISE PLAN, NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN, PROGRESS GUIDE AND GENERAL PLAN AND LOCAL COASTAL PROGRAM; AMENDMENT TO THE CARMEL VALLEY PLANNED DISTRICT ORDINANCE; DEL MAR HIGHLANDS ESTATES VESTING TENTATIVE SUBDIVISION MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT AND RESOURCE PROTECTION ORDINANCE PERMIT CASE NO. 94-0576; A DEVELOPMENT AGREEMENT; AND THE TORREY SURF VESTING TENTATIVE SUBDIVISION MAP, RESOURCE PROTECTION ORDINANCE PERMIT AND CARMEL VALLEY PLANNED DISTRICT ORDINANCE PERMIT CASE NO. 91-0899.**

Nick Osler presented Report to the Planning Commission No. P-95-147.

Testimony in favor by:

Mike Madigan, representing Pardee. Thanked staff for doing such a good job on the report and for all the work they put into working with them on this project. Requested that the Commission adopt the staff's recommendation to approve the City Manager's Compromise Plan for Neighborhood 8A and the related applications and recommend City Council's approval of the Plan. The real property and the planning efforts for it have had a complicated and lengthy existence. Gave the history of all the applications and hearings and results of same.

Doug Boyd, presenting Pardee. Spoke to the City Manager's Compromise Plan and discussed the genesis for this plan was and how it came about. The City Manager was instructed to prepare such a plan that was consistent with MSCP, and the genesis of this plan - with very specific environmental goals and criteria was developed.

Thomas Steinke, representing Pardee. Spoke to the draft Development Agreement which the City and Pardee will be entering into upon approval of the Manager's Compromise Plan. The initiation of discussions related to the document was authorized by the City Council in June of 1995. This document is to be brought back before the City Council on October 31, 1995.

Representatives of Pardee, the Manager's staff and the Attorney's staff have met on several occasions with regards to the terms of this agreement, which have been mutually agreed upon.

Kathy Tanner, Del Mar Union School District.

Distributed a letter which stated the Solana Beach School District's objections to the recommendation for approval of the Del Mar Highlands Estates Project and to any recommendation to the City Council for the approval of EIR on the basis that the significant environmental impact of the project upon the district have not been mitigated as required under the California Environmental Quality Act and addressed specific objections.

Marty Fishbein, Stratford & Senterra Home Owners

Association. Representing 250 home owners in Stratford & Senterra, the only homes built along Derby Farms Road, which is proposed as the second access to the Del Mar Highlands Estates. He has been here before in opposition to proposals of Pardee; he would approve and work for the passage of the Del Mar Highlands Estates projects. They had two major objections - one using Derby Farms Road as an access to Highlands Estates, and the second was the concern about the construction traffic getting to the Pardee parcel. They are now in favor of these proposals, along with gated issued.

Mike Leach, McGuire Family Trust. The McGuire's own 40 acres in Neighborhood 10 which is the subject of part of the deliberations today. Comments focused solely on the proposed Neighborhood 10 matters, specifically items 2 and 3 under that heading in the Planning Department Report, page 10. Discussed his letter sent to the Commissions on these same points. Recommend approval of these items to the Council.

Keris Kennedy, representing herself. Small one acre property owner in the open space area. Pointed out two issues - recently became aware when Neighborhood 8A was split into two Neighborhoods, there was no new representative selected on the Community Planning Board for 8A. Keep that in mind that they have been unrepresented.

Testimony in opposition by:

Jan Fuchs, Carmel Valley Community Planning Board. Summarized all the information they have on 8A over the last year and one-half. Council directed staff to work with applicant resource agencies and interested environmental groups on this. Ms. Fuchs offered a summary of the official position on the Compromise Plan.

Ann Harvey, Carmel Valley Community Planning Board. Ms. Harvey discussed what is contained in the surrounding area - homes, industrial development, etc. and the affect the increased traffic will have due to this development and others.

Joan Tukey, Carmel Valley Planning Board. Clarified one point talked about and that is that all of the items approved by the CVCPB were approved on a vote of 10 for, 2 abstentions and 1 no. They have been talking about assessment districts to acquire parcels A & B in 8A, owned by Pardee. Some of the land is in the San Diego Gas and Electric transmission line corridor, therefore this land is worthless because of the EMF's.

Mike Beck, representing the Endangered Habitats League. They have been working with the community on this process. One thing he requested be kept in mind is to remember that this is the last coastal mesa in San Diego County - once a decision is made here, it will be final for that land form in SD County, and maybe even in Southern California.

Jeff Howard, representing the Endangered Habitats League. Discussed the Community Alternative to the Pardee/Manager's Recommended Precise Plan for Carmel Valley Neighborhood 8A prepared by their group.

Lisa Ross, member of the Carmel Valley Community Planning Board, representing her neighbors, etc. Community has been left out of this planning process. It is clear that this very special land is the last remaining open space in Carmel Valley. All the promises that were made in the past have not been upheld, i.e., the open space, equestrian trails, etc. She, too discussed the alternative plan to the Manager's plan.

Mike Kelly, representing Friends of Los Penasquitos Canyon Preserve. Requesting the Commission to reject the Pardee/Manager's Compromise Plan and to recommend the Community Alternative to the Council. Discussed the environmental document. However, the importance of this land lies in more than its unique assemblage of plants, animals and views. This is where the EIR missed the mark - it understates the important function of this land, and that it is a nexus of linkages and wildlife corridors that are vital to the ability of other open space systems to survive.

Craig Adams, representing Sierra Club. There are not two alternatives. What is environmentally adequate or not, is not a reference to some process that is going on that hasn't been concluded. What is the necessary MSCP configuration in this area?. It hasn't been made yet. The record shows there has to be findings of overriding considerations; the only thing you have in front of you is a conclusion, not the final findings. Recommend denial to the City Council and forward their alternative for consideration.

Ellie Topolovac, Superintendent, Solana Beach School District. Thanked the Commission for the opportunity to express the concerns of the Solana Beach School District's parents. The District is concerned that if this plan is approved without the appropriate school mitigation issues being addressed, it will have a significant impact on the negative fiscal and financial planning. Suggested that the Commission not approve this project and/or the EIR unless and until the applicant is required to fully mitigate the impact of the project upon the District.

Howard Gad, Vice President, Solana Beach School District. Talked about the meetings they had with Pardee and the results of same. They did not understand the linkage between 8A and the out parcels, one of which included the Del Mar Highlands Estates Project.

Bruce Beach, Torrey Pines and Mesa Top Properties, Best, Best and Krieger. Their position is that there is no compromise to this specific plan. What has occurred is that contrary to the purpose of specific plans, Mesa Top and Torrey Pines have been cut out of the process, over their objection and without their consent.

Julie Dillon Roberts, Mesa Top Properties. They are extremely frustrated; they were not included in this Precise Plan and they wanted to be. Staff position keeps changing; they have been forced into litigation. All they want is to have their development plan included in this compromise plan or for the City to buy their property now.

Sylvia Hampton, President League of Women Voters. The League is opposed to the so-called Compromise Plan for Carmel Valley 8A because it does not preserve the critical natural resource. Their position is that land use decisions should promote conservation of natural resources and should relate to and protect the overall quality of the environment.

Ruth Merrill, representing herself. Very much in opposition to this plan. They should have separated Neighborhood 8A and the properties that are in the NCFUA. You're being asked to consider too many things and it's too complicated.

David Lessie, representing himself, a property owner. Owns one acre piece of land. Purchased his land based on the community plan that was approved in hopes of developing it, and that land at the time that he purchased it had 18 dwelling units per acre. He has no property rights whatsoever. You want my land - buy it.

Valerie Elliott, representing People Who Love Gonzales Canyon. She hikes and rides horses through Gonzales Canyon. They are really concerned about this plan specifically as it relates to Gonzales Canyon. Del Mar Highlands Estates is really inappropriate for this beautiful open area and rural character and seasonal stream. They never dreamed they would be facing a dense housing project. This is not what the voters had in mind.

Mark Hendrick, representing himself. When he bought the house from Pardee, he bought it because of the ads that they would have fine schools, open space, basically a great open area. Since then things have changed. Resist the persistent efforts of Pardee to make a profit and deny the upzoning altogether.

Lee Harvey, representing herself. A community member who cares about her home and where she lives. This piece of land is the last precise plan where we will ever have an opportunity to realize what's meaningful to them. The applicant has not approached them once to hear about their concerns.

David Abrams, Fairbanks Ranch Association. In disagreement with the height limit concerning Del Mar Highlands Estates. Supports the staff's 30 foot request - there is no justification for anything higher. The homes on the northern rim are highly visible from the San Dieguito River Valley below and if there is a deviation, those homes should be restricted. They support the Solana Beach School District. Request a turn lane be required as part of the environmental mitigation at San Dieguito Road and Derby Farms Road.

Paul Griffin, representing himself. He thinks the assessment district is slightly biased since Pardee owns 600 of the 1800 acres in that area. Carmel Mesa with the current zoning, is land that benefits the economy of San Diego in the form of many tourists dollars to the Torrey Pines area.

Craig Sherman, Carmel Mountain Conservancy. Stated the importance of the fact that the lack of statement of findings and overriding considerations before this Commission creates a problem because the ones that are included in the EIR are not adequate - they are not supported by enough information.

Ginny Barnes, Carmel Valley Park & Rec Council. The Council was not brought into this compromise plan at all. They have key issues they would like the Commission to look at as outlined in a letter distributed at the hearing.

Joan Stewart, California Native Plant Society. We are losing 130 acres of one vegetation and 90 of another with no replacement possible. A compromise is not something they choose to be part of in this way and the biological alternative they are supporting is essentially the one contained in the alternative plan.

Pamela Drechsel, docent at Torrey Pines Reserve. She advised that she leads nature walks for children, and she thinks this would be tragic if this project is allowed to go ahead.

Isabelle Kay, Carmel Mountain Conservancy. Urge you to pursue a real planning effort in this regard beginning with a cost benefit analysis that may likely reveal that the City will be incurring long term fiscal liability by agreeing to support infrastructure in this area. There has been a great deal of shuffling of the boundary between 8A and 10. The only reasonable course is to take the entire area back to the drawing board and plan the two areas together.

Diana Gordon, Carmel Mountain Conservancy. They have been working with the conservancy and they hoped they would have the opportunity to work with different agencies to get some funding, but with the assessment district things have changed. Their hope is that they can still work towards the goals although many people have looked at some of the environmental issues and they don't think they really stress the importance of Carmel Mountain.

Andrea McKee, representing horseback riders in the area. She rides horses in the proposed development area and she rides in the canyon. She would like to have the language about horse trails carved in stone this time because just having it in writing doesn't do it. Trails are usually promised and then they evaporate when the project is built.

Donna Beers, representing herself. You've been hearing the voices of people who are unhappy and she is unhappy because of all the reasons you've just heard. Her concern is there is going to be low income housing, high density projects in an area that has already been promised as an open space. You have a jewel here, please don't ruin it.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY McELLIOTT TO RECOMMEND DENIAL OF THE CITY MANAGER'S COMPROMISE PLAN BASED ON THE FACT THAT THERE IS NO FUNDING SOURCE FOR AFFORDABLE HOUSING, NO FUNDING SOURCE FOR THE MSCP, AND LANDOWNERS, INCLUDING PARDEE, ARE LEFT OUT IN RELATIONSHIP TO THE OPEN SPACE; THERE WAS NO COMMUNITY INVOLVEMENT; NO FBA - WE DON'T KNOW IF THERE IS FINANCING THAT WOULD BE SUFFICIENT FOR ANY OF THE INFRASTRUCTURE; NO MITIGATION IN RELATIONSHIP TO THE SCHOOL ISSUE ON DEL MAR HIGHLANDS; RECOMMEND TO THE CITY COUNCIL THAT THE TWO AREAS THAT ARE NOT BEING INCLUDED, I.E., MESA TOP AND TORREY PINES PROPERTIES, BE CONSIDERED AS PART OF THE PLANNING AREA BEFORE THE PRECISE PLAN IS FINISHED. A REPRESENTATIVE FROM THE PLANNING COMMISSION TO BE PRESENT AT THE COUNCIL MEETING ON THIS ISSUE; STAFF TO PROVIDE A REPORT ON THIS RECOMMENDATION TO THE COUNCIL FOR COMMISSION APPROVAL. Second by Anderson. Passed by a 6-0 vote with Commissioner Neils abstaining.

STAFF WAS DIRECTED TO REVIEW THE COMMUNITY ALTERNATIVE PLAN THAT WAS PRESENTED AT THIS HEARING AND BE PREPARED TO ADDRESS THAT WHEN IT GOES BEFORE COUNCIL. Second by White. Passed by a 6-0 vote with Commissioner Neils abstaining.

ITEM-4: UPPER BLUFF STABILIZATION COASTAL DEVELOPMENT PERMIT AND SENSITIVE COASTAL RESOURCE OVERLAY ZONE.

Ron Buckley presented Report to the Planning Commission No. P-95-159.

Testimony in favor by:

Lynne Heidel, representing Jay Naidu, applicant.
Before they were notified by the City that there was a potential hazard, Mr. Naidu approached her to get moving on whatever permits were necessary to remove whatever structures beyond the 25 foot line. The drainage provided goes over the top of the bluff and they proposed a new drainage system whereby the water would be collected and pumped to the street and then into the storm drain that's a couple of houses away.

Edward Wrench, representing himself, adjacent to the property. Mr. Wrench has reservations about the way this is being done. Originally a passive drain system was going to be put in that would have protected the bluff, it would have let the water run into the ocean. His concern about the proposed solution is basically the pumping; if it fails during heavy rains it is going to flood the applicant, and his property.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO CERTIFY THE NEGATIVE DECLARATION 95-0310 AND APPROVE CDP/SCR 95-0310 SUBJECT TO CONDITIONS (ATTACHMENT 4), AS WELL AS APPROVAL OF THE NEW CONDITION NO. 12 AS PRESENTED BY THE CITY ATTORNEY. Second by Quinn. Passed by a 5-0 vote with Chairperson Bernet and Commission Neils not present.

ITEM-5: LOPEZ SUBDIVISION - TENTATIVE MAP 94-0646.

Corey Braun presented Report to the Planning Commission No. P-95-158.

Testimony in favor by:

Daniel Contreras, San Ysidro Investments. Explained why the house was being relocated as it is on the proposed right-away, which was the best possible solution.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF STAFF'S RECOMMENDATION TO CERTIFY NEGATIVE DECLARATION 94-0646; RESCIND PIRD 91-0387 AND APPROVE TENTATIVE MAP 94-0646. Second by White. Passed by a 5-0 vote with Chairperson Bernet and Commissioner Neils not present.

ITEM-6: **WORKSHOP - TRANSIT CORRIDOR PLANNING UPDATE.**

COMMISSION ACTION:

MOTION BY McELLIOTT TO CONTINUE TO DECEMBER 7, 1995 AT 1:30 P.M. DUE TO A LACK OF TIME. Second by Quinn. Passed by a 6-0 vote with Commissioner Neils not present.

ITEM-7: **RENAISSANCE LOTS 17 AND 18, APPEAL OF PRD AMENDMENT 95-0250.**

Testimony in favor by:

Mike Dunham, California Pacific Homes, representing the applicant. Gave a short presentation of the project with a slide show which explained his company's goals and objectives as well as the City's, in order to meet all needs.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO DENY THE APPEAL AND DENY THE AMENDMENT. Second by Quinn. Passed by A 5-0 vote with Chairperson Bernet and Commissioner Neils not present.

The Planning Commission was adjourned at 4:15 p.m. by Vice-Chairperson McElliott in memory of Susan Lay.