

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
JANUARY 6, 1994
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Bernet at 9:08 a.m. The Planning Commission adjourned at 12:15 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Scott Bernet-present
Commissioner Karen McElliott-present
Commissioner Lynn Benn-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
Tom Story, Deputy Director, Development and
Environmental Planning-present
Jeff Washington, Deputy Director, Long Range and Facilities
Planning-present
Linda Lugano, Recorder-present

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

Chairperson Bernet welcomed the new Legislative Recorder, Linda Lugano and thanked Jan Santos for her outstanding service to the Commission.

ITEM-2 APPROVAL OF MINUTES OF JULY 8, 1993.

COMMISSION ACTION

MOTION BY QUINN TO APPROVE. Second by White. Passed by a 7-0 vote.

ITEM-2A INFORMATIONAL ITEM ON GNATCATCHER.

Ann Hix presented an update on the status of the situation of the California gnatcatcher and outlined the proposal that would be going before the City Council regarding the issuance of permits.

COMMISSION ACTION

Information item only; no action necessary.

ITEM-2B CASE RZ 93-0549 REZONE TO COMMERCIAL. PROJECT DESCRIPTION RZ OF 770 SQFT LOT FOR GM 3000 TO GHCC. LOT 7 AND 8, BLOCK 5, BREED & CHASES, BOOK 14, PG 641. LOCATION 2469 BROADWAY.

Cory Braun presented Planning Department Report No. P-94-013.

No opposition to this item.

Public testimony was closed.

COMMISSION ACTION

MOTION BY WHITE TO APPROVE. Second by Skorepa. Passed by a 7-0 vote to approve the rezone and recommend approval to the City Council.

ITEM-3
&3A

CASE CDP 93-0373 TYSON RESIDENCE - SCR. PROJECT DESCRIPTION DEMO SFR CONSTRUCT SFR. LOT 16 BLOCK 4 PACIFIC RIVIERA VILLAS UNIT 1. LOCATION 5174 CHELSEA STREET.

No opposition to this item.

Public testimony was closed.

COMMISSION ACTION

MOTION BY BENN TO APPROVE. Second by McElliott. Passed by a 7-0 vote to approve the permits. Commissioner Neils requested an explanation from the City Attorney regarding that if the intent of the condition is to require "consent of the Planning Director" then it should be clearly stated as such instead of saying "requires review"; and the wording "change in tenant occupancy" should be clarified as well for a clear understanding of multi-family or single - family occupancy.

ITEM-4 CASE CUP 92-0644, CHAR-LOU MANOR. PROJECT DESCRIPTION 45-BED RESIDENTIAL CARE FACILITY, LOT 37 THROUGH 40, BLOCK 5. LOCATION 2456 E STREET.

Cory Braun presented Planning Department Report No. P-94-014.

Testimony in favor by:

LOUISE BRODERICK, owner of land and buildings of subject property. Ms. Broderick made reference to a letter from Harry Kendall, licensee of Char Lou Manor to Cory Bruan, regarding a violation of the CUP with the addition of nine beds, and the corrective measure taken at that time. She further explained that the location of the facility is ideal and that it is a well-run facility.

HARRY KENDALL, manager of Char-Lou facility pointed out that the nine additional beds have been in the facility for twelve years. Parking has not been a problem and that a study has been done to confirm that and should not be an issue.

JAMES CRAIG, licensing program supervisor with the State Department of Social Services. Mr. Craig approved the original increase in beds in 1981. His wife worked at the facility as a social worker, and he vouched for the supervision and quality of care for the homeless and disabled.

RAY SCHWARTZ, San Diego County Mental Health Services. Advised that the facility has a contract with SDCMH in good standing and that they take special cases the state has placed in the facility. Mr. Schwartz advised that the additional beds are definitely needed due to the shortage of beds in the City which places a greater burden on the State.

MARCHETA GARDNER, has a son who is a resident at Char-Lou Manor for the past 10 years and she and her husband are very pleased with the operation and staff.

DANIEL FORTIAS, has a son who is a resident at the facility and also vouched for the special care at the facility.

ROBERT DAREN, licensed medical social worker for San Diego County Mental Health Services. Expressed his involvement with the placement of patients at the facility and his experience that this facility is the most efficiently run in the County.

Testimony in Opposition by:

PAUL BEDINGTON, speaking as Chair of the Golden Hill Planning Committee regarding the application to modify the CUP. He stated that Golden Hill is grossly saturated with half-way houses and residential care facilities and have 31% of the City's facilities.

SYDNEY WALKER, lives directly east of the facility, representing his family. Mr. Walker spoke of the adversity for the immediate neighborhood due to the frequent, noisy, middle-of-the night eruptions involving several residents of the facility.

BRIT RICHARDSON, also emphasized the saturation of the Golden Hill area with residential care facilities and how redevelopment is difficult in this beautiful area due to the patients coming and going and causing a disturbance in the area.

NANCY DEODATO, resident directly across the street from the facility. Ms. Deodato pleaded with the Commissioners to suspend the permit as they have observed numerous incidents and constant noise and disruptions.

Public testimony was closed.

MOTION BY BENN TO DENY THE PERMIT AND BRING THE CUP BACK INTO COMPLIANCE. Second by Quinn. Passed by a 7-0 vote to deny the permit.

RECESS, RECONVENE

The Planning Commission recessed at 10:31 a.m. and reconvened at 10:39 a.m.

ITEM-5 CASE CDP 93-0491, DWYER REMODEL-SCR PROJECT DESCRIPTION: DEMO SFR EXC.FOUNDATION AND REBUILD SF. LOT 15 SUN GOLD POINT MAP 3216, LOCATION: 5334 CALUMET AVENUE.

No opposition to this item.

Public testimony was closed.

MOTION BY NEILS TO APPROVE THE PERMITS. Second by White. Passed by a 7-0 vote.

ITEM-6 FOURTH AMENDMENT TO THE SAN DIEGO RIVER IMPROVEMENT PROJECT (FSDRIP) DEVELOPMENT AGREEMENT.

Bob Manis presented Planning Department Report No. P-93-225 and explained that this item pertains to the FSDRIP property in Mission Valley and refers to the development agreements and does not involve any amendment to the specific plan.

Testimony in opposition by:

CATHERINE TANCREDI, expressed her concern as to what the definition of a "property owner" was; The City Attorney clarified that in the original agreement, it allowed the property owners listed to amend the agreement.

Public testimony was closed.

COMMISSION ACTION

MOTION BY NEILS TO RECOMMEND APPROVAL TO THE CITY COUNCIL. Second by White. Passed by a 6-1 vote with Commissioner Benn voting nay. Chairman Bernet requested that language be included for noticing to reflect more than standard City notification (which would be only 300 feet) and which might not include some of the other members. Commissioner Benn requested legal opinion on the signature process of property owners and how it may affect new property owners.

ITEM-7 FIFTH AMENDMENT TO THE FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT (FSDRIP) DEVELOPMENT AGREEMENT - RIO VISTA WEST.

Mary Wright presented Planning Department Report No. P-94-006.

Testimony in opposition by:

CATHERINE TANCREDI, attorney representing a variety of environmental organizations. Expressed her concern with development in Mission Valley concerning flood plains and what the City is doing about it.

Testimony in favor by:

PAUL ROBINSON, representing Belnet Properties, Co., explained the City's policy on the flooding situation in Mission Valley.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY NEILS TO RECOMMEND APPROVAL TO CITY COUNCIL. Second by White. Passed by a 7-0 vote.

ITEM-
8-8C

HAZARD CENTER PHASE II. AMENDMENT TO THE FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT (FSDRIP) SPECIFIC PLAN.

Jennifer Champa presented Planning Department Report No. P-93-224.

Testimony in favor by:

PAUL ROBINSON, attorney representing R.E. Hazard Contracting Company, spoke about the parking space issue.

COMMISSION ACTION:

MOTION BY BENN TO RECOMMEND APPROVAL TO THE CITY COUNCIL WITH THE CONDITION THAT THE ACTUAL NUMBER OF PARKING SPACES BE NEGOTIATED WHEN THE LRT IS UP AND RUNNING; INCLUDE THE STIPULATION OF THE SCREENING OF THE LOADING DOCKS AS WELL, AS RECOMMENDED IN STAFF REPORT. Second by Skorepa. Passed by a 6-0 vote with Commissioner Neils abstaining.

ITEM-9 COHEN RESIDENCE. CASE: LJS 92-0579. CONSTRUCTION OF NEW 4640 SQ. FT SF RESIDENCE LOT 26 LA JOLLA DEL NORTE UNIT 2. LOCATION: 8151 CALLE DEL CIELO.

Patricia Fitzgerald presented Planning Report No. P-94-009.

Testimony in opposition by:

DAVID KILMER, lives next to Cohen project and represents 26 home owners in the area. Showed photos that represent how this new structure would not fit into the existing architectural unity in the area.

THOMAS McGRATH, resides within the 300 foot subject property. Suggested that the permit be denied as the residence is not compatible with the neighborhood and is in conflict with the PDO.

ALTHEA BRIMM, resident in the neighborhood. Advised that if this house is approved, then there will be other houses that will be approved which would not be in compliance with the PDO.

Testimony in favor by:

BEJAN ARFAA, architect for this project. Advised of all the processes and concessions he went through to reach agreements with all concerned regarding the compatibility of this residence with the rest of the neighborhood.

COMMISSION ACTION:

MOTION BY NEILS TO DENY THE APPEAL AND APPROVE THE PERMIT WITH THE CONDITIONS THAT THE EXTERIOR ELEVATIONS REFLECT MORE OF THE ELEMENTS OF THE CHARACTER OF THE NEIGHBORHOOD WHICH IS LARGE ROOF OVERHANGS RATHER THAN THE ZERO OVERHANGS. Passed by a 7-0 vote.

THE PLANNING COMMISSION RECESSED AT 12:35 P.M. AND RECONVENED AT 1:55 P.M.

ITEM-10 CASE: CDP 93-0205 4646 CAPE MAY AVENUE PROJECT
DESCRIPTION: BUILD SECOND UNIT AT REAR OF LOT. LOTS 13 & 14, BLOCK 28 OCEAN BEACH.

Teri Bumgardner informed the Commission that after public testimony was taken on December 2, 1993, this project was continued at the request of the Commission due to a noticing error.

Commissions Benn and Neils stated for the record that they listened to the tapes from the last hearing.

Public testimony was closed at the December 2, 1993 hearing.

Testimony in opposition by:

DENNIS TUFFIN, member of the Ocean Beach Planning Board, appellant in this matter. Explained how the different structures are affecting the neighborhood and how structures in the back of the older homes are becoming bigger than the front house.

ANNE ADAMS, resident. Told the Commission about advertising being used to sell off this property.

Testimony in favor by:

BOB ENGLISH, TOM CRAIG AND LINDA WOOLCOTT, builders and attorney representing the builder respectively. All explained that the house is zoned for two units and they are in full compliance with the zoning and the law.

Public testimony was closed.

Corrected 3/4/94

COMMISSION ACTION:

MOTION BY NEILS TO DENY THE APPEAL AND APPROVE THE PERMIT WITH THE ADDITIONAL CONDITION, AS MR. ENGLISH HAS AGREED, TO REMOVE THE FENCE ON THE PROPERTY TO NOT "VISUALLY" DIVIDE THE PROPERTY. Second by White. Passed by a 4-2 vote with Commissioner McElliott abstaining and Commissioners Benn and Skorepa voting nay.

ADJOURNMENT:

The Planning Commission adjourned at 2:40 p.m.