

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
OCTOBER 27, 1994
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 9:10 a.m. The meeting was recessed at 12:43 p.m. and reconvened at 1:40 p.m. The meeting was adjourned at 6:01 p.m. by Chairperson Bernet.

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
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.

No one present to speak.

ITEM-2A: DIRECTOR'S REPORT -

Mr. Ernie Freeman briefed the Commissioners on the success of the recent APA Conference and all the work Betsy McCullough put into this conference. Mr. Freeman also discussed a joint meeting with the Housing Commission and advised he would be scheduling this in the near future; and the possibility of San Diego Unified School District partnering and working with the Planning Department and the Manager's office was reviewed.

ITEM-2B: APPROVAL OF THE MINUTES OF SEPTEMBER 29, 1994.
APPROVAL OF THE MINUTES OF OCTOBER 13, 1994.

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE THE MINUTES OF SEPTEMBER 29, 1994. Second by McElliott. Passed by a 4-0 vote with Chairperson Bernet, and Commissioners Benn and Neils abstaining as they were not present for this meeting.

MOTION BY QUINN TO APPROVE THE MINUTES OF OCTOBER 13, 1994. Second by White. Passed by a 4-0 vote with Commissioner Benn and Vice-Chairperson McElliott abstaining as they were not present at that meeting, and Commissioner Skorepa not present.

ITEM-3: CARLTON OAKS COUNTRY CLUB RESOURCE PROTECTION ORDINANCE PERMIT NO. 93-0638.

Terri Bumgardner presented Planning Department Report No. P-94-183.

Testimony in favor by:

Robert Walters, Carlton Oaks Country Club. Spoke how the job will be completed properly and that it will not damage the habitat.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY WHITE TO CERTIFY THE MITIGATED NEGATIVE DECLARATION AND APPROVE THE RESOURCE PROTECTION ORDINANCE PERMIT. Second by McElliott. Passed by a 6-0 vote with Commissioner Skorepa not present.

The Planning Commission recessed at 10:14 a.m. and reconvened at 10:27 a.m.

ITEM-4: PROPOSED CONDITIONAL USE PERMIT NO. 94-0328 TPS TECHNOLOGIES TO CONSTRUCT A SOILS RECYCLING FACILITY ON PORTIONS OF A VACANT 5.6 ACRE SITE LOCATED NORTH OF CARROL CANYON ROAD IN THE MIRA MESA COMMUNITY.

Kevin Sullivan presented Planning Department Report No. P-94-150, with the addition of another condition not already included in the permit, condition No. 31.

Testimony in favor by:

Lynne Heidel, representing the applicant, George Catalano. Discussed the rationale as to why the plan is proposed for this site and why it would be more detrimental to the entire area to relocate this project farther away as it would increase traffic and noise. Also discussed that this project meets all the standards. Described the entire plant, how it is self-contained, etc. and heavily regulated and that the soil is tested before they even accept it, and why an EIR was not necessary.

Mike McDade, applicant. Explained that this project does not present any health risks to the City of San Diego. Suggested all of the Commissioner's concerns are unwarranted as this does not have any environmental problems. Suggested that this project does not need an EIR as there is no evidence of any health risks. Noise study indicates no increase in noise, and no carcinogens.

Testimony in opposition by:

Bob Chamberlain, of the Mira Mesa Community Planning Group. Talked to the letter dated October 23rd regarding the Group's decision. The Group rescinded their original vote and reconsidered the project and requested an EIR. If an EIR is completed it would provide a extra level for their approval of the project.

Paula Forbis, Environmental Health Coalition. Discussed how the description of this project has changed considerably since it was originally proposed and these changes are of a concern.

Mark Kornheiser, resident. Expressed his concern and indicated that there are several alternative sites available with less hazardous conditions. There is also a vernal pool issue. What would happen to the treated soil; what about accidents, who has the liability. Notice received was not clear so there's a lot of confusion.

William MacKersie, concerned Mira Mesa Citizens Group. Expressed his concerns over the fact that an EIR was never done on this project and a lot of issues regarding criteria presented by TPS and the effect and impact on the community.

Jeff Sloane, resident. Expressed his feelings over the fact that all the information in the negative declaration came from TPS and that no mention of health risk was in the document. Suggested more research be done on this project before it is approved.

Paul Hickman, El Camino Memorial Park. He is concerned about the noise issue in the cemetery and how it could be extremely noisy during services; requested that the hours of operation be limited to prevent any disruption for his clients.

John Sanborn, San Diego Pet Memorial Park. Health and economic concerns. Feels the employees who work outside, will be exposed to unhealthy conditions, economically noise will significantly infringe on sales.

Michael Bentz, resident. Suggested more research be done on this project and passed around a petition with 2,000 signatures, and requested an EIR be completed before it goes any further.

Al Flore, Real estate agent. Expressed his feelings regarding the fact that this project is very close to residential units that it will definitely affect the sale of homes and that it must become a disclosure issue to potential home buyers.

Rodolfo Molano, resident. Feels TPS is violating the federal standards and that no project of this kind should be built in this area.

Jeff Mack, Mike Snare, Minh Nauyen, residents and homeowners. Advised that they never received any notice of this project and feel that it would be prudent if TPS revealed verification of the studies conducted, and that an EIR be completed.

David Evans, PETCO. Concerned that an EIR was never completed and he is against the project. Would like information available for this employees.

Public testimony was closed.

The Planning Commission recessed at 12:43 p.m. and reconvened at 1:40 p.m.

COMMISSION ACTION:

MOTION BY McELLIOTT TO CERTIFY THE NEGATIVE DECLARATION AND APPROVE THE CONDITIONAL USE PERMIT SUBJECT TO THE ADDITION OF CONDITION NO. 31 AS SUBMITTED BY STAFF TO LIMIT THE AMOUNT OF CONTAMINATED SOILS TO 450 TONS; CHANGING CONDITION NO. 25 DELETING THE WORD "GASOLINE" AND ADDING "ANY CONTAMINATED SOIL" AND ADDING "OF VOLATILE ORGANIC COMPOUNDS"; ADD ANOTHER CONDITION THAT IF THERE ARE ANY VIOLATIONS OF COMPLIANCE THAT ANY OF THOSE VIOLATIONS ARE IMMEDIATELY SUBMITTED TO THE CITY FOR ACTION; REVISE NO. 6 REFERRING TO A GRADING PERMIT, THAT THERE SHOULD BE A REQUIREMENT IN THE CUP THAT THE PROJECT ALWAYS HAVE IN CURRENT AND GOOD STANDING WHATEVER PERMITS ARE NEEDED FOR THIS KIND OF OPERATION FROM THE REGIONAL WATER QUALITY BOARD AND THE APCD; "PETROLEUM CONTAMINATED SOILS" SHALL BE ADDED TO THE PERMIT WHEREVER MENTION IS MADE OF A DESCRIPTION AS "SOILS RECYCLING CENTER"; THE REPORT DISCLOSING THE AMOUNT OF CONTAMINANTS GOING IN AND OUT WOULD BE AVAILABLE FOR THE PUBLIC ON THE SITE. Second by Neils. Failed by the following vote: Yea-McElliott, Skorepa and Bernet; Nay-Benn, Quinn, Neils and White.

MOTION BY QUINN TO RETURN THIS MATTER TO THE DEVELOPMENT SERVICES DEPARTMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT. Second by White. Passed by a 4-3 vote with Vice-Chairperson McElliott, Commissioner Skorepa and Chairperson Bernet voting nay.

ITEM-5: REZONE NO. 94-0558. REZONE 0.83 ACRES FROM NP-1 TO CN-1A.

COMMISSION ACTION:

MOTION BY McELLIOTT TO RECOMMEND THAT THE CITY COUNCIL APPROVE A REQUEST TO REZONE 0.83 ACRES FROM NP-1 TO CN-1A IN THE UPTOWN COMMUNITY PLAN AREA. Second by Quinn. Passed by a 5-0 vote with Commissioners Neils and White not present.

ITEM-6: INITIATION OF PLAN AMENDMENTS TO IMPLEMENT THE MULTI-SPECIES CONSERVATION PROGRAM (MSCP).

Bill Levin presented Planning Department Report No. P-94-180.

Testimony in favor by:

Mike Madigan, Pardee Construction. Gave accolades to the staff on their hard work on this process.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY BENN TO INITIATE AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN, LOCAL COASTAL PROGRAM AND SEVERAL COMMUNITY PLANS AND PRECISE PLANS TO MODIFY THESE DOCUMENTS AS NECESSARY TO CONFORM WITH AND TO IMPLEMENT THE MSCP. Second by Quinn. Passed by a 5-0 vote with Commissioners Neils and White not present.

ITEM-7: THE SORRENTO HILLS PARK TRADE PROJECT

Mike Westlake presented Planning Department Report No. P-94-187 and gave an overview of the entire project.

Testimony in favor by:

John Potts, American General, Allred Company. Thanked the staff for their time and effort in this project.

Doug Boyd, T&B Planning Consultants representing American General. Discussed the entire project and gave a progress review since the workshop. Answered questions raised at the workshop; talked to the equestrian trails and the City Council ordinances established in 1975 for the trails.

Jim Dawe, representing Pacific Torrey Reserve Assets, Inc., Insurance Company of the West. Wanted to stress for the record that if there are additional public facilities that the costs will be borne by the applicants fairly.

Alex Bowie, Del Mar Union School District. Requested the Commission request the City Council to execute a mitigation agreement as to impacts on the school facilities from the revised project, if approved by the City.

Tom Acuna, Land planner, SDG&E. Requested that a condition be added that prior to recordation of the final map, the owner shall provide a letter to the City Engineering Department stating the grading, improvement plans and final map provide the necessary access road grading.

Testimony in opposition by:

Bob Lewis, Torrey Pines Community Planning Group. Referred to the Group's letter dated October 25, 1994 and emphasized that they support the Carmel Valley's Community Planning Boards position as stated in the EIR. Their major concern is traffic and the impact to the surrounding roads.

Jan Fuchs, Carmel Valley Community Planning Board. Their Board voted on October 18, 1994 to support the direction that the plan amendment applicant with the City stated are negotiating to reduce the project and therefore reduce the impacts, and the City should require Sorrento Hills applicant the same standards for services as is required by Carmel Valley.

Dr. John Northrop, Citizens Advisory Committee.

Approves of the project if, and only if approval will be provided leaving Carmel Valley Road as a wild-life corridor utilizing open space.

Mike Madigan, Pardee Construction. Stressed Pardee's position that they are against the facilities impact fees and suggested a revision to the proposed public facilities financing plan.

Stephanie Caughlin, Seabreeze Organic Farm. Expressed her despondence as being a recipient of what is occurring in the Valley. She is the owner of an organic farm and the farm is having a direct impact on the wild life corridor being disrupted and animals descending on her farm destroying her produce.

Christian Clews, Clews Horse Ranch. Discussed the history of the land and how he was before the City Council to discuss the existing trails in the Valley. Requested the Commission to consider the equestrian situation and reconsider this proposal.

Nina Crawford, resident. Requested that the Planning commission mandate the City to provide equestrian access at the west end of the valley as the other trails cannot be accessed to get to Penasquitos.

Public Testimony was closed.

COMMISSION ACTION:

MOTION BY SKOREPA TO RECOMMEND APPROVAL TO THE CITY COUNCIL AND ADOPTION OF THE DRAFT SORRENTO HILLS COMMUNITY PLAN, APPROVE ITEMS 1 THROUGH 6 OF THE STAFF REPORT; AND TAKING INTO CONSIDERATION AND INCLUDING THE LANGUAGE AS STATED IN THE SDG&E LETTER OF OCTOBER 26, 1994 REGARDING THE EASEMENTS AND IMPROVEMENT PLAN; AND INCLUSION OF THE SCHOOL DISTRICT LANGUAGE FOR COMPLETION OF THE MITIGATION AGREEMENT PRIOR TO CITY COUNCIL APPROVAL WITH THE OPPORTUNITY FOR THE APPLICANT TO COME BACK TO THE COMMISSION TO ASK FOR A RECONSIDERATION OF THIS ISSUE IF AN AGREEMENT IS NOT REACHED WITHIN A 30 DAY TIMEFRAME; APPLICANT TO PURSUE THE IDEA OF INCLUDING AN INFORMAL EQUESTRIAN TRAIL IN SORRENTO HILLS IN A PUBLIC RIGHT OF WAY, OR A TRAIL ALONG THE SDG&E EASEMENT.

ITEMS 7 AND 8 OF THE STAFF REPORT TO BE CONTINUED TO NOVEMBER 10, 1994 AS THE EIR WAS NOT PROVIDED TO THE COMMISSION IN ADEQUATE TIME. Second by McElliott. Passed by a 5-0 vote with Commissioners Neils and White not present.

ADJOURNMENT:

The Planning Commission was adjourned at 6:01 p.m. by Chairperson Bernet.