

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
DECEMBER 2, 1993
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 9:15 a.m.
The Planning Commission adjourned at 5:15 p.m.

ATTENDANCE DURING THE MEETING:

Commissioner Scott Bernet-present
Commissioner Karen McElliott-present
Commissioner Lynn Benn-not present
Commissioner Christopher Neils-not present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner Frisco White-present
Ernest Freeman, Planning Director-present
George Arimes, Assistant Planing Director-present
Janis Sammartino, Chief Deputy City Attorney-present
Tom Story, Deputy Planning Director, Development and
Environmental Planning-present
Jeff Washington, Deputy Planning Director, Long Range and
Facilities Financing-present
Rachel Hurst, Principal Planner, Long Range and Facilities
Financing-present
Mike Stang, Principal Planner, Long Range and Facilities
Financing-present
Betsy McCullough, Principal Planner, Planning
Administration-present
Hossein Ruhi, Engineering and Development-present
Jeannette Santos, Recorder-present

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

COMMISSION ACTION

No one appeared to speak at this time.

ITEM-2 APPROVAL OF THE MINUTES OF JULY 1, 1993.

This item trailed did not have a quorum.

ITEM-3 PACIFIC BEACH COMMUNITY PLAN UPDATE. APPROVAL OF THE
3A,3B PACIFIC BEACH COMMUNITY PLAN AND LOCAL COASTAL LAND USE
3C,3D PLAN. APPROVAL OF REZONINGS SHOWN ON ZONE MAP C-857.
&3E APPROVAL OF CATEGORICAL EXCLUSION AND ZONE MAP C-857.
APPROVAL OF THE PACIFIC BEACH PUBLIC FACILITIES FINANCING
PLAN. APPROVE ENVIRONMENTAL IMPACT REPORT NO. 92-0199
AND ADOPTION OF FINDINGS AND A STATEMENT OF OVERRIDING
CONSIDERATIONS. PROCESS 5.

Kerry Varga presented Planning Department Report No. P-93-217.

Charlene Gabriel presented the draft Public Facilities Financing Plan.

Jim Magot, representing the Pacific Beach Planning Committee. He gave a brief background of the plan update. Mr. Magot stated after four drafts, and over 100 meetings, we feel the community plan for Pacific Beach has been refined, and moved forward for approval by the Planning Commission.

Dick Bundy, architect, and representing the owners of Park La Jolla Apartments. He spoke in support of the Department's recommendations to leave the underlying residential densities on Park La Jolla Apartments property as it is today, equal to R-1000, along with the subjective reviews that currently applied to the property.

Keith Rhodes, representing himself, thanked staff for their support in this plan update. He addressed the industrial land use, under Policy item #3 put back into the plan with shall being to may, this will be good for the community. Mr. Rhodes said the community has agreed to that language.

Chairperson Bernet asked Jim Magot did the committee agree to this?

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Jim Magot said yes, we voted and it was unanimous to the language change.

Patrick F. Flynn, Jr., representing himself, spoke in support of mixed use, parking, local trolley, linear park along Rose Creek, pocket parks with realignment of Pacific Beach Drive, and Cass Street commercial area.

Vernon Taylor requested to restore the zoning along Felspar, that was in existence prior to the last plan update.

Michael Ryan, member of the Mission Bay Planning Committee, and the Mission Bay Planners. He spoke in opposition to the circulation element of the plan.

Mark Sullivan, representing Pacific Beach Community Planning Committee, also as a commercial member. He said the planning group, and the community feel very strongly that we have a real unique, commercial districts of Garnet, Mission and Cass Street. Mr. Sullivan said to transition this area from more of a stripe, main drag, automobile, need to emphasize pedestrian type uses, pedestrian and friendly uses.

Catherine Strohlein spoke in opposition, stating we received the November plan yesterday, and we had no time to review. She requested the Planning Commission give them a week to review, and respond.

Al Strohlein spoke in opposition to the plan update.

Dave Odell spoke in opposition to Park La Jolla and Categorical exclusion, in opposition.

Patrick F. Flynn, Jr. spoke in opposition to the deletion of community forum, street widening, and categorical exclusion.

Public testimony was closed.

COMMISSION ACTION

On motion of Scott Bernet, seconded by Frisco White, the Commission voted 5-0 (Benn and Neils not present) to approve as amended, the Pacific Beach Community Plan Update and associated rezonings recommended by the Planning Department with the exception of Cass Street, and recommend to City Council for approval.

COMMISSION ACTION

On motion of Scott Bernet, seconded by Frisco White, the Commission voted 5-0 (Benn and Neils not present) to approve categorical exemptions as modified; 1) add language, that categorical exemptions be changed by staff and the planning committee, the language they want to take to City Council; 2) the language for pursuing categorical exemptions when done on a Citywide basis not just for Pacific Beach after implementation of zones that accomplishes the same thing, that implements the coastal development permit.

On motion of Scott Bernet, seconded by Andrea Skorepa, the Commission voted 5-0 (Benn and Neils not present) to approve staff recommendation on traffic circulation as amended; 1) include language that deals with the community review process, specifically street widening under the specific goals as proposed in the general policy language, and; 2) the landscaping and pedestrian edges, the impact on the side edges, these are the conditions if street widening is persuaded.

On motion of Verna Quinn, seconded by Karen McElliott, the Commission voted 2-3 (Benn and Neils not present with Bernet, Skorepa, and White voting in the negative) to approve Park La Jolla, as amended; the option rezone the site to R1500 and include language which would allow rezoning back to R1000, and development at that density through a PRD. This motion failed not having four affirmative votes.

On motion of Andrea Skorepa, seconded by Frisco White, the Commission voted 5-0 (Benn and Neils not present) to approve the revised language in the event CPIOZ is removed by the Zoning Code Update, or other zoning mechanisms, that pursues overlay zones, that would protect those elements as outlined on that page, such as open space along the edge; as amended by Commissioner McElliott, including and maintain the vegetation, and open land space areas; as amended by Commissioner Bernet, to include language in the plan which require alternative permit process under discretionary review if CPIOZ were eliminated.

COMMISSION ACTION

On motion of Scott Bernet, seconded by Frisco White, the Commission voted 5-0 (Benn and Neils not present) to approve the mixed use language industria/residential as amended, the modified language shall add to may be allowed, that same statement under policies regarding with provisions for ensuring a quality of living environment, include discretionary review.

On motion of Verna Quinn, seconded by Frisco White, the Commission voted 5-0 (Benn and Neils not present) to prioritize Cass Street for undergrounding of utilities.

On motion of Frisco White, seconded by Andrea Skorepa, the Commission voted 3-2 (Benn and Neils not present with Bernet and Quinn voting in the negative) to rezone both Riviera and Felspar. This motion failed not having four affirmative voted. That City Council will have to decide.

On motion of Andrea Skorepa, seconded by Frisco White, the Commission voted 3-2 (Benn, and Neils not present with Bernet and Quinn voting in the negative) to rezone Felspar not Riviera, restore the zoning that was previously there on Felspar. This motion failed not having four affirmative votes.

On motion of Andrea Skorepa, seconded by Frisco White, the Commission voted 3-2 (Benn, and Neils not present with Bernet and Quinn voting in the negative) to accept the Planning Group recommendation to rezone Felspar, with the exception of Cass Street. This motion failed not having four affirmative votes.

On motion of Verna Quinn, no second, to maintain the existing zoning on Felspar.

On motion of Frisco White, seconded by Andrea Skorepa, the Commission voted 4-1 (Benn, and Neils not present with Quinn voting in the negative) to rezone Riviera Drive and Moreland Drive.

RECESS, RECONVENE

The Planning Commission recessed at 11:35 a.m. and reconvened at 11:40 a.m.

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ITEM-4 CODE UPDATE: INDUSTRIAL AND RESIDENTIAL ZONES DISCUSSION. WORKSHOP.

Bob Manis presented Manager's Report No. P-93-214, Land Development/Zoning Code Update - Industrial Zones.

Rebecca Michael, representing San Diego Association of Realtors, spoke in favor of industrial and residential zones.

James H. Barry, representing himself, spoke in support of industrial and residential zones.

Kelly Broughton gave a brief overview of the Transportation and Land Use Committee's discussion of November 17, 1993.

RECESS, RECONVENE

The Planning Commission recessed at 12:00 p.m. and reconvened at 1:30 p.m.

ITEM-2 APPROVAL OF THE MINUTES OF JULY 1, 1993.

COMMISSION ACTION

On motion of Verna Quinn, seconded by Andrea Skorepa, the Commission voted 4-0 (Benn and Neils not present with McElliott abstaining) to approve the minutes of July 1, 1993, as corrected by Commissioner White, page 7, under Item-3F, Commission Action insert the word after metal.

ITEM-4 CODE UPDATE: INDUSTRIAL AND RESIDENTIAL ZONES DISCUSSION. WORKSHOP.

Bob Manis presented Manager's Report P-93-215, Land Development/Zoning Code Update - Residential Zones.

Walt Hall yielded his time to Joanne Pearson, in favor.

Joanne Pearson, representing La Jolla Town Council Land Use Committee, and presented letter dated December 2, 1993, from the La Jolla Town Council.

Dave Odell had concerns about discretionary review, setbacks, floor area ratio of single family, and in opposition.

Chairperson Bernet requested that Mr. Odell submit his concerns in writing to staff.

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Opal Trueblood, representing herself, presented and discussed her letter dated December 1, 1993.

Keith Rhodes, representing himself, addressed concerns about mixed use/residential/industrial in the zoning code update process.

COMMISSION ACTION

The Planning Commission discussed mixed used, industrial, residential zones, townhomes, small lots, suggestion from Mr. Odell, mailing distribution to the public, protection to amenities, diagonal dimension, and four zones in industrial.

ITEM-5
&5

CONDITIONAL USE PERMIT AMENDMENT/SOUTHEAST SAN DIEGO DEVELOPMENT PERMIT NO. 93-0532. HOLY CROSS MAUSOLEUM. PROCESS 4.

These items were moved as Consent Agenda.

Planning Department Report No. P-39-221.

Reynaldo Pisano, representing Southeast San Diego Planning Group, presented letter dated November 23, 1993, in support of the project.

No one spoke in opposition to this item.

Public testimony was closed.

COMMISSION ACTION

On motion of Frisco White, seconded by Verna Quinn, the Commission voted 5-0 (Benn and Neils not present) to move as Consent and approve.

RECESS, RECONVENE

The Planning Commission recessed at 2:20 p.m. and reconvened at 2:25 p.m.

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ITEM-6 APPEAL OF COASTAL DEVELOPMENT PERMIT NO. 93-0205. 4646
CAPE MAY AVENUE. PROCESS 3.

Terri Bumgardner presented Planning Department Report No.
P-93-172.

Frank Benfante lives across from the proposed project.
He presented 40 signatures in opposition to the lot
split.

Dennis Tuffin, member of the Ocean Beach Planning Board.
He stated this hearing was improperly noticed, and had
not received a notice of this hearing.

Linda Woolcott, representing Bob English, and gave a
brief background of the proposed project. She said he
met all of the requirements of the law and is compatible
with the neighborhood.

Bob English, applicant, said this project meets the
zoning and coastal requirements, compatible with the
neighborhood.

Anthony Dleva, representing Bob English, in favor of the
proposed project. He said Mr. English is following all
of the rules and regulations required by the City of San
Diego.

Tom Craig, representing himself, in favor of the proposed
project. He said is zoned R-3000, its a 50 x 140 lot,
and compatible with the neighborhood.

Public testimony was closed.

Commissioner Skorepa requested the procedure on the
noticing of this project.

Terri Bumgardner said the noticing went out to the people
within the 300 feet range of Mr. English's property, and
notices were returned.

Chairperson Bernet requested the City Attorney respond
to who is properly noticed in an appeal, and staff to
present the list, who was notified.

Commissioner White said the neighbors are let to believe
its going to be a split in the middle because there is
a fence line that's going through the middle of the
property? Is this going to be a lot split versus
condominium?

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Janis Sammartino, Chief Deputy Attorney, said this property could be turned into two condominium units, but remain as one lot. You can have ownership of the individual units, as condominiums, and ownership of the real estate, the real property around those units in common by two condominium owners. To do this does not require any map or filing with the City as staff has indicate, it requires filing, a condominium plan with the County Recorder.

Tom Story, Deputy Planning Director, said it could not be split unless it met the frontage requirements to establish a legal lot under the underline zone.

Chairperson Bernet this item will trail until we obtain the mailing list.

ITEM-7 THIS ITEM REMOVED FROM AGENDA.

ITEM-8 BOSTON AVENUE MAP, EXTENSION OF TIME (EOT) NO. 92-0688.

Commissioner Quinn stated will be abstaining from this item.

Janis Sammartino, Chief Deputy City Attorney, said this item is a reconsideration of extension of time. She talked about the California State Senate Bill 428, enacted on September 13, 1993. This project was denied by the Planning Commission on September 23, 1993. Senate Bill 428, took effect on September 13, 1993, and grants a 24-month extension of the expiration date of any Tentative Subdivision Map. Ms. Sammartino requested that the Planning Commission rescind the denial, because two years from now, they have a right to come in and ask for that extension.

Reynaldo Pisano, representing Southeast San Diego Planning Group. He asked, if the applicant filed legally for an extension time prior to the expiration of this map? That was not the bank, but the one that the bank foreclosed, was the application for extension of time filed within the required timeframe?

Bill Tripp stated yes it was, the original map would have expired on November 6th, the applicant at the time applied for the extension on November 5, 1992, the day before it would have expired.

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Reynaldo Pisano asked the extension of time for this map, the expiration date is November 6, 1994, and we will deal with this matter again.

Lisa Adams, Engineering Department, stated the extension will be to September 23, 1995, because it would be originally if the extension would have been approved it would have been for three years. So now its automatically only for two years.

Reynaldo Pisano asked is the legislation for two or three years?

Lisa Adams said the legislation is for two years.

Reynaldo Pisano said if its for two years, then it would expire next year? If that's the case, then I have no comments, to what was stated in our letter.

John Ponder, representing San Diego National Bank. He said the senate bill is to extend for two years the expiration date of any tentative map, as long as that map has been timely filed. Mr. Ponder said the senate bill states that this extension is in addition to any extension that is grant, in Section 66452.6 of the Government Code. That section says, if you timely file an application, filed before the expiration of the tentative map, then the tentative map is automatically extended for 60 days or until there is a hearing either approving or denying that application. The hearing was on September 23, 1993, and was denied, it would be automatically extended for two year from that period. So the expiration date is September 23, 1995.

Janis Sammartino stated in the Municipal Code, Section 111.1122 confirms the procedure how we handle extensions, that they are in effect, extending the map until action by the appropriate body. The expiration on this permit is September 23, 1995.

Public testimony was closed.

COMMISSION ACTION

On motion of Andrea Skorepa, seconded by Frisco White, the Commission voted 4-0 (Benn and Neils not present with Quinn abstaining) to approve to reconsider.

COMMISSION ACTION

On motion of Andrea Skorepa, seconded by Frisco White, the Commission voted 4-0 (Benn and Neils not present with Quinn abstaining) to rescind previous recommendation to deny.

ITEM-9 APPROVAL FOR TENTATIVE MAP NO. 93-0487. 234 GRAVILLA. PROCESS 4.

Planning Department Report No. P-93-218.

No one spoke in opposition to this item.

COMMISSION ACTION

On motion of Frisco White, seconded by Verna Quinn, the Commission voted 5-0 (Benn and Neils not present) to approve the permit.

RECESS, RECONVENE

The Planning Commission recessed at 3:35 p.m. and reconvened at 3:40 p.m.

ITEM-6 APPEAL OF COASTAL DEVELOPMENT PERMIT NO. 93-0205. 4646 CAPE MAY AVENUE. PROCESS 3.

Chairperson Bernet requested the legal requirements for notification.

Janis Sammartino, Chief Deputy City Attorney, said legally required to notice within 300 feet for owners, 100 feet, for tenants, and the standard mailing list which includes the community planning group and other interested parties, that requested notification.

Ron Buckley said under the Zoning Code Update any appellant, or anyone who so asked to be notified. Mr. Tuffin qualifies to be notified.

Chairperson Bernet asked if Mr. Tuffin name was on the notification list?

Ron Buckley stated he was not.

Chairperson Bernet said Mr. Tuffin is a member of the Planning Group, and that group was notified. He requested legal opinion from the City Attorney.

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Janis Sammartino said from a legal stand point there was technical defect in the noticing.

COMMISSION ACTION

On motion of Verna Quinn, seconded by Frisco White, the Commission voted 5-0 (Benn and Neils not present) to continue to January 6, 1994, at 9:00 a.m., and will be renoticed, to all those parties including on the appellat list.

ITEM-11 CALIFORNIA TERRACES PRECISE PLAN. COMMUNITY PLAN
11A,11B AMENDMENT. PRECISE PLAN. MASTER REZONE. SMALL LOT
11C,11D OVERLAY ZONE. COMMUNITY PLAN IMPLEMENTATION OVERLAY
11E,11F ZONE. VESTING TENTATIVE MAP. PLANNED RESIDENTIAL
11G,11H DEVELOPMENT PERMIT. RESOURCE PROTECTION ORDINANCE
11I&11J PERMIT. HILLSIDE REVIEW PERMIT. ENVIRONMENTAL IMPACT
REPORTS (EIR) 86-1032 AND 90-0574. PROCESS 5.

Bill Levin presented Planning Department Report No. P-93-197.

David Poole, representing Pardee Construction Company. He stated been working on this proposed project for the last ten years, available to answer questions.

Linda Wall, representing herself and family members, who owns property in California Terraces. She said in general is satisfied with this project and requested the Planning Commission to approve.

Ms. Wall expressed concerns, page 3, under Background, contrary to what its says, the Walls were not included in the workshop on Open Space. We owned much of Dennary Canyon for about 35 years, and also 60 of our 80 acres have been designated open space without our input. The Hillside Review Permit, Item #43, about subsequently found endangered species requiring open space modification is unreasonable. Vesting Tentative Map, #26, suggestion is made for raised landscape center on Hidden Trails Road. This suggestion is unnecessary and costly. Vesting Tentative Map, item #50 is entitled to reduce residential zoning to warehouses, parking, etc.

Bill Levin stated Condition #43, about additional environmental control, that condition has been modified, has been removed. He stated Condition #50, second paragraph has been deleted.

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Craig Adams, representing the Sierra Club of San Diego, on the Multiple Species Conservation Program (MSCP) Working Group. He requested that this be continued, do not have the Multiple Species Conservation Plan.

Public testimony was closed.

David Poole stated in opposition to a continuance.

Commissioner Quinn stated we need to see something definitive on Brown Field, Public Facilities particularly the issues raised by the library, and the draft report for MSCP.

Bill Levin said on January 13, 1994, the Brown Field Master Plan will be going forth to a public hearing.

Chairperson Bernet addressed the circulation element, what is being proposed and what is being changed, put into context to what is going on. Staff says 3 have been approved, other says 9 been approved. The maps do not explain what is going on in the areas, need to understand the overall impact of this project.

Commissioner McElliott like to know how the commercial center going to fit into this project, library and schools.

Ann Hix said we have been referring as the MSCP Framework Plan. She said the document is about 700 or 800 pages.

Commissioner Quinn stated we would like an analysis.

Chairperson Bernet requested staff prior to doing get together with Ms. Sammartino regarding who directs who, and whether its appropriate to do this, and get it resolved before we get the analysis.

COMMISSION ACTION

On motion of Karen McElliott, seconded by Verna Quinn, the Commission voted 5-0 (Benn and Neils not present) to continue to January 13, 1994, at 1:30 p.m. and will be renoticed.

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ITEM-12 PLANNING COMMISSION QUARTERLY MEETING.

This will be rescheduled to another date.

ADJOURNMENT

The Commission adjourned at 5:15 p.m.