

PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF  
SEPTEMBER 10, 1992  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairman ZoBell at 9:05 a.m.  
The Planning Commission adjourned at 5:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairman Karl ZoBell-present  
Commissioner Ralph Pesqueira-present  
Commissioner Lynn Benn-present  
Commissioner Scott Bernet-present  
Commissioner Verna Quinn-present  
Commissioner Edward Reynolds-not present  
Ernest Freeman, Planning Director-not present  
George Arimes, Assistant Planning Director-present  
Michael J. Stepner, City Architect-present  
Fred Conrad, Chief Deputy City Attorney-present  
Betsy McCullough, Principal Planner,  
Community Planning-present  
Tom Story, Deputy Planning Director, Development and  
Environmental Planning-present  
Jeff Strohminger, Engineering and Development-present  
Dave Twomey, Assistant Director, Park and Recreation  
Jeannette Santos, Recorder-present  
Catherine Meyer, Recorder-present

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

**TOM STORY**, Deputy Planning Director stated a change in procedure regarding the Environmental Quality Ordinance recently amended to require that Final Environmental Documents made available to the public and decisionmakers at least 14 calendar days prior to the first public hearing. Planning Department reports will be mailed one week prior to hearing.

**Chairman ZOBELL** said the ground rules which the municipal code requires the Planning Commission to operate may influence the outcome of today's hearing. One commissioner resigned a couple of weeks ago and no successor has been appointed. Another commissioner is currently traveling. There are only 5 commissioners present, the law requires that 4 commissioners vote to take any action, unless there is a vote of 4 out of 5, or one must disqualify themselves, a vote of 4 out of 4, affirmative votes no action can be taken.

ITEM-2 APPROVAL OF MINUTES OF AUGUST 6, 1992.

COMMISSION ACTION

On motion of **LYNN BENN**, seconded by **VERNA QUINN**, the Commission voted 5-0 (**REYNOLDS** not present) to approve the minutes of August 6, 1992.

ITEM-1A SAN DIEGO MUSEUM OF CONTEMPORARY ART. CDP/LJC/SUP NOS. 90-0747.

**Chairman ZOBELL** elected to disqualify himself from this item. **Vice Chairman PESQUEIRA** chaired the meeting.

**Vice Chairman PESQUEIRA** stated that this issue came before Planning Commission and was heard quite efficiently. He addressed the Planning Commission if there a need for reclarification of the decision of February 27, 1992, that the gate to remain open, and public to have access. Do we need to rehear again for reclarification?

Chief Deputy City Attorney Fred Conrad said its up to the Planning Commission to consider if necessary to clarify the position that was taken before. If choose not to, that's the end of the issue, if clarification is needed, then indicate what the clarification to be.

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COMMISSION ACTION

On motion of LYNN BENN, seconded by SCOTT BERNET, the Commission voted 4-0 (ZOBELL abstaining with REYNOLDS not present) the decision of the February 27, 1992 stands and that the decision was clear.

Chairman ZOBELL resumed chair of the meeting. He acknowledge Chief Deputy City Attorney Fred Conrad for his wisdom and guidance in working with the Planning Commission, will be retiring.

ITEM-4  
4A&4B

MBM WEST III. FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT SPECIFIC PLAN AMENDMENT, DEVELOPMENT AGREEMENT AMENDMENT, TENTATIVE MAP AND MISSION VALLEY PERMIT NO. 90-0900. ENVIRONMENTAL IMPACT REPORT DEP. NO. 99-0900. APPLICANT: SAN DIEGO BOND - MBM ASSOCIATES, LTD.

COLEEN FROST presented Planning Department Report No. P-92-188.

JOSEPH WONG, architect for the MBM project. He addressed the issues regarding the setback and parking.

MATT PETERSON, attorney, representing the applicant. He explained the 35 foot LRT alignment that goes through the northeast portion of the site which is mostly in the river corridor area with no impact on the site plan.

JAN HINTZMAN representing the San Diego City Schools. Ms. Hintzman stated been observing a pattern of the expansion of residential development in the Mission Valley area and this is a concern. The northern part of Mission Valley is not a pedestrian friendly environment. She addressed the issue of children attending schools. Students walk to school, the district does not provide transportation. The schools that serve this area is north and above the valley and has more space for more students. Significant problems for these students in accessing the schools, topographical problems, and severe traffic. A more need for schools provided for children residing in the Mission Valley Development is a difficult problem would like discussion on this issue.

Mr. & Mrs. Martini, owners, did not speak.

Chairman ZoBell stated that his law partners past and present had financial interest, but Mr. ZoBell has none and no way disqualified from this matter and will participate.

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**JIM BRYANT**, City Planning liaison MTDB stated has worked with staff and applicant with the current language as stated in the staff report, and in favor of the project.

No one spoke in opposition to the project.

Public testimony was closed.

**COMMISSION ACTION**

On motion of **RALPH PESQUEIRA**, seconded by **SCOTT BERNET**, the Commission voted 3-2 (**BENN** and **QUINN** voting in the negative with **REYNOLDS** not present) to approve each of the permits required pursuant to staff recommendation. This failed not having 4 affirmative votes.

**Coleen Frost** stated attachment 3 of the Planning Report includes the provision for a 35 foot light rail right-of-way which was not proposed in the applicant amendments, staff recommended that language for that right-of-way be included in the specific plan amendment.

Commissioner **Pesqueira** stated probably there will not be a new commissioner anytime in the near future, we will be confronted with the same possible problem, and will be gone for a couple of weeks. In order to move this project forward made another motion to get four votes. Chairman **ZoBell** and Commissioner **Benn** changed their vote.

On motion of **RALPH PESQUEIRA**, seconded by **KARL ZOBELL**, voted 4-1 (**BERNET** voting in the negative with **REYNOLDS** not present) not to accept staff recommendation and deny project.

ITEM-3  
3A&3B

**VILLAS AT DERBY DOWNS. CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT(PD)/RESOURCE PROTECTION ORDINANCE (RPO)/TENTATIVE MAP (TM) NO. 91-0289. A ONE-LOT SUBDIVISION AND THE CONSTRUCTION OF TEN, TWO-STORY TOWNHOMES AND RECREATION AREA.**

**GLEN GARGAS** presented Planning Department Report No. P-92-181. Mr. Gargas presented maps showing the future urbanizing map, the precise plan and community plan area map.

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Bob Korch of the Planning Department, stated the general plan map, the environmental tier map, and community plan and adopted precise plan for this neighborhood. Shows the boundary line north of the project site separating the planned urbanizing and the future urbanizing areas. Mr. Korch stated the adopted community plan map and precise plan map were both approved by City Council and that the project site is in the adopted community plan area for Carmel Valley and not in the future urbanizing area.

Glen Gargas said the map shows the future urbanizing areas distinguished in yellow, and the urbanized area in the gold. The straight edge going across, hairpin turns into old El Camino Real.

No one spoke in opposition to this item.

Public testimony was closed.

**COMMISSION ACTION**

On motion of **RALPH PESQUEIRA**, seconded by **SCOTT BERNET**, the Commission voted 5-0 (**REYNOLDS** not present) to approve the project pursuant to staff recommendation.

Chairman ZoBell requested the following:

1. That staff make an initial report to the Commission in cooperation with the City Attorney with respect to whether it would be possible to change the laws which govern Planning Commission to either require that there exist alternate commissioners or that the Commission can take action by majority votes of those present. That City Council pays more attention in filling vacancies. We are going to be left with problems that confronts us, and does disservice to the public because of short quorums and cannot act. That staff and City attorney meet with the Commission before alot of work goes into amending this relevant law to provide a majority vote of those present or alternatives.
2. Secondly, that staff and attorney to meet with the Commission regarding a policy or statement of preference we might address to the City Council to be continually confronted with hearings when we are told that within three or six days that Council has already has the matter scheduled.

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ITEM-5 APPEAL OF HILLSIDE REVIEW PERMIT NO. 90-0122. GHIANNI RESIDENCE. PROJECT DESCRIPTION: HILLSIDE REVIEW FOR SINGLE FAMILY RESIDENCE. LEGAL: RANCH MISSION LOT 24. LOCATION: HASTINGS ROAD NEAR: ADAMS AVENUE. ZONE: R1-5000, R1-40000. APPLICANT: JOHN GHIANNI. NEGATIVE DECLARATION NO. 90-0122.

JIM RODGERS presented Planning Department Report No. P-92-160.

Catherine Meyer continued recordation of minutes

ED BENKOV, an adjacent property owner, spoke in opposition and said that the total square footage and steep slopes are not in conformance and out of character with the neighboring residences.

JEANNE WULBERN, an adjacent property owner, also speaking for other residents of the area stated that this proposal was not in compliance with other residences in the area and that there was a concern with the impact on fire, safety services, parking and traffic.

KEN AND DEBRA MEDEL, adjacent property owners, spoke in opposition and KEN stated that the community association did not have adequate review of the hillside review and that this issue needs to be addressed for the protection of natural wildlife and undeveloped canyons.

HARRIET MILLER, an adjacent property owner, spoke in opposition to the canyon impact and damage to her property from development at this time and the impacts on parking and traffic.

DOUG THIMM, architect, representing the applicant, spoke in favor and stated the amenities of the project and concurrence with the hillside development criteria guidelines and he addressed the issues of parking, traffic, safety and earthquakes. Mr. Thimm said this is a viable plan and requested approval of the project.

Public testimony was closed.

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Jeannette Santos continued recordation of the minutes.

COMMISSION ACTION

On motion of SCOTT BERNET, seconded by VERNA QUINN, the Commission voted 4-1 (BENN voting in the negative with REYNOLDS not present) to deny appeal and approve permit according to the findings suggested by staff.

**RECESS, RECONVENE**

The Planning Commission recessed at 10:50 a.m. and reconvened at 10:55 a.m.

ITEM-7 INITIATION REQUEST OF AN AMENDMENT TO THE SKYLINE-HILLS COMMUNITY PLAN.

CHANDRA CLADY presented Planning Department Report No. P-92-184.

No one in opposition to this item.

Public testimony was closed.

COMMISSION ACTION

On motion of VERNA QUINN, seconded by RALPH PESQUEIRA, the Commission voted 5-0 (REYNOLDS not present) to deny and not initiate, and support staff recommendation.

ITEM-6 APPEAL OF PLANNED RESIDENTIAL DEVELOPMENT PERMIT 91-0691. COLUSA STREET APARTMENT. PROJECT DESCRIPTION: 4 UNIT RESIDENTIAL DEVELOPMENT. LEGAL: LOT 3, BAYVIEW ADDITION TO S.D. MAP #271. LOCATION: 1129 COLUSA STREET BETWEEN: RILEY STREET AND: GAINES STREET. ZONE: R-1000 TO R-1000. APPLICANT: 1129 COLUSA LTD.

YOOMI GETZ presented Planning Department Report No. P-92-196.

EDALEE HARWELL lives next door to the proposed project and spoke in opposition to the project. She addressed the concerns of traffic, noise, trash and crime in the area.

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**BOB WILLIAMS** spoke in opposition to the proposed development of the project and future projects in this area. He stated the environmental impact, the sewer system has reached an overload condition and may cause major problems with the addition of continuous development in the area. Mr. Williams addressed the issues of schools, traffic flow on Colusa Street, and parking. That this project be delayed until these issues have been evaluated and resolved.

**JOANN CARINI** spoke in opposition, presented a photo display of 41 separate homes and apartments for rent within a 3 radius block. Ms. Carini stated in June and September, 1992 submitted a petition of 100 signatures and 40 to 50 letters in opposition both to the Planning Director and Planning Commission. She said another complex being built in this area. Ms. Carini addressed the issue of off street parking, cars with alarms going off in the middle of the night and day, people not complying with the City's noise abatement law, and a 3 bedroom house being rented to 8 college students with 8 cars, traffic on Colusa Street, health and safety of the children walking back and forth to school.

**ART BALOURDAS**, designer of the project, spoke in support of the project. He stated this project complies with all of the requirements of the Linda Vista Community Plan, the PRD, landscape, multi-family design, and Linda Vista Interim Ordinances.

**WILLARD CHANG**, owner and builder of the project, spoke in support of the project. He gave a brief background of the project from 1991 to present.

Public testimony was closed.

**COMMISSION ACTION**

On motion of **RALPH PESQUEIRA**, seconded by **KARL ZOBELL**, the Commission voted 2-3 (**BENN**, **BERNET** and **QUINN** voting in the negative with **REYNOLDS** not present) to deny appeal, and approve the project. This motion failed not having 4 affirmative votes.

On motion of **LYNN BENN**, seconded by **VERNA QUINN**, the Commission voted 4-1 (**ZoBell** voting in the negative with **REYNOLDS** not present) to uphold the appeal, and deny the project.



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ITEM-9 NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN.

**BETSY McCULLOUGH**, Planning Department gave a brief summary of the documents that was presented to Planning Commission.

**MIRIAM KIRSHNER** presented Planning Department Report No. P-92-195.

**NICK DeLORENZO**, Chair of Citizens Advisory Committee for the preparation of the framework plan. He gave an overview of the project which began in 1990 to present.

**KEITH RHODES**, spoke in support of the road alignments shown in the framework plan are conceptual and will be refined during the subarea process. He said he would only support subarea 2 going forward if language could be added during the subarea planning process for further land use study and density is much too low, then can support, these 2 items if reviewed.

**THOMAS Di BENEDETTO**, representing the Bougainvillea project. He stated this land was purchased 5 years ago with the intention of building a golf resort. He said been processing the plans in the last 3 years, 2 years of moratorium, and 1 year prior to that. In favor of the plan and hope there are no further delay in this plan.

**MIKE MADIGAN**, Pardee Construction Company spoke in favor of the project, the work done by staff and as amended by CAC.

**DONALD WORLEY**, representing San Dieguito Partnership, a limited partnership that owns 350 acres near I-5, south of Via De La Valle. He said this property comprises 42% of the entire subarea 2 of this framework plan. This property should be reviewed, a fairer look at the appropriate land uses and densities for this property. Mr. Worley presented a letter from Mr. Collins, general partner, unable to stay, a statistical analysis of the density of subarea 2 and the density of this piece of property as it relates to the density throughout the area, in opposition to the framework plan.

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**LINDA MICHAEL**, representing the Sierra Club. She spoke in opposition to this project was rushed, the noticing project had been inappropriately done, the NOP not the same project description as the draft EIR, and the noticing for the Planning Commission and Council listed a few actions not listed in the other documents. Defining the Environmental Tier, but the framework plan abbreviate the staff proposal, whereas the original environmental tier as proposed by staff was for a permanent biologically functional open space system. What was put into the framework plan lacks the transition and buffer zones. Adoption of the environmental tier and delay the project alternative.

**JAN PEWS**, representing the San Dieguito River Valley, Regional Open Space Parks Citizens Advisory Committee, stated in opposition this process was rushed, to review both the Draft EIR and Final Framework Plan that the documents were released 14 days before the public review. Continually revising the documents after publication, any efforts to review impossible. The EIR is based upon the preliminarily framework plan and not the draft final framework plan.

**THOMAS STEINKE**, in favor and choose not to speak.

**DAVE GOODELL** spoke in favor of the framework plan and on the Citizens Advisory Committee.

**LANCE BURRIS**, representing Potomac Investment Associates, San Diego Inc. He said in 1988 Potomac purchased 4,660 acres Black Mountain Ranch property, subarea 1 on map. This is to be the new home of the PGA tour, and to accomplish this under existing zoning. Since this acquisition been cooperative with the city. The preparation of the NCFUA framework plan evolved over 2 year period with intense citizen input and cooperation of Potomac and other property owners, this plan done in a timely manner.

**DAVID KREITZER**, Chairman for San Diegians for Managed Growth. He addressed the issue of amending Council Policies 600-29 and 30, concern about going into a phaseshift before we know what the density are, effects of circulation, the environmental tier area, and I-5 and 15 near capacity circulation.

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**LILLIAN JUSTICE**, representing Carmel Valley Community Planning Board. She presented a letter and in opposition stating that this community is the most impacted in the NCFUA, framework plan, subareas 3, 4 and 5 lie within our plan area. The Board unable to review and response to the draft framework plan, the certification of the environmental impact report and findings and statement of overriding consideration in time for this meeting. Flaw in the planning and review process of this framework plan, and effects all planning and interest groups. Requested a second planning commission hearing.

**RECESS, RECONVENE**

The Planning Commission recessed at 12:30 p.m. and reconvened at 2:00 p.m. in Council Chambers.

**ITEM-9 CONTINUANCE NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN.**

Chairman ZoBell stated only 4 commissioners present, will proceed with Item 9 and continued to next week, public testimony will be taken. Items 8 and 10 will be heard but does not know what the outcome would be.

**ANNE DeBEVOISE**, representing her family, and neighbors in the future urbanizing area. She stated together our families own 200 acres, 100 acres will remain permanent open space, the other half is developable. That this be zoned as low density residential for that 100 acres only. She presented a map and a summary.

**ERIC HALL**, representing San Dieguito High School District. He said in favor but there will be an impact of the development of the FUA on the schools. 15,000 units are being proposed to be develop and would generate 6,000 students, there will be a need between 10 to 12 schools from this development. Primary concern financing of school facilities for this region. Amend the report to include stronger language, an agreement with the perspective developers prior to the entitlement to the land, agreement with the developer and school district under which the financing would be pursued.

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**ALICIA KROESE**, Chairman of the Poway Unified School. She stated the school responsibility is to provide classrooms for students. Section 8, discussion for language for facility financing master plan, the school district supports that language and encourage the planning commission to support the school districts in anyway assuring that no building permits are issued before a financing agreement is in place for schools.

**DEANNA RICH**, elected school board member and vice president of the County School Board Association. She had concern that the language is still not definite enough in the document to guarantee schools the ability to finance the schools. Do not move forward unless adequate school financing is available.

**KATHY TANNER**, Del Mar Union School District. She said providing schools for the children that will be coming out of the FUA, it is very important that a school financing master plan be in place as stated in Section 8 of the Framework Plan.

**JIM BRYANT**, City Planning liaison for MTDB, in support for the land use concept focusing development in activity centers as proposed in the FUA.

**LARRY CRUTCHFIELD** unable to stay in favor.

**PROFESSOR T. C. HU**, owner of a 20 acre, presented a letter and requested low residential density.

**JERRY McCAW**, representing self, family, and Chairman of Alliance of Property Owners. This group owns 9,500 of the 12,000 acres in that area. He presented the property owners point of view as it reflects on the framework plan that it defines an integrated open space system with wildlife corridors, the general location of transportation systems, principles which give guidance to the future land use decision in this area, to divide the 12,000 acres into subareas, and the city need to accommodate additional population growth in the future. That is framework plan performs the job.

**LOUISE ARNOLD**, representing League of Women Voters of San Diego, had to leave and is opposed.

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**MIKE McDADE**, representing David Schlachter owns 80 acres in subarea 5, been designated as state residential or the very lowest residential development density given under the plan. That his client's property is 71% open space, 3/4 of the property been taken as open space under this proposal, 38% of that area has been designated state residential. If you like this plan, the preservation of open space, and yet still want to provide affordable housing and give transit a chance, adopt this plan, but adopt multi-family density on all of the developable areas.

**OPAL TRUEBLOOD**, Chair of the Torrey Pines Community Planning Group. She stated like many of the planning groups in the city not able to take a position on the framework plan because it did not come out until August 27, 1992 and the group meeting is scheduled for September 10, 1992.

**JANET RASCHKE**, representing property owners in the FUA. She said the majority of the guidelines presented will allow for an area that is a benefit to San Diego and the people who live in that area.

**KAREN SCARBOROUGH** unable to stay but in favor.

**LOUIS WOLFSHEIMER**, representing Potomac Investment Associates, San Diego Inc. in favor of the plan. He stated either made a decision or on September 17, 1992.

**ANDREA KOROGI**, representing Greater San Diego Chamber of Commerce. She said this will effect the business community. The need for adequate housing in the future, without it we would not be able to attract more businesses or keep the ones we have now. The completion of Route 56 is needed now. Do support the planning process.

**WILLIAM KERR** said not opposed to the developing the NCFUA, but opposed to doing it badly. Retain Repo in the environmental tier is nothing without Repo. The EIR is really adequate in addressing the effect outside this boundary.

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**ROBERT BERKMAN**, representing Mr. Shaw who owns 40 acre parcel near El Camino Real. Mr. Berkman reviewed all the maps to determine the plan impact on Mr. Shaw's property does not show if any density is allowed. That the environmental tier drawings and density maps have property overlay lines, so that an owner can review before the next hearing.

**ANN FATHY**, representing affordable housing interest. She spoke in opposition to reject both the consultant and the Citizen Advisory Committee proposal for the NCFUA Framework Plan, but adopt the staff Alternative A which includes amending the progress guide to adopt the environmental tier.

**FRANK PANARISI**, representing the Construction Industry Federation. We support the plan for a number of reasons, as a model of process to follow to try to get a balance of bring the different interest together look at an area that is really a significant to San Diego, and how we could come together with a plan that would fit.

**TOM BILHORN** supports the work of the City conducted framework plan. The plan does an excellent job in meeting the criteria of the FUA, large open space with true habitat significant are designed, diverse clustering, transit oriented communities are presented in road network are laid out, balancing density and impact on adjacent communities have been made.

**JANICE SUMMATIO**, representing herself and husband. She stated they purchased a 32 acre parcel 13 years approximately 80% level. This property ended up in the 500 acres proposed to acquire in this framework plan and set aside as open space. The plan is not practical, the city does not have the money.

This item continued to September 17, 1992 at 1:30 p.m. and public testimony will be taken.

**RECESS, RECONVENE**

The Planning Commission recessed at 3:15 p.m. and reconvened at 3:20 p.m.

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ITEM-8 AMENDMENT TO THE PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE (PRD) GOLF COURSES.

ANDY WATSON presented Planning Department Report No. P-92-198.

LANCE BURRIS, representing Potomac Investment Associates, San Diego Inc. He gave a brief background from 1990 to present and in favor of the amendment.

LOUIS WOLFSHEIMER, representing Potomac Investment Associates, San Diego Inc. He stated the PGA has to find a new home, like to stay in San Diego. That the Commission recommend denial, so that it can move forward to City Council.

THOMAS Di BENEDETTO, representing the Bougainvillea project. He withdrew his in favor of the project and supported Mr. Wolfsheimer motion to deny and move forward to City Council.

LINDA MICHAEL, representing the Sierra Club spoke in opposition. She said a golf course is proposed along with residential development. The golf course will be opened to the public, need for parking and will be more traffic. 70 new homes will have to be placed somewhere else, losing some open space and concern about the natural vegetation.

Public testimony was closed.

COMMISSION ACTION

On motion of VERNA QUINN, seconded by KARL ZOBELL, the Commission voted 3-1 (BENN voting in the negative with PESQUEIRA and REYNOLDS not present) to approve staff recommendation. This failed not having 4 affirmative votes.

On motion of SCOTT BERNET, seconded by KARL ZOBELL, the Commission voted 4-0 (PESQUEIRA and REYNOLDS not present) to deny the project.

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ITEM-10 BALBOA PARK CENTRAL MESA PRECISE PLAN.

This item continued from August 6, 1992, scheduled for August 13, 1992, due to lack of a quorum continued to September 10, 1992.

Continued to October 15, 1992 when there will be 6 Planning Commissioners present.

The Commission and staff had a discussion workshop regarding the North City Future Urbanizing Area Framework Plan.

**ADJOURNMENT**

The Commission adjourned at 5:00 p.m.