PUBLIC NOTICE AND AGENDA
TORREY HILLS COMMUNITY PLANNING BOARD
Tuesday, May 15, 2007 6:30 p.m.
Torrey Hills Elementary School, Multipurpose room
10830 Calle Mar de Mariposa

CALL TO ORDER

INTRODUCTION OF MEMBERS

APPROVAL OF MINUTES – March 20, 2007 and April 17, 2007

CHAIR ANNOUNCEMENTS

PUBLIC INFORMATION UPDATES

1. County Supervisor Pam Slater-Price's Office- Erika Black
2. Council District 1, Scott Peter's Office- Hugo Carmona
3. Planning Department Report- Bernie Turgeon
4. Congressman Brian Bilbray's Office- Marc Schaefer

PUBLIC COMMENT- Non-agenda items only

ACTION ITEMS

1. Approve Gateway Torrey Hills Office Sign program- Jim Symons
2. Letter of initial findings for Torrey Hillls VTM- Paula Abney
3. Letter of initial findings for Torrey Reserve Project- Paula Abney

INFORMATION ITEMS

SUBCOMMITTEE REPORTS

ADJOURNMENT

Please Note: If there are any questions regarding this agenda, please contact the THCPB Chair Guy Ravad at (858) 945-1044 or email at guy.ravad@gmail.com. Please give 24 hours advance notice if you are unable to attend the meeting.

NOTICE OF NEXT MEETING: June 19, 2007

Torrey Hills Community Planning Board
Meeting Minutes
Tuesday February 20, 2007

1. Call to Order and Attendance
    - Chair Paula Abney called the meeting to order at 6:35 pm.
    - Attending indicated with an X

Paula Abney	x	Rob Mullally	x	Kathy Burton	x	Jim Casale	x
Dash Meeks	x	Mark Lee	x	Linda Kjelland	x	Sergio Poplawski	x
Gigi Bainbridge	x	Doug Gilkey	x	Maggie Munro		Diana Padgett	x

2. Approval of Meeting Minutes
    - Minutes from December 19, 2006 were approved.

3. Public Comment
    - Sergeant Collins from the new Northwest Division station gave a summary of the new station and staffing
        1. The new station will open on Saturday 10th at 0600.
        2. An opening ceremony will be held on March 22nd at 10:00 am
        3. There will be 21 patrol officers, 7 per watch with a minimum of 2 officers per shift.
    - Robert Chung is a small animal vet interested in opening a practice in the new Torrey Corner development
        1. This use would require a Planned Development Permit from the property owner and a Plan Amendment.
        2. The practice would become a 2.5 doctor practice with no plans for boarding of animals more than overnight for some surgeries.
        3. The Board recommended discussion with Development Services on the policies and procedures for application and plan amendment.

4. County Supervisor Pam Slater-Price's Report – Erica Black
    - Erica mentioned that the visitors' center at San Elijo Lagoon has been approved.

5. Council District 1 Report – Hugo Carmona
    - No Report
    - Paula presented a check for $75K for community improvements from the Torrey Corner Development Project.

6. Planning Department – Bernie Turgeon
    - Bernie explained the City's amendment to by-laws incorporating provisions of the Brown Act.
    - The next planning board orientation is scheduled for Saturday April 28th. More information to follow.

7. Sub-Committee Announcements

MAD – Gigi Bainbridge

- MAD will become part of City Services instead of Parks and Recreation.
- Still no full-time MAD manager for our area. Gigi will draft a letter to the City asking for the position to be filled.
- Gigi also attended the Rec Council Meeting and stated that money had been donated to the annual egg hunt the day before Easter. A large crowd is expected.
- Discussion of the YMCA pulling out of development and the potential remaining for the lot. Impediments such as traffic and no access from Carmel Mountain Road make development expensive and difficult.

8. Bylaws Subcommittee – Diana Padgett
    - The Bylaws shell is being amended to incorporate provisions of the Brown Act.
    - Indemnification of planning board members from outside lawsuits is covered by the City Attorney's office
    - Kathyrn stated that the La Jolla suit is a special case because it involved a suit between factions of the planning board instead of an outside challenge. The City Attorney would not intervene in these cases.
    - Bylaws subcommittee meeting will be at 9:00, March 9th at Diana's house – 4291 Corte Langostino.

9. Chairperson's Report – Paula Abney.
    - The New Development Subcommittee met with Cistera about the signage of the Gateway at Torrey Hills Project.
        - Signage will cover the top band of each building and face the freeway.
        - Two monument signs will be incorporated with one at the driveway and another between the two buildings.
        - The Garage will be faced with stone to match the building architecture.
        - Paula will check into more specifics of the parking lightning but the top pole elevation will be below grade of the adjoining homes.
    - The I-56 connector meeting was discussed and two options remain.
        - Option 1 is local street improvements and option 2 is direct connection flyover.
        - Federal funds have been acquired for environment review.
        - Next meeting is May 17th at the Carmel Valley Library
    - Brown Act
        - Information provided to board members on language of the Brown Act and it's incorporation in planning board bylaws.
    - Mentioned the local website for information of www.torreyhillsupdate.com and that our meetings are posted on the City's Planning website

10. Upcoming Elections – Paula Abney

- Planning Board elections will be at the next meeting in March from 5:30 to 7:30. There are 6 seats available, 3 resident seats and 3 business seats.
- Rob nominated Joseph Sampson for a business seat
- Gigi nominated Mark Lee for a business seat
- Kathyrn stated she will not be running for re-election
- Jim Casale declared he will run again
- Rob Mullaly declared he will run again
- Todd Saier was nominated for a resident seat
- Guy Ravad was nominated for a resident seat.

11. Traffic Calming measures proposed by Walk San Diego.
    - Measures suggested by Walk San Diego were distributed for information only.

12. Board Discussion regarding loss of YMCA
    - Discussion focused on potential alternate uses of the property
    - Discussion of approaching another YMCA or additional ball fields.
    - Mark Lee will approach the Boys and Girls Club to see if they are interested in building on the lot.

13. Torrey Hills VTM Assessment Letter
    - A traffic study is being prepared and should be complete in early March
    - Discussion of the sending the letter because there are too many units going in for the allowable traffic.
    - Discussion also addressed the opportunities for community mitigation.
    - It was motioned and passed to send the letter.

14. Taste of Italy Planned Development Permit
    - Kathyrn recused from the vote due to her employment at the City Attorney's Office.
    - Discussion of Rob Mullaly's son's employment at the restaurant. It was determined that Rob's son did not work there when this issue was discussed by the board and is not currently employed there. For the record, Rob did not attend the Taste of Italy open house that served free food and drink.
    - Diana presented the City process and the findings that need to be met. She stated that the approach needs to be in the best interest of the community.
    - Explanation that all 5 findings of the planned development permit must be met. Those are 1) Does not adversely affect the land use plan; 2) Is not detrimental to health, safety and welfare; 3) Complies with land development code; 4) Is beneficial to the community; and 5) The proposed deviations would result in a more desirable project.
    - Public Comment was taken
        - Janay stated that over 400 public signatures were collected in favor of the project and that she believes the project is a benefit to the community. The signatures were presented to the board. Gigi noted

that no addresses were given and many signatures were illegible so the full weight of those in favor could not be determined.
    - Public commenter #2 asked what the negative reaction is and stated that there has been no noise or crime related to the site. The board explained that this was a legal issue and that sale of spirits are not allowed under the zoning and that the liquor license was issued in error.
    - Public commenter #3 stated the there are no detrimental issues and has not see an increase in DUI's related to the restaurant.
    - TJ Knowles stated that the business is part of the community and feels that what is good for the community is to keep the restaurant and find a way to deal with the issue
    - Gary Levitt stated that he understands fighting for the community and the municipal code needs to be protected. He feels that people like the restaurant and that it was hard to find this investment in the community. He stated that the site could have been a sports-bar type restaurant instead. He feels that allowing this use would not perpetuate a domino effect with other tenants. He has taken money from outdoor improvements to the center to hire people to write this amendment to keep the restaurant. Also stated that the restaurant has had to hire and spend money to prepare and defend this action.
- The Board further discussed the legal aspect and concern that allowing this use would set a precedent to allow similar uses in future requests even if it is not a benefit to the community.
    - Bernie stated that typically cases are handled individually and that the findings must be made in each case. That said, there is no guarantee that precedent will not be set.
- Gigi stated that the original zoning of CC allowed this type of use but that the community wanted zoning changes to CN. Some of the differences in zoning such as drive through fast food were discussed.
- Bernie suggested that the board try to state the issue and give direction by defining the findings.
    - Finding one discussion focused on the plan details not specifically weighing in on the issue and that the difference between beer and wine only versus beer, wine and spirits does not adversely affect the overall plan.
    - Finding two discussion focused on what benchmark was used for crime statistics and that more data and information was needed from SDPD.
    - Finding three discussion focused on all applicable regulations of the code being followed with this exception and that with the amendment all aspects would be adhered. Discussion also regarding exception and the mistakes made by the City and licensing boards.
    - Finding four discussion on the benefit of this particular restaurant but that it could set a bad precedent. For example if this business failed it could open the door for an undesirable use selling spirits. It was noted

that the property owner is the applicant and he would like to retain the ability to sell spirits at that particular location (2 suites). Suggestions were made that the license be allowed but not transferable to anyone other than Taste of Italy. Also exceptions on the allowable percentage of food to alcohol sales.
    - Finding five discussed the benefit to the community of the existing restaurant and use.
- Diana motioned the following guidance for the findings:
    - Finding one – The planned development permit was applied for due to special circumstances of a mistake made by the City in issuance of the alcohol license. The detail differentiating between beer and wine only establishments and those serving spirits is not specifically spoken to in the Plan. The permit application is for an existing establishment and not a new development. The allowance does not fundamentally change the character of the existing establishment or of the planned land use.
    - Finding two – More guidance is needed from the Police crime statistics. It is unclear what the statistical point of reference is so no differentiation can be made as to the significance of the values.
    - Finding three – The business is in compliance with all aspects of the code with the exception of serving spirits and would be in compliance with the amendment and planned development permit.
    - Finding four – The applying property, Taste of Italy is an existing upscale, sit-down restaurant. There is a benefit to the community in retaining this use with the stipulation that the planned development permit applies only to the current business Taste of Italy and use must achieve a higher percentage of sales through food than alcoholic beverage. The permit shall not apply to the designated suites Taste of Italy currently occupies but specifically to the business Taste of Italy as it currently resides in those suites.
    - Finding five – It is more desirable for the community to keep the existing upscale sit-down restaurant, Taste of Italy than a beer and wine only serving sports type bar.
    - NOTE: The applicant must satisfactorily address all findings for the City.
- The motion was read back to the board prior to vote.
- Gigi seconded the motion and it passed 8 to 2 with Kathyrn recusant as a City employee where the issue has been discussed. Dissenting were Paula Abney and Diana Padgett.

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Meeting was adjourned at 9:10pm