

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
DECEMBER 16, 2004
IN CITY COUNCIL CHAMBERS- 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Lettieri at 9:05 a.m. Chairperson Lettieri adjourned the meeting at 5:15 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Tony Lettieri-present
Vice-Chairperson Barry Schultz-present
Commissioner Carolyn Chase-present
Commissioner Kathleen Garcia-present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji-present
Commissioner Mark Steele-present
Betsy McCullough, Planning Department-not present
Mary Wright, Planning Department-present
Bob Manis, Planning Department-present
Marcela Escobar-Eck, Development Services-present
Mary Jo Lanzafame, Deputy City Attorney-present
Linda Lugano, Recorder-present

ITEM-1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:**
Kathleen Blavatt spoke to the City's process and the legality of the Commission's actions taken at meetings.

Daniel Beeman spoke to the homeless situation that exists in the City and asked how the City's can help.

ITEM-2: **REQUESTS FOR CONTINUANCE:**
Item No. 10, Initiation Community Plan Amendment – Carmel Valley – Pacific Highlands Ranch was continued to February 24, 2005.

Item No. 12, Fightertown Tentative Map was continued to January 13, 2005.

Item No. 13, Montecito Point Tentative Map was continued to February 10, 2005.

ITEM-3: **REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:**
Items No. 14, 15, 16, 17 and 18 were placed on the consent agenda.

ITEM-4: **DIRECTOR'S REPORT:**
Gail Goldberg, and employees of the Planning Department were present and acknowledged Chairperson Lettieri for his volunteer work on the Commission for the last four years and thanked him for his service.

Ms. Goldberg advised that the Department will be providing information in the next packet on condominium conversions in the existing Housing Element and how they will be addressed in the future.

Marcela Escobar-Eck discussed the memo from Gary Halbert recently distributed on the reorganization of the Development Services Department.

ITEM-5: **COMMISSION COMMENT:**
The Commissioners thanked Mr. Lettieri and acknowledged his service on the Commission.

ITEM-6: **APPROVAL OF THE MINUTES OF DECEMBER 2, 2004**

COMMISSION ACTION:

MOTION BY GARCIA TO APPROVE THE MINUTES OF DECEMBER 2, 2004 WITH A MINOR REVISION TO ITEM NO. 10, RIVER VIEW VILLAGE

RESIDENTIAL IN THE SECOND PARAGRAPH, THIRD SENTENCE TO READ: "...REDUCE THE IMPACT ON STEEP SLOPES..." AND "...PROPOSE A PRIVATE ALTERNATIVE; AND TO ILLUSTRATE PROPOSAL WITH CROSS SECTIONS".

ALSO A MINOR CHANGE TO THE ACTION ON ITEM NO. 9, MESA COMMONS TO REPLACE THE WORDS "CANNOT BE MET" WITH "WAS NOT PROVIDED". Second by Chase. Passed by a 6-0 with Vice-Chairperson Schultz not present.

ITEM-7: APPEAL OF THE HEARING OFFICER DECISION – COLLEGE ARCO – PROJECT NO. 37488. CONTINUANCE FROM OCTOBER 7, 2004 PLANNING COMMISSION HEARING.

Patrick Hooper submitted a memo with information to update the Commission since the last hearing which included revised permit conditions designed to lessen the potential adverse impacts of selling alcohol as part of the service station market. Report No. PC-04-167 was referenced as well.

Testimony in favor of the appeal by Judy Walsh-Jackson, Kevin Hauck and Chief John Carpenter.

Speaker slip in opposition to the appeal was submitted by Arkan Somo but did not speak.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY CHASE TO GRANT THE APPEAL AND DENY THE CONDITIONAL USE PERMIT. Second by Steele. Passed by a 4-2 vote with Commissioners Otsuji and Ontai voting nay and Vice-Chairperson Schultz not present.

ITEM-8: DRAFT ORDINANCE REGULATING LARGE RETAIL DEVELOPMENT. (CONTINUED FROM DECEMBER 2, 2004).

Patsy Chow discussed the memo reflecting the actions taken by the Planning Commission at the last hearing, and gave background of the Planning Department's recommended ordinance proposals. Planning Commission Report PC-04-138 was referenced.

Testimony in favor by Art Castanares.

Testimony in opposition by Cynthia Conger, Scott Maloni, Matt Peterson, Scott Kessler, Daniel Beeman, Peter Kanelos, Scott Molloy, John Ziebarth, Guy Preuss, and Lou Wolfsheimer was present to answer questions.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY STEELE TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF'S RECOMMENDATIONS WITH THE EXCEPTION OF ITEM NO. 2 AS SUBMITTED IN STAFF'S MEMO DATED DECEMBER 9, 2004 LIMITING THE SIZE OF LARGE RETAIL ESTABLISHMENTS TO 150,000 SQUARE FEET EXCEPT IN THE CR ZONES AND THE CENTRE CITY PLANNED DISTRICT ORDINANCE; THE INCLUSION OF THE DESIGN REQUIREMENTS AS ILLUSTRATED IN TABLE NO. 1 WITH TWO EXCEPTIONS: 1) THE ECONOMIC IMPACT REPORT SHOULD NOT BE INCLUDED, AND 2) 25% REQUIRED PARKING AND STRUCTURES FOR BUILDINGS OVER 150,000 SQUARE FEET APPLY TO THE CC ZONES ONLY. Second by Chase. Passed by a 6-0 vote with Vice-Chairperson Schultz not present.

ITEM-9: **RIVER VIEW VILLAGE RESIDENTIAL – PROJECT NO. 3938.
(CONTINUED FROM DECEMBER 2, 2004).**

Bill Tripp gave a brief presentation since the last hearing and provided several alternative options submitted by the applicant. Reference Report No. PC-04-193.

Testimony in favor by John Howard and Dick VanDerhyden.

Speaker slip in opposition submitted by Bob Wainright but did not speak.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY STEELE TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-04-193 WITH THE MODIFIED REVISED TENTATIVE MAP AND SITE PLAN USING OPTION 1A AND A TERRACED WALL, AS SUBMITTED BY THE APPLICANT. Second by Ontai. Passed by a 6-0 vote with Vice-Chairperson Schultz not present.

ITEM-9A: APPROVAL OF THE MINUTES OF NOVEMBER 18, 2004:**COMMISSION ACTION:**

MOTION BY CHASE TO APPROVE THE MINUTES OF NOVEMBER 18, 2004 WITH A REVISION TO THE RESOLUTION SUBMITTED ON THE INITIATION OF AMENDMENTS TO THE BALBOA PARK MASTER PLAN AS FOLLOWS: THE SECOND SENTENCE OF THE FOURTH POINT SHOULD READ, "...FOCUS SHOULD BE ON PARKLAND AND A PARKING MANAGEMENT PLAN". THE FOURTH BULLET FROM THE BOTTOM SHOULD BE REVISED TO READ "...AND MUST INCLUDE PARKLAND ABOVE THE STRUCTURES". THE FIFTH BULLET FROM THE BOTTOM SHOULD BE REVISED TO REPLACE THE WORD PROJECTS WITH THE WORD PROJECTIONS. THE LAST BULLET SHOULD BE CLARIFIED SO THE FOCUS IS ON PARKLAND PRESERVATION AND ENHANCEMENT AND NOT ON PARKING TO MEET THE FUTURE NEEDS OF THE CITY, AND SHOULD MEET CONCERNS ABOUT THE CARRYING CAPACITY. Second by Garcia. Passed by a 6-0 vote with Vice-Chairperson Schultz not present.

ITEM-9B: NEIL GOOD DAY CENTER – CENTRE CITY CONDITIONAL USE PERMIT NO. 86-0955 EXTENSION.

Brad Richter discussed the December 15, 2004 memo which was distributed at this hearing providing revised staff recommended conditions and the draft CUP, proposed modifications.

Testimony in favor by Gary Hill and Dan Beeman.

Testimony in opposition by Mike Madigan, Mitchell Berner, and Leslie Wade.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY SCHULTZ TO APPROVE STAFF'S RECOMMENDATIONS IN THE MODIFIED PERMIT WITH THE EXCEPTION TO THE LANGUAGE FOR NO. 14 , PAGE 3 OR 4, AND INDICATE THAT IT WOULD BE A REQUEST FOR A NEW PERMIT AS OPPOSED TO AN EXTENSION.

Motion was withdrawn.

MOTION BY SCHULTZ TO APPROVE STAFF'S RECOMMENDATIONS IN THE MODIFIED PERMIT WITH THE ADDITION THAT ITEM NO. 1 IN THE RESOLUTION REGARDING THE ISSUANCE OF THE RFP BE INCLUDED

AS PART OF THE PERMIT CONDITIONS, AND A REVISION TO RESOLUTION NO. 2 WHICH MOVES THE WORD VIDEO, TO READ "... AND MAINTAIN A NEIGHBORHOOD SURVEILLANCE SYSTEM OF CRIMINAL CONDUCT...(SUCH AS VIDEO)". Second by Garcia. Passed by a 5-0 vote with Commissioners Steele and Ontai recusing.

ITEM-9C: NTC RESORT HOTEL - PROJECT NO. 19139 (CONTINUED FROM DECEMBER 9, 2004).

P. J. Fitzgerald gave an update on the status of this project which was continued from December 9, 2004 to allow staff to provide clarification on the size and layout of existing Building 623, and to provide information regarding the shared parking arrangement proposed for the project specifically regarding operational use limitations on Building 623. Reference PC Report No. PC-04-158.

Testimony in favor by Allen Haynie, and slips submitted by Walter Heilberg and Kathleen Riser but did not speak.

Testimony in opposition by Jarvis Ross, Daniel Beeman, Cynthia Conger, and John McNab.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY GARCIA TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF'S RECOMMENDATIONS OF THE MODIFIED PLAN WITH THE ADDITION OF CONDITION NO. 82 TO ENSURE THAT A PARKING MANAGEMENT PLAN BE PREPARED TO THE SATISFACTION OF THE CITY MANAGER THAT PRIORITIZES THE PROXIMITY OF PUBLIC PARKING TO BUILDING 623 AND OTHER PUBLIC USE, AND ADDRESSES THE VARIOUS DIFFERENT SHARED PARKING CONDITIONS SPELLED OUT NOT ONLY IN THE SHARED PARKING AGREEMENT, BUT ALSO LOOKING AT NTC OVERALL. REQUIRE AS A CONDITION OF THIS PROJECT THAT ANY AREA THAT IS RENTED FOR PRIVATE USE WILL BE AVAILABLE FOR PUBLIC PURPOSES AT LITTLE OR NO COST. Second by Ontai. Passed by a 4-0 vote with Commissioners Steele and Otsuji recusing and Vice-Chairperson Schultz not present.

ITEM-10: **INITIATION – COMMUNITY PLAN AMENDMENT – CARMEL VALLEY – PACIFIC HIGHLANDS RANCH.**

COMMISSION ACTION:

MOTION BY CHASE TO CONTINUE TO FEBRUARY 24, 2005. Second by Ontai. Passed by a 6-0 vote with Vice-Chairperson Schultz not present.

ITEM-11: **55TH STREET TENTATIVE MAP - PROJECT NO. 39295**

Jeannette Temple presented Report to the Planning Commission No. PC-04-213.

Speaker slips were submitted in favor by Mark Gleiberman, Jeff Piper and Walter Schwerin to answer questions.

Testimony in opposition by Daniel Beeman.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS. Second by Otsuji. Passed by a 5-1 vote with Commissioner Chase voting nay and Vice-Chairperson Schultz not present.

ITEM-12: **FIGHTERTOWN TENTATIVE MAP – PROJECT NO. 39175.**

COMMISSION ACTION:

MOTION BY CHASE TO CONTINUE TO JANUARY 13, 2005 DUE TO A NOTICING ERROR. Second by Ontai. Passed by a 6-0 vote with Vice Chairperson Schultz not present.

ITEM-13: **MONTECITO POINT TENTATIVE MAP – PROJECT NO. 10274.**

COMMISSION ACTION:

MOTION BY CHASE TO CONTINUE TO FEBRUARY 10, 2005 DUE TO A NOTICING ERROR. Second by Ontai. Passed by a 6-0 vote with Vice-Chairperson Schultz not present.

ITEM-14: **3RD AVENUE TENTATIVE MAP – PROJECT NO. 41736.**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 5-1 vote with Commissioner Chase voting nay and Vice-Chairperson Schultz not present.

ITEM-15: **GRIM AVENUE TENTATIVE MAP – PROJECT NO. 30430.**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 5-1 vote with Commissioner Chase voting nay and Vice-Chairperson Schultz not present.

ITEM-16: **ADELAIDE AVENUE TENTATIVE MAP - PROJECT NO. 16951.**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 5-1 vote with Commissioner Chase voting nay and Vice-Chairperson Schultz not present.

ITEM-17: **60TH STREET TENTATIVE MAP – PROJECT NO. 39293**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 5-1 vote with Commissioner Chase voting nay and Vice-Chairperson Schultz not present.

ITEM-18 **PROPOSED AMENDMENT TO THE CITY’S LAND DEVELOPMENT CODE (AND LOCAL COASTAL PROGRAM) TO CLARIFY THE DEFINITION OF “APPLICANT” AND “APPLICATION PROCESS”.**

COMMISSION ACTION:

CONSENT MOTION BY CHASE TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF’S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-04-235. Second by Steele. Passed by a 6-0 vote with Vice-Chairperson Schultz not present.

ITEM-19: **WORKSHOP – MIDWAY COMMUNITY PLAN AMENDMENT – DISCUSSION OF PROPOSED LAND USE AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN AND THE MIDWAY/PACIFIC HIGHWAY CORRIDOR COMMUNITY PLAN.**

Maxx Stalheim presented Report to the Planning commission No. PC-04-191.

Testimony in favor by Joe Mannino, Joseph Goolewski and Daniel Beeman.

Testimony in opposition by Kathleen Blavatt, Vance Spurrier, Marc Snelling and Cynthia Conger.

Workshop was held.

The Planning Commission meeting was adjourned by Chairperson Lettieri at 5:15 p.m.