

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MAY 26, 2005
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Schultz at 9:10 a.m. Vice-Chairperson Garcia adjourned the meeting at 7:15 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia-present
Commissioner Carolyn Chase-present
Commissioner Robert Griswold-present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji-present
Commissioner Mark Steele-present
Mary Wright, Planning Department-present
Bob Manis, Planning Department-not present
Coleen Clementson, Planning Department-present
Gary Halbert, Development Services-present
Marcela Escobar-Eck, Development Services-not present
Doug Humphreys, Deputy City Attorney-not present
William Witt, Deputy City Attorney-present
Linda Lugano, Recorder-present

ITEM-1: ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:
Alan Pentico, Director of the SD County Apartment Association spoke to the rental market in the area.

Michael Sprague spoke to the tree situation in San Diego, root problems and asthma inducing trees that have been approved for planting. Also expressed his feelings that new school locations and construction be brought before the Planning Commission prior to approval.

ITEM-2: REQUESTS FOR CONTINUANCE:

John Stump requested that Item No. 22, Auburn Park be continued due to incomplete environmental documents available. After brief discussion, it was determined that this project would be heard at this hearing.

John Fisher requested that Item No. 21, San Diego Jewish Academy be continued to June 16, 2005.

Will Zounes requested that Item No. 9, Mariners Village be continued to June 23, 2005.

The applicant on Item No. 11, Appeal of the Sand Bar & Grill requested a continuance to allow time for people to be available for the presentation. The request was denied.

ITEM-3: REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:
Items No. 12, 13, 14, 15, 16, 17, 18 and 19 were placed on the consent agenda.

ITEM-4: DIRECTOR'S REPORT:

Marcela Escobar-Eck advised the Commission of Council actions taken this week, in particular the Southgate Condo Conversion.

ITEM-5: COMMISSION COMMENT:

Commissioner Steele recognized Chairperson Schultz as an advocate for affordable housing and that he is behind the Smart Growth Fund which will provide a great deal of financing for moderately priced housing.

Vice-Chairperson Garcia addressed Michael Sprague's comments on the asthma inducing tree that are on the approved street tree list as well as opportunities to increase shade trees. This item should potentially be referred to the City's Urban Tree Board.

Commissioner Chase inquired about a law suit from Torrey Hills that the City lost recently, and asked that a report be provided to the Commission.

ITEM-6: APPROVAL OF THE MINUTES OF MAY 12, 2005.

COMMISSION ACTION:

MOTION BY GRISWOLD TO APPROVE THE REVISED MINUTES OF MAY 12, 2005. Second by Garcia. Passed by a 6-0 vote with Commissioner Steele recusing.

ITEM-7: RECOMMENDATIONS ON POSSIBLE CONDOMINIUM CONVERSION REGULATIONS.

Bill Levin presented Report to the Planning Commission No. PC-05-151.

Testimony in favor by Roz King, Kathleen MacLeod, Mike Pazder, James Hickman, Seung Lee, Cyndi Jones and Martin McGee.

Testimony in opposition by Rev. Jim Gilbert, Judy Elliot, Joy Sunyata, Marc Wolfsheimer, Scott Malloy, Richard Lawrence, Jim Varnadore, Chris Christensen, Raf Muilenburg, J. D. Bols, Erik Nowacki, Malcolm Davies, Glenn Karp, Cynthia Conger, Matthew Maisel, Kathleen Evans-Calderwood, John Mears, Jim Neil, Jonathan Schneeweiss, Matt Adams, Rosalie Leon, Ron Penwock, and Steve Quinn.

Public testimony was closed.

COMMISSION ACTION:

THE PLANNING COMMISSION MADE THE FOLLOWING RECOMMENDATIONS AS FOLLOWS TO THE LAND USE & HOUSING COMMITTEE BASED ON STAFF'S RECOMMENDATIONS AS OUTLINED IN THE MANAGER'S REPORT:

SHOULD RELOCATION ASSISTANCE BE CONTINUED OR EXPANDED?

MOTION BY GRISWOLD TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION WITH THE ADDITION OF A TIERED SYSTEM THAT WOULD PROVIDE A ONE MONTH RELOCATION BENEFIT FOR

THOSE TENANTS THAT HAVE BEEN TENANTS FOR LESS THAN ONE YEAR; THREE MONTHS FOR THOSE THAT HAVE BEEN TENANTS GREATER THAN A YEAR; THE TRIGGER IS THE NOTICE OF INTENT TO CONVERT. Second by Steele. Passed by a 5-1 vote with Commissioner Chase voting nay and Commissioner Otsuji recusing.

SHOULD FUTURE APPROVAL OF CONDOMINIUM CONVERSIONS BE TIED TO THE VACANCY RATE FOR LOW AND MODERATE COST UNITS.

MOTION BY GARCIA TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 6-0 vote with Commissioner Otsuji recusing.

WHAT PARKING, LANDSCAPE, PLUMBING, ELECTRICAL, ROOF, WALL, FIRE AND HVAC STANDARDS SHOULD BE REQUIRED FOR PROJECTS REQUESTING CONDOMINIUM MAPS TO ALLOW CONVERSION?

MOTION BY GARCIA TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS WITH THE EXCEPTION OF THE PARKING RECOMMENDATIONS.

APPROVE REQUIRING AND PROVIDING TO THE BUYER A BUILDING CONDITIONS REPORT AS RECOMMENDED BY STAFF TO INCLUDE REQUIRING APPLIANCES AND CEILINGS TO BE ENERGY EFFICIENT WHERE FEASIBLE AND TO INCLUDE INFORMATION READ INTO THE RECORD BY GARY HALBERT FROM THE AFFORDABLE HOUSING ADVOCATES (MICHAEL PAZDER LETTER) REGARDING BUILDING STANDARDS AND TO INCLUDE THE ADDED REQUIREMENTS CONTAINED IN THE FIFTH AND SIX PARAGRAPHS OF THE COMMERCIAL REALTORS ASSOCIATION LETTER DATED MAY 11, 2005 ALSO SUBMITTED AT THIS HEARING REGARDING THE AGE OF THE BUILDINGS AND INTENDED IMPROVEMENTS EXCLUDING THE FIRE WALL RECOMMENDATION. Second by Griswold. Passed by a 6-0 vote with Commissioner Otsuji recusing.

WHAT PARKING SHOULD BE STANDARDS SHOULD BE REQUIRED FOR PROJECTS REQUESTING CONDOMINIUM MAPS TO ALLOW CONVERSION.

MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS FOR PROJECTS BUILT BEFORE 1992, AND ANYTHING AFTER THAT DATE NEEDS TO MEET CURRENT REGULATIONS WITH A PROCESS TO ADDRESS THE ISSUE IF THEY CAN'T MEET TODAY'S STANDARDS;

REQUIRE A PARKING STUDY TO DETERMINE IF THERE IS SUFFICIENT PARKING IN THE AREA TO SUPPORT LOWER RATES, AND PROVIDE A STUDY FOR THOSE PROJECTS THAT NOW PARK WITHIN THE FRONT YARD SETBACK TO INCORPORATE LANDSCAPING IN AN ATTEMPT TO REMOVE THE PARKING FROM THE FRONT YARD SETBACKS. THE INTENTION WITH THIS ACTION IS TO NOT CAUSE THE OWNERS TO LOSE UNITS. Second by Garcia. Passed by a 5-1 vote with Commissioner Ontai voting nay and Commissioner Otsuji recusing.

SHOULD UNDER GROUNDING OF UTILITIES BE REQUIRED FOR CONDOMINIUM CONVERSIONS?

MOTION BY STEELE TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS WITH AN ADDITIONAL REQUIREMENT TO UNDERGROUND THE UTILITIES FROM THE POWER SOURCE TO THE BUILDING. Second by Griswold. Passed by a 5-1 vote with Commissioner Ontai voting nay and Commissioner Otsuji recusing.

SHOULD ON-SITE PROVISION OF INCLUSIONARY HOUSING BE REQUIRED FOR CONDOMINIUM CONVERSIONS THAT SEEK A CONDOMINIUM MAP?

MOTION BY GARCIA TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS. Second by Steele. Passed by a 5-1 vote with Commissioner Griswold voting nay and Commissioner Otsuji recusing.

SHOULD A CUT-OFF DATE BE ESTABLISHED AFTER WHICH CONDOMINIUM CONVERSION REQUESTS MUST MEET NEW REGULATORY REQUIREMENTS?

MOTION BY STEELE TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 6-0 vote with Commissioner Otsuji recusing.

SHOULD RELOCATION PAYMENT REQUIREMENTS, "GOOD NEIGHBOR" AND CONSUMER PROTECTION UPGRADES BE REQUIRED FOR "OFF-THE-SHELF" CONVERSIONS THAT ALREADY HAVE A CONDOMINIUM MAP?

MOTION BY GRISWOLD TO RECOMMEND THAT STAFF'S RECOMMENDATIONS NOT BE APPROVED; THERE SHOULD NOT BE RELOCATION PAYMENTS FOR "OFF-THE-SHELF" CONVERSIONS THAT ALREADY HAVE A CONDO MAP. Second by Steele. Passed by a 6-0 vote with Commissioner Otsuji recusing.

SHOULD CONDOMINIUM CONVERSIONS BE SUBJECT TO PARK FEES?

MOTION BY GARCIA TO RECOMMEND THAT STAFF ADDRESS AND THEN BRING FORWARD TO LU&H A WAY OF ADDRESSING THOSE UNITS THAT DID NOT PAY PARK FEES IN ORDER TO BRING THE STANDARDS OF THEIR CONTRIBUTIONS UP TO THE QUALITY OF LIFE OR THE GOOD NEIGHBOR STANDARDS. Second by Steele. Passed by a 5-1 vote with Commissioner Ontai voting nay and Commissioner Otsuji recusing.

SHOULD A MINIMUM OVERALL PROJECT SIZE (NUMBER OF UNITS) BE REQUIRED FOR PROJECTS TO BE ABLE TO CONVERT TO CONDOMINIUMS.

MOTION BY GARCIA TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 6-0 vote with Commissioner Otsuji recusing.

SHOULD AN ECONOMIC HARDSHIP WAIVER PROCESS BE ESTABLISHED FOR PROJECTS THAT CANNOT MEET INCREASED STANDARDS THAT MAY BE ADOPTED FOR CONDOMINIUM CONVERSIONS?

MOTION BY GRISWOLD TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS. Second by Garcia. Passed by a 4-2 vote with Commissioners Chase and Ontai voting nay and Commissioner Otsuji recusing.

COULD UNITS BE RESTRICTED TO BE FOR BUYERS ONLY FOR A SPECIFIC TIME PERIOD TO ELIMINATE SPECULATORS WHO INTEND TO TURN OVER UNITS QUICKLY OR RENT THEM OUT?

MOTION BY CHASE TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS. Second by Ontai. Passed by a 6-0 vote with Commissioner Otsuji recusing.

WHAT ADDITIONAL STEPS CAN BE TAKEN TO RESOLVE NOTICING PROBLEMS?

MOTION BY CHASE TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATIONS FOR THE TENANTS RIGHTS, BUT THAT IT BE ONE PAGE OR LESS OR TWO PAGES DOUBLE SIDES AND EASY TO READ AND UNDERSTAND. Second by Ontai. Passed by a 6-0 vote with Commissioner Otsuji recusing.

MOTION BY CHASE TO RECOMMEND APPROVAL OR STAFF'S RECOMMENDATIONS FOR SMALL PROJECTS. Second by Ontai. Passed

by a 5-1 vote with Commissioner Griswold voting nay and Commissioner Otsuji recusing.

WHAT ADDITIONAL STEPS HAVE BEEN OR CAN BE TAKEN REGARDING PROVISIONS OF HOMEBUYER ASSISTANCE TO OCCUPANTS OF UNITS UNDERGOING CONVERSION TO CONDOMINIUMS?

MOTION BY GARCIA TO REQUEST THAT STAFF LOOK AT THE FOLLOWING ADDITIONAL ISSUES THAT COULD POSSIBLY BE ASSIGNED TO A TASK FORCE:

A MONITORING PROGRAM BE IMPLEMENTED TO ASSESS BOTH THE POSITIVE AND NEGATIVE IMPACTS TO THE PROVISION OF AFFORDABLE HOUSING OR THE AVAILABILITY OF RENTAL HOUSING; THE PROVISION OF AFFORDABLE FOR SALE AS WELL AS THE IMPACT ON VARIOUS NEIGHBORHOODS.

WHAT ARE THE IMPACTS AND ARE THEY OVERLY CONCENTRATED IN CERTAIN AREAS AND HOW IS THIS BEING IMPLEMENTED; WHAT IMPACT DOES A SIGNIFICANT NUMBER OF CONVERSIONS HAVE ON THE SOCIOECONOMIC STRUCTURE OF THAT COMMUNITY WITH VERY LOW INCOME.

STAFF WAS REQUESTED TO CONTINUE TO WORK ON THE ISSUES OF THE HUFFMAN SIX-PACK AND WHAT CAN BE DONE ABOUT IT.

WHAT IS THE IMPACT OF CONVERSIONS WHEN THEY LAND IN THE REDEVELOPMENT AREA AS THAT WOULD HAVE A LAND USE IMPLICATION FOR REDEVELOPMENT.

ALTERNATIVE COMPLIANCE OR DEVIATION VARIANCE PROCEDURE WHERE WE MIGHT CONTAIN ECONOMIC ISSUES WITHIN THAT PROCESS.

ACCESS ISSUES AND THE INTERACTION OF ADA AND THE PROVISION OF THE TESTIMONY ON REFERRAL TO THE COMMON AREAS.

Second by Chase. Passed by a 6-0 vote with Commissioner Otsuji recusing.

ITEM-8: **SILBERBERGER TENTATIVE MAP /PLANNED DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT – PROJECT NO. 1641. – CONTINUED FROM APRIL 21, 2005.**

John Fisher presented Report to the Planning Commission No. PC-05-100 and gave an update since the last hearing.

Speaker slips submitted by Marc Silberberger and Greg Shields but did not speak.

No one present to speak in opposition to this project.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ONTAI TO APPROVE STAFF'S RECOMMENDATIONS WITH TWO MODIFICATIONS: THAT THE RETAINING WALLS BE PLANTABLE AND THAT THE USE OF RECYCLED MATERIAL NOT BE PRECLUDED FROM BEING USED IN THE PROJECT. Second by Steele. Passed by a 6-0 vote with Chairperson Schultz not present.

ITEM-9: **MARINERS VILLAGE TENTATIVE MAP – PROJECT NO. 37440.**

COMMISSION ACTION:

MOTION BY GRISWOLD TO CONTINUE TO JUNE 23, 2005. Second by Ontai. Passed by a 7-0 vote.

ITEM-10: **APPEAL OF HEARING OFFICER DECISION –OSTEND COURT DUPLEX – PROJECT NO. 36924.**

Laura Black presented Report to the Planning Commission No. PC-05-138.

Testimony in favor of the appeal by opposed to the project by Gary Glover, Mike Meyers and Dennis Lynch.

Testimony in opposition to the appeal in favor of the project by Greg Zackorski and Tim Golba.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY ONTAI TO DENY THE APPEAL AND APPROVE THE PROJECT. Second by Griswold. Motion failed by a 3-3 vote with Vice-

Chairperson Garcia and Commissioners Steele and Chase voting nay; therefore the decision of the lower body stands.

ITEM-11: APPEAL OF HEARING OFFICER DECISION – SAN BAR AND GRILL – PROJECT NO. 5470.

John Fisher presented Report to the Planning Commission No. PC-05-154.

Testimony in favor of the appeal by opposed to the project by Joe Vaught and Paul Delmore.

Testimony in opposition to the appeal in favor of the project by Mike Meyer, Gary Glover and Dennis Lynch.

Public testimony was closed.

COMMISSION ACTION:

Motion by Ontai to continue at the request of the appellant. No second.

MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATION AND DENY THE APPEAL AND DENY THE PROJECT. Second by Chase. Passed by a 5-0 vote with Chairperson Schultz and Commissioner Griswold not present.

ITEM-12: 1964 MISSOURI STREET TENTATIVE MAP – PROJECT NO. 53084.

COMMISSION ACTION:

CONSENT MOTION BY GARCIA TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-05-149. Second by Steele. Passed by a 6-1 vote with Commissioner Chase voting nay.

ITEM-13: 52nd STREET TENTATIVE MAP – PROJECT NO. 42586.

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN THE REPORT TO THE

PLANNING COMMISSION NO. PC-05-166. Second by Ontai. Passed by a 5-2 vote with Commissioners Griswold and Chase voting nay.

ITEM-14: **4170 ALABAMA STREET TENTATIVE MAP - PROJECT NO. 60378**

COMMISSION ACTION:

CONSENT MOTION BY GRISWOLD TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN THE REPORT TO THE PLANNING COMMISSION NO. PC-05-168. Second by Steele. Passed by a 6-1 vote with Commissioner Chase voting nay.

ITEM-15: **4424 UTAH STREET TENTATIVE MAP - PROJECT NO. 57375.**

COMMISSION ACTION:

CONSENT MOTION BY GARCIA TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-05-169. Second by Steele. Passed by a 6-1 vote with Commissioner Chase voting nay.

ITEM-16: **ILLINOIS STREET CONDO MAP – PROJECT NO. 48188.**

COMMISSION ACTION:

CONSENT MOTION BY GRISWOLD TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC -05-184. Second by Steele. Passed by a 6-1 vote with Commissioner Chase voting nay.

ITEM-17: **2020 DIAMOND TENTATIVE MAP – PROJECT NO. 53750.**

COMMISSION ACTION:

MOTION BY STEELE TO CONTINUE TO JUNE 16, 2005. Second by Griswold. Passed by a 7-0 vote.

ITEM-18: **MARLBOROUGH AVENUE TENTATIVE MAP – PROJECT NO. 46314.**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-05-189. Second by Ontai. Passed by a 5-2 vote with Commissioners Griswold and Chase voting nay.

ITEM-19: **ORANGE BLOSSOM PARK TENTATIVE MAP – PROJECT NO. 60555.**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-05-164. Second by Ontai. Passed by a 5-2 vote with Commissioners Griswold and Chase voting nay.

ITEM-20: **PETCO HEADQUARTERS – PROJECT NO. 47630.**

COMMISSION ACTION:

CONSENT MOTION BY STEELE TO APPROVE STAFF'S RECOMMENDATIONS AS OUTLINED IN REPORT TO THE PLANNING COMMISSION NO. PC-05-153. Second by Ontai. Passed by a 7-0 vote.

ITEM-21: **SAN DIEGO JEWISH ACADEMY – PROJECT NO. 52184.**

COMMISSION ACTION:

MOTION BY STEELE TO CONTINUE TO JUNE 16, 2005 DUE TO AN ERROR ON THE DOCKET LANGUAGE. Second by Ontai. Passed by a 7-0 vote.

ITEM-22: **AUBURN PARK – PROJECT NO. 43239.**

Dan Stricker presented Report to the Planning Commission No. PC-04-103.

Testimony in favor by Danny Serrano, Jose Lopez and Craig Benedetto.

Testimony in opposition by Michael Sprague, John Stump and Kathleen Evans-Calderwood.

Public testimony was closed.

COMMISSION ACTION:

Motion by Chase to continue at the request of John Stump due to alleged incomplete environmental documents. No second was received.

MOTION BY ONTAI TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE STAFF'S RECOMMENDATIONS. Second by Otsuji. Passed by a 5-0 vote with Chairperson Schultz and Commissioner Griswold not present.

The Planning Commission meeting was adjourned by Vice-Chairperson Garcia at 7:15 p.m.