

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
SEPTEMBER 6, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:07 a.m. Chairperson Schultz adjourned the meeting at 5:03 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz- Not present
Vice-Chairperson Kathleen Garcia- Only present for 11, 12, & 13
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Commissioner Mike Smiley – present

Staff

Andrea Dixon, City Attorney- present
Cecilia Gallardo Planning Department – present
Mike Westlake, Development Services Department-present
Sabrina Curtin, Recorder-present

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

Sheri Lightner – Addressed the Benson Residence appeal heard at PC on 8/30. Ms. Lightner felt that the Planning Commission should be readdressed with the projector have a workshop regarding Height regulations in La Jolla.

ITEM 2: **REQUESTS FOR CONTINUANCE AND/OR ITEMS TO BE WITHDRAWN:**

Item No. 7 & 8 were continued to October 11, 2007

ITEM 3: **REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:**

Item No. 6 was placed on the consent agenda

ITEM 4: **DIRECTOR'S REPORT:**

Bill Anderson stated that The General Plan briefing with the mayor has been completed and anticipate the release of the Planning Commission draft report and the Final Draft EIR next week or so.

ITEM -5: **COMMISSION COMMENT:**

Commissioner Schultz would like the City Attorney to address the commission with either a discussion or brief workshop on broader scope of CEQA issues. What is our role, what the rules are on CEQA and what is the procedure?

ITEM-6: ***Continued from May 31, 2007 and July 12, 2007:***

4255 WINONA AVENUE TENTATIVE MAP – PROJECT NO. 87147

City Council District: 3; Plan Area: City Heights Neighborhood of the Mid-City Communities Plan

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 277066 AND THE REQUESTED WAIVER OF THE REQUIREMENTS TO UNDERGROUND THE EXISTING OVERHEAD UTILITIES. Second by Commissioner Smiley. Passed by a 5-1-1 vote with Commissioner Griswold voting nay and Vice-Chairperson Garcia not present. Resolution No. 4302-PC.

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ITEM-7: *Continued from April 5, 2007, April 26, 2007, May 31, 2007, and June 21, 2007:*

SUNROAD CENTRUM RESIDENTIAL – PROJECT NO. 99397
City Council District: 6; Plan Area: Kearny Mesa

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO CONTINUE TO OCTOBER 11, 2007 AS REQUESTED BY STAFF.

Second by Commissioner Otsuji. Passed by a 6-0-1 vote with Vice-Chairperson Garcia not present.

ITEM-8: *City Council remanded back to Planning Commission on September 25, 2006: Continued from May 10 and July 12, 2007*

***ARMSTRONG RESIDENCE – PROJECT NO. 3511**
City Council District: 1; Plan Area: La Jolla

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO CONTINUE TO OCTOBER 11, 2007 AS REQUESTED BY THE APPLICANT DUE TO AN ERROR IN THE PLANS SUBMITTED TO THE COMMISSION.

Second by Commissioner Ontai. Passed by a 6-0-1 vote with Vice-Chairperson Garcia not present.

ITEM-9: ***BAYSHORE BIKEPATH - PROJECT NO. 1901**
City Council District: 8 Plan Area: Otay Mesa-Nestor

Patricia Grabski presented Report No. PC-07-101 to the Planning Commission.

Speaker slips submitted in favor by Marie Lia, Dennis Landual, Danny Melgoza, Kathy Keehan, and Stephan Vance.

Speaker slips submitted in opposition by Cory Briggs and Bruce Coons.

Public Testimony was closed.

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COMMISSION ACTION:

Motion by Commissioner Griswold to recommend to the city council to certify the Environmental Impact Report (EIR) Project No. 1901.

Recommend to the City Council Adoption of the Statement of Overriding Considerations and Adoption of the Mitigation Monitoring and Reporting Program (MMRP); and recommend to the City Council approval of the Site Development Permit No. 3276 with the modification;

Subject to Finding 2 (which can not be made with out modification) to preserve the ties as indicated by the Historic Resources Board (HRB) and SOHO in the 3600 foot area currently being purposed to be removed.
Second by Commissioner Naslund.

Vote fails 2-4-1 with Chairperson Schultz, and Commissioners Smiley, Ontai and Commissioner Otsuji voting nay and Vice-Chairperson Garcia not present.

COMMISSION ACTION: Substitute Motion

MOTION COMMISSIONER SMILEY TO RECOMMEND TO CITY COUNCIL TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT (EIR) PROJECT NO. 1901.

RECOMMEND TO THE CITY COUNCIL ADOPTION OF THE STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

RECOMMEND TO THE CITY COUNCIL TO APPROVE SITE DEVELOPMENT PERMIT NO. 3276 AS PRESENTED IN REPORT NO. PC-07-101.

Second by Commissioner Ontai. Passed by a vote of 4-2-1 with Commissioners Griswold and Naslund voting nay.

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Item 10 was taken out of order; last item heard on the agenda.

ITEM 10: AMENDMENTS TO THE CONDOMINIUM CONVERSION REGULATIONS

Malinda Dickenson, Deputy City Attorney, presented Report No. PC-07-12 to the Planning Commission.

Speaker slip submitted in favor by Corey Briggs. Mr. Briggs was not present at the time the item was heard.

Speaker slip submitted in opposition by Chris Christensen

COMMISSIONER ACTION:

MOTION BY COMMISSIONER GRISWOLD TO RECOMMEND TO THE CITY COUNCIL TO NOT ADOPT THE ORDINANCE AMENDING CONDOMINIUM CONVERSION REGULATIONS AS PRESENTED TO THE PLANNING COMMISSION; SPECIFICALLY THE 1000 DWELLING UNIT LIMIT, SURVEY BY THE SAN DIEGO HOUSING COMMISSION, AND THE PROVISION THAT WOULD ALLOW DEFERRED IMPROVEMENTS WITH THE FOLLOWING CONCERNS:

- CAN NOT EXCEPT THE 1000 UNIT CAP WITH OUT ANALYZES
- ISSUES WITH THE SURVEY – DON'T UNDERSTAND THE PURPOSE OF THE SURVEY, AND COULD THE SURVEY CAUSE A DENIAL, WHAT IS THE SIGNIFICANT/PURPOSE AND USE OF THE SURVEY.
- IMPROVEMENTS – PROTECT THE PUBLIC. THIS COULD CAUSE A LONG TERM PROBLEM. THE PROCESSES IS FLAWED.

Second by commissioner Naslund. Passed by a vote of 5-0-2 with Vice-Chairperson Garcia and Commissioner Ontai not present.

Break taken - 11:08 to 11:17

Staff Report and public testimony were taken on Items 12 and 13 before breaking for lunch.

Lunch Break taken - 1:03 to 1:48

Discussion and separate actions were taken after the lunch break.

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Was taken out of order; heard after items 12 and 13

ITEM-11: **VIA DE LA VALLE COMMUNITY PLAN AMENDMENT – INITIATION**

City Council District: 1 Plan Area: Via de la Valle

Jennifer Cordeau presented Report No. PC-07-120 to the Planning Commission

Speaker slips submitted in favor by Asha Saunders, Andrew Chang, and Ali Shaouri.

No one present to speak in opposition.

Public Testimony was closed.

COMMISSIONER ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE TO INITIATE A LAND USE PLAN AMENDMENT TO THE VIA DE LA VALLE SPECIFIC PLAN AND PROGRESS GUIDE AND GENERAL PLAN PURSUANT TO MUNICIPAL CODE SECTION 122.0103 TO ALLOW AN ADJUSTMENT OF THE DEVELOPMENT BOUNDARIES SHOWN IN DEVELOPMENT AREA 5 OF THE SPECIFIC PLAN AND REPORT NO. PC-07-120.

Second by Vice-Chairperson Garcia. Passed by a 4-2-1 vote with Chairperson Schultz and Commissioner Griswold voting nay and Commissioner Ontai not present.

ITEM-12: **RESIDENTIAL HIGH OCCUPANCY PERMIT**

City Council District: All Plan Area: Citywide

Amanda Lee presented Report No. PC-07-137 to the Planning Commission.

Speaker slips submitted in opposition by Diane Milber, Jeff Milber, Marian Stauffer, Cassandra Purazo, Bi Li, Margie Lin, Nicole Pasten, Xue Zhang, Sherrie Lightner,

Speaker slips submitted in favor by Rhae Kuhlman, Edward Wartman, Armin Kuhlman, Paul Martin, Daniel Schwimmer, Gary DeBussaheve, Mitch Younker, Ann Cottrell, James Krokee, Cathleen Kenney, Michael D. Jenkins, Jim Corrigan, and Bernardine Harrsaman.

Public Testimony was closed.

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COMMISSIONER ACTION:

MOTION BY COMMISSIONER NASLUND TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE RESIDENTIAL HIGH OCCUPANCY PERMIT AMENDMENTS TO THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM, WITH THE FOLLOWING CHANGES AND/OR ADJUSTMENTS FOR CONSIDERATION:

TAKE SOME CONSIDERATION TO THE APPROPRIATE NUMBER AS THE THRESHOLD POINT. EVALUATE WHETHER 6 ADULT OCCUPANTS IS APPROPRIATE.

CONSIDER THE INCLUSION OF SIGNIFICANT PENALTIES, BOTH AS A DETERRENT AND REVENUE SOURCE FOR THE ENFORCEMENT ACTION.

PUT IN THE METHODOLOGY ON HOW AND WHY THE PAYMENT, AND HAVE ADEQUATE ENFORCEMENT STAFF TO MEET THE ASSOCIATED NEED.

REQUIRE THAT AN ON-SITE RESPONSIBLE PARTY BE DESIGNATED AS PART OF THE APPLICATION. EVALUATE WHETHER POST THE RESPONSIBLE PARTY CONTACT INFORMATION ON SITE.

EVALUATE WHETHER A WAIVER PROVISION MAY BE INCORPORATED TO EXEMPT ECONOMIC INTEGRATED UNITS FROM THE PERMIT REQUIREMENT AND/OR THE PERMIT FEE. TOTAL COMMUNITY INVOLVEMENT – ALLOW TIME FOR CPC, PLANNING GROUPS, UNIVERSITIES, AND THE PUBLIC TO CONSIDER INFORMATION, BUT KEEP IT ON THE FAST TRACK. Second by Commissioner Griswold. Passed by a 6-0-1 vote with Commissioner Ontai not present. Resolution No. 4306-PC

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ITEM-13: **ROOMING HOUSE ORDINANCE**

City Council District: All Plan Area: Citywide

Marianne Greene, Deputy City Attorney presented Report No. PC-07-150 to the Planning Commission.

Speaker slips submitted in opposition by Diane Milber, Jeff Milber, Marian Stauffer, Cassandra Purazo, Bi Li, Margie Lin, Nicole Pasten, Xue Zhang, Sherrie Lightner,

Speaker slips submitted in favor by Rhae Kuhlman, Edward Wartman, Armin Kuhlman, Paul Martin, Daniel Schwimmer, Gary DeBussaheve, Mitch Younker, Ann Cottrell, James Krokee, Cathleen Kenney, Michael D. Jenkins, Jim Corrigan, and Bernardine Harrsaman.

Public Testimony was closed.

COMMISSIONER ACTION:

MOTION BY COMMISSIONER GRISWOLD TO RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF THE ROOMING HOUSE ORDINANCE AMENDMENTS TO THE LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM WITH THE FOLLOWING CONSIDERATIONS:

REDUCE LENGTH OF AMORTIZATION PERIOD FROM 7 YEARS TO 3 YEARS.

PRESENT REVISED ORDINANCE TO CPC.

EVALUATE MASTER LEASE SITUATIONS TO PREVENT ANY LOOPHOLES.

Second by Commissioner Naslund. Passed by a 6-0-1 vote with Commissioner Ontai not present. Resolution No. 4307-PC

Meeting adjourned @ 5:03 pm by Chairperson Schultz