

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
OCTOBER 14, 2010
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Vice-Chairperson Golba called the meeting to order at 9:00 a.m. Vice-Chairperson Golba adjourned the meeting at 9:45 a.m.

ATTENDANCE DURING THE MEETING:

Chairperson Eric Naslund - absent
Vice-Chairperson Tim Golba - present
Commissioner Robert Griswold – absent
Commissioner Gil Ontai -present
Commissioner Dennis Otsuji - present
Commissioner Mary Lydon - absent
Commissioner Mike Smiley – present

Staff

Andrea Dixon, City Attorney – present
Mary Wright, Planning Department - present
Mike Westlake, Development Services Department – present
Don Weston, Development Services Department - present
Brenda Clark, Recorder - present

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

NONE

ITEM - 2: REQUESTS FOR CONTINUANCE AND/OR ITEMS TO BE WITHDRAWN:

ITEM #6 – VERIZON WIRELESS MESA DE OTAY – PROJECT NO. 124563 – CONTINUED TO OCTOBER 28, 2010 – CONTINUED

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

NONE

ITEM - 4: DIRECTOR'S REPORT:

Mary Wright reported the Grantville Master Plan held a meeting on Monday to select the primary land use alternatives to review the EIR. The group selected alternative D which was the most intense scenario. Over the next coming months we will have several meetings talking about technical studies...We will keep you posted on those items.

They are well into their charrettes season. There are four separate charrettes for the San Ysidro, Uptown, North Park and Greater Golden Hill Community Plan Updates. The Charrettes are three days each. Last Saturday they held day one of Greater Golden Hill and focused on urban design issues. They had a great turnout including Commissioner Lydon.

Last night they had day two of North Park where they focused on mobility. Day three of North Park will be this Saturday, October 16th from 8:30 to 1:00 at the 3911 Kansas Street and will be addressing parks, historic preservation, conservation areas and refinement of design concepts.

Last night we also held day three of the San Ysidro Plan Update charrette where our Planning Team brought back more refined design concepts based on what we heard days 1 and 2.

Last week you asked a question regarding the City's Noise Ordinance. It was related to a downtown eating and drinking establishment. The issue came up whether our Noise Ordinance is out of date and does not reflect general plan policies related to excused development and vertical buildings. Mary Wright spoke with Bob Vacchi, Director of the City's

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Code Compliance Division and he indicated that he is at the very beginning stages of an update to the Noise Ordinance to address a variety of issues including the mixed use issues downtown. He doesn't have a timeframe yet, but will keep you posted on how that progresses. It occurs to me that it was primarily Commissioner Naslund and Griswold who were asking about that so we will update them at a future meeting as well.

ITEM - 5: **COMMISSION COMMENT:**

Commissioner Smiley stated: Regarding the last meeting and the issue as far as Ordinance exchange, he needs comment closure. He is not sure how they should do it...if it should be an agenda item for future Planning Commission or other communications, but he would like to know what the process is for something to get on the agenda for the Planning Commission and is it in writing, and what latitude an applicant has? He understands the difference between a project and an ordinance change and what goes to City Council and what doesn't. He is left with the feeling, as they were advised last week, there are some loose ends that need to be tied up regarding the process.

City Attorney, Andrea Dixon, addressed Commissioner Smiley by reporting that if he liked, they can send an informational item some time in the future, preferably before the end of the year. There are about six more weeks left and she thinks there are openings in some of those meetings in December. We can have an informational item and they can talk about the differences between their roles in the legislative process as opposed to the discretionary quasi-judicial process.

Commissioner Smiley stated there were a couple of things as far as what their options were last week and City Attorney made the comment "to meet state law they just had to hold the open hearing"...he would like a definition of an open hearing. Does that include a decision to make a recommendation or not to make a recommendation? The inference last week was that just by taking public testimony and having the open hearing they met state law and didn't have to do anything else. There was confusion last week about the continuance issue or not...

City Attorney, Andrea Dixon, stated the Planning Commission has two roles. There are advisory and legislative matters and they have a discretionary quasi-judicial role in discretionary hearings. The discretionary hearings are governed by the Municipal Code and our Process 1 through 5 (for the Process 5, the Code requires you to make a recommendation). In legislative matters, particularly amendments to the Land Development Code, which was before you last week, you have an advisory role. Those matters are not brought to you in accordance to anything under the Municipal Code. They are brought to you as a

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requirement of State Code. The State Code language states that the Planning Commission is required to hold a public hearing. It doesn't say anything about a recommendation. Once the public hearing was closed for public testimony, the State law requirement is fulfilled.

Commissioner Smiley stated the issue of DSD's involvement that's what it kind of centered on. The full analyses of what was coming before us. We felt we were short changed in that we didn't have a full package. Is there a requirement? That's the crux of the matter with me. Was it the applicant's decision not to engage DSD as is the normal course of action. What happened happened and it's going forward regardless of what we would have done. It's forward next month to City Council and I think it is a watershed moment really. I think there is more involved with this particular issue than one might think. The part I don't understand is whose call was it to not have Development Services Dept. do the full analysis and go through the two committees. It will come up again and that's why I want to be clear on it and I am not clear right now. In this case the applicant decided and I don't buy the reason given, but that's neither here nor there

ITEM – 6: **VERIZON WIRELESS MESA DE OTAY - PROJECT NO. 124563**
City Council District: 8 Plan Area: Otay Mesa

Staff: Simon Tse

No speaker slips in favor of the project.

No speaker slips in opposition to the project.

COMMISSION ACTION:

COMMISSIONER OTSUJI MADE THE MOTION TO CONTINUE THIS ITEM TO DATE CERTAIN OF OCTOBER 28, 2010.

Commissioner Smiley seconded the motion. The motion passed by a vote of 4-0-3 with Commissioners Golba, Ontai, Smiley and Otsuji voting yea and with Commissioners Naslund, Lydon and Griswold absent.

