



## Rancho Peñasquitos Planning Board Meeting Minutes

May 6, 2009

Attendees: Dan Barker, Jon Becker, Joost Bende, Morri Chowaiki, Bill Diehl, Bill Dumka, Sudha Garudadri, Tuesdee Halperin, Wayne Kaneyuki, John Keating, Jim LaGrone, Lynn Murphy, Jeanine Politte, Keith Rhodes, Charles Sellers, Mike Shoecraft, John Spelta, Dennis Spurr

Absent: Scot Sandstrom

Community Members & Guests (Voluntary Sign-in): Kathleen Riser, Pam Blackwill, Thom Clark, Oscar Urteaga

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1. The meeting was called to order at 7:35 pm at the Doubletree Golf Resort located at 14455 Peñasquitos Drive, San Diego, California 92129. A Quorum was present.
  2. Brief Discussion: Landscape Plan Manual update. Diehl noted the missing items and errors. Sellers asked members to send their comments so they are on the record.
  3. Agenda Modifications: none
  4. MINUTES:  
**Motion:** To approve the March 4, 2009 Rancho Peñasquitos Planning Board Meeting minutes as presented. M/S/C - LaGrone/Spurr/Approved 17-0-0.

Sellers thanked Spelta for taking the minutes at the April meeting. Politte and members reviewed modifications and attachments that would be incorporated into the minutes.

**Motion:** To approve the April 1, 2009 Rancho Peñasquitos Planning Board Meeting minutes as modified. M/S/C – Spurr/LaGrone/Approved 14-0-3 abstentions (Halperin, Chowaiki & Keating).

5. Guests: no presentation from police or fire departments
6. NON-AGENDA, PUBLIC COMMENTS:
  - a. Keating noted that Our Lady of Mt. Carmel Church expansion project will be coming to the June meeting following their 2<sup>nd</sup> Cycle Review. They will not be building on the 10 acres over in Rhodes Crossing.
  - b. Rhodes thanked Diehl for representing RPPB at the City Council Land Use & Housing meeting to be sure that our requests were included in the THPFFP. Sellers thanked Rhodes & Pardee Homes representative for assisting in getting it squared away.
  - c. No other comments.
7. ANNOUNCEMENTS & INFORMATION ITEMS:
  - a. San Diego City Mayoral Office, Stephen Lew – not present
  - b. San Diego City Council District 1 Report – Stephen Heverly
    - City Budget Hearing is 5/7/09, Council District #1 is submitting recommendations.
    - City Council voted to approve Drought Level 2 in response to the Metropolitan Water Dist. limiting the amount of water that will be coming to the City; more info on water department website. There will be a public education meeting in La Jolla (7555 Draper Ave.) on May 11<sup>th</sup> at 6pm.
    - Stimulus money – Council District 1 is encouraging the Mayor to ask for Green Corp stimulus money for job training program.

- Lightner is taking input from Community, watched the Planning Commission session on this project. Project manager is planning to schedule the project in June.
- Sellers added his thanks to Councilmember Lightner for backing us up at LU & H Committee on THPFFP.
- c. San Diego City Planning & Community Investment Report – Tim Nguyen
  - COW (CPG training) was last Saturday. This week CPCI launched online COW training. Link is available on City website.
  - In response to question by Rhodes, Nguyen stated that CPG members would only need to take the COW training once, good for future terms on CPGs.
  - Sellers added that City Council had its 2<sup>nd</sup> reading of the Indemnification Ordinance; City Attorney has signed off on the CPC version.
- d. State of CA, 75<sup>th</sup> Assembly District – Oscar Urteaga
  - Reviewed Assembly Member Fletcher’s attendance/participation at the PQ Fiesta.
  - H1N1 Flue – daily briefings on status & precautionary steps.
  - Participated in a Holocaust survivor’s presentation.
  - Fletcher has been in contact with businesses to inquire about reasoning for leaving state; promote state prosperity.
  - Urteaga reviewed Fletcher sponsored Assembly bills; specifically AB 23 (Cobra subsidies), AB 1367 (vote by mail deadline extension), AB 1300 (vegetation management/ Fire Safe Council incentive monies).
    - Becker asked how Fire Safe Councils will be recognized and funds distributed; Urteaga stated that federal funds will establish.
    - Urteaga stated that states will receive federal stimulus funds in a few weeks.
    - Sellers inquired about Fletcher’s position on May 19<sup>th</sup> election propositions. Urteaga stated that Fletcher expects (based on polls) that props will fail, resulting in a \$20 billion shortfall.
    - Rhodes added that the reason the propositions will fail is that public feels that Sacramento isn’t listening to the people, need to be more realistic on raising taxes. Urteaga stated that Fletcher opposed raising taxes in this economic climate, supports spending cap.
    - Sellers added that many groups oppose the initiatives, feel there is need for budget reform.

## 8. BUSINESS.

- a. **Heritage Bluffs (Information Item)** – Pat Millay (project representative)  
 Recusals – Jon Becker, John Spelta, Bill Dumka and John Keating  
 Millay reviewed the project (see attached Project Summary):
  - Site is located in the southeast perimeter properties of the Black Mtn. Ranch Subarea plan, in conformance with Subarea plan.
  - Project is being processed in the City’s Expedite program for affordable housing, as Process 5. In 2<sup>nd</sup> cycle review with the City.
  - 208 residential units includes 116 single-family residences/lots (2,500 – 4,000 sq. ft. homes) and 92 multi-family units on approx. 170 acres (developing only about 43 acres).
    - 20% of total units (42) are affordable and located in the multi-family portion of project.
    - Multi-family portion includes 42 affordable units located in two 3-story buildings and 50 single-family cluster units.

- Lot sizes for single-family range from 4,500 to 5,500 sq. ft.
  - MHPA (Multiple Habitat Planning Area) surrounds on project on east & west sides. A boundary adjustment to City's MHPA is required; project team negotiated an agreement with City, Dept of Fish & Game, and US Fish & Wildlife Service regarding adjustment and project boundary.
  - Access will be through East Clusters to the north (one entry).
  - Amenities include: pool area, community area and a community room relative to affordable and single family lots.
  - Requesting variance on side setbacks & street setbacks for the single-family cluster portion of project.
- i. Planning Board Member Comments:
- Site was originally pasture land and elevated above the East clusters (chimney effect if case of wildfire). Spurr inquired if the project was being planned as 'shelter in place' (City requires each structure to be a sprinkled structure. Design guidelines have construction material details. Spurr was also concerned about the single access into/out of development. Millay noted that the Subarea plan was approved with single access.
  - Kaneyuki inquired if 3-story buildings (affordable housing) would stand out in the center of the development; Millay stated the pad is lower than surrounding single-family homes and multi-family clusters.
  - Bende inquired as to the EIR status; Millay stated it appears that it will be a mitigated negative declaration – all technical reports have been considered going through the process, just need to supplement the existing. Bende wants RPPB to review prior to making a motion to approve. Millay stated that they would be back in 60-90 days with additional reports to review.
  - Rhodes stated that he doesn't understand how or why the Fire Dept. would sign off on a single access in such a fire prone area; requested that the fire department be invited to attend RPPB meeting to explain, within their guidelines, sprinklers in lieu of. Second exit was requested.
  - Halperin – timelines/dates of past technical reports; Millay reported during the last 18 months.
  - Murphy asked how did they address water reduction; City can withhold permits at Stage 3 Drought Level. Is Solar required in project? No requirements. Murphy stated that EIR would need to specifically address changes environmentally. Millay stated that the developer provided for green street section with grass, curbless, runoff – but the City would not allow it. Pat may come up at any point /this project may not be built anytime soon due to economy, don't want to box themselves in.
  - Diehl asked about their timeline for construction? Millay stated it was approximately 3 years out from moving forward, dependent on market.
- ii. Public Questions & Comment: none
- b. **Cambridge School (Informational Item)** – Kathi Riser (project rep)  
Project site will operate as a tenant of the Taiwanese Lutheran Church and located at 10075 Azuaga St. Project is Process 3 with a Conditional Use Permit. Cambridge School has reached an agreement to use existing Sunday school classrooms (presently 60 kids) and propose to add 2 modular units. School would accommodate 150 students (Pre-K – grade 8).

- Only technical report required (traffic impact study) was approved today showing no impacts, resulting in negative declaration.
  - Modulares are 12' high.
  - City asked them to get their own interim use CUP - when Taiwanese Church moves forward with plan to construct their additional elements – old CUP would have to come back. Cambridge School would vacate. If the School were to choose to purchase the property, they would need to come back for a new CUP.
  - Land use/traffic issues – 82 parking places, Cambridge only needs 20 spaces, operate Monday – Friday. Church only uses on weekends.
- i. Planning Board Member Comments:
- Sellers questioned whether there would be no traffic impacts adding that most residents live at the end of Azuaga, affecting their level of service. Rizer stated that there would be 240 additional trips daily on Azuaga St. and at the intersection of Azuaga St. and Rancho Peñasquitos Blvd; LOS presently is C (AM hours) & D (PM hours).
  - Bende suggested that Rizer contact New Hope Church about modulares they were required to remove once their addition was completed and still have not removed. He added that he does not feel there is a place for modulares in this community. Rizer added that if Cambridge were to purchase the site, they would be required to replace with permanent structures.
  - Becker noted that LUC discussed hours of operation; could make recommendations to CUP.
  - Bende added, if we allow modulares in we'll be stuck with them for a while.
  - Kaneyuki inquired about visibility from Hwy. 56. Rizer stated it would not be visible from Hwy. 56, but would be from Azuaga St.
  - Keating would like to review the traffic study, requesting a copy (Jim Lundquist signed off). They are allowed 2 seconds of increase in service time.
  - Becker hadn't received cycle review yet, wants to review dual CUPs and how each would affect the parcel and community.
  - Rizer added that she would like to present the Negative Declaration at the June meeting.
  - Rhodes requested photo renderings of modular buildings and a landscape plan; Rizer stated that site already has street landscaping. From the street you only see the existing landscaping.
  - Sellers asked Rizer to send Becker a copy of docs before the next meeting, allowing him time to review.
  - LaGrone inquired where students will come from; Rizer responded North County (RB, Escondido and surrounding communities). LaGrone is concerned with 60 more turns (cars) onto Rancho Peñasquitos Blvd., the back up and accidents caused by running the red light.
- ii. Public Questions & Comment:
- Jeanette Waltz inquired about play areas for young and older students and potential noise for adjacent property owners. Over the next few years, the School would like to either purchase the site or will probably need to move the older students to another site. Rizer stated that there would be limited outside activities and no after school sporting activities to increase additional

noise. Becker added that he was told that once they get to the point of more outdoor activities, they will probably move.

c. **RPPB Election Results/Officers/Appointments**

i. Results of March elections:

|                                    |                          |
|------------------------------------|--------------------------|
| District 1, Daniel Barker          | District 3, 0 votes      |
| District 5, Charles Sellers        | District 7, No candidate |
| District 9, Bill Diehl             | District 11, Jon Becker  |
| Business-at-Large, Jeanine Politte |                          |
| TH1-at-Large, Morri Chowaiki       |                          |
| BMR1-at-Large, Tuesdee Halperin    |                          |

**Motion:** To approve the election results and seat the above members for a 2 year term, 2009 -2011. M/S/C – Kaneyuki/Bende/Approved 17-0-0.

ii. Officer Elections:

Becker nominated Charles Sellers to the position of Chair; no other nominations were presented.

**Motion:** To approve Charles Sellers as the RPPB Chair for 2009-2010. M/S/C – Becker/Spurr/Approved 16-0-1 abstention (Sellers).

Sellers nominated Becker to the position of Vice-Chair, no other nominations were presented.

**Motion:** To approve Jon Becker as the RPPB Vice-Chair for 2009-2010. M/S/C – Sellers/Barker/Approved 16-0-1 abstention (Becker).

Bende nominated Politte to the position of RPPB Secretary, no other nominations were presented.

**Motion:** To approve Jeanine Politte as the RPPB Secretary for 2009-2010. M/S/C – Bende/Spelta/Approved 16-0-1 abstention (Politte).

iii. Appointments:

Sellers reported that he had received the following requests to fill vacancies by appointment to open and community organization representative seats.

District 3 – Sudha Garudadri  
Commercial/Developer 1 – Keith Rhodes  
PQ Recreational Council – Jim LaGrone  
Town Council – Mike Shoecraft

**Motion:** To approve Suhda Garudadri (Dist. 3), Keith Rhodes (Commercial/ Developer 1), Jim LaGrone (PQ Recreation Council) and Mike Shoecraft (Town Council) to the RPPB appointed seats. M/S/C – Bende/Becker/Approved 13-0-4 abstentions (LaGrone, Shoecraft, Rhodes, Sellers).

All RPPB representatives were seated.

d. **Palomar Pomerado Health Community Wellness Campus Zoning –**

Sellers asked for public decorum, explained the process.

Recusals:

Bende recused himself; his employer works in a close relationship with Pacific Medical Bldgs. who may be in future negotiations with PPH.

Keating recused himself; employer works with PPH.

Sellers added that as a member of this board, it is our job to assist developers in building the best project for our community which includes bringing people together; commended Bende for his assistance to both Maranatha School and PPH.

Sellers apologized to PPH reps for not notifying them that PPH was on the LUC agenda also.

PPH representative, Shanahan stated they were not sure why they were invited to attend the RPPB meeting. When RPPB approved the project, they agreed to our conditions and plan to abide by the conditions, moving forward to build using RPPB's conditions. He felt this issue should be between RPPB and the City.

Sellers stated that PPH/we can't enforce the conditions; we found out that conditions were not included in project 1 day before project was on Council agenda. Shanahan stated they found out that they found out 1 day before also.

- Rhodes asked representative to control civility toward Board.
- Sellers stated that our approval with the conditions inferred a burden on the applicant to notify RPPB that the city was disregarding our conditions. PPH may not have been noticed appropriately, but they should have also notified us then.
- Rich Miller (PPH consultant) stated that PPH has accepted RPPB conditions and wants to move forward whether the City incorporated or not. They would not have welched out on the conditions. The City has had a change of mind and wants to ensure that conditions are incorporated.
- Sellers stated that he never doubted that PPH would honor our conditions, just expected notification upon discovery.

Sellers stated that we are here to resolve the issue, the best way for our conditions to be incorporated, whether by changing the zoning or other means. No assurance from the City that conditions will be incorporated.

Becker asked Nguyen to explain the ideas DSD has come up with.

- David Tam (PPH CAO) stated that they could address PPH construction concerns after the City approves.
- Tim Nguyen stated that Planning Commission approved all our conditions except Wireless condition cannot be included due to federal regulation. Looking at revising conditions by using another vehicle to anchor conditions to land so it conveys to future owners. Becker reiterated there is a vehicle to tie the conditions to the land.
- Rhodes asked if the conditions will be included in project requirements. Nguyen wasn't 100% sure if DSD would accept. DSD and Planning Commission want to accept our conditions.
- Bende (speaking as a private citizen) stated that IL zoning is without height limit, conditions only runs for 3 years and can be dropped. Bende has been told there is an option to draft an easement for height limit which runs with the land which would apply to future owners/developers.
- Rich Miller said, another option would be CO-1-1 zone which has a 45' height limit but would also require deviations. PPH would be required to get an NUP, with 25' max. front yard setback deviation – would not meet walking paths & other requirements. This zone is not the best fit for the location. Miller added that City staff is drafting a building restricted easement to restrict to 42' ht. limit and would run with the land. Will get the draft language to RPPB before Council meeting so RPPB can look at to be sure it enforces the conditions in lieu of a zone change.
- Rhodes stated that deed restrictions won't work; he's against that idea.
- Miller explained that CO-1-1 deviations and requirements via an NUP won't work for the project. They have met with City staff to look at other zones subsequent to deciding what zone to go with.

- Bende (private citizen) stated that the easement might work but needs further review. Miller stated that they want to make the community comfortable with the plan.
  - Sellers asked Nguyen for clarification; is there any indication that City wants to incorporate our restrictions now and why did the previous project manager said they couldn't be done and new project manager says they could be incorporated under municipal code? Nguyen did not have an answer. Sellers noted that community concern brought about this change in thinking on the part of DSD.
- i. Public Comments:
- Lynn Graham did not feel reassured that PPH agrees to conditions, a permit expires in 3 years. Also concerned that the easement may not work as a solution or that a zoning change would be best for the community. Sellers added that a new permit would be needed to change the zoning. Becker also added that a Community Plan amendment would also be required to change the zoning at the site – requiring it to be a wellness facility. She added that her neighbors (Pipilo Street) did not receive any notice of this project until it was noticed for Planning Commission public hearing on 4/9/09.
  - Rick Newton asked if any members lived on Pipilo Street or if we know what is happening on the hill from neighbors, and how many of you voted on this project without input from them. He stated that they did not receive notice of project until 4/9/09. He reviewed the letter sent by his wife Joan Willis Newton about concerns of PPH project, adding that they were never noticed (see attached). He inferred that member recusals were because of their letter, but they don't know that. Concerns include: inadequate notice, increased traffic on Black Mtn. Rd. at entrance to project (next to Hwy 56 interchange) causing delays, Community Plan change would allow future unacceptable uses, DSD misrepresent existing facilities in their report, doesn't feel there is a need for the health facility campus in PQ – there are many medical centers in the area. Concerned the restrictions will expire in 3 years, zoning that will allow future owners to place adult entertainment on the site; inappropriate for their neighborhood. Does not feel there should be any compromise, he does not want someone on the hill watching him and his wife enjoying their backyard. There are plenty of places around where they can put a facility.
    - Rhodes asked Mr. Newton when he found out about the project. He replied when George (neighbor?) informed them of the notice his wife began doing research. Rhodes added it's a two way street- residents need to make a concerted effort to know and be aware of the planning group that advises City Council on projects in PQ. This community has always had a strong planning group, RPPB looks out for the community by reviewing projects and making recommendations that adhere to our community plan and the citizens have a responsibility to make their concerns known to us. We notify residents via email, posting at the library, and the City posts meeting notices on its website. Mr. Newton stated that just didn't fly with him. Mr. Newton was upset that he did not get a notice, not our responsibility to mail him the notice.
    - Becker added that the City decides the process, based on the type of project and changes requested.

- Sellers reiterated that ‘notice’ is not within our purview. City is required to notify residents within 300 ft. radius of project, City Attorney’s job to determine whether that has taken place. If what you are saying is true, that notice was not given, Mr. Newton will have to prove to the City.
- Bende described the type of notice that residents receive (single ltr size sheet, tri-fold with your address on it and the City’s return address with the notice information) and added that most think it is junk mail, notices are also posted on City website which residents can sign up to receive via email. The applicant should have the list of who was notified. City Attorney has deemed this form of noticing and the list of addressees is sufficient.
- Nguyen stated that noticing procedures were followed.
- Mr. Newton began asking his neighbors in the room if they received notice to infer that the process was not followed.
- Sellers terminated the line of discussion, explaining that any problems with the noticing process would need to be taken up with the City Attorney. Newton asked if RPPB members represent the community. At the April meeting, Newton stated that RPPB members would not listen to Mrs. Newton’s concerns. Sellers stated that if she brought it up during the Open Forum, each speaker is allowed 3 minutes with 12 minutes maximum on a single topic. Rhodes suggested that we allow others in attendance to share their concerns.
- Mr. Graham stated that he received the notice of Commission hearing in March, researched it very quickly, feels there should be more notification to more than just 56 neighbors. He and his neighbors notified 1,200 people inferring that they did not know anything about this project. For an important land use issue like this, couldn’t they notify more local residents. Stated that he felt that Bende had a conflict when he assisted Maranatha School in looking for a buyer directing them to PPH because there were private interests hooked up against private citizens one month away from a decision.
  - Sellers added that the City sees a Conflict of Interest as direct economic gain which Bende did not have. According to the City, this is not a conflict.
  - Rhodes acknowledged that Bende has recused himself many times.
- Mr. Graham stated that most of the people they spoke with are against this project and asked RPPB, for the betterment of the community, to rethink this project and its overall benefit to the community.
- Becker stated that PPH has a right to respond to the neighbors’ concerns.
- Sellers asked David Tam to respond to the question pertaining to ‘need of such a facility in the community.’ Tam stated this project originated with a master plan resulting from the passage of Prop BB. PPH’s mission is to provide healthcare for everyone. PPH is not an insurance generated service provider, they don’t turn away anyone. Local express care clinics provide very limited services, which is very different from Urgent Care. Scripps and Sharp, as an example, are privately owned and PPH is publicly owned and managed. The Campus will provide value to the community.



- Chowaiki inquired, if in fact the project goes through with conditions as a health center, would PPH be available to a meeting with residents where they can voice their concerns, allow them to be heard and be a part of the planning for landscaping, etc.
- Sellers asked if there were any other community members who wanted to comment.
- Community member (name unknown) main concern is view into their yards from the PPH property. They see people walking around at the site looking down onto their backyards all the time.
- Waltz stated that Town Council deals with general activities in PQ and would be a waste of time to hear this issue, they are not a recognized governing body on land use. RPPB handles Land Use issues with recognition as an advisory body to the City Council. Although a meeting, whether through Town Council, would allow the public to meet and work with PPH.
- Waltz added that she was on RPPB when PPH began looking for a location, we did look at many different locations and this was a good fit for PPH as a whole. They took into consideration all surrounding facilities – there are many people who want this facility in PQ. Residential zoning was taken into consideration but her concern is twofold: Height limitation in Community Plan – RPPB worked hard to maintain height limits. PQ is very residential based, not employment center or industrial based. The neighbors seem to be concerned with project elevations and if they had a chance to review that might relieve their concerns or at least allow resolution of intrusion into their residential space. She has not seen plans, just in the newspaper article.
- Rhodes added that this planning board is tough on developers, asked the neighbors if they had seen the elevations for the project, RPPB looked very hard at this plan, PPH wants to fit into the community, Developmental Services has been the problem. He read the following portion of the City staff report on the project:

“ The 4.45 acre site is currently designated Religious Facility within the community plan (Attachment 11). The requested Community Plan Amendment would create a new land use designation of Health Clinic & Wellness Center.”

That is what will tie them to limited use of the property in the future. Rhodes added Community Plans are fluid and may change over time, but restrictions are in the community plan and this board won't allow strip joints, etc. We included conditions that PPH agreed to and they are willing to follow those restrictions. If the easement vacation is a workable means to accomplish our conditions, it still has to go to City Council for approval.

- Becker stated that if it is dedicated to the City, we would be involved in any change to our Community Plan all the way to City Council. Any future change would have to go through us.
- Mrs. Graham was not assured; Prop BB for PPH was not specific to PQ.
- Mr. Graham stated that PPH in their master plan addressed potential growth, expansion to acquire more property in the community; does it have an opportunity

to build up – would want a guarantee that restrictions won't change. Sellers stated there is no guarantee, but the process would be extensive with the review of the Community. Sellers asked PPH representative to address the elevations.

- Shanahan stated that RPPB approved medical building nearest to Hwy 56 view shed. Residents below the property will continue to see the same elevation (height of buildings). PPH had planned to use outdoor space for events with terraces, but in terms of architecture, they will not see any major changes.
- Waltz stated that she just reviewed the elevations and noted that she had a completely different idea of what the plans showed. The plans show the exact same architecture as what is presently there (patio); no elevation changes and at the same grade as parking lot with screen fence on property's edge and retaining wall, over 8' of solid landscaping at the edge of the patio toward the hillside.
- Sellers stated that PPH is looking to address privacy issues that neighbors brought forth. Privacy issues needs to be reviewed with residents; Tam agreed that PPH would meet with residents to review.
- Connie Romero stated that she is concerned with traffic conditions, congestion on Black Mtn. Rd., architecture. Asked if ambulances would be coming and going to the facility. Tam said that they feel there would be fewer ambulances on local streets with a facility close by. PPH reps stated that ambulances would not be there.
- Kaneyuki asked PPH if they would be willing to re-present the plans to the community.
- Becker recapped the concerns/discussion:
  1. Concern of 3 years down the road – what's next if they leave, what comes next; RPPB would review any future changes.
  2. Height issue could be negated with a dedicated easement that rides with the property in perpetuity until it is formally modified.
  3. The facility looms over private property, building will get a new skin but remains the same in bulk & scale as existing. More screening may be necessary to prevent looking into backyards.
  4. Traffic – whatever goes in there, traffic will always be a concern
  5. Future expansion/growth on the site

Becker added that we can solve these issues and move forward.

- Shanahan stated that of the 4.45 acres, only 2 are usable making parking an issue. PPH fiscal master plan never had satellite centers before. The focus of this site is not to expand it further once complete, PPH would need to go elsewhere to expand, site is constrained.
- LaGrone stated that the Mormon Church has parking around on the backside of the property where people will be and walk around. Shanahan stated that they have no ability to control the Mormon Church members who may be wandering around after church.
- Kaneyuki asked for confirmation that the Urgent Care facility will be on the Hwy 56 side of the property; yes.
- Rick Newton stated that he has no problems with most of what he has heard at the RPPB meeting, mainly concerned with people looking at him. Could they

put in more trees/screening. Traffic is still an issue. Feels a lack of communication has generated their concerns. Shanahan stated that their traffic will differ from that which was generated by Maranatha School which generated many cars all at once.

- Rhodes thanked the audience for a healthy handling of these issues, the issues can be resolved and PPH should not be pushed to start the process all over.
- LaGrone restated his concern for traffic issues that will be generated around the site entrance. PPH has graciously agreed to modify their hours to avoid peak traffic times; it is still going to be bad at times, but it will work. He suggested that neighbors give their emails/phone numbers to PPH tonight so they can schedule to meet with them.

**Motion:** To amend our previous approval of the PPH Wellness Campus Project (6/4/08) to include the following 2 conditions:

1. Include a 42' site specific height restriction as part of the CPA to be approved by City Council.
2. PPH grants a Deed Restricted Height Easement limiting the building envelope not to exceed the 42' as shown on the planned development permit. The Easement to be recorded in favor of the City against the property.

(PPH representatives verbally agreed to a Deed Restricted Easement to limit the building height to 42'. The applicant also agreed to additional screening effects to limit viewing into neighbor's properties.)

M/S/C – Sellers/Becker/Approved 16 in favor – 0 against – 0 abstentions - 2 recusals (Bende & Keating).

## 9. REPORTS.

Sellers asked if there were any Committee reports that needed to be presented; asked members to review Diehl's Community Funds spreadsheet as FYI.

- LaGrone thanked Shoecraft and Town Council for a great Fiesta; 15,000 – 18,000 attendees were estimated.
- Diehl stated that Hilltop Park's new flag pole would be initiated with a flag raising ceremony on Memorial Day; will email details.
- Politte asked Barker if there was any news on Cresta Bella Project, had the Ad-Hoc Committee been offered an opportunity to meet with DSD or the developer to view plans. Barker stated that Cresta Bella was awarded their grading permit. There is no appeal process for RPPB. The City's position is that they don't care if we see the plans or not before construction begins; still working with City to gain access to view plans. Plans do not become property of City until approved, so developer can walk their plans out the door each time.
  - Rhodes asked why the project was being handled through a ministerial review when it was such a big project for the community. Barker stated they are developing within the zoning and Community Plan.
  - Barker added that SB 1818 provides for a 20% density bonus with no deviations based on the 10% affordable units in the plans; City Attorney may see it differently. Risk that it might revert back to their original initiation of

600+ units. Becker and Bende are available to view plans on short notice when they are available.

- Rhodes suggested that if there is no business in August, the RPPB could go dark for the month as has been done in the past.

Committee reports were deferred to the June 3, 2009 meeting due to the late hour.

The meeting was adjourned at 10:45pm.

Respectfully submitted,  
Jeanine Politte, RPPB Secretary

Approved 14 in favor – 0 against - 1 abstention (Sandstrom), 6/3/09.



## Heritage Bluffs Project Summary

### Project Location:

- The site is located in the southeast perimeter properties of the Black Mountain Ranch Subarea Plan west of I-15 and south of Carmel Valley Road/Bernardo Center Drive.

**Assessor Parcel Numbers:** 312-010-15 and 312-160-02.

**Site Area:** 169.75 acres.

### Land Use:

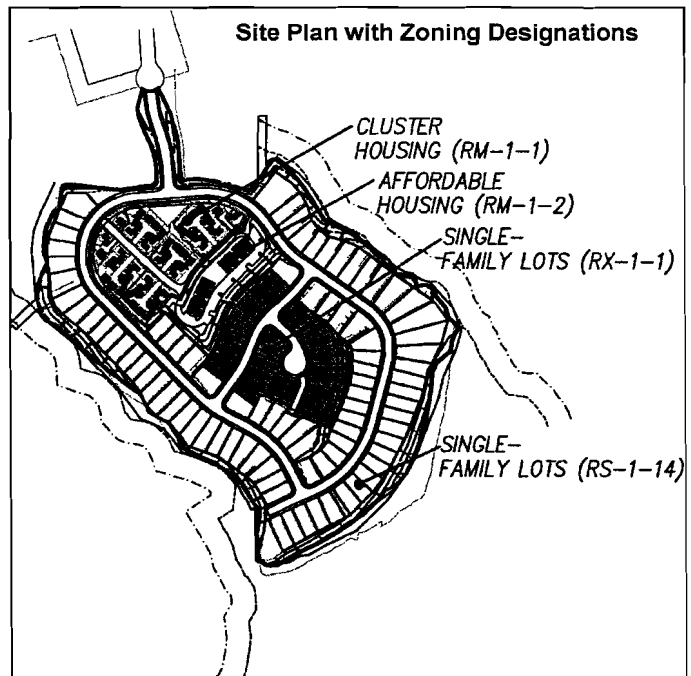
- The Subarea Plan designates approximately 43 acres of the property as Low Density Residential (2-5 dwelling units per acre) and the remainder of the site as part of the City's Multiple Habitat Planning Area (MHPA).
- The Subarea Plan also identifies the property as Areas A and B intended for development of 25 dwelling units and 195 dwelling units respectively, or a total of 220 dwelling units.

### Zoning:

- The site is currently zoned AR-1.
- The Subarea Plan envisions rezoning the project site to RS-1-14.
- The project proposes to rezone the site from AR-1 to RS-1-14, RX-1-1, RM-1-1 and RM-1-2 to allow for a variety of housing types.
- The project complies with all applicable zoning regulations except that deviations are requested to the side and front yard setback requirements within the RM-1-1 zone.

### Project Description:

- The project proposes a total of 208 residential units including 116 single-family residential lots and 92 multi-family units.
- Lot sizes for the single-family portion of the development range from 4,500 to 5,500 square feet.
- 20 percent of the total units (42 units) are affordable units, which will be located within the multi-family portion of the project.
- The multi-family portion of the project includes 42 affordable units located within two three-story buildings and 50 single-family cluster units.
- Design Guidelines are provided in lieu of elevations, floor plans and roof plans.





- The Design Guidelines have been developed to be complementary to the adjacent East Clusters project.
- The project has been designed to avoid encroachment into steep slopes, to provide a 100-foot setback from blue-line streams, and to maintain natural drainage patterns.
- Consistent with the adopted Black Mountain Ranch Specific Plan, access to the project site is provided by extending access from the proposed development to the north as provided for in the East Clusters Vesting Tentative Map.
- To promote a pedestrian-oriented environment, sidewalks are designed to be separated from streets by landscaped parkways on all public roads.
- Typical private drives include two 16-foot wide travel lanes with 4-foot wide contiguous sidewalks.

**Requested Deviations:**

- Deviations to required side and street yard setbacks are requested for Lot 118 (the single-family cluster portion of the project).
- The City's side yard regulations indicate that up to 50 percent of the length of the building envelope on one side of the premises may observe the minimum 5-foot side setback, provided the remaining percentage of the building envelope length observes at least the standard side setback of 8 feet or 10 percent of the lot width, whichever is greater.
- The City's street yard regulations require a setback of 10 feet or 10 percent of the lot width, whichever is greater.
- Since 10 percent of the lot width is approximately 44 feet, a deviation to these setback requirements is requested. The applicant is proposing a 13-foot side yard setback (minimum) and a 19-foot street yard setback (minimum). Complying with the City's standards would have a large impact on the density of Lot 118 and would subsequently reduce the number of affordable units provided. The nearest structure on Lot 117 (immediately adjacent) would be at least 60 feet away from the cluster unit closest to Lot 118's side yard. The irregular shape/configuration of the lot also makes it impossible to comply with the setback requirement. The lot's configuration has been dictated by MHPA, ESL, and brush management constraints. The proposed setbacks will be varied and will provide for a more interesting streetscape.

**Permits and Processing:**

- The Heritage Bluffs project consists of a Vesting Tentative Map, a Site Development Permit for Environmentally Sensitive Lands and deviations to the Land Development Code Regulations, and Rezonings.
- The project is being processed in accordance with Process 4 (Planning Commission decision).
- A boundary adjustment to the City's MHPA is also required. The consultant team met with representatives from the City of San Diego, the Department of Fish and Game, and the US Fish and Wildlife Service in December of 2008 and an agreement was reached regarding the MHPA adjustment and the project boundary.
- The project is being processed in the City's Expedite Program for Affordable Housing.

JOANNE WILLIS NEWTON &amp; RICK NEWTON

May 3, 2009

Attn: Charles Sellers, Chair  
Rancho Penasquitos Planning Board  
13223-1 Black Mountain Road, #343  
San Diego, CA 92129

RE: Agenda for RPPB Meeting on May 6, 2009;  
Community Wellness Center – Project No. 129854

Dear Members of the Rancho Penasquitos Planning Board:

As homeowners and residents of Rancho Penasquitos, we are writing to express our opposition to the Community Wellness Center (Project No. 129854) planned by Palomar Pomerado Health for the property at 12855 Black Mountain Road. We also ask that the Rancho Penasquitos Planning Board (“RPPB”) rescind its prior approval of the project and vote to recommend disapproval of the project to the City Council.

Not only will the project have a negative effect on our enjoyment of our property, it will have a significant impact on the character of our neighborhood. The Rancho Penasquitos Community Planning Board voted to recommend approval of the project, subject to ten conditions, on June 4, 2008. Unfortunately, we did not become aware of the project until just prior to the City of San Diego Planning Commission’s hearing on April 9, 2009. While notices may well have been posted in the past or mailed to us, we remained unaware of the project. A number of concerned residents, including one of us, attended the City of San Diego Planning Commission hearing on April 9, 2009, and requested a continuance so that we could gather more information about the project and spread the information through the community. The continuance was denied and, although all but one community residents present expressed opposition to the project, the Planning Commission voted unanimously to recommend approval of the project.

We have numerous concerns, some of which the RPPB obviously shared when it sought to impose conditions on the project that would run with the land. One of your members, Mr. Joost Bende, attended the Planning Commission meeting. He was present when the City of San Diego’s advisors to the Planning Commission confirmed that the restrictions the RPPB sought to impose cannot be made to run with the land so as to bind future purchasers or even restrict PPH after the development permits expire in three years.

The project involves rezoning the property from residential use (zone RS-1-14) to industrial use (zone IL-3-1). We are very concerned about rezoning to IL-3-1 or any other zone other than residential zone. We are concerned that the RPPB does not understand the implications of this rezoning, as it falsely believes it can restrict future development of this parcel to similar medical facilities or to a two-story height restriction.

The following table summarizes some key distinctions between the two zones:

| <b>Base Zone</b>             | <b>RS-1-14</b>   | <b>IL-3-1</b>   |
|------------------------------|--|---|
| <b>Purpose</b>               | development of single dwelling units                     | wide range of manufacturing and distribution activities |
| <b>General Parameters</b>    | min. 5,000 square foot lots with 1 dwelling unit per lot | mix of light industrial, office and commercial uses     |
| <b>Max. structure height</b> | 35 feet  | unrestricted  |

Rezoning of the property would result in the property being opened up for many uses that are not currently permitted under the current zoning.

Some of the uses permitted in the proposed IL-3-1 zone that are not permitted in the current RS-1-14 zone include:

- agricultural uses
- vocational/trade schools
- energy generation & distribution facilities
- retail sales uses
- commercial services
- instructional studios
- urgent care facilities
- veterinary clinics & animal hospitals
- offices, including medical, dental and health practitioners
- vehicle & vehicular equipment sales and services
- wholesale, distribution and storage uses
- industrial uses, excluding heavy manufacturing

Some of the uses allowed, with limitations or with a use permit, in the proposed IL-3-1 zone that are not permitted in the current RS-1-14 zone under any circumstances include:

- crematories
- correctional placement centers
- homeless facilities
- hospitals, intermediate care facilities & nursing facilities
- major transmission, relay or communications switching stations
- social service institutions
- alcoholic beverage outlets
- swap meets & other large outdoor retail facilities
- most adult entertainment establishments
- camping parks
- eating & drinking establishments abutting residentially zoned property
- airports and helicopter landing facilities
- private clubs
- privately operated outdoor recreation facilities over 40,000 square feet in size



- recycling facilities
- outdoor theaters or theaters over 5,000 square feet in size
- sex offender treatment & counseling
- automobile service stations
- junk yards
- hazardous waste research and/or treatment facilities
- mining and extractive industries
- motor vehicle wrecking & dismantling

If the current zone, RS-1-14, remains as is, this does not mean that the property may only be used for residential dwelling. There are other uses that are permitted, some without restriction and some with limitations or a use permit. These include:

- medical, dental and health practitioner offices
  - provided no overnight patients are permitted and not more than one practitioner or three employees per practitioner work on the premises
- open space uses (active and passive recreation, natural resource preservation)
- community gardens, botanical gardens & arboretums
- churches & places of religious assembly
- educational facilities (kindergarten through grade 12 and college/university)
- museums
- bed & breakfast establishments
- child care centers

The project would also require that the Rancho Penasquitos Community Plan be amended to change the land use designation from "Religious Facility" to "Health Clinic & Wellness Center". The Community Plan was amended as recently as 2004. Although the Community Plan states that some consideration should be given to a community health clinic it also states that a clinic should be housed in "existing buildings ... or rented facilities in commercial office space." We believe the Community Plan is appropriate as is and recognizes that this type of industrial/commercial use is inappropriate for our neighborhood.

We are opposed to the project for the following reasons:

- inadequate public notice and input during the earlier environmental review process and the project approval process to date
- increased traffic congestion on Black Mountain Road
  - consider how backed up the road is currently at peak hours with the property vacant
- increased noise pollution from heavier public use and facilities' equipment
- increased light pollution at night
  - part of facility will be open to 9:00 p.m.
- loss of privacy to neighbors on south side of project

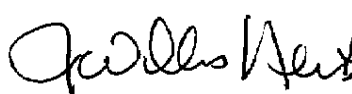
- 4 -

May 3, 2009

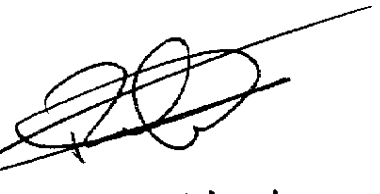
- the project includes a side patio and back terrace at the rear of the property and rooftop terrace overlooking the canyon to the south
- our property is located adjacent to the proposed project and it looks down into our backyard
- rezoning opens the door to any future use permitted in Industrial – Light zones, including those mentioned above, without height restrictions
  - even if City Council adopts the recommended height restriction and other conditions in development permits, these permits are of limited duration (36-months) – these conditions will expire when the permit expires, including the two-story height restriction
  - although the applicant indicated at the Planning Commission hearing it would consider including height restriction as a condition on its deed of title, it is not required to do so and the condition would not run with the land as far as future purchasers
  - once rezoned, the only way to change the property back to residential zoning will be for the property owner to apply for rezoning
- the City of San Diego's Report to the Planning Commission misleadingly states that "there are no healthcare-related facilities in the community"
  - there are numerous healthcare practitioners' offices throughout the community
  - at least two walk-in clinics have sprung up recently in the community and are open daily, including the MinuteClinic at CVS pharmacy on Twin Trails Drive and Palomar Pomerado Health's own ExpressCare clinic at the Albertson's on Carmel Mountain Road by HWY 15
  - the community is sandwiched between two major medical facilities
    - Scripps Clinic Rancho Bernardo, which includes an Urgent Care facility and outpatient services, just opened on September 15, 2008 and is less than 5 miles east in Carmel Mountain Ranch
    - Scripps Clinic Carmel Valley is less than 8 miles west of the project in the same HWY 56 corridor
- RPPB member, Mr. Joost, has a conflict of interest in that he informed us and those neighbors who stayed to speak with him after the Planning Commission hearing that he had helped to line up PPH to purchase the property, yet he did not recuse himself from your last vote to approve the project.

Please consider the impact of this project on our neighborhood and the concerns we have raised and rescind your prior approval and vote to recommend disapproval of the project to the City Council.

Sincerely,



Joanne Willis Newton



Rick Newton

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**From:** Webmail cts.cpa [cts.cpa@sdccu.net]  
**Sent:** Friday, March 27, 2009 6:42 PM  
**To:** Joost Bende; Jon Becker  
**Cc:** Heverly, Stephen; jeanine@jpolitte.com  
**Subject:** Fwd: Community Wellness Center  
**Attachments:** Public Notice 1.doc; Public Notice 2.doc

----- Forwarded message -----

**From:** Lynn Graham [REDACTED]  
**Date:** Fri, Mar 27, 2009 at 6:14 PM  
**Subject:** Community Wellness Center  
**To:** [cts.cpa@sdccu.net](mailto:cts.cpa@sdccu.net)

Dear Mr. Sellers,

We are sending you this email as the chair of the Rancho de los Penasquitos Planning Board. We assume you are aware of Palomar Pomerado Health's purchase of church property at 12855 Black Mountain Road and their plans to build a 40,000 square foot Urgent Care Center as well as an 11,500 square foot Wellness Center. If this project is approved, the negative impact to our neighborhood as well as our community would be severe: a constant flow of traffic in and out of the parking lot, increased traffic congestion on Black Mountain Road, increased air and noise pollution, and the destruction of the water easement which protects the natural landscape of our canyon walls.

In order to build their project on this property, Palomar Pomerado Health needs to get the land rezoned from a Residential (Single Unit) zone to an Industrial zone. If this rezoning is approved, not only can the Urgent Care Center and Wellness Center be built, but a host of future projects could be approved, including "a mix of light industrial, office and commercial uses."

It is clear from the City Planning Department's own profile of Rancho Penasquitos that it is intended to be primarily a residential community with only two percent designated for commercial use. Please help us preserve our residential areas and fight against this industrial development. We have attached a copy of the Notice of Public Hearing, which indicates a public hearing has been scheduled on Thursday, April 9th at 9:00 a.m. We would greatly appreciate your support and attendance at the hearing. Even if you are unable to attend, it is critical that you voice your opposition to this project to City Councilmember Sherri Lightner either by phone at (619) 236-6611 or by email at [sherrilightner@sandiego.gov](mailto:sherrilightner@sandiego.gov) as soon as possible.

Thank you for your support and assistance in this matter.

Sincerely,  
George & Lynn Graham  
[REDACTED]

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**From:** Webmail cts.cpa [cts.cpa@sdccu.net]  
**Sent:** Tuesday, May 05, 2009 3:21 PM  
**To:** jpolitte@san.rr.com; Jon Becker; Joost Bende  
**Subject:** Palomar Pomerado Health Building

----- Forwarded message -----

**From:** Michael Kole [REDACTED]  
**Date:** Mon, May 4, 2009 at 9:00 PM  
**Subject:** Palomar Pomerado Health Building  
**To:** [cts.cpa@sdccu.net](mailto:cts.cpa@sdccu.net)

Charles,

This is to express my opposition to the Palomar Pomerado Health's plan to build a "Wellness Center" on Black Mountain Road. Please consider my opposition and the negative impact on our community when you consider this proposal.

Thank you.

Michael Kole  
[REDACTED]  
[REDACTED]