

Minutes of the Ocean Beach Planning Board General Meeting 5/1/13

6:04: Meeting called to order. Present: Scott Therkalsen, Tom Gawronski, Kelly Taing, Giovanni Ingolia, Barbara Schmidtknecht, Pete Ruscitti, Raeanon Hartigan, Andrew Waltz, C. Kevin Becker, Bill Bushe

Relevant Reports: Community Plan Update, Tony Kempton: Full plan will be presented June 5th to full board then a 60 day public review period.

Public comment – Vince Adame: concerned about the permanent nature of the trailer currently going through the permitting process and the fact that OBMA no longer seems to be seeking a better alternative.

Action Item #1: Certify new member Andrew Waltz. **Motion** by Babrara, seconded by Pete. Vote: 8-0-0.

Action Item #2: Confirm liaisons. **Motion** by Gio, seconded by Kelly. Vote 9-0-0.

Action Item #3: Noodle House Café Sidewalk Seating – Proposed new patio connected to the restaurant. Not required but seeking OBPB support. Board questions about time of closure (11pm); distance between proposed patio fence and curb (6 feet). Dog friendly (not sure). Bill Bushe arrives.

Motion to write a letter in support of outdoor seating area for OB Noodle House as presented by Gio, seconded by Raeanon. Vote 9-0-1 (Bill abstains due to just arriving)

Action Item #4: Inn at Sunset Cliffs Deck Surfacing.

Chris Morrow representing the Inn at Sunset Cliffs: purpose of presentation is after the fact permitting. Belief is deck was poured in early 1990's, inherited by the current owner. Request is to allow the deck to remain in place. Materials provided: notice of violation, classification of use, city attorney letter, land use plans and zoning, historical photographs. Issues that have been resolved: use of wedding (see city letter and cycle of issues) and use of garages (see letter from the city attorney)

The remaining issue is the after the fact permitting for the existing deck. Applicant states that the use is encouraged by the OB Precise Plan (located within the "hotel/motel preservation area"). Photographs show that seawall has been in place since 1953, the area now seeking permit has been in use since 1960's. Permit is solely about the covering not the use. New permit would require improvements in drainage. Engineer statement that deck surface helps maintain the seawall

Neil Heighten representing the Inn: reiterates the focus should be solely on the deck surface not the use of premises (which have mostly been resolved). The city of San Diego disagrees with the position taken by Coastal Commission staff but city has the jurisdictional authority.

Owner of the Inn: Purchased in 2002, many improvements have been made. The issue is with one neighbor who is unhappy, the complaints have been ongoing and the Inn has made every possible effort to be a good neighbor and comply with code.

Hotel Manager: “we are here to bring people into this community,” I have the support of the community seated here.

Public comment in opposition: Rory Wicks in opposition neighbor and attorney representing CERF (Coastal Environmental Rights Foundation). CERF has sued the Inn and requests a vote for a denial for 6 reasons: approving condoning past illegal activity, part of the lower deck on environmentally sensitive bluff, portion of deck is on the public tidelands, could lead to an increase in erosion and pollution, CCC concluded runoff may cause ocean pollution, CCC staff opposes this. Materials provided: letter from CCC (6/19/09), Notice of violation from city, CCC letter (8/29/12)

George Blackmar in opposition speaks to the issue of the use of the premises, says plans do not represent what city is asking the board to approve. Intensification of use is the major issue.

Other Public comment: 8 speakers in favor of approval, 5 speakers in favor of denying the requested permit.

Board comments: **Gio** – Questions if removal of wall will make seawall worse, Pete explains that CCC will evaluate and mitigate if removal would make structural situation worse. **Kelly** – would like to see the parties work together to solve the situation, is supportive of businesses. **Pete** – concerned about erosion, long term health of the coastal bluffs outweighs short term considerations, CCC staff would not have approved a proper permit, not in support of the permit. **Bill** – successful businesses are important to the community, views it as an existing benefit to the community. **Reaenon** – Fan of the Inn but not comfortable setting a precedent approving the project after the fact, would support a denial of permit. **Kevin** – concerned about precedent, questions what happens if the seawall does fall down. **Andrew** – concerned about precedent, would like more information. **Scott** – does not see a better solution eliminating the deck surface, overtopping doesn't seem to be a major issue considering the height of the deck, worried about the other issues, would be supportive of wording clearly limiting any decision strictly to the deck surface. **Tom** – concrete surface should stay because it improves structural integrity of the seawall, unsure about all the use of premises issues.

Motion by Tom, seconded by Barbara: “I move that we recommend approval of the concrete surface behind the seawall at the Inn at Sunset Cliffs. Since there is no variance associated with this permit, the use of this area, referred to as a deck in the application, should be resolved by the parties concerned. Parties including, but not limited to, the owner, the city of San Diego, the California Coastal Commission, and other interested citizens.” VOTE: 6-3-1 (Andrew abstaining due to lack of information)

Motion to Adjourn by Pete, seconded by Barbara. VOTE: 10-0-0. Adjourned: 8:04