

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, SEPTEMBER 23, 1986

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:05 a.m. The meeting was recessed by Mayor O'Connor at 11:58 a.m. into Closed Session in the twelfth floor conference room to discuss personnel matters, and then to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members Cleator and Jones not present. Mayor O'Connor introduced representatives of the Cabrillo Festival, Inc. who made a presentation commemorating the Cabrillo Festival Week, September 27-28, 1986. The meeting was recessed by Mayor O'Connor at 4:20 p.m. The meeting was reconvened by Mayor O'Connor at 4:25 p.m. The meeting was recessed by Mayor O'Connor at 4:32 p.m. to convene as the Redevelopment Agency. The meeting was reconvened by Mayor O'Connor and simultaneously convened as the Special Meeting of the Housing Authority at 5:37 p.m. with all Council members present. Mayor O'Connor adjourned the meeting at 6:38 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Gotch-present
 - (7) Council Member McCarty-present
 - (8) Council Member Martinez-present
- Clerk-Abdelnour (mp;jb)

FILE: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present

- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Martinez-present

ITEM-200:

Three actions relative to Alcoholic Beverage Establishments:

(Introduced on 9/9/86. Council voted 5-1. District 2 voted nay. District 8 and Mayor not present. District 3 ineligible.)

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Subitem-A: (O-87-41 Rev.1) ADOPTED AS ORDINANCE O-16715 (New Series)

Amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code, by adding Section 101.0515, establishing a demonstration Conditional Use Permit for Central and Southeast police areas.

Subitem-B: (O-87-42) INTRODUCED AS AMENDED, TO BE ADOPTED OCTOBER 6, 1986

Amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code, by amending Section 101.0510, relating to Alcoholic Beverage Establishments.

Subitem-C: (O-87-43) ADOPTED AS ORDINANCE O-16717 (New Series)

Amending Ordinance O-16678 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1986-87 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by amending Document OO-16678, as amended and adopted therein, by adding to the personnel authorization of the Planning Department 1.00 Associate Planner position; transferring within the General Fund (100) the sum of \$41,884 from the Unallocated Reserve (605) to the Planning Department for the purpose of administering the Alcoholic Beverage Establishments Conditional Use Permit Ordinance.
Aud. Cert. 8700237.

FILE: MEET

COUNCIL ACTION: (Tape location: A008-055.)

MOTION BY JONES TO DISPENSE WITH THE READING AND ADOPT SUBITEM-A AND SUBITEM-C, AND TO INTRODUCE SUBITEM-B AS AMENDED ON MONDAY, SEPTEMBER 22, 1986. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-not present,

Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea,
Mayor O'Connor-not present.

ITEM-330: (R-87-271) ADOPTED AS RESOLUTION R-266653

A proposal to approve the conditions, criteria and restrictions contained in the document "Procedures and Criteria for Guest Quarters Conditional Use Permits." The procedures and criteria booklet includes definitions which clarify the differences between guest quarters and companion units; information on the procedures involved in processing CUPs; and a description of the conditions and standards which apply to guest quarters. (Reviewed by Transportation and Land Use Committee on 7/28/86. Recommendation to accept the Planning Department's report and approve the Committee Consultant's recommendation. Districts 4, 6 and 8 voted yea. Districts 1 and 7 not present.) Adoption of a Resolution adopting the conditions, criteria and restrictions for Guest Quarters Conditional Use Permits.

FILE: MEET

COUNCIL ACTION: (Tape location: A150-218.)

Hearing began at 10:18 a.m. and halted at 10:24 a.m.

MOTION BY GOTCH TO ADOPT. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor O'Connor-yea.

ITEM-331: (R-87-216) ADOPTED AS RESOLUTION R-266654

Authorizing the execution of a revised Freeway Agreement with the State of California, Department of Transportation, to add two ramps at Nobel Drive and I-5.

(University Community Area. District-1.)

CITY MANAGER REPORT: The purpose of this Freeway Agreement is to add two ramps at Nobel Drive and Interstate 5. These ramps will provide a northbound off-ramp from I-5 to Nobel Drive and a southbound on-ramp from Nobel Drive to I-5. The limits of the Freeway Agreement extend well beyond the project location at I-5/Nobel Drive. The limits of this agreement, 2.9 miles north of Balboa Avenue to 0.5 miles north of La Jolla Village Drive, were the limits of a previous Freeway Agreement between the City of San Diego and the State of California. Therefore, the State chose to modify the existing agreement rather than have two separate agreements for this section of freeway.

FILE: MEET

COUNCIL ACTION: (Tape location: A219-225.)

Hearing began at 10:24 a.m. and halted at 10:25 a.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor O'Connor-yea.

ITEM-332:

- 1) Rezoning a 10.48-acre site, located on the south side of Azuaga Street, east of Penasquitos Boulevard, in the Penasquitos East Community Plan area, from Zone A-1-10 to Zones A-1-1 and CN. The subject property is further described as Lot 1, Chicarita Subdivision, Map-7574; and
- 2) Amending the Penasquitos East Community Plan to redesignate a 3.78-acre area (proposed CN Zone) of the above-described real property, from major utility facility to neighborhood commercial.
(Case-84-0158. District-1.)

Subitem-A: (R-87-163) ADOPTED AS RESOLUTION R-266655

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0107 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-13) INTRODUCED, TO BE ADOPTED OCTOBER 6, 1986

Introduction of an Ordinance for A-1-1 and CN Zoning.

Subitem-C: (R-87-190) ADOPTED AS RESOLUTION R-266656

Adoption of a Resolution approving the amendment to the Penasquitos East Community Plan and the Progress Guide and General Plan, to become effective when the amendment to the General Plan Map is adopted at the next omnibus hearing.

FILE:

Subitem-A: ZONE ORD NO.,

Subitem-B: --;

Subitem-C: LAND - Penasquitos East

Community Plan

COUNCIL ACTION: (Tape location: A227-294.)

Hearing began at 10:25 a.m. and halted at 10:29 a.m.

Testimony by Dennis Ainsworth.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS AND INTRODUCE
THE

ORDINANCE. Second by Martinez. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,

Struiksmayea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor

O'Connor-yea.

ITEM-333:

Rezoning a 7,200-square-foot site, located at 535

University Place, in the Uptown Community Plan area, from

Zone R-3000 to Zone R-1000. The subject property is

further described as a portion of Pueblo Lot 1122, Pueblo

Lands, Miscellaneous Map-36.

(Case-86-0279. District-8.)

Subitem-A: (R-87-165) FILED

Adoption of a Resolution certifying that the information

contained in Environmental Negative Declaration END-86-0279

has been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and

that said declaration has been reviewed and considered by

the Council.

Subitem-B: (O-87-15) DENIED

Introduction of an Ordinance for R-1000 Zoning.

FILE:

Subitem-A: ZONE ORD NO.;

Subitem-B: --

COUNCIL ACTION: (Tape location: A296-460.)

Hearing began at 10:30 a.m. and halted at 10:40 a.m.

Testimony in favor by Lee Platt.

Testimony in opposition by a member of the public.

MOTION BY MARTINEZ TO DENY THE REZONE AND UPHOLD STAFF'S

RECOMMENDATION FOR DENIAL, AND TO HAVE THE DEVELOPER COME BACK

THROUGH THE PRD PROCESS. Second by Gotch. Passed by the

following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,

Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Martinez-yea,

Mayor O'Connor-yea.

ITEM-334: CONTINUED TO SEPTEMBER 29, 1986, 2:00 P.M.

Matter of the approval of the proposed Costa Verde Development Agreement between the City of San Diego and Guaranty Service Corporation.

The proposed development agreement would apply to approximately 56 acres in the University community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the University Community Plan, Specific Plan, R1-5000 Zone and PRD-85-0783, PCD-85-0783 and Tentative Map TM-85-0783 for the 10-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located between La Jolla Village Drive, Genesee Avenue, Nobel Drive and Regents Road. A brief legal description is as follows: portions of Pueblo Lots 1301, 1302 and 1308, Miscellaneous Map-36. The specific legal description is on file in the City Planning Department.

(Case-86-0168. District-1.)

Subitem-A: (R-87-485)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-85-0783 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-51)

Introduction of an Ordinance approving the development agreement.

FILE: DEVL - Costa Verde Development Agreement

COUNCIL ACTION: (Tape location: A463-B223.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR ONE WEEK AT HER REQUEST

FOR TIME TO CLARIFY VERBIAGE IN THE DEVELOPMENT CONTRACT.

Second by Mayor O'Connor. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,
Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor
O'Connor-yea.

ITEM-335: (O-87-54) INTRODUCED, TO BE ADOPTED OCTOBER 6, 1986

A proposal to approve an Interim Zoning Ordinance for Centre City East which will replace existing zoning in the area until a revised Centre City Plan is adopted. The proposed development standards are intended to encourage development consistent with certain policies of the adopted Centre City San Diego Community Plan.

This legislation will apply to the Centre City East area starting at the intersection of Sixth Avenue and Harbor Drive, proceeding north on Sixth to Broadway, east on Broadway to Eleventh Avenue, north on Eleventh to Russ Boulevard, east on Russ Boulevard to I-5, south on I-5 to Commercial Street, west on Commercial Street to Harbor Drive and northwest on Harbor Drive to point of beginning. (District-8.)

Introduction of an Interim Ordinance for Centre City East.

FILE: --

COUNCIL ACTION: (Tape location: B242-C369.)

Hearing began at 11:07 a.m. and halted at 11:58 a.m.

Testimony in favor by Richard Stern and David Thompson.

Testimony in opposition by Brian Walsh, Tom Hom, and Robert Wight.

MOTION BY MARTINEZ TO INTRODUCE THE ORDINANCE. Second by Gotch.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor O'Connor-yea.

ITEM-336:

(Continued from the meeting of July 15, 1986, Item 338, at Council Member Wolfsheimer's request, to allow the Planning Department and developer to meet and discuss possible eminent domain proceedings, specific slope reduction and possible purchase of property; the plan amendment (Circulation Element) was continued from the meeting of July 21, 1986, Item S402, at Council Member Wolfsheimer's request, and from August 12, 1986, Item 335, at Council Member Gotch's request, to reconsider the appeals which were deemed denied.)

A portion of Rancho de los Penasquitos located on the north

side of Los Penasquitos Canyon Preserve, west of Black Mountain Road and south of State Highway 56 (approximately 724 acres), in Zones R1-5000 and R1-5000 (HR), in the Penasquitos East Development Plan area. (EIR-84-0330)

- 1) Appeals of Rancho Penasquitos Planning Board, by Barbara S. Fisher; Friends of Los Penasquitos Canyon Preserve, Inc., by Leo W. Wilson; et al, from the decision of the Planning Commission in granting:
 - a) Planned Residential Development Permit PRD-84-0330, which proposes 2,711 multi-family attached and single-family detached dwelling units on the above-described real property.

The development plan proposes a school and park site, natural open space and guidelines for site details which include landscaping, grading, signage, dwelling unit details, public improvements, density, streetscapes and fencing. This PRD permit will be a Master Permit to establish concepts and guidelines for site specific purposes to be processed at the time development is anticipated; (PRD-84-0330)
 - b. Tentative Map TM-84-0330 (Park Village), which proposes a 34-lot subdivision on the above-described real property (TM-84-0330) and;
 - 2) An amendment to the Circulation Element of the Penasquitos East Community Plan and to the Circulation Element of the General Plan.

The proposal involves upgrading Black Mountain Road from a four-lane primary arterial to a six-lane major street, from Park Village Road south to Mercy Road. This upgrading is necessary to accommodate the projected traffic from the Penasquitos East Community. In addition, the proposal would downgrade Black Mountain Road from Twin Trails Drive to Paseo Montalban and Camino Ruiz, south of Park Village Road, from a four-lane primary arterial to a four-lane major street, and a portion of Park Village Road from a four-lane major street to a two- and four-lane collector, west of Camino Ruiz. The Circulation Element of the General Plan is also proposed for amendment to reflect the proposed changes. The amendment area involves those streets described above, which are in the southern portion of the Penasquitos East community.
- (PRD & TM-84-0330. District-1.)

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Subitem-A: (R-86-2498) FILED

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0330 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-87-627) ADOPTED AS RESOLUTION R-266658,
GRANTED APPEAL, DENIED PERMIT

Adoption of a Resolution granting the appeal and denying the permit or denying the appeal and granting the permit with appropriate findings to support Council action.

Subitem-C: (R-87-628) ADOPTED AS RESOLUTION R-266659,
GRANTED APPEAL, DENIED MAP

Adoption of a Resolution granting the appeal and denying the map or denying the appeal and granting the map with appropriate findings to support Council action.

Subitem-D: (R-86-2499) CONTINUED TO OCTOBER 14, 1986, AT
10:00 A.M.

Adoption of a Resolution granting the community plan amendment to become effective after the next omnibus hearing.

Subitem-E: (R-87-) FILED

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-84-0330.

FILE:

Subitems A,D & E LAND - Penasquitos East
Community Plan;

Subitem B PERM PRD 84-0330;

Subitem C SUBD - Park Village
COUNCIL ACTION: (Tape location: D061-G130.)

Hearing began at 2:15 p.m. and halted at 4:20 p.m.

Testimony in favor of the appeal by Leo Wilson, Pam Stevens, Barbara Fisher, Kathleen Zaworski Burke, Lynn Benn, Diane Hicks, Alan Dickey, Dennis Ainsworth, Nancy Gilbert and Barbara Walter.

Testimony in opposition to the appeal by Bruce Warren and Mim Scott.

Mayor O'Connor closed the hearing.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-nay, McColl-yea, Jones-yea, Struiksmay-nay, Gotch-yea, McCarty-nay, Martinez-nay, Mayor O'Connor-yea.

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 14, 1986, AT 10:00 A.M., AT HER REQUEST, THE THREE ITEMS RELATING TO THE PLAN AMENDMENT WITH RESPECT TO WIDENING BLACK MOUNTAIN ROAD TO SIX LANES, DOWNGRADING CAMINO RUIZ, AND DOWNGRADING A PORTION

BLACK

MOUNTAIN ROAD. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, O'Connor-yea.

ITEM-337: (R-87-) CONTINUED TO OCTOBER 14, 1986, 2:00 P.M. TIME CERTAIN

(Continued from the meeting of September 9, 1986, Item 335, at Donald Worley's request, to allow William Rick to testify before the Council; continued from the meeting of July 29, 1986, Item 335, at Robert Mosher's request, for consideration by full Council.)

Appeal of Hillyer & Irwin, Attorneys, by William Hillyer, from the decision of the Historical Site Board in their historical designation of the buildings and landscaping that comprises the Green Dragon Colony Site. The subject property is located at 1258-74 Prospect Street, in the La Jolla Community Plan area, and is more particularly described as Lots 30, 31 and 32, Block 59, La Jolla Park, Map-352.

(District-1.)

Adoption of a Resolution approving or denying the historical designation of the Green Dragon Colony Site, with appropriate findings to support Council action.

FILE: - -

COUNCIL ACTION: (Tape location: A058-146.)

Testimony in opposition to the continuance by Donald Worley.

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 14, 1986, 2:00 P.M. TIME CERTAIN, AT THE REQUEST OF THE HISTORICAL SITE BOARD TO HAVE A REPRESENTATIVE PRESENT AT THE HEARING. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor O'Connor-yea.

ITEM-S402: (O-87-61) INTRODUCED, TO BE ADOPTED OCTOBER 6, 1986

Introduction of an Ordinance amending Chapter IX, Article 8, Division 3, of the San Diego Municipal Code, by amending Section 98.0301, relating to the San Diego Housing Commission, to provide for not more than five members of the City Council being appointed to the Housing Commission and further providing for removal of Commission members without cause in situations where Commission members are being replaced by members of the City Council.

FILE: --

COUNCIL ACTION: (Tape location: H538-J060.)

MOTION BY MARTINEZ TO INTRODUCE THE ORDINANCE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-nay, McColl-yea, Jones-yea, Struiksma-nay, Gotch-yea, McCarty-nay, Martinez-yea, Mayor O'Connor-yea.

ITEM-S500: (R-87-288 Rev.1) ADOPTED AS RESOLUTION R-266660

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Authorizing the Midway Community Planning Advisory Committee to represent the Midway Community and work with the City Manager's Office and the Planning Department in the development of a long-range community plan consistent with community goals and objectives and to be responsible for its presentation as well as the coordination of community support for its adoption and effectuation. (See Planning Department Report PDR-86-543. Midway Community Area. District-2.)

COMMITTEE ACTION: Reviewed by RULES on 9/15/86. Recommendation to accept the Planning Department recommendations to approve the Midway Community Planning Advisory Committee By-laws, as amended, to include a resident of the area as an additional member on the Planning Committee, and referred to the Council Meeting of 9/23/86. Districts 2, 3, 5, 8 and Mayor voted yea.

FILE: MEET

COUNCIL ACTION: (Tape location: G142-260.)

MOTION BY CLEATOR TO APPROVE THE PLANNING DEPARTMENT RECOMMENDATION. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor O'Connor-yea.

ITEM-UC-1: (R-87-630) ADOPTED AS RESOLUTION R-266661

19860923

A Resolution presented to the City Council with UNANIMOUS
CONSENT:

Excusing Council Member Gloria McColl from the Council
meetings of October 6-7, 1986 for the purpose of attending
the American Public Transit Conference in Detroit.

FILE: MEET

COUNCIL ACTION: (Tape location: J126-130.)

MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by
the following vote: Wolfsheimer-yea, Cleator-not present,
McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,
Martinez-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-87-546) ADOPTED AS RESOLUTION R-266657

A Resolution adopted by the City Council in Closed Session
on September 23, 1986:

Authorizing the settlement of property damage claim of
Marjorie Rodrick resulting from main line sewer backup to
residence; authorizing payment of \$25,139 to Marjorie
Rodrick and her attorney, Robert P. O'tillie, in settlement
of all claims against the City.

FILE: MEET

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor at 6:38 p.m.

FILE: MEET

COUNCIL ACTION: (Tape location: J131-132).