

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

TUESDAY, JANUARY 13, 1987

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 10:22 a.m.

The meeting was recessed by Mayor O'Connor at 12:10 p.m.

The meeting was reconvened by Chairperson Struiksma at 2:09 p.m.

Mayor O'Connor recessed the meeting at 2:41 p.m. Mayor O'Connor

reconvened the meeting at 2:42 p.m. with Deputy Mayor Jones not

present. Deputy Mayor Jones adjourned the meeting at 5:03 p.m.

and convened the Redevelopment Agency meeting.

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 Ballesteros-present
- Clerk-Abdelnour (bb;mp)

FILE LOCATION: MINUTES

Jan-13-1987

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 Ballesteros-present

ITEM-170:

Two actions relative to the 1986 Revision to the Regional

Solid Waste Management Plan:
(See City Manager Report CMR-86-593.)

Subitem-A: (R-87-1132) ADOPTED AS RESOLUTION R-267467
Approving the 1986 Revision to the San Diego Regional Solid Waste Management Plan; approving the objectives set forth in the revision, the method and organization for implementation of the programs contained in the revision, the general procedure for financing the recommended programs, and the general role identified in the revision for the County in implementing the revised Plan in an economical and environmentally acceptable manner.

Subitem-B: (R-87-1304) ADOPTED AS RESOLUTION R-267468
Certifying that the information contained in Environmental Negative Declaration END-86-ZA-1, prepared by the County of San Diego issued in connection with the 1986 Revision to the Regional Solid Waste Management Plan, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State Guidelines, and that said Declaration has been reviewed and considered by the Council.

COMMITTEE ACTION: Reviewed by PSS on 12/17/86. Recommendation to adopt with particular emphasis on a regional approach to refuse collection and disposal. Districts 1, 2, 3 and 7 voted yea. District 4 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G119-334.)

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

NOTE: This item is to be taken prior to the Institutional Overlay Zone (Item 331) on today's docket.

ITEM-330: (R-87-) CONTINUED TO MARCH 9, 1987 AT 2:00 P.M.

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Adoption of a Resolution approving a Memorandum of Understanding between the City of San Diego and the San Diego Unified School District regarding procedures for surplus school sites pursuant to Education Code Section 39390 et seq., and a planning process for surplus school sites.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A015-075.)

Hearing began at 10:23 p.m. and halted at 10:28 a.m.

Testimony in favor of the continuance by Dorothy Leonard.

MOTION BY McCARTY TO CONTINUE THIS ITEM AND ITEM 331 TO MARCH 9, 1987 AT 2:00 P.M., AT THE REQUEST OF THE PLANNING DEPARTMENT AND DOROTHY LEONARD, TO ALLOW THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT TASK FORCE TIME TO MEET AND DISCUSS THE MEMORANDUM OF UNDERSTANDING. Second by Ballesteros.

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

ITEM-331: (O-87-84) CONTINUED TO MARCH 9, 1987 AT 2:00 P.M.

(Continued from the meeting of November 18, 1986, Item 333, at Council Member McCarty's request, for consideration by full Council and to allow time for a review of the MOU by the Council Members.)

Matter of a proposal to amend Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code by: Introducing the concept of an Institutional Overlay Zone to be applied to property designated for institutional purposes on adopted general, community or specific plans. Today's action will consider the enabling legislation only. Future noticed public hearing will apply the overlay zone to specific lots or parcels within the City of San Diego. Introduction of an Ordinance to amend the San Diego Municipal Code relating to the Institutional Overlay Zone.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A015-075.)

Hearing began at 10:23 a.m. and halted at 10:28 a.m.

Testimony in favor of the continuance by Dorothy Leonard.

MOTION BY McCARTY TO CONTINUE THIS ITEM AND ITEM 330 TO MARCH 9, 1987 AT 2:00 P.M., AT THE REQUEST OF THE PLANNING DEPARTMENT AND DOROTHY LEONARD, TO ALLOW THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT TASK FORCE TIME TO MEET AND DISCUSS THE MEMORANDUM OF UNDERSTANDING. Second by Ballesteros.

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

ITEM-332: (R-87-1511 Rev.1) ADOPTED AS RESOLUTION R-267461

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(Continued from the meeting of October 14, 1986, Item 337, at Council Member Martinez's request, to allow time for staff to monitor the problems associated with the swap meet operation and to allow the residents and all parties involved to work out the problems.)

Appeal of De Anza Land and Leisure Corporation, by S. L. Pentoney, Secretary, from the decision of the Planning Commission relating to Conditional Use Permit CUP-10-489-3 and the revocation of the Wednesday operations of a swap meet at the South Bay Drive-In Theatre. The Wednesday swap meet operation is purportedly creating traffic congestion and parking problems in adjacent residential neighborhoods. The subject property is described as Bayview Drive-In, Tract No. 2, Map-4493 (a 13.2-acre site), in Zones R-3000 and CA, in the Otay Mesa-Nestor Community Plan area, and is located on the north side of Coronado Avenue between Green Street and I-5.

(CUP-10-489-3. District-8.)

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

FILE LOCATION: PERM CUP-10-489-3

COUNCIL ACTION: (Tape location: A196-198;A312-C400.)

Hearing began at 10:38 a.m. and recessed at 10:38 a.m.

Hearing resumed at 10:48 a.m. and halted at 12:15 p.m.

Testimony in favor by Paul Peterson, Sylvia Olvera, and Elia Hornbeck.

Testimony in opposition by Sue Martin, Bill Autio, and Ruth Schneider.

MOTION BY BALLESTEROS TO GRANT THE EXTENSION OF THE CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS WHICH ARE TO BE REVIEWED BY THE TRANSPORTATION AND LAND USE COMMITTEE FOR COMPLIANCE: 1) THE LIMITING OF SALES BETWEEN CERTAIN TIMES AND CLOSING AT CERTAIN TIMES; 2) THE CONTINUATION OF A ONE DOLLAR FEE FOR CUSTOMERS; 3) THAT THE PEDESTRIAN ENTRANCE NOT CONFLICT WITH THE VEHICULAR ENTRANCE OR EXIT AND THAT THE OWNER OF THE SWAP MEET MAINTAIN TRAFFIC CONTROL ALONG CORONADO AVENUE AND THAT THEY BE APPROVED BY THE POLICE DEPARTMENT; 4) THAT THE SELLERS RESERVE THEIR SPACE AHEAD OF TIME AND THAT THE LINE-UP TIME BE LIMITED; 5) THAT DE ANZA BE REQUIRED TO REASONABLY MAINTAIN THE AREA ON THE PREMISES AND PERHAPS THE SURROUNDING AREA; 6) THAT THE CONDITIONS OF THE CUP BE STRICTLY ENFORCED, ESPECIALLY THE REQUIREMENT THAT THERE SHOULD BE THREE PARKING SPACES PER VENDOR PROVIDED WITHIN THE CONFINES OF THE THEATRE;

7) THAT IF THERE ARE ANY VIOLATIONS OF THE PERMIT OR THE CONDITIONS, WITHIN 30 DAYS OF RECEIPT OF THE NOTICE OF VIOLATION IT COME BEFORE COUNCIL WITH A RECOMMENDATION OF REVOCATION OF THE PERMIT; AND 8) A REPORT BE SUBMITTED TO THE TRANSPORTATION AND LAND USE COMMITTEE WITHIN THREE MONTHS AT WHICH TIME THEIR FINDINGS ARE TO BE FORWARDED TO COUNCIL FOR REVIEW AND IF THERE ARE NO VIOLATIONS, APPLICATION FOR AN EXTENDED PARKING LOT WILL BE CONSIDERED. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-nay, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-333:

(Continued from the meeting of December 16, 1986, Item 338, at Kathleen Zaworski's request, to allow the Planning Board to review Mobil's new plan.)

Matter of further proceedings in the matter of the appeal of David L. Davis from the decision of the Planning Commission in approving the application of Mobil Oil for Conditional Use Permit CUP-85-0684, proposing to construct and operate a 24-hour self-service gasoline service station

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with a limited snack shop and car wash at the southwest corner of Paseo Montalban and Twin Trails Drive, in Zone CA, in the Penasquitos East Community Plan area. The subject property is further described as Lot 7 of Penasquitos Towne Centre, Unit 11, Map-11092. (CUP-85-0684. District-1.)

Subitem-A: (R-87-) FILED AS A RESULT OF GRANTING APPEAL

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-85-0684 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: (R-87-1458) ADOPTED AS RESOLUTION R-267469 GRANTING APPEAL/DENYING 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.

FILE LOCATION: PERM - CUP-85-0684

COUNCIL ACTION: (Tape location: A157-311;E163-F338.)

Hearing began at 10:36 a.m. and recessed at 10:38 a.m.
Hearing resumed at 10:39 a.m. and recessed at 10:47 a.m.
Hearing resumed at 3:04 p.m. and halted at 3:59 p.m.
Testimony in favor by Kathleen Zaworski-Burke, Mr. Bates, and
Mohsen Nazari.
Testimony in opposition by Mr. Dawson, Bruce Warren, and
Frederick MacManus.

Mayor O'Connor closed the hearing.

Motion by Wolfsheimer to continue for one month. Second by
Ballesteros. Failed by the following vote: Yea-1;
Nays-2,3,4,5,6,7,8,M. Not present-none.

**MOTION BY WOLFSHEIMER TO UPHOLD THE APPEAL AND DENY THE PERMIT
WITH FINDINGS AS FOLLOWS: BENEFICIAL TO THE COMMUNITY;
DETRIMENTAL TO APPROVE THE OUTLINED PROPOSAL; POTENTIAL
NUISANCE; PROJECT FAVORS PRIVATE INTEREST RATHER THAN THE PUBLIC
AS A WHOLE; LACK OF CONFORMITY TO BOTH THE COMMUNITY PLAN AND
GENERAL PLAN THROUGH DERIVATION. Second by Cleator. Passed by
the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
Jones-yea, Struiksma-yea, Gotch-yea, McCarty-nay,
Ballesteros-yea, Mayor O'Connor-nay.**

**MOTION BY GOTCH TO WAIVE THE ONE-YEAR WAITING PERIOD SO THAT THE
APPLICANT HAS THE OPTION TO COME BACK WITH A REVISED SITE PLAN
AND PRESENT IT TO STAFF, PLANNING COMMISSION, AND COUNCIL.
Second by Wolfsheimer. Passed by the following vote:
Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea,
Struiksma-not present, Gotch-yea, McCarty-yea, Ballesteros-yea,
Mayor O'Connor-yea.**

ITEM-334:

Appeal of Jim Kelley-Markham from the decision of the
Planning Commission in approving Conditional Use Permit
CUP-86-0719, proposing a 46-unit hospice at Vauclain Point.
The subject property is described as a portion of Pueblo
Lot 1118, Pueblo Lands of San Diego, Miscellaneous Map-36
(approximately 8.37 acres) and is located at the northerly
end of Third Avenue, north of Arbor Drive and west of State
Highway 163, in Zones R-3000 and R1-40000 (portions HR), in
the Uptown Medical Complex Plan area.

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(CUP-86-0719. District-2.)

Subitem-A: (R-87-1459) ADOPTED AS RESOLUTION R-267470
Adoption of a Resolution certifying that the information
contained in Environmental Mitigated Negative Declaration
EMND-86-0719 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: (R-87-1460) ADOPTED AS RESOLUTION R-267471
DENYING APPEAL/GRANTING 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.

FILE LOCATION: PERM - CUP-86-0719

COUNCIL ACTION: (Tape location: F375-G106.)

Hearing began at 10:28 a.m. and recessed at 10:35 a.m.

Hearing resumed at 3:58 p.m. and halted at 4:22 p.m.

Testimony in favor by Mary Ann Parker and Hector Luna.

Testimony by Joy Higginbotham.

MOTION BY CLEATOR TO DENY THE APPEAL AND PROCEED WITH THE CUP.

Second by Wolfsheimer. Passed by the following vote:

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

Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor

O'Connor-yea.

ITEM-335: (R-87-1162) ADOPTED AS RESOLUTION R-267472

Accepting payment of \$2.1 million from the Redevelopment Agency representing payment of interest on loans made to the Agency in the Columbia Redevelopment Project; authorizing the City Auditor and Comptroller to disburse \$2.1 million of CDBG Project income to the Agency in the Marina Redevelopment Project for land assembly, relocation, and public improvements for residential developments.

(See memorandum from CCDC Executive Vice President dated 12/2/86. Centre City Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H091-100.)

MOTION BY BALLESTEROS TO ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,

Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea,

Ballesteros-yea, Mayor O'Connor-not present.

ITEM-336: (O-87-129) INTRODUCED AND ADOPTED AS ORDINANCE
O-16795 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16678 (New Series), as amended, 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 Documents No. 00-16678-1 and No. 00-16678-2, as amended and adopted therein, by transferring the sum of \$689,660 from the unappropriated fund balance of the Sewerage Utility Revenue Fund (41506); amending Section 2, Subsection VI, Item 3, entitled "Sewerage Utility Revenue Fund (41506)" to increase non-personnel expenses and total by said \$689,660; and directing the Auditor and Comptroller to set aside, transfer and allocate the \$689,660 appropriated above to the Sewer Engineering Program (70892), East Mission Bay Interceptor CIP-43-123.0.

(Mission Bay Community Area. District-6.)

NOTE: See Item 206 on the docket of Monday, January 12, 1987 for the first public hearing. Today's action is the second public hearing for introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D158-162.)

MOTION BY GOTCH TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-337:

(Continued from the meetings of September 9, 1986, Item 334, and November 25, 1986, Item 330; last continued at Council Member Gotch's request, to allow him to be present.)

Matters of:

- 1) A proposal to rezone certain properties along the rim of Tecolote Canyon into the Hillside Review Overlay Zone. The proposed rezonings will apply the Hillside Review Overlay Zone to those properties adjacent to Tecolote Canyon Natural Park where redevelopment or continued new development is likely to occur. These properties are either zoned for multi-family development or are owned by institutions or governmental agencies. The subject properties are located within the Clairemont Mesa and Linda Vista community plans.
- 2) A proposal to amend the Tecolote Canyon Natural Park Master Plan, the Clairemont Mesa Community Plan, and the Linda Vista Community Plan to include development guidelines for property within the Hillside Review Overlay Zone adjacent to Tecolote Canyon Natural Park.

The proposed amendments will provide development guidelines which will be used to evaluate discretionary permits for proposed projects within the Hillside Review Overlay Zone along the rim of Tecolote Canyon in order to help ensure sensitive development adjacent to the Tecolote Canyon open space system. The affected area is located within the Clairemont Mesa and Linda Vista community plans.

(Districts-5 and 6.)

Subitem-A: (O-87-112) INTRODUCED, TO BE ADOPTED JANUARY
26, 1987

Introduction of an Ordinance for Hillside Review (HR)
Overlay Zoning.

Subitem-B: (R-87-943) ADOPTED AS AMENDED AS RESOLUTION
R-267473

Adoption of a Resolution approving the amendment to the
Tecolote Canyon Natural Park Master Plan.

Subitem-C: (R-87-942) ADOPTED AS RESOLUTION R-267474

Adoption of a Resolution approving the amendment to the
Clairemont Mesa Community Plan.

Subitem-D: (R-87-941) ADOPTED AS RESOLUTION R-267475

Adoption of a Resolution approving the amendment to the
Linda Vista Community Plan.

Subitem-E: (R-87-944) ADOPTED AS AMENDED AS RESOLUTION
R-267476

Adoption of a Resolution approving the Tecolote Canyon Rim
Development Guidelines.

FILE LOCATION:

Subitem-A: - -;

Subitem-B: LAND - Tecolote
Canyon Natural Park Master Plan;

Subitem-C:
LAND - Clairemont Mesa Community Plan;

Subitem-D: LAND - Linda Vista Community

Plan;

Subitem-E: LAND - Tecolote Canyon
Natural Park Master Plan.

COUNCIL ACTION: (Tape location: D180-E160.)

Hearing began at 2:23 p.m. and recessed at 2:41 p.m.

Testimony in favor by Kimberly Hoskingly, Doug Hansen, Shirlie Miller, and Eloise Battle.

Testimony by Rose Lynne.

Hearing resumed at 2:42 p.m. and halted at 3:03 p.m.

Testimony in opposition by Edward Hatch, Jeff Watkins, Joe Marciano, Don O'Neal, and Jack Nordstrom.

Mayor O'Connor closed the hearing.

MOTION BY GOTCH TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTIONS WITH MINOR CHANGES TO THE TECOLOTE CANYON NATURAL PARK MASTER PLAN AND TO THE TECOLOTE CANYON RIM DEVELOPMENT GUIDELINES AS RECOMMENDED BY STAFF. Second by Struiksma.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-338: CONTINUED TO MARCH 10, 1987, AT 10:00 A.M.

Matters of:

1) Proposed zoning ordinances and ordinance amendments to Chapter X of the San Diego Municipal Code (Planning and Zoning Regulations) to implement The City of San Diego's Local Coastal Program. Ordinances contained in the LCP Implementation Program include:

- Floodway Zone (FW)
- Floodplain Fringe Zone (FPF)
- Off-street Parking (Div. 8)
- Subdivision Regulations
- Land Development Ordinance
- Mission Beach Planned District
- La Jolla Shores Planned District
- Coastal Development Permits Ord.
- Conditional Use Permits (CUP)
- Multiple Family Residential Zones
- Commercial Office Zone (CO)
- Neighborhood Commercial Zone (CN)
- Commercial Visitor Zone (CV)
- Community Commercial Zone (CC)
- C-1 Zone (C-1)
- Hillside Review Overlay Zone (HR)
- Sensitive Coastal Resource Zone (SCR)

City-Wide Landscape Ord. (Div.7)

A-1 Zone (A-1)

- 2) Proposed amendments to the Land Use Plans for the North City and Centre City/Pacific Highway Corridor segments of the City's Local Coastal Program.
- 3) A proposal for the categorical exclusion of specifically defined geographic areas that are found to have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to and along the coast, as provided in Section 30610(e) of the California Coastal Act.
- 4) Transmittal of The City of San Diego LCP Implementation Program to the California Coastal Commission for review and certification.

As a coordinated program, the proposed ordinances and amendments address all major issues set forth in the certified LCP Land Use Plan segments including, but not limited to: The protection of public access to and along the shoreline; the preservation of coastal bluffs; the establishment of coastal bluff top setbacks; standards for erosion control structures; the preservation of wetlands; the establishment of wetland buffers; restrictions on filling and development in the floodway and floodplain fringe areas; development restrictions in areas of 25 percent or greater slope; erosion and runoff controls for lagoon drainage areas; landscaping and urban design requirements; parking and curb cut regulations (primarily in beach impact areas); and procedures for processing City issued Coastal Development Permits.

Concept maps of the rezonings proposed to be initiated are available at The City of San Diego Planning Department. Rezoning hearings will be scheduled at a later date, after the proposed ordinances have been certified by the California Coastal Commission.

Subitem-A: (R-86-2342)

Adoption of a Resolution approving the LCP Implementing Ordinances, as amended, and approving the resubmittal of the LCP ordinance proposal and conceptual rezoning maps to the California Coastal Commission for their certification.

Subitem-B: (R-86-2343)

Adoption of a Resolution amending the North City Segment LCP Land Use Plan and approving the resubmittal of the amended Land Use Plan to the California Coastal Commission

for their certification.

Subitem-C: (R-86-2344)

Adoption of a Resolution amending the Centre City/Pacific Highway Corridor Segment LCP Land Use Plan and approving the resubmittal of the amended Land Use Plan to the California Coastal Commission for their certification.

Subitem-D: (R-86-2345 Rev. 1)

Adoption of a Resolution approving the submittal of a request to the California Coastal Commission for a categorical exclusion of specific geographic areas found to have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to and along the coast.

FILE LOCATION: LAND - Local Coastal Program

COUNCIL ACTION: (Tape location: D041-132.)

MOTION BY WOLFSHEIMER TO CONTINUE TO MARCH 10, 1987, AT 10:00 A.M. AT HER REQUEST FOR TIME TO HAVE A DISTRICT 1 WORKSHOP AND TO MEET WITH DR. FREILICH. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-339:

Matters set forth below which affect the following real property:

A portion of the northeast quarter of the northeast quarter of Section 31 and a portion of the northwest quarter of the
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northwest quarter of Section 32, Township 14 South, Range 2 West, SBBM, a 23.8-acre site located on the north side of Mira Mesa Boulevard between I-15 and Black Mountain Road, in the Mira Mesa Community Plan area.

- 1) Rezoning the above described real property from Zone A-1-1 to Zones CA and R-2000;
- 2) Appeals of Elliot Feuerstein, General Partner of Mesa Shopping Center East, from the decision of the Planning Commission in granting, with modifications:
 - a) Planned Commercial Development Permit PCD-85-0500, proposing the development of a retail grocery store, home center, motel, financial offices and service station on the above described real property and
 - b) Tentative Map TM-85-0500 (Mesa Shopping Center East), proposing a 15-lot subdivision on the above

described real property.

- 3) An amendment to the Mira Mesa Community Plan and the General Plan to shift the current low/medium density residential land use designation to a commercial land use designation on the above described real property. (Case, PCD & TM-85-0500. District-5.)

Subitem-A: (R-87-940) ADOPTED AS RESOLUTION R-267477
Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0500 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: (O-87-111) INTRODUCED, TO BE ADOPTED JANUARY 26, 1987
Introduction of an Ordinance for CA and R-3000 Zoning.

Subitem-C: (R-87-1461) ADOPTED AS RESOLUTION R-267478
GRANTING APPEAL/GRANTING PERMIT
Adoption of a Resolution granting or denying the appeal and the permit with appropriate findings to support Council action.

Subitem-D: (R-87-1462) ADOPTED AS RESOLUTION R-267479
GRANTING APPEAL/GRANTING MAP AS AMENDED
Adoption of a Resolution granting or denying the appeal and the map with appropriate findings to support Council action.

Subitem-E: (R-87-1103) ADOPTED AS RESOLUTION R-267480
Adoption of a Resolution approving the community plan, to be effective when the amendment to the General Plan Map is adopted after the next omnibus hearing.

Subitem-F: (R-87-1463) ADOPTED AS RESOLUTION R-267481
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-85-0500.

FILE LOCATION:

Subitem-A,C,F: PERM - PCD 85-0500;

Subitem-B: - -;

Subitem-D: SUBD - Mesa
Shopping Center East;

Subitem-E: LAND - Mira
Mesa Community Plan

COUNCIL ACTION: (Tape location: G129-634.)

MOTION BY STRUIKSMA TO (1) ADOPT THE RESOLUTION CERTIFYING THE INFORMATION CONTAINED IN EIR-85-0500; (2) INTRODUCE THE ORDINANCE FOR CA AND R-3000 ZONING; (3) ADOPT A RESOLUTION GRANTING THE APPEAL AND THE PCD; (4) ADOPT A RESOLUTION GRANTING THE APPEAL AND TENTATIVE MAP WITH THE FOLLOWING REVISIONS TO THE PLANNING COMMISSION'S RESOLUTION:

A) AMEND CONDITION 7.c. AS FOLLOWS: THE SUBDIVIDER SHALL CONSTRUCT A 56-FOOT-WIDE PAVED ROADWAY NORTHERLY OF THE MODIFIED MEDIAN FOR WESTBOUND THROUGH-TRAFFIC AS SHOWN ON THE APPROVED TENTATIVE MAP;

B) AMEND CONDITION 7.d. TO READ: AN ADDITIONAL SEPARATE RIGHT-TURN LANE, FOR RIGHT TURNS FROM WESTBOUND ON MIRA MESA BOULEVARD, SHALL BE CONSTRUCTED AS SHOWN ON THE APPROVED TENTATIVE MAP. THIS ADDITIONAL SEPARATE RIGHT-TURN LANE SHALL EXTEND EASTERLY OF THE PROPERTY DRIVEWAY FOR A DISTANCE AS REQUIRED BY THE CITY ENGINEER AND AS SHOWN ON THE APPROVED TENTATIVE MAP.

C) ADD CONDITION 7.j. AS FOLLOWS: THE SUBDIVIDER SHALL ALSO DEDICATE ADDITIONAL RIGHT-OF-WAY AS REQUIRED BY THE CITY ENGINEER AT THE WESTERLY DRIVEWAY, AS SHOWN ON THE APPROVED TENTATIVE MAP AND SHALL CONSTRUCT THE RAISED ISLAND AT THIS DRIVEWAY AS SHOWN ON THE APPROVED TENTATIVE MAP TO PRECLUDE LEFT-TURNS OUT OF THE PROJECT.

D) AMEND CONDITION 8 TO READ: THE SUBDIVIDER SHALL RELINQUISH RIGHTS TO MIRA MESA BOULEVARD ADJACENT TO THE SUBDIVISION EXCEPT AT THOSE LOCATIONS AUTHORIZED BY THE CITY ENGINEER AND SHOWN ON THE APPROVED TENTATIVE MAP.

E) ADD THE FOLLOWING CONDITION: THE SUBDIVIDER IS REQUIRED TO CONSTRUCT CERTAIN OFF-SITE IMPROVEMENTS ON MIRA MESA BOULEVARD, INCLUDING THE CONSTRUCTION OF A TRAFFIC SIGNAL SYSTEM AT THIS INTERSECTION. AFTER THE COMPLETION OF THE WORK, THE SUBDIVIDER MAY REQUEST THE CITY COUNCIL TO ESTABLISH A REIMBURSEMENT DISTRICT TO PAY FOR A PORTION OF THE CONSTRUCTION COST OF THIS WORK, IN ACCORDANCE WITH SECTION 62.0208 OF THE MUNICIPAL CODE, WHEN THE PROPERTY WITHIN THE REIMBURSEMENT DISTRICT IS SUBDIVIDED OR

OTHERWISE DEVELOPED. THE AMOUNT OF THE REIMBURSEMENT SHALL BE DETERMINED BY THE CITY ENGINEER.

F) MODIFY CONDITION 9.e. AS FOLLOWS: MESA CENTER BOULEVARD IS CLASSIFIED AS A FOUR-LANE MAJOR STREET WITH A 98-FOOT WIDE RIGHT OF WAY. IN LIEU, MESA CENTER BOULEVARD AS SHOWN ON THE APPROVED TENTATIVE MAP, THE CITY ENGINEER SHALL REQUIRE THE "ALTERNATE ALIGNMENT" AS SHOWN ON THE APPROVED TENTATIVE MAP. IN CONNECTION WITH THIS SUBDIVISION, THE SUBDIVIDER SHALL:

DELETE PARAGRAPHS a THROUGH d AND INSERT THE FOLLOWING:

- (1) DEDICATE THE RIGHT-OF-WAY WITHIN THE SUBDIVISION AS SHOWN ON THE APPROVED TENTATIVE MAP;
- (2) PROVIDE OFF-SITE DEDICATION AS REQUIRED BY THE CITY ENGINEER;
- (3) BETWEEN MIRA MESA BOULEVARD AND EXISTING GALVIN AVENUE, THE SUBDIVIDER SHALL CONSTRUCT A FULLY IMPROVED ROAD WITH CURBS, FIVE-FOOT WIDE SIDEWALKS ADJACENT TO THE SUBDIVISION AND ALONG THE WEST SIDE, PAVING AND A FOUR-FOOT WIDE RAISED MEDIAN WITH A DUEL LEFT-TURN POCKET AT MIRA MESA BOULEVARD. SUBDIVIDER SHALL COMMENCE CONSTRUCTION UPON ACQUISITION AND DEDICATION OF OFF-SITE RIGHT OF WAY. IF THE REALIGNMENT OF SAMOA AVENUE HAS NOT BEEN COMPLETED, THEN AN "INTERIM IMPROVEMENT" CONNECTING TO EXISTING IMPROVEMENTS ON GALVIN AVENUE SHALL BE PROVIDED;
- (4) FOLLOWING APPROPRIATE PUBLIC HEARINGS, THE CITY MAY CREDIT THE SUBDIVIDER'S FACILITY BENEFIT ASSESSMENT FEES WITH ANY EXCESS COSTS, INCLUDING, BUT NOT LIMITED TO, RIGHT OF WAY ACQUISITION COSTS, RESULTING FROM THE CHANGE OF ALIGNMENT FROM MESA CENTER BOULEVARD TO THE "ALTERNATE ALIGNMENT"; AND/OR ESTABLISH A COST RECOVERY DISTRICT AND/OR ENTER INTO AN APPROPRIATE REIMBURSEMENT AGREEMENT AS TO SUCH EXCESS COSTS. (THE EXCESS COSTS REPRESENT THE DIFFERENCE BETWEEN THE COSTS OF IMPROVING MESA CENTER BOULEVARD AS APPROVED BY THE PLANNING COMMISSION AND THE "ALTERNATE ALIGNMENT");
- (5) PRIOR TO ACQUISITION AND DEDICATION OF OFF-SITE RIGHT-OF-WAY FOR THE ALTERNATE ALIGNMENT, SUBDIVIDER MAY CONSTRUCT A TEMPORARY CONNECTION TO GALVIN AVENUE SATISFACTORY TO THE CITY ENGINEER.

G) ADD CONDITION 11.c.: IN CONNECTION WITH THE "ALTERNATE ALIGNMENT" (9.e.), THE CITY ENGINEER SHALL REQUIRE THE FOLLOWING ADDITIONAL IMPROVEMENTS TO GALVIN

AVENUE:

(1) PROVIDE OFF-SITE DEDICATION AS REQUIRED BY THE CITY ENGINEER;

(2) CONSTRUCT A 36-FOOT WIDE PAVED ROADWAY WITH CURB AND FIVE-FOOT WIDE SIDEWALK ON THE WEST SIDE;

H) MODIFY CONDITION 16 TO READ AS FOLLOWS:

"16. PRIOR TO COUNCIL APPROVAL OF THE FIRST FINAL MAP, A TRANSPORTATION PHASING PLAN WHICH IDENTIFIES THE SPECIFIC TIMING AND FINANCIAL RESPONSIBILITY OF THIS SUBDIVISION FOR THE CONSTRUCTION OF OFF-SITE TRAFFIC IMPROVEMENTS SHALL BE APPROVED AND IMPLEMENTED IN A MANNER SATISFACTORY TO THE CITY ENGINEER."

I) MODIFY CONDITION 17 TO READ AS FOLLOWS:

"17. THE SUBDIVIDER SHALL PROVIDE A TEMPORARY ACCESS BETWEEN THE CALTRANS PARK-AND-RIDE LOT TO MESA CENTER BOULEVARD SATISFACTORY TO THE CITY ENGINEER AS SHOWN ON THE APPROVED TENTATIVE MAP.

THE SUBDIVIDER SHALL ALSO RECONSTRUCT THE CURB AND SIDEWALK ADJACENT TO THE PARK-AND-RIDE LOT TO PROVIDE THE 56-FOOT WIDE PAVED ROADWAY NORTHERLY OF THE MODIFIED MEDIAN AS SHOWN ON THE APPROVED TENTATIVE MAP, AND ANY PARKING LOT REWORK REQUIRED BY CALTRANS."

5) ADOPT THE RESOLUTION ACCEPTING THE CANDIDATES FINDINGS FOR EIR-85-0500 WHICH ARE CONTAINED IN THE FINAL EIR. AS A CONDITION TO THE AS YET UNNAMED STREET, REQUIRE ALL RAISED CENTER ISLAND MEDIANS THAT ARE NOT TO BE LANDSCAPED TO CONTAIN STAMPED CONCRETE RATHER THAN ASPHALT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-340:

Three actions relative to the Lower Otay Filtration Plant Expansion Condemnation:

(See City Manager Report CMR-87-4. Otay Mesa Community Area. Districts-4 and 8.)

Subitem-A: (R-87-1277) ADOPTED AS RESOLUTION R-267482

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the expansion of the Lower Otay Filtration Plant in order to better serve designated portions of South San Diego, Paradise Hills, San Ysidro, and Otay Mesa, based upon increasing water demands in the Otay Service Area; and that

the public interest, convenience and necessity of the City of San Diego requires the acquisition of a portion of Lot 4 of the Otay Ranch Subdivision, Map-862, for the expansion of the existing Lower Otay Filtration Plant; declaring the intention of the City of San Diego to acquire full property interest under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring the subject property.

Subitem-B: (R-87-1255) ADOPTED AS RESOLUTION R-267483

Authorizing the expenditure of an amount not to exceed \$175,000 from Water Revenue Fund 41502, Lower Otay Filtration Plant - Expansion, CIP-73-234.0 for acquisition and related costs of a portion of Lot 4 of Otay Ranch Subdivision, Map-862, for the expansion of the Lower Otay Filtration Plant.

Subitem-C: (R-87-1256) ADOPTED AS RESOLUTION R-267484

Certifying that the information contained in Environmental Negative Declaration END-85-0355, issued in connection with the expansion of the Lower Otay Filtration Plant, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said declaration has been reviewed and considered by the Council.

Aud. Cert. 8700470.

WU-PR-87-069.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D134-153.)

Hearing began at 4:56 p.m. and halted at 4:57 p.m.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S500: (R-87-1361) ADOPTED AS RESOLUTION R-267485

Requesting the United States Air Force to declare surplus the approximately 20 acre parking lot located east of the United States Post Office, north of Barnett Street, adjacent to Plant 19, in order that the property can be transferred to the County of San Diego as a site for a critically needed detention facility.

CITY MANAGER REPORT: The County Jail System consistently has approximately 1,500 more inmates in custody than the State rated capacity of the County Jail System of 2,315 beds. As a result, the Sheriff is forced to release approximately 1,400 each month because of the lack of bed space, thereby threatening the security and quality of life of the region's residents and visitors. In addition, 6,500 more jail beds are projected to be needed by the year 2005. A location is needed on which the County of San Diego can have constructed additional detention facilities. City and County staff have been working jointly to identify sites centrally located in San Diego. The United States Air Force presently owns an under-utilized parking lot of approximately 20 acres which is located just east of the United States Post Office, north of Barnett Street, adjacent to Plant 19. The County is requesting that the Secretary of the Air Force declare the property surplus, in which case the United States Attorney General may then transfer the property to a unit of local government for use as a detention facility. By today's action, the City Council will be endorsing the County's request for such a transfer.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H043-089.)

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

ITEM-CS-1: (R-87-1356) ADOPTED AS RESOLUTION R-267462

A Resolution adopted by the City Council in Closed Session on (date):

Authorizing the City Manager to pay the sum of \$17,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Rita Pincus; authorizing the City Auditor and Comptroller to issue one check in the amount of \$17,500 to Rita Pincus, Ed Pincus and their attorney Donald E. Moses in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-2: (R-87-1380) ADOPTED AS RESOLUTION R-267463

A Resolution adopted by the City Council in Closed Session on (date):

Authorizing the City Manager to pay the sum of \$15,000 in

the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Mark De La Cruz; authorizing the City Auditor and Comptroller to issue one check in the amount of \$15,000 to Mark De La Cruz and his attorney G. Gordon Madison in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-3: (R-87-1337) ADOPTED AS RESOLUTION R-267464

A Resolution adopted by the City Council in Closed Session on (date):

Authorizing the City Manager to pay the sum of \$7,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Barbara Jump; authorizing the City Auditor and Comptroller to issue one check in the amount of \$7,500 to Barbara Jump and her attorney Dennis Schmidt in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-4: (R-87-1364) ADOPTED AS RESOLUTION R-267465

A Resolution adopted by the City Council in Closed Session on (date):

Authorizing the City Manager to pay the sum of \$10,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Jeffrey F. Richardson; authorizing the City Auditor and Comptroller to issue one check in the amount of \$10,000 to Jeffrey F. Richardson and his attorney Ernest Gross in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-5: (R-87-1363) ADOPTED AS RESOLUTION R-267466

A Resolution adopted by the City Council in Closed Session on (date):

Authorizing the City Manager to pay the sum of \$22,500 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Mary Winifred Reidy; authorizing the City Auditor and Comptroller to issue one check in the amount of \$22,500 to Mary Winifred Reidy and her attorney Glenn S. Warren in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS: APPROVED FOR CONSIDERTION BY COUNCIL

1. Excusing Council Member Cleator.
2. Adjournment in Memory.

MOTION BY GOTCH TO APPROVE FOR CONSIDERATION BY COUNCIL. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-ND-2: (R-87-1468) ADOPTED AS RESOLUTION R-267486
870113

Excusing Council Member Bill Cleator from the Rules Committee meeting at 2:00 p.m. on Wednesday, January 14, 1987, in order to permit him to meet with Canadian delegation in Los Angeles regarding cruise ship activities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H101-130.)

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

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Jones at 5:03 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H135).

MOTION BY GOTCH TO ADJOURN IN HONOR OF THE MEMORY OF WILLIAM THOMPSON. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.