

19880510

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

TUESDAY, MAY 10, 1988
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 10:31 a.m. The meeting was recessed by Mayor O'Connor at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. Mayor O'Connor adjourned the meeting at 5:40 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-excused by R-271052
(ill)
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
Clerk-Abdelnour (mp;jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-207: (R-88-1749 Rev.1) ADOPTED AS RESOLUTION R-270945

Approving Change Order No. 2, dated January 22, 1988,

issued in connection with the contract between the City of San Diego and Chilcote Construction Company for the construction of the First San Diego River Improvement Project (FSDRIP), amounting to a net increase in the contract price of \$757,550.67; authorizing the expenditure of an amount not to exceed \$677,432.17 from Fund 79364, and \$80,118.50 from Fund 41506, for the purpose of funding this Change Order.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On June 23, 1987, the City Council awarded a construction contract for \$20,798,482.42 to Chilcote, Inc., for the construction of the First San Diego River Improvement Project (FSDRIP). This flood protection project will construct an earthen channel with landscaping from State Route 163 to Stadium Way. Funding for construction and consultants is from an assessment district except for the 78-inch sewer which is funded by the Water Utilities Department. The design consultant, Nasland Engineering, employed Woodward-Clyde as a subconsultant to perform preliminary soils engineering during design and soils engineering services during construction in order to assure conformance to the design and to the contract specifications. Change Order No. 2 is primarily due to the discovery of previously undocumented soils that are unacceptable for use in Phase I of this project. The soils consultant subsequently recommended that a total 131,253 cubic yards (CY) of unclassified excavated material either be recompacted and/or replaced with acceptable material in accordance with contract specifications to assure that proper compaction is attained for slope stability. A portion of this work (14,567CY) is due to the 78-inch sewer and will be paid by the Water Utilities Department. This unsuitable material had not been previously identified during the soils consultant's preliminary investigations. This additional work will be paid for at the competitively bid unit contract prices. The total project excavation (Phases I and II) consists of 1,141,800 CY. There is a possibility of encountering additional undocumented and unacceptable material in Phase II; therefore, we have ordered the consultant to have subconsultant Woodward-Clyde perform additional exploratory excavations to determine the extent of possible future contract changes.

Aud. Cert. 8800959.

WU-E-88-131.

FILE LOCATION: STRT D-2256 CONFY88-1

COUNCIL ACTION: (Tape location: A086-112.)

MOTION BY STRUIKSMA TO ADOPT. Second by Roberts. Passed by the

following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

May-10-1988

ITEM-310: WELCOMED BY DEPUTY MAYOR McCOLL

Welcoming a group of approximately 45 students from Marshall Elementary School, accompanied by Charles Lazzaro, principal. This group will arrive at approximately 10:00 a.m.

(District-3.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A015-034.)

ITEM-330:

Matter of considering an informational report on the following three South San Diego consolidated community plan amendments:

1. Mohler, Otay Mesa-Nestor; 2. Malcolm/Smythe Avenue, San Ysidro; and 3. Gateway Fair, Otay Mesa.

1. Mohler, Otay Mesa-Nestor Community Plan Amendment

A portion of Lot 8, Aloha Tract Map-611, located on the west side of 19th Street between Elm Avenue and Elder Avenue, in the Otay Mesa-Nestor Community Plan area.

Amending the land use designation from "School" to "Low Density Residential" (5-10 dwelling units per acre) on the real property described in No. 1. above. This proposal would add two single-family detached units to a 0.87-acre property on which one single-family dwelling is presently located.

2. Malcolm/Smythe Ave., San Ysidro Community Plan

A portion of Section 35, Township 18 South, Range 2 West, S.B.B.M. (approximately 6.7 net acres), located on the east side of Antares Drive, north of Athey Avenue, west of Via de la Melodia and south of State Highway 117, in the San Ysidro Community Plan area.

A. Rezoning the real property described in No. 2. above from Zone A-1-10 to Zone R-1500;

B. An amendment to the San Ysidro Community Plan of the real property described in No. 2. above, to redesignate a 3.11-acre site from Low Density (5-10 dwelling units per net acre) to Medium Density (15-30 dwelling units per net acre) and a 3.62-acre site from Neighborhood Commercial to Medium Density (15-30 dwelling units per net acre). These amendments would permit the construction of a multi-family housing project.

3. Gateway Fair, Otay Mesa Community Plan

A portion of the southeast quarter of the southeast quarter of Section 24, Township 18 South, Range 2 West, S.B.B.M. (approximately 32.10-acres), located on the east side of I-805, north of Palm Avenue and south of the Otay River Valley and the City of Chula Vista, in the Otay Mesa Community Plan area.

A. Rezoning the real property described in No. 3. above from Zone A-1-10 (HR) to Zone CA (HR).

B. Appeals of O-Mesa Investment Company, by Matthew A. Peterson, Attorney, from the decision of the Planning Commission in granting:

1. Conditional Use Permit CUP-87-0218 proposing an automobile service station on the real property described in No. 3. above, and

2. Planned Commercial Development Permit PCD-87-0218 proposing a commercial shopping center on the real property described in No. 3. above.

C. An amendment to the Otay Mesa Community Plan of the land use designation from "Very Low Density Residential" (0-5 dwelling units per acre) to "Commercial" for the purpose of developing a commercial shopping center on the real property described in No. 3. above.

D. To amend the Progress Guide and General Plan for the City of San Diego by redesignating the land uses consistent with the above changes to the community plan.

(Case-87-0548, Case-86-0161 and Case, CUP and PCD-87-0218. District-8.)

Mohler, Otay Mesa-Nestor Community Plan Amendment

19880510

Subitem-A: (R-88-1892) ADOPTED AS RESOLUTION R-270946

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0548 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-88-1891) ADOPTED AS RESOLUTION R-270947

Adoption of a Resolution granting an amendment to the Otay Mesa-Nestor Community Plan.

Malcolm/Smythe Ave., San Ysidro Community Plan

Subitem-C: (R-88-2198) REFERRED TO PLANNING DEPARTMENT

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0161 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 and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-D: (O-88-196) REFERRED TO PLANNING DEPARTMENT
Introduction of an Ordinance for R-1500 Zoning.

Subitem-E: (R-88-1893) REFERRED TO PLANNING DEPARTMENT
Adoption of a Resolution denying an amendment to the San Ysidro Community Plan.
Gateway Fair, Otay Mesa Community Plan

Subitem-F: (R-88-2055) ADOPTED AS RESOLUTION R-270948
Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0218 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 and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-G: (O-88-186) INTRODUCED, TO BE ADOPTED MAY 31,
1988
Introduction of an Ordinance for CA (HR) Zoning.

Subitem-H: (R-88-2492) ADOPTED AS RESOLUTION R-270949,
DENIED APPEAL, GRANTED PERMIT AS
AMENDED
Adoption of a Resolution granting or denying the appeal and granting or denying the CUP permit, with appropriate findings to support Council action.

Subitem-I: (R-88-2493) ADOPTED AS RESOLUTION R-270950,
DENIED APPEAL, GRANTED PERMIT AS
AMENDED
Adoption of a Resolution granting or denying the appeal and granting or denying the PCD permit, with appropriate

findings to support Council action.

Subitem-J: (R-88-1894 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-270954

Adoption of a Resolution denying an amendment to the Otay
Mesa Community Plan.

FILE LOCATION:

Subitems A & B LAND - Otay Mesa-Nestor Community Plan;

Subitem-C & E: LAND - San Ysidro Community Plan;

Subitem-D: --;

Subitems F & J LAND - Otay Mesa Community Plan;

Subitem G--;

Subitem H PERM CUP-87-0218;

Subitem I PERM PCD-87-0218

COUNCIL ACTION: (Tape location:

1. Mohler - D090-190;
2. Malcolm/Smythe - A035-074;
3. Gateway Fair - D191-E125.)

Hearing began for the Mohler and Gateway Fair projects at 2:13
p.m. and halted at 2:59 p.m.

Testimony in favor of the Mohler project by Marie Kenyon.

Testimony in opposition to the Gateway Fair project by Matt
Peterson and Bruce Stafford.

Testimony in favor of an indefinite continuance by Lynn L.
Heidel.

MOTION BY FILNER TO REFER THE MALCOLM/SMYTHE AVENUE PROJECT TO
THE PLANNING DEPARTMENT FOR RENOTICING AT SUCH TIME AS THE
DEVELOPER HAS SUCCESSFULLY CONCLUDED A WORKSHOP WITH THE
COMMUNITY WITH RESPECT TO CHANGES TO THE PROPOSAL THAT WILL
LIMIT THE DENSITY, INSURE ARCHITECTURAL QUALITY, AND CONFORM TO
THE COMMUNITY'S NEEDS. Second by McCarty. Passed by the
following vote: Wolfsheimer-not present, Roberts-yea,
McCull-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY FILNER TO APPROVE STAFF'S RECOMMENDATION FOR THE
MOHLER PROJECT AND ADOPT SUBITEMS A AND B. Second by Struiksma.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, McCull-yea, Pratt-yea, Struiksma-yea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.
MOTION BY FILNER TO DENY THE APPEAL, SUPPORT THE GATEWAY FAIR PROJECT, AND APPROVE THE AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN. ADOPT SUBITEM F, INTRODUCE SUBITEM G, AND ADOPT SUBITEMS H AND I AS AMENDED WITH CONDITIONS TO THE PERMITS IN ATTACHMENT 1 OF HIS MEMORANDUM DATED MAY 10, 1988, AND ADOPT ADOPT SUBITEM J AS AMENDED APPROVING AN AMENDMENT TO THE OTAY MESA COMMUNITY PLAN. APPROVE THE PLANNING DEPARTMENT'S RECOMMENDATIONS IN ATTACHMENTS 8, 9, AND 10 OF THE PLANNING REPORT. DIRECT THE PLANNING DEPARTMENT TO INCORPORATE INTO ITS FY89 WORK PROGRAM PREPARATION OF AN OTAY VALLEY REGIONAL PARK PLAN. Second by Struiksma. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor.

ITEM-331: (O-88-160 Rev.1) INTRODUCED, TO BE ADOPTED MAY 31, 1988

(Continued from the meeting of April 26, 1988, Item 333, at Council Member Roberts' request, to allow him to be present for the discussion of this item.)

Matter of:

A proposal to amend Chapter X, Division 11.5, of the San Diego Municipal Code (Planning and Zoning Regulations) which would adopt the provisions of Section 5412.1 of the California Business and Professions Code, relating to outdoor advertising displays. The adoption of this amendment would require the removal of billboards in residential zones, using amortization as compensation. Introduction of an Ordinance amending the San Diego Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E130-F520.)

Hearing began at 3:00 p.m. and halted at 4:06 p.m.

Testimony in favor by Gail MacLeod.

Testimony in opposition by Tom Malinoski, Ron Beals, Nicole Murray, Ray Garcia and Brenda Ellwood.

Motion by Pratt to remove the residential signs and reinstate the relocation provision that was repealed last summer. Second by Henderson. Failed: Yeas-4,5,6,7. Nays-2,3,8,M. Not present-1.

Motion by Struiksma to continue for two weeks and direct the City Attorney to draft a relocation portion of the ordinance.

Second by Henderson. Failed: Yeas-4,5,6,7. Nays-2,3,8,M. Not

present-1.

MOTION BY McCOLL TO APPROVE STAFF'S RECOMMENDATION AND INTRODUCE

THE ORDINANCE. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-nay, Struiksma-nay, Henderson-nay, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Matters concerning Lots 1 and 2 of Fashion Ridge, Map-11871, portions of Lots 2, 3 and 5, Pueblo Lot 1174, Map-141; and Lot 1, Mission Valley Ball Park (approximately 9.9 acres), located on the northwest corner of Friars Road and Ulric Street, in the Linda Vista Community Plan area and within the Mission Valley Development Intensity Regulatory Overlay District (Ordinance 0-16460).

- 1) Rezoning the above described real property from Zone CO (HR/FPF) to Zone CA (HR/FPF);
 - 2) Amending Linda Vista Community Plan on the above described real property;
 - 3) Amending Mission Valley Community Plan and Development Intensity Regulatory Overlay District Ordinance on the above described real property;
 - 4) Appeals of D' & D' Partnership, by Roque de la Fuente II, from the decision of the Planning Commission in denying
 - a) Planned Commercial Development Permit PCD-85-0643 proposing a mixed-use development comprised of 275,420 square feet of office use, 116 hotel rooms, 24,000 square feet of retail, 13,250 square feet of restaurant, 23,200 square feet of recreation uses and seven residential units; and
 - b) Tentative Map TM-85-0643 (Loma Linda Vista) proposing a 4-lot subdivision.
- (Case, PCD & TM-85-0643. District-5.)

Subitem-A: (R-88-) CONTINUED INDEFINITELY
Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0643 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 and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public

Resources Code Section 21081.

Subitem-B: (O-88-139) CONTINUED INDEFINITELY
Introduction of an Ordinance for CA Zoning.

Subitem-C: (O-88-2029) CONTINUED INDEFINITELY (NOTE: The
issue regarding allocation of ADTs
to Zone 441 within the Development
Intensity Zone C was CONTINUED TO
JUNE 21, 1988)

Introduction of an Ordinance denying the Linda Vista
Community Plan, the Mission Valley Community Plan and the
Development Intensity Regulatory Overlay District
Ordinance.

Subitem-D: (R-88-) CONTINUED INDEFINITELY
Adoption of a Resolution granting or denying the appeal and
granting or denying the permit with appropriate findings to
support Council action.

Subitem-E: (R-88-) CONTINUED INDEFINITELY
Adoption of a Resolution granting or denying the appeal and
granting or denying the map with appropriate findings to
support Council action.

FILE LOCATION:

Subitem A LAND - Linda Vista Community Plan;

Subitems B & C--;

Subitem D PERM

PCD-85-0643;

Subitem E SUBD - Loma Linda

Vista

COUNCIL ACTION: (Tape location: D015-080.)

Testimony in favor of the continuance by Michel Anderson and
John Murphy.

MOTION BY STRUIKSMA TO CONTINUE INDEFINITELY, SEPARATE THE ISSUE
FROM THE PROJECT REGARDING ALLOCATION OF ADTs TO ZONE 441 WITHIN
THE DEVELOPMENT INTENSITY ZONE C AND CONTINUE IT TO JUNE 21,
1988 WITH A REPORT BACK TO COUNCIL AT THAT TIME. Second by
Roberts. Passed by the following vote: Wolfsheimer-not
present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,

Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (O-88-189) INTRODUCED AND ADOPTED AS ORDINANCE
O-17091 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. O-16916-1, as amended and adopted therein, by amending the personnel authorization of the City Treasurer's Office (052) by deleting one Accountant II position and by adding one Principal Accountant position; exempting said position from the Classified Service, and establishing a Salary Rate therefor.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will exempt one Principal Accountant position in the City Treasurer Department from the Classified Service. A classification study by the Personnel Department has determined that an existing accountant position meets the class specifications for upgrading to Principal Accountant. Principal Accountant positions within the City's organization are in the Unclassified Service. On April 7, 1988, the Civil Service Commission unanimously approved the City Treasurer's request for exemption of the position from the Classified Service, giving favorable review and comment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F521-535.)

MOTION BY STRUIKSMA TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

May-10-1988

ITEM-S403: DISCUSSED

Matter of:

The selection of a growth management strategy to be used as the basis for subsequent amendment to the GUIDELINES FOR FUTURE DEVELOPMENT Section of the Progress Guide and General Plan of the City of San Diego. It should be made clear that the action to be taken subsequent to the public hearing does not constitute amendment to the general plan, but is merely for the purpose of giving direction to staff in the preparation of a draft general plan amendment. A

public hearing on the general plan amendment will be published under separate notice at a future date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A171-C112;G356-I075.)

Hearing began at 10:45 a.m. and recessed at 12:01 p.m.

Hearing resumed at 4:38 p.m. and halted at 5:36 p.m.

Council Member Filner left at 5:00 p.m.

Testimony in favor by Warren Nielsen.

ITEM-S404: RETURNED TO MAYOR

Briefing by Growth Management Consultant on Legal Issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A113-169.)

MOTION BY ROBERTS TO RETURN TO THE MAYOR AT THE MAYOR'S REQUEST FOR REDOCKETING AFTER DR. FREILICH AND THE CITY ATTORNEY ARE PREPARED TO PRESENT A BRIEFING ON THE LEGAL ISSUES. Second by McColl. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405:

Four actions relative to Meet and Confer Items:

Subitem-A: (O-88-197) INTRODUCED, TO BE ADOPTED MAY 31, 1988

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1988-89.

Subitem-B: (R-88-2221) ADOPTED ON MAY 9, 1988

Adoption of a Resolution endorsing and approving the Memorandum of Understanding agreed to by the Management Team and Employee Organizations.

Subitem-C: (R-88-2222) ADOPTED AS RESOLUTION R-270951

Adoption of a Resolution approving the classifications of personnel in the Classified Service of the City of San Diego eligible for premium or regular rate overtime.

Subitem-D: (R-88-2223) ADOPTED AS RESOLUTION R-270952

Adoption of a Resolution amending the Employee Representation Units.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G281-355.)

MOTION BY STRUIKSMA TO INTRODUCE SUBITEM A AND ADOPT SUBITEMS C AND D. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-88-2505) ADOPTED AS RESOLUTION R-270953, DENIED VARIANCE

(Continued from the meeting of May 3, 1988, Item 334D, at Charles Gill's request, to allow the interested parties to be present.)

A variance request from the Interim Development Ordinance for a 15-unit project (includes proposed units and any existing units to remain). The subject property is located at 5530-5540 La Jolla Boulevard in the Zone 4 site in the La Jolla Planned District area and is more particularly described as Lots 21-24, Block 16 of Bird Rock Addition, Map-1081.

(Case-87-2009. Non-Accelerated. District-1.)

Adoption of a Resolution granting or denying the variance request for Case-87-2009 with appropriate findings to support Council action.

19880510

FILE LOCATION: ZONE IDO Variance Case-87-2009

COUNCIL ACTION: (Tape location: F545-G280.)

Hearing began at 4:08 p.m. and halted at 4:33 p.m.

Deputy Mayor McColl left at 4:08 p.m.

Testimony in favor by Willard Chang, Bonnie Hubbard and Charles Becker.

MOTION BY HENDERSON TO DENY THE REQUEST FOR A VARIANCE. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

ITEM-PC-1: REFERRED TO PLANNING DEPARTMENT, CITY MANAGER AND

THE COUNCIL MEMBER FROM THE DISTRICT
By Todd Schulke regarding grading in Penasquitos Canyon.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I076-085.)

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor
O'Connor in honor of the memory of Berenice Crust at 5:40
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: I086-090).