

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 22, 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 10:56 a.m. The meeting was recessed by Mayor O'Connor at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Chairperson Struiksma at 2:15 p.m. with Mayor O'Connor and Council Members McColl, Henderson and McCarty not present. Mayor O'Connor adjourned the meeting at 3:37 p.m. to meet in Closed Session on Monday, November 28, 1988, at 1:00 p.m. in the twelfth floor conference room regarding pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-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-excused by R-272419
(Vacation)
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
Clerk-Fishkin (eb,jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-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-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

* ITEM-114:

Two actions relative to vacating a portion of Road Survey 65:
(Sorrento Hills Community Area. District-1.)

Subitem-A: (R-89-994) ADOPTED AS RESOLUTION R-272387
Vacating a portion of Road Survey 65 within a portion of Section 32, Township 14 South, Range 3 West, and in conjunction with Sorrento Hills Corporate Center Phase II (TM-84-0520), under the procedure for the summary vacation of streets and public service easements.

Subitem-B: (R-89-995) ADOPTED AS RESOLUTION R-272388
Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0520, in connection with Sorrento Hills Corporate Center Phase II (TM-84-0520), has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, and that said Declaration has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation has been requested in connection with the proposed Sorrento Hills Corporate Center Phase II (TM-84-0520) subdivision. The subdivision area totals 337.6 gross acres, which includes the area of vacation of approximately 3.21 acres. The tentative map was approved by the Subdivision Board on January 22, 1985, and amended on March 22, 1985. The subject vacation and proposed subdivision are located in the southeast portion of the Sorrento Hills Community Plan area and situated in future M-1B and M-1-P Zones. The vacation is more precisely located within a portion of Section 29 of Township 14 South, Range 3 West (future units 3, 5 and 6 of the Tentative Map). Future development will consist of office, industrial, and residential uses under Planned Industrial Development Permit PID-84-0520 and Planned Residential Development Permit PRD-84-0518. The future development is consistent with the General Plan and the Sorrento Hills Community Plan. The road easement described as Road Survey 65 was dedicated as a public highway in 1899 to the County of San Diego and subsequently relinquished to the City when the area was later annexed. The vacation area is unimproved and does not contain public or franchise facilities and will not affect access. The right-of-way has a 40 foot width on a describable centerline that traverses over canyon terrain which precludes it from development. In addition, the subdivision will dedicate and improve a street system that will accommodate future traffic circulation. Staff review has

indicated that the right-of-way proposed for vacation is no longer required for present or prospective public use and may be summarily vacated.

FILE LOCATION:

Subitems A and B STRT J-2702 DEED F-4728
DEEDFY89-1

COUNCIL ACTION: (Tape location: A013-022.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Nov-22-1988

ITEM-310: WELCOMED

Welcoming approximately 25 foreign military officers from International Surface Officers Naval Amphibious School, who will attend this meeting accompanied by Lt. Bob Perkins. This group will arrive at approximately at 10:15 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A011-013.)

MAYOR O'CONNOR WELCOMED THE GROUP.

ITEM-330: (R-89-1127) GRANTED REQUEST ADOPTED AS RESOLUTION
R-272389

19881122

In the matter of a request of T & S Development, by Rebecca Michael of Peterson, Thelan & Price, that the City of San Diego initiate a community plan amendment to the Development Intensity Element of the University Community Plan to increase the development intensity of the La Jolla Village Square site (Subarea 78) and a portion of the Cape La Jolla site (Subarea 79) from 737,250 square feet of regional commercial to 950,000 square feet. The site is bounded on the north by Nobel Drive, on the east by I-5, on the west by Via La Jolla Drive and Via Mallorca and on the south by Cape La Jolla. (District-1.)

Adoption of a Resolution granting or denying the initiation request.

FILE LOCATION: LAND University Community Plan

COUNCIL ACTION: (Tape location: A044-445.)

Hearing began 10:59 a.m. and halted 11:29 a.m.

Testimony in favor by Jay Self, John Zimmerman and Harry Mathis.

Testimony in opposition by Alan Perry.

MOTION BY WOLFSHEIMER TO ADOPT A RESOLUTION GRANTING THE INITIATION REQUEST AND DIRECT THE PLANNING DEPARTMENT TO WORK WITH THE APPLICANT 1) WITH RESPECT TO THE OFF-RAMP SO THAT IT IS APPROPRIATE AND USEFUL AND EASILY ACCESSIBLE, 2) THAT THE TRANSIT CENTER BE PREPARED FOR THIS AREA, 3) THAT THE APPLICANT PARTICIPATE IN ANY PID OR ASSESSMENT TO FINANCE THE SHUTTLE AND/OR TROLLEY. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

(Continued from the meeting of October 25, 1988, Item 330, at the Planning Department's request, for renoticing.)
Rezoning a portion of Lots 2, 3, and 4, Section 30, Township 14 South, Range 3 West, SBBM (approximately 22.9 acres) from Zone A1-1 (HRO) to Zone M-IP (HRO). The subject property is located southerly of Arroyo Sorrento Road and El Camino Real within the Sorrento Hills Community Plan area.

The proposed rezoning also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed L.C.P. amendment, to become effective, must also be approved by the California Coastal Commission.

(Case-86-0573. District-1.)

Subitem-A: (R-89-585) ADOPTED AS RESOLUTION R-272390

Adoption of a Resolution certifying that the information contained in Addendum No. 82-0380 to Environmental Impact Report EIR-81-12-33, Sch. No. 82022406, 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-89-63) INTRODUCED AS AMENDED, TO BE ADOPTED
DECEMBER 12, 1988

Introduction of an Ordinance for M-IP (HRO) Zoning.

FILE LOCATION:

Subitem-A ZONE ORD NO. ,

Subitem-B --

COUNCIL ACTION: (Tape location: A445-B230.)

Hearing began 11:29 a.m. and halted 11:56 a.m.

Testimony in favor by Doug Aured and Alan Perry.

Testimony in opposition by Opal Trueblood and Bill Schuenken.

Motion by Wolfsheimer to deny the rezoning. Second by Filner.

Failed by the following vote: Wolfsheimer-yea, Roberts-nay,

McColl-nay, Pratt-nay, Struiksma-nay, Henderson-not present,

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

MOTION BY STRUIKSMA TO ADOPT SUBITEM-A AND INTRODUCE THE ORDINANCE FOR SUBITEM-B AS AMENDED TO APPROVE THE STAFF RECOMMENDATION TO AUTHORIZE THE PLANNING DIRECTOR TO SUBMIT THE ORDINANCE TO THE LOCAL COASTAL COMMISSION. Second by McColl.

Passed by the following vote: Wolfsheimer-nay, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,

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

ITEM-332: (R-89-662) CONTINUED TO NOVEMBER 29, 1988, 10:00 A.M.

Proposal to amend the City's Local Coastal Program to incorporate a categorical exclusion for urbanized areas of the coastal zone which do not have sensitive coastal resources. Section 30610(e) of the Coastal Act provides that certain geographic areas of the Coastal Zone may be exempted from the need to obtain Coastal Development permits where there is no potential for adverse effects to coastal resources. The primary intent of the categorical exclusion is to eliminate an extra layer of discretionary permit review where there is a low probability of encountering the type of issues identified in the Coastal Act. The categorical exclusion would not remove areas from the coastal zone nor would it exempt development from the need to obtain other discretionary permits.

(Citywide.)

Adoption of a Resolution approving the amendment and authorizing submittal to the California Coastal Commission.

FILE LOCATION: LAND Local Coastal Program

COUNCIL ACTION: (Tape location: A020-034.)

MOTION BY ROBERTS TO CONTINUE TO NOVEMBER 29, 1988, 10:00 A.M.

FOR COUNCIL MEMBER HENDERSON TO BE PRESENT. Second by

Struiksma. Passed by the following vote: Wolfsheimer-yea,

Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not

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

ITEM-333: (O-89-91) INTRODUCED AND ADOPTED AS ORDINANCE
O-17187 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending Document OO-17122-1, as amended and adopted therein, by exempting one Deputy Director position in the Waste Management Department (510) from the Classified Service ; amending the personnel authorization schedule of the Waste Management Department, Planning and Administration Division (51110) to reflect the Deputy Director position as Unclassified, and establishing a salary rate therefor.

(See memorandum from the Personnel Director dated 8/12/88.)

CITY MANAGER SUPPORTING INFORMATION: The position of Waste Management Deputy Director, Planning and Administration, is recommended for exemption from the Classified Service. The position has significant management level responsibilities which fall within the managerial definition contained in Charter Section 117(a)17. This position has duties and responsibilities comparable in level of difficulty and independence similar to other Deputy Director positions in the City which have been exempted from the Classified Service. On August 11, 1988, the Civil Service Commission reviewed this recommendation and determined that the position met all criteria of the Charter and commented in support of exempting this position from the Classified Service. This position is shown in the FY 89 budget, which created the Waste Management Department.

NOTE: The first public hearing was held on Monday, November 21, 1988, Item 201.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A020-034.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 333, 334, AND S500. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (O-89-98) INTRODUCED AND ADOPTED AS ORDINANCE O-17188
(New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17122 (New Series), as amended, entitled "An

Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-17122-1, as amended and adopted therein, by amending the personnel authorization of Council District 8 (028) by exempting one Council Representative I position from the Classified Service, and establishing a salary rate therefor.

(See Memorandum from Council Member Filner dated 8/2/88 and Memorandum from the Personnel Director dated 8/12/88.)

NOTE: The first public hearing was held on Monday, November 21, 1988, Item 202.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A020-034.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 333, 334, AND S500. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335:

Proposal to amend the La Jolla Community Plan to eliminate the collector street designation for Rutgers Road between La Jolla Scenic Drive South and Van Nuys Street within the La Jolla community as recommended by the City's Engineering and Development Department. The amendment will permit construction of a residential development, La Jolla Palisades Unit 4.

(Case-87-1116. District-1.)

Subitem-A: (R-89-934) ADOPTED AS RESOLUTION R-272391

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-1116 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-89-933) ADOPTED AS RESOLUTION R-272392

Adoption of a Resolution approving the amendment to the La Jolla Community Plan.

FILE LOCATION: LAND - La Jolla Community Plan

COUNCIL ACTION: (Tape location: C010-465.)

Hearing began at 2:14 p.m. and halted at 2:48 p.m.

Testimony in favor by Gene Sally, Bill Toner, Geri Colby, Kent

Hinckley, Harlond Hauck and Dr. Chester Barta.
Testimony in opposition by Steve Bishop, Russ Hedin and Harold Nachlin.

MOTION BY WOLFSHEIMER TO APPROVE STAFF'S RECOMMENDATION AND ELIMINATE THE COLLECTOR STREET DESIGNATION. Second by Roberts.

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

ITEM-336:

Appeal of George Hronopoulos, by Timothy J. Graves, Graves Engineering, Inc., from the decision of the Planning Commission in granting La Jolla Planned District Special Use Permit LJC-87-0400, proposing to allow for an addition and remodel of an existing 2,009 square-foot, single-family residence, adding 1,822 square-feet for a total of 3,831 square-foot residence on a 4,922 square-foot lot.

The applicant is requesting a variance to allow the retention of the existing nonconforming front, rear and interior side yard setbacks associated with the existing structure, given that the necessary cost of the improvements would exceed 50 percent of the assessed value of the original structure as specified in Chapter X, Article 1, Division 3 of the San Diego Municipal Code and required by the La Jolla Planned District Ordinance, Section 103.1205 (nonconforming uses).

The subject property is located at 274 Coast Boulevard between South Coast Boulevard and Prospect Street, and is further described as Lots 1, 2 and 3, Nicholas Addition, Map-952, in the La Jolla Planned District, Zone 5, in the La Jolla Community Plan area.

(LJC-87-0400. District-1.)

19881122

Subitem-A: (R-89-1903) ADOPTED AS RESOLUTION R-272393

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0400 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-89-1904) ADOPTED AS RESOLUTION R-272394,
DENIED APPEAL, GRANTED PERMIT

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

FILE LOCATION: PERM - LJC-87-0400

COUNCIL ACTION: (Tape location: C466-D585.)

Hearing began at 2:49 p.m. and halted at 3:37 p.m.

Mayor O'Connor entered at 2:49 p.m.

Testimony in favor of the appeal by Tim Graves, George Hronopoulos and Michael Krichman.

Testimony in opposition to the appeal by Lynne Heidel, Tony Ciani and Nicholas Wallner.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL, ADOPTING SUBITEM A AND ADOPTING SUBITEM B, DENYING THE APPEAL AND GRANTING THE PERMIT, INCLUDING THE FACADE CHANGE PROPOSED BY MR. CIANI. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (O-89-107) INTRODUCED AND ADOPTED AS ORDINANCE
O-17189 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17122-1, as amended and adopted therein, by amending the personnel authorization of the Mayor's Office (010) by exempting two Council Representative II positions from the Classified Service, and establishing salary rates therefor.

(See memorandum from the Personnel Director dated 11/4/88.)

NOTE: The first public hearing was held on Monday, November 21, 1988, Item S403. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A020-034.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCES FOR ITEMS 333, 334 AND S500. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 3:37 p.m.

FILE LOCATION: AGENDA.

COUNCIL ACTION: (Tape location: D586-591).

MOTION BY McCARTY TO ADJOURN THE MEETING IN HONOR OF THE MEMORY OF PRESIDENT JOHN F. KENNEDY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.