

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

TUESDAY, NOVEMBER 29, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor McColl at 10:14 a.m.

The meeting was recessed by Deputy Mayor McColl at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:07 p.m. with Council Members Roberts, Pratt and Struiksma not present. Mayor O'Connor adjourned the meeting at 6:10 p.m. into Closed Session in the twelfth floor conference room to discuss 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-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Fishkin (jb;rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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

ITEM-330:

Two actions relative to the acquisition of 5.36 acres for

Open Space - Hage Park:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-89-660) ADOPTED AS RESOLUTION R-272448

Considering the protests and determining that it would be in the public interest to acquire 5.36 acres of Hage Park for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-272144, adopted October 24, 1988; authorizing the expenditure of an amount not to exceed \$1,000,000 (\$880,000 from Open Space Park District Bond Fund 79103, and \$120,000 from CIP-29-292.0, Hage Neighborhood Park Acquisition, Park Service District Fund No. 11223), as payment for said property and related costs; authorizing the City Manager to accept the deed to said property without further Council action.

Subitem-B: (R-89-661) ADOPTED AS RESOLUTION R-272449

Certifying that the information contained in Environmental Negative Declaration END-87-0456, in connection with Hage Park acquisition, 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.

CITY MANAGER SUPPORTING INFORMATION: The Council's adopted Mira Mesa Community Plan includes a park site in the northeastern portion of Mira Mesa, adjacent to a 10-acre school site owned by the San Diego Unified School District for the future Hage Elementary School. On December 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition. Funds for this park land acquisition will be provided by both park fees and open space funds so that acquisition may be accomplished at this time. When Facilities Benefit Assessment funds are available, which is expected to occur within ten years, the amount expended from open space funds will be paid into the capital outlay fund for additional open space acquisitions. This request is for \$1,000,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs. Aud. Cert. 8900276.

FILE LOCATION: STRT OS-34

COUNCIL ACTION: (Tape location: A048-051;C248-275.)

Hearing began at 11:58 p.m. and halted at 12:01 p.m.

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

ITEM-331: (R-89-428) CONTINUED TO JANUARY 17, 1989 AT

10:00 A.M.

(Continued from the meetings of October 11, 1988, Item 333, and October 25, 1988, Item 334; last continued at Council Member Struiksma's request, to allow staff to work with the property owners to prepare language for an open space easement deed for Council review.)

Considering the protests and determining that it would be in the public interest to acquire 20 acres of Los Penasquitos Canyon Preserve - North No. 4 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-271835, adopted on September 12, 1988; authorizing the expenditure of not to exceed \$480,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 20-acre parcel is a portion of the large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority.

Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$480,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8900194.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A010-035.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JANUARY 17, 1989, AT 10:00 A.M., AT THE CITY MANAGER'S REQUEST, FOR FURTHER NEGOTIATIONS BETWEEN THE PROPERTY OWNER AND CITY STAFF FOR AN OPEN SPACE EASEMENT DEED. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-332: CONTINUED TO DECEMBER 13, 1988, AT 10:00 A.M.

The Atlas Specific Plan proposes a planned development project comprised of a total of approximately 216,658 square feet of office use, 3396 hotel rooms and 313,000 square feet of convention and banquet facilities on 86 acres located in the Mission Valley Community Plan area. The project includes seven noncontiguous sites. These sites are designated for commercial-recreation, office and open space use. Existing uses on these sites include the Town and Country Hotel, Hanalei Hotel, Mission Grove Office Park, Kings Inn and the Mission Valley Inn. The project sites are located generally west of State Route 163, both north and south of I-8.
(District-5.)

Subitem-A: (R-89-944)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0142, SCH No. 8824032804, 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: (R-89-943)

Adoption of a Resolution adopting the specific plan.

FILE LOCATION: LAND - Atlas Specific Plan

COUNCIL ACTION: (Tape location: A010-035.)

MOTION BY STRUIKSMA TO CONTINUE TO DECEMBER 13, 1988, AT 10:00 A.M., AT HIS REQUEST. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-333: (R-89-) REQUEST WITHDRAWN - REFERRED TO THE IDO ADMINISTRATOR

(Continued from the meeting of September 20, 1988, Item 342a and November 1, 1988, Item 334; last continued at Tom Gade's request, to allow the Councilmember from the district to be present.)

A variance request from the Interim Development Ordinance (IDO) for a 5-unit project (includes proposed units and any existing units to remain). The subject property is

located at 1145 Oliver Avenue and is described as Assessor's Parcel No. 423-252-06. The R-1500 zoned site is within the Pacific Beach Community Plan area.

(Case-88-4118 (Accelerated). District-6.)

Adoption of a Resolution granting or denying the variance request for IDO Variance Case-88-4118 with appropriate findings to support Council action.

FILE LOCATION: ZONE - IDO VARIANCE Case-88-4118

COUNCIL ACTION: (Tape location: A036-047.)

MOTION BY HENDERSON TO WITHDRAW THE VARIANCE REQUEST, AT TOM GADE'S REQUEST, AND REFER THE ITEM TO THE IDO (INTERIM DEVELOPMENT ORDINANCE) ADMINISTRATOR. Second by Struiksma.

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

ITEM-334: (O-89-83) INTRODUCED AND ADOPTED AS ORDINANCE O-17192 (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 establishing Capital Improvement Project CIP-52-446, I-805/Mira Mesa Boulevard Interchange; authorizing the Auditor and Comptroller to transfer the sum of \$60,000 from Fund No. 10506, to CIP-52-446, for the purpose of funding CIP-52-446, I-805/Mira Mesa Boulevard Interchange.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The improvement of the Interstate 805/Mira Mesa Boulevard Interchange is currently included in the State Transportation Improvement Program (STIP) and is a threshold condition within the Transportation Phasing Plan for Pacific Corporate Center in the Mira Mesa Community. This project will be funded by developers in the area. At the present time, the Phasing Plan precludes the continuance of development until the interchange is assured.

The subject agreement will convey to Caltrans \$60,000 for the preparation of a Project Report and NEPA Environmental Document for the I-805/Mira Mesa Boulevard Interchange. These documents are the next necessary step towards the future construction of on and off-ramps at this interchange. The monies that will be disbursed to Caltrans for this effort have been collected from the area developers specially for this project.

Aud. Cert. 8900285.

NOTE: The first public hearing was held on Monday, November 28, 1988, Item 204 in

Subitem B.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A045-056.)

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

ITEM-335:

Two actions relative to a Civil Penalties Ordinance for Municipal Code violations and an administrative program:

Subitem-A: (O-89-106) INTRODUCED, TO BE ADOPTED DECEMBER 12, 1988

Introduction of an Ordinance amending Chapter I of the San Diego Municipal Code by adding Section 11.19, relating to the Establishment of Civil Penalties for Violation of the Code.

Subitem-B: (R-89-1046) ADOPTED AS RESOLUTION R-272450

Adoption of a Resolution authorizing and directing the City Manager to develop a comprehensive program to implement the "Civil Penalties Ordinance" ; authorizing the City Manager to establish an administrative hearing process for the imposition of civil penalties including guidelines for establishing the amount of civil penalties to be assessed; authorizing the City Manager to establish a fund for the deposit of all penalties collected and develop a cost effective program for the equitable disbursement of such monies, including reimbursement to City departments for costs incurred; authorizing and directing the City Manager to develop a centralized enforcement program to specially target serious Municipal Code violations, including land use violations, which would effectively utilize stronger enforcement techniques such as the Civil Penalties Ordinance.

(See City Manager Report CMR-88-471 and Committee Consultant Analysis TLU-88-36.)

COMMITTEE ACTION: Initiated and reviewed by TLU on 5/9/88 and

10/10/88. Recommendation to approve the proposed ordinance. The Committee directed the City Manager to further address the issues of enforcement responsibility, cost recovery, and the superfund structure and make any necessary ordinance amendments prior to City Council review of the item; and directed the City Manager to make a follow-up report on enforcement through the use of this ordinance in six months. Districts 1, 2, 4, 5 and 8 voted yea.

FILE LOCATION:

Subitem A--;

Subitem B MEET

COUNCIL ACTION: (Tape location: A065-115.)

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

ITEM-336: (R-89-1078 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-272451

19881129

Authorizing the City Manager to submit to the U.S. Department of Housing and Urban Development, the required Statement of Community Development Objectives and Projected Use of Funds for the 1989 Community Development Block Grant Program, including all appropriate certifications and assurances; authorizing the City Manager to extend the 1989 Community Development Block Program Year by six months, ending June 30, 1990 and to operate the Community Development Block Grant Program on a Program Year concurrent with the City's Fiscal Year, beginning July 1, 1990.

(See Committee Consultant Analysis PSS-88-8; memorandum from Maureen Stapleton dated 10/28/88; City Manager Report CMR-88-477.)

CITY MANAGER SUPPORTING INFORMATION: At the November 16, 1988 Public Services and Safety Committee meeting, the Committee forwarded to the full Council, without comment, the Manager's Recommendations for funding for the 1989 Community Development Block Grant Program. The recommendations are contained in City Manager Report CMR-88-477, which also contains the recommendation to modify the Community Development Block

Grant Program Year from a Calendar Year to a Fiscal Year. The Program Year would then run concurrent with the City's Fiscal Year. Today's action will determine which programs will receive 1989 Community Development Block Grant funding to be included in the required Statement of Objectives that is submitted to the Department of Housing and Urban Development. This action will also determine whether or not the Community Development Block Program Year should be modified.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116-C246.)

Motion by Filner to take the funds from projects Nos. 22, 24 (accept \$100,000), 32 and 34, and allocate them to the San Ysidro Cultural Center. No second.

MOTION BY HENDERSON TO MODIFY THE PROGRAM FROM A CALENDAR YEAR TO A FISCAL YEAR TO COINCIDE WITH THE ANNUAL BUDGET. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

MOTION BY HENDERSON TO APPROVE THE ALLOCATION OF 1989 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) FUNDS, INCLUDING THE AMENDMENTS BY COUNCIL MEMBERS PRATT AND STRUIKSMA, AS FOLLOW:

#5-COPLEY FAMILY YWCA - \$45,000, #8-CITY HEIGHTS COMMUNITY DEVELOPMENT CORP. - \$79,000, #10-NORMAL HEIGHTS COMMUNITY DEVELOPMENT CORP. - \$354,000, #11-SAN DIEGO SERVICE CENTER FOR THE BLIND - \$179,000, #12-MID-CITY COMMERCIAL REVITALIZATION - \$900,000, #14-MID-CITY/NORTH PARK REDEVELOPMENT - \$200,000, #16-WILSON MIDDLE SCHOOL TURFING - \$400,000, #20-ADAMS & 39TH ST. PARK ACQUISITION - \$500,000, #22-BARRIO STATION AUDITORIUM AIR CONDITIONING - \$90,000, #24-LOGAN HEIGHTS HEALTH CENTER - \$100,000, #25-SHERMAN HEIGHTS COMMUNITY CENTER - \$100,000, #32-BARRIO SIDEWALKS - \$100,000, #34-SAN YSIDRO HEALTH CENTER - \$202,000, #40-SOUTH CENTER YWCA - \$100,000, #43-NEIGHBORHOOD HOUSE ASSOCIATION (ADULT DAY CARE) - \$100,000 (DELETING PROJECT #51 AS RECOMMENDED BY COUNCIL MEMBER PRATT), #46-MARTIN L. KING, JR. SCHOOL ATHLETIC FIELD - \$100,000, #47-MEMORIAL RECREATION CENTER IMPROVEMENTS - \$300,000, #50-CITY OF SAN DIEGO ENTERPRISE ZONE - \$152,000, #53-SOUTHEAST ECONOMIC DEVELOPMENT CORP. - \$1,350,000, #55-OCEAN BEACH MERCHANTS ASSOCIATION - \$535,000, #56-ROBB FIELD IMPROVEMENTS - \$450,000, #60-BOYS CLUB OF CLAIREMONT FACILITY RENOVATION - \$134,000, #63-LINDA VISTA MEDIAN IMPROVEMENTS - \$600,000, #64-DISTRICT 5 REVITALIZATION - \$150,000, (FUNDING AMOUNTS FOR PROJECTS #63 AND #64 SWITCHED AS RECOMMENDED BY COUNCIL MEMBER STRUIKSMA), #68-DOWNTOWN SENIOR CENTER HOTEL RENOVATION - \$250,000, #74-UPTOWN HISTORICAL SURVEY - \$18,000, #76-CERTIFIED DEVELOPMENT CORPORATION - \$212,000,

#78-HOUSING COMMISSION LOW INCOME HOUSING - \$2,300,000, #81-SOCIAL SERVICES PROGRAM - \$1,575,000, #82-ARCHITECTURAL BARRIER REMOVAL - \$225,000, #83-CDBG PROGRAM ADMINISTRATION - \$300,000. THIS IS A TOTAL ALLOCATION OF \$12,500,000 IN 1989 CDBG FUNDS. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-nay, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay (Abstention ruled by the City Attorney as a nay vote), Mayor O'Connor-not present.

ITEM-337: PRESENTATION MADE

Friends of the San Diego Public Library ceremonial presentation to Council of a facsimile check for \$123,440 representing contributions made to the Library during Fiscal 1988.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D036-079.)

ITEM-338: CONTINUED TO JANUARY 10, 1989

Five actions relative to the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2 under Resolution of Intention R-272213 adopted on October 31, 1988, and the Improvement Act of 1911: (Southeast San Diego Community Area. District-4.)

Subitem-A: (R-89-778)

Adoption of a Resolution of Feasibility for the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

NOTE: Eight votes required.

Subitem-B: (R-89-779)

Ordering the work for the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-C: (R-89-780)

Approving the City Engineer's Report submitted in connection with the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-D: (R-89-781)

Adopting plans and specifications for City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

Subitem-E: (R-89-782)

Inviting sealed proposals for bids for the Improvement of City-Wide Alley Improvement and Sewer Replacement - Contract No. 2.

CITY MANAGER SUPPORTING INFORMATION: The City-Wide Alley Improvement and Sewer Replacement - Contract No. 2 is the second project in the Southeast San Diego area to be considered by Council under the Gas Tax - Assessment District cost sharing concept. The cost sharing concept is based on gas tax funds being used to finance 50 percent of the alley improvements and the remaining 50 percent of the alley improvement cost being assessed to the benefitting parcels. Under this program, all property owners will pay their assessments, since gas tax funds cannot be utilized to pay individual assessments. The proposed improvements to the six alleys included in this contract consist of clearing, grubbing, grading, paving, curb, retaining wall, storm drain and sewer main replacement improvements. There are 78 parcels in the proposed district. The cost of the sewer main replacements will be paid from Water Utility Department sewer annual allocation funds.

FILE LOCATION: STRT D-2278

COUNCIL ACTION: (Tape location: D029-088.)

MOTION BY McCOLL TO OPEN THE HEARING AND CONTINUE THE ITEM TO JANUARY 10, 1989 AS REQUESTED BY THE CITY MANAGER. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339:

Appeals of Lonnie Kernes, Leonard D. Kernes, Marilyn P. Elliott, Thomas G. Morton, Thomas Richard Alspaugh, Jeanne Miscikowski, Marjorie H. Frederick and George A. Frederick, from the decision of the Planning Commission in approving, as modified, Conditional Use Permit CUP-88-0098 (Salvation Army North City Citadel), proposing to construct a 30,900 square-foot community center consisting of a 8,450 square-foot chapel, 4,000 square-foot fellowship hall and a 9,000 square-foot social hall/gymnasium.

The subject property (approximately 4.92-acres) is located on the northwest corner of Balboa Avenue and Clairemont Drive, south of Boone Street and east of Carson Street, and is further described as a portion of Pueblo Lot 1209, Pueblo Lands, Miscellaneous Map-36 and Lot 1210, Clairemont Unit 8, Map-2889, in Zone R1-5000 (single-family

residential), in the Clairemont Mesa Community Plan area.
(CUP-88-0098. District-6.)

Subitem-A: (R-89-) FILED AS A RESULT OF THE APPEAL
BEING DEEMED DENIED

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-88-0098 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-) DEEMED DENIED DUE TO LACK OF FIVE
AFFIRMATIVE VOTES

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 - CUP-88-0098

COUNCIL ACTION: (Tape location: E149-F580.)

Hearing began at 3:00 p.m. and halted at 4:09 p.m.

Testimony in favor by Merlin Osterhaus, Marilyne Elliott, Tom Alspaugh, Jeanne Misukowski, Karen Franklin, and Mr. Graves.

Testimony in opposition by Leo Sullivan, and Major Richard Love.

Mayor O'Connor closed the hearing.

MOTION BY HENDERSON TO UPHOLD THE APPEAL AND DENY THE CONDITIONAL USE PERMIT. Second by Struiksma. Failed by the following vote: Wolfsheimer-nay, Roberts-nay, McColl-yea, Pratt-nay, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-nay, Mayor O'Connor-nay.

ITEM-340: (R-89-) CONTINUED TO JANUARY 31, 1989, AT
2:00 P.M.

Appeal of Unocal Corporation, by R. C. Gossett, Manager, Maintenance and Construction, from the decision of the Planning Commission to limit the hours of operation for a gasoline service station currently operating 24 hours. The subject property (approximately 22,100 square feet) is located on the northwest corner of Denver Street and Clairemont Drive (2576 Clairemont Drive), and is further described as Lot 3 of Clairemont Subdivision, Map-6155, in Zone CA, in the Clairemont Mesa Community Plan area.
(CUP-88-0105. District-6.)

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 - CUP-88-0105

COUNCIL ACTION: (Tape location: F581-G025.)

MOTION BY HENDERSON TO CONTINUE TO JANUARY 31, 1989, AS REQUESTED BY THE APPLICANT, TO WORK OUT A COMPROMISE WITH THE COMMUNITY. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (R-89-662) DENIED

(Continued from the meeting of November 22, 1988, Item 332, at Council Member Roberts' request to allow Council Member Henderson to be present.)

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: D089-E079.)

Hearing began at 2:14 p.m. and halted at 2:54 p.m.

Testimony in opposition by Carol Langly and Robert Burns.

MOTION BY WOLFSHEIMER TO DENY STAFF RECOMMENDATION AND UPHOLD THE RECOMMENDATION OF THE COMMUNITY PLANNING GROUPS, THE CPC, THE COMMUNITY PLANNING GROUPS IN THE COASTAL AREAS INCLUDING TORREY PINES AND THE INTENT AND SPIRIT OF THE COASTAL ACT.

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

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-nay, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-S501: (O-89-97) NOTED AND FILED

(Continued from the meeting of November 21, 1988, Item S400, at Mayor O'Connor's request, to allow Planning Staff and the City Attorney to come back with an acceptable approach to solve the problem associated with this project without implementing an emergency ordinance.)

Introduction and adoption of an Interim Emergency Ordinance prohibiting the establishment of a business with a drive-in or drive-thru facility within the Golden Hill Community Plan area for a one year period or until the implementing Ordinances for the Community Plan are in effect, whichever occurs first.

(See memorandum from Council Member Filner dated 11/14/88; Planning Department Report PDR-88-468; and the letter from the Golden Hill Planning Group. Golden Hill Community Area. Districts-4 and 8.)

COMMITTEE ACTION: Initiated by TLU on 11/14/88.

Recommendation to approve the Emergency Ordinance prohibiting establishment, enlargement or alteration of drive-in or drive-thru facilities in the Golden Hill Community Plan area.

Districts 1, 2 and 5 voted yea. Districts 4 and 8 not present.

FILE LOCATION: LAND - GOLDEN HILL COMMUNITY PLAN

COUNCIL ACTION: (Tape location: E085-145.)

Mayor O'Connor closed the hearing.

MOTION BY FILNER TO ACCEPT STAFF RECOMMENDATION TO REVISE THE INTERIM ORDINANCE AND SET FOR PUBLIC HEARING. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S502: (R-89-1086) ADOPTED AS RESOLUTION R-272452

Directing staff to develop plans for development of a new Civic Center on the East Broadway site; authorizing the initiation of the environmental review process, retention of a Program Advisor for an architectural design competition, retention of a consultant to study the reuse of the Community Concourse, the retention of bond counsel and a financial advisor to advise the City on the development of specific financing details and initiation of negotiation with the property owners.

(See City Manager Reports CMR-88-585, CMR-88-533, and CMR-88-536; and Planning Department Report PDR-88-412. Centre City Community Area. District-8.)

Aud. Cert. 8900480.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G026-I437.)

Motion by McColl to refer to the City Attorney the relocation concerns of the Salvation Army and report back to Council.

Motion by Roberts to amend Council Member Filner's motion to direct the City Manager to prepare a comparative cost analysis and report to the Rules Committee in 30 days.

Motion by Pratt to reinterate the "footprint" for the library at the site to make the library an integral part of future studies; and to direct the City Manager to come forward with a financial plan for funding the library.

MOTION BY FILNER TO APPROVE THE RECOMMENDATIONS OF THE STAFF TO DEVELOP PLANS FOR THE DEVELOPMENT OF A NEW CIVIC CENTER ON THE EAST BROADWAY SITE AND THE RECOMMENDATIONS FOR THE ENVIRONMENTAL

REVIEW PROCESS, THE BOND COUNSEL, ETC., AND TO INCLUDE THE AMENDMENTS BY COUNCIL MEMBERS McCOLL, ROBERTS, AND PRATT.

Second by McColl. Passed by the following vote:

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

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, Mayor O'Connor adjourned the meeting at 6:10 p.m. in honor of the memory of David Madrid.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I348).