

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

TUESDAY, JANUARY 31, 1989

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. Council Member McColl welcomed students from the East San Diego Community College Adult Education School. The meeting was recessed by Mayor O'Connor at 11:16 a.m. into Closed Session in the twelfth floor conference room to discuss pending litigation and meet and confer issues, and to reconvene Council at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:26 p.m. with Council Member Henderson not present. Council Member Struiksmma welcomed students from the Madison High School deaf program, accompanied by Janet Terry. Mayor O'Connor adjourned the meeting at 7:00 p.m.

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 Struiksmma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Fishkin (rb;tm)

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 Struiksmma-not present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-30: REFERRED TO THE CITY MANAGER

The matter of receiving a Resolution from the San Diego Planning Commission regarding the provision of public facilities and services in the community of San Ysidro. (See Planning Department Report PDR-88-427 and Planning Commission Resolution R-0318. District-8.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A197-337.)

MOTION BY FILNER TO DIRECT THE CITY MANAGER TO: 1) IDENTIFY THOSE RESIDENCES THAT LACK WATER AND ELECTRICAL SERVICES AND FACILITATE THE INSTALLATION OF THESE SERVICES AS SOON AS POSSIBLE. 2) IDENTIFY THOSE HOMES THAT ARE NOT CONNECTED TO SEWER LINES. DEVELOP AN OUTREACH PROGRAM TO INFORM THEM OF THE AVAILABILITY OF THIS SERVICE AND ANY FINANCIAL ASSISTANCE THAT COULD BE PROVIDED TO LOW INCOME PROPERTY OWNERS; AND, TO EXPLORE ANY AVENUES THAT THE CITY HAS TO OFFER TO THOSE PROPERTY OWNERS. THE CITY MAY ALSO NEED TO IDENTIFY A VEHICLE TO PERSUADE ANY RELUCTANT ABSENTEE PROPERTY OWNER TO ESTABLISH SERVICE CONNECTIONS FOR THEIR TENANTS. 3) TO WORK WITH SDG&E TO IDENTIFY ANY HOMES THAT ARE NOT CONNECTED TO NATURAL GAS LINES. 4) TO REPORT BACK TO COUNCIL ON THE CONDITIONS OF THE STREETS IN SAN YSIDRO, THE NUMBER THAT ARE UNPAVED AND LACK SIDEWALKS, CURBS, AND GUTTERS. REPORT THE EXTENT OF THE PROBLEM AS WELL AS ANY PROPOSED SOLUTION AND FINANCING MECHANISMS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330:

Proposal to apply the Pedestrian Commercial Overlay Zone to properties generally located along Sunset Cliffs Boulevard, south of Newport Avenue and north of Del Monte Avenue in the Ocean Beach Community Plan area. This overlay zone regulates the placement and character of buildings and parking areas. (Case-88-0844. District-2.)

Subitem-A: (R-89-1230) ADOPTED AS RESOLUTION R-272788

Adoption of a Resolution approving the application of the Pedestrian/Commercial Overlay Zone to properties located along Sunset Cliffs Boulevard, south of Newport Avenue and north of Del Monte Avenue and authorizing the Planning Director to submit the application to the Coastal

Commission as an amendment to the Local Coastal Program.

Subitem-B: (O-89-139) INTRODUCED, TO BE ADOPTED ON
FEBRUARY 13, 1989

Introduction of an Ordinance to apply the
Pedestrian/Commercial Overlay Zone to properties along
Sunset Cliffs Boulevard, south of Newport Avenue and north
of Del Monte Avenue.

FILE LOCATION: SUBITEM A: ZONE ORD. NO.; SUBITEM B: --

COUNCIL ACTION: (Tape location: A356-620.)

Hearing began at 10:59 a.m. and halted at 11:14 a.m.

Testimony in opposition by Gina Bushard Goss.

Testimony in favor by Priscilla McCoy and Mark Zimmerman.

Mayor O'Connor closed the hearing.

MOTION BY ROBERTS TO APPROVE THE EXTENSION OF THE PEDESTRIAN
COMMERCIAL OVERLAY ZONE AND TO PROVIDE ALLEY ACCESS AS
RECOMMENDED BY STAFF. Second by Pratt. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmas-not present, Henderson-not present, McCarty-yea,
Folner-yea, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO MAY 2, 1989

Proposal to adopt the following:

1) Application of the Pedestrian Commercial Overlay Zone
(PCOZ) to commercial areas in Pacific Beach as shown on the
map on file in the Planning Department and as described
below; and

2) An amendment to the Local Coastal Program implementing
ordinances to apply the Pedestrian Commercial Overlay Zone
to those properties within the Coastal Zone. PCOZ would
apply criteria and standards for the placement and design
of new and redeveloped commercial buildings and parking to
preserve and enhance the pedestrian orientation of
commercial areas. PCOZ requires buildings to be located
near sidewalks and has standards for parking and vehicles
to be arranged so as to minimize conflicts between
pedestrians and vehicles.

The subject properties are generally located along
Turquoise Street between La Jolla Boulevard and Cass
Street; along Garnet Avenue from Mission Boulevard to
Ingraham Street; along Grand Avenue from Mission Boulevard
to Cass Street; and in the area bounded by Diamond Street,
Ocean Boulevard, Pacific Beach Drive and Mission Boulevard.
(Case-88-0450. District-6.)

Subitem-A: (R-89-1231)

Adoption of a Resolution approving the application of the Pedestrian/Commercial Overlay Zone in Pacific Beach and authorizing the Planning Director to submit the application to the Coastal Commission as an amendment to the Local Coastal Program.

Subitem-B: (O-89-140)

Introduction of an Ordinance to apply the Pedestrian/Commercial Overlay Zone to commercial properties in Pacific Beach.

FILE LOCATION: SUBITEM A: ZONE - ORD. NO.; SUBITEM B:--

COUNCIL ACTION: (Tape location: A027-196.)

Testimony by Alfred Strohlein and Mike Ryan in opposition to the continuance.

Testimony by Vernon Taylor, Ken Kellogg, and James Stills in favor of the continuance.

MOTION BY ROBERTS TO CONTINUE FOR 90 DAYS, AS REQUESTED BY COUNCIL MEMBER HENDERSON, TO SETTLE THE ISSUE OF COMMERCIAL ZONES IN THE COMMERCIAL DISTRICT FOR CITY BEACHES BEFORE RESOLVING THIS ITEM. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksm-a-not present, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Matters of the following accelerated variance requests from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) for a single-family residence. The subject property is located on the south side of Washington Place between Portola Place and Pioneer Memorial Park and is described as Lot No. 2, Block 18 of Mission Hills Subdivision, Map-1115. The R1-5000 zoned site is within the Uptown Community Plan area.
(Case-88-6082 (Accelerated). District-2.)
- b) A variance request from the Interim Development Ordinance (IDO) for a single-family residence. The subject property is located on the north side of Arcadia Drive and is described as Lot 40, Map-1453, Avalon Heights. The R1-5000 zoned site is within the Uptown Community Plan area.
(Case-88-7058 (Accelerated). District-2.)

Subitem-A: (R-89-2639) ADOPTED AS RESOLUTION
R-272789, GRANTED VARIANCE

Adoption of a Resolution granting or denying the
variance request for Case-88-6082 with appropriate
findings to support Council action.

Subitem-B: (R-89-2640) ADOPTED AS RESOLUTION
R-272790, GRANTED VARIANCE

Adoption of a Resolution granting or denying the
variance request for Case-88-7058 with appropriate
findings to support Council action.

FILE LOCATION: SUBITEM A: ZONE IDO VARIANCE CASE-88-6082;
SUBITEM B: ZONE IDO VARIANCE CASE-88-7058

COUNCIL ACTION: (Tape location: B028-060.)

Hearing began at 11:10 a.m. and halted at 11:15 a.m.

MOTION BY ROBERTS TO APPROVE THE REQUEST, GRANTING THE VARIANCE
FOR SUBITEM-A. Second by Wolfsheimer. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmas-not present, Henderson-not present, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO APPROVE THE REQUEST, GRANTING THE VARIANCE
FOR SUBITEM-B. Second by Wolfsheimer. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmas-not present, Henderson-not present, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-333: (O-89-157) INTRODUCED AND ADOPTED AS ORDINANCE
O-17241 (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 Section 2, Subsection VI, Item 4, to transfer the
sum of \$4,961,119 from the Unappropriated Fund Balance of
the Sewerage Utility Revenue Fund (41506) to the Sewerage
Utility Revenue Fund (41506) Non-Personnel Expense;
authorizing the Auditor and Comptroller to set aside,
transfer and allocate said \$4,961,119 to the Sewerage
Utility Revenue Fund (41506), Metropolitan Wastewater
Program (70211); authorizing the expenditure of a sum not
to exceed \$4,961,119 from the Sewerage Utility Revenue Fund
(41506), Metropolitan Wastewater Program (70211) for the
sole and exclusive purpose of funding executed Compromise

Agreements and Mutual Releases for the Metropolitan Sewerage System Flow Adjustments.

See City Manager Report CMR-88-457.)

NOTE: See Item 203 on the docket of Monday, January 30, 1989 for the first public hearing. Today's action is the introduction and adoption of the ordinance.

CITY MANAGER SUPPORTING INFORMATION: The City's Metropolitan Sewerage System (Metro) provides sewer service to 15 participating agencies (cities and sanitation districts) through contractual agreements. The agreements require each agency to share the costs of operating and maintaining the System based upon the proportion that each agency's sewage flow bears to the total Metro sewage flow. The City and agencies recognized that sewage flow measurements for Fiscal Years 1980-1986 were inaccurate. This resulted in the overcharging of agencies for the Metro operation and maintenance costs. As a result of a preliminary study conducted in 1983, the agencies received credit for a portion of the prior estimated overcharges. The agencies continued to receive estimated annual credits until substantive data was developed to verify the actual credits due. The purchase of sophisticated flow metering devices has resulted in more accurate sewage flow measurement. The City, with the concurrence of the Metro agencies, developed data upon which the total credits were calculated. The data indicates that the agencies should receive refunds (including interest) totaling \$4,961.119. Each participating agency concurs with the City's findings and has executed a Compromise Agreement and Mutual Release.

Aud. Cert. 8900589.

WU-U-89-094.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B029-031.)

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

ITEM-334: (R-89-1865) ADOPTED AS RESOLUTION R-272793 GRANTING THE APPEAL WITH CONDITIONS

19890131

(Continued from the meeting of November 29, 1988, Item 340, at the applicant's request, to allow time to work with the Community to come up with a compromise that everyone is pleased with.)

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: G376-409.)

Hearing began at 5:43 p.m. and halted at 5:44 p.m.

MOTION BY HENDERSON TO GRANT THE APPEAL WITH THE CONDITIONS THAT (1) THERE IS FUEL DELIVERY ONLY DURING DAYLIGHT HOURS; (2) THERE IS BLEEDING OF AIR HOSES ONLY DURING THE DAYLIGHT HOURS; (3) CAR TRAFFIC BEHIND THE STATION IS BLOCKED AT NIGHT; (4) THE STATION CUSTOMERS ARE REQUESTED TO REDUCE NOISE; AND (5) LIGHTING IS ADDED IN THE AREA IN BACK OF THE STATION. Second by Pratt.

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

ITEM-335:

Proposal to adopt an amendment to the Progress Guide and General Plan, the North City West Community Plan and the North City West Development Unit 4A Precise Plan designating 14 acres of land for single-family residential and open space use and an amendment to the North City West Planned District Ordinance to rezone the property from Zone A-1-10 (HR) to Zone SF1.

The subject properties consist of three separate parcels located on the north side of Black Mountain Road, east of Lansdale Drive, within the North City West community, and is further described as a portion of Section 17, Township 14 South, Range 3 West, S.B.B.M. (District-1.)

Subitem-A: (R-89-1341) CONTINUED TO FEBRUARY 7, 1989 AT 10:00 A.M.

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0805 and

EIR Addendum 88-0491 have been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report and addendum have 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-89-1343) ADOPTED AS RESOLUTION R-272795
Adoption of a Resolution amending the Precise Plan for the Beu and Lougeay parcels.

Subitem-C: (R-89-1342) CONTINUED TO FEBRUARY 7, 1989 AT
10:00 A.M.
Adoption of a Resolution amending the Precise Plan, the community plan and the General Plan for the Keiser parcel.

Subitem-D: (O-89-151) INTRODUCED AS AMENDED TO DELETE
THE KEISER PARCEL
Introduction of an Ordinance amending the Municipal Code relating to the planned district.

FILE LOCATION:

Subitems-A,B&C - LAND NCW Development Unit
4A Precise Plan

Subitem-D - LAND NCW Planned District

COUNCIL ACTION: (Tape location: C013-023; H154-168.)

Hearing began at 5:49 p.m. and halted at 5:50 p.m.

Testimony in favor of the continuance of subitem-C by Dan Worley.

MOTION BY WOLFSHEIMER TO CONTINUE SUBITEM-C TO FEBRUARY 7, 1989 AT THE REQUEST OF DAN WORLEY. 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.

MOTION BY WOLFSHEIMER TO APPROVE SUBITEMS A AND B AND INTRODUCE SUBITEM D AS AMENDED TO DELETE THE KEISER PARCEL. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Note: The City Attorney ruled that since

Subitem A related only

to

Subitem C, that it should be continued along with

Subitem C.

He also ruled that the ordinance for

Subitem D should be amended
to only include

Subitem B since it was written to include both

Subitems B and C.

ITEM-S500: DISCUSSION HELD

The matter of discussion of the memorandum from Mayor O'Connor and Councilmembers Bob Filner and Judy McCarty dated January 19, 1989, entitled "A City that Works: Economic Opportunity and Environmental Protection".

NOTE: See Items S501 and S502 for companion items.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C023-I316.)

Hearing began at 2:28 p.m. and halted at 6:58 p.m.

Council Member Henderson entered at 2:30 p.m.

Mayor O'Connor left at 4:08 p.m. and returned at 4:58 p.m.

Council Member McColl left at 4:55 p.m.

Testimony in favor by Robert Duckett, Judy Elliot, Jim Whaleu, Mac Strobel, Sam Marini, Hugh Stewart, Alan Sakarias, Carol Holesol, Paul Peterson and William Kendrick.

Testimony in opposition by Mike Helmer, Mike Mele, Kim Kilkenny, Allen Hayrie, William Shearer and Tom Gorrie.

ITEM-S501: REPORT ACCEPTED

(Continued from the meetings of November 21, 1988, Item 203, December 13, 1988, Item 341 and January 23, 1989, Item 208; last continued at Council Member Struiksma's request, to coincide with the Mayor's request on the growth management discussions and the memo sent by Mayor O'Connor and Council Members McCarty and Filner to Council concerning the growth management issue.)

In the matter of a Growth Management Information/Status Report regarding:

1. Single-Family Lots
2. Use of Planned Infill Residential Developments

3. Neighborhood Character (single-family urban design aspects)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C023-I316.)

Hearing began at 2:28 p.m. and halted at 6:58 p.m.

Council Member Henderson entered at 2:30 p.m.

Mayor O'Connor left at 4:08 p.m. and returned at 4:58 p.m.

Council Member McColl left at 4:55 p.m.

Testimony in favor by Robert Duckett, Judy Elliot, Jim Whaleu, Mac Strobel, Sam Marini, Hugh Stewart, Alan Sakarias, Carol Holesol, Paul Peterson and William Kendrick.

Testimony in opposition by Mike Helmer, Mike Mele, Kim Kilkenny, Allen Hayrie, William Shearer and Tom Gorrie.

ITEM-S502:

(Continued from the meeting of January 24, 1989, Item 335, at Mayor O'Connor's request, for further review and analysis of the issues.)

Nine actions relative to Growth Management Amendments:

Subitem-A: (O-89-161) CONTINUED TO FEBRUARY 14, 1989 AT 10:00 A.M.

19890131

Introduction of an Ordinance amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Section 101.0462, relating to the Resource Protection Overlay Zone, to add biologically sensitive lands, significant prehistoric and historic resources, unmapped wetlands, and other related changes.

Subitem-B: (R-89-1414) ADOPTED AS RESOLUTION R-272796

Adoption of a Resolution directing staff to map sensitive lands within the pilot study area in two phases using existing staff for phase 1 and consultant assistance for phase 2; and report back in two months with the phase 1 results.

Subitem-C: (R-89-1415) ADOPTED AS RESOLUTION R-272797

Adoption of a Resolution directing staff to report back during review of the FY 1990 proposed budget in June with the phase 2 pilot study mapping results, and a scope of work, timeline, financial impact, and financing alternatives for:

- a) Mapping sensitive lands on a citywide basis; and
- b) Updating the City's 200-scale map system.

Subitem-D: (R-89-1416) ADOPTED AS RESOLUTION R-272798
Adoption of a Resolution authorizing the expenditure of an amount not to exceed \$15,000 from the RUIS Program (Dept. 901, Acct. 4222, Job Order 886015) for the purpose of providing funds for a pilot study on sensitive lands mapping/Resource Protection Overlay Zone amendments (Growth Management).
Aud. Cert. 8900607.

Subitem-E: (O-89-158) CONTINUED TO FEBRUARY 14, 1989 AT 10:00 A.M.
Introduction of an Ordinance amending the Single-Family Neighborhood Protection Ordinance to revise the definitions, create interim neighborhood classifications, incorporate an appeal procedure, and other changes.

Subitem-F: (R-89-1418) CONTINUED TO FEBRUARY 14, 1989 AT 10:00 A.M.
Establishing Council Policy 600-38 regarding Development Monitoring.

Subitem-G: (R-89-1419 Rev. 1) ADOPTED AS AMENDED AS RESOLUTION R-272799
Amending Schedule A of the Interim Development Ordinance and directing staff to proceed with the phaseout program.

Subitem-H: (R-89-1420) CONTINUED TO FEBRUARY 14, 1989 AT 10:00 A.M.
Directing the City Manager and Planning Director to prepare the appropriate Council action to provide funds within the Planning Department Fiscal 1989 Budget for the Growth Management work program and consultant services agreement; directing the Planning Director to docket a resolution for the approval of the proposed agreement for Growth Management consulting services.

Subitem-I: REPORT ACCEPTED
Matter of an informational report to Council on the status of the current zoning consistency program.

FILE LOCATION:

Subitems-B, C, D, G & I - MEET

Subitems-A, E, F & H --
COUNCIL ACTION: (Tape location: C023-I316.)

Hearing began at 2:28 p.m. and halted at 6:58 p.m.

Council Member Henderson entered at 2:30 p.m.

Mayor O'Connor left at 4:08 p.m. and returned at 4:58 p.m.

Council Member McColl left at 4:55 p.m.

Testimony in favor by Robert Duckett, Judy Elliot, Jim Whaleu, Mac Strobel, Sam Marini, Hugh Stewart, Alan Sakarias, Carol Holesol, Paul Peterson and William Kendrick.

Testimony in opposition by Mike Helmer, Mike Mele, Kim Kilkenny, Allen Hayrie, William Shearer and Tom Gorrie.

Motion by Filner to adopt the policy statement dated January 19, 1989 entitled, "A City That Works: Economic Opportunity and Environmental Protection" with the January 30, 1989 amendments and the January 31, 1989 amendments. Second by McCarty. No vote.

Motion by Roberts to strike entire "Neighborhood Preservation" section of the "A City That Works: Economic Opportunity and Environmental Protection" policy statement, and to refer it to the Community Planning Groups, and to develop a variance procedure for hardship cases. Second by McColl. No vote.

Motion by Henderson to Continue for one week to allow time for staff to coordinate with Council in developing a variance procedure. No second.

Motion by Wolfsheimer to change the date in section one of the "Neighborhood Preservation" section of "A City That Works: Economic Opportunity and Environmental Protection" policy statement, from August, 1989 to December, 1989. No second.

Motion by Pratt to adopt Item S504 only. No second.

Motion by Pratt to adopt a process for granting variances immediately. No second.

MOTION BY ROBERTS TO SUSPEND THE RULES AND EXTEND THE MEETING.

Second by Pratt. Passed by the following vote:

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

MOTION BY ROBERTS TO CHANGE THE DATE IN SECTION ONE OF THE "NEIGHBORHOOD PRESERVATION" SECTION OF "A CITY THAT WORKS: ECONOMIC OPPORTUNITY AND ENVIRONMENTAL PROTECTION" POLICY STATEMENT FROM AUGUST, 1989 TO DECEMBER, 1989. Second by

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

MOTION BY ROBERTS TO DIRECT THE PLANNING DEPARTMENT TO SCHEDULE HEARINGS TO BRING ZONING INTO CONFORMANCE WITH ALL COMMUNITY PLANS, REZONINGS SHALL BE COMPLETED BY DECEMBER, 1989; AND TO DIRECT THE PLANNING DEPARTMENT TO TAKE EXISTING INTERIM MAPS TO EACH COMMUNITY PLANNING AREA WHICH IDENTIFY PROPOSED SINGLE

FAMILY PRESERVATION AREAS. AFTER NOTIFICATION OF ALL AFFECTED PROPERTY OWNERS AND REVIEW AND COMMENT BY THE AFFECTED COMMUNITY

PLANNING GROUPS, THE MAPS SHALL BE PRESENTED TO THE CITY COUNCIL FOR ADOPTION. THE SINGLE-FAMILY PRESERVATION ORDINANCE SHALL REMAIN IN EFFECT DURING THIS PROCESS; AND TO FURTHER DIRECT THE PLANNING DEPARTMENT TO DEVELOP AND BRING BACK IMMEDIATELY A VARIANCE PROCEDURE FOR REVIEW OF PROJECTS THAT MAY BE CAUGHT UP IN THE SYSTEM. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO REQUIRE ALL NEW MULTI-FAMILY DEVELOPMENT TO

HAVE A SPECIAL PERMIT, EXCEPT IN THOSE COMMUNITIES WHERE PLANNED DISTRICT ORDINANCES HAVE BEEN ADOPTED. THE SPECIAL PERMIT SHALL BE USED SOLELY FOR THE PURPOSE OF DESIGN REVIEW, AND THE PERMITTED DENSITY OF DEVELOPMENT SHALL NOT EXCEED THAT

OTHERWISE

ALLOWED THROUGH MINISTERIAL ACTION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO DIRECT THE PLANNING DEPARTMENT TO INITIATE DURING FY-90, A COMPREHENSIVE UPDATE TO THE CITY'S ZONING AND SUBDIVISION ORDINANCES. THE OBJECTIVE IS TO INCORPORATE MORE EXACTING STANDARDS INTO THE CITY'S DEVELOPMENT REGULATIONS, AND THEREBY AVOID THE NEED FOR FUTURE EMERGENCY ORDINANCES, PROLIFERATING PLANNED DISTRICTS, AND OTHER SPECIAL PURPOSE PERMITS; AND TO DIRECT THE PLANNING DEPARTMENT TO IMPLEMENT, BEGINNING IN JULY, 1989, A PROGRAM OF UPDATING EACH COMMUNITY PLAN EVERY FIVE YEARS. AMONG OTHER ELEMENTS, THE PLANS SHALL CONTAIN ELEMENTS ON URBAN DESIGN AND DESIGNATION OF SENSITIVE OR PROMINENT LANDFORMS TO BE PROTECTED AND/OR ACQUIRED; AND TO DIRECT THAT COUNCIL POLICY 600-35 REGARDING LIMITATIONS ON COMMUNITY PLAN AMENDMENTS CONTINUE TO BE ENFORCED. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmayea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO (1) DIRECT THE TRANSPORTATION AND LAND USE COMMITTEE TO PREPARE A POLICY, FOR COUNCIL ADOPTION, WHICH PROVIDES FOR ACCELERATED TURNKEY DEVELOPMENT, BY PRIVATE PARTIES, OF PUBLIC FACILITIES; (2) DIRECT THAT ALL NEW OR UPDATED COMMUNITY PLANS SHALL INCORPORATE A FACILITY FINANCING PLAN AND PROGRAM FOR PHASING OF NEW DEVELOPMENT AND

TRANSPORTATION IMPROVEMENTS. IN PREPARING THE PLAN, ALL POTENTIAL FINANCING SOURCES--PUBLIC AND PRIVATE--SHALL BE CONSIDERED; (3) DIRECT THE CITY MANAGER TO REPORT TO COUNCIL BY MAY, 1989, WITH RECOMMENDATIONS ON NEW AND INNOVATIVE WAYS TO BUILD COMMUNITY FACILITIES CONCURRENT WITH NEED. THE CITY MANAGER SHOULD ESTABLISH A BLUE RIBBON COMMITTEE TO IDENTIFY REVENUES SOURCES AND METHODS TO FINANCE FACILITIES. THE MANAGER'S REPORT SHALL INCLUDE A PROGRAM TO ENSURE THAT DEVELOPMENT IMPACT FEES ARE SPENT EXPEDITIOUSLY, RATHER THAN ACCUMULATING IN CITY ACCOUNTS; AND (4) HOLD A COUNCIL WORKSHOP WITHIN FORTY-FIVE DAYS TO DISCUSS HOW FUTURE DEVELOPMENT SHALL BE MONITORED AGAINST THE PUBLIC FACILITY STANDARDS DEFINED IN THE GENERAL PLAN; LEVEL OF SERVICE STANDARDS FOR ROADWAYS ARE ABSENT FROM THE GENERAL PLAN, AND SHOULD BE ADOPTED AS SOON AS FEASIBLE; NEW DEVELOPMENT IN A COMMUNITY SHOULD NOT BE APPROVED UNTIL FACILITIES MEET THOSE STANDARDS OR PROVISIONS ARE MADE TO SATISFY THOSE STANDARDS CONCURRENT WITH NEED; ANY OF THE STANDARDS FOR A COMMUNITY PLANNING AREA MAY BE REVISED BY THE COUNCIL FOLLOWING REQUEST BY THE COMMUNITY PLANNING GROUP.

Second by Filner. Passed by the following vote:

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

MOTION BY McCARTY TO (1) DEFINE SENSITIVE LANDS AS THOSE PROPERTIES WITHIN THE BOUNDARIES OF THE RESOURCE PROTECTION OVERLAY ZONE (AS DEFINED IN ORDINANCE 101.10462.) ALL OF THE PROPOSED AMENDMENTS DESCRIBED IN ATTACHMENT 1 TO PLANNING REPORT

89-042 AS MODIFIED BY THE FILNER/McCARTY MEMO DATED JANUARY 30, 1989, THE HIX MEMO DATED JANUARY 31, 1989, AND THE TCS MEMO DATED JANUARY 30, 1989 SHOULD ALSO BE ADOPTED. THE ENCROACHMENT LIMITATIONS OF RPOZ SHALL APPLY TO ALL PROPERTIES WITHIN THE HILLSIDE REVIEW OVERLAY ZONE; (2) DIRECT THAT DEVIATIONS FROM THE DEVELOPMENT REGULATIONS OF THE RPOZ MAY BE CONSIDERED. DEVIATIONS SHALL NOT BE APPROVED UNLESS MITIGATION MEASURES ARE ADOPTED. THESE MEASURES MAY INCLUDE, WHERE APPROPRIATE, PURCHASE OF PROPERTIES ON THE CITY'S OPEN SPACE ACQUISITION LIST. MITIGATION WHICH INCLUDES PURCHASE OF PROPERTIES FROM THE OPEN SPACE ACQUISITION LIST WOULD BE APPROPRIATE IF THE OPEN SPACE WERE LIKE KIND. DEVELOPMENT FOLLOWING TERMINATION OF THOSE SAND, GRAVEL, ROCK AND ASPHALT OPERATIONS, FOR WHICH THE CITY COUNCIL HAS, PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE, ADOPTED A SPECIFIC PLAN OR AMENDED AN ADOPTED COMMUNITY PLAN TO REQUIRE PREPARATION OF SPECIFIC PLANS FOR THE AFFECTED PROPERTIES UPON WHICH THE SAND, GRAVEL, ROCK AND ASPHALT OPERATIONS ARE CURRENTLY OCCURRING OR HAVE OCCURRED INCLUDING

THOSE CONTIGIOUS PROPERTIES ON WHEREIN A MAJOR PUBLIC FACILITY DID EXIST AND COMMUNITY PLAN HAD CHANGED THE DESIGNATION OF THAT PUBLIC FACILITY, THE CONTIGUOUS PARCEL WAS INCLUDED; (3) DIRECT THAT ANY PERSON OR GROUP MAY PROPOSE REVISION OF THE RPOZ BOUNDARIES. THESE REVISIONS MAY INCLUDE DELETION OF AREAS OF POOR QUALITY, OR ADDITION OF AREAS OF SIGNIFICANT ENVIRONMENTAL VALUE. THE COUNCIL SHALL CONSIDER ANY REVISIONS, FOLLOWING REVIEW BY THE COMMUNITY PLANNING GROUP; (4) DIRECT THE CITY ENGINEER AND THE CITY ATTORNEY TO PREPARE A PROPOSAL, FOR CONSIDERATION BY COUNCIL, TO STRENGTHEN ENFORCEMENT OF THE CITY'S GRADING ORDINANCES; (5) DIRECT THAT THE RPOZ SHALL NOT BE APPLICABLE TO ANY AREA WITHIN THE COASTAL ZONE, AS DEFINED IN SECTION 30103 OF THE PUBLIC RESOURCES CODE, WHERE THE CITY COUNCIL HAS ACCEPTED COASTAL COMMISSION CERTIFICATION OF THE CITY'S LOCAL COASTAL PROGRAM AND HAS AUTHORIZED THE PLANNING DIRECTOR TO BEGIN PROCESSING COASTAL DEVELOPMENT PERMITS. HOWEVER, THE SIGNIFICANT PREHISTORIC AND HISTORIC SITES AND RESOURCES AND SENSITIVE BIOLOGICAL LANDS PROVISIONS OF THIS ORDINANCE SHALL BE APPLICABLE IN THE COASTAL ZONE EFFECTIVE THIRTY DAYS FOLLOWING CERTIFICATION BY THE COASTAL COMMISSION. THE COASTAL DEVELOPMENT PERMIT ORDINANCE, DIVISION 2, Section 105.0208 SHALL BE AMENDED TO INCLUDE FINDINGS REQUIRING THE PROTECTION OF SIGNIFICANT PREHISTORIC AND HISTORIC SITES AND RESOURCES AND BIOLOGICALLY SENSITIVE LANDS IN ACCORDANCE WITH THE REGULATIONS AND RESTRICTIONS SET FORTH HEREIN; (5) APPROVE ITEMS S502B, S502C AND S502D. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO DIRECT THAT A COMPREHENSIVE UPDATE OF ALL THE ELEMENTS OF THE GENERAL PLAN REVISED IN 1978 BE INITIATED IN FY-90. BEYOND ITS OWN EFFORTS, THE CITY SHALL COOPERATE IN THE FOLLOWING SIX AREAS: (1) A MOBILITY PLANNING/TRANSPORTATION MANAGEMENT PROGRAM, INCLUDING THE PROVISIONS OF PROPOSITION K, SHOULD BE ADOPTED BY JULY, 1989 IN ORDER TO REDUCE TRAFFIC CONGESTION AND IMPROVE AIR QUALITY; (2) THE CITY SHALL IMPLEMENT A WATER RECLAMATION PROGRAM TO INCREASE WATER SUPPLY AND UTILIZE

SEWAGE TREATMENT EFFLUENT; (3) THE CITY SHALL IMPLEMENT A CURBSIDE RECYCLING PROGRAM WITHIN THREE YEARS; (4) THE CITY SHALL PARTICIPATE AND COOPERATE IN IMPLEMENTATION OF A REGIONAL PLANNING AND GROWTH MANAGEMENT PROGRAM AS ENVISIONED BY PROPOSITION C; (5) THE CITY MANGER SHALL PREPARE A NEW OPEN SPACE BOND MEASURE FOR VOTER CONSIDERATION; (6) THE CITY MANAGER SHALL PREPARE A POLICY FOR COUNCIL ADOPTION, TO OUTLINE REQUIREMENTS FOR WATER RECLAMATION AND RECYCLING IN APPROVAL OF

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

MOTION BY ROBERTS TO ADOPT ITEM-S502G AS AMENDED EXEMPTING THE DEVELOPMENT AGREEMENTS IN THE PAST SIX MONTHS. Second by Filner. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY STRUIKSMA TO CONTINUE ADDITIONAL ISSUES TO FEBRUARY 14, 1989. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S503: (R-89-1389) ADOPTED AS RESOLUTION R-272791

(Continued from the meetings of January 17, 1989, Item S406, and January 24, 1989, Item S502; last continued at the City Manager's request for continued negotiations.)
Authorizing execution of an Amendment to the Purchase Agreement with Davis Trust Number One, relating to the sale and development of Lot 1, South San Diego Industrial Park; authorizing and approving the Settlement and Release Agreement between with Davis Trust Number One (Davis v. City of San Diego), Superior Court Case No. 598627).
(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The City sold Lot 1, South San Diego Industrial Park to Davis Trust in October 1986, and soon thereafter a Fault Location Map of the Seismic Safety Element of the City of San Diego was located by the purchaser, which indicated that an inferred earthquake fault segment passed through the subject property. Subsequent investigations show that there is neither an active nor inactive fault within the site; however, the purchaser has filed an action, Davis Trust versus City of San Diego, Superior Court Case 598627. This action will allow settlement of the lawsuit and avoid approximately \$300,000 in damages and will permit development of the site to proceed.

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: B027-031.)

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

ITEM-S504: (R-89-1431) NOTED AND FILED

Adopting Interim Neighborhood Classifications Maps.

NOTE: See Item S502,

Subitem E, on the Supplemental Docket

of Tuesday, January 31, 1989 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C023-I316.)

Hearing began at 2:28 p.m. and halted at 6:58 p.m.

Council Member Henderson entered at 2:30 p.m.

Mayor O'Connor left at 4:08 p.m. and returned at 4:58 p.m.

Council Member McColl left at 4:55 p.m.

Testimony in favor by Robert Duckett, Judy Elliot, Jim Whaleu, Mac Strobel, Sam Marini, Hugh Stewart, Alan Sakarias, Carol Holesol, Paul Peterson and William Kendrick.

Testimony in opposition by Mike Helmer, Mike Mele, Kim Kilkenny, Allen Hayrie, William Shearer and Tom Gorrie.

Motion by Pratt to adopt Item S504 only. No second.

MOTION BY ROBERTS TO DIRECT THE PLANNING DEPARTMENT TO SCHEDULE HEARINGS TO BRING ZONING INTO CONFORMANCE WITH ALL COMMUNITY PLANS, REZONINGS SHALL BE COMPLETED BY DECEMBER, 1989; AND TO DIRECT THE PLANNING DEPARTMENT TO TAKE EXISTING INTERIM MAPS TO EACH COMMUNITY PLANNING AREA WHICH IDENTIFY PROPOSED SINGLE FAMILY PRESERVATION AREAS. AFTER NOTIFICATION OF ALL AFFECTED PROPERTY OWNERS AND REVIEW AND COMMENT BY THE AFFECTED COMMUNITY

PLANNING GROUPS, THE MAPS SHALL BE PRESENTED TO THE CITY COUNCIL FOR ADOPTION. THE SINGLE-FAMILY PRESERVATION ORDINANCE SHALL REMAIN IN EFFECT DURING THIS PROCESS; AND TO FURTHER DIRECT THE PLANNING DEPARTMENT TO DEVELOP AND BRING BACK IMMEDIATELY A VARIANCE PROCEDURE FOR REVIEW OF PROJECTS THAT MAY BE CAUGHT UP IN THE SYSTEM. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-89-1457) ADOPTED AS RESOLUTION R-272792

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

Authorizing the City Manager to pay the total sum of \$97,940.12 in partial settlement of each and every claim against the City, its agents and employees, resulting from property damage to Hotel San Diego; authorizing the City Auditor and Comptroller to issue one check in the amount of

\$97,940.12 made payable to Luth and Turley, Inc. in partial settlement of all claims.

FILE LOCATION: MEET

COUNCIL COMMENT:

ITEM-CC-1:

Mayor O'Connor reminded Council of the Special Council Meeting on February 2, 1989.

COUNCIL ACTION: (Tape location: I315-316.)

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor O'Connor at 7:00 p.m. in honor of the memory of Jary B. Croom and J. Floyd Andrews.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I316).