

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 11, 1990
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 10:28 a.m.

The meeting was recessed by Mayor O'Connor at 12:05 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened at 2:00 p.m. by Mayor O'Connor with Council Members Wolfsheimer, Henderson, and McCarty not present. Mayor O'Connor recessed the meeting at 4:06 p.m. to convene the Redevelopment Agency. Deputy Mayor Wolfsheimer reconvened the meeting at 4:18 p.m. with Mayor O'Connor not present. Mayor O'Connor recessed the meeting at 5:11 p.m. to reconvene the Redevelopment Agency. Mayor O'Connor reconvened the meeting at 5:23 p.m. and immediately adjourned into Closed Session in the twelfth floor conference room to discuss a pending litigation matter.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Bernhardt-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Fishkin (ll;mp)

FILE LOCATION: MINUTES

Sep-11-1990

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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

ITEM-310: PROCLAIMED

Proclaiming September 1990 to be "Professional Security Month" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A010-026.)

MOTION BY HENDERSON TO APPROVE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-330: CONTINUED TO SPECIAL MEETING OF OCTOBER 10, 1990 AT 7:00 P.M.

Continued from the meetings of May 8, 1990, Item 333C; July 10, 1990, Item 339; and July 16, 1990, Item S406; last continued at Councilmember Henderson's request to allow staff time to prepare the Ordinances necessary for the rezoning.)

Matter of areas that have been proposed in the Pacific Beach community to be classified as protected single-family neighborhoods. The areas proposed for single-family protection are already zoned and designated in the Pacific Beach Community Plan for low density, single-family residential development.

Upon adoption of the protected single-family neighborhood

maps by City Council, those multi-family areas of the community not mapped as protected single-family neighborhoods will be released from the provisions of the Single-Family Neighborhood Protection Ordinance (O-17250 N.S.), adopted on February 21, 1989. Subsequently, property owners in these areas will be able to apply for permits to construct multi-family residential developments. While the Planning Department is not recommending any changes to the existing multi-family densities in the community, the City Council could decide to designate existing multi-family zoned areas as protected single-family, and rezone properties to a single-family zone.

(District-6.)

Subitem-A: (O-90-206)

Introduction of an Ordinance rezoning various properties in the Pacific Beach Community Planning Area into R1-5000 Zone to comply with the single-family neighborhood classification map for Pacific Beach.

Subitem-B: (R-90-2198)

Adoption of a Resolution approving an amendment to the Pacific Beach Community Plan, adopted 12/13/83, which changes the recommended residential densities in various areas of the planning area from a maximum of 29 dwelling units per acre to a maximum of 9 dwelling units per acre; this amendment shall not become effective within the areas of Pacific Beach within the jurisdiction of the California Coastal Commission until the Commission nonconditionally certifies this amendment as a Local Coastal Program Amendment; adopting an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the amended plan.

Subitem-C: (R-90-995)

Adoption of a Resolution approving the protected single-family neighborhood map in the Pacific Beach area and releasing certain property from the provisions of the Single-Family Neighborhood Protection Ordinance.

FILE LOCATION: LAND-Pacific Beach Community Plan

COUNCIL ACTION: (Tape location: A027-042.)

MOTION BY HENDERSON TO CONTINUE THIS ITEM TO A SPECIAL COUNCIL MEETING ON OCTOBER 10, 1990 AT 7:00 P.M. AT MISSION BAY HIGH SCHOOL. THE PACIFIC BEACH PLANNING GROUP IS WORKING ON A MAP AND ONCE DESIGN GUIDELINES ARE COMPLETED THEY WILL BE ABLE TO COME

UP WITH A RESOLUTION THAT THE VAST MAJORITY OF THE COMMUNITY WILL SUPPORT WITHIN THIS TIME FRAME. Second by Bernhardt.

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

ITEM-331:

Matter concerning an amendment to the Mission Valley Community Plan to redesignate a 4.88-acre site from Commercial-Office to Multiple Use. The project site is located at the southwest corner of Friars Road and Stadium Way in the Mission Valley community and is further described as a portion of Pueblo Lot 1183.

(District-5.)

Subitem-A: (R-91-9) ADOPTED AS RESOLUTION R-276502

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-0239 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-91-8) ADOPTED AS RESOLUTION R-276503

Adoption of a Resolution approving the plan amendment.

FILE LOCATION: LAND-Mission Valley Community Plan

COUNCIL ACTION: (Tape location: A058-083.)

Hearing began at 10:30 a.m. and halted at 10:33 a.m.

Testimony in favor of the amendment by Rick Aschenbrenner.

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

ITEM-332:

Two actions relative to the Westview Parkway/Galvin Avenue Cost Reimbursement District:

(Mira Mesa Community Area. District-5.)

Subitem-A: (R-91-343) ADOPTED AS RESOLUTION R-276504

Establishing the Westview Parkway/Galvin Avenue Cost Reimbursement District; setting 20 years as the limiting

period when assessed costs are due and payable; approving the map of the proposed Cost Reimbursement District (Document CR-15-1).

Subitem-B: (R-91-361) ADOPTED AS RESOLUTION R-276505

Authorizing the execution of a Cost Reimbursement Agreement with Pardee Construction Company, relative to the Westview Parkway/Galvin Avenue Cost Reimbursement District.

CITY MANAGER SUPPORTING INFORMATION: In July 1990, the City Council authorized the initiation of the formation of a Cost Reimbursement District for the signalization of the Westview Parkway/Galvin Avenue intersection. The public improvement was not a requirement of the developer and the signal has not been scheduled in the Mira Mesa FBA. Westview Parkway will be used as a detour during the reconstruction of Black Mountain Road. Pardee Construction Company has offered to construct this off-site signal at this time as a cooperative project with the City of San Diego. The traffic signal will cost approximately \$105,000 (including administrative costs). The proposed spread will be as follows:

Pardee Construction Company \$ 35,000

City of San Diego 35,000

Other Benefitting Property 35,000

Total \$105,000

The proposed reimbursement district plat and cost distribution table have been filed in the Office of the City Clerk as Document No. CR-15-1 and Document No. CR-15-2, respectively. All affected property owners were noticed a minimum of 20 days prior to today's hearing.

FILE LOCATION: STRT CR-15 CONT FY91-1

COUNCIL ACTION: (Tape location: A084-129.)

Hearing began at 10:33 a.m. and halted at 10:37 a.m.

Testimony in opposition heard by Charles Purdy.

MOTION BY BERNHARDT TO APPROVE STAFF RECOMMENDATION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-333: CONTINUED TO SEPTEMBER 24, 1990

Three actions relative to the Black Mountain Road Bridge Cost Reimbursement District:

(Rancho Penasquitos and Mira Mesa Community Areas.
Districts-1 and 5.)

Subitem-A: (R-91-364)

Establishing the Black Mountain Road Bridge Cost Reimbursement District; setting 20 years as the limiting period when assessed costs are due and payable; approving the map of the proposed Cost Reimbursement District.

Subitem-B: (R-91-362)

Authorizing the execution of a Reimbursement Agreement with Newland California relative to the Black Mountain Road Bridge Cost Reimbursement District.

Subitem-C: (R-91-363)

Certifying Environmental Mitigated Negative Declaration EMND-89-0406, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: In July 1990, the City Council authorized the initiation for the formation of a cost reimbursement district for American Newland. The improvement for which the developer is seeking partial reimbursement include the construction of the northbound Black Mountain Road Bridge over Penasquitos Creek. This improvement was required as a part of the Mira Mesa transportation phasing plan and was included in the development agreement. This improvement benefits other properties and it is proposed that the costs be spread to these parcels based on the benefit they receive. The total estimated cost of the improvement is \$1,720,000. Of this amount, the Mira Mesa FBA would contribute \$1,350,028 and the remaining \$369,972 would be paid by the benefiting parcels if they develop/redevelop within a twenty year period. The proposed reimbursement district plat and cost distribution table has been filed in the office of the City Clerk as Document No. CR-18-1 and -2. A 20-day notice was sent to all affected property owners prior to today's hearing.

FILE LOCATION: STRT CR-18

COUNCIL ACTION: (Tape location: A045-055.)

MOTION BY BERNHARDT TO CONTINUE TO SEPTEMBER 24, 1990 at 10:00 A.M. AT THE REQUEST OF REBECCA MICHAELS OF MESA SHOPPING CENTER EAST FOR TIME TO REVIEW BACKUP MATERIAL WITH STAFF. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea,

Henderson-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-334: (R-91-335) ADOPTED AS RESOLUTION R-276506

Dissolving the City of San Diego Penasquitos Sewer District in accordance with Chapter VI, Article 1, Division 16 of the San Diego Municipal Code; authorizing the City Auditor and Comptroller to transfer all remaining funds, in the approximate amount of \$130,000 from the Penasquitos Sewer District to the Sewer Revenue Fund, No. 41506.

(Rancho Bernardo, Penasquitos East, Rancho Carmel and Carmel Valley Community Areas. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Penasquitos Sewer District was created in 1970 as an improvement district. At that time, \$9,500,000 in bonds were issued to finance acquisition, construction, and work improvements for interceptor sewers, trunk sewers, and pumping plants within the district. To retire the debt, property owners within the district boundaries were charged additional property taxes. The bonds are now fully retired and taxes are no longer being collected from the district. The action before Council today is to dissolve the district, which has fulfilled the purpose for which it was created. Any remaining funds in the Penasquitos Sewer District Fund will be returned to the Sewer Revenue Fund because the Sewer Revenue Fund contributed funds toward retiring the bonds in order to reduce the charges on district property owners.

Aud. Cert. 9001082.

FILE LOCATION: STRT U-1

COUNCIL ACTION: (Tape location: A132-306.)

Hearing began at 10:37 a.m. and halted at 10:50 a.m.

Testimony in opposition by Bill Yellin.

MOTION BY WOLFSHEIMER TO ADOPT. STAFF IS DIRECTED, SHOULD ANOTHER ASSESSMENT DISTRICT BE SET UP, TO DRAW UP A CONTRACT WHICH WOULD CLEARLY INDICATE THAT EXCESS FUNDS, IF ANY, WOULD BE PUT TO SPECIFIC USE WITHIN THAT PARTICULAR ASSESSMENT DISTRICT.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-335:

(Continued from the meeting of August 7, 1990, Item 339, at Councilmember Bernhardt's request, for full Council.)

- 1) Rezoning portions of the below-described property from Zone A-1-10/HR to Zone R1-5000/HR;
- 2) Appeals of The Fieldstone Company, by Charles R. Gill of McDonald, Hecht & Solberg, from the decision of the

19900911

Planning Commission in approving, with conditions, Vesting Tentative Map, Planned Residential Development Permit and Coastal Development Permit VTM, PRD and CDP-89-0892, proposing a 369-lot subdivision (Canyon Country West, Units 1 & 2) for construction of 354 detached single-family residences on approximately 152.0-acres of land.

The subject property is located south and north of Calle Cristobal / Sorrento Valley Boulevard, north of Mira Mesa Boulevard, west of Camino Ruiz and east of Camino Santa Fe, in Zone A-1-10/HR (proposed R-1-5000/HR), and R1-5000/HR, in the Mira Mesa Community Plan area and the North City Local Coastal Program area. The site is more particularly described as a portion of Canyon Country Unit No. 3, Map-12236; and Unit No. 12, Map-11761; and a portion of Parcel 2, Parcel Map PM-13065.

(RZ, VTM, PRD & CDP-89-0892. District-5.)

Subitem-A: (R-91-200) ADOPTED AS RESOLUTION R-276507

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-89-0892 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 adopt the Mitigation, Monitoring and Reporting Program.

Subitem-B: (O-91-27) INTRODUCED, TO BE ADOPTED SEPTEMBER 24, 1990

Introduction of an Ordinance for R-1-5000/HR Zoning.

Subitem-C: (R-91-773) ADOPTED AS RESOLUTION R-276508 TO DENY THE APPEAL AND GRANT THE MAP

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

Subitem-D: (R-91-774) ADOPTED AS RESOLUTION R-276509 TO DENY THE APPEAL AND GRANT THE PRD PERMIT

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

Subitem-E: (R-91-775) ADOPTED AS RESOLUTION R-276510 TO DENY THE APPEAL AND GRANT THE CDP PERMIT

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

FILE LOCATION: SUBITEM-A: PERM-PRD-89-0892; SUBITEM-C: SUBD-CANYON COUNTRY WEST, UNIT 5 1 & 2; SUBITEMS D&E: PERM PRD-89-0892

COUNCIL ACTION: (Tape location: A253-365.)

Hearing began at 10:50 a.m. and halted at 10:57 a.m.

Testimony in favor by Charles Gill and Brian Milich.

MOTION BY BERNHARDT TO APPROVE STAFF'S RECOMMENDATION. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (R-91-136) CONTINUED TO SEPTEMBER 18, 1990

(Continued from the meeting of August 7, 1990, Item 203, at Councilmember McCarty's request, for further review.)

Fire Department Based Paramedic Program Cost and related issues in the matter of the City Manager recommendations to the City Council on issues related to a Fire Department Paramedic Program Proposal, City Benefits and Employment

status for current paramedics, and paramedic program costs.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A392-C214; G061-H220.)

MOTION BY ROBERTS TO CONTINUE FOR ONE WEEK TO ALLOW STAFF TIME TO PREPARE RESPONSES TO QUESTIONS ASKED BY THE COUNCIL. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-337: (O-91-46) INTRODUCED AND ADOPTED AS ORDINANCE
O-17525 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17504-1, as amended and adopted therein, by amending the personnel authorization of the Fire Department (120) to delete one Battalion Chief position and add in lieu thereof one Assistant to the Fire Chief (Personnel Manager) position; exempting the Assistant to the Fire Chief from the Classified Service; and establishing a salary rate.

(See memorandum from the Personnel Director dated 8/6/90.)

CITY MANAGER SUPPORTING INFORMATION: On August 2, 1990, the Civil Service Commission reviewed the request from the Fire Department to develop a Personnel Manager position and determined that the position meets the criteria of the Charter and supports exemption from the Classified Service. This Fire Battalion Chief position has been reclassified to Assistant to the Fire Chief. The Personnel Manager will have significant responsibilities for formulating and administering Fire Department personnel policies and procedures. In addition to the responsibilities for managing the day to day activities of the Personnel Division, the Personnel Manager will supervise the Equal Employment Opportunity functions within the Department and administer the Worker's Compensation program within the Department. This position will report directly to the Assistant Fire Chief. Internal discipline has a tremendous effect on morale and directly affects the quality of service provided to the community. The Fire Department's goal is to eliminate any confusion arising out of disciplinary procedures and to apply them in a consistent and uniform manner. This is a sensitive

and crucial area of Fire Department management and it is necessary that policies are administered in conformity with the attitude that discipline is intended to build an organization. A personnel manager with extensive training and experience in the field of human resource management and sound management skills can have great influence in achieving this goal. The Fire Department has experienced a recruitment and retention problem in staffing this Personnel Officer position. In the past four years there have been four different Personnel Officers. This lack of stability and continuity is disruptive and potentially risky, especially when dealing with sensitive issues.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A376-388.)

MOTION BY FILNER TO INTRODUCE AND ADOPT THE ORDINANCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (O-91-41) INTRODUCED AND ADOPTED AS ORDINANCE
O-17526 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City for said Fiscal Year," by modifying the Budget to add CIP-37-232.0, Expansion of the Existing Energy Management Control System.

(District-8.)

CITY MANAGER SUPPORTING INFORMATION: In 1987 an Energy Management Control System was purchased and installed at the Community Concourse Central Plant. The current system controls only the heating, ventilating and air conditioning system. We propose to expand the system to take full advantage of its capabilities. The addition of one stand-alone controller and two remote control units will allow for management of the heating, ventilating and air conditioning and lighting systems in the City Administration Building (CAB) and the City Operations Building (COB). This project will help reduce maintenance and energy costs at the Community Concourse. Simple payback based on energy costs savings alone is calculated to be eighteen months.

Aud. Cert. 9100027.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A376-388.)

MOTION BY FILNER TO INTRODUCE AND ADOPT THE ORDINANCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339: (R-91-358) ADOPTED AS RESOLUTION R-276511

Adopting procedures for the formation of a Project Area Committee for the Centre City Redevelopment Project and calling for the formation of a Project Area Committee. (See Report from CCDC Executive Vice President dated 8/17/90. Centre City Community Area. District-8.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D004-015.)

Hearing began at 2:01 p.m. and halted at 2:02 p.m. MOTION BY FILNER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-not present, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-340:

Approval of the request to amend the land use designation of the Otay Mesa-Nestor Community Plan from medium density residential to neighborhood commercial for a 0.96-acre property located at the southeast corner of Iris and Howard Avenues, and approval of the requested rezone from Zone A-1-5 to Zone CN. The subject property is further described as a portion of Section 35, Township 18 South, Range 2 West, San Bernardo Base Meridian. (Case-89-1045. District-8.)

Subitem-A: (R-90-2298) ADOPTED AS RESOLUTION R-276512

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-89-1045 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: (O-90-211) INTRODUCED, TO BE ADOPTED
SEPTEMBER 24, 1990

Introduction of an Ordinance for CN Zoning.

Subitem-C: (R-90-2299) ADOPTED AS RESOLUTION R-276513

Adoption of a Resolution approving the plan amendment.

FILE LOCATION: Subitem-A,C: ZONE ORD. NO.; Subitem-B: - -

COUNCIL ACTION: (Tape location: D020-044.)

Hearing began at 2:02 p.m. and halted at 2:03 p.m.

MOTION BY FILNER TO ADOPT STAFF RECOMMENDATION. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-341: (R-91-776) ADOPTED AS RESOLUTION R-276514 GRANT
APPEAL, GRANT PERMIT AS AMENDED

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A position 'In Favor' of this appeal is a position against the project.

A position 'Opposed' to this appeal is a position in favor of the project.

Appeals of Environmental Health Coalition by Elizabeth Lucas; Navajo Community Planners by Ann MacCullough; and Tierrasanta Community Council by Jim Madaffer from the decision of the Planning Commission in reviewing and amending conditions of Conditional Use Permit CUP-82-0611 (V.R. Dennis Mining Plan) which allows for a surface mining operation. The subject property is located on the north side of Margerum Avenue in the A-1-10, R-1-40 and M-1B

Zones, in the Tierrasanta and Navajo Community Plan areas, and is more particularly described as portions of Lots 53,

61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634.

(CUP-82-0611. District-7.)

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-82-0611

COUNCIL ACTION: (Tape location: D046-E092.)

Hearing began at 2:03 p.m. and halted at 2:48 p.m.

Testimony in favor of the appeal by Carolyn Warner and Linda Sata.

Testimony in opposition of the appeal by Gary Dennis and Franne Ficara.

MOTION BY McCARTY TO APPROVE THE CITY MANAGER RECOMMENDATIONS TO

EXPAND THE CUP TO INCLUDE THE RECLAMATION AREA. APPROVE RECOMMENDATION NO. 2 BY STAFF TO MAINTAIN THE EXISTING CUP CONDITIONS IN SUBAREA A, APPLYING THE FOLLOWING APPLICABLE CONDITIONS OF THE EXISTING CUP TO SUBAREA B, 46, 11, 15, 20A&B, 22, 25, 27A&B, AND THE CONDITION APPLICABLE TO SUBAREA B ONLY, THAT SAYS, "ALL EQUIPMENT AND MATERIAL STORED IN SUBAREA B MUST BE SCREENED FROM ALL VIEWS. THE STORAGE FACILITY MUST BE REVIEWED BY THE PLANNING DEPARTMENT DURING THE DESIGN AND PRIOR TO CONSTRUCTION OR SUBMISSION FOR A BUILDING PERMIT AND THERE SHALL BE NO STORAGE OF VEHICLES AT ANY TIME." MODIFY CONDITION 4 OF THE EXISTING CUP TO REQUIRE PLANNING DIRECTOR REVIEW OF ALL CONDITIONS ON A YEARLY BASIS. THE OUTCOME OF THIS REVIEW WOULD BE BROUGHT BEFORE THE PLANNING COMMISSION AND IT WOULD BE PROPERLY NOTICED. MOVE THAT THIS BE SENT TO MEDIATION AND THAT A COMMUNITY GROUP MEETING BE HELD. THIS GROUP WILL CONSIST OF MR. DENNIS AND HIS REPRESENTATIVE, THE TWO COMMUNITIES--NORTH AND SOUTH OF THE RIVER, AND AN ENVIRONMENTAL HEALTH COALITION. A REPRESENTATIVE OF THE PLANNING DEPARTMENT SHOULD BE INCLUDED, ALONG WITH THE CITY ATTORNEY TO MAKE SURE THAT ENVIRONMENTAL DAMAGE IS NOT DONE. STAFF IS DIRECTED TO SET UP THE MEDIATION TO TAKE PLACE WITHIN 90 DAYS. COME BACK TO PLANNING WITH A SOLUTION. IF NO SOLUTION IS ARRIVED AT, THEN BRING THE MATTER BACK TO COUNCIL. ENFORCEMENT COULD BE ONE OF THE SUBJECTS OF MEDIATION. THE ANNUAL REVIEW SHOULD INCLUDE THIS COMMITTEE SO

THAT THE COMMUNITY AND MR. DENNIS COULD STAY INVOLVED. MOVE TO GRANT THE APPEAL AND IMPOSE THE CONDITIONS. Second by Hartley.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

Sep-11-1990

ITEM-342:

(Continued from the meeting of July 17, 1990, Item 336, at Councilmember Filner's request, for further review.)

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A position 'In Favor' of this appeal is a position against the project.

A position 'Opposed' to this appeal is a position in favor of the project.

Appeal of Linda Staton, from the decision of the Planning Commission in granting Resource Protection Ordinance Permit RPZ-89-0899 for the construction of 16 residential units totaling 26,036 square feet of gross floor area. The subject property is 47,916 square feet in area. The site is located on the east side of Parrot Street between Ash and Beech Streets and is more particularly described as Lots 2-12 inclusive, Block 31, Marilou Park, Map-517, in the MR-3000 Zone and within the Mid-City Community Plan area.

(RPZ-89-0899. District-8.)

Subitem-A: (R-90-) FILED AS A RESULT OF DENYING PERMIT

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-89-0899 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-91-777) ADOPTED AS RESOLUTION R-276515 GRANT APPEAL, DENY 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 - RPZ-89-0899

COUNCIL ACTION: (Tape location: E098-672.)

Hearing began at 2:48 p.m. and halted at 3:25 p.m.

Testimony in favor of the appeal by Janice Garcia, Linda Staton, Adele Campbell, Dave Willis, Ann Sauerman Boyce, Wayne Lubitski, and Dan Salazar.

Testimony in opposition to the appeal by Fred Ludwig.

MOTION BY FILNER TO MOVE APPROVAL OF THE APPEAL AND DENIAL OF THE PROJECT BECAUSE THE PROJECT DOES NOT CONFORM TO THE REPO, A DETAILED GRADING PLAN WAS NOT PROVIDED, AND A TOPOGRAPHICAL SURVEY HAS BEEN SHOWN TO BE ERRONEOUS. DIRECT THE PLANNING DIRECTOR TO PRESENT A FORMAL REPORT TO COUNCIL BASED ON THE CONCERNS THAT WERE RAISED BY THE COMMUNITY, USING ADELE CAMPBELL'S TESTIMONY AS A TAKE-OFF. ALSO, INCLUDE THE RIGHTS OF THE COMMUNITY TO APPEAL A PROJECT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-343:

- 1) Request to rezone from Zone R1-10000 to Zone R-3000; and
- 2) Appeals of Otay Mesa-Nestor Community Planning Committee, by Ruth J. Schneider, for a Tentative Map (Creekside Village), Planned Residential Development Permit and Resource Protection Ordinance Permit.

This project is for a 47-lot tentative map (approximately 3.87 acres) to construct 46 attached and detached dwelling units with common recreation facilities, located on the east side of 27th Street, between Grove and Iris Avenues, in the Otay Mesa-Nestor Community Plan area. The subject property is more particularly described as a portion of Section 27, Township 18 South, Range 2 West, S.B.B.M. (RZ, PRD, RPO and TM-89-0790. District-8.)

Subitem-A: (R-91-375) FILED AS A RESULT OF DENYING THE PROJECT

19900911

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-89-0790 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-91-47) FILED AS A RESULT OF DENYING THE PROJECT

Introduction of an Ordinance for R-3000 Zoning.

Subitem-C: (R-91-778) ADOPTED AS RESOLUTION R-276516
GRANT APPEAL, DENY PERMIT

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

Subitem-D: (R-91-779) ADOPTED AS RESOLUTION R-276517
GRANT APPEAL, DENY PERMIT

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

Subitem-E: (R-91-780) ADOPTED AS RESOLUTION R-276518
GRANT APPEAL, DENY MAP

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,C: PERM - PRD-89-0790; Subitem-B:
- - ; Subitem-D: PERM - RPZ-89-0790;
Subitem-E: SUBD - Creekside Village

COUNCIL ACTION: (Tape location: F061-689.)

Hearing began at 3:26 p.m. and halted at 4:06 p.m.

Testimony in favor of the appeal by Ruth Schneider and Marie Majercin.

Testimony in opposition to the appeal by Philip Chodur.

Mayor O'Connor closed the hearing.

MOTION BY FILNER TO APPROVE THE APPEAL AND DENY THE PROJECT. THERE ARE NO ACCEPTABLE SCHOOL SITES IN THE AREA. THERE IS NO FINANCING DISTRICT THAT IS SET UP FOR THE ELEMENTARY SCHOOLS AND THAT IS WHY THE CUMULATIVE IMPACT EXISTS. DIRECT STAFF TO REFER TO COMMITTEE THE MATTER OF PROCESSING REQUESTS FOR DEVELOPMENT IN THE AREA WHEN IN FACT THE KNOWLEDGE OF THE ADDITION OF EVEN ONE CHILD WOULD SIGNIFICANTLY IMPACT THE ELEMENTARY SCHOOLS; DO NOT ENCOURAGE DEVELOPMENT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-nay, Bernhardt-yea, Henderson-yea, 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 5:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H220).