

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 29, 1991
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 10:05 a.m. The meeting was recessed by Mayor O'Connor at 11:18 a.m. to meet in Closed Session in the 12th Floor Conference Room to discuss personnel issues and then to reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:07 p.m. with Council Members Roberts, Hartley and Pratt not present. Mayor O'Connor recessed the meeting at 2:44 p.m. to convene the Redevelopment Agency and thereafter the Housing Authority. Mayor O'Connor reconvened the regular meeting at 2:46 p.m. with all Council Members present. The meeting was adjourned by Mayor O'Connor at 7:11 p.m. into Closed Session on Monday, November 4, 1991 at 2:00 p.m. in the 12th floor Conference Room to discuss potential litigation and personnel matters.

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 Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present

- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (rb/ll)

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 Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-310: PRESENTED

Presentation to the Mayor and City Council from Jerry Long and E.B. Adair, San Diego District Office Manager and Assistant Manager of the Automobile Club of Southern California.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A018-036.)

ITEM-330: CONTINUED TO NOVEMBER 26, 1991

Matter of the appeal of Stan Keiser from the decision of the Planning Commission in denying the Keiser 4A Subdivision, Tentative Map, Carmel Valley Planned District Development Plan Permit and Resource Protection Ordinance Permit No. 89-0774. The Development Plan proposes to construct a total of seventeen single-family detached residences (including an attached two-car garage) with related site

landscaping, open space and brush management on a previously graded 10-acre vacant site. The proposed Tentative Map would subdivide the property into a total of 18 lots, including a minimum of 6,100 square-feet for each of the proposed residential lots, one open space lot, and various public improvements and facilities necessary to serve the development (including the extension of Bayliss Court and Thurston Place). The subject property is located on the north side of Landsdale Drive, between Sword Way and Winstanley Way in the SF-1 and OS (Open Space) Zone and within the Neighborhood 4A Precise Plan area of the Carmel Valley Community Plan. The legal description of the site is the easterly quarter of the easterly half of the northwest quarter of Section 17, Township 14 South, Range 3 West, SBM.

(TM/CVPDDPP/RPO-89-0774. District-1.)

Subitem-A: (R-92-)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-89-0774 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-92-)

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

Subitem-C: (R-92-)

Adoption of a Resolution granting or denying the appeal and granting or denying the Carmel Valley Planned District Development Plan Permit, with appropriate findings to support Council action.

Subitem-D: (R-92-)

Adoption of a Resolution granting or denying the appeal and granting or denying the Resource Protection Ordinance Permit, with appropriate findings to support

Council action.

FILE LOCATION: SUBITEM-A: PERM-CUPDP/RPO 89-0774;
 SUBITEM-B: SUBD-KEISER 4A SUBDIVISION;
 SUBITEM-C: PERM-CUPDP 89-0774;
 SUBITEM-D: PERM-RPO 89-0774

COUNCIL ACTION: (Tape location: A039-098.)

MOTION BY WOLFSHEIMER TO CONTINUE TO NOVEMBER 26, 1991, AS REQUESTED BY JOHN DEAN, REPRESENTING THE CARMEL VALLEY COMMUNITY PLANNING BOARD. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-92-873) ADOPTED AS RESOLUTION R-278925,
 DENIED APPEAL AND GRANTED PERMIT

Matter of the appeal of Alfred C. Strohlein, from the decision of the Planning Commission in approving Coastal Development Permit CDP-90-0496, proposing the demolition of a single-family home and the construction of a two-story, four-unit condominium. The subject property (approximately 6,250 square-feet) is located at 1644 Thomas Avenue, in Zone R-1500, in the Pacific Beach Community Plan area, and is more particularly described as Lots 29 and 30, Block 251, Pacific Beach Tract 854. (CDP-90-0496. District-2.)

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-CDP-90-0496

COUNCIL ACTION: (Tape location: A482-B173.)

Testimony in favor by Al Strohlein.

Testimony in opposition by Randy Williams and Frank Rys.

MOTION BY ROBERTS TO REJECT THE APPEAL AND APPROVE THE PROJECT. Second by McCarty. Passed by the following vote:

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

ITEM-332: (R-92-518) CONTINUED TO NOVEMBER 12, 1991

Approving the Comprehensive Housing Affordability Strategy (CHAS) covering the period of October 1, 1991 to September 30, 1996; authorizing the Executive Director of the Housing Commission to submit the City of San Diego's CHAS to the U.S. Department of Housing and Urban Development (HUD) on behalf of the City.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A098-116.)

MOTION BY BEHR TO CONTINUE TO NOVEMBER 12, 1991 FOR FURTHER REVIEW OF THE MATTER. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: RETURNED TO PLANNING DEPARTMENT

1. Establishment of the Kearny Mesa community planning area as an area separate from the Serra Mesa community planning area.
2. Adoption of the proposed Kearny Mesa Community Plan (see Map 1.)
3. Adoption of amendments to the Serra Mesa Community Plan to reflect the proposed separation of Kearny Mesa from Serra Mesa (see Map 2).
4. Adoption of amendments to the Progress Guide and General Plan to reflect the proposals contained in the Kearny Mesa Community Plan.
5. Adoption of the proposed Kearny Mesa Public Facilities Financing Plan.
6. Certification of Environmental Impact Report DEP-

87-0626.

All maps are on file in the City Planning Department.
(Districts-5 & 6.)

Subitem-A: (R-92-578)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-0626 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 the Mitigation Monitoring and Reporting Program and findings and statement of overriding consideration, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-92-577)

Adoption of a Resolution adopting the proposed Kearny Mesa Community Plan.

Subitem-C: (R-92-607)

Adoption of a Resolution approving the Kearny Mesa Public Facilities Financing Plan.

Subitem-D: (R-92-608)

Adoption of a Resolution rescinding existing development impact fees for the Serra Mesa and Kearny Mesa communities and establishing new development impact fees for all property within the Serra Mesa and Kearny Mesa communities.

Subitem-E: (R-92-609)

Adoption of a Resolution authorizing the City Auditor to establish a separate interest bearing fund for development impact fees collected within the Kearny Mesa community.

FILE LOCATION: LAND-Kearny Mesa Community Plan

COUNCIL ACTION: (Tape location: C521-G017.)

Hearing began 2:42 p.m. and halted 4:53 p.m.

Testimony in favor by Ed Carter, Paul Peterson, Susan Lay, Kathy Gaustad, Karen Scarborough.

Testimony in opposition by Gary Kaku, Bob Basso, Skip Tschantz, Ned Banning, Steven Berg, Mac Strobl, Emmanuel Savitch, Roger Sather, Wes Hinkle, Paul Hall, Paul Robinson, James Dodson, Matt Anderson, Steve Tate, Joseph Hannan, Kevin McNamara.

MOTION BY ROBERTS TO DIRECT STAFF TO TAKE THE RECOMMENDATIONS AS OUTLINED IN THE KEARNY MESA PLANNING GROUP'S LETTER, DATED OCTOBER 24, 1991 AND USE THESE AS THE BASIS FOR CREATING A REVISED COMMUNITY PLAN. THOSE RECOMMENDATIONS ARE AS FOLLOWS: ELIMINATE THE PROPOSED INDUSTRIAL BUSINESS PARK AND LIGHT INDUSTRIAL/LIMITED OFFICE OVERLAYS, INCLUDING THE RESTRICTIONS ON MULTI-TENANT OFFICE IN FAVOR OF A SINGLE "BUSINESS PARK" LAND USE DESIGNATION FOR ALL AREAS PROPOSED TO BE UNDER THE M-1B ZONE. BLEND THE MULTIPLE FAR SCHEDULES OF THE TWO PROPOSED OVERLAYS INTO A SINGLE, MORE RESTRICTIVE FAR SCHEDULE TO SIMPLIFY THE PROCESS, RECOGNIZE MARKET REALITIES AND OFFSET POTENTIAL INCREASED TRAFFIC ASSOCIATED WITH THE GREATER FLEXIBILITY OF PERMITTED USES. THE M-1B AND M-1A ZONES WOULD NEED TO BE AMENDED (OR NEW ZONES CREATED) TO ACCOMMODATE THE KEARNY MESA FAR SCHEDULE. THE CPIOZ TYPE A AND B PROCESSES SHOULD BE ELIMINATED IN FAVOR OF THE NEW OR AMENDED ZONES WHICH WOULD ADDRESS PARKING STANDARDS, MINIMUM LOT SIZES AND PERMITTED USES ON A MINISTERIAL BASIS. HOWEVER, PERMITTED USES WITHIN THESE ZONES SHOULD NOT BE FURTHER RESTRICTED. THESE REVISIONS WOULD RESULT IN RESTORING A DEGREE OF CERTAINTY IN THE PROCESS WITHIN A HIGHLY RESTRICTIVE DENSITY/FAR FRAMEWORK AND WOULD STREAMLINE THE PERMITTING, MONITORING AND ENFORCEMENT OF FUTURE LAND DEVELOPMENT. THE PROPOSED FAR SCHEDULE IS AS FOLLOWS: BUSINESS PARK, FAR LIMIT .50; GENERAL COMMERCIAL RETAIL .35; GENERAL COMMERCIAL NON-RETAIL (OFFICE/INDUSTRIAL) .50; EXPAND THE GENERAL COMMERCIAL DESIGNATION, RETAINING THE EXISTING OR AMENDED M-1A ZONES TO ENCOMPASS THE AUTO DEALERSHIPS ON KEARNY MESA ROAD FROM CLAIREMONT MESA BLVD. SOUTH TO BUCKHORN STREET IN RECOGNITION OF THE HISTORICAL USE OF THESE PROPERTIES AND THEIR POTENTIAL VALUE FOR FREEWAY ORIENTED COMMERCIAL ACTIVITY; BOTH THE NORTH AND SOUTH SIDE OF CLAIREMONT MESA BLVD EAST OF SR-163 TO RUFFIN ROAD, RECOGNIZING THE EXISTING COMMERCIAL CHARACTER OF THESE PROPERTIES AND THE REGIONAL NATURE OF THIS IMPORTANT EAST/WEST ARTERIAL; THE 12 VACANT ACRES ADJACENT TO I-805, WEST OF SHAWLINE STREET AND SOUTH

OF CLAIREMONT MESA BLVD., RECOGNIZING THE POTENTIAL CITY WIDE VALUE FOR FREEWAY ORIENTED COMMERCIAL AND ITS CLOSE PROXIMITY TO THE CLAIREMONT MESA COMMUNITY. SINCE THIS SITE IS ALREADY REGULATED BY A PID (88-1147), THE PLAN AS PROPOSED WOULD ONLY SERVE TO ADD TWO ADDITIONAL LEVELS OF IDENTICAL DISCRETIONARY REVIEW BY NECESSITATING A REZONE AND A COMMUNITY PLAN AMENDMENT; AND, THE PROPERTIES ADJACENT TO CONVOY STREET SOUTH OF SR-52 AND NORTH OF CLAIREMONT MESA BLVD RECOGNIZING THE PREDOMINANT COMMERCIAL ARTERIAL CHARACTER OF CONVOY STREET; THE PROPERTIES SOUTH OF AERO DRIVE ADJACENT TO KEARNY VILLA ROAD SHOULD BE REZONED FROM M-IP TO CO.; KEARNY LODGE CLARIFICATION - THIS MOBILE HOME PARK SHOULD BE DESIGNATED BUSINESS PARK WITH M-1B ZONING. STAFF TO PROVIDE A BUSINESS PARK DESIGNATION ON THE MOBILE HOME PARK; THIS PLAN TO INCLUDE A COMPLETE TRAFFIC REVIEW PLUS THE FACILITY BENEFIT ASSESSMENT AND ANY ACCOMPANYING DOCUMENTS THAT NEED TO BE PART OF THAT PLAN; COME BACK WITH A RECOMMENDATION FOR PROPER ZONING FOR CONFORMING USE FOR THE 94TH AERO SQUADRON RESTAURANT; INCLUDE GENERAL DYNAMICS FRONTAGE PROPERTY ON CLAIREMONT MESA BOULEVARD IN THE GENERAL COMMERCIAL CATEGORY; ADDRESS SPECIFIC METHODS TO DISCOURAGE REGIONAL TRAFFIC FROM DRIVING THROUGH SERRA MESA. STAFF TO COME BACK TO COUNCIL IN SIXTY DAYS WITH A PROGRESS REPORT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-ineligible, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-334: (0-92-61) INTRODUCED AS AMENDED, TO BE ADOPTED NOVEMBER 12, 1991

Matter of the extension and amendment of interim zoning Ordinance 0-17562 N.S, as amended by 0-17621 N.S., affecting the North City Future Urbanizing Area. This Interim Ordinance will prohibit approval of discretionary permits within the North City Future Urbanizing Area until the adoption of a generalized land use plan for the area, or for one year, whichever occurs first. The ordinance exempts modifications or additions to existing single-family dwellings and veterinary clinics or hospitals.

The North City Future Urbanizing Area boundaries include the Los Penasquitos Canyon Preserve to the south, the Rancho Penasquitos community to the east,

the City boundary and Fairbanks Ranch Country Club to the north, and Interstate 5 and the Carmel Valley community to the west.
(District-1.)

Introduction of an Ordinance for an amendment and extension to the Interim Ordinance.

FILE LOCATION: LAND-North City Community Plan

COUNCIL ACTION: (Tape location: G019-J141.)

Hearing began 4:55 p.m. and halted 7:07 p.m.

Testimony in favor by Louise Arnold, Ed Carboneau, Susan Rainville, Mike Kelly, Michael Conrad, John Recht, Karen Scarborough, Thomas Bilhorn, Kevin McNamara, Linda Michaels, Opal Trueblood, David Kreitzer, Diane Coombs, Jay Powell, Kathleen Burke.

Testimony in opposition by Paul Peterson, Doug Fredrikson, Fred Cox, Thomas DiBenedetto, Jerry McCaw, Lance Burris.

MOTION BY WOLFSHEIMER TO INTRODUCE ORDINANCE AS AMENDED AS FOLLOWS: THAT THE DEADLINE FOR THE MORATORIUM BE EXTENDED ONLY TO SEPTEMBER 21, 1992 THE DAY THE PLAN AND ENVIRONMENTAL DOCUMENTS ARE SCHEDULED TO BE ADOPTED BY THE CITY COUNCIL; THAT AT LEAST TWO PROGRESS REPORTS BE PRESENTED TO THE FULL CITY COUNCIL, IN APRIL AND JULY OF NEXT YEAR, IN ORDER TO ALLOW COUNCIL TO RECOMMEND MID-COURSE CORRECTIONS THAT MAY BE NEEDED IN ORDER TO GUARANTEE THE PLAN IS COMPLETED ON SCHEDULE; AND THAT NO EXEMPTIONS TO THE MORATORIUM BE GRANTED, IN ORDER TO ASSURE A COMPREHENSIVE PLANNING PROCESS OCCURS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-nay, Behr-nay, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: COUNCIL DIRECTIVE

(Continued from the meeting of October 22, 1991, Item 331, at Mayor O'Connor's request, due to lack of time.)

In the matter of the Metropolitan Water District of Southern California (MWD) and the San Diego County

Water Authority (CWA).

(See report from the City Attorney dated 10/4/91.)

FILE LOCATION: WATER-METROPOLITAN WATER DISTRICT AND
THE SAN DIEGO COUNTY WATER AUTHORITY

COUNCIL ACTION: (Tape location: B180-439.)

MOTION BY HENDERSON TO SUPPORT LEGISLATION TO PUT THE METROPOLITAN WATER DISTRICT (MWD) AND THE COUNTY WATER AUTHORITY (CWA) UNDER THE JURISDICTION OF THE CPUC. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-nay, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO DIRECT THE CITY MANAGER, CITY ATTORNEY AND LEGISLATIVE AFFAIRS TO TAKE ALL NECESSARY ACTIONS OPPOSING MWD'S PROPOSED WATER STANDBY CHARGES, AVAILABILITY CHARGES OR PARCEL TAXES. TO REQUEST MWD CAUSE A COMPLETE MANAGEMENT AND FINANCIAL AUDIT OF MWD AND ITS OPERATIONS BEFORE TAKING ANY ACTIONS REGARDING A RATE INCREASE. TO REQUEST THE CITY ATTORNEY TO PREPARE A RESOLUTION REQUESTING THE CITY'S APPOINTEES TO THE BOARD OF DIRECTORS TO UTILIZE THE WEIGHTED VOTE PROVISIONS AND VOTE AGAINST ANY RATE INCREASES UNTIL SUCH TIME AS WE HAVE THE FINANCIAL AUDIT AND THE OPERATION AUDIT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-501: (O-92-61) INTRODUCED, TO BE ADOPTED NOVEMBER 12,
1991

Introduction of an Ordinance amending Chapter 2, Article 2 of the San Diego Municipal Code, by repealing Division 24, Sections 22.2401 and 22.2402, and adding a new Division 24, relating to the Planning Department, placing the Planning Department and Planning Director under the authority of the City Manager.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A116-179; C013-472.)

MOTION BY HENDERSON TO INTRODUCE. Second by Behr. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-nay, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ADDITIONAL BUSINESS: (R-91-) CONTINUED TO NOVEMBER 4, 1991

During consideration of Item S403 on Monday, October 28, 1991, Council adopted the item as amended, however, trailed for further discussion and staff report that portion of the item regarding the allocation of funds for the Bicycle Helmet Study and the Bicycle Safety and Encouragement Campaign.

FILE LOCATION: --

COUNCIL ACTION: Tape location: A183-481.)

MOTION BY WOLFSHEIMER TO ACCEPT THE \$15,000 FOR THE WORKSHOP FOR CHILDREN ALONG WITH THE MONIES THAT ARE NECESSARY FOR THE BICYCLE BROCHURES AND SEND THE REMAINING FUNDS BACK TO SANDAG FOR REALLOCATION. THE BICYCLE HELMET SAFETY PROGRAM IS TO BE INCORPORATED IN THE SAFETY WORKSHOPS. THE CITY MANAGER IS TO RETURN TO COUNCIL IN ONE WEEK (NOVEMBER 4, 1991) WITH RECOMMENDATIONS FOR SPENDING THE REMAINING PORTION OF THE GRANT MONIES ON PRIORITY HARD IMPROVEMENTS IN TERMS OF EXPANDING THE BICYCLE LANE PROGRAM. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Behr-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT: REFERRED TO THE CITY MANAGER

ITEM-PC-2:

Comment by Mark Gregory regarding education and English tutoring at San Diego City College.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J144-197.)

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 7:11 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: J197.)