

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 15, 1994  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:01 a.m. Mayor Golding recessed the regular meeting at 10:27 a.m. to convene the Special Joint Meeting with the Redevelopment Agency and to convene the Redevelopment Meeting thereafter. Mayor Golding reconvened the regular meeting at 10:29 a.m. with all members present. The meeting was recessed by Mayor Golding at 11:54 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:14 p.m. with all members present. Mayor Golding adjourned the meeting at 7:24 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
  - (1) Council Member Mathis-present
  - (2) Council Member Roberts-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour (mc/gb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-7:

Comments by Don Stillwell on the homeless issue and urging Council to read all information pertaining to the General Agreement on Tariffs and Trade (GATT).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A164-185.)

COUNCIL COMMENT:

None.

ITEM-131:

SUBJECT: Change Order No. 6 for the Construction of University Avenue/Lincoln Avenue Two-Way Couplet System.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-669) ADOPTED AS RESOLUTION R-284936

Approving Change Order No. 6, dated September 28, 1994, issued in connection with the contract with West Coast General Corporation for the Construction of University Avenue/Lincoln Avenue Two-Way Couplet System, amounting to a net increase in the contract price of \$222,210.13.

CITY MANAGER SUPPORTING INFORMATION:

On June 1, 1993, by Resolution R-282050 the City Council approved the construction documents and authorized the City Manager to execute a contract for Construction of University Avenue/Lincoln Avenue Two-Way Couplet System Improvements. On June 17, 1993 the Couplet System construction contract was awarded to West Coast General Corporation in the amount of \$1,898,425.59. Contract Change Order (C.C.O.) No. 6 will reimburse the Contractor for mitigating unforeseen field conditions encountered during construction. Major items of work in C.C.O. No. 6 involve excavating and disposing of unsuitable clay sub-grade material discovered in the existing roadway section scheduled for demolition.

Although unanticipated the excavation along with an upgraded pavement section is necessary and recommended in order to eliminate future pavement failures.

Aud. Cert. 9500435.

FILE LOCATION: CONT - West Coast General Corporation  
CONFY95-1

COUNCIL ACTION: (Tape location: A286-333.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Vargas.  
Passed by the following vote: Mathis-yea, Roberts-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

ITEM-310: HEARING GRANTED, TO BE HELD IN JANUARY, 1995; DATE TO BE DETERMINED

SUBJECT: Request by Bruce Greene, AIA, for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially denying the request of Peter Bulkley of a F.A.R. Variance, Case No. C-21160.

(Case No. C-21160. La Jolla Community Planning Area. District-1.)

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested for a variance to maintain the following, currently in violation:

- (1) 68% floor area ratio where a maximum 60% is permitted;
- (2) an approximate 6'-6" high, combination retaining wall/solid fence within the driveway visibility area, where a maximum height of 3'-0" is permitted;
- (3) an approximate 10'-0" high, combination retaining wall/solid fence within the front yard (along the westerly property line) where a maximum height of 9'-0" is permitted provided that no single plane exceeds 6'-0" in height and horizontal separations are provided in compliance with design criteria;
- (4) an approximate 10'-10" combination retaining wall/solid fence within the rear yard where a maximum height of 9'-0" is permitted provided that the top 3'-0" is 50% open;
- (5) an approximate 8'-4" solid wall within the east side yard where a maximum height of 9'-0" is permitted provided that the top 3'-0" is 50% open; and,
- (6) an approximate 6'-6" high solid wall within the front yard (along the east property line) where a maximum height of 6'-0" is permitted provided the upper 3'-0" is 50% open. The subject property is more particularly described as Lot 20, Block 46, La Jolla Park, Map-352, located at 1585 Coast Walk, R1-5000 Zone, Coastal Zone, Coastal Height Limitation Zone, La Jolla Community Planning Area.

The Zoning Administrator recommended denial of the variance requests; was opposition.

The Board of Zoning Appeals voted 4-0 to partially approve the

variance requests, with conditions.

The La Jolla Community Planning Association has recommended denial of this item.

FILE LOCATION:           ZONE - Zoning Appeals Case C-21160

COUNCIL ACTION:         (Tape location: A361-429.)

MOTION BY MATHIS TO GRANT THE HEARING. HEARING WILL BE HELD IN JANUARY, 1995 TO ALLOW TIME TO RESOLVE THE BOUNDARY LINE ISSUE. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:           CONTINUED TO DECEMBER 6, 1994

SUBJECT: Matter of an amendment to the Mira Mesa Community Plan to allow future development of the 573-acre H. G. Fenton Materials Company sand and gravel mining operation site.

(Carroll Canyon Master Plan. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-577)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-91-0738 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-95-578)

Adoption of a Resolution adopting the amendment to the Mira Mesa Community Plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 7-0 to recommend approval with modifications.

Ayes: Bernet, McElliott, Benn, Neils, Quinn, Skorepa & White.

Nays: None.

The Mira Mesa Community Planning Group has recommended approval of the plan amendment.

SUPPORTING INFORMATION:

The amendment to the Mira Mesa Community Plan would allow future development of the 573-acre H. G. Fenton Material Company sand and gravel mining operation site. The Mira Mesa Community Plan recommends the development in Carroll Canyon of a mixed-use planned community through a community plan amendment process. The H. G. Fenton Materials Company community plan amendment is proposing to designate their site for a mix of industrial, commercial and residential uses. The plan amendment is also proposing to designate three neighborhood park sites, to restore Carroll Canyon Creek and preserve Rattlesnake Canyon as open space.

LEGAL DESCRIPTION:

The site is more particularly described as the central portion of the Mira Mesa Community south of Mira Mesa Boulevard and north of Miramar Road, between Interstate 805 and Interstate 15 (portions of Sections 2, 3, Township 15 South, Range 3 West, SBBM).

NOTE: The project proponent must furnish Council with the proposed findings in keeping with Section 21081 of the California Public Resources Code.

FILE LOCATION: LAND - Mira Mesa Community Plan

COUNCIL ACTION: (Tape location: A434-B208.)

Hearing began at 10:34 a.m. and halted at 11:01 a.m.

Testimony in favor by Doug Boyd.

Testimony in opposition by Mark Kornheiser and William MacKersie.

Motion by Mathis to adopt as amended to replace the language in the Industrial Land Use paragraph on Page 19 of the plan draft to read:

The Industrial Park land use designation is designed to accommodate a mixture of research and development, office and manufacturing uses. The proposed zones for these areas should be M-1B, M-LI or a similar industrial zone developed through the City's Zoning Code Update. Development shall occur in concert with Planned Industrial Development Permits. Further, industrial uses that create significant unmitigated direct impacts in the areas of noise and air quality (as identified in a project specific environmental analysis) should not be located in Carroll Canyon. Second by Roberts. No vote taken.

MOTION BY MATHIS TO CONTINUE THIS ITEM TO DECEMBER 6, 1994, FOR FURTHER REVIEW. ACCEPT MAYOR GOLDING'S RECOMMENDATION TO REQUEST THE CITY ATTORNEY TO RETURN AT THAT TIME WITH A REPORT ON THE ALLEGATIONS THAT WERE MADE IN THE NEWSPAPER CONCERNING CAMPAIGN CONTRIBUTIONS. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-nay, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO FEBRUARY 14, 1995

SUBJECT: Matter of a development proposal Vesting Tentative Map (VTM)/Rezone (RZ)/Planned Residential Development (PRD)/Hillside Review Permit (HRP)/Resource Protection Overlay Zone Permit (RPOZP) No. 87-0925 to implement a residential subdivision, Montana Mirador, consisting of a total of 410 detached, single-family and 165 attached, multifamily residences and related site improvements, dedications and facilities on portions of a vacant 635-acre site. Additionally, the development application also incorporates a Community Benefit Agreement (CBA), Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance)BMAC per the City of San Diego Landscape Ordinance.

(VTM/RZ/PRD/HRP/RPOZ/BMAC/CBA-87-0925. District-1.)

(Continued from the meeting of October 11, 1994, Item 330, at the Applicant's request, for further evaluation.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; introduce the ordinance in Subitem B; and adopt the resolutions in Subitems D and E approving the map and the permits:

Subitem-A: (R-95-407)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-0925 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 Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-95-21)

Introduction of an Ordinance to re-zone the subject property to R1-5000, A-1-10 (portions in the Hillside Review Overlay).

Subitem-C: (R-95-408)

Adoption of a Resolution approving the Community Benefits Agreement and associated exemption from the Penasquitos East Transportation Phasing Plan No. 87-0925.

Subitem-D: (R-95- )

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map No. 87-0925, with appropriate findings to support Council action.

Subitem-E: (R-95- )

Adoption of a Resolution granting or denying the RPO/HR/PRD permits, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:



Planning Commission voted 4-2 to recommend approval with modifications.

Ayes: McElliott, Quinn, Skorepa, and White

Nays: Bernet, and Benn

Abstaining: Neils

The Rancho Penasquitos Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

The project design includes site grading, interior streets, various open space and associated landscape areas, a water reserve tank, a ten-acre elementary school site, and two neighborhood park sites.

The project site is located on the west side of I-15, between Carmel Mountain Road and Penasquitos Drive in the A-1-10 (portions in the Hillside Review Overlay) Zone of the Rancho Penasquitos Community Planning Area. A change of zone to R1-5000 over a portion of the site is required to implement the proposed residential element of the project. Additionally, the development application also incorporates a Community Benefit Agreement, Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance) per the City of San Diego Landscape Ordinance.

**LEGAL DESCRIPTION:**

The project site is located on the southern slopes of Black Mountain, west of I-15 and north of Carmel Mountain Road in the Penasquitos East Community Planning Area. It is more particularly described as a subdivision of a portion of Rancho de Los Penasquitos; a portion of the northeast quarter of fractional Section 7, Township 14 South, Range 2 West, SBM.

FILE LOCATION: Subitems A & C: PERM - PRD-87-0925; Subitem B: NONE; Subitem D: SUBD - Montana Mirador; Subitem E: PERM - RPO/HR/PRD-87-0925

COUNCIL ACTION: (Tape location: A214-245.)

MOTION BY MATHIS TO CONTINUE THIS ITEM TO FEBRUARY 14, 1995, AT THE REQUEST OF A CONSTITUENT, FOR TIME TO FULLY EVALUATE THE FINANCIAL IMPACTS TO THE COMMUNITY. Second by Warden. Passed by the following vote: Mathis-yea, Roberts-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Matter of the appeals of (1) Matthew A. Peterson (attorney for the applicant), (2) Paul E. Robinson (attorney for Hazard Center), and (3) Donald Worley (attorney for Mission Valley Partnership) from the decision of the Planning Commission in conditionally approving the request for Mission Valley Development Permit MVDP-93-0437/Conditional Use Permit CUP-93-0437. Appellant 1 is appealing the design conditions and the formation of a future assessment district. Appellants 2 and 3 are opposing the project.

(MVDP/CUP-93-0437. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A certifying the Environmental Impact Report; and adopt Subitem B approving the permits.

Subitem-A: (R-95-930) ADOPTED AS RESOLUTION R-284941

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-93-0437 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the 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-95-931 Rev.1) ADOPTED AS RESOLUTION R-284942

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

OTHER RECOMMENDATIONS:

Planning Commission voted 4 - 1 to conditionally approve the permits.

Ayes: Bernet, Neils, Quinn, White.  
Nays: Skorepa.  
Not present: McElliott and Benn.

The Mission Valley Unified Planning Committee voted to approve the permits, with conditions.

The Mission Valley Design Advisory Board has recommended approval of the permits, with conditions.

SUPPORTING INFORMATION:

The permits are requested to expand the existing Fashion Valley Center. The expansion will include construction of 440,000 square feet of floor area to accommodate new retail shops, restaurants, and a multi-plex movie theater. In addition, new parking structures, a pedestrian bridge connecting the proposed LRT station with the shopping center, and a pedestrian walkway along the river will be constructed. The 81.6-acre shopping center site is located between Fashion Valley Road and State Route 163 and between Friars Road and Camino de la Reina in the Mission Valley Community Plan area. The site is zoned MV-CR (Mission Valley Planned District-Commercial and Retail.)

FILE LOCATION: PERM - MVDP/CUP-93-0437

COUNCIL ACTION: (Tape location: B209-C112; C150-314; D011-F389.)

Hearing began at 11:02 a.m. and recessed at 11:37 a.m.

Hearing resumed at 11:42 a.m. and recessed at 11:54 a.m.

Testimony in opposition by Max Schmidt, Paul Robinson, W. Gayne Wimer and Patty Schreibman.

Hearing resumed at 2:14 p.m. and halted at 3:30 p.m.

Testimony in favor by Matthew Peterson, Jack Limber, Jerry Alford, Nathaniel Cohen, Don Worley, Mike Teawell, Carl Myer, Bill Lorenz, Sam Capp, Richard Dolson and Gary Trimbull.

MOTION BY STALLINGS TO ADOPT AS AMENDED TO: 1) ADD ADDITIONAL LANGUAGE TO MTDB'S CONDITION NUMBER 16 TO READ AS FOLLOWS: "ALSO, PRIOR TO RECORDATION, SINCE MTDB HAS FILED CONDEMNATION ACTION TO ACQUIRE PROPERTY FOR LRT AND BUS

FACILITIES AND HAS DEPOSITED PROBABLE COMPENSATION WITH THE COURT, IN THE EVENT THAT FASHION VALLEY HAS WITHDRAWN THAT DEPOSIT, FASHION VALLEY MUST RETURN ALL WITHDRAWN FUNDS TO MTDB;" 2) CLARIFY LANGUAGE IN MTDB'S CONDITION NUMBER 44 TO READ AS FOLLOWS: "AS A CONDITION OF THIS PERMIT, WORKING WITH MTDB, THE APPLICANT IS RESPONSIBLE TO ENSURE PROTECTION OF THE LRT SUPPORT COLUMNS AND CONSTRUCTION OF THE RAISED MEDIAN ALONG CAMINO DE LA REINA FROM FASHION VALLEY ROAD TO THE EASTERLY PROPERTY LINE;" 3) MODIFY CONDITION NUMBER 21B TO READ: "THE APPLICANT SHALL CONDUCT AN ANNUAL ANALYSIS OF MEASURABLE TRAFFIC IMPACTS IN THE MISSION VALLEY COMMUNITY RESULTING FROM THIS EXPANSION, INCLUDING A BASE LINE EVALUATION OF THE EXISTING PROJECT, THROUGH THE YEAR 2010, TO THE SATISFACTION OF THE CITY MANAGER. IN ANY YEAR IN WHICH THE ANALYSIS DISCLOSES THAT TRAFFIC IMPACTS FROM THE EXPANSION EXCEED THE PROJECTED IMPACTS BY MORE THAN 15%, THE CITY MANAGER SHALL SUBMIT A REPORT TO THE CITY COUNCIL, INCLUDING SPECIFIC RECOMMENDATIONS REGARDING THE NEED FOR CORRECTIVE ACTION, INCLUDING A METHOD FOR IMPLEMENTING THESE RECOMMENDATIONS;" 4) ADD NEW CONDITION NUMBER 48 TO READ: "THE CITY MANAGER IS DIRECTED TO WORK WITH FASHION VALLEY TO PROVIDE TRAFFIC IMPROVEMENTS AT THE HIGHWAY 163-FRIARS ROAD INTERCHANGE BASED ON ANY ADDITIONAL TRAFFIC GENERATED AT THAT LOCATION FROM THE PROJECT;" 5) MODIFY CONDITION NUMBER 43 TO READ: "THE FINAL PHASE OF APPROXIMATELY 120,000 SQ. FT. ROUGHLY THE EQUIVALENT OF THE DENSITY BONUS FROM THE LRT SHALL NOT BE PERMITTED UNTIL THE LRT IS IN PLACE THROUGH FASHION VALLEY;" AND 6) ADD NEW CONDITION NUMBER 49 TO READ: "AFTER COMPLETION OF THE PROJECT THE CITY WILL CONDUCT AN ANNUAL ANALYSIS OF THE FLOOD CONTROL IMPACTS THROUGH FASHION VALLEY TO DETERMINE IF THE HYDRAULITY FUNCTIONS PROPERLY AND IF NOT, THAT FASHION VALLEY WILL BE REQUIRED TO MITIGATE SAID FLOOD IMPACTS TO A STATE NOT WORSE THAN THE CONDITIONS WHICH EXISTED PRIOR TO THE EXPANSION." AMENDMENT TO THE MOTION BY COUNCIL MEMBER ROBERTS, ACCEPTED BY COUNCIL MEMBER STALLINGS, TO APPROVE THE CITY MANAGER'S RECOMMENDATIONS AND TO KEEP THE ORIGINAL LANGUAGE OF ITEM NUMBERS 1, 2, 3 AND 4 IN THE MEMO SUBMITTED TO COUNCIL FROM COUNCIL MEMBER STALLINGS DATED NOVEMBER 15, 1994. ACCEPT MTDB'S CONDITIONS AS STATED IN THEIR MEMO TO COUNCIL DATED NOVEMBER 15, 1994, WITH THE EXCEPTION OF CONDITION NUMBER 44 WHICH SHOULD BE AMENDED AS FOLLOWS:

"AS A CONDITION OF THIS PERMIT, WORKING WITH MTDB, THE APPLICANT IS RESPONSIBLE TO ENSURE PROTECTION OF THE LRT SUPPORT COLUMNS AND CONSTRUCTION OF THE RAISED MEDIAN ALONG CAMINO DE LA REINA FROM FASHION VALLEY ROAD TO THE EASTERLY

PROPERTY LINE." Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-nay.

ITEM-333:

SUBJECT: Matter of a request to re-zone .83 acres from NP-1 (Neighborhood Professional) to CN-1A (Commercial Node) located in the 3800 block of 7th and 8th Avenues in the Uptown Community Plan Area.

(RZ-94-0558. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinances:

Subitem-A: (R-95-720 Cor. Copy) ADOPTED AS RESOLUTION



