

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, DECEMBER 6, 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 10:02 a.m. Mayor Golding simultaneously convened the Redevelopment Agency and the regular meeting at 11:23 a.m. The meeting was recessed by Mayor Golding at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:11 p.m. with Mayor Golding, Deputy Mayor Vargas and Council Members Roberts and McCarty not present. The meeting was adjourned by Chairperson Stevens at 3:39 p.m. to meet in Closed Session in the 12th floor conference room to discuss pending litigation matters.

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-excused by R-285391 (represented U.S. on a governmental/cultural Exchange Program)
- Clerk-Fishkin (ew/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (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-not present

PUBLIC COMMENT:

ITEM-PC-8:

Comments by Don Stillwell regarding the Militia.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A021-046.)

ITEM-PC-9: REFERRED TO THE CITY MANAGER

Comments by Patrick O'Brien requesting to be granted the food and beverage concession for the "First Night San Diego" event to be held on December 31, 1994.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-071.)

COUNCIL COMMENT:

None.

ITEM-148:

SUBJECT: Two actions related to Recommendation of Chairpersons for Standing Committees and Deputy Mayor.

(See Legislative Specialist Analysis RULES-94-1.)

RULES COMMITTEE'S RECOMMENDATION:

On 11/21/94, RULES voted 5-0 to recommend adoption of the following resolutions. (Councilmembers Roberts, Stevens, Stallings, McCarty and Mayor Golding voted yea):

Subitem-A: (R-95-881) ADOPTED AS RESOLUTION R-285073

Selecting Councilmember Juan Vargas as Deputy Mayor for the period commencing December 5, 1994 and ending December 4, 1995.

Subitem-B: (R-95-880) ADOPTED AS RESOLUTION R-285074

Appointing the following Councilmembers to serve as chairperson of three standing Council committees for terms commencing December 5, 1994 and ending December 4, 1995:

COMMITTEE:

CHAIRPERSON:

Committee on Natural Resources,  
Culture & the Arts

Councilmember Valerie  
Stallings

Committee on Land Use & Housing

Councilmember Barbara Warden

Committee on Public Safety &  
Neighborhood Services

Councilmember Christine Kehoe

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: A104-148.)

MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-150:

SUBJECT: Standing Committee Organization.

(See Legislative Specialist Analysis RULES-94-3.)

RULES COMMITTEE'S RECOMMENDATION:

On 11/21/94 RULES voted 5-0 to recommend adoption of the following resolution. (Councilmembers Roberts, Stevens, Stallings, McCarty, and Mayor Golding voted yea):

(R-95-879) ADOPTED AS RESOLUTION R-285075

Establishing a Temporary Rule of the Council, pursuant to San Diego Municipal Code Section 22.0101, Rule 32, entitled "Temporary Rules," which shall be in full force and effect until made permanent by enactment of an ordinance, changing the names of the existing standing committees as follows:

Committee on Rules, Finance & Intergovernmental Relations (formerly The Committee on Rules, Legislation, & Intergovernmental Relations).

Committee on Natural Resources, Culture & the Arts (formerly Public Facilities & Recreation).

Committee on Land Use & Housing (formerly Transportation & Land Use).

Committee on Public Safety & Neighborhood Services (formerly Public Services & Safety).

Declaring that this Temporary Rule supersedes the Permanent Rules of the Council established by Section 22.0101 of the San Diego Municipal Code until made permanent by enactment of an ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A104-148.)

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

not present, Mayor Golding-yea.

ITEM-153:

SUBJECT: City Manager's Fiscal Year 1994 Equal Opportunity Contracting Program Annual Status Report.

(See City Manager Report CMR-94-264.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 9/14/94 PS&S voted 4-0 to recommend adoption of the following resolution. (Councilmembers Kehoe, Stevens, McCarty and Vargas voted yea; Councilmember Roberts not present):

(R-95-345) ADOPTED AS RESOLUTION R-285076

Accepting the City Manager's Fiscal Year 1994 Annual Equal Opportunity Report on the status of the City's Equal Opportunity Contracting Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A149-224.)

MOTION BY WARDEN TO ADOPT. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-210:

SUBJECT: Memorandum of Understanding between The City of San Diego and The City of Chula Vista Regarding Refuse Disposal.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-738) ADOPTED AS RESOLUTION R-285077

Authorizing the City Manager to execute a Memorandum of Understanding between The City of San Diego and The City of Chula Vista pertaining to refuse disposal.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A225-293.)

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-310: DENIED HEARING

SUBJECT: Request by Beckman Industrial Corporation, Owner, and Brento Corporation, Lessee, for a hearing of an appeal from the decision of the Board of Zoning Appeals in partially approving the request for variance C-21194.

(C-21194. Kearny Mesa Community Plan Area. District-6.)

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

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on January 10, 1995 at 10:00 a.m.

SUPPORTING INFORMATION:

The appeal is being requested for a variance to maintain: (1) two ground signs on a lot with 249.27 feet of street frontage where only one ground sign is permitted for lots with 250' or less of street frontage; (2) one of said ground signs, 5'-6" high, 77 square feet observing a 4'-9" front yard where a 25'-0" front yard is required; (3) second of said ground signs, 5'-6" high, 77 square feet observing a 4'-7" front yard where a 25'-0"

front yard is required; and (4) second of said ground signs also located within the driveway visibility area adjacent to the northerly driveway where a maximum 3'-0" high sign is permitted. The project is located at 3883 Ruffin Road, just south of Calle Fortuna, in the M-1B Zone, within the Kearny Mesa Community Plan area, and is further described as Parcel A of Division Plat 182, being a division of Lot 3, in the San Diego Industrial Park Unit No. 5, Map-6031.

The Zoning Administrator recommended partial approval of the variance; no opposition.

The Board of Zoning Appeals voted 3-0 to partially approve the variance with conditions.

The Kearny Mesa Community Planning Group has been notified of this project and has not submitted a recommendation.

FILE LOCATION:                    ZONE - Zoning Appeals Case - C21194

COUNCIL ACTION:                    (Tape location: A294-365.)

MOTION BY STALLINGS TO DENY THE HEARING. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-311:            DENIED HEARING

SUBJECT: Request by Robert C. Stubbs for a hearing of an appeal from the decision of the Planning Commission in approving the request for Coastal Development Permit 93-0265.

(CDP-93-0265. La Jolla Community Planning Area. District-1.)

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

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on January 17, 1995 at 10:00 a.m.

SUPPORTING INFORMATION:

The appeal is being requested from the decision of the Planning Commission for a permit to allow the removal of an historically-designated single-family residence from a 12,600 square-foot site located at 1525 Torrey Pines Road in the R-1-5 and Coastal Zones in the La Jolla Community Plan area. The structure would be relocated to a site in the City of Poway.

The Planning Department recommended approval of the permit; was opposition.

The Planning Commission voted 3-2 to approve the permit.

Ayes: Benn, Neils, and Bernet.

Nays: Skorepa, Quinn.

Not Present: McElliott and White.

The La Jolla Community Planning Group has recommended approval of this project.

On September 22, 1993, the Historical Site Board voted to approve rescission of the historic designation of the underlying property subject to the issuance of this Coastal Development Permit for relocation and certification of the required environmental documents to be effective at such time as the structure is moved outside San Diego City limits.

FILE LOCATION: PERM-CDP-93-0265

COUNCIL ACTION: (Tape location: A366-447.)

MOTION BY MATHIS TO DENY THE HEARING. Second by Warden.  
Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-330:

SUBJECT: Matter of the appeal of U S West Cellular of California (Lawrence Doherty and agent, Dan Joyce, of Lettieri-McIntyre & Association) from the decision of the Planning Commission in denying Conditional Use Permit

94-0238.

(CUP-94-0238. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A certifying the Environmental Negative Declaration; adopt Subitem B granting the appeal and granting the permit.

Subitem-A: (R-95-941) ADOPTED AS RESOLUTION R-285078

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-94-0238 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-95-942) GRANTED APPEAL, GRANTED PERMIT, ADOPTED AS RESOLUTION R-285079

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

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to deny the permit.

Ayes: Bernet, McElliott, Benn, Skorepa.

Nays: None.

Abstaining: Quinn.

Not Present: Neils and White.

The Navajo Community Planners, Inc. has recommended approval of this permit.

The Woodlands San Diego Condominium Association has recommended denial of this permit.

The San Carlos Area Council has recommended denial of this permit.

SUPPORTING INFORMATION:

The request for a conditional use permit is to establish a cellular communications facility located at 7189 Navajo Road within the Navajo Community Plan area.

LEGAL DESCRIPTION:

Portion of Lot 2, Lake Shore Unit No. 5, Resubdivision No. 1, Map No. 6683, in the CA Zone.

FILE LOCATION: PERM - CUP-94-0238

COUNCIL ACTION: (Tape location: A648-C154.)

Hearing began at 10:51 a.m. and halted at 11:47 a.m.

Mayor Golding left at 11:21 a.m.

Council Member Roberts left at 11:26 a.m. and entered at 11:40 a.m.

Council Member Warden left at 11:29 a.m. and entered at 11:39 a.m.

Testimony in favor by Bill Cleves, Eric Poliak, Tom Martin, Allen Jaffee, Bob Knoth, Larry Doherty, and Daniel Miezala.

Testimony in opposition by Fred Levine, Carolyn Balkwell, Harry Goldman, Jack Mones, Jeanne Blair, Stanley Zubel, and Donald Wiley.

MOTION BY McCARTY TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO CERTIFY THE ENVIRONMENTAL NEGATIVE DECLARATION AND TO GRANT THE APPEAL AND THE PERMIT. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-331:

SUBJECT: Matter of the Park Trade Project, a comprehensive revision to the 1983 Sorrento Hills Community Plan, the Progress Guide & General Plan and the North City Local Coastal Program, consideration of TM/PRD/PID/CDP/HRP/RZ-91-0361 (Torrey Reserve Heights), TM/PRD/RZ-92-0610 (Sorrento Hills Corporate Center Phase II, Unit 4) and TM/PRD/CDP/RZ-93-0142 (Torrey View) and street and easement vacations.

(Park Trade Project. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A,B,F,G,L, and M; introduce Subitem C; and adopt Subitems D,E,H, I, J, and K to approve the maps and permits:

Subitem-A: (R-95-867) ADOPTED AS RESOLUTION R-285084

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-91-0361 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. This report pertains to the Community Plan Amendment and the permits for Torrey Reserve Heights (91-0361) and Sorrento Hills Corporate Center Phase II, Unit 4 (92-0610).

Subitem-B: (R-95-866) ADOPTED AS RESOLUTION R-285085

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-93-0142 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. This report pertains to the permits for Torrey View (93-0142).

Subitem-C: (O-95-70) INTRODUCED, TO BE ADOPTED  
JANUARY 9, 1995

Introduction of an Ordinance rezoning various properties within the Sorrento Hills Community Plan Area to OS-P, R1-5000, R-1500, M-IP, M-1A, and M-1B Zones.

TORREY RESERVE HEIGHTS

Subitem-D: (R-95-954) GRANTED MAP, ADOPTED AS AMENDED AS  
RESOLUTION R-285086

Adoption of a Resolution granting or denying the  
Tentative Map TM-91-0361, with appropriate findings to  
support Council action.

Subitem-E: (R-95-956) ADOPTED AS AMENDED AS RESOLUTION R-  
285087

Adoption of a Resolution approving PRD/PID/CDP/HRP-91-  
0361, with appropriate findings to support Council  
action.

Subitem-F: (R-95-868 Cor Copy) ADOPTED AS RESOLUTION R-  
285088

Adoption of a Resolution authorizing the summary  
vacation of the portion of Sorrento Hills Boulevard  
within Section 32, Township 14 South, Range 3 West, SBM  
in conjunction with Torrey Reserve Heights (TM-91-0361)  
as provided for under Section 66499.20-1/2 of the State  
Map Act.

Subitem-G: (R-95-869) ADOPTED AS RESOLUTION R-285089

Adoption of a Resolution authorizing the vacation of  
Sorrento Hills Boulevard, Lupine Street, Sorrento Hills  
Way, Invention Drive and a Street Reservation within  
the boundaries of Torrey Reserve Heights (TM-91-0361)  
as provided for under Section 66499.20-1/2 of the State  
Map Act.

SORRENTO HILLS CORPORATE CENTER PHASE II, UNIT 4

Subitem-H: (R-95-955) GRANTED MAP, ADOPTED AS RESOLUTION  
R-285090

Adoption of a Resolution granting or denying the  
Tentative Map TM-92-0610, with appropriate findings to  
support Council action.

Subitem-I: (R-95-957) ADOPTED AS AMENDED AS RESOLUTION  
R-285091

Adoption of a Resolution approving PRD-92-0610, with  
appropriate findings to support Council action.

TORREY VIEW

Subitem-J: (R-95-958) GRANTED MAP, ADOPTED AS RESOLUTION  
R-285092

Adoption of a Resolution granting or denying the  
Tentative Map TM-93-0142, with appropriate findings to  
support Council action.

Subitem-K: (R-95-959) ADOPTED AS RESOLUTION R-285093

Adoption of a Resolution approving PRD/CDP-93-0142,  
with appropriate findings to support Council action.

Subitem-L: (R-95-870) ADOPTED AS RESOLUTION R-285094

Adoption of a Resolution authorizing the vacation of an  
excess portion of Sorrento Hills Boulevard within the  
boundaries of Torrey View (TM-93-0142) as provided for  
under Section 66499.20-1/2 of the State Map Act.

Subitem-M: (R-95-865) ADOPTED AS AMENDED AS RESOLUTION  
R-285095

Adoption of a Resolution adopting amendments to the  
Sorrento Hills Community Plan, the Progress Guide and  
General Plan, and Local Coastal Program, and approving  
the Sorrento Hills Public Facilities Financing Plan.

OTHER RECOMMENDATIONS:

On October 27, 1994, the Planning Commission voted 5-0 to approve  
Torrey Reserve Heights and Sorrento Hills Corporate Center Phase  
II, Unit 4; was opposition.

Ayes: Bernet, McElliott, Benn, Quinn, and Skorepa.

Nays: None

Absent: Neils, and White

On November 10, 1994, the Planning Commission voted 4-0 to  
approve Torrey View; was opposition.

Ayes: Bernet, Quinn, Skorepa, and White

Nays: None

Absent: Benn, and McElliott

Abstaining: Neils

There is no officially recognized community planning group for  
this area.

SUPPORTING INFORMATION:

Actions associated with the Park Trade Project include the following:

1. Certification of Environmental Impact Reports DEP-91-0361, DEP-92-0610, and DEP-93-0142 including consideration of the Statement of Overriding Considerations;
2. Consideration of the 1994 draft Sorrento Hills Community Plan, Public Facilities Financing Plan, and associated amendments to the Progress Guide and General Plan and Local Coastal Program;
3. Consideration of the Torrey Reserve Heights Project which includes a Tentative Map (DEP-91-0361), Planned Residential Development Permit, Planned Industrial Development Permit, Coastal Development Permit, Hillside Review Permit, Street and Easement Vacations and Rezone;
4. Consideration of the Sorrento Hills Corporate Center Phase II Project which includes a Replacement Tentative Map (DEP-92-0610), Planned Residential Development Permit, Street and Easement Vacations and Rezones;
5. Consideration of the Torrey View Project which includes a Tentative Map (DEP-93-0142), a Planned Residential Development Permit, a Coastal Development Permit, Street Vacation and Rezone.

LEGAL DESCRIPTION:

The subject project is more particularly described as follows:

TORREY RESERVE HEIGHTS: Sorrento Hills Corporate Center Phase 2, Unit 2, Map-12610, portion of Unit 3, Map-12607, and Unit 6, Map-12611, and portions of Sections 31 and 32, Township 14 South, Range 3 West, SBM.

SORRENTO HILLS CORPORATE CENTER, PHASE 2, UNIT 4: Portion of Sections 29 and 30, Township 14 South, Range 3 West, and resubdivision of Lot 23 of Map-12606, and Lot 27 of Map-12607.

TORREY VIEW: Lots 13 and 14 of Sorrento Hills Corporate Center, Unit 3, Map-12635, and Parcels 1 and 3 of Parcel Map PM-14873.

FILE LOCATION:

Subitem A: PERM - PRD-91-0361 & PRD-92-0610; Subitem B: PERM - PRD-93-0142; Subitem C: NONE; Subitem D: SUBD - Torrey Reserve Heights; Subitem E: PERM

- PRD/PID/CDP/HRP-91-0361; Subitem F:  
STRT J-2814; DEED F-6399; Subitem G:  
STRT J-2815; DEED F-6400; Subitem H:  
SUBD - Sorrento Hills Corporate Center  
Phase II, Unit 4; Subitem I: PERM -  
PRD-92-0610; Subitem J: SUBD - Torrey  
View; Subitem K: PERM - PRD/CDP-93-  
0142; Subitem L: STRT J-2816; DEED F-  
6401; Subitem M: LAND - Sorrento Hills  
Community Plan

COUNCIL ACTION: (Tape location: C155-382; D017-284.)

Hearing began at 11:48 a.m. and recessed at 12:03 p.m.

Mayor Golding entered at 11:49 a.m.

Testimony in opposition by Jill McCarty, Nina Crawford, and John Northrope.

Hearing resumed at 2:12 p.m. and halted at 2:38 p.m.

Council Member Roberts entered at 2:22 p.m.

Testimony in favor by Doug Boyd, John Potts, Mike Kelly, Bob Dingeman, Mike Maddigan, Christa McRenolds, Kathy Tanner and Jim Dawe.

MOTION BY MATHIS TO ADOPT SUBITEMS A THROUGH M AS AMENDED TO INCLUDE STAFF'S REVISIONS LISTED IN THE CITY MANAGER'S MEMORANDUM TO THE CITY COUNCIL DATED DECEMBER 6, 1994. DIRECT STAFF TO CONTINUE TO WORK WITH THE EQUESTRIAN INTEREST TO RESOLVE THE ISSUES OF ACCESS AND TO INCORPORATE THAT AS PART OF OTHER PROJECTS AS THEY COME FORWARD. AS A CONDITION FOR THE TORREY RESERVE HEIGHTS PRD, TORREY RESERVE HEIGHTS PID, SORRENTO HILLS CORPORATE CENTER PHASE II, UNIT 4, AND TORREY VIEW PROJECTS, THE FOLLOWING LANGUAGE IS TO BE ADDED: "THIS PROJECT WILL NOT BENEFIT FROM ANY OF THE VESTED RIGHTS ASSOCIATED WITH THE DEVELOPMENT AGREEMENT ENTERED INTO BY THE CITY OF SAN DIEGO ("CITY") AND THE PROPERTY OWNERS IN THE SORRENTO HILLS COMMUNITY PLAN AREA ON SEPTEMBER 13, 1988." Second by Warden. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

ITEM-332:

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.)

(Continued from the meeting of November 15, 1994, Item 330, at Councilmember Mathis' request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-577) ADOPTED AS RESOLUTION R-285096

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) ADOPTED AS AMENDED AS RESOLUTION R-285097, PLAN AMENDED ONLY

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).

FILE LOCATION: LAND - Mira Mesa Community Plan

COUNCIL ACTION: (Tape location: D318-D388.)

Hearing began at 2:41 p.m. and halted at 2:42 p.m.

MOTION BY WARDEN TO ADOPT AS AMENDED TO SUPPORT THE LANGUAGE CHANGE THAT WAS PRESENTED AND DISTRIBUTED BY STAFF AS FOLLOWS: "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 Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

ITEM-333:

SUBJECT: Matter of a proposal to amend the adopted Midway/Pacific Corridor Community Plan.

(PCD and Community Plan Amendment 94-0533. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and Subitem B; and adopt Subitem C approving the permit.

Subitem-A: (R-95-829) ADOPTED AS RESOLUTION R-285098

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-94-0533 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, the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-95-830) ADOPTED AS RESOLUTION R-285099

Adoption of a Resolution approving the proposed amendment to the Midway/Pacific Highway Corridor Community Plan.

Subitem-C: (R-95-953) ADOPTED AS AMENDED AS RESOLUTION R-285100

Adoption of a Resolution approving Planned Commercial Development Permit PCD-94-0533, subject to conditions, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 6 - 0 to approve the project.

Ayes: Quinn, Bernet, McElliott, Neils, Skorepa, and White.

Nays: None.

The Midway/Pacific Highway Corridor Planning Group has been notified of this item and has not submitted a recommendation.

The Midway Community Planning Advisory Committee voted unanimously to recommend approval.



SUBJECT: Proposed changes to the Centre City, Gaslamp Quarter, and Marina Planned District Ordinances, the Centre City Parking Regulations and Related Centre City Community Plan Amendments.

(Districts-2, 3, & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances:

Subitem-A: (R-95-825) ADOPTED AS RESOLUTION R-285101

Adoption of a Resolution certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, and the Secondary Study as it pertains to the proposed changes to the Centre City, Gaslamp Quarter and Marina Planned District Ordinances, the Centre City Parking Regulations and related Centre City Community Plan amendments, and making certain findings and determinations regarding environmental impacts of the changes.

Subitem-B: (O-94-116) INTRODUCED AS AMENDED, TO BE ADOPTED JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Sections 103.1902, 103.1904, 103.1906, 103.1915, and 103.1919 relating to the Centre City Planned District Regulations.

Subitem-C: (O-94-117) INTRODUCED, TO BE ADOPTED JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X, Article 3, Division 20, of the San Diego Municipal Code by amending Sections 103.2005, 103.2011, and 103.2013 relating to the Marina Planned District Regulations.

Subitem-D: (O-95-46) INTRODUCED, TO BE ADOPTED JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X, Article 3, Division 4, of the San Diego Municipal Code by amending Sections 103.0404 and 103.0405 relating to the Gaslamp Quarter Planned District.

Subitem-E: (O-95-47) INTRODUCED, TO BE ADOPTED  
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1936 relating to the Centre City Parking Regulations.

Subitem-F: (R-95-824) ADOPTED AS RESOLUTION R-285102

Adoption of a Resolution amending the Centre City Community Plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to recommend approval.

Ayes: Bernet, Quinn, Skorepa, and White

Nays: None

Absent: Benn, McElliot, and Neils

The Centre City Development Corporation (CCDC) Board of Directors has recommended approval of the project.

The Project Area Committee (Centre City) has recommended denial of this project.

SUPPORTING INFORMATION:

On May 11, 1992, the City Council approved the Centre City Community Plan and adopted the Centre City Planned District, Parking and Transit Ordinances. With this approval, the Mayor and City Council directed Centre City Development Corporation (CCDC) to return, after the Plan and ordinances had been in effect for a period of time, to address potential improvements to these documents.

NOTE: See the Redevelopment Agency Agenda of 12/6/94 for a companion item.

FILE LOCATION: Subitem A: LAND - Centre City, Gaslamp Quarter and Marina Planned District;  
Subitem B,C,D,E: NONE; Subitem F: LAND - Centre City Community Plan

COUNCIL ACTION: (Tape location: D473-E629.)

Hearing began at 2:46 p.m. and halted at 3:38 p.m.

Testimony in opposition by Paul Peterson, David Stucky, Brian Walsh, Ron Oliver, Don Blankenship, Craig Irving, Ruben Andrews, Stath Karras and Horace Dietrich.

MOTION BY ROBERTS TO ADOPT AS AMENDED TO ONLY REMOVE THE LANGUAGE IN THE PORTION OF THE EXISTING SIGNAGE DEFINITION THAT SAYS "(NOT INCLUDING WORDS)" AND EVERYTHING ELSE REMAINS THE SAME. Second by Mathis. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

ITEM-335:

SUBJECT: Matter of an extension of a Coastal and Centre City Development Permit No. 90-0759 for the Travelodge (Corinthian Pacifica) and installation of surface off-site improvements on the southerly portion of the block bounded by Pacific Highway, Beech Street and California Street.

(District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-820) ADOPTED AS RESOLUTION R-285080

Adoption of a Resolution granting an extension of Coastal and Centre City Development Permit No. 90-0759 for development of a commercial hotel within the Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project, with appropriate findings to support Council action.

Subitem-B: (R-95-821) ADOPTED AS RESOLUTION R-285081

Adoption of a Resolution making certain findings with respect to the payments for the sidewalk improvements on Beech Street, Pacific Highway and California Street

in the Little Italy Redevelopment District of the expansion sub area of the Centre City Redevelopment Project.

OTHER RECOMMENDATIONS:

The Project Area Committee (Centre City) has recommended approval of this project.

The Centre City Development Corporation (CCDC) has recommended approval of the project with conditions.

LEGAL DESCRIPTION:

The subject property is more particularly described as 1533 Pacific Highway in the Centre City Community Planning Area, (Lots 3-4 and 7-10, except the northerly 13 feet of Lot 10, Block 288, Middletown).

NOTE: See the Redevelopment Agency Agenda of 12/6/94 for a companion item.

FILE LOCATION: PERM-CDP/CCDP 90-0759

COUNCIL ACTION: (Tape location: A448-489.)

Hearing began at 10:23 a.m. and halted at 10:26 a.m.

MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-336:

SUBJECT: Matter of the development of a Ralphps grocery store on the block bounded by "G" Street, Second Avenue, Market Street and First Avenue in the Centre City Redevelopment Project. Marina Sub Area of the Centre City Redevelopment Project.

(Conditional Marina Planned District Permit No. 94-0452. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the

ordinances:

Subitem-A: (R-95-832) ADOPTED AS AMENDED AS  
RESOLUTION R-285082

Adoption of a Resolution certifying that the Council has reviewed and considered the information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, and the Secondary Study and Negative Declaration with respect to the Proposed First Amendment to the Redevelopment Plan, and the proposed amendment to the Marina Planned District Regulations; and making certain Findings and Determinations regarding Environmental Impacts of each of such actions and implementation activities.

Subitem-B: (O-95-69) INTRODUCED, TO BE ADOPTED ON  
JANUARY 9, 1995

Introduction of an Ordinance approving and adopting the First Amendment to the Redevelopment Plan for the Centre City Redevelopment Project.

Subitem-C: (O-95-48) INTRODUCED, TO BE ADOPTED ON  
JANUARY 9, 1995

Introduction of an Ordinance amending Chapter X, Article 3, Division 20, of the San Diego Municipal Code by amending Section 103.2011 relating to use classifications for the Marina Planned District.

Subitem-D: (R-95-833) ADOPTED AS RESOLUTION R-285083

Adoption of a Resolution approving certain findings with respect to the payments for installation and construction of certain sidewalk improvements on First Avenue, "G" Street, Second Avenue and Market Street and the installation of a traffic signal at Second Avenue & Market Street.

**OTHER RECOMMENDATIONS:**

The Centre City Project Area Committee has recommended approval of this project.

The CCDC Board of Directors has recommended approval of the project.

SUPPORTING INFORMATION:

Matter of the development of a grocery store on the block bounded by "G" Street, Second Avenue, Market Street, and First Avenue in the Centre City Redevelopment Project. The proposed First Amendment to the Redevelopment Plan and the proposed conforming amendment to the Marina Planned District regulations would permit as an alternative to the existing eighty percent (80%) residential/twenty percent (20%) non-residential use requirement on the block bounded by "G" Street, Second Avenue, Market Street and First Avenue within the project area, a free-standing grocery store with approximately 44,000 gross square feet and related parking facilities to accommodate approximately 150 vehicles, and in compliance with design guidelines imposed under a Marina Conditional Planned District Permit. The proposed exceptions to the Marina Planned District regulations would (a) permit the development on First and Second Avenues to include less than fifty percent (50%) of the groundfloor frontage as pedestrian entrances and windows affording views into the structure or display windows, (b) permit less than seventy-five (75%) of the street facade of the building base to be constructed on the property line, and (c) permit fewer than one direct at-grade entrance into the building from the public right-of-way for each street frontage and each 75 feet of street frontage or portion thereof.

NOTE: See the Redevelopment Agency Agenda of 12/6/94 for a companion item.

FILE LOCATION: Subitems A & D: LAND-Marina Planned District; Subitems B & C: NONE.

COUNCIL ACTION: (Tape location: A490-647.)

Hearing began at 10:27 a.m. and halted at 10:50 a.m.

Testimony in favor by Noel Neudeck.

MOTION BY ROBERTS TO INTRODUCE SUBITEMS-B AND -C; ADOPT SUBITEM-A AS AMENDED AND ADOPT SUBITEM-D; ADD THE WORDS "AND PARKING STRUCTURE" TO THE SUBJECT TO READ: "MATTER OF THE DEVELOPMENT OF A RALPHS GROCERY STORE AND PARKING STRUCTURE"; AND TO INCLUDE SECTION 3107A OF THE STATE OF CALIFORNIA PARKING STRUCTURE REQUIREMENTS. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-337:

SUBJECT: Two actions related to the North City Tunnel Connector.

(See City Manager Report CMR-94-373. University  
Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-736) ADOPTED AS RESOLUTION R-285103

Authorizing the transfer not to exceed \$150,000 from  
Sewer Fund 41509, CIP-42-910.1, North City Water  
Reclamation Plant, to Sewer Fund 41509, CIP-42-910.8,  
North City Tunnel Connector;

Authorizing the expenditure of not to exceed \$450,000  
from Sewer Fund 41509, CIP-42-910.8, North City Tunnel  
Connector, for costs related to condemnation of  
permanent sewer easements, permanent tunnel easements,  
temporary working area easements, permanent slope  
easements, and extinguishable access easements in  
connection with the North City Tunnel Connector.

Subitem-B: (R-95-735) ADOPTED AS RESOLUTION R-285104

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION.  
Determining and declaring that the public interest,  
convenience and necessity of the City of San Diego  
require the construction, operation and maintenance of  
the North City Tunnel Connector, a public tunnel for  
general sewer and utility purposes, to provide  
additional sewer capacity and relief for the existing  
lines, and to enable the City to provide for ultimate  
sewage conveyance needs and reuse water market demands  
for the developing North City Communities of Los  
Penasquitos, Del Mar, Mira Mesa, Miramar, University  
City, City of Poway, and the Coastal Communities in the  
City of San Diego;

Determining and declaring that the public tunnel  
connector will require the acquisition of permanent

sewer easements, permanent tunnel easements, temporary working area easements, permanent slope easements, and extinguishable access road and water line easements over, under, along and across portions of real property located in Pueblo Lot 1307 of the Pueblo Lands, all in the City of San Diego, County of San Diego, and that the public interest, convenience and necessity demand the acquisitions;

Declaring the intention of the City of San Diego to acquire the easements under eminent domain proceedings;

Directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in the County of San Diego, for the purpose of condemning and acquiring the easements and acquiring immediate possession.

Aud. Cert. 9500415.

FILE LOCATION: MEET; DEED F-6819

COUNCIL ACTION: (Tape location: D285-307.)

Hearing began at 2:39 p.m. and halted at 2:40 p.m.

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-not present, Mayor Golding-not present.

ITEM-CS-1: (R-95-900) ADOPTED AS RESOLUTION R-285105

A Resolution adopted by the City Council in Closed Session on December 6, 1994:

Authorizing the City Manager to pay the total sum of \$64,407.18 in settlement of each and every claim against the City, its agents and employees resulting from the personal property claim of Elmo Hall; authorizing the City Auditor and Comptroller to issue one check in the amount of \$64,407.18 made payable to Luth and Turley, Inc. in full settlement of all claims.

Aud. Cert. 9500492

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Stevens at 3:39  
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E629.)