

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 16, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy 10:08 a.m. The meeting was recessed by Mayor Murphy at 10:47 a.m. to convene the Housing Authority. Mayor Murphy reconvened the meeting at 11:03 a.m. with Council Member Madaffer not present. Mayor Murphy recessed the meeting at 11:16 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:37 a.m. with Council Member Madaffer not present. Mayor Murphy recessed the regular meeting at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. Mayor Murphy recessed the meeting at 3:42 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:55 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:11 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (er/ek)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Eric Bowlby regarding the protection and mitigation of habitat in Mission Valley as a result of the development of the trolley through Mission Valley.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A049-079.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY ATTORNEY**

Steven Strauss of the Arena Group commented regarding the City's 20-year lease offer to the Arena Group.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-120.)

PUBLIC COMMENT-3:

Mary Coakley commented regarding her opposition to the use of public parks for commercial purposes such as the wireless telecommunication industry.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A126-159.)

PUBLIC COMMENT-4:

Linda Smith thanked Mario Sierra from the Streets Department for his assistance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A160-175.)

PUBLIC COMMENT-5: **REFERRED TO THE REDEVELOPMENT AGENCY**

Tom Salvestrini commented regarding the Mercado Project and the negative affect this project is having on his Laundromat business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A179-215.)

PUBLIC COMMENT-6: REFERRED TO THE CITY MANAGER

Michele Brown commented on behalf of Sportsmen's Seafood regarding the lease with the City and the Notices of Violation received by The Allure their tenant who is subleasing dock space from them.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A229-299.)

PUBLIC COMMENT-7:

Debbie Jimenez thanked the City Council and the Police Department for their responsiveness when she was dealing with difficult personal problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A303-332.)

PUBLIC COMMENT-8:

Burt Decker thanked the City for providing better security in the City Administration Building and requested that the City take back NTC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A333-367.)

PUBLIC COMMENT-9:

Daniel Beeman commented that the City should quit the ballpark project and free-up the funds for other endeavors.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A368-410.)

PUBLIC COMMENT-10:

Steve McWilliams and Barbara MacKenzie presented “Wizard of Oz” awards to the council members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A413-446.)

PUBLIC COMMENT-11:

Gail Milliken requested that funds be withdrawn from SVDP Village because the residents’ rights are being violated.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A448-467.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

City Manager Uberuaga commented that Mario Sierra — as Ms. Smith commented during Non-Agenda Comment — is an excellent City employee. Mr. Uberuaga clarified that there is no relationship between the ballpark and the sewer fees.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A472-493.)

CITY ATTORNEY COMMENT:

City Attorney Gwinn announced that a Domestic Violence Awareness Fair is being held in the City Concourse between the hours of 11:30 a.m. and 1:30 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A494-507.)

ITEM-330: Hollywood and Vine.

Matter of approving, conditionally approving, modifying or denying an application for a 9-lot subdivision map: 6.67 acres consisting of two non-contiguous parcels of 4.69 and 1.98 acres, with the larger parcel subdivided into 6 lots for single-family residential dwellings, an open space, and a water booster pump site while the smaller parcel will become permanent open space with density transferred to the larger site. The property is generally located on the northwest corner of Shaw Ridge Road and Del Vino Court with the smaller parcel lying approximately 0.5 mile to the northeast, all within the AR-1-2 zone within the Del Mar Mesa Subarea V Specific Plan area.

(TM/PRD/RPO/SV-99-1274. Del Mar Mesa Subarea V Specific Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map and grant the Street Vacation; and adopt the resolution in subitem C to grant the permit:

Subitem-A: (R-2002-508) ADOPTED AS RESOLUTION R-295581

Adoption of a Resolution certifying that the information contained in Findings to Master Environmental Impact Report [EIR], LDR-99-1274 (Findings to Master EIR No. 95-0353, Master EIR SCH No. 93071097), has been completed in compliance with the California Environmental Quality Act of 1970 (Cal. Pub. Res. Code 21000 et seq.), as amended, and the State guidelines thereto (Cal. Code Regs. 15000 et seq.) that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Hollywood and Vine project;

That pursuant to California Public Resources Code section 21157.1 and California Code of Regulations section 15177, the Council finds that the Hollywood and Vine project is a subsequent project to the Del Mar Mesa Specific Plan Master Environmental Impact Report (LDR-95-0353) and no additional significant environmental effect will result from the Hollywood and Vine proposal, no new additional mitigation measures or alternatives may be required beyond those included in the Master Environmental Impact Report, and that the project is within the scope of the project covered by Master Environmental Impact Report No. 95-0353;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the project specific Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

And that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-) ADOPTED AS RESOLUTION R-295582, GRANTING THE MAP

Adoption of a Resolution granting or denying Tentative Map and Street Vacation No. 99-1274.

Subitem-C: (R-2002-) ADOPTED AS RESOLUTION R-295583, GRANTING THE PERMIT

Adoption of a Resolution granting or denying Planned Residential Development/Resource Protection Ordinance Permit No. 99-1274, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on July 26, 2001, voted on consent 5-0 to approve staff's recommendation; no opposition.

Ayes: Brown, Anderson, Lettieri, Schultz, Stryker
Not present: Garcia, Butler

The Del Mar Mesa Community Planning Board in November, 2000, voted 9-0-1 to recommend approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

This project proposes to subdivide and develop a 6.67 acre site consisting of two non-contiguous parcels (4.69 and 1.98 acres) for the construction of 6 single-family detached residences, open space and a pump station lot and the preservation of the smaller parcel as MHPA open space. The developable parcel is located on the northwest corner of Del Mar Mesa Road (Shaw Ridge Road) and Del Vino Court, in the AR-1-2 zone of the Del Mar Mesa Specific Plan Subarea V area. The smaller parcel is located approximately 0.5 mile to the northeast. The Del Mar Mesa Plan allows the transfer of development rights when the land will be granted to the City for open space. A street vacation is required for a portion of the old road surveys being replaced by the new dedicated street pattern being developed.

The Planning Commission considered this project on July 26, 2001, and voted 5-0 on the consent calendar to recommend that the City Council adopt City staff recommendations to approve the project, as presented in the Planning Commission Report No. P-01-126. There was no public opposition to the project.

The Del Mar Mesa Community Planning Board voted 9-0-1 in November, 2000, to recommend approval of the project, and in July, 2001, amended their vote to support a street setback deviation on the condition that the house on Lot 6 be limited to one-story in height (the applicant agreed).

The City Manager recommends that the City Council Adopt the Resolution Certifying the "Findings" LDR-99-1274 to EIR-95-0353, Adopt the Resolution Approving Tentative Map and Street Vacation No. 99-1274 and Adopt the Resolution Approving Planned Residential Development and Resource Protection Ordinance Permit No. 99-1274.

FISCAL IMPACT:

All costs associated with the project are recovered from a deposit provided by the applicant.

TRAFFIC IMPACT:

This project is expected to generate 60 average daily trips (ADT). The average daily projection for I-5 south of SR-56 is 15 daily trips, I-5 north of SR-56 is 8 daily trips and SR-56 is 23 daily trips. Interstate 5 is at Level of Service "F" and SR-56 is at Level of Service "A". The project will add 23 daily trips to the existing 495,000 on Interstate 5 and 23 daily trips to the existing 29,000 on SR-56. By 2004, planned improvements will add 10 lanes to I-5 south of SR-56 and 4 lanes to I-5 north of SR-56.

Loveland/Christiansen/RMK

LEGAL DESCRIPTION:

The project site is comprised of two non-contiguous sites. A 4.69-acre site is located northwest of the intersection of Shaw Ridge Road and Del Vino Court, with Shaw Ridge Road extending through the site's southwestern corner. It is zoned AR-1-2 (formerly A-1-1) and lies within the Del Mar Mesa (Subarea V) Specific Plan of the North City Future Urbanizing Area (NCFUA) (the north 170.7 feet, excepting the east 149.5 feet, of the northeast quarter of the northwest quarter of the northeast quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian). A second, non-contiguous 1.98-acre site would be Lot 7 and retained as open space for biological mitigation. It is located approximately 0.5 mile northeast of the larger site and lies within Subarea V and the Multi-Habitat Preservation Area (the south half of the southeast quarter of the southwest quarter of the northwest quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian).

FILE LOCATION: SUBITEMS A-C: PERM-99-1274(65)

COUNCIL ACTION: (Tape location: B178-322.)

Hearing began at 11:03 a.m. and halted at 11:15 a.m.

MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B GRANTING THE MAP AND GRANTING THE STREET VACATION; AND ADOPT THE RESOLUTION IN SUBITEM C GRANTING THE PERMIT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Vacation of a Portion of Pepita Way.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-356) ADOPTED AS RESOLUTION R-295584

Vacating a portion of Pepita Way, as described in the legal description, marked Exhibit "A," and shown on Drawing No. 19501-B, marked Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Pepita Way within Council District 1. The La Jolla Community Planning Association recommended approval of the street vacation unanimously. The applicant requested the vacation to build a concrete wall. The current condition of the area to be vacated is unimproved. This vacation will bring the properties on this portion of the street up to the new City standards of 10 feet curb to the property line distance. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. There are no plans to widen the street at this location.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues, and the property owner can further improve his property.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. La Jolla Community Planning Association recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. The street at this location is improved to its full width.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

NOTE: This action is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-J-2930 (39)

COUNCIL ACTION: (Tape location: B324-328.)

Hearing began at 11:15 a.m. and halted at 11:16 a.m.

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Chevron Gas Station - Sorrento Hills.

(Continued from the meeting of April 17, 2001, Item 332, at the request of Council Member Peters to allow for the time necessary to do a site specific health risk assessment; Continued from the meeting of June 26, 2001, Item 330, at the request of the City Manager for further review; At the meeting of July 31, 2001, Item 351, the project was approved; At the meeting of September 18, 2001, Item 312, the City Council granted the request for reconsideration from their decision of July 31, 2001.)

Matter of the City Council reconsidering the appeals by Chevron Products and Richard Kiy for Torrey Hills Community Coalition, from the decision of the Planning Commission in denying the appeal of the decision of the Hearing Officer and approving the project with modifications. Chevron Corporation proposes to construct and operate a limited-hours gas station, mini-mart and automated car wash facility on a vacant 2.48-acre site located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the Sorrento Hills Community Plan area.

(99-1200-PCD/CUP. Sorrento Hills Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem B to deny the appeals and grant the permit:

Subitem-A: (R-2002-) CONTINUED TO TUESDAY, OCTOBER 23, 2001

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR No. 99-1200 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program (MMRP) prepared for the project, pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2002-) CONTINUED TO TUESDAY, OCTOBER 23, 2001

Adoption of a Resolution granting or denying the appeals and granting or denying Planned Commercial Development/Conditional Use Permit No. 99-1200, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on February 1, 2001, voted 6 - 0 to deny the Sorrento Hills Community Planning Board's appeal and upheld the previous decision of the Hearing Officer approving the project, however the Commission conditioned their approval of this project upon modifications; was opposition.

Ayes: Anderson, Garcia, Steele, Brown, Butler, Stryker
Not present: Skorepa

The Sorrento Hills Planning Committee on October 17, 2000, voted unanimously (8 - 0) to recommend denial of the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND:

The 2.48-acre project site (Attachments 1 and 2) is located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the CC-1-3 (formerly the CA) zone of the Sorrento Hills Community Plan. The Community Plan currently designates this site for neighborhood-commercial development; and includes specific language (and an accompanying illustration) in the plan text (Attachment 12) which identifies a gas station and car wash as permitted uses on the subject property (with approval of a Conditional Use Permit).

The entire site is vacant and has been graded in accordance with a previous map approved for the area. The site is surrounded by vacant property designated for neighborhood-commercial development to the east; vacant property adjacent to the south; and residential development to the north (across Carmel Mountain Road). An existing SDG&E utility easement and power lines is located further to the southwest of the subject property (above the existing steep slope).

On March 17, 1997, the City Council approved an amendment to the Sorrento Hills Community Plan (CPA/RZ 95-0554 - "Torrey Hills") which, in part, redesignated the project site from light-industrial to neighborhood-commercial; and amended the plan text to include specific

language and an accompanying illustration in the amended plan text (pages 48-49) identifying a gas station and car wash as permitted uses on the project site. The 1997 plan amendment also included a corresponding rezone of the project site from M-1B to CA (now the CC-1-3 zone per the Land Development Code).

The CUP/PCD application for this project was submitted to and deemed complete by staff in December, 1999; and is therefore subject to the ordinance provisions of the Municipal Code applicable to this site prior to effectuation of the City's Land Development Code (January, 2000). In accordance with those code provisions, the proposed project is subject to the land use and development regulations of the (then-existing) CA zone, and requires approval of a combination Planned Commercial Development/Conditional Use Permit.

On December 13, 2000, the Hearing Officer approved the proposed project. That decision was subsequently appealed to the Planning Commission by the Sorrento Hills Community Planning Board.

On January 24, 2001, the San Diego County Air Pollution Control District (APCD) issued the applicant an "Authority to Construct" permit for the proposed gas station on this site. A second "Authority to Construct" permit was issued to the applicant by APCD on August 6, 2001 (Attachment 18).

On February 1, 2001, the Planning Commission voted to deny the appeal and upheld the previous decision of the Hearing Officer approving the project, subject to specific modifications of the project design and hours of operation for the proposed commercial uses on this site. There was a considerable amount of testimony presented in opposition to the project at this hearing and the decision of the Planning Commission was subsequently appealed to the City Council by both the applicant (Chevron Corporation) and the Torrey Hills Community Coalition (Attachment 9).

On April 17, 2001, the City Council considered the extraordinary appeal of the previous decision of the Planning Commission approving this project. At that hearing, there was a considerable amount of public testimony presented to the Council by area residents regarding potential air quality impacts associated with the proposed gas station use on this site; and specifically, potentially harmful impacts pertaining to human exposure to benzene ionization which may result from the operation of the proposed gas station use proximate to existing high voltage power lines to the south.

As a result of this testimony, the Council voted to continue this project and directed staff to prepare a "site specific health risk assessment," to be prepared by an independent analyst selected by staff. The Council requested that such an analysis (Attachment 15) evaluate the

project's potential adverse effects (if any) associated with human exposure to the ionization of benzene molecules which, as alleged by the scientific studies referenced by the Torrey Hills Community Coalition in their appeal, may occur as a result of contact (and subsequent ionization) of benzene emissions from the proposed gas station with existing high voltage power lines located south of this site.

On July 31, 2001, the City Council held a public hearing to consider the analysis and conclusions of a health risk assessment which was prepared by the independent analyst (Dr. Neal Langerman) selected by staff. Following the staff's presentation, and after considering testimony by both project opponents and proponents, the Council voted to approve the proposed project, subject to the previous recommendations of the Planning Commission regarding signage, landscaping and hours of operation.

However, on August 7, 2001, the City Council directed staff to have the City's independent analyst prepare a response to questions raised by representatives of the Torrey Hills Community Coalition (Attachment 16) regarding the methodology used in determining some of the conclusions of the risk assessment. The City's analyst (Dr. Neal Langerman) complied with this request by providing staff with a 5-page response to the Coalition's issues (Attachment 17).

The City Council also received (for review and consideration) copies of Dr. Langerman's response to the Coalition's issues. However, based upon concerns that the methodology/conclusions referenced in the risk assessment may not be consistent with other air quality agency standards, the City Council voted unanimously (9-0-0) on September 18, 2001, to "reconsider" their previous decision of July 31st, approving the project. Correspondingly, the Council voted to discuss the "reconsideration" matter (and health risk assessment - air quality issue) further at a noticed public hearing on October 16, 2001.

PROJECT DESCRIPTION:

In summary, the project proposes to construct and operate a self-service gasoline station, convenience store, and an automated car wash on the subject property (Attachments 2, 3 and 6). Following is a description of the various building and site improvements proposed for this project:

Gas station: Construct a self-service gas station in the central portion of the property (Attachment 2); including the installation of two (20,000 gallon) underground fuel storage tanks, six fuel pump islands (totaling 12 fuel dispensers), and construction of a 23-foot high steel frame canopy above the fuel pump area. This phase of the project requires approval of a Planned Commercial Development Permit and a Conditional Use Permit (per Municipal Code section 101.0510) to authorize the proposed gas station land use on the site.

Convenience store: Construct a one-story (3,000 square-foot) convenience store in the northeast portion of the property (Attachments 2 and 6). This building (maximum height of 26-feet) would be constructed with natural stone, painted stucco walls, and a clay tile roof. In addition to the retail sale of food, fuel and general merchandise items, the applicant is also proposing to sell alcoholic beverages (beer and wine only) in the convenience store; which requires a Conditional Use Permit (per Municipal Code section 101.0515).

Carwash: Construct a one-story automated car wash in the southeastern portion of the site, behind the proposed fuel pump area (Attachments 2 and 6). The plans indicate that the design of this structure (maximum height of 16-feet, 6-inches) would match the architectural style of the convenience store.

Landscaping: The project's landscape plan (Attachment 3) includes a variety of street trees, shrubs and groundcovers which were selected by the applicant to achieve compliance with the City's Landscape Technical Manual and the Sorrento Hills Community Plan; and features the installation of a number of trees and decorative shrubs along the perimeter of both street frontages; and at various locations within the site's interior.

In accordance with the Planning Commission's approval of this project, and prior to the recordation of any permits with the County Recorder's Office, the applicant will be required to modify the project's landscape plan to replace all deciduous trees with non-deciduous species (24-inch box "broad leaf evergreen"); and install double-rows of evergreen shrubs (4- to 5-foot high) along the project frontage on Carmel Mountain Road to provide increased screening of the proposed commercial uses.

Hours of Operation: The applicant is proposing to operate the gas station and convenience store on this site between the hours of 5:00 a.m. - midnight; and the automated car wash between 7:00 a.m. - 10:00 p.m. The hours of operation proposed for the gas station / convenience store are inconsistent with the maximum hours (5:00 a.m. - midnight) approved by the Planning Commission this project.

NOTE: On March 20, 2001, Council voted unanimously to hear the appeals (Council District 2 - not present, Council District 6 - vacant).

Manager's Recommendation - Deny the appeal of the Torrey Hills Community Coalition and approve the project, subject to PCD / CUP permit conditions by the Planning Commission (Attachment 4).

Environmental Impact - The Mitigated Negative Declaration (MND 99-1200) prepared for the project concluded that specific measures would need to be incorporated into the project design in order to mitigate impacts associated with exterior water quality/hydrology, noise, and paleontological resources to a less than significant level.

San Diego County Air Pollution Control District (APCD) approval - On January 24, 2001, APCD issued the applicant an "Authority to Construct" permit for the proposed gas station on this site. A second "Authority to Construct" permit was issued to the applicant by APCD on August 6, 2001 (Attachment 18).

Community Planning Group Recommendation: On October 17, 2000, the Sorrento Hills Community Planning Board voted unanimously (8-0) to recommend denial of the proposed project (Attachment 10). The Board cited inconsistencies of the project design with the Community Plan's existing neighborhood-commercial designation, potential environmental impacts (pertaining to air quality, transportation, neighborhood character, public safety), and the applicant's proposal to operate a 24-hour commercial use on the site as the primary reasons for their unfavorable recommendation. Further, the Planning Board recommended the following modifications to the project design:

- a. Limit the hours of operation for the commercial uses on the site from 6:00 a.m. to 9:00 p.m.
- b. Eliminate the car wash use.
- c. Modify the design of the monument signs proposed along the project frontage to comply with signage standards of the "Carmel Valley Community Plan."
- d. Modify the project's landscape plan to provide for more mature trees and shrubs.

Hearing Officer Recommendation - On December 13, 2000, the Hearing Officer approved the proposed project, subject to specific conditions of approval. That decision was appealed to the Planning Commission by the Sorrento Hills Community Planning Board.

Planning Commission Recommendation - On February 1, 2001, the Planning Commission voted (6-0-0) to deny the Sorrento Hills Planning Board's appeal and upheld the previous decision of the Hearing Officer approving the project. However, the Commission conditioned their approval of this project upon the following modifications:

- a. Limit the hours of operation for the proposed gas station and convenience store from 6:00 a.m. to 10:00 p.m.
- b. Eliminate Chevron's standard "blue stripe" and "Chevron" wordmark from the side panel of the steel canopy proposed above the fuel pump area.
- c. Establish and maintain a 3-foot high landscape berm along the edge of the new building pad fronting on Carmel Mountain Road.
- d. Modify the landscape plan to replace all deciduous trees with non-deciduous species (minimum 24-inch box size "broad leaf evergreen"); and install double-rows of evergreen shrubs (minimum 4- to 5-foot high) along the project's Carmel Mountain Road frontage to provide increased screening of the proposed commercial uses on this site from existing residences to the north.
- e. Modify the size of the monument sign proposed along the project frontage on Carmel Mountain Road to be the same size as the monument sign proposed on East Ocean Air Drive (maximum 3-feet high and 8-feet long).

CITY COUNCIL ACTION: On July 31, 2001, the City Council held a public hearing to consider the conclusions of a "health risk assessment" which was prepared by an independent analyst selected by staff. Following staff's presentation, and after considering testimony by both project opponents and proponents, the Council voted to approve the project, subject to the previous recommendations of the Planning Commission regarding signage, landscaping and hours of operation.

FISCAL IMPACT: None anticipated with this project.

HOUSING AFFORDABILITY IMPACT: None anticipated with this project.

CODE ENFORCEMENT IMPACT: None with this project.

Loveland/Christiansen/KZS

LEGAL DESCRIPTION:

The property is located at 11140 East Ocean Air Drive, on the southwest corner of Carmel Mountain Road and East Ocean Air Drive in the Sorrento Hills community and is more particularly described as Parcel 1, Map 18123.

FILE LOCATION: SUBITEMS A & B: PERM-99-1200 (65)

COUNCIL ACTION: (Tape location: A508-563.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, OCTOBER 23, 2001, AT THE REQUEST OF THE CITY MANAGER TO ALLOW TESTIMONY FROM DR. LANGERMAN. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Sewer Service Charges.

(See City Manager Report CMR-01-209.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-481) ADOPTED AS AMENDED AS RESOLUTION R-295587

Directing the City Manager to increase the sewer service charges in Fiscal Years 2002, 2003, 2004, and 2005 pursuant to San Diego Municipal Code section 64.0404 and consistent with the Sewer Revenue Fund Financing Plan adopted by the Council on October 19, 1995, and as set forth in detail in the City Manager Report, as follows:

1. By 7.5% in Fiscal Year 2002, effective March 1, 2002
2. By 7.5% in Fiscal Year 2003, effective March 1, 2003
3. By 7.5% in Fiscal Year 2004, effective March 1, 2004

4. By 7.5% in Fiscal Year 2005, effective March 1, 2005

FILE LOCATION: GEN'L - Fees & Charges - Sewer

COUNCIL ACTION: (Tape location: C074-376; D004-I286.)

Hearing began at 11:37 and recessed at 12:00 p.m.

Hearing resumed at 2:07 p.m. and halted at 6:11 p.m.

Testimony in favor by: Scott Barnett, Alexis Strauss, Paul Cooley, Matt Adams, John Swanson, Deborah Huffman, Eric Bowlby, Michael Beck, Jim Peugh, Craig Benedetto, Gail Milliken, Marco Gonzalez, Stephanie Pacey, Tatiana Rodriguez, and Gary Sireta.

Testimony in opposition by: Patrick Hoy, Marion Reimers, Jessie Knight, Pattie Krebs, Anne Bamford, Steve Zapotichny, Terese Ghio, Robert Pinnegav, April Bailey, Robert Taylor, Cecelia Moreno-Mead, Steven Zolezzi, Mary Quartiano, Murial Watson, Stephen Johnson, Van-Anh Le, David McKinley, Ron Halik, Doug Sain, Leonard King, Audra Lyon, Maggie Valentine, Arthur Hoelck, Chuck Bahde, Kathleen Blavatt, Daniel Beeman, John McNab, and Bert Decker.

MOTION BY PETERS TO ADOPT THE CITY MANAGER'S RECOMMENDATION

