

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JANUARY 27, 2004  
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 at 10:08 a.m.

Council Member Madaffer was presented with a check for \$40,000 for Mission Trails Regional from Pardee Homes. Council Member Madaffer thanked Pardee Homes and their representative for the donation that will help restore some of the items burned in the fire.

The meeting was recessed by Mayor Murphy at 10:13 a.m. to convene the Housing Authority and the Redevelopment Agency thereafter. The regular meeting was reconvened by Mayor Murphy at 10:18 a.m. with all Council Members present. Mayor Murphy adjourned the meeting at 10:19 a.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 10:20 a.m. with all Council Members present. Mayor Murphy adjourned the meeting at 10:58 a.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 11:04 a.m. Mayor Murphy recessed the meeting at 11:05 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 11:11 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with all Council Members present. The meeting was recessed at 3:59 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:10 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:31 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Maland (pr/gS)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-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 Al Strohleln regarding leases, the stadium, NTC, and the ballpark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:23 a.m.)

**PUBLIC COMMENT-2:**

Comment by Noel Neudeck regarding the “Park in the Park,” and the possibility of a hill being created that would enable people to see the games for free.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

**PUBLIC COMMENT-3:**

Comment by Peggy Mazzella regarding the San Diego Zoo employee parking lot expansion.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

**PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER**

Comment by Penelope Bourk regarding home conversion to commercial space in her neighborhood.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

**PUBLIC COMMENT-5:**

Comment by Jarvis Ross regarding Rosecrans Street and the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:36 a.m.)

**PUBLIC COMMENT-6:**

Comment by Sandy Summers regarding evolution in government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:38 a.m.)

**PUBLIC COMMENT-7:**

Comment by Joyceline Tarr regarding streets, sidewalks, and palm trees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

**PUBLIC COMMENT-8:**

Comment by Dorothy Brooks regarding her pursuit of happiness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

**PUBLIC COMMENT-9:**

Comment by Phil Hart regarding the Data Processing Corporation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. 10:47 a.m.)

**PUBLIC COMMENT-10:**

Comment by Janet Johnston regarding Southgate Village and condo conversions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

**PUBLIC COMMENT-11:**

Comment by Jim Bell regarding leadership; energy crisis; pollution; and long range planning.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:53 a.m.)

**PUBLIC COMMENT-12:**

Comment by Arleen Freeman translating for Mr. Chen regarding “Sister City Yanti,” and Falun Gong.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:57 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Comment by Council Member Maienschein regarding his wife playing on his softball team over the weekend, and that she sustained a leg injury. Because of that, Council Member Maienschein suggested that he may have to leave the Council Meeting early to help take care of his one year old daughter.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:58 a.m.)

**CITY MANAGER COMMENT:**

None.

**CITY ATTORNEY COMMENT:**

None.

**ITEM-330: Elichondos.**

Matter of the appeal by Euclid R.A.P Committee of the decision by the Planning Commission in approving an application for a Planned Development Permit and Neighborhood Use Permit for a mixed-use project proposing 5,520 square-feet of commercial retail space, an 880 square-foot restaurant and one dwelling unit within an existing 7,280 square-foot building located at 3546 Euclid Avenue between Myrtle Avenue and Thorn Street.

(See City Manager Report CMR-04-008. PDP/NUP. Mid-City Communities-City Heights Neighborhood Plan Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to deny the appeal and grant the permit:

(R-2004-837)                      GRANTED APPEAL, ADOPTED AS RESOLUTION  
R-298825

Adoption of a Resolution granting or denying the appeal and granting or denying the Planned Development Permit No. 8555/Neighborhood Use Permit No. 20644, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on October 16, 2003, voted 7-0 to approve; was opposition.

Ayes: Lettieri, Brown, Steele, Garcia, Ontai, Schultz, Chase

The City Heights Area Planning Committee has recommended denial of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The project is located at 3546 Euclid Avenue within the City Heights Neighborhood Element of the Mid-City Communities Planning Area (Attachment No. 2). The Community Plan designates the 0.43-acre site for commercial and mixed-use land use. The property is zoned CU-1-2 and subject to the development regulations of the Central Urbanized Planned District Ordinance.

The project site is surrounded by a variety of land uses including older, well maintained single-family homes to the east and a mix of single and multi-family development west of the site. The north and south corridor along Euclid Avenue includes commercial and light industrial uses. The property has been previously developed with a 7,280 square-foot structure that was used as part of a heavy equipment rental and storage yard in conjunction with the adjacent parcel. The structure includes a second-story residential dwelling unit. The commercial portion of the structure has been vacant for a number of years and both the building and the site were in a deteriorated condition. The owner has attempted to improve the visual quality of the property by renovating the façade and cleaning the property by removing weeds and debris from the site.

**FISCAL IMPACT:**

All costs associated with processing this application are paid by the applicant.

Ewell/Christiansen/JPH

**NOTE:**

This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15308.

**FILE LOCATION:** LUP-Elichondos 01/27/04 (65)

**COUNCIL ACTION:** (Time duration: 2:45 p.m. – 3:59 p.m.)

Testimony in opposition by Patty Vaccariello, Jim Varnadore, Theresa Quiroz, Kevin Hauck, Jose Lopez, Guy Mock, Jessie Sergent, and Robert Sergent.

Testimony in favor by Fred James, James Justice, Romon Elizondo, Marina Elizondo, Manuel Elizondo, and Ron Scruggs.

MOTION BY ATKINS TO ADOPT THE RESOLUTION GRANTING THE APPEAL AND DENY THE PERMIT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-331: YMCA La Jolla.

Matter of the appeals by Susan Moore and Dara Stern, and A.P. Winter from the decision of the Planning Commission in adopting Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program No. 4859 prepared in connection with the above named project.

(See City Manager Report CMR-04-012. MND No. 4859/MMRP/PTS No. 4859. La Jolla Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to deny the appeal, and to uphold the decision of the Planning Commission in adopting Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program No. 4859:

(R-2004-842) DENIED APPEAL, ADOPTED AS RESOLUTION  
R-298826

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission in adopting Mitigated Negative Declaration and adopting Mitigation, Monitoring and Reporting Program No. 4859, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 13, 2003, voted 5 – 1 to certify Mitigated Negative Declaration No. 4859, and adopt the Mitigation, Monitoring and Reporting Program; was opposition.

Ayes: Garcia, Brown, Lettieri, Schultz, Ontai  
Nays: Chase  
Not present: Steele

The La Jolla Community Planning Association on September 9, 2003, voted 8-7-2 to recommend approval of the project with thirteen conditions.

The La Jolla Shores Advisory Board on July 15, 2003, voted 4-0 to recommend approval of the proposed project.

**CITY MANAGER SUPPORTING INFORMATION:**

**BACKGROUND**

The 5.25 acre project site is currently developed with an existing two-story fitness facility originally constructed in 1964, and currently totals approximately 31,139 square feet of gross floor area with approximately 190 off-street parking spaces. The last expansion of the facility was approved in 1998, under La Jolla Shores Planned District Permit 96-7305. The project site is located at 8355 Cliffridge Avenue, within the Northwest YMCA Zone of the La Jolla Shores Planned District, Coastal Height Limitation Overlay Zone and the Campus Parking Impact Overlay Zone within the La Jolla Community Plan Area. The Torrey Pines Elementary School is directly across Cliffridge Avenue to the northwest, ball fields leased to La Jolla Youth and Cliffridge Park are directly adjacent to the west/southwest, and residences are located to the northeast, east, and across Via Posada to the south. A Site Development Permit is required, by the Land Development Code (Sec. 103.0302.3), for the proposed development within the La Jolla Shores Planned District, which amends the past permit, La Jolla Shores Planned District Permit 96-7305.

After receiving the staff report and testimony from the public, the subject project was approved by the Hearing Officer, September 10, 2003.

**Appeal to Planning Commission**

On September 24, 2003, A.P. Winter, Susan Moore, and William Eigner appealed the Hearing Officer's approval of this project with concerns about traffic, pedestrian safety, land use compatibility, screening of the parking area, reduced access to Cliffridge Park and Torrey Pines Elementary, and adequacy of the environmental document.

After receiving the staff report and testimony from the appellants and interested parties on November 13, 2003, the Planning Commission voted 5 – 1 to uphold the decision of the Hearing Officer and to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Appeal to City Council

Effective January 1, 2003, Section 21151(c) of the California Environmental Quality Act has been amended as follows: *If a non-elected decision making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision making body, if any.*

Pursuant to this amended legislation, Dara Stern, Sue Moore and A.P. Winters filed an appeal of the Planning Commission's decision on November 24, 2003 and November 28, 2003, respectively. Note that CEQA now allows any interested party to appeal the adoption of an environmental document to the agency's elected decision making body, which in this case is City Council. However, this new appeal process applies only to the environmental document. Planning Commission's decision regarding the Site Development Permit, which was the result of an appeal of the Hearing Officer's decision (Process 3), is not appealable to the City Council.

DISCUSSION

The project proposes to demolish an existing one-story fitness building, a portion of the adjacent two-story fitness building, four tennis courts and surface parking. A portion of the existing two-story fitness building will remain on site and be expanded to include additional fitness facilities, a natatorium, and a gymnasium for a total of 59,074 square feet of gross floor area. An outdoor pool is also proposed along with 298 surface parking spaces.

The proposed building elevations indicate the use of light tan/crème colored stucco exterior walls, clear and translucent glass, and natural slate/grey colored finish metal roof. The project site is fairly flat with approximately 8,600 cubic yards of cut for the basement, pools and portions of the first floor. The project is designed to comply with the 30 foot height limit with a building height of approximately twenty-five feet. The project site is not within or adjacent to a view corridor as identified by the La Jolla/La Jolla Shores Local Coastal Program.

Appellant's Position

The appellant's position is that there is substantial evidence of significant impacts in several environmental issue areas, and that an Environmental Impact Report (EIR) should be prepared. The information submitted by the appellants for this appeal is similar to the issues raised during the public review period of the MND. The majority of the issues were not related to the adequacy of the environmental document and all issues were responded to in the response to comments for the final MND. The appeal of the Planning Commission's decision do not raise any new environmental issues that have not previously been addressed in the final MND. City

staff investigated the potential for significant impacts related to all aspects of the YMCA – La Jolla project, both during the initial study phase and in response to all communications from the appellants, and did not find such substantial evidence. Since all significant environmental issues have been mitigated to below a level of significance staff believes that the MND prepared for the project is the appropriate document and is in conformance with the requirements of CEQA.

#### CEQA Requirements for Environmental Documents

CEQA requires the preparation of an EIR when there is substantial evidence, in light of the whole record, that a project may have a significant impact on the environment [Section 21080(d)]. However, if any identified significant effects can be mitigated to below a level of significance through revisions in the project, which are made by or agreed by the applicant, CEQA requires the lead agency to adopt a Mitigated Negative Declaration [Section 21080(c)]. The MND for the La Jolla YMCA identifies potentially significant impacts to paleontological resources and Water Quality which have been mitigated to below a level of significance. Therefore, an EIR was not required per the previously stated sections of CEQA.

#### CEQA Definition of Substantial Evidence

Section 21080(e) of CEQA states that “. . . substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative . . .”

In evaluating whether there was substantial evidence of significant impacts resulting from the YMCA – La Jolla project, staff relied upon expert opinions supported by facts and documentation.

Staff has exhaustively investigated the issues raised by the public and has determined that no substantial evidence of unmitigated impacts exists. Staff believes that the MND prepared for the project is in conformance with Section 21080(c) of the California Environmental Quality Act, which requires the lead agency’s decision maker to adopt an MND if significant effects can be mitigated below a level of significance through project revisions made by or agreed by the applicant. Staff therefore recommends affirming the Planning Commission’s adoption of the Mitigated Negative Declaration No. 4859.

#### ALTERNATIVE

Grant the appeal, set aside the environmental determination, and remand the matter to the lower decision maker for reconsideration, with any direction or instruction the City Council deems appropriate (Mitigated Negated Negative Declaration No. 4859).

**FISCAL IMPACT:**

None, all costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/GRG

**LEGAL DESCRIPTION:**

The 5.25-acre project site is located at 8355 Cliffridge Avenue, on the south side of Cliffridge Avenue, north of Via Posada and west of La Jolla Scenic Drive North, within the Coastal Zone, La Jolla Shores Planned District, within the La Jolla Community Planning Area and is more particularly described as all that portion of Pueblo Lot 1296 of the Pueblo Lands of San Diego, City and County of San Diego, Miscellaneous Map No. 36.

FILE LOCATION: LUP-YMCA La Jolla 01/27/04 (65)

COUNCIL ACTION: (Time duration: 4:10 p.m. – 5:29 p.m.)

Testimony in opposition by Sue Moore, Dara Stern, Penelope Bourk, and William Eigner.

Testimony in favor by Donna Jones, Nicholas Alexander, Chris Eddy, Rob Sauvajot, Larry Sillman, Joyce Tullis, and Gary Felt.

MOTION BY PETERS TO ADOPT THE RESOLUTION DENYING THE APPEAL, AND TO UPHOLD THE DECISION OF THE PLANNING COMMISSION IN ADOPTING MITIGATED NEGATIVE DECLARATION (MND) AND MITIGATION MONITORING AND REPORTING PROGRAM NO. 4859. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Brush Management Revisions Resulting from the Cedar Fire.

(See City Manager Report CMR-04-017.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-731 Cor.Copy)      ADOPTED AS AMENDED AS RESOLUTION  
R-298827

Directing the City Manager and the City Attorney, in accordance with the Fire Chief's recommendations, to amend the brush management regulations in the San Diego Municipal Code, including requiring greater defensible space between structures and certain types of vegetation;

Declaring that the City Manager shall re-deploy Park and Recreation Department staff from Mission Bay and Balboa Park Divisions to the Open Space Division to supplement the existing brush management crews for the remainder of Fiscal Year 2004.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 2:07 p.m. – 2:45 p.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION AS AMENDED TO:  
1) DIRECT THE CITY MANAGER AND THE CITY ATTORNEY, IN ACCORDANCE WITH THE FIRE CHIEF'S RECOMMENDATIONS, TO AMEND THE BRUSH MANAGEMENT REGULATIONS IN THE SAN DIEGO MUNICIPAL CODE, INCLUDING REQUIRING A GREATER 100-FOOT DEFENSIBLE SPACE BETWEEN STRUCTURES AND CERTAIN TYPES OF VEGETATION; 2) DIRECT THE CITY MANAGER TO DEVELOP AN INTERIM FISCAL YEAR 2004 BRUSH MANAGEMENT IMPLEMENTATION MEASURE FOR PARK AND RECREATION; 3) DIRECT THE CITY MANAGER TO CONSIDER AN ONGOING BRUSH MANAGEMENT COST AND FUNDING AS PART OF THE FISCAL YEAR 2005 BUDGET; 4) IMPLEMENT APPROPRIATE PUBLIC OUTREACH EFFORTS UNDER THE EXISTING REGULATIONS; 5) PROVIDE "HOW TO" TRAININGS; AND 6) REQUIRE STAFF TO COME BACK TO COUNCIL WITH THE FINAL PROPOSAL BY JUNE 30, 2004. Second by Madaffer. Passed by the following vote: Peters yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Euclid Avenue Streetscape – Additional Funding.

(Mid-City and City Heights Community Areas. Districts-3, 4, and 7.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-723)                      ADOPTED AS RESOLUTION R-298822

Making certain findings with respect to funding public improvements for the Euclid Avenue Streetscape project in the City Heights Redevelopment Project area; accepting the transfer of Funds from the Redevelopment Agency in the amount of \$100,000; and amending the Capital Improvement Program Budget to include the \$100,000.

**CITY MANAGER SUPPORTING INFORMATION:**

This project provides for pedestrian and vehicular safety as well as street improvements for the Euclid Avenue Community entryway in the form of curb, gutter, sidewalk, landscaping and paving, as recommended in the Euclid Avenue Revitalization Program. Improvements along the east side of Euclid Avenue will extend from the intersection of Euclid Avenue and Home Avenue 750 feet northward towards Thorn Street. Improvements will also include traffic calming modifications at the intersection of Home Avenue and Euclid Avenue.

During project design, improvements were identified along the west side of Euclid Avenue extending from the intersection of Euclid Avenue and Home Avenue 450 feet northward alongside the commercial properties. These improvements include curb, gutter, sidewalk, and paving. The remaining balance in the project budget was not sufficient to cover these additional work items.

All available funding sources had been exhausted. Since the additional work items were related to the redevelopment goals in the area, funds were identified by the City Heights Project Area Committee to cover the costs of this work and allow this project to be constructed.

**FISCAL IMPACT:**

Upon acceptance of the City Heights Project Area Committee funds, funding for this action will be available from CIP-52-699.0. With this action, the total project cost will be \$466,399.

Loveland/Belock/PB

Aud. Cert. 2400678.

**NOTE:** See the Redevelopment Agency agenda of 1/27/2004 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10: 18 a.m. – 10:19 a.m.)

MOTION BY LEWIS TO ADOPT. Second by Madaffer. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-  
yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Ken-Tal Senior Housing Project.

(See City Manager Report RA-04-02/CMR-04-01. Kensington-Talmadge and  
City Heights Community Areas. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-724 Cor.Copy) ADOPTED AS RESOLUTION R-298823

Authorizing the use of Housing Set-aside Bond Funds from the Horton Plaza  
Redevelopment Project and Housing Set-aside Funds from the Centre City  
Redevelopment Project to be used outside the Horton Plaza Redevelopment  
Project Area and Centre City Redevelopment Project Area for the Ken-Tal Senior  
Housing project within the City Heights Redevelopment Project Area;

Adopting the Findings of Benefit to the Horton Plaza Redevelopment Project and  
to the Centre City Redevelopment Project.

**NOTE:** See the Redevelopment Agency agenda of 1/27/2004 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:18 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:31 p.m. in honor of the memory of:

Marjorie “Marge” Nelesen, as requested by Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:30 p.m. – 5:31 p.m.)