

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 13, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

<u>CHRONOLOGY OF THE MEETING</u>	2
<u>ATTENDANCE DURING THE MEETING</u>	2
<u>ITEM-300: ROLL CALL</u>	3
<u>NON-AGENDA COMMENT</u>	3
<u>COUNCIL COMMENT</u>	5
<u>CITY MANAGER COMMENT</u>	7
<u>CITY ATTORNEY COMMENT</u>	7
<u>ITEM-330: Fairway Views</u>	7
<u>ITEM-331: Park Boulevard Promenade Project</u>	11
<u>NON-DOCKET ITEMS</u>	16
<u>ADJOURNMENT</u>	16

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:09 a.m. The meeting was recessed by Mayor Murphy at 11:00 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:06 a.m. with all Council Members present. Mayor Murphy recessed the meeting 11:58 a.m. for the noon break to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:12 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:37 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:52 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:35 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:50 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 7:35 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/Lane/Maland (er/ek)

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: **Referred to the City Manager**

Bill Mitchell commented on a permit matter regarding a dog show.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:18 a.m.)

PUBLIC COMMENT-2:

Henry Olivas expressed his concern regarding the paint and maintenance of the Balboa Park Club Building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:23 a.m.)

PUBLIC COMMENT-3:

Bill Bradshaw commented on problems which occur at the July 4th celebration held at the beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:25 a.m.)

PUBLIC COMMENT-4:

Frank Eaves requested that the Council docket a resolution admonishing San Diego's sister City, Yanti, China for their mistreatment of Falun Gaung practitioners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-5:

Barbara MacKenzie commented on her lawsuit against the City pertaining to medical marijuana issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-6:

Patricia Granger expressed her concern for the future of Site 653 located at the corner of La Jolla Village Drive and Torrey Pines Road.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:35 a.m.)

PUBLIC COMMENT-7:

Frank Williamson commented on the special permit fees required for Track Club events.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:36 a.m.)

PUBLIC COMMENT-8:

Joyceline Tarr commented on Council's leadership.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Sandy Summers commented on the Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:41 a.m.)

PUBLIC COMMENT-10:

Don Stillwell recited the Lord's Prayer and expressed his concerns regarding the bus schedules.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:44 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Murphy announced that on Monday April 5th, the park at the ballpark was completed; on Wednesday, April 7th, the new Omni Hotel was opened; and on Thursday, April 8th, Petco Park held its first major league baseball game.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:49 a.m.)

COUNCIL COMMENT-2:

Council Member Madaffer congratulated Phil Mickelson on his win of the U.S. Open golf tournament. Mr. Madaffer also congratulated the Mayor and Council on the opening of Petco Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

COUNCIL COMMENT-3:

Council Member Frye announced that journalist Ray Huard who covers the City Council meetings for the Union Tribune has been reassigned and he will be missed. Ms. Frye also announced that William Overson, general manager of the Tecolote Canyon Golf Course, was fatally wounded by an unidentified shooter. She asked that anyone having information that may lead to an arrest should call 888-580-8477.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:58 a.m.)

COUNCIL COMMENT-4:

Council Member Maienschein announced that in Scripps Ranch, the second of three mental health nights was held to assist the victims of the October fires.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:59 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Gwinn congratulated John Mullen of his office for his win on the Barrett American v. City of San Diego case. He also congratulated the Mayor and Council on the opening of Petco Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:52 a.m.)

ITEM-330: Fairway Views.

(Continued from the meeting of January 20, 2004, Item 330, at Councilmember Peters' request, for further review).

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map, Easement Abandonment and Coastal Development Permits (TM/EA/CDP) to create a three-parcel tentative map on a vacant 2.7 acre site and to amend Coastal Development Permit No. 99-0501 (6906 Fairway Road) to include the proposed lot configuration. The three proposed parcels would be developed with single-family residences (one of which was previously approved under CDP 99-0501). The undeveloped project site is located north of Nautilus Street, east of the La Jolla Country Club golf course, and south of Fairway Road in the La Jolla Community Plan area and is zoned R-1-10. The project proposes to vacate portions of existing water and storm drain easements on the project site. The project was submitted in December 1999 and is therefore subject to the Municipal Code that was in effect prior to January 1, 2000.

(See City Manager Report CMR-04-004/Tentative Parcel Map No. 8183/Easement Abandonment No. 22071/Coastal Development Permit Nos: 8182, 11492 & 11493/Mitigated Negative Declaration No. 99-1357/PTS No. 3188. La Jolla Community Plan Area. District-1.)

NOTE: Hearing open. No public testimony taken on 1/20/04.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant or deny the tentative map; and adopt the resolution in subitem C to grant or deny the permits.

Subitem-A: (R-2004-563) ADOPTED AS RESOLUTION R-299079

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 99-1357, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the 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 Fairway Views project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 2108.6, the City Council adopts the 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;

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-2004-564) GRANTED MAP, ADOPTED AS RESOLUTION
R-299080

Adoption of a Resolution granting or denying Tentative Parcel Map No. 8183 and Public Easement Vacations No. 22071, for the Fairway Views Project (3188), with appropriate findings to support Council action.

Subitem-C: (R-2004-1201) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-299081

Adoption of a Resolution granting or denying Coastal Development Permit No. 8182 for the Fairway Views Project (3188), with appropriate findings to support Council action.

Subitem-D: (R-2004-1202) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-299151

Adoption of a Resolution granting or denying Coastal Development Permit No. 11492, for the Fairway Views Project (3188), with appropriate findings to support Council Action.

Subitem E: (R-2004-1203) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-299152

Adoption of a Resolution granting or denying Coastal Development Permit No. 11493, for the Fairway Views Project (3188), with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on October 16, 2003, voted 5-0 to recommend approval of the project with the following conditions:

1. that the previously disturbed areas be revegetated according to the original plan and that the potential for pedestrian access be looked at;
2. prior to recordation of the first final map, subdivider shall provide 55 feet of irrevocable offer of dedication for the mission segment of Fairway Road satisfactory to the City Engineer; and
3. open space easement will be placed over the area that is shown as Exhibit 16 on the applicant's presentation.

Ayes: Lettieri, Brown, Chase, Garcia, Ontai

Recusing: Schultz, Steele

The La Jolla Community Planning Group did not comment on the revised project plan prior to the October 16 Planning Commission hearing. However, on December 4, 2003, the Group voted 10-3-1 in favor of a motion opposing the traffic revisions on Nautilus Street associated with the project between Muirlands and Via Valverde (re-stripping to add a turn lane). In response, the

applicant has agreed to eliminate the re-stripping and staff have removed it as a project feature and condition. The project heard by Planning Commission on September 11 proposed the development of five single family homes. On June 5, 2003, the La Jolla Community Planning Group approved a motion by a vote of 10-8-0 to direct the project to the Traffic and Transportation Committee for review. Since the applicant had met with the Permit Review Committee of the Planning Group on four previous occasions, the applicant elected not to take the project to the Traffic and Transportation Committee, and instead chose to proceed directly to a Planning Commission hearing.

CITY MANAGER SUPPORTING INFORMATION:

The Fairway Views project now proposes to create a three lot subdivision for the development of three single-family homes on the 2.7 acre undeveloped site. Proposed lot sizes range from 31,353 square feet to 44,732 square feet, which is consistent with the requirement of the R-1-10

zone (10,000 square foot minimum lot). The three homes proposed with this project range in size from 8,500 square feet to 10,400 square feet, including attached 3 car garages.

Two of the proposed residences are located on the southern edge of the site along Nautilus Street and would take access off of Nautilus Street via a shared 25 foot driveway. The third home, which was previously approved for development by CDP No. 99-0501 (Waltz Residence), would be located on the northern part of the property with access from Fairway Road. The Fairway Views project would amend CDP No. 99-0501 to reflect the new parcel configuration and to make it consistent with the requirements of the Tentative Parcel Map.

Portions of three easements are proposed to be abandoned with this project. The first would vacate an earth excavation or embankment, slope, and drain easement that runs across the southern part of the property along Nautilus Street. A new storm drain easement is proposed to accommodate the existing storm drain on the southwestern corner of the property. The second and third easement abandonments would vacate portions of an existing water easement along the eastern border of the site.

The project includes a building restricted easement on the southwestern corner of the project site, primarily due to geotechnical issues. With the reconfiguration of the size and number of parcels, the size of this building restricted easement has increased to 9,300 square feet. In addition to this building restricted easement, the Planning Commission recommended that an open space easement be placed over the area that is shown conceptual in exhibit 16 of the applicant's presentation. The project as proposed now includes this open space easement area, which consists of approximately one acre.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located in the La Jolla Community Planning Area, north of Nautilus Street, east of the La Jolla Country Club golf course, and south of Fairway Road, with the parcel that was previously approved, located at 6906 Fairway Road.

FILE LOCATION: LUP-Fairway Views (65)

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:35 a.m.)

Testimony in opposition by Joanne Pearson.

Testimony in favor by Lynn Heidel Robert Nobel, and Jeff Elden.

MOTION BY PETERS TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE TENTATIVE MAP; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMITS. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Park Boulevard Promenade Project.

Matter of approving, conditionally approving, modifying, or denying modifications to implement the Park Boulevard Promenade Project located adjacent to the San Diego Zoo and along Park Boulevard. An Environmental Impact Report was prepared for the proposal. The actions before the Planning Commission on November 6th, and those scheduled before the City Council Hearing, do not include proposed lease changes necessary to implement the proposal. A detailed project description is contained below:

The proposed construction of an underground parking structure along Park Boulevard, a below-ground transportation center and new loading dock entrance to the Natural History Museum, make adjustments to the Local Historic Resources Boundary, reorient the Zoo's main entry, convert existing parking lots to a pedestrian promenade, allow for the expansion of zoological garden uses, include pedestrian and circulation improvements along Park Boulevard, provide pedestrian and landscape enhancements in the project area, provide north and south gateway elements on Park Boulevard, provide parking for War Memorial visitors, provide a greenbelt along the eastern edge of the existing Zoo Parking Lot, and relocate the Carousel and Miniature Train. The project would also include revisions to the existing Zoo, Miniature Train and Carousel leaseholds, construction of a new parking lot for Zoo employees, and storm water, sewer and water infrastructure improvements. The project is divided into three sections: 1) the San Diego zoological gardens expansion; 2) the San Diego Zoo employee parking lot; and 3) the Park Boulevard Promenade. The Park Boulevard Promenade and San Diego zoological gardens expansion are located mostly along the western side of Park Boulevard from the Prado/Natural History Museum area on the south to the War Memorial Building on the north. The proposed San

Diego Zoo employee parking lot is located on the western side of the Zoo's leasehold adjacent to SR-163 and Richmond Street.

(See City Manager Report CMR-04-073. EIR PTS No. 2147/MMRP/Statement of Overriding Considerations/Balboa Park Master Plan Amendment/Central Mesa Precise Plan Amendment/PG&GP Amendment/SDP No. 48083/PTS No. 2147. Balboa Park Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; and adopt the resolution in Subitem C to grant the permit:

Subitem-A: (R-2004-1019 Cor.Copy) ADOPTED AS RESOLUTION R-299083

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR No. 99-0031, Project No. 2147, dated September 26, 2003, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 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 a Site Development Permit to construct the Park Boulevard Promenade, in the Central Mesa Precise Plan area of Balboa Park;

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations;

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

OTHER RECOMMENDATIONS:

Planning Commission on January 22, 2004, voted 7 – 0 to approve staff's recommendations with additional recommendations; was opposition.

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

The Balboa Park Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The San Diego Zoo is owned by the City of San Diego and operated by the nonprofit Zoological Society of San Diego (Society). The Society proposes amendments to implement the Park Boulevard Promenade Project. The project proposes several elements which are noted below. For a detailed description of the project components, please reference the Final Environmental Impact Report. The project requires amendments to both the Balboa Park Master Plan adopted in 1989 and the Central Mesa Precise Plan, adopted in 1992 (Plans).

1. A four-level, underground parking structure
2. Removal of several surface parking lots
3. New Zoo Exhibit Space
4. A landscaped pedestrian promenade and greenbelt along Park Boulevard
5. Relocation of the Carousel and Miniature Train
6. Surface parking lot for employees off of Richmond Street

The perimeter of the San Diego Zoo proper (zoological gardens) is reflected in the Precise Plan, however, there is no detail provided within the interior of the Zoo. The existing parking lot in front of the Zoo is located entirely within the Precise Plan boundaries. The Zoo was excluded from the 1992 Central Mesa Precise Plan study area while the parking lot (the largest in the park) was included because of its importance in park policy, administration, and design development. The City, as a matter of public policy, does not regulate the programs and activities of the various park institutions within their facilities except as stipulated by lease agreements.

The Society is requesting several modifications to their leaseholds in order to implement the project and these leasehold changes would be considered as a future City Council action. The Zoo's leasehold currently consists of 124.1 acres consisting of 99.43 acres of zoological gardens and 24.67 acres of the public parking lot in front of the Zoo.

The proposed changes to the leasehold would result in 123.08 acres of Zoo leasehold and include the existing and expanded zoological garden area totaling 120.20 acres, and a modified, 2.88-acre public parking lot south of the War Memorial Building. The proposed underground parking structure would not be a part of the Zoo's leasehold.

Ewell/Christiansen/Oppenheim/SMT

LEGAL DESCRIPTION:

The project is divided into three sections: 1) the San Diego zoological gardens expansion; 2) the San Diego Zoo employee parking lot; and 3) the Park Boulevard Promenade. The Park Boulevard Promenade and San Diego zoological gardens expansion are located mostly along the western side of Park Boulevard from the Prado/Natural History Museum area on the south to the War Memorial building on the north. The proposed San Diego Zoo employee parking lot is located on the western side of the Zoo's leasehold adjacent to SR-163 and Richmond Street.

FILE LOCATION: LUP-Park Boulevard Promenade

COUNCIL ACTION: (Time duration: 11:35 a.m. – 11:58 a.m.;
2:14 p.m. – 7:35 p.m.)

Testimony in opposition by Jay Hyde, Courtney Coyle, Tom Mullaney, Jim Stouder, Phil Ash, Laura Burnett, Bruce Coons, Nick DeLorenzo, Laura Emerick, Ben Gammage, Dr. Michael Hager, Bernadine King, Roger Lewis, Peter Lind, Vonn Marie May, Julianne Peters Hyde, Michael Powers, Janet Richards, David Ray Russell, Maggie Valentine, Lori Walton and Leo Wilson.

Testimony in favor by Yvonne W. Larsen, Steve Estrada, Deanna Spehn, Bruce Henderson, Darlene Davies, Vicki Granowitz, Doug Myers, John Ahlering, Marilee Bankert, Ed Bailey, Bill Barnard, Billie Bearden, Daniel Coffy, Steven Dodson, Berit Durler, Robert Erhardt, Anne Evans, Bill Fox, Dr. Fred Frye, Bernadine Hausman, Susan Hoekenga, Duane Jensen, Jane Jensen, Sue Jensen, Wes Johnson, Donna Jones, Dale Marriott, Lois Marriott, Frank McCully, Tom Miller, Will Neblett, Linda Otterness, Peter Phillips, Ron Phillips, Theresa Pulvere, Pat Rigney, Nancy Rodriguez, Hal Sadler, Mike Singleton, David Sobo, Naomi Sobo, Lorin Stewart and Dr. David Woodruff.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT, WITH DIRECTIONS THAT THE CONSTRUCTION IMPACT TEAM SHOULD BE AVAILABLE AND CONSIST OF A NUMBER OF PEOPLE THAT CAN RESPOND TO THE INSTITUTIONS AT BALBOA PARK AND THE COMMUNITY, AS WELL

AS TO THE CITY COUNCIL AND THE MAYOR. THIS WOULD INCLUDE THE PARTICIPATION OF A MITIGATION COMMUNITY SUBCOMMITTEE. REQUEST THAT THE BORDER AND BOUNDARY FACING PARK BOULEVARD HAVE THE RIGHT KIND OF LANDSCAPING AND THAT IT BE ATTRACTIVE. THE FENCE ALONG ZOO DRIVE IS TO BE ENHANCED. REQUEST THAT AS PART OF THE MITIGATION MONITORING AND REPORTING PROGRAM, THE APPLICANT DO AN ANALYSIS OF HOW THE EMPLOYEE PARKING LOT IS GOING TO BE UTILIZED, WHERE IT WOULD LESSEN TRAFFIC IMPACT TO THE NEIGHBORHOOD. A COPY OF THIS ANALYSIS SHOULD BE PROVIDED TO UPTOWN PLANNERS AND TO THE BALBOA PARK COMMITTEE AND THEN DISSEMINATED TO THE COMMUNITY. WITHIN SIX TO NINE MONTHS AFTER THE PARKING LOT IS OPENED, A TRAFFIC IMPACT REPORT SHOULD AGAIN BE DONE AND THE FINDINGS PROVIDED TO THE BALBOA PARK COMMITTEE, AS WELL AS BEING POSTED ON THE WEB. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 7:35 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:35 p.m. – 7:35 p.m.)