

19900925

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 25, 1990
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wolfsheimer at 10:17 a.m. Deputy Mayor Wolfsheimer asked that the policy of docketing items be discussed if six votes could be obtained or to have the City Clerk docket the matter at a future date if five votes could be obtained. Deputy Mayor Wolfsheimer announced that a memorandum would be circulated to Council requesting that the matter be docketed for Council discussion. The meeting was recessed by Deputy Mayor Wolfsheimer at 10:44 a.m. to reconvene at 2:00 p.m. The meeting was reconvened by Deputy Mayor Wolfsheimer at 2:04 p.m. with Mayor O'Connor and Council Members Roberts and Hartley not present. Deputy Mayor Wolfsheimer recessed the meeting at 2:29 p.m. to meet as the Housing Authority. Deputy Mayor Wolfsheimer reconvened the meeting at 3:37 p.m. and adjourned the meeting at

3:38 p.m. into Closed Session in the twelfth floor conference room on pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-276414 (City Trade Mission in Tokyo, Japan)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by R-276695 (illness)
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
Clerk-Abdelnour (rb,eb)

FILE LOCATION: MINUTES

Sep-25-1990

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-330: (R-91-267) ADOPTED AS RESOLUTION R-276611

Considering the protests and confirming the assessment in the matter of paving and otherwise improving City-Wide Alley Improvement and Sewer Replacement - Contract No. 2, on Assessment Roll No. 4033, under Resolution of Intention R-272213, adopted October 31, 1988. (1911 Street Improvement Act.)

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On July 10, 1989, Council awarded a contract for the improvement of six alleys in the City-Wide alley and sewer replacement area in accordance with the Council-adopted assessment district cost sharing program. Construction is now complete and the assessments must be levied. Sales Tax Funds will be used to finance 50 percent of the alley improvements and the remaining 50 percent of the alley improvement cost will be assessed to the benefitting parcels. Each property owner has been sent information regarding the remaining cost assessable to their property. The final amount assessed to the district varies from 10 percent to 33 percent below the amount noticed to the property owners at the time of the public hearing due to lower construction costs. WU-ED-90-192.

FILE LOCATION: STRT D-2278

COUNCIL ACTION: (Tape location: A063-261.)

Hearing began at 10:22 a.m and halted at 10:38 a.m.

Testimony in opposition by Thomas Byron, Pedro Guerreo, and Frank Butler.

MOTION BY PRATT TO SUPPORT THE FORMATION OF THE ASSESSMENT

DISTRICT CONDITIONED UPON THE WORK MEETING REQUIRED STANDARDS. DIRECT STAFF TO REPORT BACK TO COUNCIL MEMBER PRATT'S OFFICE IN ONE WEEK REGARDING THE WORKMANSHIP BEING DONE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Sep-25-1990

ITEM-331: (R-91-) CONTINUED TO OCTOBER 9, 1990,
10:00 A.M.

Appeal of Michael C. Russell and Barbara Huba, from the decision of the Planning Commission in granting Coastal Development Permit 89-1260 to construct an additional two-bedroom living unit and garage totaling 1,410 square feet to an existing 1,151-square-foot home for a combined total of two units totaling 2,561 square feet. The subject property, a 5,289-square-foot lot, is located at 7337 Fay Avenue, on the east side of Fay Avenue, north of Genter Street, west of Girard Avenue, and south of Pearl Street and is more particularly described as Lot 6 except the easterly 75 feet, Lone Pine, Map No. 2819, in Zone R-3000 (Multiple-Family Residential, one unit per 3,000 square feet of lot area) within the La Jolla Community Plan Area. (CDP-89-1260. District-1.)

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

FILE LOCATION: PERM CDP-89-1260

COUNCIL ACTION: (Tape location: A016-059.)

Testimony by Lynne Heidel and Michael Russel relating to the continuance.

MOTION BY BERNHARDT TO CONTINUE TO OCTOBER 9, 1990, AT 10:00 A.M., AS REQUESTED BY LYNNE HEIDEL, FOR FURTHER REVIEW BY THE PLANNING DEPARTMENT AND THE LA JOLLA COMMUNITY PLANNING ASSOCIATION. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-332: (R-91-460) ADOPTED AS RESOLUTION R-276612

Authorizing the execution of a negotiation agreement with

Hopkins Development Company, a Delaware limited partnership, and the Redevelopment Agency of the City of San Diego, for construction of the San Diego Mercado project in the Barrio Logan Redevelopment Project Area. (Barrio Logan/Harbor 101 Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The proposed San Diego Mercado project is an approximate 120,000 sq. ft. mixed-use retail and residential project to be built on a 10-acre site bounded by Crosby, National, Main and Evans Streets in the Barrio Logan Redevelopment project area. The project is envisioned as the catalyst to spur the redevelopment of the area once the plan is adopted in early 1991. Last fall, the project received a commitment of approximately \$2.0 million of federal and local funding to be loaned to the developer for acquisition of the site. The project sponsor, Mercado del Barrio Development Corp., has recently entered into a joint venture agreement with Hopkins Development Co. of Newport Beach, Ca. Hopkins is an experienced shopping center developer; they have built over 70 centers in Northern and Southern California and are in the process of developing projects in El Cajon and Oceanside.

Hopkins also has experience working with Redevelopment Agencies in developing inner city centers and has completed two UDAG-financed projects in LA County. Staff is requesting approval of a Negotiation Agreement among the City Redevelopment Agency and Hopkins Development Co. for a period not to exceed 240 days from date of execution by the City. During this timeframe, staff will negotiate with the developer the terms to be included in a Disposition and Development Agreement (DDA). Staff anticipates requesting Redevelopment Agency approval of the DDA shortly after adoption by Council/Agency of the redevelopment plan for the area.

NOTE: See the Redevelopment Agency Agenda of September 25, 1990 for a companion item.

FILE LOCATION: MEET CONFY91-1

COUNCIL ACTION: (Tape location: B370-376.)

MOTION BY HENDERSON TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: CONTINUED TO OCTOBER 16, 1990, 3:30 P.M.
(Continued from the meetings of August 7, 1990, Item 338,

and September 18, 1990, Item 342; last continued at the request of Councilmember Wolfsheimer and Jim Dawe, for further review.)

In the matter of Vesting Tentative Map (Fairbanks Highlands), Planned Residential Development Permit and Resource Protection Overlay Zone Permit VTM, PRD & RPZ-88-1041, proposing a 109-lot subdivision of this site for each of the proposed residential development parcels, seven open space lots, one private recreation lot, and necessary public facilities to serve the site; and construction of 92 single-family detached residences (including site landscaping, brush management and off-street parking) on a vacant 391-acre site.

Street Vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed vesting tentative map for Fairbanks Highlands (VTM-88-1041).

The subject property is located generally north of Black Mountain Road and immediately west of the Penasquitos community in Zone A-1-10 (portions Hillside Review) and within the boundaries of the future urbanization area as identified by the City's General Plan. The subject property is more particularly described as portions of the northeast quarter and the east half of the northwest quarter of Section 11, the northwest quarter of Section 12, Township 14 South, Range 3 West, SBBM, Parcel Map PM-8133. (VTM, PRD & RPZ-88-1041. District-1.)

Subitem-A: (R-90-2220)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-1041 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-91-)

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

Subitem-C: (R-91-)

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

Subitem-D: (R-91-)

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

Subitem-E: (R-90-2219)

Adoption of a Resolution authorizing the vacation of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124, and Old Survey 451 as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacations of portions of Black Mountain Road, Road Survey 57, Old Survey 80, Old Survey 124 and Old Survey 451 have been initiated by the submission of the tentative map for Fairbanks Highlands (VTM-88-1041). The tentative map proposes subdivision of a 391-acre site for the purpose of creating 92 single-family residential lots. Development of the site will be controlled by the associated Planned Residential Development (PRD).

The subject vacation is located in an area designated as a Future Urbanizing area immediately west of the Penasquitos East Community. The proposed vacation was reviewed by the adjacent designated Community Planning Groups (North City West Planning Board and Rancho Penasquitos Planning Board) as part of the tentative map. There were no apparent concerns from the North City West Planning Board, and the Rancho Penasquitos Planning Board supported the project in concept. On May 24, 1990, the Planning Commission upheld an appeal to the Subdivision Board's recommendation of approval and recommended denial of the Fairbanks Highlands project by a 7-0 vote.

The subject vacation consists of portions of Black Mountain Road, which is an unimproved travelway that has an assumed width of 40 feet, three road surveys which are unplottable, and one road survey which is partially utilized as a private road. The rights-of-way to be vacated will not be required for easement rights-of-way for access or traffic circulation since they will be replaced if the map is approved. The tentative map conditions provide for the dedication of half-width improvements for Carmel Valley Road with off-site transitions, the dedication of Camino Ruiz with a deferred six-year agreement for full-width improvements, and a system of private streets for access within the subdivision boundaries. The public benefits to be accrued with this vacation are an improved road system and improved

utilization of the land.

Upon Council approval of the Planned Residential Development Permit (PRD-88-1041) and the Vesting Tentative Map (VTM-88-1041)

for Fairbanks Highlands, the rights-of-way to be vacated would no longer be required for present or prospective use, as indicated by staff review. It is therefore recommended that, if the vacation is approved, it be conditioned upon the approval and recordation of the final map for Fairbanks Highlands (VTM-88-1041).

FILE LOCATION: Subitems A and B PERM PRD-88-1041, Subitem-C PERM RPZ-88-1041, Subitem-D SUBD-Fairbanks Highlands, Subitem-E STRT J-2745

COUNCIL ACTION: (Tape location: B058-369.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 16, 1990, 3:30 P.M.

Second by Hartley. Passed by the following vote:

Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-not present.

Sep-25-1990

ITEM-S501: WELCOMED

Welcoming Dr. Hans Dona, a member of the Board of Aldermen, from S-Hertogenbosh, Netherlands, who will be visiting and observing the City Council meeting. He will arrive at approximately 10:30 a.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A313-342.)

ITEM-CS-1: (R-91-580) ADOPTED AS RESOLUTION R-276613

A Resolution adopted by the City Council in Closed Session on September 25, 1990:

Authorizing and empowering the City Manager to pay the sum of \$65,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 604936, Isabel Smith v. City of San Diego, et al., resulting from injuries sustained by the plaintiff in an accident which occurred on October 6, 1987; authorizing the City Auditor and Comptroller to issue one check in the amount of \$65,000 made payable to Isabel

Smith, and her attorney William Fogel, in full settlement of all claims.

Aud. Cert. 9100265

FILE LOCATION: MEET

ITEM-CS-2: (R-91-564) ADOPTED AS RESOLUTION R-276614

A Resolution adopted by the City Council in Closed Session on September 25, 1990:

Authorizing and empowering the City Manager to pay the sum of \$24,786.89 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the residence of Vanna Khoth; authorizing the City Auditor and Comptroller to

issue one check in the amount of \$24,786.89 made payable to Luth & Turley, Inc. in full settlement of all claims.

Aud. Cert. 9100263

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Member Filner requesting the City Attorney to present an update on the case USA v. City of San Diego at the next Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B554-558.)

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wolfsheimer at 3:38 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B558).