

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 14, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:08 a.m. The meeting was recessed by Mayor Golding at 11:39 a.m. to convene the Redevelopment Agency and to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:08 p.m. with Council Member Roberts not present. Mayor Golding recessed the meeting at 2:09 p.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 3:25 p.m. with all Council Members present. Council Member McCarty welcomed the Girl Scouts Troop 3020 of the Tierrasanta and Vista Grande Elementary Schools. The meeting was adjourned by Mayor Golding at 5:32 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Stevens-present
 - (5) Council Member Behr-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Fishkin (mp;mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present

- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Matters related to Tentative Subdivision Map (Golden Triangle Business Center), Planned Industrial Development Permit, Resource Protection Ordinance Permit, Rezone Case-89-0508 and an amendment to Planned Residential Development Permit 84-0223 in the University Community Planning Group Area.

(TM/PID/RPO-89-0508 & PRD-84-0223. District-1.)

Subitem-A: (R-94-66) ADOPTED AS RESOLUTION R-282640

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-89-0508 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: (O-94-4) INTRODUCED, TO BE ADOPTED SEPTEMBER 27, 1993

Introduction of an Ordinance to rezone 2.81 acres from the R1-5000 zone to the Scientific Research (SR) zone.

Subitem-C: (R-94-502) ADOPTED AS RESOLUTION R-282641
GRANTING THE MAP

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

Subitem-D: (R-94-503) ADOPTED AS RESOLUTION R-282642
GRANTING THE PERMITS

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

CITY MANAGER'S RECOMMENDATION:

Approve the project.

SUPPORTING INFORMATION:

This project consists of a three lot subdivision of a 7.63 acre site, and would allow construction of a two-story 48,744-square-foot scientific research building; Re-zoning of the 2.81-acre site from R1-5000 (single-family residential) to SR (scientific research) along with an amendment to a Planned Residential Development Permit in order to gain access to the project site through a portion of the existing Towne Centre Apartments Project site.

LEGAL DESCRIPTION:

The subject property is located southeasterly of Nobel Drive and Shoreline Drive, west of I-805, in the University Community Plan Area, and is described as lots 1-7 Towne Centre Apartments, Map-11505, portions of Pueblo Lots 1277 and 1304, Record of Survey No. 6079.

FILE LOCATION: Subitem-A,C: SUBD-Golden Triangle Business Center; Subitem-B: --; Subitem-D: PERM-RPO-89-0508 PRD-84-0223

COUNCIL ACTION: (Tape location: A044-202.)

Hearing began at 10:14 a.m. and halted at 10:27 a.m.

Testimony in opposition by John Griffin.

Testimony in favor by Phillip Hinshaw.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE APPROVING THE PROJECT WITH THE UNDERSTANDING THAT THERE IS COMPLIANCE WITH FEDERAL REGULATIONS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: A Coastal Development Permit, Planned Commercial Development Permit, Rezone and an Amendment to the Local Coastal Program in the Torrey Pines Community Plan Area.

(CDP/PCD/RZ/LCP AMEND. 93-0200. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinance:

Subitem-A: (R-94-53) ADOPTED AS RESOLUTION R-282643

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-93-0200 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-94-7 Cor.Copy) INTRODUCED, TO BE ADOPTED
SEPTEMBER 27, 1993

Introduction of an Ordinance for re-zoning 7,200 square feet of property from R1-5000 zone to the Neighborhood Commercial (CN) Zone.

Subitem-C: (R-94-504) ADOPTED AS RESOLUTION R-282644
GRANTING THE PERMITS

Adoption of a Resolution granting or denying the permits, with appropriate findings to support Council

action.

SUPPORTING INFORMATION:

Remodel an existing single-family residence into a commercial office building (Soledad Creek Building - 2,305 square feet) with a living unit (777 square feet) and to rezone the subject site (7,200 square feet lot) from R1-5000 to CN (Neighborhood Commercial) located at 2244 Carmel Valley Road, on the corner of Carmel Valley Road and Via Borgia in the Torrey Pines Planning Area.

LEGAL DESCRIPTION:

The subject property is described as Lots 8 and 9 in Block 3 of Del Mar Terrace, Map-1527.

FILE LOCATION: Subitem-A: LAND-Torrey Pines Community
 Plan LCP Program; Subitem-B: --;
 Subitem-C: PERM-CDP-93-0200 PCD-93-0200

COUNCIL ACTION: (Tape location: A205-425.)

Hearing began at 10:27 a.m. and halted at 10:42 a.m.

Testimony in opposition by Carol Ozaki and Cy Morgan.

Testimony in favor by Daniel Jensvold and Robert Thorburn.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE APPROVING THE PROJECT AND TO STATE THAT THE PROJECT IS IN COMPLIANCE WITH THE COMMUNITY PLAN. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Two actions related to the Field Street (Burgener Boulevard to Cowley Way) Underground Utility District.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-97) ADOPTED AS RESOLUTION R-282645

Establishing the Field Street (Burgener Boulevard to Cowley Way) Underground Utility District.

Subitem-B: (R-94-98) ADOPTED AS RESOLUTION R-282646

Authorizing the expenditure of an amount not to exceed \$25,000 from Annual Allocation - Under-grounding of City Utilities, CIP-37-028.0, Capital Outlay 30245, for administering the Field Street (Burgener Boulevard to Cowley Way) Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district will underground the overhead utility facilities on Field Street (Burgener Boulevard to Cowley Way). This is a scheduled project in the calendar year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the under-grounding work approaches completion.

Aud. Cert. 9400040.

FILE LOCATION: STRT - K-217

COUNCIL ACTION: (Tape location: A028-035.)

Hearing began at 10:11 a.m. and halted at 10:12 a.m.

MOTION BY STEVENS TO ADOPT THE RESOLUTIONS. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Appeal of James A. Greer, from the decision of the Planning Commission in denying Coastal Development

Permit CDP-92-0761, located at 1312 Opal Street, in Zone R1-5000, in the Pacific Beach Community Plan Area.

(Continued from the meeting of August 3, 1993, Item 330, at Councilmember Stallings' request, on behalf of the appellant and the community.)

(CDP-92-0761. District-6.)

(R-94-) RETURNED TO PLANNING COMMISSION

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

CITY MANAGER'S RECOMMENDATION:

Approval of the project, based upon revisions made to resubmitted plans.

SUPPORTING INFORMATION:

The proposed project would allow partial demolition, remodel and addition to an existing single-family residence that will result in a total floor area of approximately 2,376 square feet and the construction of a new 849 square foot three-car garage (detached) with laundry facilities and a 400 square foot hobby room constructed above. The decision of the City Council is final.

LEGAL DESCRIPTION:

Lots 37 and 38, Block 19, Hollywood Park, Map-1263.

FILE LOCATION: PERM - CDP-92-0761

COUNCIL ACTION: (Tape location: A428-C094.)

Hearing began at 10:43 a.m. and halted at 11:39 a.m.

Testimony in opposition by David Delatorre, Dr. Michael Halls, Patricia Ghio, and Winnie Caudill.

Testimony in favor by James Greer and Chris Veum.

Motion by Stallings to move the City Manager's recommendation to approve the project. Second by Behr. Failed by the following vote: Yeas-4,5,6. Nays-1,2,3,8,M. Not Present-7.

MOTION BY STALLINGS TO AFFORD THE APPELLANT THE OPPORTUNITY TO REDESIGN HIS PROJECT AND TO HAVE THE REDESIGN REVIEWED BY THE PLANNING COMMISSION DIRECTLY WITHOUT HAVING TO GO THROUGH THE PRELIMINARY STAGES. APPELLANT IS ASKED TO REDESIGN HIS PROJECT CLOSER TO THE DESIGN OF THE NEIGHBORHOOD AND TO ALSO REVIEW THE SETBACK USED IN HIS CURRENT DESIGN. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-334: ACCEPT THE REPORT

SUBJECT: A Report from SEDC regarding the Status of Project First Class Funds.

(See SEDC memorandum dated 9/14/93. District-4.)

SEDC'S RECOMMENDATION:

Accept the report.

SUPPORTING INFORMATION:

This report is provided in response to the July 27, 1993 City Council request for a status of Project First Class funding.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A036-041.)

MOTION BY STEVENS TO ACCEPT THE REPORT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: DEFEATED

SUBJECT: Three actions related to the Balboa Park Security Plan. (Balboa Park Community Area. District-3.)

(Continued from the meeting of August 3, 1993, Item 335, at Councilmember Hartley's request, for full

Council.)

PUBLIC SERVICES AND SAFETY COMMITTEE'S RECOMMENDATION:

On 5/19/93, PS&S voted 3-1 (Councilmembers Wolfsheimer, Hartley and Stevens voted yea; Councilmember Roberts voted nay; Councilmember Vargas not present) to recommend adoption of the following ordinance and resolutions:

Subitem-A: (O-93-196)

Introduction and adoption of an Emergency Ordinance declaring that an emergency exists in the City of San Diego with regard to lack of adequate facilities to house homeless persons and families, and determining to establish temporary shelter facilities for homeless persons and families in a small and presently unutilized portion of Balboa Park.

NOTE: 6 votes required for Subitem A.

Subitem-B: (R-93-2039)

Adoption of a Resolution declaring that there is a nexus between the need for providing shelter for the homeless in the Centre City area and the actual provision of such facilities in the Balboa Park area; that the Centre City Redevelopment Project will benefit from the establishment of such facilities in Balboa Park and that it is reasonable and appropriate to expend available funds from the Centre City Redevelopment Project Area to help pay for the costs of emergency shelter facilities in Balboa Park.

Subitem-C: (R-93-2040)

Adoption of a Resolution approving the Balboa Park Security Plan; authorizing the City Manager to proceed with all actions and activities required to allow for the implementation of the Balboa Park Security Plan.

SUPPORTING INFORMATION:

(See City Manager Report CMR-93-146; Chairman Hartley's memo dated 5/19/93; Councilmember Roberts' memo dated 5/18/93; City Attorney's 5/14/93 report; Draft Balboa Park Security Plan Abstract.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E481-G203.)

MOTION BY HARTLEY TO ADOPT SUBITEMS A, B, AND C RELATING TO THE BALBOA PARK SECURITY PLAN AT THE LEVEL OF 100 SHELTER BEDS FOR A PERIOD OF SIX MONTHS AT A TOTAL COST OF \$372,628.00. DIRECT THE CITY MANAGER TO WORK WITH MY OFFICE AND PROVIDE ALL OF THE NECESSARY SUPPORT TO ESTABLISH A BALBOA PARK LAW ENFORCEMENT COMMITTEE. THE MEMBERSHIP OF THE COMMITTEE WOULD INCLUDE REPRESENTATIVES OF THE SURROUNDING NEIGHBORHOOD GROUPS, REPRESENTATIVE OF THE MUSEUMS AND INSTITUTIONS IN THE PARK, PARK AND RECREATION AND THE SAN DIEGO POLICE DEPARTMENT. Second by Stevens. Failed by the following vote: Wolfsheimer-nay, Roberts-nay, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Vargas-nay, Mayor Golding-nay.

ITEM-336:

SUBJECT: Planning Department Work Program.

(See City Manager Report P-93-104.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-329) ADOPTED AS RESOLUTION R-282647

Accepting the Planning Department's Work Program as outlined in City Manager Report P-93-104, dated September 4, 1993.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G219-H589.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION AMENDING THE REPORT BY PUTTING ONE-QUARTER PERSON BACK ON THE OTAY VALLEY REGIONAL PARK AND TO NOT DELAY THE OTAY MESA NESTOR COMMUNITY PLAN. ACCEPT COUNCIL MEMBER WOLFSHEIMER'S SUGGESTION FOR STAFF TO WORK WITH E&D AND WITH BUILDING INSPECTION TO STREAMLINE ALL THE PROCESSES AND DOVETAIL THEM. CONSOLIDATE ALL OF THE ZONING CODE UPDATE REGULATIONS THAT THE DEPARTMENTS HAVE IN COMMON IN THE CITY TO HAVE A

CODE OF A REASONABLE SIZE. INPUT THOSE REGULATIONS INTO RUIS AND ALLOW THE CITIZENS TO ACCESS RUIS BY TYPING THEIR STREET ADDRESS TO SEE WHAT REGULATIONS PERTAIN TO THEIR PROPERTY AS FAR AS SETBACKS, HEIGHT LIMITATIONS, AND ZONING LIMITATIONS. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-94-222) ADOPTED AS RESOLUTION R-282648

A Resolution adopted by the City Council in Closed Session on Tuesday, September 14, 1993:

Authorizing the City Manager to pay the total sum of \$24,500.00 in settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the claim of Daniel Carr; authorizing the Auditor and Comptroller to issue one check in the amount of \$24,500.00 to Daniel Carr and his attorney, William J. Quackenbush, in full settlement.

Aud.Cert. 9400144.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:32 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H590.)