

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 7, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Stevens at 10:08 a.m. The meeting was recessed by Deputy Mayor Stevens at 10:55 a.m. to convene the Redevelopment Agency. Deputy Mayor Stevens reconvened the meeting at 11:28 a.m. with Mayor Golding not present. The meeting was adjourned by Deputy Mayor Stevens at 11:48 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-not present
 - (1) Council Member Mathis-present
 - (2) Council Member Roberts-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (11)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Roberts-present
- (3) Council Member Kehoe-present

- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-4:

Comment by Don Stillwell regarding the time allotted to the public for Public Comment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A017-043.)

ITEM-310: DENY THE HEARING

SUBJECT: Request by George Fujimoto for a hearing of an appeal from the decision of the Planning Commission in approving La Jolla Shores Development Permit LJS-93-0198 (Preisendorfer Residence Project).

(Case LJS-93-0198. District-1.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

SUPPORTING INFORMATION:

The appeal is being requested for a La Jolla Shores Development Permit LJS-93-0198 (Preisendorfer Residence Project). The redesigning of the application was previously considered for the construction of a 1,440-square-foot addition to an existing single family residence. The project is located at 8721 Glenwick Lane in the Single-Family Zone of the La Jolla Shores Planned District, within the La Jolla Community Plan Area.

The Planning Department recommended approval of the permit.
The Planning Commission voted 5-0 to approve the permit.

The La Jolla Community Planning Association has recommended approval of the permit.

The La Jolla Shores Advisory Board has recommended approval of the permit.

FILE LOCATION: PERM-LJS-93-0198

COUNCIL ACTION: (Tape location: A046-080.)

MOTION BY MATHIS TO DENY THE APPEAL AS THIS PROJECT HAS HAD ADEQUATE REVIEW; THE DECISION OF THE PLANNING COMMISSION STANDS. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-330:

SUBJECT: Amendments to the Mission Valley Community Plan, the First San Diego River Improvement Project (FSDRIP) Specific Plan, the Mission Valley Planned District Ordinance, a rezone and a Tentative Map.

(Case-92-0586. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances:

Subitem-A: (R-94-844) ADOPTED AS RESOLUTION R-283173

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0586 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-94-846 Cor. Copy) ADOPTED AS RESOLUTION R-
283174

Adoption of a Resolution approving the map, with appropriate findings to support Council action.

Subitem-C: (O-94-51) INTRODUCED, TO BE ADOPTED JANUARY 3, 1994

Introduction of an Ordinance for MV-M/SP Zoning.

Subitem-D: (O-94-52) INTRODUCED, TO BE ADOPTED JANUARY 3, 1994

Introduction of an Ordinance amending the San Diego Municipal Code for the Mission Valley Planned District Ordinance.

Subitem-E: (R-94-845) ADOPTED AS RESOLUTION R-283175

Adoption of a Resolution amending the Mission Valley Community Plan, the FSDRIP Specific Plan, including the Rio Vista West Design Guidelines and Development Standards.

SUPPORTING INFORMATION:

The amendments to the Community Plan, the Specific Plan, the Planned District Ordinance and a rezone from the MV-M and MV-CO Zones to the MV-M/SP Zone and a Tentative Map are for a 94.2 acre mixed-use development.

LEGAL DESCRIPTION:

The subject property is located on the south side of Friars Road between Stadium Way and the existing Park Villas condominium development and is described as Parcel 1, Map-15299; Parcel 1, Map-16146 and portions of Pueblo Lots 1173 and 1183.

FILE LOCATION: Subitem-A: LAND-FSDRIP Specific Plan;
Subitem-B: SUBD-Rio Vista West;
Subitem-C&D: None; Subitem-E: LAND-Mission Valley Community Plan, FSDRIP Specific Plan

COUNCIL ACTION: (Tape location: A084-162.)

Hearing began 10:14 a.m. and halted 10:20 a.m.

Testimony in favor by Paul Robinson.

MOTION BY STALLINGS TO ADOPT SUBITEMS A, B AND E AND INTRODUCE SUBITEMS C AND D AND TO DIRECT STAFF TO INCORPORATE THE FOLLOWING REVISIONS:

TENTATIVE MAP CONDITION NUMBER 37 IN ATTACHMENT 4 SHOULD BE EXPANDED TO STATE THAT THE LIGHT RAIL TRANSIT RIGHT-OF-WAY WILL BECOME A DEDICATION UPON COMMENCEMENT OF TRANSIT CONSTRUCTION; ON ATTACHMENT 11, ITEM 5C SHOULD BE REVISED TO GIVE SPECIES NAMES AND REQUIRED SPACING OF TWO PROPOSED PALM TREES. THE FOLLOWING WORDING WOULD BE ADDED: "PHOENIX DACTYLIFERA MUST BE SPACED AT 45 FEET ON CENTER AND WASHINGTON FILIFERA MUST BE SPACED AT 30 FEET ON CENTER".
Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

SUBJECT: Matter of Del Mar Hills Texaco Planned Development Permit, Conditional Use Permit and Street Vacation located in the Carmel Valley Community Plan area.

(PD/CUP-92-0487 & SA. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A & B; and adopt Subitem C approving the permits with conditions:

Subitem-A: (R-94-874) CONTINUED TO JANUARY 11, 1994 AT 2:00 P.M.

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-92-0487 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: (R-94-873) ADOPTED AS RESOLUTION R-283176

Adoption of a Resolution declaring the intention of the

City Council to vacate Del Mar Hills Drive south of Del Mar Heights Road.

Subitem-C: (R-94-) CONTINUED TO JANUARY 11, 1994 AT
2:00 P.M.

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

SUPPORTING INFORMATION:

A Planned Development Permit, Conditional Use Permit and Street
Vacation which proposes to remodel an existing gas and service
station by adding a Food-Mart, a 500-gallon above ground propane
tank and vacating the adjacent portion of Del Mar Hills Drive.
The subject property is located at 3015 Del Mar Heights Road.
The site is zoned EC by the Carmel Valley Planned District and is
surrounded by commercial office uses to the east and south;
Interstate 5 is to the west and Multi-family Residential use is
located across Del Mar Heights Road to the north.

LEGAL DESCRIPTION:

The site is more particularly described as Lot 2, T.M.
Subdivision Map-6214.

FILE LOCATION: Subitem-A&C: PERM-CUP/CVPDP 92-0487;
Subitem-B: DEED F-6184, STRT J-2798
DEED FY 94-1

COUNCIL ACTION: (Tape location: A165-184.)

Hearing began 10:21 a.m. and halted 10:23 a.m.

MOTION BY MATHIS TO CONTINUE SUBITEMS A & C TO JANUARY 11,
1994 AT 2:00 P.M. AND ADOPT SUBITEM-B AT THE REQUEST OF THE
CITY MANAGER. Second by McCarty. Passed by the following
vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea,
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-not present.

ITEM-332: RETURNED TO THE CITY MANAGER

SUBJECT: Proposed Reuse of the San Diego Athletic Club Building
(formerly the HBJ Building).

(See City Manager Report CMR-93-344. Centre City
Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-833)

Approving the use of the San Diego Athletic Club building (formerly the HBJ Building) located at 1250 Sixth Avenue, as follows:

1. That the use of the San Diego Athletic Club building be limited to City offices and to those other public purpose uses that are directly related to the City functions that will be housed in the building;
2. Authorizing the City Manager to begin occupying the building in accordance with the proposed reuse plan;
3. Requesting the Centre City Development Corporation (CCDC) and the Historical Site Board (HSB) to commence the historic site designation process for the San Diego Athletic Club building in accordance with the Centre City Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A186-B068.)

MOTION BY ROBERTS TO RETURN TO THE CITY MANAGER FOR RECONSIDERATION OF THE PROPOSED USES OF THE BUILDING. REPORT BACK TO COUNCIL WITH A REPORT SHOWING, BY SQUARE FOOTAGE, WHERE THE CITY AGENCIES ARE COMING FROM (WHAT BUILDINGS THEY ARE CURRENTLY OCCUPYING) AND WHAT THEIR EXISTING RENTS ARE NOW WITH THE INTENT TO GET PEOPLE OUT OF SPACE THAT THE CITY IS PAYING FOR; TO PUT THE PARKING STRUCTURE BACK INTO IMMEDIATE USE TO START THE STREAM OF REVENUE FLOWING WITH AN AGREEMENT TO IMPLEMENT THIS ACTION AND INVESTIGATE THE PROS AND CONS OF HISTORIC DESIGNATION AT THIS POINT IN TIME. Second by Stallings. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333:

SUBJECT: Conversion of Designated Street Lights to High Pressure Sodium.

(Centre City, Golden Hill, South Encanto, Valencia Park, Skyline Community Areas, and all high crime areas south of Interstate 8. Districts-2,3,4 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-865) ADOPTED AS RESOLUTION R-283177

Authorizing the increase in CIP-680120 by \$818,820: \$287,820 from Gas Tax Fund Balance 302191; \$18,000 from CIP-522930 (Gas Tax) and \$513,000 from San Diego Street Lighting District 1 Major Maintenance Reserve 702101;

Authorizing the expenditure of not to exceed \$918,820 from CIP-680120 for the purpose of providing funds for the conversion of designated street lights to high pressure sodium vapor;

Authorizing the use of City forces for the conversion of street lights to high pressure sodium.

CITY MANAGER SUPPORTING INFORMATION:

On September 28, the City Council directed the City to expedite the conversion of low pressure sodium street lights to high pressure sodium in the Centre City Plan area, all "high crime" areas south of Interstate 8, the Golden Hill revitalization area, Skyline Drive from 58th Street to East Skyline Drive, and Imperial Avenue from Euclid to 69th Street. This Request for Council Action will convert approximately 7,500 street lights in Fiscal Year 1994 and 1995. The remaining 4,100 lights will be converted between Fiscal Year 1996 and 1999 as funding becomes available and lights burn out.

The use of City forces is recommended for this project due to time constraints, the large variety of unique street lights and types of electrical circuits involved. This is particularly true in the downtown area where most of the conversion will take place. The start date for this project is February 7, 1994.

Aud. Cert. 9400563.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C005-345.)

MOTION BY VARGAS TO ADOPT AND DIRECT THE CITY MANAGER TO COME BACK IN JANUARY, 1994 WITH AN ALTERNATIVE FUNDING SOURCE FOR THE GAS TAX FUND. TO ACCEPT COUNCIL MEMBER McCARTY'S REQUEST TO DIRECT THE CITY MANAGER TO LOOK INTO THE POSSIBILITY OF USING THE OLD LIGHTS THAT WILL BE REMOVED IN AREAS WHERE MORE LIGHTING IS NEEDED. TO ACCEPT COUNCIL MEMBER KEHOE'S REQUEST TO DIRECT THE CITY MANAGER TO BRING BACK TO COUNCIL A PROGRAM FOR THE CONVERSION TO HPS STREET LIGHTS FOR ALL ELIGIBLE AREAS ON UNIVERSITY AVENUE AND EL CAJON BOULEVARD IN DISTRICT 3. THE CONVERSION WOULD TAKE PLACE AS A GROUP REPLACEMENT IN THESE AREAS AND WILL BE FUNDED BY THE FOLLOWING SOURCES: 1) UP TO \$65,000 WILL BE MADE AVAILABLE IMMEDIATELY - \$50,000 COMES FROM THE UNUSED PORTION OF CDBG MONEY FROM THE FAILED "YOUTH AT RISK" PROGRAM AND THE REMAINING \$15,000 COMES FROM DISTRICT THREE'S UNALLOCATED FY '94 CDBG RESERVE; 2) COMMIT FY '95 CDBG FUNDS FROM DISTRICT 3 TO PAY FOR ANY REMAINING BALANCE. THE CONVERSION OF THESE AREAS COULD BEGIN IN THE SPRING OF 1994 ALONG WITH THE CONVERSION DOWNTOWN. Second by Roberts. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-nay, Stallings-nay, McCarty-nay, Vargas-yea, Mayor Golding-not present.

ITEM-334:

SUBJECT: College Community Redevelopment Project Area Committee.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-864 Cor. Copy) ADOPTED AS RESOLUTION R-283178

Ratifying the results of the College Community Redevelopment Project Area Committee (PAC) election of October 26, 1993;

Approving a Representative Project Area Committee for the College Community Redevelopment Project Area.

CITY MANAGER SUPPORTING INFORMATION:

Following an election conducted in the College Area community on September 30, 1992, a fourteen member Project Area Committee (PAC) for the College Community Redevelopment Project was ratified by the City Council on October 19, 1992. The PAC was formed pursuant to California Redevelopment Law to review the proposed Redevelopment Plan as project implementation could potentially result in the displacement of low and/or moderate income residents. In accordance with the PAC Bylaws, the College Community PAC Annual Meeting and Election was held on October 26, 1993. Approximately 150 voters elected 3 new PAC members to fill vacancies in the Residential Tenant (2) and Community Organization - Other (1) categories. There was no candidate to fill the vacant Owner Occupant category on the PAC. The names of the three new members elected and nominated for City Council ratification are Aimee LePore - Residential Tenant, Chris Antolini - Residential Tenant, and Norman D. Self - Community Organization - Other.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B070-084.)

MOTION BY STALLINGS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-335:

SUBJECT: Redevelopment Agency Fiscal Year 1993 Annual Report and Annual Financial Report.

(Districts-2,3,4,5,6,7 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-94-841) ADOPTED AS RESOLUTION R-283179

Approving the Fiscal Year 1993 Annual Report and the Annual Financial Report of the Redevelopment Agency of the City of San Diego, submitted pursuant to the California Health and Safety Code, Division 24, Part I.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B070-084.)

MOTION BY STALLINGS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-500:

SUBJECT: Three actions related to Rose Canyon Trunk Sewer -
Condemnation.

(See City Manager Report CMR-93-329. University
Community Area. District-1.)

(Continued from the meeting of November 30, 1993, Item
331, at the request of the property owners, to allow
their attorney to be present.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-94-731) ADOPTED AS RESOLUTION R-283180

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest,
convenience and necessity of the City of San Diego
require the construction, operation, and maintenance of
the Rose Canyon Trunk Sewer to provide additional sewer
capacity and relief for the existing lines, and to
enable the City to provide for ultimate sewage
conveyance needs for the developing North City
communities of Los Penasquitos, Del Mar, Mira Mesa,
Miramar, University City, City of Poway, and the
coastal communities in the City of San Diego;

Declaring that the Rose Canyon Trunk Sewer will require
the acquisition of permanent sewer easements, temporary
construction easements, and temporary access easements
over, under along and across portions of real property
located in Pueblo Lot 1307 of the Pueblo Lands, and

that the public interest, convenience and necessity demand the acquisitions;

Declaring the intention of the City to acquire the easements under eminent domain proceedings;

Directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California for the purpose of condemning and acquiring the easements.

NOTE: Six votes required for Subitem A.

Subitem-B: (R-94-754) ADOPTED AS RESOLUTION R-283181

Authorizing the transfer of an amount not to exceed \$134,000 within Sewer Revenue Fund 41506 from Annual Allocation - Sewer Main Replacement, CIP-44-001.0 to Rose Canyon Trunk Sewer, CIP-46-111.0;

Authorizing the expenditure of an amount not to exceed \$300,000 from Sewer Revenue Fund 41506, Org. 281, Object Account 4639, Job Order 171189 (CIP-46-111.0, Rose Canyon Trunk Sewer) for costs related to condemnation of sewer easements in connection with the Rose Canyon Trunk Sewer.

Subitem-C: (R-94-786) ADOPTED AS RESOLUTION R-283182

Stating for the record that the City Council has reviewed the information contained in the final Environmental Impact Report DEP-89-0876, including any comments received during the public review process, in connection with the Rose Canyon Trunk Sewer condemnation;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement changes to the project in order to mitigate or avoid significant effects on the environment.

Aud. Cert. 9301126.

WU-PR-93-130.

FILE LOCATION: WATER-Rose Canyon Trunk Sewer-
Condemnation

COUNCIL ACTION: (Tape location: B070-084.)

Hearing began 10:54 a.m. and halted 10:55 a.m.

MOTION BY STALLINGS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-S501:

SUBJECT: Two actions related to approval of a Marina Planned District Ordinance Amendment for the Brickyard.

(Continued from the meeting of November 30, 1993, Item 332, at the City Manager's request, due to noticing requirements.)

(See Centre City Development Corporation Report dated 11/12/93. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution, subject to the Redevelopment Agency's approval of The Brickyard:

Subitem-A: (O-94-49) INTRODUCED, TO BE ADOPTED
JANUARY 3, 1994

Introduction of an Ordinance amending Chapter X, Article 3, Division 20, of the San Diego Municipal Code by amending Section 103.2011 relating to the Marina Planned District Ordinance.

Subitem-B: (R-94-796) ADOPTED AS RESOLUTION R-283183

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Development Project and the Secondary Study with respect to a proposed amendment to the land use mix ratio for the Marina Planned District Ordinance for The Brickyard, a mixed-use commercial/residential project located in the Marina Sub Area of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of December 7, 1993 for a companion item.

FILE LOCATION: LAND-Marina Planned District Ordinance

COUNCIL ACTION: (Tape location: B070-084.)

Hearing began 10:54 a.m. and halted 10:55 a.m.

MOTION BY STALLINGS TO INTRODUCE SUBITEM-A AND ADOPT SUBITEM-B. Second by Vargas. Passed by the following vote: Mathis-yea, Roberts-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-CS-1: (R-94-930) ADOPTED AS RESOLUTION R-283184

A Resolution adopted by the City Council in Closed Session on Tuesday, December 7, 1993:

Authorizing the City Manager to pay the total sum of \$350,000 in settlement of each and every claim against the City, its agents and employees arising from Ruki L. Kelley, et al v. City of San Diego. Authorizing the City Auditor and Comptroller to issue one check payable to Ruki L. Kelley, individually and as parent and natural guardian of R. J. Kelley, Devin F. Kelley , and Rafi H. Kelley, minors and the estate of John J. Kelley and their attorneys of record Luce, Forward, Hamilton & Scripps. A.C. 9400613.

FILE LOCATION: MEET

ITEM-CS-2: (R-94-0907) ADOPTED AS RESOLUTION R-283185

A Resolution adopted by the City Council in Closed Session on Tuesday, December 7, 1993:

Authorizing the City Manager to pay the total sum of \$143,966.63 in settlement of each and every claim against the City, its agents and employees resulting from the property damage claim of Barbara Nolan. authorizing the City Auditor and Comptroller to issue one check not to exceed \$143,966.63 made payable to Luth and Turley, Inc. A.C. 9400584.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None .

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Stevens at 11:48
a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C345.)