

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 20, 1994
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 10:14 a.m. Mayor Golding recessed the meeting at 10:27 a.m. to convene the Housing Authority. The meeting was reconvened by Mayor Golding at 10:29 a.m. with Council Member Vargas not present. Mayor Golding adjourned the meeting at 12:07 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-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-Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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

PUBLIC COMMENT:

ITEM-PC-4:

Comment by Reverend Joel Trout regarding the usage of land on the I-15 Corridor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A024-065.)

ITEM-PC-5:

Comment by Don Stillwell regarding the General Agreement on Tariffs and Trade (GATT).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-090.)

ITEM-PC-6:

Comment by Beverly Wyer regarding City Benefits for domestic partners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A092-117.)

ITEM-PC-7:

Comment by Carol Bennett requesting the City Council to reconsider the item adopted on September 19, 1994 which approved City health benefits for domestic partners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A118-147.)

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Street Vacation - "F" Street between 34th Street and Sunrise Street. (District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-297) ADOPTED AS RESOLUTION R-284655

Vacating "F" Street, between 34th Street and Sunrise Street, under the procedure for the summary vacation of streets.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation has been requested by SDG&E in order to expand their service yard operation area. The applicant proposes to use the area-of-vacation for utility equipment storage purposes. The subject vacation is situated in the M-1-Zone. The area-of-vacation total is approximately 7,362 square feet. Should any future development proposal be made for this vacation area, it will be screened for appropriate City permits at that time. The Planning Department and the Southeast San Diego Development Committee have no objections to the vacation. The area-of-vacation is unimproved. The right-of-way is not required for access or traffic circulation, since all adjacent parcels are served by the existing street system.

FINDINGS:

Staff review has indicated that the vacation is consistent with the General Plan, the adopted Community Plan, and Council Policy 600-15 and may be summarily vacated. The excess right-of-way is not required for present or prospective public use, and the facilities for which it was originally acquired will not be detrimentally affected. The public will benefit from this vacation through improved utilization of the land and relieving the City of maintenance and liability responsibilities.

FILE LOCATION: DEED F-6371; STRT J-2809 DEEDFY95-1

COUNCIL ACTION: (Tape location: A148-158.)

Hearing began at 10:24 a.m. and halted at 10:25 a.m.

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

ITEM-331:

SUBJECT: Vacating a Westerly Excess Portion of Gilman Drive, South of Villa La Jolla Drive. (La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-333) ADOPTED AS RESOLUTION R-284656

Vacating a westerly portion of Gilman Drive south of Villa La Jolla Drive, under the procedure for the summary vacation of streets;

Declaring that this resolution shall not become effective unless and until the following conditions have been met: 1) Consummation of a land sale for the segment of the vacated right-of-way to be acquired and 2) Approval and recordation of a consolidation parcel map in a manner satisfactory to the City Engineer.

In the event the above conditions are not completed within 18 months following the adoption of this resolution, then this resolution shall become void and of no further force or effect; Directing the City Engineer to advise the City Clerk of the completion of the above conditions.

CITY MANAGER SUPPORTING INFORMATION:

The proposed vacation has been requested by the applicant to accommodate existing improvements that include a swimming pool, deck, and patio, located within the right-of-way. The applicant purchased the existing residence without knowledge of the encroachments. Permits for the construction were issued in 1979.

Since the right-of-way is owned in fee by the City, consummation of a land sale is required. The area-of-vacation is located in the La Jolla Community Plan Area and is situated in a TR.1 Zone. The area-of-vacation totals 3.146 acres. The La Jolla Shores Association and City staff have no objections to the vacation. The Planning Commission recommended approval of this vacation on October 24, 1991, by a 5-0 vote. The area-of-vacation is unimproved excess right-of-way which was relinquished in fee to the City by Caltrans in 1960. The vacation area consists of steep slopes, which preclude development for street purposes. The right-of-way does not contain either public franchise facilities. A ten-foot curb-to-property-line distance will remain along the improved segment of Gilman Drive. A land sale is required and is a companion item. The land sale will transfer ownership of 0.325 acres of the 3.146 acres to the applicant. The remaining area will be designated as open space owned in fee by the City. In addition, a consolidation parcel map is required to consolidate the applicant's property with the land sale portion. Staff review has indicated that the vacation of the excess right-of-way may be summarily vacated, subject to the previously stated conditions. The finding for vacation can be made in that the vacation is consistent with the General Plan and Community Plan, the right-of-way is not required for present or prospective public use, the facilities for which the right-of-way was acquired will not be detrimentally affected, and the public will benefit through the improved utilization of the land and returning a portion of it back on the tax roll.

NOTE: See Item 332 for a companion item.

FILE LOCATION: DEED F-6372; STRT J-2808 DEEDFY95-1

COUNCIL ACTION: (Tape location: A148-158.)

Hearing began at 10:24 a.m. and halted at 10:25 a.m.

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

ITEM-332:

SUBJECT: Exclusive Sale of a Portion of City-Owned Site 654.
(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-337) ADOPTED AS RESOLUTION R-284657

Authorizing the sale by negotiation of a portion of the east half of Pueblo Lot 1296, known as Site 654, for the sum of \$71,000 to Alan R. Viterbi and Caryn R. Viterbi;

Authorizing the execution of a grant deed, granting to Alan R. Viterbi and Caryn R. Viterbi the property; Determining that no broker's commission shall be paid by the City on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

This proposed sale is to resolve the problem of a swimming pool and deck encroaching on a small portion of City-owned Site 654. The encroachments were built by a previous owner of a residence on Bremerton Place in La Jolla. The current owners, Alan and Caryn Viterbi, brought the problem to the attention of City staff. Site 654, which has been designated by the City Council as open space, is unimproved Gilman Drive right-of-way and is mostly steep slopes.

The proposed sale area is 0.33 acre, of which 0.08 acre is improved with the swimming pool and deck. The remainder of the 0.33 acre is steep slopes over which the City is reserving an open space easement. The open space easement requires the homeowner to maintain the slopes but prohibits any development. Park and Recreation prefers that the homeowner buy the slope area to relieve the City of the maintenance obligation. The sales price of \$71,000 was determined by independent fee appraisal and reviewed by City staff. The proposed sale has been approved by the Park and Recreation Department and Park and Recreation Board. Since the sale parcel is excess street right-of-way, a proposed street vacation is being processed to the City Council as a separate but concurrent action.

NOTE: See Item 331 for a companion item.

FILE LOCATION: DEED F-6373 DEEDFY95-1

COUNCIL ACTION: (Tape location: A148-158.)

Hearing began at 10:24 a.m. and halted at 10:25 a.m.

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

ITEM-333:

SUBJECT: Adoption of a Precise Plan for Carmel Valley Neighborhood 10; amendments to the Carmel Valley Community Plan, Progress Guide and General Plan and Local Coastal Program; an amendment to the Carmel Valley Planned District Ordinance to rezone the Precise Plan Area; and Vesting Tentative Subdivision Maps (Parkview East & West), Resource Protection Ordinance Permits and Carmel Valley Planned District Development Permits Nos. 91-0834 and 93-0141. (VTM/RPO/CVPDDP-91-0834 & 93-0141. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and C; Introduce Subitem B; and adopt Subitems D, E, F, and G to approve the permits and maps:

Subitem-A: (R-95-338) ADOPTED AS RESOLUTION R-284658

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-91-0834 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 and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-95-18) INTRODUCED, TO BE ADOPTED OCTOBER 3, 1994

Introduction of an Ordinance amending the Carmel Valley Planned District Development Ordinance to rezone the property for cases 91-0834 and 93-0141.

Subitem-C: (R-95-339) ADOPTED AS AMENDED AS RESOLUTION R-284659

Adoption of a Resolution adopting the Carmel Valley Neighborhood 10 Precise Plan and amendments to the Progress Guide and General Plan, the Carmel Valley Community Plan and the Local Coastal Program.

Subitem-D: (R-95-549) PERMITS GRANTED, ADOPTED AS RESOLUTION R-284660

Adoption of a Resolution granting or denying the RPO/CVPDD permits 91-0834, with appropriate findings to support Council action.

Subitem-E: (R-95-550 Cor.Copy) MAP GRANTED, ADOPTED AS RESOLUTION R-284661

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map VTSM-91-0834, with appropriate findings to support Council action.

Subitem-F: (R-95-551 Cor.Copy) PERMITS GRANTED, ADOPTED AS RESOLUTION R-284662

Adoption of a Resolution granting or denying the RPO/CVPDD permits 93-0141, with appropriate findings to support Council action.

Subitem-G: (R-95-552 Cor.Copy) MAP GRANTED, ADOPTED AS AMENDED AS RESOLUTION R-284663

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map VTSM-93-0141, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

1. A precise plan for the Neighborhood 10 portion of the Carmel Valley Community, which proposes the development of 806 acres with approximately 1,409 dwelling units, a four-acre neighborhood shopping center, a neighborhood park, an elementary school and 414 acres of undisturbed open space;
2. An amendment to the Local Coastal Program, Progress Guide

& General Plan and to the Carmel Valley Community Plan to match the proposed Neighborhood 10 Precise Plan;

3. An amendment to the Carmel Valley Planned District Ordinance to rezone properties in the Neighborhood 10 area;

4. A 630-lot Vesting Tentative Subdivision Map (Carmel Valley Neighborhood 10) No. 91-0834, Resource Protection Ordinance Permit and Carmel Valley Planned District Development Permit to develop approximately 574 single-family homes, 123 attached residences, an elementary school, a park and neighborhood commercial center on a 382-acre portion of Neighborhood 10;

5. A 212-lot Vesting Tentative Subdivision Map (Carmel Valley Neighborhood 10 Annex) No. 93-0141, Resource Protection Ordinance Permit and Carmel Valley Planned District Development Permit to develop approximately 198 single-family homes on a 69.5-acre portion of Neighborhood 10.

LEGAL DESCRIPTION:

The subject property is located in the southeastern portion of the Carmel Valley Community Planning Area, approximately one mile east of I-5; between Carmel Valley Road (proposed SR-56 freeway) and the Los Pegasquitos Canyon Preserve, and is described as portions of Section 28 and 29, Township 14 South, Range 3 West, SBM.

FILE LOCATION: Subitems A & C: LAND - Carmel Valley Neighborhood 10 Precise Plan; Subitem B: NONE; Subitem D: PERM - RPO/CVPDD-91-0834; Subitem E: SUBD - Carmel Valley Neighborhood 10; Subitem F: PERM - RPO/CVPDD-93-0141; Subitem G: SUBD - Carmel Valley Neighborhood 10 Annex

COUNCIL ACTION: (Tape location: A159-165; A174-C337.)

Hearing began at 10:26 a.m. and recessed at 10:27 a.m.

Hearing resumed at 10:29 a.m. and halted at 12:06 p.m.

Council Member Vargas entered at 11:08 a.m. Testimony in

opposition by Pete Katz, Samuel Blick, Opal Trueblood, James Pieri, Lillian Justice and Zisis Basdakis. Testimony in favor by Jan Fuchs, Ann Harvey, Mike Madigan, Doug Boyd, Mike Leach and Rebecca Michael.

MOTION BY MATHIS TO ADOPT SUBITEM A AND SUBITEMS C THROUGH G AND INTRODUCE SUBITEM B, ACCEPTING THE CITY MANAGER'S RECOMMENDATIONS NUMBERED ONE THROUGH FIVE IN THE REPORT DATED SEPTEMBER 13, 1994 AND READ INTO THE RECORD AS FOLLOWS: 1) CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 91-0834, ADOPT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPT THE MITIGATION MONITORING AND REPORT PROGRAM; 2) ADOPT THE CARMEL VALLEY NEIGHBORHOOD 10 PRECISE PLAN, INCLUDING RECOMMENDATIONS OF THE PLANNING COMMISSION; 3) ADOPT THE ASSOCIATED AMENDMENTS TO THE PROGRESS GUIDE AND GENERAL PLAN, CARMEL VALLEY COMMUNITY PLAN AND LOCAL COASTAL PROGRAM; 4) ADOPT AN AMENDMENT TO THE CARMEL VALLEY PLANNED DISTRICT ORDINANCE REZONING THE PRECISE PLAN AREA; AND 5) APPROVE VESTING TENTATIVE MAP, RESOURCE PROTECTION ORDINANCE PERMIT AND CARMEL VALLEY PLANNED DISTRICT DEVELOPMENT PERMIT NOS. 91-0834 AND 93-0141, SUBJECT TO CONDITIONS. DIRECT THE CITY MANAGER TO ADD THE FOLLOWING ADDITIONAL CONDITIONS: A) RETAIN THE A-1-10 DESIGNATION FOR MR. BASDAKIS' PROPERTY AND THE SHAW PROPERTY; B) RETAIN THE A-1-10 DESIGNATION FOR THE DISPUTED PARCEL AND REVIEW AGAIN FOR FURTHER RESOLUTION ONCE THE DISPUTES HAVE BEEN RESOLVED; C) DEFER ANY DECISION ON THE FBA AND INCORPORATE, AS A PROPOSAL FOR THE PLAN UPDATE, THE BRIDGES AND CULVERTS SINCE THEY ARE ACKNOWLEDGED TO BE A REASONABLE BENEFIT AND SHOULD BE LOOKED AT AS PART OF THE FBA UPDATE; AND D) AS PART OF THE UPDATE PROCESS THE APPLICANT IS REQUESTED TO RETURN TO THE COMMUNITY AND CONTINUE TO WORK OUT THE ADDITIONAL ISSUES OF THE WATER LINES AND THE ROAD PORTIONS AS TO WHETHER OR NOT THEY SHOULD BE INCLUDED IN THE PLAN UPDATE PROCESS. AS PART OF THIS PROCESS, THE CITY MANAGER IS DIRECTED TO FURTHER ANALYZE THOSE PARTICULAR ISSUES SO THAT STAFF CAN BE PREPARED TO ADDRESS THE ADDITIONS OF THE ROAD PORTIONS, WATER LINES AND OTHER PUBLIC FACILITIES PROPOSED BY THE APPLICANT AND RETURN TO COUNCIL AS PART OF THE 1995 FBA UPDATE PROCESS. IN THE EVENT THAT IT IS DECIDED BY THIS COUNCIL TO INCORPORATE THE ADDITIONAL ISSUES WITHIN THE FBA AND IT RESULTS IN AN INCREASE OF FBA FEES, THE APPLICANT HAS AGREED TO PAY THE INCREASED FEES. E) ACCEPT MAYOR GOLDING'S RECOMMENDATION THAT POTENTIAL FUNDING THROUGH MSCP TO CREATE WILDLIFE QUARTERS SHOULD ALSO BE CONSIDERED WHEN THIS ITEM COMES BACK DURING THE FBA UPDATE PROCESS; F) ACCEPT STAFF'S ADDITIONAL

CONDITION TO THE ANNE MAP, TENTATIVE MAP 93-0141, AND READ INTO THE RECORD AS FOLLOWS: "PRIOR TO ISSUANCE OF GRADING PERMITS AND/OR STREET IMPROVEMENTS A WILDLIFE BRIDGE WITH A MINIMUM SPAN OF 90 FEET AND A MINIMUM HEIGHT CLEARANCE OF 20 FEET SHALL BE INCLUDED AS A PART OF THE STREET IMPROVEMENTS OF THIS MAP TO THE SATISFACTION OF THE CITY ENGINEER AND THE DEVELOPMENT SERVICES DIRECTOR. THIS BRIDGE IS TO BE LOCATED NORTHEAST OF THE INTERSECTION OF CARMEL MOUNTAIN ROAD AND STREET A IN THE SOUTHWEST PORTION OF THE PROJECT SITE"; G) ACCEPT STAFF'S RECOMMENDATION TO AMEND THE MAP TO PROVIDE FOR A STREET RESERVATION FROM THE EAST SIDE OF THE PARDEE PROPERTY THAT WOULD CONNECT TO THE EAST PROPERTY LINE OF THE CARMEL OAKS SIDE SO THAT THEY WOULD BE ASSURED OF SOME ACCESS THROUGH NEIGHBORHOOD 10; H) EVALUATE WAYS IN WHICH TO MAKE THE CULVERT STRUCTURES A MORE INVITING PASSAGE FOR WILDLIFE; I) INCLUDE LANGUAGE IN THE PRECISE PLAN SPECIFYING THE LOCATION OF THE DEVELOPMENT OF THE BASDAKIS PROPERTY AS BEING IN THE SOUTHWESTERLY PORTION. 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-yea.

ITEM-CS-1: (R-95-304) ADOPTED AS RESOLUTION R-284664

A Resolution adopted by the City Council in Closed Session on September 20, 1994:

Authorizing the City Manager to pay the sum of \$57,657 in the settlement of each and every claim against the City of San Diego, its agents and employees resulting from property damage to Reinhold Metzger; authorizing the City Auditor and Comptroller to issue one check in the amount of \$57,657 made payable to Reinhold Metzger, to be paid out of the Public Liability Claims Fund 81140.

Aud. Cert. 9500206

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:07 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C338.)