

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, DECEMBER 5, 1995  
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. Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency Meeting simultaneously with the regular meeting at 10:18 a.m. The meeting was recessed by Mayor Golding at 12:01 p.m.

The meeting was reconvened by Mayor Golding at 2:15 p.m. with all Council Members present. City Manager Jack McGrory announced Assistant Manager Maureen Stapleton would be departing to become General Manager of the County Water Authority. Mr. McGrory recognized Ms. Stapleton's tremendous contributions to the Organization and the Community, and thanked her on behalf of the City Staff for all her years of service to the City. Mayor Golding also thanked Ms. Stapleton and congratulated her on her new position. Mayor Golding recognized and welcomed a small group of foreign military officers from Bahrain and Honduras who were attending the International Surface Warfare School in Coronado. The officers were accompanied by Lieutenant De Santis and Chief Ragsdale from the Navy Amphibious Base in Coronado.

Mayor Golding adjourned the meeting at 4:30 p.m. into Closed Session to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-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 (ms/pr)

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-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-1:

Comment by Ronald Snyder, representing VOSA, Voice of Symphony Audience, regarding the San Diego Symphony Orchestra and how it is on the verge of financial collapse. He urged the Mayor and Council to take action to provide immediate relief to the symphony.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A013-042.)

ITEM-PC-2:

Comment by Don Stillwell regarding taxing for the libraries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A042-055.)

ITEM-PC-3: REFERRED TO CITY MANAGER

Comment by Arlene Van de Wetering regarding Mission Hills Phase II Project of \$3,110,000.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A055-082.)

ITEM-PC-4:

Comment by Warren Nielsen regarding reconsideration of the downtown library location.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-107.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wear welcomed students from the Associated Student Body of Washington Elementary School and their Principal, Dr. Fernandez.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A108-115.)

ITEM-330:

SUBJECT: Proposed amendment to the San Diego Municipal Code Section 101.0510(c)(1)(n) regarding lodges and lodging

facilities in the Future Urbanizing Area.

(Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and introduce Subitem B:

Subitem-A: (R-96-637 Corr.1/4/96) ADOPTED AS  
RESOLUTION R-286736

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-95-0632, Addendum to EIR-91-0809 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-96-84) INTRODUCED AS AMENDED, TO BE  
ADOPTED JANUARY 8, 1996

Introduction of an Ordinance amending the San Diego Municipal Code Section 101.0510(c)(1)(n).

SUPPORTING INFORMATION:

On October 11, 1995, the City's Land Use and Housing Committee (LU&H) directed City staff to process a variety of actions associated with the "conceptual alternatives" land use document proposed for the Subarea V Specific Plan in the North City Future Urbanizing Area, including a recommendation to adopt the proposed amendment to the Zoning Ordinance to allow non-profit lodges and lodging facilities within the NCFUA, pursuant to discretionary approval of a Conditional Use Permit.

ADDITIONAL BUSINESS: (R-96-722) ADOPTED AS RESOLUTION R-286762

During consideration of the above item, a resolution was adopted to expressly state that the City Council accepts the agreement of the applicants, Black Mountain Ranch and Westshaw Associates, not to process conditional use permit applications pursuant to the above referenced amendments to the Municipal Code until after the March 1996 election.

FILE LOCATION: Subitem A: MEET; Subitem B: NONE  
Add. Bus.: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A220-C120.)

Hearing began at 10:26 a.m. and halted at 11:44 a.m. Testimony in opposition by Roy Collins, Sylvia Hampton, Norma Sullivan, Craig Adams, David Kreitzer, Lisa Ross, and Jay Powell. Testimony in favor by Tom DiBenedetto, Remington Jackson, David Nielsen, and Allen Haynie. MOTION BY MATHIS TO APPROVE THE MANAGER'S RECOMMENDATIONS TO CERTIFY THE ADDENDUM TO THE EIR, INTRODUCE THE PROPOSED AMENDMENT TO SECTION 101.0510 C.1.n AND STATE FOR THE RECORD THAT APPROVAL OF THE PROPOSED AMENDMENT IS REQUIRED TO FACILITATE TIMELY ACTION BY THE CITY IN ACCORDANCE WITH STATE LAW. STATE FOR THE RECORD THE AGREEMENT OF THE APPLICANTS, WESTSHAW ASSOCIATES AND BLACK MOUNTAIN RANCH, NOT TO PROCESS A CUP APPLICATION UNDER THIS AMENDED ZONING ORDINANCE UNTIL AFTER THE BALLOT MEASURE, WHICH IS ITEM #331 ON TODAY'S DOCKET, IS APPROVED OR DENIED BY THE ELECTORATE, AND I MAKE THAT A CONDITION AS PART OF THIS MOTION. THAT WOULD BE AFTER THE ELECTION. FURTHER, IF THE BALLOT MEASURE IS APPROVED BY THE VOTERS, WESTSHAW ASSOCIATES AND BLACK MOUNTAIN RANCH WILL SUBMIT ANY CUP APPLICATIONS IN CONFORMANCE WITH THE TERMS OF THE BALLOT MEASURE. THEY ARE REQUIRED TO GO FORWARD AS APPROVED BY THE BALLOT MEASURE. DIRECT STAFF TO COMPLETE ALL NECESSARY ENVIRONMENTAL REVIEW AND BRING BACK LANGUAGE FOR ADOPTION BY THIS CITY COUNCIL ON JANUARY 8, 1996, THAT WOULD FURTHER AMEND SECTION 101.0510 C.1.n AND PROVIDE THE BLACK MOUNTAIN RANCH PROJECT WITH THE SAME OPPORTUNITY AS THAT OF THE BOUGAINVILLEA PROJECT TO PURSUE OBTAINING A CUP FOR A NONPROFIT LODGE. IF THE BALLOT MEASURE FAILS AND THE APPLICANT FEELS COMPELLED TO COME BACK IN ACCORDANCE WITH THE PROVISIONS OF ITEM 300, THAT IT WILL NATURALLY BE TO GO THROUGH A COMPLETE PUBLIC HEARING PROCESS IN WHICH ALL PARTIES WILL HAVE ADEQUATE OPPORTUNITY TO GIVE TESTIMONY, MAKE PRESENTATIONS, AND OTHERWISE BRING BEFORE THE PUBLIC THE QUESTION OF WHETHER THAT SHOULD BE APPROVED. MAYOR GOLDING ADDED, AND COUNCIL MEMBER MATHIS ACCEPTED AS PART OF THE MOTION, THAT THE PROCESSING OF THE CONDITIONAL USE PERMIT UNDER THE PROPOSED AMENDMENT TO THE MUNICIPAL CODE REGARDING LODGES AND LODGING FACILITIES WITHIN THE NCFUA WOULD NOT BE ALLOWED TO PROCEED UNTIL MARCH 27, 1996 AND THAT ALL RIGHTS FOR THE PROCESSING OF LODGES AND LODGING FACILITIES IN THE NCFUA WOULD BE RELINQUISHED UPON APPROVAL OF THE BALLOT MEASURE AND AN APPROVED CUP FOR

THE HOTEL. IF IT PASSES, THEY RELINQUISH THE RIGHTS TO PROCESSING FOR THE HOTEL AS STIPULATED. NOTE THAT IT NEEDS TO BE VERY CLEAR THAT THERE ARE ONLY TWO PROJECTS, THESE TWO, THAT ARE PROVIDED FOR IN THE FRAMEWORK OF THE PLAN. THERE ARE NO OTHERS THAT THIS BALLOT MEASURE WOULD AFFECT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Approving for the March '96 Ballot an Amendment to the General Plan and Creating Funding Mechanisms for the Acquisition of Open Space Through CUPs for Specific Hotel Uses with Limited Accessory Commercial Uses in Subareas IA and 5 of the North City Future Urbanizing Area.

MAYOR GOLDING'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-96-93 Corr. 1/9/96) INTRODUCED AND ADOPTED AS ORDINANCE  
O-18239 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election to be held on March 26, 1996, one proposition amending the City's Progress Guide and General Plan within Subareas IA and V of the North City Future Urbanizing Area Framework Plan to authorize the City Council to consider issuance of a Conditional Use Permit for a hotel in each of the two areas.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A220-C120; D020-E420.)

MOTION BY MATHIS TO ADOPT AND STATE FOR THE RECORD THAT IF THE BALLOT MEASURE IS APPROVED BY THE VOTERS, WESTSHAW ASSOCIATES AND BLACK MOUNTAIN RANCH WILL SUBMIT ANY CUP APPLICATIONS IN CONFORMANCE WITH THE TERMS OF THE BALLOT MEASURE. THEY ARE REQUIRED TO GO FORWARD AS APPROVED BY THE BALLOT MEASURE. MAYOR GOLDING ADDED, AND COUNCIL MEMBER

MATHIS ACCEPTED AS PART OF THE MOTION, THAT THE PROCESSING OF THE CONDITIONAL USE PERMIT UNDER THE PROPOSED AMENDMENT TO THE MUNICIPAL CODE REGARDING LODGES AND LODGING FACILITIES WITHIN THE NCFUA WOULD NOT BE ALLOWED TO PROCEED UNTIL MARCH 27, 1996 AND THAT ALL RIGHTS FOR THE PROCESSING OF LODGES AND LODGING FACILITIES IN THE NCFUA WOULD BE RELINQUISHED UPON APPROVAL OF THE BALLOT MEASURE AND AN APPROVED CUP FOR THE HOTEL. IF IT PASSES, THEY RELINQUISH THE RIGHTS TO PROCESSING FOR THE HOTEL AS STIPULATED. NOTE THAT IT NEEDS TO BE VERY CLEAR THAT THERE ARE ONLY TWO PROJECTS, THESE TWO, THAT ARE PROVIDED FOR IN THE FRAMEWORK OF THE PLAN. THERE ARE NO OTHERS THAT THIS BALLOT MEASURE WOULD AFFECT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea. MOTION BY WARDEN TO DIRECT COUNCIL MEMBER MATHIS AND COUNCIL MEMBER WEAR TO FORM A SUBCOMMITTEE TO DRAFT IN FAVOR BALLOT LANGUAGE, WORK ON SIGNATORIES, AND COME BACK TO COUNCIL JANUARY 8, 1996. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Consider a mapping error and amendments to the City of San Diego's Progress Guide and General Plan to change the phased development designation of four areas in the City of San Diego.

(District-2.)

(Continued from the meetings of November 6, 1995, Item 558332, and November 20, 1995, Item 200; last continued at Councilmember Kehoe's request, to come back with ballot language.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution: (R-96-442) FAILED

Adoption of a Resolution amending the Progress Guide and General Plan. The Peninsula Community Planning Board supports the Manager's recommendation. It has

not made a recommendation on whether the other federal and Port District lands should be designated.

SUPPORTING INFORMATION:

Amending the Progress Guide and General Plan to change the designation of the Naval Training Center, Harbor Island, Lindbergh Field, and the Marine Corps Recruit Depot from Future Urbanizing area to Urbanized area. This project involves clarification of a mapping error that identifies the lands identified above as "Future Urbanizing" on the Phased Development Map contained in the City of San Diego's Progress Guide and General Plan.

FILE LOCATION: LAND-Progress Guide and General Plan, NTC #67  
(9)

COUNCIL ACTION: (Tape location: C120-345; D020-E420.)

Hearing began at 11:45 a.m. and recessed at 12:01 p.m. Testimony in opposition by Jay Powell and Craig Adams. Testimony in favor by Sylvia Hampton and Dave Kreitzer. Hearing resumed at 2:18 p.m. and halted at 3:34 p.m. Motion by Kehoe to find no mapping error in the Phased Development Map, and to look at the ballot initiative as stated in Item 333 to allow the voters to determine whether The Naval Training Center, Harbor Island, Lindbergh Field, and the Marine Corps Recruit Depot is Future Urbanizing or Urbanized. No second. MOTION BY WEAR TO APPROVE THE CITY MANAGER'S RECOMMENDATION. Second by Stevens. Failed by the following vote: Mathis-nay, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-nay.

ITEM-333:

SUBJECT: Four Alternate Propositions for the Special Municipal Election to be held on March 26, 1996.

TODAY'S ACTION IS:

Introduction and adoption of one of the following ordinances:

Subitem-A: (O-96-94a) FILED

(See copy of the Ordinance on blue paper)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election to be held on March 26, 1996, one proposition amending the City's Progress Guide and General Plan to redesignate the San Diego Naval Training Center from "Future Urbanizing" to "Urbanized."

Subitem-B: (O-96-94b) ADOPTED AS AMENDED AS  
ORDINANCE O-18241 (New Series)

(See copy of the Ordinance on ivory paper)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election to be held on March 26, 1996, one proposition amending the City's Progress Guide and General Plan to redesignate the San Diego Naval Training Center, The Marine Corp Recruit Depot, Lindbergh Field and Harbor Island from "Future Urbanizing" to "Urbanized."

Subitem-C: (O-96-94c) FILED

(See copy of the Ordinance on green paper)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election to be held on March 26, 1996, one proposition amending the City's Progress Guide and General Plan to change the designation of all Port and Military Land from "Future Urbanizing" to a "New Un-Designated Category."

Subitem-D: (O-96-94d) FILED

(See copy of the Ordinance on gold paper)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election to be held on March 26, 1996, one proposition to repeal the Guidelines for Future Development Section of the City's Progress Guide and General Plan, and direct the City Council to

continue the planning process to replace it with a Habitat Conservation Program which will maintain open space, guide Future Urban Growth Patterns and protect native habitat to ensure the survival of animal and plant species living in this region.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C120-345; D020-E420.)  
Trailed to 2:00 p.m.

MOTION BY STEVENS TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE FOR SUBITEM B AS AMENDED WITH THE FOLLOWING BALLOT LANGUAGE READ INTO THE RECORD BY ATTORNEY RICK DUVERNAY: "NOW, THEREFORE, THE PEOPLE OF THE CITY OF SAN DIEGO HEREBY AMEND THE GENERAL PLAN BY AMENDING THE OFFICIAL PHASED DEVELOPMENT MAP, ON FILE IN THE OFFICE OF THE CITY CLERK, ADOPTED AS PART OF THE GUIDELINES FOR FUTURE DEVELOPMENT SECTION IN THE GENERAL PLAN, TO MAKE THE MAP CONSISTENT WITH THE TEXT OF THE GENERAL PLAN BY CHANGING THE DESIGNATION OF THE NAVAL TRAINING CENTER SAN DIEGO, THE MARINE CORP RECRUIT DEPOT, LINDBERGH FIELD AND HARBOR ISLAND FROM FUTURE URBANIZING CATEGORY TO THE URBANIZED CATEGORY." Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea. MOTION BY WARDEN TO DIRECT COUNCIL MEMBER MATHIS AND COUNCIL MEMBER WEAR TO FORM A SUBCOMMITTEE TO DRAFT IN FAVOR BALLOT LANGUAGE, WORK ON SIGNATORIES, AND COME BACK TO COUNCIL JANUARY 8, 1996. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea. MOTION BY McCARTY TO FILE THE ORDINANCES FOR SUBITEM A, C, AND D WITH THE REFERRAL OF THE HABITAT CONSERVATION PROGRAM TO THE WORKING COMMITTEE ON MSCP FOR DISCUSSION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: This is the second of two public hearings regarding the annual assessments for the Webster/Federal Boulevard Landscape Maintenance District. Following public

testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Webster Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-96-349 Rev.1) ADOPTED AS RESOLUTION R-286737

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Webster/Federal Boulevard Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Landscape Maintenance District consists of landscaped medians in Federal Boulevard from Euclid Avenue to 47th Street. If the district is formed, construction of the landscaping improvements will be financed by the City as part of a street improvement project for Federal Boulevard (CIP-52-520.8). Property owners within the proposed district would pay for the annual maintenance of the landscaping on the basis of benefit. The Webster Community Council circulated a petition among the 560 property owners and also sent a letter on May 4, 1995 to all property owners asking whether or not they favored the proposed Landscape Maintenance District. In response to the Webster Community Council's efforts, property owners representing 38 percent of the assessable property have indicated their support for the district. Property owners representing 4 percent of the assessable property have indicated their opposition. The remaining property owners have not responded to the Community Council's requests for input. The Federal Boulevard Street Improvement Project will begin upon the approval of the maintenance district. After construction in the Spring of 1996, the landscaping improvements will be maintained by the contractor for approximately 90 days. No assessments will be levied for FY '96. The FY 1997 annual maintenance cost for the proposed landscaping improvements is estimated at approximately \$18,700. The estimated annual assessment is approximately \$19 per single family dwelling unit. The estimated annual assessment for multi-family units and condominiums is approximately \$13.30 per dwelling unit.

FILE LOCATION: STRT-M-375

COUNCIL ACTION: (Tape location: A115-218.)

Hearing began at 10:18 a.m. and halted at 10:26 a.m.  
CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Matter of Vesting Tentative Map (Fairbanks Highlands), Planned Residential Development Permit and Resource Protection Overlay Permit VTM/PRD/RPO-88-1041, and consideration of interim habitat loss findings on a vacant 391-acre site.

(Case-88-1041. District-1.)

(Continued from the meetings of August 6, 1990, Item 338; September 18, 1990, Item 342; September 25, 1990, Item S500; Trailed as Unfinished Business from the meeting of October 16, 1990, Item 343; continued from the meetings of October 30, 1990, Item 218; November 5, 1990, Item S406; and November 19, 1990, Item 206; Trailed as Unfinished Business from the meeting of November 26, 1990, Item S402; last continued from the meeting of 11/27/90, Item S402, for one year at Councilmember Roberts' request, for project evaluation.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and E and adopt Subitems B, C & D to approve the map and permits:

Subitem-A: (R-96-718) ADOPTED AS RESOLUTION R-286755

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-96-719) ADOPTED AS RESOLUTION R-286756 GRANTING THE PERMIT AS AMENDED Adoption of a Resolution granting or denying the PRD permit, with appropriate findings to support Council action.

Subitem-C: (R-96-719) ADOPTED AS RESOLUTION R-286756 GRANTING THE PERMIT AS AMENDED (Combined with Subitem-B)

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

Subitem-D: (R-96-720) ADOPTED AS RESOLUTION R-286758 GRANTING THE MAP Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-E: (R-96-721) ADOPTED AS RESOLUTION R-286759

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.

#### SUPPORTING INFORMATION:

Proposing a 96-lot subdivision of this site for each of the proposed residential development parcels, two open space lots, one private recreation lot and necessary public facilities to serve the site; and construction of 93 single-family detached residences (including site landscaping, brush management and off-street parking). 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).

#### ENGINEERING 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 93 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).

#### LEGAL DESCRIPTION:

The subject property is located generally north of Black Mountain Road and immediately west of the Pegasquitos Community in Zone A-1-10 (portions Hillside Review Overlay) and within the boundaries of the future urbanization areas 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.

FILE LOCATION:           SUBITEMS-A, B & C: PERM-PRD/RPO-88-1041  
                          SUBITEM-D: SUBD-Fairbanks Highlands   SUBITEM-  
                          E: DEED F-5411 STRT-J-2745   DEED FY96-1

COUNCIL ACTION:         (Tape location:   E456-F295.)

Hearing trailed to afternoon session. Hearing began at 3:32 p.m. and halted at 4:05 p.m. Testimony in favor by Alice Murphy, James Dawe and Wayne Hill. MOTION BY MATHIS TO APPROVE THE CITY MANAGER'S REPORT TO 1) CERTIFY THE ENVIRONMENTAL IMPACT REPORT, DEP NUMBER 88-1041 AND ADOPT FINDING AND STATEMENTS OF OVERRIDING CONSIDERATIONS. 2) APPROVE THE PLANNED RESIDENTIAL DEVELOPMENT AND RESOURCE PROTECTION OVERLAY ZONE PERMIT NO. 88-1041 SUBJECT TO CONDITIONS OF THE DRAFT PERMIT WHICH IS ATTACHMENT 5 TO THE MANAGER'S REPORT, AND ATTACH AN AMENDMENT TO DELETE THE PROHIBITION AGAINST THE GATES, WHICH IS ITEM NUMBER 27 THAT READS:

"PRIOR TO MAP RECORDATION THE ACCESS CONTROL GATES SHALL BE REMOVED FROM THE MAP AND ALL ASSOCIATED PLANS AND THE STREETS SHALL BE DEDICATED TO THE PUBLIC IN A DESIGN SATISFACTORY TO THE CITY ENGINEER." 3) APPROVE THE VESTING TENTATIVE MAP AND ASSOCIATED STREET VACATIONS NO. 88-1041 SUBJECT TO CONDITIONS IN THE DRAFT VTM RESOLUTIONS (ATTACHMENT 6) TO THE MANAGER'S REPORT. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: College Grove Towne Center Park and Ride Facility.

(See City Manager Report CMR-95-286. Mid-City Community Area. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-91) INTRODUCED, TO BE ADOPTED JANUARY 8, 1996

Introduction of an Ordinance approving the Acquisition Agreement between the City of San Diego and DP Partnership for Park and Ride facilities at the College Grove Shopping Center.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A115-218.)

CONSENT MOTION BY McCARTY TO INTRODUCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Convention Center Expansion - Phase III of Interim Agreement with Golden Turner.

(See City Manager Report CMR-95-279. Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Introduction and adoption of the following ordinance:

(O-96-95 Corr. Copy) INTRODUCED AND ADOPTED AS ORDINANCE  
O-18240 (New Series)

Amending Ordinance No. O-18193 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1995-96 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by amending Document No. OO-18193, as amended and adopted, by transferring and appropriating the sum of \$1,000,000 from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements, Fund 102242 to CIP-37-010.0, Convention Center Expansion Fund, Fund 102212;

Authorizing the transfer and appropriation of \$1,500,000 from the Industrial Development Fund, Fund 30248, for purposes of interim project funding for the Convention Center Expansion - Phase III of Interim Agreement with Golden Turner.  
Aud. Certs. 9600624 and 9600625.

NOTE: See Item 204A on the docket of 12/4/95 for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A115-218.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

Installation of Fire Sprinklers in the City Administration Building.

(Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-227 Cor. Copy) ADOPTED AS AMENDED AS RESOLUTION R-286760

Declaring that the City intends to take actions and allocate funds as necessary to allow for the City Administration Building to be brought into compliance with the requirements of San Diego Municipal Code Section 55.0310.0501 by January 1, 2000.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F298-596.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION AS AMENDED WITH THE COMMITMENT TO EITHER INSTALL SPRINKLERS IN THE CITY

ADMINISTRATION BUILDING, OR DEMOLISH THE BUILDING BY THE YEAR 2000. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339:

SUBJECT: Making Certain Findings for Expenditure of Funds for the Centre City East Street Lights.

(See memorandum from Centre City Development Corporation dated 11/14/95. Centre City Community Area. Districts-2 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-611) ADOPTED AS RESOLUTION R-286738

Making certain findings with respect to the payments for Centre City East Street Light Improvements, in the Centre City East Redevelopment District of the Centre City Redevelopment Plan.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A115-218.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Proposed Acquisition Loan Agreement with the Ecumenical Council of San Diego County to Provide Very-Low Income Housing to Persons Leaving Emergency and Transitional Housing - Implementation of Social Issues Strategy.

(See memorandum from Centre City Development Corporation dated 11/15/95. Mid-City Community Area.

District-3.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-624) ADOPTED AS RESOLUTION R-286739

Determining that the use of Funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to pay part of the cost of acquisition of Housing under an acquisition loan agreement to be negotiated between the Redevelopment Agency of the City of San Diego and Ecumenical Council of San Diego County, Inc., will be of benefit to the Horton Plaza Redevelopment Project.

FILE LOCATION: MEET CONT FY96-1

COUNCIL ACTION: (Tape location: A115-218.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341:

SUBJECT: Making Certain Findings for Expenditure of Funds for the Linear Park Extension - Fifth Avenue to Ninth Avenue.

(See Centre City Development Corporation's memorandum dated 11/14/95. Gaslamp Quarter Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-612) ADOPTED AS RESOLUTION R-286740

Making certain findings with respect to the payments for extension of the Linear Park Improvements, in the

Centre City East Redevelopment District of the Centre  
City Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A115-218.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-  
yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: Two actions related to the Mt. Abernathy Avenue (Balboa  
Avenue to Clairemont Mesa Boulevard) Underground  
Utility District.

(Clairemont Mesa Community Area. District-6.)

(Continued from the meeting of November 28, 1995, Item  
338, at Councilmember Stallings's request, for further  
review and clarification of her motion to support the  
establishment of the Mt. Abernathy Avenue Underground  
Utility District and authorize the expenditure of  
\$18,973 for this district to allow this project to go  
forward, if feasible and under the following  
conditions: Since this project falls directly on the  
sludgeline to the extent that the trenching causes  
dislocation of telephone poles, an equivalent  
contribution should be made by the Clean Water Program  
to mitigate the costs to the property owners. This  
approval should be conditioned on the ability of the  
City and SDG&E to coordinate the construction of both  
the sludgeline and this undergrounding project and the  
consensus of the property owners once their costs for  
this project has been determined.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-460) ADOPTED AS RESOLUTION R-286741

Establishing the Mt. Abernathy Avenue (Balboa Avenue to

Clairemont Mesa Boulevard) Underground Utility District.

Subitem-B: (R-96-461) ADOPTED AS RESOLUTION R-286742

Authorizing the expenditure of not to exceed \$18,973 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, TransP Fund 30303, for the purpose of administering the Underground Utility District, minor City force work, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Mt. Abernathy Avenue (Balboa Avenue to Clairemont Mesa Boulevard). This is a scheduled project in the calendar year 1996 Capital Improvements Program. The design is proposed to be complete by calendar year 1997, and construction is expected to be complete by calendar year 1998. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. 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 for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.  
Aud. Cert. 9600464.

FILE LOCATION: STRT-K-239

COUNCIL ACTION: (Tape location: A115-218.)

Hearing began at 10:18 a.m. and halted at 10:26 a.m.  
CONSENT MOTION BY McCARTY TO ADOPT. Second by Kehoe.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-

yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.1-19

ITEM-S501:

SUBJECT: Vacating an Excess Portion of Greenwich Drive South of  
Shoreham Place.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96- ) ADOPTED AS RESOLUTION R-286743

Vacating the excess portion of Greenwich Drive south of  
Shoreham Place, under the procedure for the summary vacation  
of streets;

Rescinding Resolution No. R-286621 adopted on November 27,  
1995.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owner has requested the subject vacation in conjunction with the development of the adjacent property. The vacation proposes the reduction of the length of the Greenwich Drive cul-de-sac by approximately 160 feet, as shown on DWG No. 27788-D. The total area of vacation is approximately 14,600 square feet. The street to be vacated is located in the University Community Plan Area and is situated within the MIP Zone. The development of this site is controlled by Manufacturing Industrial Park Permit MIP-87-0765 which was originally approved by the Planning Director on February 19, 1988. The currently proposed development differs from the approved permit. However, the new proposal was reviewed by City staff and deemed in substantial conformance with the approved permit and ministerially approved on August 14, 1995. The University City Community Planning Group reviewed this vacation on June 13, 1995 and recommended approval by a 15-0-1 vote. The area of vacation is fully improved with curb, gutter, sidewalk and full width paving. The cul-de-sac provides access only to the abutting owner and serves as a public turnaround. Right-of-way will be dedicated for the relocated cul-de-sac along with the

installation of new curb, gutter, sidewalk and pavement for which permits have been issued. The right-of-way proposed for vacation for the relocated cul-de-sac contains franchise utility facilities which are to be relocated at the applicant's expense and public utilities which are being provided with easements under separate documents. Staff's review of the vacation indicates that the required four findings of vacation can be made and recommends that the street be summarily vacated.

FILE LOCATION:                   STRT-J-2831; DEED F-6613   DEED FY96-1

COUNCIL ACTION:                (Tape location:   A115-218.)

Hearing began at 10:18 a.m. and halted at 10:26 a.m.  
CONSENT MOTION BY McCARTY TO ADOPT.   Second by Kehoe.  
Passed by the following vote:   Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:30 p.m.

FILE LOCATION:                MINUTES

COUNCIL ACTION:                (Tape location:   F596.)