

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 10, 1996
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 10:01 a.m. The regular meeting was recessed by Mayor Golding at 10:16 a.m. to convene the Redevelopment Agency and the Special Joint Meeting/Redevelopment Agency thereafter.

The meeting was reconvened by Mayor Golding at 10:19 a.m. with Council Member Wear not present. Mayor Golding adjourned the meeting at 11:39 a.m. into Closed Session in the twelfth floor conference room to discuss property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-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-present
- Clerk-Fishkin/Abdelnour (lh)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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

FILE LOCATION: NONE

CLOSED SESSION ACTION:

City Attorney John Kaheny announced that in Closed Session the City Council voted unanimously with Mayor Golding and Council Member Wear not present, to dismiss the appeal in the case of NOW v. City of San Diego, United States District Court Case No. 96-1114-B8.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Ronnie D. Lawson requesting Council's assistance in locating his wife.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A028-043.)

ITEM-PC-2:

Comments by Sky complimenting Council for protecting San Diego and keeping it a paradise. He also requested Council's assistance regarding a complaint that was routed to the Planning Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A044-071.)

ITEM-PC-3:

Comment by Anne Curo regarding sister cities. She stated that San Diego has several sister cities in several countries, in different parts of the world. She requested that San Diego adopt an ancient history city and suggested Sodom, as this city was remembered for its attitude.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A077-102.)

ITEM-PC-4:

Comments by Forrest Curo regarding winter shelter for the homeless. He suggested Council let one of the large charity organizations help, if Council is unable to do anything more.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A103-119.)

ITEM-PC-5:

Comments by Kim Joecken, Special Events Coordinator for the March of Dimes Birth Defects Foundation, and David Bieber, announcing the upcoming "Bikers for Babies" event which is scheduled for October 20, 1996.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A120-141.)

COUNCIL COMMENT:

None.

ITEM-310:

SUBJECT: Request by Ruth J. Schneider, Chairperson of the Otay Mesa-Nestor Planning Committee, for a hearing of an appeal from the decision of the Planning Commission regarding the Hearing Officer's approval of River Trail Coastal Development Permit CDP-94-0546.

(Due to a lack of affirmative votes by the Planning Commission, the decision of the Hearing Officer to certify the Environmental Report and approve the permit, is sustained.)

(Otay Mesa-Nestor Community Plan Area. District-8.)

TODAY'S ACTION IS:

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

SUPPORTING INFORMATION:

The Coastal Development Permit will allow the subdivision of a 10.5 acre parcel into 47 lots and the construction of 45 single family homes which was approved by the City Council on January 7, 1992 as part of Planned Infill Residential Permit Resource Protection Overlay Zone Permit/Tentative Map No. 87-1098.

LEGAL DESCRIPTION:

The subject 6.65 acre property is located on the west side of Hollister Street, south of Madreselva Street, and north of Sunset Avenue, in the R-1-5000 Zone, Floodplain Fringe Overlay Zone, FW Zone of the Otay Mesa-Nestor Community Plan area.

FILE LOCATION: PERM - CDP-94-0546

COUNCIL ACTION: (Tape location: A142-187.)

MOTION BY VARGAS TO GRANT THE HEARING OF THE APPEAL. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Homestead Villages Hotel Project: Proposal for a Conditional Use Permit (CUP), an Amendment to Planned Industrial Development Permit (PID-40-018.0) and Mission Valley Development Permit (MVP-95-0687), and amendments to the Mission Valley Community Plan, the Mission Valley Heights Specific Plan and the City's Progress Guide and General Plan to authorize the proposed commercial-visitor/hotel use of this site.

(CUP/PID/MVD/SPA/CPA/GPA-95-0687. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt subitems A and B; and adopt subitem C to grant the permits:

Subitem-A: (R-97-115) ADOPTED AS RESOLUTION R-287813

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-95-0687 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 and adopting appropriate findings of mitigation pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-97-116) ADOPTED AS RESOLUTION R-287814

Adoption of a Resolution amending the Mission Valley Heights Specific Plan, Mission Valley Community Plan and the Progress Guide and General Plan to redesignate land from Business/Industrial Park and Industrial Land

Use to Commercial-Visitor Use.

Subitem-C: (R-97-332) ADOPTED AS RESOLUTION R-287815

Adoption of a Resolution granting or denying the Mission Valley Development, Conditional Use and Planned Industrial Development Permit (Amendment) No. 95-0687 (Amendment to Planned Industrial Development Permit PID-40-018.0).

SUPPORTING INFORMATION:

The vacant 3.4-acre project site is located on the west side of Mission Valley Road, east of Highway 163, and approximately 170 feet south of Mission Valley Court within the Mission Valley Community Plan area. The property is subject to development regulations of the Mission Valley Heights Specific Plan, which presently designates the subject property for light-industrial development. The subject property is also subject to land use and development regulations of the adopted Mission Valley Community Plan.

The project proposes to construct a hotel and implement associated improvements on the subject site. The facility is intended to function as a "limited-service" lodging facility, designed to cater to business travelers with an average stay of one week. The hotel would consist of three detached, two-story structures consisting of a total of 140 rooms. The project also features site landscaping, surface parking facilities, an administrative center, a satellite dish antenna and coin operated laundry facilities for guest use only. Access to the site would be provided via a 30-foot-wide driveway from Mission Valley Road along the project frontage.

Total building coverage for the project (12 percent) complies with the maximum 50 percent allowed per the Mission Valley PDO. Additionally, the project design will comply with setback, driveway width, landscaping, parking, access and pedestrian circulation requirements of the Mission Valley PDO and the Mission Valley Heights Specific Plan in effect for this site. The project would provide a total of 140 off-street surface parking spaces, which is consistent with requirements of Mission Valley PDO. Approximately 75 percent of the site (2.55 acres) would need to be graded (3,000 cubic yards of balanced cut and fill) in order to accommodate the project design.

On July 25, 1996, the Planning Commission voted unanimously (5-0)

setback abandonment, demolition, and Mid-City Community Planned District Permit with variances to allow a proposed 47,525 square foot grocery store with underground parking to accommodate 152 vehicles, landscaping and improvements in the public right-of-way. (Uptown - Plan Area.)

(RZ/MCD/SA/VARIANCES-96-0113. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and D; adopt Subitem C to approve the permit; and introduce Subitem B:

Subitem-A: (R-97-113 REV. 1) ADOPTED AS RESOLUTION R-287816

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-96-0113 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 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-97-24) INTRODUCED, TO BE ADOPTED SEPTEMBER 30, 1996

Introduction of an Ordinance rezoning from the MR-1000 zone to the CN-2A zone.

Subitem-C: (R-97-322) ADOPTED AS RESOLUTION R-287817

Adoption of a Resolution granting the Mid-City Community Planned District permit, with appropriate findings to support Council action.

Subitem-D: (R-97-114) ADOPTED AS RESOLUTION R-287818

Adoption of a Resolution authorizing the vacation of a portion of an alley in Map 3788 and street reservation in Map 1023, provided for under Section 66499.20-1/2 of the State Map Act.

SUPPORTING INFORMATION:

The Von's Mid-City project is proposing to redevelop an existing 1.6 acre site, presently developed with a 21,050 square foot grocery store, with a new supermarket and below grade parking. The proposed project is located south of Washington Street, north of University Avenue and east of Dove Street in the Uptown Community Plan area. The project site is zoned CN-2A and MR-1000. The property is subject to the development regulations of the Mid-City Communities Planned District and the land use and development policies of the adopted Uptown Community Plan.

The project proposes a rezone of approximately 0.4 acres from multi-family residential MR-1000 to commercial node CN-2A. Staff review of the proposed rezone concluded that no adverse impacts would result to surrounding land uses and would be consistent with the community plan. If the rezone is approved, the proposed project will be consistent with the General Plan and the Uptown Community Plan.

The associated Mid-City Communities Planned District Permit proposes the demolition of the existing grocery store and construction of a supermarket of approximately 47,525 square feet, a below grade parking structure of approximately 57,995 square feet to accommodate 152 vehicles, landscaping and improvements in the public right-of-way. The project would also require a summary vacation of a portion of an alley and street reservation, a building setback abandonment per Map-3788 and a sewer easement exchange. The proposed project would require three variances to the Mid-City Communities Planned District. Municipal Code Section 103.1507C.6 requires a building wall to be located within six feet of the street frontage property line. Municipal Code Section 103.1507C.7 requires at least one pedestrian entry per 100 linear feet of street wall frontage or part thereof be provided from the street into or through the commercial use. Municipal Code Section 103.1511E.3 requires a minimum fifteen percent of each story's street wall to be transparent. Findings of hardship are not required to approve variance requests in the Mid-City Communities Planned District, however; the planned district does require the resulting project conform with the community plan and technical design manuals, would be compatible with the surrounding area and is not detrimental to public health, safety and welfare. The proposed project would comply with all of these and not be detrimental to public health, safety and welfare.

The Mid-City Communities Planned District requires a minimum of

35 percent building coverage, the project proposes 68 percent building coverage and complies with the planned district requirements. The floor area ratio for the project is 1.52 where 2.0 is allowed. Additionally, the project design, with the exception of the requested variances, would comply with setback, landscaping, parking, access and pedestrian circulation requirements of the Mid-City Communities Planned District. One hundred percent of the site would be graded, approximately 14,500 cubic yards of earthwork with export of 14,200 cubic yards.

On July 25, 1996, the Planning Commission voted unanimously (5:0:0) to recommend to City Council approval of the proposed development of this site as described by the application and conceptual drawings, subject to adherence by the applicant of conditions of approval as outlined in Mid-City Communities Planned District Permit MCD-96-0113. The Commission also recommended to City Council approval of the corresponding required actions and certification of Mitigated Negative Declaration DEP-96-0113 and adoption of the Mitigation Monitoring and Reporting Program.

LEGAL DESCRIPTION:

The project site is more particularly described as Lots 11-15, Block 1 according to Map-1023 within the Uptown Community Plan Area.

FILE LOCATION: SUBITEM A,C: PERM - MCPDP-96-0113;
 SUBITEM B: None; SUBITEM D: DEED
 F-6831/STRT - J-2851 DEEDFY97-1

COUNCIL ACTION: (Tape location: A219-275.)

Hearing began at 10:19 a.m. and halted at 10:23 a.m.

CONSENT MOTION BY KEHOE TO APPROVE THIS ITEM WITH A REQUEST THAT THE VON'S COMPANY PRESENT THEIR FINAL WORKING DRAWINGS TO UPTOWN PLANNERS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT; CLARIFY THAT THIS PROJECT IS IN THE UPTOWN PLANNING AREA, NOT MID-CITY PLANNING AREA; ACCEPT CHANGES REGARDING THE REVISED DRAFT MID-CITY COMMUNITY'S PLANNED DISTRICT PERMIT NO. 96-0113 AND REVISIONS TO THE ENVIRONMENTAL RESOLUTION AND MITIGATION MONITORING AND REPORTING PROGRAM AS STATED IN THE MEMO DATED SEPTEMBER 6, 1996, TO THE CITY CLERK FROM STAFF; AND RESTRICT HOURS OF DELIVERY ON SUNDAYS TO THE HOURS OF 9:00 A.M. TO 7:00 P.M. AS STATED IN MR. WEAR'S MEMO DATED SEPTEMBER 10, 1996. Second by Mathis.

Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Vacation of Streets and Alleys within the United States Navy Bayview Housing Complex.

(See City Manager Report CMR-96-155. Skyline/ Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-237) CONTINUED TO SEPTEMBER 17, 1996

Vacating multiple streets consisting of Alleghany Court, Bairoka Drive, Bataan Circle, Boxer Road, Chenango Place, Guadalcanal Road, Hornet Drive, Rendova Place, Saipan Drive, Wasp Drive and alleys, all located within Record of Survey Map 2398 (also known as the United States Navy Bayview Housing Complex), under the procedure for the summary vacation of streets;

Reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature;

Declaring that the easements reserved herein are in, under, over, upon, along and across the above-described portions of streets to be vacated and abandoned, and more particularly shown on Drawing No. 28165-1 through 9-D;

Declaring that the Resolution shall not become effective unless and until the conditions stated within the Resolution have been completed within two years; in the event the conditions are not completed within two years, then the 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 conditions.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A539-B362.)

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

Testimony in opposition by Burton Myers.

Testimony in favor by Andrea Marks.

MOTION BY MATHIS TO CONTINUE THIS ITEM TO SEPTEMBER 17, 1996, TO ALLOW THE PARTIES TO COME BACK WITH AN ALTERNATIVE PROPOSAL THAT ACCOMMODATES ALL PARTIES OR WITH A REASON WHY IT CANNOT BE DONE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Street Vacation of Burner Court and an excess portion of Sequence Drive, and approval of a consolidation/lot-line adjustment parcel map.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-231) ADOPTED AS RESOLUTION R-287819

Resolution vacating Burner Court and an excess portion of Sequence Drive in connection with the consolidation lot-line adjustment of Lots 1 through 9 of Lusk Mira Mesa Business Park East II Unit 2, Map-12685, pursuant to California Government Code Section 66499.20-1/2.

Subitem-B: (R-97-232) ADOPTED AS RESOLUTION R-287820

Resolution approving Parcel Map No. Work Order 960097 lot-line adjustment and consolidation for Lots 1

through 9 of Lusk Mira Mesa Business Park East II, Unit 2, Map-12685.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of Burner Court and an excess portion of Sequence Drive has been requested by the abutting property owner to facilitate development. The developer, The Allen Group, proposes the consolidation/lot-line adjustment of Lots 1 through 9 of Mira Mesa Business Park East II, Unit 2, Map-12685 along with the subject vacation areas, to create 6 parcels for future development. The areas of vacation are situated in the M-1-A and M-1-B zones and located in the Mira Mesa Community Plan Area. The areas of vacation total approximately 1.36 acres. The future development of the property is subject to the design guidelines of the Lusk Mira Mesa Business Park East as established under PID Permit PID-88-0499. The rights-of-way proposed for vacation are unimproved but have been secured by a performance bond through the subdivision process. It has been determined that Sequence Drive may be reduced in width. Sequence Drive would be reduced from an 84-foot width, 350 feet from its intersection with Mira Mesa Boulevard progressively transitioning to a 72-foot width then 58-foot width to match the configuration of Sequence Drive which was previously reduced in width through a similar vacation request, approved on August 6, 1996 by the City Council. Street parking is prohibited on Sequence Drive to accommodate required travel lane widths. The adjacent properties will provide sufficient off-street parking to serve their developments. Burner Court which is also proposed for vacation, would be consolidated with adjacent property for future development. A consolidation/lot line adjustment parcel map is required to prevent land locking of parcels and to adjust the existing lot lines. Staff review of the proposed street vacations has indicated that the required findings for vacation can be made and that the rights-of-way proposed for vacation may be vacated upon the approval and filing of a consolidation/lot-line adjustment parcel map.

FILE LOCATION: SUBITEM A: DEED F-6833/STRT - J-2852
 SUBITEM B: SUBD - Lots 1 through 9 of Lusk
 Mira Mesa Business Park East II, Unit 2, Map-
 12685 DEEDFY97-1

COUNCIL ACTION: (Tape location: A219-275.)

Hearing began at 10:19 a.m. Hearing halted at 10:23 a.m.

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

ITEM-334:

(Continued from the meeting of August 6, 1996, Item 200, at Mayor Golding's request, to allow time for the Attorneys to work on the language.)

SUBJECT: San Diego Jack Murphy Stadium Expansion and Related Improvements - Interim Funding - Bank Loan with Sumitomo Bank, Ltd.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-45 Cor. Copy 7) INTRODUCED, TO BE ADOPTED
SEPTEMBER 30, 1996

Introduction of an Ordinance authorizing a seven-year term loan agreement with Sumitomo Bank, Limited, for an amount not to exceed \$15 million, to provide for the construction, acquisition, installation, improvement, and expansion of the Practice Facility and the San Diego Jack Murphy Stadium.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A219-275.)

CONSENT MOTION BY KEHOE TO INTRODUCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Two actions related to the Resolution of Intention for Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P96-187. District-5.)

TODAY'S ACTION IS:

Adoption of the following resolutions:

Subitem-A: (R-97-174) ADOPTED AS RESOLUTION R-287821

Approving the document entitled "Sabre Springs Public Facilities Financing Plan and Facilities Benefit Assessment, June, 1996."

Subitem-B: (R-97-175) ADOPTED AS RESOLUTION R-287822

Resolution of Intention to designate an area of benefit in Sabre Springs and setting the time and place for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/31/96, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Wear and Stevens voted yea. Councilmembers Warden and McCarty not present.)

FILE LOCATION: STRT - FB-9

COUNCIL ACTION: (Tape location: A219-275.)

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

ITEM-336:

SUBJECT: Purchase of Capital Equipment for the San Diego Convention Center Expansion.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-254) TRAILED TO SEPTEMBER 16, 1996, DUE
TO A LACK OF FIVE AFFIRMATIVE VOTES

Authorizing the City Manager to acquire an upgraded telecommunications system from AT&T/Lucent Technologies as a capital improvement for the San Diego Convention Center Expansion for a total purchase price of not to exceed \$1,578,272;

Authorizing the City Manager to pay \$690,000 in Fiscal Year 1997, including a cash down payment of \$540,000, and finance the balance of \$1,038,272, under the Master Lease Program, which would include a first year lease payment in Fiscal Year 1997 of \$150,000, for the acquisition of the upgraded telecommunications system.

Aud. Cert. 9700247.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B369-C129.)

Motion by Vargas to adopt the City Manager's recommendation. Second by Warden. Failed. Yeas-5,6,8,M; Nays-3,4; Not present-1,2,7.

Mayor Golding announced that this item will trail to Monday, September 16, 1996, due to a lack of five affirmative votes.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-97-211) ADOPTED AS RESOLUTION R-287824

A Resolution adopted by the City Council in Closed Session on September 10, 1996:

Authorizing the City Manager to pay the sum of \$58,470.58 in the settlement of each and every claim against The City of

San Diego, its agents and employees resulting from the property damage claim to the Haunted Hotel and Hooters Restaurant; authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$20,000.00 made payable to Hooters Restaurant, and one check in the amount of \$38,470.58 made payable to Luth & Turley, Inc., in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-2: (R-97-189) ADOPTED AS RESOLUTION R-287825

A Resolution adopted by the City Council in Closed Session on September 10, 1996:

Authorizing the City Manager to pay the total sum of \$70,000.00 in the settlement of the property damage claim of Nielsen Dillingham against the City of San Diego, its agents and employees; authorizing the City Auditor and Comptroller to issue one check in the amount of \$70,000.00, made payable to Nielsen Dillingham Builders, in full settlement of all claims.

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:39 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C129-130).