

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 19, 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 10:07 a.m. Mayor Golding adjourned the meeting at 12:00 p.m. into Closed Session at 2:00 p.m., in the 12th floor conference room to discuss the matter of negotiations for the Chargers and Padres.

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 (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: REFERRED TO CITY MANAGER

Comment by Robert Bogstad thanking the Mayor and Council for the cover for the Bayview Elementary School in Pacific Beach. Mr. Bogstad also expressed his opposition to gang violence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-035.)

ITEM-200: TRAILED TO TUESDAY, NOVEMBER 26, 1996

SUBJECT: Two actions related to Amended Agreements with the Chargers Football Company and the Chargers Associates.
(District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:
Subitem-A: (O-97-61)

Introduction of an Ordinance approving amendments to the agreements with the San Diego Chargers regarding and related to the use and occupancy of San Diego Jack Murphy Stadium.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-97-497)

Adoption of a Resolution authorizing a Letter Agreement
between the City and the Padres, L.P.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A052-071.)

This item trailed to Closed Session. If an agreement is not
reached between the Chargers and Padres, the item will be
trailed to Tuesday, November 26, 1996.

ITEM-201: TRAILED TO TUESDAY, NOVEMBER 26, 1996

SUBJECT: San Diego Jack Murphy Stadium Expansion - Public
Facilities Financing Authority Lease Revenue Bonds.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-480 Corr.Copy)

Reauthorizing and reapproving the Official Statement (in
preliminary and final form) and the Continuing Disclosure
Agreement relating to the Public Facilities Financing
Authority of the City of San Diego Taxable Lease Revenue
Bonds, Series 1996A (San Diego Jack Murphy Stadium) and
approval of certain documents and actions.

CITY MANAGER SUPPORTING INFORMATION:

Due to the delay in the financing caused by the litigation,
portions of certain financing documents, originally approved by
the City Council in January 1996 Ordinance (O-18253), contain
information which is out of date. It is requested that the City
Council approve the revised versions of the Preliminary Official
Statement and the Continuing Disclosure Agreement in conjunction
with the Public Facilities Financing Authority's issuance of
Lease Revenue Bonds to finance the Stadium Expansion and Training
Facility.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A052-071.)

This item trailed to Closed Session. If an agreement is not reached between the Chargers and Padres, the item will be trailed to Tuesday, November 26, 1996.

ITEM-330:

SUBJECT: Boulders Coast Walk Project.

Proposal for a Coastal Development Permit (CDP), Sensitive Coastal Resource Permit (SCR), Variances (VAR), and a Slope Easement Abandonment No. 96-0138 to demolish an existing single-family residence, to consolidate the lot lines of five legal lots into three and to construct three single-family residences.

(CDP/SCR-96-0138. La Jolla Community Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and B, and adopt Subitem C to grant the permits:

Subitem-A: (R-97-415) ADOPTED AS RESOLUTION R-288069

Adoption of a resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-96-0138 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-97-416) ADOPTED AS RESOLUTION R-288070

Adoption of a Resolution authorizing a slope easement abandonment subject to conditions.

Subitem-C: (R-97-) ADOPTED AS RESOLUTION R-288071

GRANTING THE PERMITS

Adoption of a Resolution granting or denying the permits subject to conditions.

SUPPORTING INFORMATION:

The subject .54-acre site consists of five separate, ocean view lots located at 1535 Coast Walk within the La Jolla Community. The site and surrounding properties are developed with single-and multi-story, single-family residences within the R1-5000 Zone. The project proposes the demolition of an existing, two story single-family residence and garage, reconfiguration of the five lots into three lots, and the construction of three, new single-family residences. In addition, the project proposed the abandonment of a portion of an existing slope easement located on the east side of the property adjacent to Torrey Pines Road. Also, requested are variances to House "C" for lot depth, a six-foot entrance stairway within the front yard (where three-foot structures are allowed), and an access variance to provide vehicular access to house "C" across an access easement to the east (where direct access from a public street or alley is required) due to topographical constraints of the land.

The proposed residences would consist of a 5,729-square-foot, two-story residence on a 9,584-square-foot, lot (House "A"), a 5,247-square-foot, two-story residence on a 8,826-square-foot-lot (House "B"), and a 3,000-square-foot, three-story residence on a 5,001-square-foot lot (House "C").

Material for the homes would include the use of stucco and shingle roofing. As a condition of approval a consolidation/lot line adjustment parcel map must be administratively processed to consolidate the lot line of five legal lots into three reconfigured legal lots.

The slope easement abandonment has been requested in conjunction with the proposed development. The development of House "C" requires the utilization of the westerly 10 feet of the existing slope easement the area of the slope easement to be vacated totals approximately 780 square feet. The slope easement was acquired by the City in 1958. In 1993, the road support was reconstructed utilizing retaining walls and drainage facilities to stabilize and provide lateral support for Torrey Pines Road. This resulted in

excess right-of-way which is no longer required. Since public money was used to acquire the easement, compensation to the City is required.

The slope easement has been appraised by the Real Estate Assets Department and valued at \$20,600. The applicant has agreed with this valuation and deposited a non-refundable deposit of \$5,000. The balance of \$15,600 is to be paid to the City prior to issuance of permits for House "C". The applicant also has the option to not construct House "C". If this occurs, the City would retain the slope easement and no further action would be taken on the easement abandonment.

The project is consistent with the land use and density designations of the La Jolla Community Plan. The site is zoned R1-5000 (single-family residential) which allows the maximum of one dwelling unit per lot with a minimum lot size of 5,000 square-feet. The single-family development would be compatible with surrounding single-family development. The subject project meets the requirements of the underlying zone (with exception to lot depth, front yard setback, and access on lot "C"), Proposition "D" Height Limitation, and the La Jolla Community Plan and Local Coastal Addendum.

On August 29, 1996, the Planning Commission voted unanimously (6:0:0) to recommend to the City Council approval of the proposed development of this site as described by the application and conceptual drawings, subject to the revised conditions of approval as outlined in CDP/SCR/VAR No. 96-0138. At the hearing, the Commission added conditions, specifically No.'s 26-29 (of the revised permit conditions), and modified No. 25, to address concerns identified by adjacent property owners regarding access to House "C".

LEGAL DESCRIPTION:

The proposed .054-acre site is more particularly located at 1535 Coast Walk in the La Jolla Community (Lots 3, 4, 5 and a portion of lots 15 and 16, Block 46, La Jolla Park, Map 352).

FILE LOCATION: PERM-CDP/SCR-96-0138

COUNCIL ACTION: (Tape location: A100-354.)

Hearing began at 10:16 a.m. and halted at 10:36 a.m.

Testimony in opposition by Betty Dawe.

Testimony in favor by Mark Steel.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS TO APPROVE THE PROJECT AND GRANT THE PERMITS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-yea, Mayor Golding-yea.

ITEM-331: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the Little Italy Business Improvement District (BID). Council will take action at the subsequent hearing which has been scheduled on December 10, 1996, at 10:00 a.m. Public testimony will also be taken at that meeting.

(Centre City Community Area. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled for December 10, 1996.

RULES COMMITTEE'S RECOMMENDATION:

On October 21, 1996 the Rules Committee voted 5-0 to approve the recommendations and request for waiver of a mailed ballot election. (Councilmembers Mathis, Kehoe, Warden, Stallings and Mayor Golding voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 14 active districts in the City of San Diego where the merchants assess themselves to provide for business development and marketing activities as well as streetscaping and other physical

improvements in their respective areas.

Pursuant to Council Policy 900-7, both Little Italy and Pacific Beach Business Improvement Formation Committees have garnered approximately twenty percent (20%) support from the affected businesses for establishment of the districts. The Committees requested a waiver from the policy requiring that the Office of Small Business conduct a mailed ballot election to determine if 50 percent of the businesses supported formation, and to move directly to the public meeting and hearing required by State law. This item was heard by the Rules Committee on October 21, 1996.

The public meeting required by State law will be held on November 19, 1996 and the public hearing will be held on December 10, 1996. This action would constitute the final hearing on the matter, establish the district and authorize the Manager to enter into an agreement with the respective business associations to administer the districts.

The Small Business Advisory Board has heard the issue and recommends establishment of the districts. The Business Improvement District Council (BIDC) recommends establishment of the districts.

FILE LOCATION: STRT-L-17

COUNCIL ACTION: (Tape location: A073-083.)

Hearing began at 10:15 a.m. and halted at 10:16 a.m.

ITEM-332: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the Pacific Beach Business Improvement District (BID). Council will take action at the subsequent hearing which has been scheduled on December 10, 1996, at 10:00 a.m. Public testimony will also be taken at that meeting.

(Mission Beach and Pacific Beach Community Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the matter to the second public hearing which has been scheduled

for December 10, 1996.

RULES COMMITTEE'S RECOMMENDATION:

On October 21, 1996 the Rules Committee voted 5-0 to approve the recommendations and request for waiver of a mailed ballot election. (Councilmembers Mathis, Kehoe, Warden, Stallings, and Mayor Golding voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The City Council recognizes the usefulness of Business Improvement Districts (BIDs) in the revitalization of older commercial neighborhoods. There are currently 14 active districts in the City of San Diego where the merchants assess themselves to provide for business development and marketing activities as well as streetscaping and other physical improvements in their respective areas.

Pursuant to Council Policy 900-7, both Little Italy and Pacific Beach Business Improvement Formation Committees have garnered approximately twenty percent (20%) support from the affected businesses for establishment of the districts. The Committees requested a waiver from the policy requiring that the Office of Small Business conduct a mailed ballot election to determine if 50 percent of the businesses supported formation, and to move directly to the public meeting and hearing required by State law. This item was heard by the Rules Committee on October 21, 1996.

The public meeting required by State law will be held on November 19, 1996 and the public hearing will be held on December 10, 1996. This action would constitute the final hearing on the matter, establish the district and authorize the Manager to enter into an agreement with the respective business associations to administer the districts.

The Small Business Advisory Board has heard the issue and recommends establishment of the districts. The Business Improvement District Council (BIDC) recommends establishment of the districts.

FILE LOCATION: STRT-L-16

COUNCIL ACTION: (Tape location: A364-B593.)

Hearing began at 10:37 a.m. and halted at 11:30 a.m.

Testimony in opposition by Louis Kartsons, Glenn Paculba, Donna Frye, and Bill Tribolet.

Testimony in favor by Gary Weber, Scott Sloga, Vernon Taylor, Carol Judelson, Kathy Evans, Don Mullen, and Patrick Flynn.

ITEM-333:

SUBJECT: Del Mar Heights I (Congregation Beth Am) Project. A Tentative Map, Street Vacation, Carmel Valley Planned Development Permit, Conditional Use Permit, Resource Protection Ordinance Permit and Precise Plan Amendment within the Carmel Valley Community Plan Area.

(TM/SV/CVPDP/CUP/RPO-94-0541. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A, D, and E; adopt Subitems B and C to grant the map and permits.

Subitem-A: (R-97-537) ADOPTED AS RESOLUTION R-288072

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-94-0541 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: (R-97-642) ADOPTED AS RESOLUTION R-288073
GRANTING THE MAP

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

Subitem-C: (R-97-643) ADOPTED AS RESOLUTION R-288074
GRANTING THE PERMITS

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

Subitem-D: (R-97-538) ADOPTED AS RESOLUTION R-288075

Adoption of a Resolution vacating a portion of Black Mountain Road east of Wistanley Way in connection with Del Mar Heights I (TM-94-0541) as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-E: (R-97-539) ADOPTED AS RESOLUTION R-288076

Adoption of a Resolution amending Carmel Valley Neighborhood 4A Precise Plan.

SUPPORTING INFORMATION:

The project proposes a subdivision, Del Mar Heights I (Congregation Beth Am), and grading of a 10.2-acre parcel into 11 lots (one lot for religious and school facilities, 10 lots for single-family residences); phased construction of a 47,575-square-foot religious facility, 8,978-square-foot pre-school and an amendment of the Carmel Valley Neighborhood 4A Precise Plan to allow for up to 650 students. The Tentative Map includes an alternative brush management design. The Street Vacation is for portions of Black Mountain Road associated with the future alignment of Del Mar Heights Road.

LEGAL DESCRIPTION:

The project site is located on the north side of Black Mountain Road between Landsdale Drive and Carmel Valley Road in the SF-1A and OS (Open Space) zones and is more particularly described as a Portion of the Northeast 1/4 of Section 17, Township 14 South, Range 3 West, SBBM.

FILE LOCATION: SUBITEM-A&E: LAND-Carmel Valley Neighborhood 4A Precise Plan, SUBITEM-B: Subd-Del Mar Heights I, SUBITEM-C: PERM-CVPDP/CUP/RPO-94-0541, SUBITEM-D: STRT-J-2856 DEEDFY97-1

COUNCIL ACTION: (Tape location: C016-360.)

Hearing began at 11:31 a.m. and halted at 11:59 a.m.

Council Member Wear left at 11:45 a.m. and returned at 11:50 a.m.

Council Member Stevens left at 11:45 a.m. and returned at 11:50 a.m.

Testimony in opposition by Joan Tukey.

Testimony in favor by Bob Fagan, Rabbi Arthur Zuckerman and Lawrence Cole.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS TO APPROVE THE PROJECT AS PRESENTED, AND TO GRANT THE MAP AND THE PERMITS. 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.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C364.)