

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 3, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Warden at 10:08 a.m. Council Member Kehoe welcomed visitors from Mrs. Garcia's Second Grade Class at Franklin Elementary School. The meeting was recessed by Deputy Mayor Warden at 10:15 a.m. to convene the Redevelopment Agency. The City Council Meeting was reconvened at 10:16 a.m. by Deputy Mayor Warden with Mayor Golding not present. Deputy Mayor Warden adjourned the meeting at 10:31 a.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-not 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)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

FILE LOCATION: MINUTES

CLOSED SESSION ACTION:

City Attorney Gwinn announced that in Closed Session this morning the City Council voted 8 to 0, with one member not present, to initiate litigation: City of San Diego vs. Bundy and Thompson, Architects, and Blake Construction Company, regarding the Alvarado Filtration Laboratory.

PUBLIC COMMENT:

ITEM-PC-4: REFERRED TO CITY MANAGER

Comment by Todd Zweig requesting settlement of the proposed revocation of his after-hours license.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A012-056.)

COUNCIL COMMENT:

None

ITEM-330:

SUBJECT: Homestead Village Project: Proposal for a Tentative Parcel Map, Planned Industrial Development Permit Amendment, Planned Commercial Development Permit, Rezone and an Amendment to the Mira Mesa Community Plan.

(CPA/RZ/TPM/PID-AM/PCD-96-0336. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and C; adopt Subitems D and E to grant the map and the permits; and introduce Subitem B:

Subitem-A: (R-97-560) ADOPTED AS RESOLUTION R-288144

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-96-0336 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: (O-97-36) INTRODUCED, TO BE ADOPTED JANUARY 13, 1997

Introduction of an Ordinance rezoning 3.5 acres from the M-1B Zone to the CV Zone.

Subitem-C: (R-97-561) ADOPTED AS RESOLUTION R-288145

Adoption of a Resolution amending the Mira Mesa Community Plan.

Subitem-D: (R-97-654) ADOPTED AS RESOLUTION R-288146
GRANTING THE MAP

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

Subitem-E: (R-97-655) ADOPTED AS RESOLUTION R-288147
GRANTING PID PERMIT 96-0336
ADOPTED AS RESOLUTION R-288219
GRANTING PCD PERMIT 96-0336

Adoption of a Resolution granting or denying the permits.

SUPPORTING INFORMATION:

The project proposes to allow development of a 3.5 acre site as a "limited service" hotel with three two story buildings. Adoption of the proposed rezoning from M-1B to CV and amendment of the Mira Mesa Community Plan would allow implementation of the proposed project.

LEGAL DESCRIPTION:

The proposed project is more particularly described as Lot 1 of the Mira Mesa Business Park, Map-11183, filed March 28, 1985, in the Mira Mesa Community Plan Area.

CITY MANAGER SUPPORTING INFORMATION:

The Homestead Village project is proposing to develop 3.5 acres of a vacant, previously graded 6.84-acre site located at the southwest corner of Mira Mesa Boulevard and Pacific Heights Boulevard within the Mira Mesa Community Planning Area. The property has been evaluated for conformance with the development regulations of the CV and M-1B zones and the land use and development policies of the adopted Mira Mesa Community Plan.

The project proposes a Community Plan Amendment to the adopted Mira Mesa Community Plan to redesignate the site for commercial use. The project also proposes a rezone of 3.5 acres from M-1B (light and certain heavy industrial uses) to CV (Commercial Visitor). Staff review of the proposed Community Plan Amendment and rezone concluded that no adverse impacts would result to surrounding land uses and would be consistent with the goals of the General Plan and Progress Guide.

The associated Planned Commercial Development permit proposes to construct a hotel and implement associated improvements on the subject property and within the public right-of-way. 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 containing a total of 140 rooms. The project

also features site landscaping, surface parking facilities, an administration center, a satellite dish antenna and coin operated laundry facilities for guest use only. Access to the site would be provided via a twenty-four foot driveway from Pacific Heights Boulevard. Additional emergency and pedestrian access is also provided from Mira Mesa Boulevard.

Total floor area ratio for the project (35 percent) complies with the maximum 200 percent allowed by the CV zone. The project design will comply with setback, driveway width, landscaping, parking, access and pedestrian circulation requirements of the plans, policies and development regulations in effect for this site. Approximately seventy-four percent of the site (5.08 acres) would be regraded (approximately 8,872 cubic yards of balanced cut and fill) in order to accommodate the project.

On November 14, 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 the Planned Commercial Development Permit PCD-96-0336. The Commission also recommended to City Council approval of the corresponding required actions and certification of Mitigated Negative Declaration DEP-96-0336 and adoption of the Mitigation Monitoring and Reporting Program.

At the November 14th Planning Commission hearing, concern was expressed by the Commission that if the development of the hotel did not occur, 3.5 acres of potentially highly productive industrial land could be developed by a subsequent development permit with any of the other allowable uses of the CV zone. Staff is working with the applicant to arrive at an acceptable resolution addressing the Commission's concern. The Commission also made minor permit revision, supported by staff, to the PCD Permit and Tentative Parcel Map resolution which are reflected in those documents prepared by the Attorney's Office.

FILE LOCATION: SUBITEMS A & E: PERM-PID/PCD 96-0336;
 SUBITEM B: NONE; SUBITEM C: LAND-Mira Mesa
 Community Plan; SUBITEM D: SUBD-Homestead
 Villages

COUNCIL ACTION: (Tape location: A064-078.)

Hearing began at 10:14 a.m. and halted at 10:15 a.m.

CONSENT MOTION BY KEHOE TO ADOPT SUBITEMS A AND C; ADOPT

SUBITEMS D AND E TO GRANT THE MAP AND THE PERMITS; AND INTRODUCE SUBITEM B. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331:

SUBJECT: Two actions related to City Heights Urban Village Park Phase II.

(See City Manager Report CMR-96-233. Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-514) ADOPTED AS RESOLUTION R-288148

FINDINGS MUST BE MADE AS PART OF THE COUNCIL ADOPTION.

Declaring and determining that the public interest, convenience and necessity of the City of San Diego require the acquisition of fee simple title to Lots 7 through 38 and a portion of Lots 6 and 39 in Block 74 of City Heights, for the City Heights Urban Village Park Phase II Project for Park and Recreation Facilities purposes; that the property sought to be acquired is necessary for the City Heights Urban Village Park Phase II Project for Park and Recreation Facilities purposes; and declaring the intention of the City of San Diego to acquire the property under eminent domain proceedings; directing the City Attorney of the City of San Diego to commence an eminent domain action in the Superior Court of the State of California, to condemn the property and acquire immediate possession.

Subitem-B: (R-97-499) ADOPTED AS RESOLUTION R-288149

Stating for the record that the information contained in Mitigated Negative Declaration EAS-96-135BG, has been completed in compliance with NEPA, as amended, and State guidelines, that the Declaration reflects the independent judgement of the City of San Diego as Lead

Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of condemnation proceedings for City Heights Urban Village Park Phase II.

FILE LOCATION: MEET, DEED F-7025, DEED F-7026,
DEED F-7180, DEED F-7163
(final order of condemnation)

COUNCIL ACTION: (Tape location: A084-271.)

Hearing began at 10:16 a.m. and halted at 10:30 a.m.

Testimony in opposition by Albert Bertolino.

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

ITEM-332:

SUBJECT: Request to Bid Little Italy Neighborhood Development Project Off-site Improvements - Phase One.

(See CCDC's memorandum dated 11/18/96. Little Italy Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-534) ADOPTED AS RESOLUTION R-288150

Making certain findings with respect to the payments for the construction of improvements for the Little Italy Neighborhood Development Site in the Little Italy Redevelopment District of the Centre City Redevelopment Project;

Making certain findings with respect to the payments for these improvements;

Authorizing the Centre City Development Corporation to bid and construct the improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A064-078.)

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

ITEM-333:

SUBJECT: Environmental Enhancement and Mitigation Program Grant - Little Italy/Cortez Tree Planting Program.

(See CCDC's memorandum dated 11/12/96. Little Italy/Cortez Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-97-533) ADOPTED AS RESOLUTION R-288151

Approving the application for grant funds for the Environmental Enhancement and Mitigation Program under California Streets and Highways Code Section 164.56 for the Centre City Redevelopment Project;

Making certain findings with respect to the payment for the Environmental Enhancement and Mitigation Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A064-078.)

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

ITEM-CS-1:

(R-97-627) ADOPTED AS RESOLUTION R-288152

A Resolution adopted by the City Council in Closed Session on December 3, 1996:

Authorizing the City Manager to waive Council Policy No. 300-7 and retain Thomas R. Laube, Esq. of Procopio, Hargreaves and Savitch Law Firm on a 40% contingency for Fiscal Year 1997 and up to \$125,000.00 for all costs to pursue litigation for construction defects in the Alvarado Filtration Laboratory.

Aud. Cert. 9700547

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 10:31 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A272-278).