

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 13, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 10:15 a.m. Deputy Mayor Wear recessed the regular meeting at 10:21 a.m. to convene the Redevelopment Agency. Deputy Mayor Wear reconvened the regular meeting at 10:23 a.m. with Mayor Golding not present. Deputy Mayor Wear recessed the regular meeting at 10:25 a.m. to convene the Redevelopment Agency. Deputy Mayor Wear reconvened the regular meeting at 10:33 a.m. with Mayor Golding not present. Deputy Mayor Wear adjourned the meeting at 10:34 a.m. to meet immediately in Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-Excused by R-289690
(Illness)
 - (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-Fishkin(pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin 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

PUBLIC COMMENT:

ITEM-PC-1:
None.

COUNCIL COMMENT:

ITEM-CC-1:
None.

ITEM-310: GRANTED HEARING, TO BE HELD FEBRUARY 3, 1998 AT
10:00 A.M.

SUBJECT: Requests by August Felando and Dwight Twist for a hearing of an appeal from the decision of the Planning Commission in approving the application for a Coastal Development Permit to demolish an existing one-story single-family residence and construct a new two-story single family residence. (Rhoads Residence). (CDP-96-7613. Peninsula Community Planning Area. District-2.)

TODAY'S ACTION IS:

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

SUPPORTING INFORMATION:

The appeal is being requested for a Coastal Development Permit CDP-96-7613. The project proposes to demolish an existing one-story single-family home and pool, and construct a new two-story single-family home, pool and site improvements. The subject property is located at 877 San Antonio Place within the Peninsula Community Planning Area.

The project site is designated in the Peninsula Community Plan as Single-Family Residential, and is zoned R1-5000. The surrounding neighborhood is currently developed with a variety of one, two and three story single-family homes, in a variety of sizes, architectural styles and colors.

FILE LOCATION: PERM-96-7613 (65)

COUNCIL ACTION: (Tape location: A012-088.)

MOTION BY KEHOE TO GRANT THE REQUEST FOR A HEARING OF THE APPEAL. 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-not present.

ITEM-330:

SUBJECT: Matter of an appeal of Andrea Fiscus - RFA, Inc. from the decision of the Planning Commission in approving CDP/CUP/BLP-96-7362 with a denial of a second over-height ground sign. (Chevron Service Station No. 20-5979). (CDP/CUP/BLP-96-7362. Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitem B to deny the appeal and approve the permits:

Subitem-A: (R-98-788) ADOPTED AS RESOLUTION R-289641

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-96-7362 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 pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-789) GRANTED APPEAL, GRANTED PERMITS, ADOPTED AS RESOLUTION R-289642

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

SUPPORTING INFORMATION:

The applicant has requested a CDP/CUP/BLP Permit to renovate the service station building by replacing the dry cleaner outlet with a mini-mart, replacing the 17 foot high, 60 square foot ground sign with a 30 foot high, 77 square foot ground sign and adding a 50 foot high, 163 square foot freeway oriented ground sign at the rear of the property adjacent to the freeway right-of-way. The City's sign ordinance permits one multi-faced ground sign (freestanding) for each premises having frontage on a public right-of-way. A second ground sign is permitted when the street frontage exceeds 250 lineal feet or if the premises fronts on more than one public right-of-way. The Service Station does not have access rights to the freeway off-ramp; therefore, the off-ramp does not qualify as public right-of-way and the subject site with a single frontage of 171.5 lineal feet on Main Street, is entitled to only one ground sign. Coastal zone signage regulations further limit the height of ground signs to 8 feet and the sign area to 100 square feet.

NOTE: On December 9, 1997 Council voted 9 to 0 to hear the appeal.

LEGAL DESCRIPTION:

The project site is more particularly described as Lots 11 through 17, Block 256 of Hoels Subdivision Re-filed Map-457 in Barrio Logan Subdistrict B and the Coastal Zone located at 3774 Main Street in the Barrio Logan Community Plan Area.

FILE LOCATION: LUP - Chevron Service Station

COUNCIL ACTION: (Tape location: A103-112.)

Hearing began at 10:23 a.m. and halted at 10:24 a.m.

MOTION BY VARGAS TO ADOPT THE RESOLUTION FOR SUBITEM A CERTIFYING THE EIR, AND TO ADOPT THE RESOLUTION FOR SUBITEM B TO GRANT THE APPEAL AND TO GRANT THE PERMITS ALLOWING CHEVRON TO GO FORWARD WITH THEIR PLANS FOR TWO PROPOSED SIGNS WHICH MAINTAINS THE PROJECT'S CONSISTENCY WITH THE INTENT AND PURPOSE OF THE COMMUNITY PLAN, THE LOCAL COASTAL PROGRAM AND THE GENERAL PLAN, AND IS PURSUANT TO SECTION 101.051(E)(4) OF THE MUNICIPAL CODE THAT DEVIATIONS TO

UNDERLYING SIGN REGULATIONS CAN BE GRANTED IN CONNECTION WITH ISSUANCE OF A CUP. IN ADDITION, THERE WOULD BE NO ADVERSE IMPACTS TO THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY THROUGH THE GRANTING OF THIS APPEAL. 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-not present.

ITEM-331:

SUBJECT: Matter of an amendment to the Otay Mesa Development District Ordinance, allowing industrial uses within the Commercial Subdistrict.
(OMDDO-96-7560. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-98-687) ADOPTED AS RESOLUTION R-289643

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-96-7560 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 Council, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-74) INTRODUCED, TO BE ADOPTED
FEBRUARY 2, 1998

Introduction of an Ordinance amending the Otay Mesa Development District Ordinance.

SUPPORTING INFORMATION:

The applicant is requesting an amendment to the Otay Mesa Development District Ordinance to allow industrial uses within the 240-acre Commercial Subdistrict while retaining the commercial uses currently allowed. The City Manager recommends certification of Negative Declaration LDR-96-7560, and approval of the amendment of the Otay Mesa Development District Ordinance to allow industrial uses within the Commercial Subdistrict.

On October 30, 1997, the Planning Commission voted unanimously to recommend City Council support of the City Manager's recommendation of the proposed project.

On February 19, 1997, the Otay Mesa Planning Committee voted unanimously to support the proposed amendment.

FILE LOCATION: SUBITEM A: LAND - 96-7560 (65)
 SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A090-102.)

Hearing began at 10:20 a.m. and halted at 10:22 a.m.

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. 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-not present.

ITEM-332:

SUBJECT: Approving Issuance of Multifamily Housing Revenue Bonds by California Statewide Communities Development Authority for Rio Vista Apartments.

(See Housing Commission Reports HCR-98-001 Supplemental and HCR-97-174. San Ysidro Community Area. District-8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-651) ADOPTED AS RESOLUTION R-289644
Approving the issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$14,500,000, to provide financing for the acquisition and rehabilitation of a 161-unit multifamily residential rental project known as Rio Vista Apartments, located at 1120-1126 San Ysidro Boulevard, San Ysidro.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-102.)

Hearing began at 10:20 a.m. and halted at 10:22 a.m.

CONSENT MOTION BY KEHOE TO ADOPT. 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-not present.

ITEM-333:

SUBJECT: Carmel Valley Neighborhood No. 4 Park Site.
(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-98-76) INTRODUCED AND ADOPTED AS ORDINANCE O-18461
(New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-18424 (New Series), entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1997-98 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by amending CIP-29-628.0, increasing CIP-29-628.0 by \$2,722,422.85, by transferring the sum of \$2,722,422.85 from FBA No. 74002 to CIP-29-628.0 for the acquisition of 8.49 acres from Pardee Development Company, located at the intersection of Del Mar Heights Road and Ashley Fall Road.

NOTE: See Item 202, B on the regular docket of Monday, January 12, 1998 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-102.)

CONSENT MOTION BY KEHOE TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-not present.

ITEM-CS-1: (R-98-765) ADOPTED AS RESOLUTION R-289645

A Resolution adopted by the City Council in Closed Session on January 13, 1998:

Authorizing the City Manager to pay the sum of \$55,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from the personal injury claim of Laura Merryweather and Michael Hynson; authorizing the City Auditor and Comptroller to issue one check made payable to Laura Merryweather, Michael Hynson and their attorney of record Michael Marrinan, in the amount of \$55,000.00, in full settlement of all claims.

Aud. Cert. 9800821

FILE LOCATION: MEET

ITEM-CS-2: (R-98-755) ADOPTED AS RESOLUTION R-289646

A Resolution adopted by the City Council in Closed Session on January 13, 1998:

Authorizing the City Manager to pay the total sum of \$37,500.00 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim of Daniel Kennedy; authorizing the City Auditor and Comptroller to issue one check in the amount of \$37,500.00 made payable to Daniel Kennedy and Frank V. Crudo his attorney of record, in full settlement of all claims.

Aud. Cert. 9800811

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 10:34 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A217.)