

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MARCH 3, 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 11:13 a.m. Deputy Mayor Wear convened the Redevelopment Agency to meet simultaneously with the City Council at 11:22 a.m. Deputy Mayor Wear adjourned the meeting at 11:26 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 (lw)

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-not present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present

(8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-100:

SUBJECT: Four actions related to the Final Subdivision Map of  
Del Mar Heights 1 Unit No. 3.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-889) ADOPTED AS RESOLUTION R-289807

Authorizing a Subdivision Improvement Agreement with  
Congregation Beth-AM of North County for the  
installation and completion of public improvements.

Subitem-B: (R-98-888) ADOPTED AS RESOLUTION R-289808

Approving the final map.

Subitem-C: (R-98-890) ADOPTED AS RESOLUTION R-289809

Authorizing a Landscape Maintenance Agreement with  
Congregation Beth-AM of North County.

Subitem-D: (R-98-901) ADOPTED AS RESOLUTION R-289810

Authorizing a bonded Right-of-Way Acquisition Agreement  
with Congregation Beth-AM of North County to acquire  
portions of Del Mar Heights Road adjacent to this  
subdivision.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 3.604 acre site into nine  
lots for residential use. It is located north of White Emerald  
Drive and east of Lighthouse Way in the Carmel Valley Community  
Plan area. On November 19, 1996 the City Council of the City of  
San Diego approved Congregation Beth-AM Carmel Valley Planned  
District Development/Resource Protection Ordinance and

Conditional Use Permit CUP-94-0541 by Resolution R-288073. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28472-1D through 28472-4-D, filed in the Office of the City Clerk under Micro Number 139.63. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$329,858 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$3,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is located in the Carmel Valley Facilities Benefit Assessment (FBA) District, which provides for the payment of FBA (including parks) at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. The subdivider has entered into a Landscape and Monitoring Maintenance Agreement with the City of San Diego to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision until another maintenance mechanism is established and assumes the maintenance responsibilities. A performance bond for landscaping and monitoring maintenance in the amount of \$24,168 will be delivered to the City prior to the release of the performance bond for the subdivision. Subdivider has entered into a bonded Right-of-Way Acquisition Agreement to guarantee the costs to acquire additional right-of-way for Del Mar Heights Road adjacent to this subdivision by condemnation should other means fail.

FILE LOCATION: Subitems A,B,C,D: LUP - Schwab Residence

COUNCIL ACTION: (Tape location: A043-053.)

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

ITEM-310:

SUBJECT: Ocean Beach Kiwanis Kite Festival Day.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-874) ADOPTED AS RESOLUTION R-289811

Recognizing the community services provided by the

Kiwanis Club of Ocean Beach on the occasion of the 50th Annual Kite Festival;

Proclaiming Saturday, March 7, 1998 to be "Ocean Beach Kiwanis Kite Festival Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A011-039.)

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

ITEM-311: DENIED REQUEST FOR A HEARING

SUBJECT: Request by Robert Bregman, et al, for a hearing of an appeal from the decision of the Planning Commission to deny the appeal and approve the Coastal Development Permit CDP-96-7620 (Schwab Residence).

(CDP-96-7620. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

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

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on March 24, 1998 at 11:00 a.m.

SUPPORTING INFORMATION:

The appeal is being requested for a permit to demolish an existing single-family residence (garage to remain) and the construction of a new 3-story, 4,165 square-foot single-family residence and accessory uses on a 6,953 square-foot legal lot described as the North 1/2, Lots 1 & 2, Block 2, Golden Park Addition, Map-958, located at 3261 Lucinda Street being on the south side of Lucinda Street and the east side of Golden Park Avenue within the boundaries of the Peninsula Community Plan Area.

The Development Services Department recommended denial of the appeal and approval of the permit; there was opposition.

The Planning Commission voted 6-0 to deny the appeal and approve

the permit.

Ayes: Steele, Anderson, Butler, Skorepa, Watson and White.  
Not present: Quinn

The Peninsula Community Planning Group has recommended approval of the permit.

FILE LOCATION: PERM - 96-7620 (65)

COUNCIL ACTION: (Tape location: A057-088.)

MOTION BY MATHIS TO DENY THE REQUEST FOR A HEARING OF AN APPEAL. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-330:

SUBJECT: Two actions related to Approval of Development Permit No. 96-7331 and Proposed Amendment to the CCPDO for a Law Library at Cal Western School of Law.

(See memorandum from CCDC dated 2/4/98. Cortez Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

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

Subitem-A: (R-98-868) ADOPTED AS RESOLUTION R-289812

Certifying that Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, and the Negative Declaration with respect to amending the Centre City Planned District Ordinance for the California Western School of Law Library, an Institutional Development, located within the Cortez Redevelopment District of the Expansion Subarea of the Centre City Redevelopment Project.

Subitem-B: (O-98-88) INTRODUCED, TO BE ADOPTED MARCH 16, 1998

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1910 relating to the Centre City Planned District.

NOTE: See the Redevelopment Agency Agenda of March 3, 1998 for a

companion item.

FILE LOCATION: Subitem A: LUP - City Development Permit  
(Cal Western School of Law Library)  
Subitem B: NONE

COUNCIL ACTION: (Tape location: A090-154.)

Hearing began at 11:21 a.m. and halted at 11:25 a.m.

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION AND  
INTRODUCE THE ORDINANCE. Second by Stallings. 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: Request to Bid Little Italy Neighborhood Development  
Project Off-Site Improvements for Beech Street.

(See memorandum from CCDC dated 2/5/98. Centre City  
Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-869) ADOPTED AS RESOLUTION R-289813

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

NOTE: See the Redevelopment Agency Agenda of March 3, 1998  
for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-154.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.  
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 Off-Site Public Improvements -  
Reincarnation Project.

(See memorandum from CCDC dated 2/9/98. Centre City

Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-867) ADOPTED AS RESOLUTION R-289814

Making certain findings with respect to payments for off-site public improvements for the Reincarnation Project in the East Village Redevelopment District of the Centre City Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of March 3, 1998 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-154.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. 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: Appointment of Michael Pallamary as the City

Representative regarding the City-Owned Mission Valley Properties in the North Bay Redevelopment Project Area.

(See City Manager Report CMR-98-37. Mission Valley Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-894) ADOPTED AS RESOLUTION R-289815

Appointing Michael Pallamary as the City's Mission Valley representative for the City-owned Mission Valley property in the North Bay Redevelopment Project Area for the purpose of his appointment to the North Bay Project Area Committee as the Mission Valley Property/Business Owner Representative.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-154.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings.

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-334:

SUBJECT: Third Amendment to the Memorandum of Understanding with CityLink Investment Corporation, the City of San Diego and the Redevelopment Agency.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-871) ADOPTED AS RESOLUTION R-289816

Authorizing a third amendment to the Memorandum of Understanding (MOU) between CityLink Investment Corporation (CIC), the City of San Diego, and the Redevelopment Agency, extending the term from March 14, 1998 to October 6, 1998.

CITY MANAGER SUPPORTING INFORMATION:

On June 28, 1996 the City and the Redevelopment Agency executed an MOU with CIC for the Master Plan for a nine block area, generally bounded by University Avenue on the north, Landis Street on the south, 43rd Street on the west and 45th Street on the east. The Plan was for a public and private development project, referred to as the City Heights Urban Village. On October 31, 1995, the first amendment to the MOU was approved and it extended the term through September 1997. A second amendment extended the term to March 14, 1998, and deleted Block 8 from the Master Plan. Block 8 was bounded by University Avenue, 45th Street, Wightman Street, and Highland Avenue. The third amendment will extend the term to October 6, 1998.

NOTE: See the Redevelopment Agency Agenda of March 3, 1998 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-154.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. 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-S500:

SUBJECT: Agreement with The City of Poway to Provide Reclaimed Water to Poway.

(See City Manager Report CMR-97-170 and Letter from Mark S. Weston dated 2/17/98.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-285) ADOPTED AS RESOLUTION R-289817

Authorizing an agreement with The City of Poway for reclaimed water sales.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/18/98, NR&C voted 4-0 to approve on consent recommending the City Council approve the City Manager's recommendation to authorize the City Manager to execute the agreement with the City of Poway to provide reclaimed water through the Scripps Poway Parkway Reclaimed Water Distribution Subsystem. (Councilmembers Mathis, Wear, Kehoe and Warden voted yea. Councilmember Stallings not present.)

FILE LOCATION: MEET CONFY98-1

COUNCIL ACTION: (Tape location: A090-154.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stallings. 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.

NON-DOCKET ITEMS:

None.

ITEM-CS-1: (R-98-939) ADOPTED AS RESOLUTION R-289922

A Resolution adopted by the City Council in Closed Session on March 3, 1998:

Authorizing the City Manager to pay an amount not to exceed the sum of \$40,000.00 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 Nancy Henricks; authorizing the City Auditor and Comptroller to issue one check in an amount not to exceed the sum of \$40,000.00, made payable to Nancy Henricks and her attorney of record, Michael Murrinan, in full settlement of all

claims.

Aud. Cert. 9800989

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 11:26 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A155).