

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, AUGUST 4, 1998
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 10:18 a.m. Mayor Golding recessed the regular meeting at 10:21 a.m. to convene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 10:24 a.m. with all Council Members present. Mayor Golding recessed the meeting at 12:20 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:14 p.m. with all members present. Mayor Golding adjourned the meeting at 8:00 p.m.

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/Fishkin (mc/pr)

FILE LOCATION: MINUTES

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:

Comment by Don Stillwell thanking Council for working hard to get the agendas working for the people.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A070-074.)

ITEM-PC-2:

Comment by Ron Bochun regarding behavior that was exhibited over the last two years by the Mayor and Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-099.)

COUNCIL COMMENT:

None .

ITEM-330:

SUBJECT: Matter of the Neighborhood 8A Specific Plan/Precise Plan and related plan amendments and development permits on 391 acres located in the Carmel Valley Community Planning area south of State Route 56, east of Interstate 5.

(RZ/CVCP/SHCP/Neighborhood 10 PP/LCP; Loma Sorrento (96-7929) VTM/RPO/CVPDDP; Torrey Pines Investments Group (96-7573) VTM/RPO/PDDP; Carmel Estates (95-0381) VTM/RPO/CVPDDP; and Torrey Surf (91-0899) VTM/RPO/CVPDD. Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolutions in Subitems A, B and E; adopt the Resolutions in Subitems F thru K to approve the permits and maps; introduce the Ordinances in Subitems C and D:

Subitem-A: (R-99-160) ADOPTED AS RESOLUTION R-290604

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR File Nos. LDR-91-0899, LDR-95-0381, LDR-96-7573, LDR-96-7929 and LDR-96-7996 have been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA guidelines, and that said reports reflect the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to approving the project; adopting the Findings and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program.

Subitem-B: (R-99-161) ADOPTED AS RESOLUTION R-290605

Adoption of a Resolution certifying that the information contained in LDR-98-0693 (Addendum to EIR-96-7996, SCH No. 97111053) has been completed in compliance with CEQA and State CEQA guidelines, and that said addendum to the Environmental Impact Report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the Addendum has been reviewed and considered prior to approving the project; adopting the Mitigation Monitoring and Reporting Program.

Subitem-C: (O-99-28) INTRODUCED AS AMENDED, TO BE
ADOPTED SEPTEMBER 8, 1998

Introduction of an Ordinance to adopt the Carmel Valley Neighborhood 8A Specific Plan, approving the Multiple Habitat Planning Area Boundary Adjustments and rezoning the site.

Subitem-D: (O-99-29) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance amending the Carmel Valley Planned District Ordinance.

Subitem-E: (R-99-162) ADOPTED AS RESOLUTION R-290606

Adoption of a Resolution amending the Progress Guide and General Plan, the Carmel Valley Community Plan, the Sorrento Hills Community Plan and the Local Coastal Program to match the recommended Neighborhood 8A Specific Plan proposal.

Subitem-F: (R-99-) RETURNED TO THE CITY MANAGER

Adoption of a Resolution granting or denying the RPO/CVPDO-96-7929 permits for Loma Sorrento, with appropriate findings to support Council action.

Subitem-G: (R-99-) RETURNED TO THE CITY MANAGER

Adoption of a Resolution granting or denying the map for Loma Sorrento (VTM-96-7929), with appropriate findings to support Council action.

Subitem-H: (R-99-) CONTINUED TO SEPTEMBER 8, 1998

Adoption of a Resolution granting or denying the RPO/CVPDO-91-0899 permits for Torrey Surf, with appropriate findings to support Council action.

Subitem-I: (R-99-) CONTINUED TO SEPTEMBER 8, 1998

Adoption of a Resolution granting or denying the map for Torrey Surf (VTM-91-0899), with appropriate findings to support Council action.

Subitem-J: (R-99-) CONTINUED TO SEPTEMBER 8, 1998

Adoption of a Resolution granting or denying the RPO/CVPDO-95-0381 permits for Carmel Estates, with appropriate findings to support Council action.

Subitem K: (R-99-) CONTINUED TO SEPTEMBER 8, 1998

Adoption of a Resolution granting or denying the map for Carmel Estates (VTM-95-0381), with appropriate findings to support Council action.

SUPPORTING INFORMATION:

Proposal to amend the existing General Plan, North City Local Coastal Program, Carmel Valley Community Plan (CVCP) and the Carmel Valley Planned District (CVPD) to allow the reconfiguration of open space and very low to low density residential land use designations and rezone from A-1-1 and A-1-10 to various CVPD zones and Land Development Code, Chapter 13 zones to coincide with the land use designations. An amendment to the Sorrento Hills Community Plan is requested to transfer 0.3 acres to the CVCP. An amendment to the Carmel Valley Neighborhood 10 Precise Plan is requested to provide 10 acres of land for a park/school site. A Specific Plan/Precise Plan is requested to analyze three different land use options and three sub-options. VTM/CVPDDP/RPO permits are proposed for development of the following parcels: Torrey Surf (LDR-91-0899), Carmel Estates (LDR-95-0381), Torrey Pines Estates (LDR-96-7573), Loma Sorrento (LDR-96-7929) and Parcel "A" (LDR-98-0224).

LEGAL DESCRIPTION:

The project site is more particularly described as being located east of Interstate 5 and south of State Route 56 (SR-56) in the Carmel Valley Community Plan Area.

FILE LOCATION: SUBITEMS A, B, & E: LAND-Progress Guide and General Plan-Carmel Valley Community Plan Neighborhood 8A - (9)
SUBITEMS C, D, F, G, H, I, J, K: NONE

COUNCIL ACTION: (Tape location: G065-J594.)

Hearing began at 4:31 p.m. and halted at 7:09 p.m.

Mayor Golding left at 5:00 p.m. and returned at 5:07 p.m.

Testimony in opposition by John Dean, Scott McInayre, John Day, David Antin, Bob Wohl, Michael Wells, Courtney Coyle, Paul Griffin, Karin Forney, Susan Smith, Jim Peugh, Diana Bergen, Allan Sauter, Jason Folkman, Sarah Chu, Andrew Kaplan, Cindy Burrascano, Bill Schwenker, Newton Harrison, Jonathan Harris, Mike Kelly, Rudi Southerland, and Isabelle Kay.

Testimony in favor by Scot Sandstrom, Henry Herz, Lillian Justice, Larry Lessie, Anne Harvey, Oliver Ryder, Donald Wouley, Gina Castro, Micheal Beck, Tom Schoene, and Elliott Leonard.

MOTION BY MATHIS TO ADOPT SUBITEMS A, B, AND E, TO INTRODUCE SUBITEM D, TO RETURN SUBITEMS F AND G TO THE CITY MANAGER TO RESOLVE THE MAP ISSUE REGARDING LOMA SORRENTO, AND TO CONTINUE SUBITEMS H, I, J, AND K TO SEPTEMBER 8, 1998, FOR THE PURPOSE OF REVISING THE MAP AND FOR THE PREPARATION OF AN EIR ADDENDUM. TO INTRODUCE SUBITEM C AS AMENDED TO REFLECT APPLICANT OPTIONS REGARDING THE LOMA SORRENTO PARCEL AS FOLLOWS: OPTION 1) UP TO 49 DWELLING UNITS ON THE 17.4 ACRE RESIDENTIAL VERY LOW AREA WITH AN ADDITIONAL 11 DWELLING UNITS (TOTAL OF 128) UPON AN EXPANDED FOOTPRINT (TOTAL OF 15.9 ACRES) UPON THE RESIDENTIAL LOW AREA; AND OPTION 2) UP TO 60 DWELLING UNITS ON THE 17.4 ACRE RESIDENTIAL VERY LOW AREA AND 117 DWELLING UNITS ON THE 14.4 RESIDENTIAL LOW AREA. TO ACCEPT THE REQUEST OF COUNCIL MEMBER McCARTY THAT THE CITY INCUR THE COSTS FOR THE REVISION OF THE MAP REGARDING PUTTING A PORTION OF THE SCHOOL PARK SITE ON MR. ELLIOT LEONARD'S PROPERTY IN CARMEL OAKS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, *McCarty-yea, Vargas-yea, Mayor Golding-yea.

*Council Member McCarty voted nay on the portion regarding applicants' options to redesign the existing project for the Loma Sorrento Parcel.

ITEM-331:

SUBJECT: Matter of Mid-City Community Plan Update, Public Facilities Financing Plan, and an amendment to the Mid-City Communities Planned District Ordinance.

(Mid-City Community Area. Districts-3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A through D and introduce the ordinance in Subitem E:

Subitem-A: (R-99-151) ADOPTED AS RESOLUTION R-290607

Adoption of a Resolution certifying that the information contained in LDR-98-8207 has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and that the EIR reflects the independent judgement of the City of San Diego as Lead Agency and that the final EIR has been reviewed and considered prior to approving the project; and adopting the EIR Findings and Statement of Overriding Considerations.

Subitem-B: (R-99-152) ADOPTED AS RESOLUTION R-290608

Adoption of a Resolution approving the draft Mid-City Communities Plan and rescind the 1984 Mid-City Community Plan.

Subitem-C: (R-99-152) ADOPTED AS RESOLUTION R-290608

Adoption of a Resolution amending the Progress Guide and General Plan to incorporate the updated Mid-City Communities Plan.

Subitem-D: (R-99-153) ADOPTED AS RESOLUTION R-290610

Adoption of a Resolution approving the Mid-City Public Facilities Financing Plan and rescinding the existing and approving the proposed Mid-City Development Impact Fees in the Mid-City Communities Planning Area.

Subitem-E: (O-99-25 Cor.Copy) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance amending the Mid-City Communities Planned District Ordinance to phase in multifamily development in facility deficient neighborhoods as shown on Map-B-4104.

SUPPORTING INFORMATION:

This project is for the area generally bounded by I-805 and State Route 15 on the west; I-8 from I-805 to Fairmount Avenue, Montezuma Road, Collwood Boulevard, and El Cajon Boulevard on the north; the City of La Mesa on the east; and State Route 94 on the south.

The community plan contains a number of recommendations, including a general reduction in the density of permitted residential development; allowing a greater depth of commercial development along commercial strips, restoring commercial zoning to certain streets, permitting light manufacturing in some commercial areas, identifying additional public facilities including schools and parks, and limiting residential development until public facilities are provided.

The Financing Plan sets forth facility needs and financing options in the areas of transportation, libraries, park and

recreation, and libraries as identified in the community plan. The amendment to the Mid-City Communities Planned District Ordinance will require a special permit for projects of three or more dwelling units in park deficient neighborhoods to ensure that adequate open space and/or recreation facilities are provided with the project.

CITY MANAGER SUPPORTING INFORMATION:

See City Manager Report P-98-137.

FILE LOCATION: SUBITEMS A-D: LAND-Progress Guide and General Plan, Mid-City Community Plan (9); SUBITEM E: NONE

COUNCIL ACTION: (Tape location: E428-G044.)

Hearing began at 3:30 p.m. and halted at 4:29 p.m.

Testimony in opposition by Thomas Glasser, Chuck Bghde, Robert Dinnegar, Al Frowiss, Danny Gotses, Nicole Cretelle, Mary Drake, and Matt Adams.

Testimony in favor by David Wilson, Jonathan Tibbitts, Johannes Long, Jeen Looper, Julie Hocking, David Nelson, Richard Asman, Karen Collins, Gerri Stryker, Ruth Storr, Jim Varnadore, Edward Gergosian, Kose Thomas, Jolaine Harris, Sandi Lewis, and James Stein.

MOTION BY KEHOE TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT, ADOPT THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS IN SUBITEM A; RESCIND THE EXISTING MID-CITY PLAN AND ADOPT THE UPDATED MID-CITY COMMUNITY PLAN AS RECOMMENDED WITH MODIFICATIONS BY THE PLANNING COMMISSION AND SUPPORTED BY A WIDE RANGE OF COMMUNITY GROUPS IN SUBITEM B; AMEND THE PROGRESS GUIDE AND GENERAL PLAN TO INCORPORATE THE UPDATED MID-CITY COMMUNITY PLAN IN SUBITEM C; ADOPT THE MID-CITY PUBLIC FACILITIES FINANCING PLAN AND RESCIND AND ADOPT THE PROPOSED DEVELOPMENT IMPACT FEES IN SUBITEM D;

INTRODUCE AN ORDINANCE AMENDING THE MID-CITY COMMUNITY PLAN DISTRICT ORDINANCE TO PHASE DEVELOPMENT IN NEIGHBORHOODS THAT HAVE BEEN IDENTIFIED AS DEFICIENT IN PUBLIC FACILITIES IN SUBITEM E; AND TO DIRECT THE CITY MANAGER TO RETURN TO THE PUBLIC SERVICES AND SAFETY COMMITTEE BEFORE THE END OF THE YEAR WITH A WORK PROGRAM FOR EVALUATING THE SHORT FALLS IN THE PUBLIC FACILITIES FINANCING PLAN, IDENTIFYING ALTERNATIVES FOR CLOSING THAT DEFICIT AND OUTLINING AN ACTION PLAN TO DO SO. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Matter of the Grant Hill Revitalization Action Program.

(Southeastern San Diego Community Area.
District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-118) ADOPTED AS RESOLUTION R-290611

Approving the Grant Hill Revitalization Action Program.

CITY MANAGER SUPPORTING INFORMATION:

On July 1, 1997 the City Council approved the development of a Revitalization Action Program for Grant Hill. The purpose of this effort is to ascertain the present needs of the community and identify ways of addressing these needs through the involvement of an inter-disciplinary team of City staff, other agencies, and community representatives.

The result of this effort is a Revitalization Action Program that addresses critical community needs and implements "short range" improvements of the community plan. (Southeastern San Diego Community Plan) within a "short term" five year period. (See Revitalization Action Schedule, pages 10-11 of the document.)

FILE LOCATION: LAND-Southeast San Diego Community Area
Grant Hill Revitalization Action Program

COUNCIL ACTION: (Tape location: J595-610.)

Hearing began at 7:10 p.m. and halted at 7:14 p.m.

Testimony in favor by H. L. Pleasant.

Testimony in opposition by Thomas Glasser.

MOTION BY VARGAS TO ADOPT THE RESOLUTION WITH DIRECTION TO STAFF TO DETERMINE THAT THE PROPOSED GRANT HILL REVITALIZATION ACTION PROGRAM IS CONSISTENT WITH THE SOUTHEASTERN SAN DIEGO COMMUNITY PLAN, AND THAT ONCE THIS ACTION MOVES FORWARD, MR. GLASSER IS TO BE NOTIFIED. 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-yea.

ITEM-333:

SUBJECT: Matter of the Buie Office Complex, a Sorrento Hills project to rezone the property from A-1-1 to M-IP in the Sorrento Hills Community Plan Area.

(District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A, adopt the resolution in Subitem C to grant the permit and introduce the ordinance in Subitem B:

Subitem-A: (R-99-154) ADOPTED AS RESOLUTION R-290590

Adoption of a Resolution certifying that the information contained in LDR-98-0140 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that the negative declaration reflects the independent judgement of the City of San Diego as Lead Agency; and stating that for the record that the final Negative Declaration has been reviewed and considered prior to approving the project.

Subitem-B: (O-99-26) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance rezoning the project site from A-1-1 to M-IP.

Subitem-C: (R-99-316) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-290591

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

SUPPORTING INFORMATION:

The project proposes to rezone the property from A-1-1 to M-IP to allow a development of a 1.27 acre site with a thirteen thousand five hundred square foot, two-story commercial office building, related site improvements, parking and landscaping located at 11260 El Camino Real, Between Arroyo Sorrento Road and Carmel Mountain Road in the M-IP Zone of the Sorrento Hills Community Plan Area.

LEGAL DESCRIPTION:

The project site is more particularly described as Parcel 3 of Parcel Map 17376.

CITY MANAGER SUPPORTING INFORMATION:

The applicant is proposing to rezone 1.27 acres from A-1-1 to M-IP within the Sorrento Hills Community Plan and to construct 14,000 square foot two-story office building with parking, landscaping, and related site improvements at 11260 El Camino Real.

The City Manager recommends certification of Negative Declaration no. 98-0140 and approval of the Rezone from A-1-1 to M-IP; the Planned Industrial Development and Hillside Review Permit 98-0140.

There is no recognized community planning group for Sorrento Hills.

On July 9, 1998, the Planning Commission voted unanimously to recommend to the City Council support of the Manager's recommendations to approve the rezone; Planned Industrial Development Hillside Review Permit 98-0140.

No opposition was presented at the Planning Commission hearing during the public testimony portion of the hearing, nor were any written comments of opposition received. The Planning Commission approved the item on their consent agenda.

FILE LOCATION: SUBITEMS A,C: LAND - Sorrento Hills Community Plan; Buie Office Complex (10); SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A007-034.)

Hearing began at 10:19 a.m. and halted at 10:21 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE, GRANTING THE PERMIT. 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-yea.

ITEM-334:

SUBJECT: Matter of a Comprehensive Community Plan Amendment to the Sabre Springs Community Plan to alter the residential density on various parcels, reduce anticipated buildout, allow residential uses on an undeveloped commercial site if commercial use is not in place by the year 2001, permit non-market rate housing on an institutionally designated site, and make minor changes to community plan text and graphics to reflect existing conditions. An associated amendment to the Progress Guide and General Plan, implementing rezones, Planned Residential Development Permit PRD-96-7647 to replace a previously approved PRD-89-1258 with 72 single-family dwellings and Vesting Tentative Map VTM-96-7647.

(CP & RZ-35-0419, VTM/PRD-96-7647. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following Resolutions in Subitems A and C; adopt the Resolutions in Subitems D and E; and introduce the Ordinance in Subitem B:

Subitem-A: (R-99-155) ADOPTED AS RESOLUTION R-290592

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-35-0419 and LDR-96-7647 have been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and that said reports have been reviewed and considered by the Council; adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-27) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance approving the Rezone No. 35-0419 as indicated on Rezone Map No. C-886.1.

Subitem-C: (R-99-156) ADOPTED AS AMENDED AS RESOLUTION R-290593

Adoption of a Resolution approving the amendment to the Sabre Springs Community Plan and the City of San Diego Progress Guide & General Plan.

Subitem-D: (R-99-317) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-290594

Adoption of a Resolution granting or denying the PRD-96-7647 and rescinding PRD-89-1258, with appropriate findings to support Council action.

Subitem-E: (R-99-318) GRANTED MAP, ADOPTED AS
RESOLUTION R-290595

Adoption of a Resolution granting or denying the Vesting Tentative Map (VTM-96-7647), with appropriate findings to support Council action.

SUPPORTING INFORMATION:

A Comprehensive Community Plan Amendment to amend various land use designations within the Sabre Springs Community Plan Area affecting Parcels 3, 9, 11, 15, 16, 18, 26, 27, 28, 29, 30, 35

and 36; an Amendment to the Progress Guide and General Plan; a Rezone as indicated on Rezone Map No. C-886 to implement the General and Community Plan amendments affecting the above referenced parcels; Vesting Tentative Map/Planned Residential Development (VTM/PRD-96-7647) for the construction of 72 single-family dwellings on Parcel 11. The re-designated and rezoned parcels would reduce the Community Plan build-out from 5,290 dwelling units to 4,108 dwelling units. The PRD/VTM for Parcel 11 would replace a previously approved multiple-family project (89-1258) with 72 single-family dwellings ranging in size between 2,520-3,432 square feet on parcels zoned R1-5000 and containing a minimum of 5,000 square feet for property located within the Sabre Springs Community, east of Interstate 15 Freeway, north and south of Poway Road.

LEGAL DESCRIPTION:

The project site for the VTM/PRD is more particularly described as a portion of the northeast quarter of Section 20, a portion of the northwest quarter of Section 21 and a portion of the south half of Section 16 of Township 14 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, state of California.

FILE LOCATION: SUBITEMS A,C-E; LAND - Sabre Springs Community Plan (10); SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A007-034.)

Hearing began at 10:19 a.m. and halted at 10:21 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE, GRANTING THE PERMIT AND MAP.

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-yea.

ITEM-335:

SUBJECT: Matter of amendments to the Progress Guide and General Plan, Mira Mesa Community Plan, a Rezone, a Vesting Tentative Map 96-7371, a Street Action, a Planned Commercial Development Permit, a Planned Residential Development Permit, a Conditional Use Permit and a Resource Protection Ordinance Permit within the Mira Mesa Community Planning Area. (Mira Mesa Market Center)

(PG&GP/CPA/RZ/VTM/SA/PCD/PRD/CUP/RPO-96-7371.
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the Resolutions in Subitems A, C, and F; introduce the Ordinance in Subitem B; adopt the Resolutions in Subitems D and E to grant the permit and map.

Subitem-A: (R-98-1586) ADOPTED AS RESOLUTION R-290612

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-96-7371 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the final EIR has been reviewed and considered prior to approving the project. Adopting the Findings and Statement of Overriding Considerations and Adopting the Mitigation and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-158) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance rezoning subject property from A-1-1 to CA.

Subitem-C: (R-98-1587) ADOPTED AS RESOLUTION R-290613

Adoption of a Resolution approving amendments to the Progress Guide and General Plan and the Mira Mesa Community Plan.

Subitem-D: (R-99-319) GRANTED PERMIT, ADOPTED AS RESOLUTION R-290614

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

Subitem-E: (R-99-320) GRANTED MAP, ADOPTED AS RESOLUTION R-290615

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

Subitem-F: (R-98-1588) ADOPTED AS RESOLUTION R-290616

Adoption of a Resolution authorizing the vacation of portions of "Old" Black Mountain Road and a portion of Mayalinda Road as provided for under Section 66499.20-1/2 of the State Map Act.

CITY MANAGER SUPPORTING INFORMATION:

The requested actions are necessary to allow for the development of a mixed use project consisting of a 479,451 square-foot retail commercial and entertainment shopping center, and a 422-unit multi-family residential development project. The Mira Mesa Market Center project is located on a 66-acre site on the southwest corner of Interstate 15 and Mira Mesa Boulevard within the Mira Mesa Community Planning Area.

On June 15, 1998, the Mira Mesa Community Planning Group voted unanimously to approve the Mira Mesa Market Center project contingent upon 11 conditions. All conditions have been satisfied by the project.

LEGAL DESCRIPTION:

The project site is located in the southwest quadrant of the Interstate 15/Mira Mesa Boulevard Interchange, extending south of Hillery Drive to the Miramar College campus and is more particularly described as Portions of Sections 31 and 32, Township 14 South, Range 2 West SBBM in the Mira Mesa Community Planning Area.

FILE LOCATION: SUBITEMS A,C,D,E,& F: LAND-Progress Guide and General Plan, Mira Mesa Community Plan Mira Mesa Market Center (9); SUBITEM B: NONE

COUNCIL ACTION: (Tape location: J630-K316.)

Hearing began at 7:17 p.m. and halted at 7:56 p.m.

MOTION BY WARDEN TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE, GRANTING THE PERMIT AND MAP WITH ADDITIONAL CONDITIONS AS REQUESTED BY COUNCIL TO PRESERVE 200 SQUARE FEET ON SITE FOR VERNAL POOLS, AND TO REQUIRE A 3.45 TO 1 RATIO. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NOTE: IT IS ANTICIPATED THAT ITEMS S406 AND S407 WILL BE CONTINUED TO 10:00 A.M. TIME CERTAIN ON TUESDAY, AUGUST 4, 1998.

ITEM-S406:

SUBJECT: Three actions related to a Ballot Measure for the Adoption of an Ordinance Authorizing Redevelopment and Construction of a Ballpark.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-31) INTRODUCED AND ADOPTED AS ORDINANCE
O-18565 (New Series)
**NOTE: Ordinance was Re-introduced
and Re-adopted on August 7, 1998**

(Note: Ordinance Number O-18613 (New Series) was reserved specifically for its use as a reference number for Proposition C, An Ordinance Authorizing Redevelopment and Construction of a Ballpark, approved by the voters of the City on November 3, 1998,)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition for the adoption of an ordinance authorizing redevelopment and construction of a ballpark.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

FILE LOCATION: SUBITEMS A-C, Additional Business: MEET
(64)

COUNCIL ACTION: (Tape location: A100-C468; D019-E364.)

MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE TO PLACE THIS MATTER BEFORE THE VOTERS ON THE NOVEMBER BALLOT, TO DIRECT THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE ORDINANCE AND THE MOU, TO DESIGNATE THE MAYOR TO COORDINATE THE BALLOT ARGUMENT AND THAT THE BALLOT QUESTION IS, "SHALL AN ORDINANCE BE ADOPTED TO AUTHORIZE THE CITY OF SAN DIEGO ENTER INTO AGREEMENTS TO REDEVELOP AN AREA OF DOWNTOWN, AND CONSTRUCT A MULTI-USE BALLPARK PROVIDED THAT: 1) THE CITY PARTICIPATION REQUIRES NO NEW TAXES; IS CAPPED AND LIMITED TO REDEVELOPMENT FUNDS IN AN AMOUNT EQUIVALENT TO CERTAIN HOTEL TAX REVENUES AND; 2) THE SAN DIEGO PADRES GUARANTEE SUBSTANTIAL PRIVATE CONTRIBUTIONS AND PAY ALL BALLPARK CONSTRUCTION COST OVERRUNS, AND PLAY IN SAN DIEGO UNTIL THE YEAR 2024." TO ACCEPT MAYOR GOLDING'S PROPOSAL THAT THE COUNCIL TAKE TWO ADDITIONAL ACTIONS THAT FURTHER ENSURE EXISTING CITY SERVICES WILL NOT BE IMPACTED BY THE BALLPARK AND REDEVELOPMENT PROJECT AS FOLLOWS: 1) TO CREATE A COUNCIL POLICY THAT WOULD ESTABLISH A TOT RESERVE FUND AND THAT THIS POLICY WOULD BE SUBJECT TO THE ANNUAL BUDGETARY DECISIONS OF THE CITY COUNCIL IN THE EVENT THAT RECEIPTS FROM TAX ON HOTEL ROOMS EXCEED THE ASSUMED EIGHT PERCENT GROWTH, AND THAT THE COUNCIL WOULD DEPOSIT A PORTION OF THE EXCESS INTO THE FUND; AND 2) ALL BALLPARK PROJECT REVENUES NETTED ANNUALLY TO THE CITY BE USED TO OFFSET THE CITY'S SHARE OF OPERATING EXPENSES THAT ARE CAPPED AT 3.5 MILLION DOLLARS, AND THAT THIS WOULD APPLY TO REVENUES RECEIVED FROM THE PUBLIC PARKING FACILITIES THAT ARE PROVIDED BY THE CITY THAT ARE PURSUANT TO THE MOU ABOVE THE 250,000 DOLLARS THAT WOULD BE DEPOSITED INTO THE CAPITAL IMPROVEMENTS RESERVE FUND. 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-yea.

ADDITIONAL BUSINESS: (R-99-196) ADOPTED AS RESOLUTION R-290619

Adoption of a Resolution giving directions to the City Attorney and the City Manager.

NOTE: IT IS ANTICIPATED THAT ITEMS S406 AND S407 WILL BE CONTINUED TO 10:00 A.M. TIME CERTAIN ON TUESDAY, AUGUST 4, 1998.

ITEM-S407:

SUBJECT: Three actions related to a Ballot Measure for the November 3, 1998 Election - Sea World Initiative to Amend Coastal Zone Height Restriction.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A and consider Subitems B and C:

Subitem-A: (O-99-15) INTRODUCED AND ADOPTED AS ORDINANCE O-18566 (New Series)
(NOTE: Ordinance No. O-18573 N.S. has been assigned to the Ballot Proposition which will be voted on by the electorate on November 8, 1998) (NOTE: Ordinance O-18566 was Re-introduced and Re-adopted on August 7, 1998.)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition relating to an initiative measure amending People's Ordinance No. O-10960 N.S., adopted on November 7, 1972, as amended by vote of the people on November 8, 1988, pertaining to the Height of Buildings in the Coastal Zone.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

SUPPORTING INFORMATION:

On June 10, 1998, Sea World of California filed with the City Clerk's Office an initiative petition regarding the Coastal Zone height restriction (People's Ordinance No. O-10960 N.S.). The petition was filed within the prescribed time period of 180 days following the date of publication of a notice of intent to circulate the petition. On July 6, 1998, the Registrar of Voters completed the petition signature verification by use of a random sampling method authorized by the San Diego Municipal Code (SDMC). The petition was found to contain the valid signatures of over ten percent of the City's registered voters as required by the Charter for direct submission to the voters. People's Ordinance No. O-10960 N.S. was enacted by the voters as Proposition D on November 7, 1972, limiting the height of buildings in the Coastal Zone. The provisions of SDMC Section 27.2528 require that "(a)ny initiated legislative act adopted by a majority vote of the voters may be amended or repealed only by a vote of the majority of the voters or by Charter amendment." On July 20, 1998, the City Council adopted Resolution R-290464 accepting the City Clerk's Certification of Sufficiency and directing the City Attorney to prepare the ordinance on today's docket, placing the measure on the ballot at a Special Municipal Election consolidated with the next General Statewide Election on November 3, 1998.

FILE LOCATION: SUBITEMS A-C: MEET

COUNCIL ACTION: (Tape location: E365-386.)

MOTION BY STEVENS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

(Continued from the meeting of July 28, 1998, Item 341, at the request of the City Manager to allow for further review; and continued from the meeting of June 30, 1998, Item 334, at the request of Councilmember Mathis, to allow for additional time to work with the property owners involved.)

ITEM-S500:

SUBJECT: Three actions related to a Street Vacation and Slope Easement Abandonment in a portion of Cass Street and Rutgers Road in conjunction with LDR-96-8294.

(La Jolla and Pacific Beach Community Areas.
Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1043) ADOPTED AS RESOLUTION R-290596

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-96-8294 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said declaration reflects the independent judgement of the City of San Diego as Lead Agency. Stating for the record that the declaration has been reviewed and considered prior to approving the project.

Subitem-B: (R-98-1041) ADOPTED AS RESOLUTION R-290597

Adoption of a Resolution summarily vacating a portion of Cass Street and Rutgers Road north of Van Nuys Street in accordance with Sections 8331 et seq. of the Public Streets and Highways Code.

Subitem-C: (R-98-1042) ADOPTED AS RESOLUTION R-290598

Adoption of a Resolution summarily vacating slope easements in Block 9, Map-928 and in Block 9, Map-930 in accordance with Section 8334 et seq. of the Public Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owner has requested the vacation of Cass Street and Rutgers Road (with associated slope easements) in order to use the area for a single family residential development in the future. The Cass Street portion of the vacation area is within the La Jolla Community Planning Area and comprises 8,003 square feet (.18 acres). The Rutgers Road portion of the vacation area (including slope easements) is within the Pacific Beach Community Planning Area and comprises 14,361 square feet (.33 acres) and is fee owned by the City. A land sale at fair market value for the Rutgers Road portion is a companion Council item. Both areas are within the R-1-5000 Zone and when joined with the applicants property would allow additional single family residential development. The applicant has obtained an access easement from Lot 32, Map-4551 to access the site from Moonlight Lane. No homes exist on the abutting properties today. A Negative Declaration DEP-96-8294 was prepared as part of this request. Any future development will be subject to City zoning and development permit procedures. The La Jolla Community Planning Association voted 7-5-1 to approve the vacation and the Pacific Beach Community Planning Committee voted unanimously to approve this action. The right-of-way to be vacated does contain

public utilities for which easements are being reserved. Staff review has indicated that the right-of-way may be summarily vacated and that the four required findings for vacation can be made.

FOUR FINDINGS: 1) The portions of streets to be vacated are not needed for present or prospective public street purposes; and 2) The public will benefit from the vacation through improved utilization of the land; and 3) The vacation is consistent with the approved Community Plan; and 4) The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

FILE LOCATION: SUBITEMS A-B: STRT J-2885; SUBITEM C:
DEED F-7302

COUNCIL ACTION: (Tape location: A007-034.)

Hearing began at 10:19 a.m. and halted at 10:21 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY STALLINGS 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-yea.

ITEM-S501:

(Continued from the meetings of June 30, 1998, Item 335, and July 28, 1998, Item 342; last continued at the City Manager's request, for further review.)

SUBJECT: Exclusive Sale - Portion of Rutgers Road.

(Pacific Beach Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1168) ADOPTED AS RESOLUTION R-290599

Authorizing the exclusive sale of a 0.18-acre portion of Rutgers Road for \$123,000, which amount has been established by independent appraisal to be fair market value, and which is an undeveloped and unneeded City-owned street at the north end of Cass Street on the Pacific Beach - La Jolla boundary;

Authorizing the execution of a grant deed, conveying the property to Chloe Edge Trust dated June 17, 1994.

NOTE: See Item S500 for a companion item.

CITY MANAGER SUPPORTING INFORMATION:

Proposed for sale to Chloe Edge Trust is a 0.18-acre portion of Rutgers Road, which is an undeveloped and unneeded City-owned street at the north end of Cass Street on the Pacific Beach - La Jolla boundary. Chloe Edge Trust, the adjacent owner, wishes to assemble street right-of-way with land the Trust already owns to form a buildable site for a single-family residence. A proposed street vacation of this portion of Rutgers Road and an adjacent portion of Cass Street has been prepared by Development Services. The street vacation and sale are being presented to the City Council as companion items. However, only Rutgers Road is included in the land sale because the City does not have an ownership interest in the Cass Street portion of the street vacation. The value of the Rutgers Road street vacation area was determined by independent fee appraisal to be \$123,000 as of January 1, 1998.

FILE LOCATION: DEED F-7265

COUNCIL ACTION: (Tape location: A007-034.)

Hearing began at 10:19 a.m. and halted at 10:21 a.m.

Mayor Golding closed the hearing.

CONSENT MOTION BY STALLINGS 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-yea.

(Continued from the meeting of July 28, 1998, Item
339, at the City Manager's request, for further
review.)

ITEM-S502:

SUBJECT: Repeal of the 1981 Border Highlands Local Coastal
Program Land Use Plan and adoption of the Tijuana River
Valley Local Coastal Program Land Use Plan. The
proposed Tijuana River Valley Local Coastal Program
Land Use Plan (TRVLCP/LUP) effectively replaces the
1977 Tijuana River Valley Local Coastal Program
Addendum and the Border Highlands Local Coastal Program
Land Use Plan and consolidates them into a
comprehensive Local Coastal Program Land Use Plan in
order to implement the California Coastal Act, and to
reflect the policies of the City's Multiple Species
Conservation Program (MSCP) and the re-designation of
most of the planning area to primarily open space.

(Tijuana River Valley Community Plan Area.
Districts-8 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-110) ADOPTED AS RESOLUTION R-290600

Adoption of a Resolution certifying that the information in LDR File No. 98-0683 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said report

