

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, OCTOBER 17, 2000  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:33 a.m. Mayor Golding adjourned the meeting at 12:03 p.m. to reconvene at 2:00 p.m. in Closed Session in the twelfth floor conference room to discuss existing litigation matters.

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 Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Abdelnour (ew)

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-not present
- (5) Council Member Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Barbara Hill regarding the decision of the De Anza Change of Use issue and how it will affect the people of the De Anza Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-060.)

PUBLIC COMMENT-2:

Comment by Leo Long regarding the De Anza Project and stopping the Gelfand plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-083.)

PUBLIC COMMENT-3:

Comment by Donald Ray, Jr. regarding St. Vincent de Paul and the behavior of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-126.)

PUBLIC COMMENT-4:

Comment by Al Strohle in regarding his request of the following: 1) Having the trolley staff install a ticket machine on the street side of the City Hall building; 2) Authorizing the trolley police to sale tickets on the trolley; and 3) Extending the two-hour day tripper ticket to 3 hours.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A127-143.)

PUBLIC COMMENT-5:

Comment by Wes Danskin regarding the 6-to-6 Program and Community Service Centers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A144-158.)

PUBLIC COMMENT-6:

Comment by Don Stillwell regarding the Municipal Code Section 2201, Rule 8C which explains public comment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A159-187.)

PUBLIC COMMENT-7:

Comment by Bob Dingeman thanking the City Council for their community support.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A188-217.)

PUBLIC COMMENT-8: REFERRED TO THE CITY MANAGER

Comment by Matt Witman regarding the document that was passed out by Larry Gardner of the Water Utilities Department. The document contained the following: 1) A vision of their policies and what policies they will implement in the future in San Pasqual Valley; and 2) A Moratorium on lease renewals longer than 5 years which will last until the Water Utilities Department decides what it will do with their water resources in the Valley. Mr. Witman further stated that the delays in the lease renewals are disrupting their businesses and asked the City Council to send the new policies to Committee to be reviewed and provide direction to the Water Utilities Department on their proposals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A218-247.)

COUNCIL COMMENT:

None.

ITEM-330: Scripps Ranch Business Park Phase III.

(Project No. 99-0189) Matter of a proposal to amend the General and Scripps Miramar Ranch Community Plans to redesignate 6-lots of an approved 106-acre, 15-lot industrial park to a combination of Multi-family Residential (15-29 du/ac), Age-restricted Residential, Assisted Care Facilities, Church and Park use; amend an existing Planned Industrial Development Permit to delete the 6-lots and a Rezone of the 6-lots from M-IP (IP-2-1) to R-1500 (RM-2-5). The subject project is located on the east side of Scripps Ranch Boulevard between Scripps Lake Drive and Scripps Ranch Boulevard.

(Project No. 99-0849) And matter of an application to construct a 378-dwelling unit apartment project in 28, 2 and 3 story buildings with attached and detached garages, open parking, pedestrian pathways and a recreation complex on three previously graded industrially zoned (M-IP existing/R-1500 proposed) lots with an area of 19.5 acres located on the east side of Scripps Ranch Boulevard and south side of Hoyt Park Drive within the boundaries of the Scripps Miramar Ranch Community Plan.

(99-0189 & 99-0849. Scripps Miramar Ranch Community Plan area. District-5.)

**NOTE:** The Council will have the option of accepting the City Manager's recommendation in Subitem A OR the Applicant's request in Subitem B.

**CITY MANAGER'S RECOMMENDATION:**

Note and file the resolution in Subitem A(1); adopt the resolutions in Subitems A(2), A(3), and A(4) denying the Community Plan Amendment and the permits:

Subitem-A(1): (R-2001-547) APPLICANT WITHDREW REQUEST

Adoption of a Resolution certifying that the information contained in

Environmental Mitigated Negative Declaration LDR No.-99-0189 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines; that the declaration reflects the independent judgment 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 this Council in connection with consideration of the land use actions for the Scripps Ranch Business Park Phase III development;

that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study;

adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-A(2): (R-2001-548) APPLICANT WITHDREW REQUEST

Adoption of a Resolution denying the amendments to the Scripps Miramar Ranch Community Plan.

Subitem-A(3): (R-2001- ) APPLICANT WITHDREW REQUEST

Adoption of a Resolution denying Planned Industrial Development [PID] Permit No. 99-0189 amending PID No. 85-0762 for the Scripps Ranch Master Plan, with appropriate findings to support Council action.

Subitem-A(4): (R-2001- ) APPLICANT WITHDREW REQUEST

Adoption of a Resolution denying Planned Residential Development Permit No. 99-0849 for the Avalon at Scripps Ranch development, with appropriate findings to support Council action.

**OR:**



**APPLICANT'S REQUEST:**

Adopt the resolution in Subitem B(1) to certify the Mitigated Negative Declaration No. 99-0189 and adopt the MMRP; introduce the ordinance in Subitem B(2); adopt the resolutions in Subitems B(3), B(4), and B(5) to approve the Community Plan Amendment and to grant the permits.

Subitem-B(1): (R-2001-547) APPLICANT WITHDREW REQUEST

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No.-99-0189 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines; that the declaration reflects the independent judgment 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 this Council in connection with consideration of the land use actions for the Scripps Ranch Business Park Phase III development;

that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study;

adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B(2): (O-2001-67) APPLICANT WITHDREW REQUEST

Introduction of an Ordinance changing 19.5 acres located on the east side of Scripps Ranch Boulevard between Hoyt Park Drive and Scripps Ranch Boulevard, within the Scripps Miramar Ranch Community Plan area, from the M-IP zone into the R-1500 zone.

Subitem-B(3): (R-2001-578) APPLICANT WITHDREW REQUEST

Adoption of a Resolution approving the amendments to the Scripps Miramar Ranch Community Plan and the General Plan.

Subitem-B(4): (R-2001- ) APPLICANT WITHDREW REQUEST

Adoption of a Resolution granting Planned Industrial Development [PID] Permit No. 99-0189 amending PID No. 85-0762 for the Scripps Ranch Master Plan, with appropriate findings to support Council action.

Subitem-B(5): (R-2001- ) APPLICANT WITHDREW REQUEST

Adoption of a Resolution granting Planned Residential Development Permit No. 99-0849 for the Avalon at Scripps Ranch development, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on August 17, 2000 voted 6 - 0 to recommend that the City Council follow the City Manager's recommendation.

Ayes: Steele, Butler, Stryker, White, Brown, Anderson  
Not present: Skorepa

The Scripps Miramar Ranch Community Planning Group on April 6, 2000 voted 15-0-0 to recommended denial of the three project applications and requested actions represented in this report.

**SUPPORTING INFORMATION:**

The Scripps Ranch Business Park Phase III, Project No. 85-0762, was approved by the City of San Diego in November, 1986, as a 15-lot (11-buildable, 1-City Utility Underground Tank Site, 3-open space), M-IP zoned, Planned Industrial Development on 98.97 acres. The Scripps Miramar Branch library was developed and the Evans Pond preserved on Lot 14. The PID and M-IP zoning provided landscaped buffers, building setbacks, height limitations and walls in order to buffer the industrial development from adjacent single-family residential uses to the south and east. The Scripps Ranch High School lies across Scripps Ranch Boulevard to the west, with commercial lands to the northwest, additional industrial to the southwest and Miramar (lake) Reservoir to the north. Only one lot (#9) has developed with the permitted industrial development. An additional lot (#12) has been sold to a church but no plans to develop the lot have been received.

The Scripps Ranch Business Park Phase III project has fully graded all the building sites, landscaped the slopes, completed all required public improvements and has been maintained by the property owner.

PROJECT DESCRIPTION:

On September 8, 1999, the property owner submitted an application to amend the Progress Guide and General Plan and the Scripps Miramar Ranch Community Plan, together with a Planned Industrial Development Permit Amendment (for Lots 3, 4 and 6-8; Attachment No. 1-- City Manager's Report) and a rezone request (for 4-lots) from M-IP to R-1500 zoning. The land use changes originally contemplated a combination of residential development at a maximum of 29 dwelling units per acre, senior citizen age restricted housing, assisted care facilities, or a church/school. The current request is more clearly defined for residential on Lots 6-8 and senior housing on Lot 4, with use of Lot 5 (a City owned underground tank site) as a park site. Additionally, Lots 1, 2, 10, and 11, which would remain under the PID Permit and M-IP zone, have been sold to another company which has initiated the Substantial Conformance Review process with the City to develop industrial uses on these sites. An application to develop in compliance with the requested actions of the Master Amendment Application have been submitted for residential on Lots 6-8 (presented in City Manager's Report.) The third application for Senior Housing on Lot 4 is still in project review and not presented with this report.

Avalon at Scripps Ranch:

This project is contingent on approval of the Scripps Ranch Business Park Phase III (Master Amendment) request. Should the City Council deny the Master Amendment, then the Council would have to deny the Avalon apartment proposal as this application requires the plan amendments redesignating the three lots comprising this site to residential from industrial, the PID Amendment to delete Lots No. 4 and 6-8 from the PID and the rezoning to the R-1500 zone.

Avalon is a proposed 378 unit residential apartment project on the 19.5 acres that comprise Lots 6-8 of the Scripps Ranch Business Park Phase III, located on the south sides of Hoyt Park and Meanley Drives between Scripps Ranch Boulevard and the City tank/proposed park site. The proposed development, at 19.4 dwelling units per acre, is 188 units less than the maximum 566 units the proposed zone would permit. The previously graded site consists of three graded pads with Lots 7 and 8 having a grade differential from elevation 530-feet to 543.5-feet; a landscaped slope separating them from Lot 6 which is at elevation 600-feet. A system of pedestrian

pathways would allow the residents of the project to circulate between the pads and, with connections to the cul-de-sac in the adjacent single-family neighborhood and the interior industrial streets, permit and encourage pedestrian access to the high school and the community library site. The majority of residential structures will be three stories/44-feet in height to ridge line with a two story design also proposed. The buildings contain individual units ranging in size from 719 sq. ft. to 1, 344 sq. ft., and containing 1-3 bedrooms. A third application for an assisted care facility on Lot 3 (which has been previously withdrawn), proposed the removal of a number of Eucalyptus trees along the north property line adjacent to the Evans Pond area and a rubble stone wall about 175-feet in length and from grade level to a maximum height of about 7- feet. This wall section is all that remains (outside of the pond) of the Meanley Ranch that once occupied this site and subsequently became the industrial park. No other main or other accessory use structures remain from that ranch. Environmental staff has been able to determine that there is no environmental historical significance to this remaining wall.

**FISCAL IMPACT:** None.

Halbert/Manis/RK

**LEGAL DESCRIPTION:**

The Scripps Ranch Business Park Phase III is located approximately one half-mile east of Interstate 15, immediately east of Scripps Ranch Boulevard and immediately south of Scripps Lake Drive and is more particularly described as Lots 1-15, Scripps Ranch Business Park Phase III, Map No. 12130), Scripps Miramar Ranch Community Planning area.

The Avalon at Scripps Ranch project site is more particularly described as being located approximately one half-mile east of Interstate 15, immediately east of Scripps Ranch Boulevard and immediately south of Scripps Lake Drive (Lots 6-8, Scripps Ranch Business Park Phase III, Map No. 12130), Scripps Miramar Ranch Community Planning area.

FILE LOCATION: LAND - Scripps Miramar Ranch Community Plans (10)

COUNCIL ACTION: (Tape location: A011-037; A248-277.)

Applicant Daniel Costa requested to have item withdrawn.

Mayor Golding announced that the applicant withdrew his request.

ITEM-331: C Street (from I-5 to 24<sup>th</sup> Street) and C Street (from 28<sup>th</sup> Street to 29<sup>th</sup> Street) Underground Utility District.

(Greater Golden Hill Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-279) ADOPTED AS RESOLUTION R-293979

Establishing the C Street (from I-5 to 24<sup>th</sup> Street) and C Street (from 28<sup>th</sup> Street to 29<sup>th</sup> Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the C Street (from I-5 to 24<sup>th</sup> Street) and C Street (from 28<sup>th</sup> Street to 29<sup>th</sup> Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$230,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$10,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2100261.

FILE LOCATION: STRT-K-306 (38)

COUNCIL ACTION: (Tape location: A248-277.)

Hearing began at 10:58 a.m. and halted at 10:59 a.m.

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

ITEM-332: Twain/50th/Orcutt (from Mission Gorge Road to Waring Road) Underground Utility District.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-287) ADOPTED AS RESOLUTION R-293980

Establishing the Twain/50th/Orcutt (from Mission Gorge Road to Waring Road) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities”, and will underground the overhead utility facilities in the Twain/50th/Orcutt (from Mission Gorge Road to Waring Road) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$385,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2100262.

FILE LOCATION: STRT-K-309 (38)

COUNCIL ACTION: (Tape location: A278-345.)

Hearing began at 11:00 a.m. and halted at 11:04 a.m.

Testimony in favor by Judy Gervais.

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

ITEM-333: Kelton Road (from Luber Street to Alvin Street) Underground Utility District.  
(Emerald Hills Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-289) ADOPTED AS RESOLUTION R-293981

Establishing the Kelton Road (from Luber Street to Alvin Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Kelton Road (from Luber Street to Alvin Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.



**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$367,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2100239.

FILE LOCATION: STRT-K-310 (38)

COUNCIL ACTION: (Tape location: A248-277.)

Hearing began at 10:58 a.m. and halted at 10:59 a.m.

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

ITEM-334: CCDC Area 1, Phase II, Job 1, California Street (from West Beech Street to Olive Street) Underground Utility District.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-324) ADOPTED AS RESOLUTION R-293982

Establishing the CCDC Area 1, Phase II, Job 1, California Street (from West Beech Street to Olive Street) Underground Utility District.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed district is identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities”, and will underground the overhead utility facilities in CCDC Area 1, Phase II, Job 1, California Street (from West Beech Street to Olive Street) Underground Utility District. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

**FISCAL IMPACT:**

SDG&E Cost: The construction cost of \$1,200,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2100242.

FILE LOCATION: STRT-K-311 (38)

COUNCIL ACTION: (Tape location: A346-500.)

Hearing began at 11:05 a.m. and halted at 11:13 a.m.

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

ITEM-335: Three actions related to Carmel Mountain Road Phase II - Offsite Acquisition.

(See City Manager Report CMR-00-202. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-520) ADOPTED AS RESOLUTION R-293983

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the acquisition of a slope easement for the construction, improvement, operation and maintenance of the Carmel Mountain Road Phase II Offsite Acquisition Project; the property is located east of the intersection of El Camino Real and Carmel Mountain Road, in the Carmel Valley Community; that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

Declaring that the property is deemed necessary for completion of the Carmel Mountain Road Phase II Offsite Acquisition Project;

Declaring the intention of the City to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, in the County of San Diego, to condemn, acquire and obtain immediate possession of the property for the use of the City.

**NOTE:** 6 votes required.

Subitem-B: (R-2001-521) ADOPTED AS RESOLUTION R-293984

Authorizing the expenditure of an amount not to exceed \$10,000 from Developer's Trust Fund 63020, Org. 102, Object Account 4638, Job Order 650024, for costs related to condemnation of property rights required for the

extension of a public street in connection with the Carmel Mountain Road Phase II - Offsite Acquisition Project, upon certification by the City Auditor and Comptroller of funds being available.

Subitem-C: (R-2001-524) ADOPTED AS RESOLUTION R-293985

Authorizing the City Manager to execute a Subdivision Offsite Right-of-Way Acquisition agreement for improvements to Carmel Mountain Road, as an offsite requirement of Vesting Tentative Map VTM-96-0737, for the acquisition of a slope easement for the construction of the extension of a public street.

Aud. Cert. 2100358.

FILE LOCATION: Subitems A, B & C: MEET

COUNCIL ACTION: (Tape location: A248-277.)

Hearing began at 10:58 a.m. and halted at 10:59 a.m.

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

ITEM-336: Vacation of portion of Lowell Street.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-214 Cor. Copy) ADOPTED AS RESOLUTION R-293986

Vacating a portion of Lowell Street; excepting that the area shown on Drawing No. 19117-B designated as a general utilities and access easement, is reserved as a general utilities easement for the construction and maintenance of public utilities and appurtenances thereto with the right of ingress and egress for such purposes.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Lowell Street, which is in the Peninsula Community area within Council District (2). The property owners of 3507 Lowell Way requested the vacation of a triangular remnant piece of land dedicated as public street, and desire to construct a room addition and landscape the area being vacated. The applicants will dedicate 3 feet of land to the City along their frontage on Lowell Way to bring the street up to the current street design guidelines of providing a 10 feet curb to property line distance. Peninsula Community Planning Board supported (8:0:1) the vacation of the street at their meeting on September 16, 1999. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

Loveland/Haase/AA

FILE LOCATION: STRT-J-2917 (39)

COUNCIL ACTION: (Tape location: A248-277.)

Hearing began at 10:58 a.m. and halted at 10:59 a.m.

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

ITEM-337: Gringo's Cantina.

Matter of an appeal of Alfred C. Strohle, et al, from the decision of the Planning Commission in approving a Planned Development Permit and Coastal Development Permit to demolish 984 square feet of an existing 1-story restaurant and construct a new 1,527 square foot one-story addition with exterior useable eating areas. The project proposes to add ten parking spaces to the existing parking area to provide a total of 28 parking spaces. A fossil fuel filter shall be incorporated in the storm drain catch basin located in the southeast corner of the project's parking lot to reduce pollutant and contamination levels from parking lot surface run-off to below a level of significance. The project is located on a .43 gross acre site at 4474 Mission Boulevard, within the CV-1-2 zone, in the Pacific Beach Community Planning Area.

(PDP/CDP 40-0270. Pacific Beach Community Plan Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to deny the appeal and grant the permits.

(R-2001- ) DENIED APPEAL AND GRANTED PERMITS, ADOPTED AS  
RESOLUTION R-293987

Adoption of a resolution granting or denying the appeal and granting or denying the Planned Development Permit/Coastal Development Permit 40-0270 subject to conditions of approval in Attachment 5, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve, subject to conditions of approval reflected in draft Permit; was opposition.

Ayes: Steele, Anderson, Brown, Butler, Styker, White

Nays: None

Not present: Skorepa

The Pacific Beach Community Planning Group has recommended approval of the permit, subject to conditions of approval reflected in draft Permit.

**SUPPORTING INFORMATION:**

The subject property is a 0.43-acre, rectangular, legal parcel of land. It is relatively level, and located on the southwest corner of the intersection of Mission Boulevard and Garnet Avenue, within the CV-1-2 zone and the Pacific Beach Community Planning Area. The Pacific Beach Community Plan designates the site for a variety of Visitor Commercial land uses consistent with CV-1-2 zone intensity and development regulations. The surrounding area is currently developed with single and multi-story commercial buildings, in a variety of sizes, architectural styles and colors. Mission Boulevard and Garnet Avenue abut the eastern and northern boundaries of the site, respectively, while improved alleys abut the property to the west and south.

The site is located within the City of San Diego Coastal Overlay Zone (Coastal Commission Appeal Jurisdiction Area). On February 17, 2000, Building Permit B200672-00 was issued to allow minimal remodeling of the existing commercial building. However, City staff has concluded that the scope of work at the site subsequently exceeded that which was permitted under the building permit, as well as that which could be exempted from the requirement for a Coastal Development Permit. Consequently, this project is to allow the completion of construction work that has already commenced. The requested Planned Development Permit is to address deviations to current development regulations of the Land Development Code, to allow flexibility in design options and consideration of the previous building configuration and placement. The project proposes to demolish 984 square feet of an existing one-story restaurant building, and construct a 1,527 square foot, one-story addition to said structure. Outdoor dining areas comprising 1,049 square feet are proposed adjacent to the north and east building walls of the restaurant. Vehicular access to the project's 28 off-street parking spaces is provided by the paved alley to the west of the site, as well as an existing driveway along Mission Boulevard. Supplemental landscape features, including street trees, parking lot trees, and various other landscape materials are proposed per landscape criteria specified by the Local Coastal Program, the Pacific Beach Community Plan, and Land Development Manual Landscape Standards.

On August 17, 2000, the Planning Commission voted unanimously (6-0) to approve the Gringo's Cantina Project, subject to conditions of approval contained within draft Planned Development/Coastal Development Permit No. 40-0270 (see Attachment 5). In response to concerns expressed in opposition testimony that was provided during the public hearing, the Planning Commission added conditions of approval included as items no. 21 and 22, and reiterated conditions of approval included as items no. 23 and 28 in the aforementioned permit, to further mitigate potential impacts of this project upon adjacent properties. Those conditions include requirements limiting hours of truck deliveries, restricting live entertainment from the outdoor patio area, requiring the applicant to make efforts to eliminate late-night noise impacts upon adjacent properties, requiring adherence to the citywide Noise Ordinance regulations, and requiring a screening enclosure of any rooftop mechanical equipment.

Four appeals of the decision of the Planning Commission were filed between August 25-30 (see Attachment 6).

**FISCAL IMPACT:** None.

Loveland/Haase/ngs

**LEGAL DESCRIPTION:**

The 0.43-acre site is located at 4474 Mission Boulevard in the CV-1-2 zone, within the Pacific Beach community. The project site is more particularly described as Lots 11-16, Block 226, Pacific Beach Amended Trustees Map 791.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301(e) (1).

FILE LOCATION: PERM-40-0270 (65)

COUNCIL ACTION: (Tape location: A501-B670.)

Hearing began at 11:14 a.m. and halted at 12:02 p.m.

Council Member Stevens entered in at 11:38 a.m.

Testimony in opposition by Al Strohlein, LaRose Hunt and Donna Frye.

Testimony in favor by Jim Milch, Vern Taylor, Brett Miller, and Shelley Miller.

MOTION BY WEAR TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND CERTIFY LDR NO. 40-0270 AND APPROVE THE PLANNED DEVELOPMENT PERMIT/COASTAL DEVELOPMENT PERMIT 40-0270 WITH THE FOLLOWING CLARIFICATIONS ON THE DOCKET: 1) CHANGE THE FIGURE "948" SQUARE FOOT OF AN EXISTING 1-STORY RESTAURANT TO "984" SQUARE FOOT; 2) CHANGE THE FIGURE "1484" SQUARE FOOT OF ONE- STORY ADDITION TO "1527"; AND 3) CHANGE THE FIGURE OF "32" PARKING SPACES TO "28".

Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.



ITEM-S500: Hearst Elementary School Joint Use Improvements.

(Navajo Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2001-34 Cor. Copy)      INTRODUCED, TO BE ADOPTED ON  
OCTOBER 30, 2000

Introduction of an Ordinance authorizing a twenty-five year agreement for the construction, operation, maintenance, and lease of turf fields and recreation facilities at Hearst Elementary School Site with the San Diego Unified School District of San Diego County, California; authorizing an agreement for partial assignment of joint use agreement at the Hearst Elementary School Site and terms of reimbursement to the Phoebe Hearst Elementary School Foundation; accepting from and thanking the Del Cerro Community for their Donation of \$75,000 for Phase 1 of the Hearst Elementary School - Joint Use Improvements Project; authorizing the appropriation of \$330,525 for Phase 1 of the Hearst Elementary School - Joint Use Improvements Project; authorizing the expenditure of \$330,525 from CIP-29-530.0, Hearst Elementary School - Joint Use Improvements, for Construction of Phase I of the Hearst Elementary School - Joint Use Improvements Project; and directing the City Manager to manage the turf fields and recreation facilities at the Hearst Elementary School as a day use facility.

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

**CITY MANAGER SUPPORTING INFORMATION:**

Hearst Elementary School is located in the Del Cerro area of the Navajo Community Planning area. The community has initiated the development of the school's approximately four (4) acres of decomposed granite multi-purpose fields to accommodate athletic and recreational uses. The community's fund raising efforts have resulted in a \$75,000 donation (\$36,000 in cash, \$39,000 in-kind donations) towards Phase I of the project. Phase I improvements will include turf multi-purpose fields and other park-type amenities on the lower field. Phase II, consisting of irrigation and turfing of the upper field, will be implemented as funds become identified.

The Park and Recreation Department will be responsible for maintenance of the joint use area for the twenty-five (25) year term of the joint use agreement.

**FISCAL IMPACT:**

Funding in the amount of \$330,525 is available in Park Service District Fees, Fund No. 11380 (\$136,510), Park and Recreation Department Matching Funds, Fund No. 10365 (\$55,015 [\$36,000 cash from Hearst Foundation + \$36,000 cash in matching funds - \$16,985 already paid for design]), Park and Recreation Department Matching Funds, Fund No. 10365 (\$39,000 [to match \$39,000 in-kind donations]) and Navajo Development Impact Fees, Fund No. 79506 (\$100,000) for use on CIP-29-530, Hearst Elementary School Joint Use Improvements, contingent upon a fully executed agreement. Annual maintenance costs pursuant to the Joint Use Agreement are estimated to be approximately \$32,000. The funding for these costs will be requested as a new Park and Recreation facility in the Fiscal Year 2002 budget process.

Loveland/McLatchy/DVW

Aud. Cert. 2100431.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A248-277.)

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

CLOSED SESSION ITEM:

ITEM-CS-1: (R-2001-517) ADOPTED AS RESOLUTION R-293990

A Resolution adopted by the City Council in Closed Session on October 17, 2000.

Authorizing the City Manager to pay the sum of \$67,975.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal property damage to Reinhold Metzger; authorizing the City Auditor and Comptroller to issue one check in the amount of \$67,975.00, made payable to Reinhold Metzger, as the complete and final settlement of the incident which occurred on December 1, 1996.

Aud. Cert. AC2100361

FILE LOCATION: MEET

ITEM-CS-2: (R-2001-611) ADOPTED AS RESOLUTION R-293991

A Resolution adopted by the City Council in Closed Session on October 17, 2000.

Authorizing the City Manager to pay the sum of \$563,655.47 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claims of Chromagen, et al.; authorizing the City Auditor and Comptroller to issue various checks in various amounts, up to but not exceeding \$563,655.47 made payable to the claimants on this file, which constitutes the complete and final settlement of the incident which occurred on May 30, 2000.

Aud. Cert. AC2100420

FILE LOCATION: MEET

ITEM-CS-3: (R-2001-606) ADOPTED AS RESOLUTION R-293992

A Resolution adopted by the City Council in Closed Session on October 17, 2000.

Authorizing the City Manager to pay the sum of \$167,329.32 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the personal property damage of David Lorimer Architect & Associates, et al.; authorizing the City Auditor and Comptroller to issue eight checks one made payable to Ross Lopez in the amount of \$40,211.77; one made payable to David Lorimer Architect & Associates in the amount of \$9,254.95; one made payable to Travelers Insurance subrogee of David Lorimer Architect & Associates in the amount of \$11,080.00; one made payable to James P. Starck Architects, Inc. in the amount of \$17,166.25; one made payable to St. Paul Insurance Recovery in the amount of \$13,865.20; one made payable to Mission Brewery Plaza LTD in the amount of \$2,886.20; one made payable to Ferrell Construction in the amount of \$984.01; and one made payable to Luth Turley, Inc. in the amount of \$71,880.94, as the complete and final settlement of the property damage which occurred on March 7, 2000.

Aud. Cert. AC2100421

FILE LOCATION: MEET

ITEM-CS-4: (R-2001-622) ADOPTED AS RESOLUTION R-293988

A Resolution adopted by the City Council in Closed Session on October 17, 2000.

Authorizing the City Manager to pay the sum not to exceed \$1,660,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in U.S. District court Case No. 97-cv-1547 BTM (POR), Beverly Walker, et al. v. City of San Diego, et al., resulting from personal damage to Beverly Walker, et al.

Aud. Cert. 2100398

FILE LOCATION: MEET

ITEM-CS-5: (R-2001-666) ADOPTED AS RESOLUTION R-293989

A Resolution adopted by the City Council in Closed Session on October 17, 2000:

Authorizing the City Manager to pay the sum of \$62,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 730651, Ramon Jodar, et al. v. City of San Diego, et al., resulting from the personal injury claims of Ramon Jodar, et al.

Aud. Cert. 2100458

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 12:03 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B671).