

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, JULY 19, 1983

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Hedgecock at 10:01 a.m. Mayor Hedgecock welcomed representatives from the Reuben H. Fleet Space Theatre and the San Diego L5 Society and presented them with a proclamation declaring July 16-24, 1983 to be Space Week in San Diego. The meeting was recessed by Mayor Hedgecock at 12:08 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Hedgecock at 2:13 p.m. with Council Members Cleator and McColl not present. The meeting was recessed by Mayor Hedgecock at 2:18 p.m. into Closed Session in the twelfth floor conference room on pending litigation. The meeting was reconvened by Mayor Hedgecock at 3:01 p.m. with all Council members present. The meeting was recessed by Mayor Hedgecock at 3:59 p.m. to convene as the Housing Authority. The meeting was reconvened by Mayor Hedgecock at 4:01 p.m. with Council Member Struiksma not present. Mayor Hedgecock adjourned the meeting at 5:27 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Hedgecock-present.
- (1) Council Member Mitchell-present.
- (2) Council Member Cleator-present.
- (3) Council Member McColl-present.
- (4) Council Member Jones-present.
- (5) Council Member Struiksma-present (excused in p.m. by R-258915-City business).
- (6) Council Member Gotch-present.
- (7) Council Member Murphy-present.
- (8) Council Member Martinez-present.
Clerk-Abdelnour (jb a.m.; bb p.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:
Mayor Hedgecock-present.
Council Member Mitchell-present.
Council Member Cleator-present.
Council Member McColl-present.
Council Member Jones-present.
Council Member Struiksma-present.

Council Member Gotch- present.
Council Member Murphy-present.
Council Member Martinez- present.

* ITEM-105: (R-83-2139) REFERRED TO PUBLIC FACILITIES AND RECREATION COMMITTEE

Authorizing the execution of an agreement with James M. Montgomery, Consulting Engineers, for engineering services to determine whether an energy generating or cogenerating plant near Metro Sewer Pump Station No. 2 and Port District facilities could prove beneficial to either or both parties; authorizing the expenditure of the sum not to exceed \$23,550 from Fund/Dept. 41506/700, Object Account 4118 for the above study.

(See City Manager Report CMR-83-281. Harbor Community Area. District-2.)

WU-U-83-805.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D666-675).

MOTION BY MURPHY TO RETURN TO THE PUBLIC FACILITIES AND RECREATION COMMITTEE FOR FURTHER REVIEW. Second by Martinez.

Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch- yea, Murphy-yea,

Martinez-yea, Mayor Hedgecock-yea.

ITEM-150: (R-83-2105) ADOPTED AS RESOLUTION R-258901

Authorizing the San Diego Housing Commission to enter into exclusive negotiations with the Conruba Partnership to develop a proposed lease for the development of low and moderate income housing on a parcel of land owned by the City known as Site-132 and located on Beyer Boulevard in the South San Diego area.

(See Housing Commission Report HCR-83-011CC. District-8.)

COMMITTEE ACTION: Reviewed by TLU on 6/13/83. Recommendation to adopt the Resolution. Districts 3, 4 and 8 voted yea. District 5 voted nay. District 2 not present.

FILE LOCATION:

LEAS Conruba Partnership

COUNCIL ACTION: (Tape location: D375-665).

MOTION BY MARTINEZ TO ADOPT. Second by Jones. Passed by the following vote: Mitchell-yea, Cleator-nay, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-206:
19830719

Three actions relative to San Diego Jack Murphy Stadium expansion:
(See City Manager Report CMR-83-282.)

Subitem-A: (O-84-2) INTRODUCED, TO BE ADOPTED AUGUST 1, 1983

Authorizing the Mayor to execute a restated stadium lease for the San Diego Jack Murphy Stadium and providing for notice and a public hearing in connection therewith, pursuant to Section 99 of the City Charter.

Subitem-B: (R-83-2160) ADOPTED AS RESOLUTION R-258902

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EQD-83-0052 in connection with the San Diego Jack Murphy Stadium expansion, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-C: (R-83-2161) ADOPTED AS RESOLUTION R-258903

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-83-0052.

FILE LOCATION: LEAS San Diego Stadium Authority

COUNCIL ACTION: (Tape location: D676-E212).

MOTION BY CLEATOR TO ADOPT SUBITEMS B AND C AND INTRODUCE SUBITEM

A. Second by Martinez. Passed by the following vote:
Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmá-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-330: (O-84-4) INTRODUCED AND ADOPTED AS ORDINANCE O-16007
(New Series)

Annual Appropriation Ordinance (Budget) proposed to be adopted for the Fiscal Year of 1983-84.

(This is the second of two public hearings scheduled pursuant to the provisions of Section 71 of the City Charter, which provides that the Annual Appropriation Ordinance shall be

adopted during the month of July.)

Today's action is introduction, dispensing with the reading, and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 1983-84 and appropriating the necessary money to operate the City of San Diego for said fiscal year.

NOTE: The first public hearing was held on July 18, 1983 at 2:00 p.m.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A037-124).

Hearing began at 10:05 a.m. and halted at 10:11 a.m.

Testimony in opposition by Monty Griffin and Rose Lynne.

MOTION BY JONES TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-331: (R-83-1922) ADOPTED AS RESOLUTION R-258898

Considering the protests, ordering the district formed, confirming the assessment and ordering the proposed maintenance, in the matter of the Mira Mesa Landscape Maintenance District, under Resolution of Intention R-258624, adopted June 13, 1983.

(See City Manager Report CMR-83-221. Mira Mesa Community Area. District- 5.)

FILE LOCATION:

STRT M-67

COUNCIL ACTION: (Tape location: A160-B193).

Hearing began at 10:15 a.m. and halted at 10:59 a.m.

Testimony in favor by Verne Goodwin, Pamela Stevens, Nina Nelson, John Melville, William Wright and Connie Tibbetts.

Testimony in opposition by Orlando Vernacchia, Russell Sargeant, Charles White, Kevin Kennedy, Lynn Grant, Tom Grant, Linda Johnson, William Peck and Robert Borchers.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-332: (R-83-2024) ADOPTED AS RESOLUTION R-258904

Considering the protests, confirming the assessment, approving the modified map, and ordering the proposed maintenance, in the matter of the Campus Point Landscape Maintenance District, under Resolution of Intention R-258758,

adopted June 27, 1983.

(North University Community Area. District-1.)

CITY MANAGER REPORT:

This action establishes the annual assessment for the Campus Point Landscape Maintenance District. The district provides for the maintenance of 25 acres of open space. The Fiscal Year 1984 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$10,930
Water and Electric Service	4,514
Incidentals	9,624

Total Expenses	<u>\$25,068</u>
Reserve	12,866

Total	<u>\$37,934</u>
Less Carryover & Interest	37,309
Less City Contribution	625

Assessed to District	<u>\$ 0</u>
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The cost of water for Fiscal Year 1983 was one-third of the amount anticipated and a reduced maintenance cost provides a carry-over such that there will be an assessment of \$0 to the parcels for Fiscal Year 1984.

FILE LOCATION:

STRT M-69

COUNCIL ACTION: (Tape location: E300-305).

Hearing began at 4:01 p.m. and halted at 4:02 p.m.

MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmas-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-333: (R-83-2036) ADOPTED AS RESOLUTION R-258905

Considering the protests, confirming the assessment, approving the modified map, and ordering the proposed maintenance, in the matter of the Downtown Street Tree Maintenance District, under Resolution of Intention R-258760, adopted June 27, 1983.

(Centre City Community Area. District-8.)

CITY MANAGER REPORT:

This action establishes the annual assessment for the Downtown Street Tree Maintenance District. The district provides landscape and special area maintenance. The Fiscal Year 1984 proposed maintenance costs for the district are as follows:

Downtown Trees	\$172,720
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Centre City Way	75,624
Marina	0
Incidentals	13,816
Total Expenses	<u>\$262,160</u>
Reserve	26,216
Total	<u>\$288,376</u>
Less Carryover & Interest	107,646

Assessed to District \$180,730

The amount assessed to the District for FY 1984 is approximately six percent less than the amount assessed for FY 1983 due to substantial carryover and interest earnings.

FILE LOCATION:

STRT M-72

COUNCIL ACTION: (Tape location: E306-317).

Hearing began at 4:02 p.m. and halted at 4:04 p.m.

MOTION BY MARTINEZ TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-334: (R-83-2031) ADOPTED AS RESOLUTION R-258906

Considering the protests, confirming the assessment, approving the modified map, and ordering the proposed maintenance, in the matter of the Tierrasanta Landscape and Lighting Maintenance District, under Resolution of Intention R-258769, adopted June 27, 1983.

(Elliott Community Area. District-7.)

CITY MANAGER REPORT:

This action establishes the annual assessment for the Tierrasanta Landscape and Lighting Maintenance District. The district provides for the maintenance of 823 acres of open space, center islands, and street-light and street-name standards. The Fiscal Year 1984 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$163,568
Water Service	39,000
Incidentals	53,873
Total Expenses	<u>\$256,441</u>
Reserve	25,628
Total	<u>\$282,069</u>
Less Carryover & Interest	137,242

Less City Contribution 31,425

Assessed to District \$113,402

A reduction in contractual maintenance costs and the reserve amount plus a substantial carryover from Fiscal Year 1983 will result in a per-unit assessment of approximately \$13 for Fiscal Year 1984 as compared to \$16 in Fiscal Year 1983. This budget does not contain a City Contribution for landscaped median maintenance. The budget may be modified at the time of the Public Hearing to reflect Council direction with respect to the contribution level for landscaped medians.

FILE LOCATION:

STRT M-73

COUNCIL ACTION: (Tape location: E318-331).

Hearing began at 4:03 p.m. and halted at 4:04 p.m.

MOTION BY MURPHY TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-335: (R-83-2081) ADOPTED AS RESOLUTION R-258907

Considering the protests and determining that the public interest and convenience requires the acquisition of certain property in Mission Trails Regional Park by the Open Space Park Facilities District No. 1 for open space park purposes, under Resolution of Intention R-258703, adopted June 20, 1983; authorizing and directing the City Manager to acquire said property; authorizing the expenditure not to exceed \$5,550,000 for acquisition and related costs from Open Space Bond Fund 79102; authorizing the City Manager to accept the deed to said property without further Council action.

(See City Manager Report CMR-83-243 and PFR Committee Consultant Analysis PFR-83-11. Elliott Community Plan. District-7.)

FILE LOCATION:

DEED F-2929 STRT OS-4

COUNCIL ACTION: (Tape location: E332-340).

Hearing began at 4:05 p.m. and halted at 4:06 p.m.

MOTION BY MURPHY TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-336: CONTINUED TO JULY 25, 1983, 3:00 P.M.
19830719

(Continued from the meetings of August 3, 1982 and September 28, 1982; last continued at Council Member Struiksma's request.)

Matters of:

A. Proposal to introduce various zoning and other related Ordinances intended to implement a substantial portion of the City's proposed Local Coastal Program. The various Ordinances to be considered for introduction would, if adopted, effect the following changes in The City of San Diego Municipal Code:

1. Amend Chapter VI, Article 2, Divisions 1 and 4 by amending a provision relating to land development generally and, more particularly, by adding provisions relating to land development within the Coastal Zone.
2. Amend Chapter X, Article 1, Division 1 by adding several zoning definitions thereto.
3. Amend Chapter X, Article 1, Division 4 by:
 - a) Adding Coastal Zone regulations to the FW, FPF, R, RV, CO, CN, CC, CA, C-1, M-1 and M-2 Zones.
 - b) Adding Coastal Zone regulations to the HR (Hillside Review) Overlay District.
 - c) Adding the CV (Commercial Visitor-Service) Zone.
 - d) Adding the SCR (Sensitive Coastal Resource) Overlay District.
4. Amend Chapter X, Article 1, Division 5 by adding marine-Commission under Conditional Use Permit.
5. Amend Chapter X, Article 1, Division 8 by:
 - a) Revising tandem parking regulations.
 - b) Adding joint use and common parking regulations.
 - c) Adding Coastal Zone regulations relating to off-street parking.
6. Amend Chapter X, Article 1, Division 9 by making several technical revisions to the Planned Residential Development regulations and adding Coastal Zone regulations thereto.
7. Amend Chapter X, Article 1, Division 11 by adding Coastal Zone regulations to the On-Premises Sign Ordinance.
8. Amend Chapter X, Article 2, Division 4 by adding provisions relating to subdivisions within the Coastal Zone.
9. Amend Chapter X, Article 3, Division 3 by adding Coastal Zone regulations to the La Jolla Shores Planned District.
10. Add Chapter X, Article 5, Division 2 in order to establish a procedure for the processing of Coastal Development Permits within the City's Coastal Zone.

B. Proposal to approve minor amendments to the Ocean Beach Segment Land Use Plan, the Peninsula Segment Land Use Plan, the Pacific Beach Segment Land Use Plan and the North City Segment Land Use Plan that relate to development within the Coastal

Zone.

C. Proposal to approve the initiation of rezonings intended to implement Coastal Zone segment land use plans following final and effective certification of The City of San Diego's Local Coastal Program.

D. Proposal to authorize the submittal of the above-referenced Ordinances, plan amendments, and related materials to the California Coastal Commission in order to seek certification of this City's Local Coastal Program.

Subitem-A: (R-84-9)

Adoption of a Resolution approving the proposed implementing Ordinances and the submittal of the LCP to the Coastal Commission.

Subitem-B: (O-83-1 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to definitions and regulations.

Subitem-C: (O-83-2 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to land development.

Subitem-D: (O-83-3 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the land use definitions and interpretations.

Subitem-E: (O-83-4 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to FW Zone.

Subitem-F: (O-83-5 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the FPF Zone.

Subitem-G: (O-83-6 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the SCR Zone.

Subitem-H: (O-83-8 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the RV Zone.

Subitem-I: (O-83-9 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the CV Zone.

Subitem-J: (O-83-10 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the CO Zone.

Subitem-K: (O-83-11 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the CN Zone.

Subitem-L: (O-83-12 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the CC Zone.

Subitem-M: (O-83-13 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the CA Zone.

Subitem-N: (O-83-14 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the C-1 Zone.

Subitem-O: (O-83-15)

Introduction of an Ordinance amending the Municipal Code relating to the M-1 Zone.

Subitem-P: (O-83-16)

Introduction of an Ordinance amending the Municipal Code relating to the M-2 Zone.

Subitem-Q: (O-83-17 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to the HR Overlay District.

Subitem-R: (O-83-18)

Introduction of an Ordinance amending the Municipal Code relating to conditional use permits.

Subitem-S: (O-83-19 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to planned residential developments.

Subitem-T: (O-83-20 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to off- street parking.

Subitem-U: (O-83-21 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to on- premises signs.
Subitem-V: (O-83-30 Rev.)

Introduction of an Ordinance amending the Municipal Code relating to lot design within the coastal zone.
Subitem-W: (O-83-258)

Introduction of an Ordinance amending the Municipal Code relating to geologic reports within the coastal zone.
Subitem-X: (O-83-259)

Introduction of an Ordinance amending the Municipal Code relating to the La Jolla Shores Planned District Ordinance.
Subitem-Y: (O-83-260)

Introduction of an Ordinance amending the Municipal Code relating to the R Zones.
Subitem-Z: (O-83-261)

Introduction of an Ordinance amending the Municipal Code relating to coastal development permits.
FILE LOCATION: LAND Local Coastal Program
COUNCIL ACTION: (Tape location: B194-C590 and E341-G120).

Hearing began at 10:59 a.m. and recessed at 12:06 p.m.

Testimony in favor of the North City segment of the plan by Julie Dillon and Eugene Cook.

Testimony in opposition to North City segment of the plan by Robert Kleffel and Bruce Warren.

Motion by Gotch to approve the Coastal Commission language regarding the 100-year flood plan for the North City segment in Attachment A-2a, Page 2, Item 1 in Planning Department Report No. 83-292 of July 5, 1983. Second by Mitchell. Passed. Yeas: 1,6,7,8,M. Nays: 2,3,4,5.

Motion by Mitchell to approve the Coastal Commission language regarding grading and development of slopes in Attachment A-2a, Page 7, Item 9 of Planning Department Report No. 83-292, dated July 5, 1983. Second by Martinez. Passed. Yeas: 1,3,4,5,6,7,8,M. Nays: 2.

Hearing resumed at 4:07 p.m. and recessed at 5:13 p.m.

Hearing resumed at 5:14 p.m. and halted at 5:27 p.m.

Testimony in opposition of Pacific Beach time-share conversions by Max Trece.

Testimony in favor of RV zoning instead of CV zoning in Pacific Beach by Vernon Taylor.

Testimony in favor of R-4 rezoning alternative in Ocean Beach by David Gee, V. A. Rhodes, and Roger J. Brown.

Testimony in opposition of R-4 rezoning alternative in Ocean Beach by Jack Sanders, Steve Wimmers, Cathy Coverly, and Billy Paul

Motion by Gotch to adopt City recommendations regarding time-share conversions of hotels and motels in Pacific Beach (Planning Report No. 82-358, Attachment C-2, Item 10, Page 6).

Second by Martinez. Passed. Yeas: 1,2,3,4,6,7,8,M. Not present: 5

Motion by Gotch to adopt the policy language as suggested by the Coastal Commission regarding all areas presently designated as R-3 for residential development to R-2A including development at La Jolla Boulevard and Loring Street but deleting Oakwood East and West (Sail Bay - Planning Report No. 82- 358, Attachment C-2, Item 13, Page 8). Second by Martinez. Passed. Yeas: 1,2,3,4,6,7,8,M. Not present: 5.

Motion by Gotch to approve RV zoning instead of CV zoning (north of alley between Felspar and Emerald Streets and extending to alley between Chalcedony and Law Streets. Second by Martinez. Passed. Yeas: 1,2,3,4,6,7,8,M. Not present: 5.

Motion by Gotch to adopt additional proposed rezoning for the portion of Grand Avenue frontage from 100 feet east of Mission Boulevard to the eastern end of "C" zone strip 100 feet east of Morrell Street (remove 5,000 square foot limitation from the existing CC zone ordinance in the 12 block strip of Garnet Avenue). Second by Jones. Passed. Yeas: 1,2,3,4,6,7,8,M. Not present: 5.

Motion by Cleator to approve the R-4 rezoning alternative as shown on Attachment F3B. Second by Martinez. No vote.

MOTION BY MARTINEZ TO CONTINUE TO JULY 26, 1983, 3:00 P.M. AT MAYOR HEDGECK'S REQUEST. Second by Jones. Passed by the following vote: Mitchell-not present, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-337: (R-83-2020) ADOPTED AS RESOLUTION R-258908

Considering the protests, confirming the assessment, approving the modified map, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District, under Resolution of Intention R-258762, adopted June 27, 1983.

(Centre City Community Area. District-8.)

CITY MANAGER REPORT:

This action establishes the annual assessment for the Gaslamp Quarter Landscape and Lighting Maintenance District. The district provides landscape and sidewalk maintenance, and street lighting energy and maintenance. The Fiscal Year 1984 proposed maintenance costs for the district are as follows:

Contractual Maintenance \$ 71,087

Electric Service	47,076
Water Service	5,000
Incidentals	10,663
Total Expenses	<u>\$133,826</u>
Reserve	49,382
Total	<u>\$183,208</u>
Less Carryover & Interest	82,947
Less City Contribution	11,000

Assessed to District \$ 89,261

There will be a decrease of approximately 22 percent in the amount assessed to the District for FY 1984 compared to FY 1983. This is due to substantial carryover and interest earnings during FY 1983.

FILE LOCATION:

STRT M-74

COUNCIL ACTION: (Tape location: D004-023).

Hearing began at 2:14 p.m. and halted at 2:15 p.m.

MOTION BY MARTINEZ TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-338: (R-83-2018) ADOPTED AS RESOLUTION R-258909

Considering the protests, ordering the district formed, confirming the assessment and ordering the proposed maintenance, in the matter of the Rancho Bernardo Landscape Maintenance District, under Resolution of Intention R- 258768, adopted June 27, 1983.

(See City Manager Report CMR-83-248. Rancho Bernardo Community Area. District-1.)

FILE LOCATION:

STRT M-71

COUNCIL ACTION: (Tape location: D024-039).

Hearing began at 2:15 p.m. and halted at 2:16 p.m.

MOTION BY GOTCH TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-339:
19830719

Matters of:

a - Proposal to approve the First Amendment to the Development Agreement for the First San Diego River Improvement Project.

b - Proposal to amend the Specific Plan for the First San Diego River Improvement Project, which is incorporated into the Development Agreement.

c - Proposal to amend the Progress Guide and General Plan for the City of San Diego - to amend the Map concerning those portions covered by the proposed amendment to the Specific Plan.

d - Proposal to certify Environmental Impact Report EIR-83-0092 and adopt the findings pursuant to the California Environmental Quality Act.

The First San Diego River Improvement Project Specific Plan and Development Agreement were approved by the City Council in 1982. The approved project area consists of 208 acres along the San Diego River in the Mission Valley community. Both the approved and proposed project sites are generally bounded by State Route 163 on the west, Camino de la Reina and Camino del Rio North on the south and Friars Road on the north, and extend approximately 700 feet east of I-805.

(District-5.)

The approved Development Agreement permits the construction of a flood control channel, other public improvements and adjacent private development, including residential, office, retail, hotel and other uses. The development would be permitted over a 20-year period in accordance with the approved Specific Plan.

The proposed amendment to the Development Agreement and Specific Plan would alter the alignment of the flood channel, add the 46-acre Hazard Center private development north of the floodway, including office, retail and residential uses, and increase the number of residential units south of the river. The amendment would also increase the time permitted for submittal of a financing plan to the City for funding of public improvements.

Subitem-A: (R-84-10) ADOPTED AS RESOLUTION R-258910

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-83-0092 has been completed in compliance with the California Environmental quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-84-11) ADOPTED AS RESOLUTION R-258911

Adoption of a Resolution approving the amendment to the specific plan, to be effective when the amendment to the General Plan Map is adopted after a hearing on or about September 27, 1983.

Subitem-C: (O-84-3) ORDINANCE INTRODUCED, TO BE ADOPTED AUGUST 1, 1983

Introduction of an Ordinance for the first amendment to the development agreement.

Subitem-D: (R-84-105) ADOPTED AS RESOLUTION R-258912

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-83-0092.

FILE LOCATION: LAND First S.D. River Improvement Project Specific Plan

COUNCIL ACTION: (Tape location: D070-364).

Hearing began at 3:01 p.m. and halted at 3:21 p.m.

Testimony in favor by Paul Peterson.

MOTION BY CLEATOR TO ADOPT WITH THE FOLLOWING MODIFICATIONS:

NEW: REVISIONS TO FIRST AMENDMENT TO FIRST SAN DIEGO RIVER IMPROVEMENT PROJECT DEVELOPMENT AGREEMENT}

1. CHANGE THE FIRST WORD OF THE FIRST SENTENCE ON PAGE 1 TO "THIS" INSTEAD OF "THE".

2. ALL REFERENCES TO "MISSION VALLEY, LTD." ON PAGE 1 OF THE AMENDMENT ARE CHANGED TO READ "MISSION VALLEY ONE, LTD."

3. PARAGRAPH 7. ON PAGE 3 SHOULD READ AS FOLLOWS: "7. WHEREAS, OWNERS DESIRE TO AMEND PARAGRAPHS 14 AND 16 AS NEW:

HEREINAFTER

PROVIDED."}

NEW: MODIFICATIONS TO DRAFT FSDRIP SPECIFIC PLAN AMENDMENT}

1. REVISION TO THE LIGHT RAIL TRANSIT PROVISIONS ON PAGES 62 AND 76:

"IN THE EVENT PRIVATE DEVELOPMENT ADJACENT TO THE LIGHT RAIL TRANSIT (LRT) CORRIDOR IS PROPOSED PRIOR TO THE ESTABLISHMENT OF

A

FINAL LRT ALIGNMENT, A STUDY SHALL BE PREPARED DEMONSTRATING TO THE

SATISFACTION OF THE CITY THAT: 1) THE PROPOSED PRIVATE DEVELOPMENT

WILL NOT OLD: IMPAIR} NEW: PRECLUDE} THE ABILITY TO SUCCESSFULLY

CONSTRUCT AND OPERATE THE LRT; AND 2) THE LRT'S IMPACT ON
ADJACENT
PRIVATE DEVELOPMENT CAN BE ADEQUATELY MITIGATED. NEW: THE
AREA OF

THE REFERENCED STUDY SHALL BE LIMITED TO THE PROPOSED PRIVATE
DEVELOPMENT AND THE IMMEDIATE VICINITY THEREOF."}

2. THE APPLICANTS PROPOSE THE ADDITION OF THE FOLLOWING
PARAGRAPH ON PAGE 65 OF THE HAZARD CENTER PRIVATE DEVELOPMENT
SECTION, IMMEDIATELY AFTER THE LAND USE TABLE:

NEW: "THE PROPOSED INTENSITY OF COMMERCIAL RETAIL WITHIN
HAZARD

CENTER WAS REDUCED FROM 300,000 SQUARE FEET TO 247,500 SQUARE
FEET

TOGETHER WITH ON-SITE PARKING AS APPROPRIATE, SO THAT TRAFFIC
GENERATION DOES NOT EXCEED 18,100 ADT PURSUANT TO CURRENT
ADOPTED

TRAFFIC GENERATION RATES; PROVIDED, HOWEVER, IN THE EVENT: (i)
SUCH

GENERATION RATES ARE MODIFIED TO PERMIT A GREATER INTENSITY OF
USE,

TO THE SATISFACTION OF THE CITY ENGINEER, WITHOUT EXCEEDING SUCH
18,100 ADT, OR (ii) STUDIES TO THE SATISFACTION OF THE CITY ENGINEER
ARE PREPARED INDICATING THAT ACTUAL TRAFFIC GENERATION FROM
THE

HAZARD CENTER IS LOWER THAN PREDICTED AND A GREATER INTENSITY
OF USE

CAN OCCUR WITHOUT EXCEEDING SUCH 18,100 ADT, AND, IN EITHER CASE
(i), SUCH INTENSITY OF USE SHALL BE DETERMINED BY THE CITY
ENGINEER AND THE ENVIRONMENTAL QUALITY DIVISION TO NOT WORSEN
CUMULATIVE TRAFFIC IMPACTS, SUCH INCREASE OF USE MAY BE
PERMITTED BY

THE PLANNING DIRECTOR. THE TOTAL COMMERCIAL RETAIL AFTER SUCH
INCREASE SHALL NOT EXCEED 300,000 SQUARE FEET, TOGETHER WITH
APPROPRIATE INCREASE OF ON-SITE PARKING. ANY INCREASE IN
INTENSITY

WHICH WOULD INCREASE THE ADT ABOVE THE LEVEL OF 18,100 SHALL
REQUIRE

APPROVAL OF THE CITY COUNCIL."}

NEW: THE ABOVE REFERENCED 18,100 ADT IS BASED UPON THE
PROPOSED

HAZARD CENTER DRIVE UNDERPASS AT SR-163 BEING CONSTRUCTED AS A
TWO-LANE STREET. IF HAZARD CENTER DRIVE IS CONSTRUCTED AS A
FOUR-LANE STREET, CONSIDERATION MAY BE GIVEN TO AN AMENDMENT
TO THE

HAZARD CENTER PORTION OF THE SPECIFIC PLAN TO INCREASE LAND USE
INTENSITY."} Second by Struiksmā. Passed by the following vote:

Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-340: HEARING GRANTED

Matter of the request of Conrock Company for a hearing of an appeal from the decision of the Planning Commission in denying building plans pursuant to Condition No. 6 of Planned Commercial Development PCD-69. The building permit application was for a single building adjacent to the San Diego River. The subject property is located on the south side of Rio San Diego Drive between Rio Bonito Way and Stadium Way and is more particularly described as Lot 2, Rio Vista Center, Map-10305. (PCD-69. District-5.)

Today's action is a motion granting or denying the request for a hearing of the appeal.

FILE LOCATION:

PERM PCD-69

COUNCIL ACTION: (Tape location: D3650375).

MOTION BY STRUIKSMA TO GRANT HEARING FOR AUGUST 9, 1983, 10:00 A.M. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S401: (O-83-7 Rev.) CONTINUED TO JULY 26, 1983

Amending Chapter X, Article 1, Division 1, of the San Diego Municipal Code relating to definitions and interpretations by adding Section 101.0101.88, and amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Sections 101.0409 and 101.0410, and by repealing Sections 101.0411, 101.0412, 101.0413 and 101.0415, relating to residential zones, and amending Chapter X, Article 1, Division 6, of the San Diego Municipal Code by amending Section 101.0601, relating to side and rear yards.

(Introduced as amended on 7/5/83. Council voted 9-0.)

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: E213-218).

MOTION BY MARTINEZ TO CONTINUE TO JULY 26, 1983, FOR FURTHER REVIEW BY CITY STAFF. Second by Mitchell. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S404: (R-84-59) ADOPTED AS RESOLUTION R-258913

Authorizing the execution of an agreement with the Baldwin Company authorizing the delay of payments of North City West School Deposits.

(North City West Community Area. District-1.)

CITY MANAGER REPORT:

This agreement between the Baldwin Company and the City provides for the delay of payment of North City West School Deposit fees for 27 model residential units to the close of escrow on each unit or a maximum of three years. Payment of \$4,415.31 plus 10 percent interest from the date of building permit issuance for each unit will be paid to the North City West School Facilities Financing Authority. The agreement will be recorded and constitutes a lien on the property on which the models will be built. The North City West School Facilities Financing Authority reviewed and approved the proposed agreement on July 7, 1983.

FILE LOCATION:

LAND - North City West School Facilities Master Plan

COUNCIL ACTION: (Tape location: E219-265).

MOTION BY JONES TO ADOPT. Second by Cleator. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-S500: CONTINUED TO AUGUST 16, 1983, AT 9:00 A.M.
19830719

(Continued from the meeting of July 12, 1983 at the City Manager's request.)

Six actions relative to Lopez Canyon Sewer and Retention Basin, Assessment District No. 3990, under Resolution of Intention

R-258560, adopted May 31, 1983 (Municipal Improvement Act of 1913):

(See City Manager Report CMR-83-196. Mira Mesa Community Area. District- 5.)

Subitem-A: (R-84-29)

Ordering changes and modifications in proceedings and assessments in an assessment district.

Subitem-B: (R-84-30)

Overruling and denying protests and making certain findings in a special assessment district.

Subitem-C: (R-84-31)

Finding and determining that the public interest,

convenience and necessity require certain acquisition and improvements, and that the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply.

(Eight votes required)

Subitem-D: (R-84-32)

Confirming the assessment, ordering the improvements made, together with appurtenances, and approving the City Engineer's report.

Subitem-E: (R-84-33)

Awarding a contract for the construction of certain public works of improvements in a special assessment district.

Subitem-F: (R-84-34)

Accepting proposal and making award for sale of bonds, and providing for the establishment of a redemption fund for the payment of said bonds.

FILE LOCATION: STRT D-2239

COUNCIL ACTION: (Tape location: A125-159).

MOTION BY STRUIKSMA TO CONTINUE TO AUGUST 16, 1983, AT 9:00 A.M., AT ENGINEERING AND DEVELOPMENT DEPARTMENT'S REQUEST. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ADDITIONAL BUSINESS: (R-84-89)

During consideration of this item, the Council also adopted the following as Resolution No. R-258899:

MOTION BY STRUIKSMA TO ADOPT THE RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO ORDER CERTAIN CHANGES AND MODIFICATIONS IN CERTAIN ASSESSMENT DISTRICT PROCEEDINGS AND SETTING THE PUBLIC HEARING AS IT RELATES TO LOPEZ CANYON SEWER AND RETENTION BASIN,

ASSESSMENT DISTRICT NO. 3990. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-UC-1: (R-84-243) ADOPTED AS RESOLUTION R-258914

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Issuance of a special permit to Collins Development to begin grading Housing Commission Site 18 (Tait-Kelly).

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D048-068).

MOTION BY STRUIKSMA TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-UC-2: (R-84-157) ADOPTED AS RESOLUTION R-258915

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Council Member Ed Struiksma from the afternoon session of the City Council meeting of Tuesday, July 19, 1983, for the purpose of City Business.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: G120-123).

MOTION BY MURPHY TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea

ITEM-UC-3:
19830719

Two actions relative to regulation of signs and advertising displays:

Subitem-A: (R-84-126) ADOPTED AS RESOLUTION R-258916

A Resolution directing the Planning Commission of the City of San Diego to conduct public hearings concerning the regulation of signs and advertising displays.

Subitem-B: (O-84-9) ADOPTED AS ORDINANCE O-16009 (New Series)

An emergency interim Ordinance regulating advertising displays.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G124-134).

MOTION BY MITCHELL TO ADOPT SUBITEM A AND INTRODUCE, DISPENSE WITH THE READING AND ADOPT SUBITEM B. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,

Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

ADJOURNMENT:

By common consent the meeting was adjourned by Mayor
Hedgecock at 5:27 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: G292).

ITEM-CS-1: (R-84-117) ADOPTED AS RESOLUTION R-258917

A Resolution adopted by the City Council in Closed Session
on July 19, 1983:

Authorizing the City Manager to pay the total sum of \$7,500
in the settlement of Superior Court Case No. 466017, Acme
Pipeline & Engineering, Inc. v. City of San Diego, et al. and
each and every claim against the City of San Diego, its agents
and employees resulting from property damage to Acme Pipeline
& Engineering, Inc.; authorizing the City Auditor and
Comptroller to issue a warrant check in the amount of \$7,500
made payable to Acme Pipeline & Engineering, Inc. in full
settlement of the lawsuit and of all claims.

Aud. Cert. 84046

FILE LOCATION:

MEET

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made payable to Acme Pipeline & Engineering, Inc. in full
settlement of the lawsuit and of all claims.

Aud. Cert. 84046

FILE LOCATION:

MEET