

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

TUESDAY, AUGUST 23, 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 9:50 a.m. Mayor Hedgecock and the Council welcomed business investors from Japan and Okinawa. The meeting was recessed by Mayor Hedgecock at 10:33 a.m. to convene as the Redevelopment Agency. The meeting was reconvened by Mayor Hedgecock at 10:36 a.m. with all Council members present. The meeting was recessed by Mayor Hedgecock at 10:38 a.m. to reconvene at 2:00 p.m. Deputy Mayor Cleator reconvened the meeting at 2:06 p.m. with Mayor Hedgecock and Council Members McColl, Jones, and Martinez not present. Mayor Hedgecock recessed the meeting at 3:42 p.m. Mayor Hedgecock reconvened the meeting at 3:48 p.m. with all members of the Council present. Mayor Hedgecock adjourned the meeting at 5:29 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 Struiksmá-present.
 - (6) Council Member Gotch-present.
 - (7) Council Member Murphy-present.
 - (8) Council Member Martinez-present.
- Clerk-Abdelnour (bb a.m.; mp 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-not present.
Council Member Struiksmá-present.
Council Member Gotch-present.
Council Member Murphy-present.
Council Member Martinez- present.

ITEM-330:
19830823

Matter of rezoning a portion of Section 33, Township 14 South, Range 3 West, SBBM (approximately 13 acres), located on a ridge line, north of Lopez Canyon, approximately one mile north of the intersection of Lusk Boulevard and Mira Mesa Boulevard, in the Mira Mesa Community Plan area, from Zone A-1-10 to Zone R-1-5.

(Case-83-0304. District-5.)

Subitem-A: (R-84-206) ADOPTED AS RESOLUTION R-259145

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0304 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-84-18) INTRODUCED, TO BE ADOPTED SEPTEMBER 12, 1983

Introduction of an Ordinance for R-1-5 Zoning.

FILE LOCATION:

ZONE 8/23/83

COUNCIL ACTION: (Tape location: A033-055).

Hearing began at 9:52 a.m. and halted at 9:54 a.m.

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

ITEM-331: (R-84-) CONTINUED TO SEPTEMBER 13, 1983, 10:00 A.M.

Matter of the appeal of Timothy E. Fields from the decision of the Planning Commission in approving Conditional Use Permit CUP-83-0134, to establish a 14- unit senior citizen housing project on a 6,250 square foot site in Zone R-3A. The property is located at 4618-20 36th Street in the Mid-City Community Plan area and is further described as Lot 22, Block 42, Normal Heights, Map-985.

(CUP-83-0134. District-3.)

FILE LOCATION:

PERM CUP-0134

COUNCIL ACTION: (Tape location: A056-569).

Hearing began at 9:55 a.m. and halted at 10:28 a.m.

Testimony in favor of appeal by Willard Moore and Timothy E. Fields.

Testimony in opposition of the appeal by Hank Sabrandy and Ruth Weaver.

Motion by McColl to return project to the Planning Department to review parking ratio for the project. Second by Jones. No vote.

Motion by McColl to grant the appeal and deny the permit with the condition that the developer change the parking ratio and waive the fees to conform with the new ratio rule. Second by Jones. No vote.

MOTION BY McCOLL TO CONTINUE TO SEPTEMBER 13, 1983, 10:00 A.M. FOR REVIEW OF THE PARKING RATIO FOR THE PROJECT. Second by Jones.

Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch- yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-332:
19830823

Matter of a proposal to approve the Pardee North City West Development Agreement.

Pursuant to the terms of the agreement, the Pardee Construction Company would assure compliance with the North City West Public Facilities Financing Plan by providing its fair share of public facilities, payment or property in accordance with the Facilities Benefit Assessment section of the financing plan. The Pardee Construction Company would also comply with the provisions of the North City West School Facilities Master Plan. The City of San Diego would assure that the Pardee Construction Company or its successors in interest could proceed with the development of the subject property for a period of 20 years in accordance with existing City policies, rules and regulations and in conformance with the North City West Community Plan and precise plans. Additional provisions and exceptions are included in the draft development agreement.

The Pardee North City West Development Agreement would apply to approximately 483 acres in the North City West community. The subject property includes land in the Employment Center, Carmel Valley, Development Units 3, 4, 5, and 6 Precise Plan areas. The property is generally located east of Interstate 5 and north of Carmel Valley Road. The northern property boundary is located at the northern boundary of the North City West community, which is south of the San Dieguito River. A general legal description is as follows: portions of Sections 7, 17, 18 and 19, Township 14 South, Range 3 West and portions of Sections 12, 13 and 24, Township 14 South, Range 4 West, SBBM, and Employment Center Development Unit 2A, Map-10394. The specific legal description is on file with the Planning Department.

(District-1.)

(O-84-29) INTRODUCED, TO BE ADOPTED SEPTEMBER 12, 1983

Today's action is introduction of an Ordinance approving the agreement.

FILE LOCATION: DEVL Pardee North City West Development Agreement

COUNCIL ACTION: (Tape location: A570-653).

Hearing began at 10:29 a.m. and halted at 10:33 a.m.

MOTION BY GOTCH TO INTRODUCE WITH THE FOLLOWING REVISIONS TO THE

DEVELOPMENT AGREEMENT AT THE REQUEST OF THE CITY ATTORNEY:

1. RECITALS, SECTION O, PAGE 8. "PROPER OWNER" SHOULD BE CORRECTED TO "PROPERTY OWNER."

2. SECTION 1.1, PAGE 9. THE LAST SENTENCE IN THIS SECTION SHOULD BE REVISED TO READ "THIS AGREEMENT OLD: SHALL} NEW: MAY} BE AMENDED

AS PROVIDED IN PARAGRAPH 1.4 BELOW TO INCLUDE ADDITIONAL REAL PROPERTY OWNED BY OWNER".

3. SECTION 4.1, PAGE 23. THE FIRST SENTENCE IN THIS SECTION SHOULD READ "SUBJECT TO EXTENSIONS OF TIME BY THE MUTUAL CONSENT IN WRITING

OR AS SET FORTH IN SECTION 4.2 AND 4.3 HEREOF, NEW: ANY} FAILURE OR DELAY BY EITHER PARTY TO PERFORM ANY TERM OR PROVISION OF THIS AGREEMENT CONSTITUTES A DEFAULT UNDER THIS AGREEMENT.

4. SECTION 12, PAGE 31. THE DOCUMENT NUMBERS SHOULD BE ADDED TO THE EXHIBITS AS SHOWN HERE: EXHIBIT A -LEGAL DESCRIPTION OF THE PROPERTY

NEW: AND MAP.} EXHIBIT B -NORTH CITY WEST COMMUNITY PLAN, NEW: DOCUMENT NO. 750836.} EXHIBIT C -NORTH CITY WEST PLANNED DISTRICT ORDINANCE NEW: (ORDINANCE NO. O-15070 N.S.)} EXHIBIT D -CARMEL VALLEY PRECISE PLAN (OCTOBER, 1979), NEW: DOCUMENT NOS. RR-250440 and RR-250441.} EXHIBIT E -EMPLOYMENT CENTER PRECISE PLAN, ADOPTED NOVEMBER 24, 1981 RESOLUTION R-255424, NEW: DOCUMENT NO. RR-255424. EXHIBIT F -DEVELOPMENT UNIT 3 PRECISE PLAN, ADOPTED NOVEMBER 24, 1981, RESOLUTION R-255421, NEW: DOCUMENT NO. RR-255421.} EXHIBIT G -AMENDMENT TO CARMEL VALLEY PRECISE PLAN, ADOPTED JUNE 23, 1981, RESOLUTION R-254518, NEW: DOCUMENT NO. RR-254518.} EXHIBIT H -NEIGHBORHOODS 4, 5, 6 PRECISE PLAN, ADOPTED DECEMBER 14, 1982, RESOLUTION R-257673, NEW: DOCUMENT NO. RR-257673.} EXHIBIT I -NORTH CITY WEST PUBLIC FACILITIES FINANCING PLAN, NEW: DOCUMENT NO. RR-256291-1.} EXHIBIT J -NORTH CITY WEST FACILITIES BENEFIT ASSESSMENT PHASE I REPORT, APRIL, 1982, NEW: DOCUMENT NO. RR-256291-2.} EXHIBIT K -NORTH CITY WEST SCHOOLS FACILITIES MASTER PLAN, NEW: DOCUMENT NO. RR-255381.} Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,

Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea,
Mayor-Hedgecock-yea.

ITEM-333: REFERRED TO PLANNING DEPARTMENT FOR NOTICING

Matter of clarification of the HR (Hillside Review Overlay)
Zone boundaries within the La Jolla Community Plan area.
(District-1.)

On August 1, 1983, the City Council requested this
clarification in connection with Assessor's Parcel 351-190-10.
The subject property is located at 7255 Girard Avenue.

FILE LOCATION:

LAND Local Coastal Program

COUNCIL ACTION: (Tape location: C012-D421).

Hearing began at 2:07 p.m. and halted at 3.21 p.m.

Council Member Jones entered at 2:08 p.m.

Mayor Hedgecock entered at 2:08 p.m. Mayor Hedgecock left the chambers at
2:11 p.m. and returned at 2:19 p.m.

Council Members McColl and Martinez entered at 2:14 p.m.

Testimony in favor by John Thelan and Lyle Gabrielson.

Testimony in opposition by Karl Zobell.

MOTION BY MITCHELL TO REFER THE MATTER TO THE PLANNING
COMMISSION

FOR A PUBLIC HEARING TO ESTABLISH THE PLACEMENT OF THE HR LINE
AT

THE EXPANDED LOCATION AS SHOWN ON THE C SHEET. Second by Gotch.

Passed by the following vote: Mitchell-yea, Cleator-nay,
McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-nay,
Martinez-nay, Mayor Hedgecock-yea.

ADDITIONAL BUSINESS: During consideration of this item, the Council was
presented with the matter of clarifying the CO Zone, i.e., land use, traffic,
parking, landscaping, and density.

MOTION BY MITCHELL TO CONTINUE TO SEPTEMBER 13, 1983, 3:00 P.M.
TIME CERTAIN, THE MATTER OF CLARIFYING THE CO ZONING, I.E., LAND
USE, TRAFFIC, PARKING, LANDSCAPING, DENSITY, TO MAKE THEM
CONSISTENT. STAFF IS DIRECTED TO PUT TOGETHER A
RECOMMENDATION, A

PROPOSED RESOLUTION, A PACKET OF BACK-UP MATERIAL, AND THE
MINUTES

OF THE LAST MEETING INCLUDING MR. MARTINEZ'S MOTION. Second by
Murphy. Passed by the following vote: Mitchell-yea, Cleator-yea,
McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor Hedgecock-yea.

ITEM-334: (R-84-254) ADOPTED AS RESOLUTION R-259147

Approving a resolution of the Governing Board of the San Diego Stadium Authority approving various documents and authorizing and directing various actions in connection with the sale of the San Diego Stadium Authority Revenue Bonds, Series 1983; directing the proper officers and employees of the City of San Diego to perform all acts necessary to carry out the provisions of said resolution.

(Mission Valley Community Area. District-5.)

CITY MANAGER REPORT:

At previous meetings, the City Council has approved in concept the expansion of San Diego Jack Murphy Stadium. Various tenant agreements, an amended joint powers agency agreement with the County of San Diego, the adoption of a bond ordinance, a restated lease agreement between the City of San Diego and the San Diego Stadium Authority, and the advertising of construction bids have been previously authorized.

By today's action, the Council is conducting a public hearing relative to the issuance of revenue bonds and approving the Resolution of the Governing Board of the San Diego Stadium Authority which provides for: 1) Calling for bids for the sale of Revenue Bonds; 2) Approval of Notice of the Sale and publication; 3) Approval for advertisement in the Bond Buyer; 4) Approval of Preliminary Official Statement; 5) Approval of a Supplemental Resolution of Issue; 6) Approval of Proposal for 1983 Bonds; 7) Approval of the Notice to the California Debt Advisory Commission (including the notice of and payment to); 8) Approval of filing of IRS Form 8038; 9) Permission for Merrill Lynch Capital Markets to bid on the bonds; 10) Approval of an Agreement with California First Bank for Trustee services; 11) Authorization for the printing of the official statement and bonds by Jefferies Bank Note Company; and 12) Authorization for Title Insurance. Following today's actions, construction bids and bond bids will be received, evaluated, and will be docketed for Council consideration on September 20, 1983.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D435-606).

Hearing began at 3:21 p.m. and halted at 3:30 p.m.

Mayor Hedgecock closed the hearing.

MOTION BY STRUIKSMA TO 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-335:
19830823

Matter of the application of the San Diego Daily Transcript for a Conditional Use Permit CUP-83-0376 to remodel an existing building to house a small newspaper press, paper storage and associated facilities, on approximately 0.11 acres in the CN Zone (Uptown Community Plan area), located on the southeasterly corner of Ivy Street and Third Avenue. The subject property is more particularly described as a portion of Lot A, Block 246, Horton's Addition.

(CUP-83-0376. District-8.)

Subitem-A: (R-84-344) ADOPTED AS RESOLUTION R-259148

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0376 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-84-345) ADOPTED AS RESOLUTION R-259149 GRANTING THE APPLICATION

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

FILE LOCATION: PERM CUP-83-0376

COUNCIL ACTION: (Tape location: D608-E090).

Hearing began at 3:30 p.m. and halted at 3:41 p.m.

Testimony in favor by Paul Peterson.

Testimony in opposition by Dwane Cowell and James Moir.

MOTION BY CLEATOR TO CLOSE THE HEARING, ADOPT SUBITEM-A, AND ADOPT SUBITEM-B GRANTING THE APPLICATION AND PERMIT. Second by Struiksma. 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-336:

19830823

Matter of a proposal to adopt an Ordinance to permit and regulate the construction of companion units (second dwelling unit) on a lot where one single-family detached dwelling unit exists. The provisions for companion units may be extended to all zones and planned districts which permit single-family development (e.g. R-1, R-2, La Jolla Shores, North City West).

The companion unit ordinance may regulate all aspects of companion unit development, including, but not limited to:

1. Occupancy of companion units.
2. Design and location of companion units.
3. Off-street parking for companion units.
4. Adequacy of public facilities.
5. Administration.
6. Suspension of companion unit regulations.
7. Exclusion of specified areas from companion unit regulations.

The companion unit (granny flats) ordinance is being considered in response to Government Code Section 65852.2 (Chapter 1440, Statutes of 1982, adopted as Senate Bill 1534, Mello), which requires that local jurisdictions permit second units on lots with an existing single-family residence, or make findings that such an ordinance would be detrimental to the public health, safety and welfare.

At the conclusion of the hearing, the City Council may take any of the following actions:

1. Adopt the ordinance proposed by the Planning Department.
2. Adopt the ordinance proposed by the Planning Commission.
3. Adopt the ordinance proposed by the Transportation and Land Use Committee.
4. Adopt any of the above proposed ordinances with modifications.
5. Direct the preparation of an ordinance which totally precludes development of companion units in all or any portion of the City of San Diego, with appropriate findings.
6. Determine not to adopt an ordinance, thereby permitting criteria contained in Government Code Section 65852.2(b) to regulate companion units within the City of San Diego.

COMMITTEE ACTION:

Reviewed by TLU on 8/8/83. Forwarded to Council with no recommendation. Districts 3, 4 and 8 voted yea. Districts 2 and 5 not present. Ordinance O-84- 24 is the ordinance proposed by TLU.

(See Planning Department Report PDR-83-371.)

Subitem-A: (R-84-259) ADOPTED AS RESOLUTION R-259150

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-83-0165 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-84-24, O-84-25 or O-84-26)

(O-84-24) INTRODUCED AS AMENDED, TO BE ADOPTED SEPTEMBER 12, 1983

(O-84-33) INTRODUCED, TO BE ADOPTED SEPTEMBER 12, 1983

Introduction of an Ordinance amending the San Diego
Municipal Code.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E098-G270).

Copies of Ordinance (O-84-33) relating to excluding companion units in the coastal communities were distributed to all members of the City Council, City Attorney, City Manager, and City Clerk prior to the hearing.

Hearing began at 3:41 p.m. and recessed at 3:42 p.m.

Hearing resumed at 3:48 p.m. and halted at 5:27 p.m.

Testimony in favor by Phillip Walling, Steve Palma, Ken Erhardt, Marshall D. Ward, Anita Stroman, Anita Loeber, June Byars, David and Mary Shelton, Marcie MacLeod, and Ken Kozachenko.

Testimony in opposition by Joe Bradley, Frank Curran, Lorraine Trup, Robert McEvoy, Merlin Osterhaus, Keith Behner, Paul Blostein, and Maralyn Benn.

Motion by Murphy to approve an ordinance which would prohibit companion units in the City of San Diego, direct staff to prepare findings required by State law to that effect, and to bring it back to this Council at a subsequent date to be decided by staff and the Clerk. Second by Struiksma. Defeated. Yeas: 5,6,7. Nays: 1,2,3,4,8,M. Not present: None.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND TO INTRODUCE AS AMENDED THE ORDINANCE PROPOSED BY THE T&LU COMMITTEE AND TO EXCLUDE

COMPANION UNITS IN THE COASTAL ZONE WHICH IS DEFINED AS THAT LAND

AND WATER AREA OF THE CITY OF SAN DIEGO EXTENDING SEAWARD TO THE

OUTER LIMITS OF CITY JURISDICTION, EXTENDING INLAND TO THE RIGHT-OF-WAY OF INTERSTATE 5 ON JULY 1, 1983, EXTENDING NORTHWARD

TO THE NORTHERN CITY LIMITS AND EXTENDING SOUTHWARD TO SAN DIEGO

BAY, LAUREL STREET AND THE SOUTHWESTERLY EXTENSION OF LAUREL STREET

TO SAN DIEGO BAY. Second by Jones. 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-S500: (O-84-23 Rev.) CONTINUED TO SEPTEMBER 12, 1983

Reintroducing the La Jolla Office Building Moratorium Ordinance to incorporate an amendment that states that basements and cellars utilized for parking shall not be included in the calculation of gross floor area.

COMMITTEE ACTION: Initiated by TLU on 8/22/83. Recommendation to reintroduce the Ordinance as amended. Districts 2, 4, 5 and 8 voted yea. District 3 not

present.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: G271-275).

MOTION BY JONES TO CONTINUE TO SEPTEMBER 12, 1983, AT THE
MAYOR'S

REQUEST DUE TO LACK OF TIME. Second by Struiksma. Passed by the
following vote: Mitchell-not present, Cleator-yea, McColl-yea,
Jones-yea, Struiksma-yea, Gotch- yea, Murphy-yea, Martinez-nay,
Mayor Hedgecock-yea.

ITEM-CS-1: (R-84-322) ADOPTED AS RESOLUTION R-259144

A Resolution adopted by the City Council in Closed Session
on Tuesday, August 23, 1983:

Settlement of claims in the amount of \$9,825.58 resulting
from property damage to Aztec Bowl; authorizing Auditor and
Comptroller to issue one check in the amount of \$7,134.00 made
payable to Aztec Bowl, Inc., for property damage, the sum of
\$2,691.58 having been previously paid to Luth Turley, Inc.,
contractor which did the emergency work. Said total amount to
constitute full settlement of all claims against the City.

Aud. Cert. 84125

FILE LOCATION:

MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Hedgecock at 5:29 p.m.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: G276-288).

MOTION BY JONES TO ADJOURN IN HONOR OF THE MEMORY OF SABURO
MURAOKA. Second by Murphy. Passed by the following vote:
Mitchell-not present, Cleator-not present, McColl-yea, Jones-yea,
Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor
Hedgecock-yea.