

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

TUESDAY, JULY 2, 1985

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 10:30 a.m.

The meeting was recessed by Mayor Hedgecock at 12:05 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Hedgecock at 2:00 p.m. with Council Members McColl, Struiksma and Martinez not present.

Council welcomed Mayor Tim Sullivan of Orange, New South Wells, Australia, and Councilman Jim Selby of Orange, California. Mayor Hedgecock adjourned the meeting at 5:22 p.m. to convene as the Housing Authority.

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
 - (6) Council Member Gotch-present
 - (7) District 7-vacant
 - (8) Council Member Martinez-present
- Clerk-Abdelnour (jb a.m.; bb p.m.)

FILE: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Hedgecock-present
- (1) Council Member Mitchell-not present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) District 7-vacant
- (8) Council Member Martinez-present

19850702

ITEM-200: (O-85-196 Rev.) CONTINUED TO JULY 16, 1985, AT
10:00 A.M.

Amending the University City Emergency Building Limitation Ordinance O-16413 (New Series), which is intended to limit development for a period of 12 months within the boundaries of the University Community Plan area as shown on Document 00-16413 on file in the Office of the City Clerk.

Golden Triangle

(District-1. Introduced on 6/18/85. Council voted 5-4.

Districts 1, 4, 6 and Mayor voted nay.)

ADDITIONAL BUSINESS: (R-86-53) ADOPTED AS RESOLUTION R-263602

Properties owned by the J. W. Jones Companies, identified as Assessor Parcel Nos. 344-290-10 and 344-250-05, have been proposed for the construction of 456 residential units and an executive suite hotel of 288 units. These units are consistent with the University Community Plan area designation of up to 45 dwelling units per acre, R-1000 zoning, and would generate 176 ADT over the 2,560 ADT assumed within the referenced Land Use Forecast. The Executive suite hotel has been approved under Planned Commercial Development Permit No. 84-0878 subject to a community plan amendment changing the land use designation from Commercial Office to Visitor-Serving, with said hotel generating 240 ADT less than the 1,968 ADT assumed within the referenced Land Use Forecast. The property owner has requested a determination as to consistency with Ordinance No. O-16413 for the uses described above. The City Council of the City of San Diego hereby finds that provided the development of Parcel Nos. 344-290-10 and 344-250-05 proceed in the manner described above, the proposed use of 456 residential units and an executive suite hotel of 288 units are consistent with Ordinance O-16413, Section 1(b).

FILE: Ord --; Add. Bus. - LAND - University
Community Plan

COUNCIL ACTION: (Tape location: D211-E140.)

MOTION BY MARTINEZ TO ADOPT ORDINANCE FROM MEETING OF JULY 1, 1985. Second by Struiksma. No vote.

MOTION BY MARTINEZ TO CONTINUE ORDINANCE TO JULY 16, 1985, AT 10:00 A.M., AT HIS REQUEST, WITH THE CONDITION THAT PLANNING DEPARTMENT IS TO CONFER WITH MR. HELMUT KIFFMAN OF MULTITECH PROPERTIES TO DEVELOP A BINDING AGREEMENT ON THE PROPERTY WHICH WOULD COMPEL THE OWNERS TO ADHERE TO THE 1980 ADT, AND ADOPT THE RESOLUTION. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea,

Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-330: (R-85-2229 REV-1) ADOPTED AS AMENDED AS RESOLUTION
R-263590

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Scripps-Miramar Ranch Landscape and Lighting Maintenance District.

(Scripps-Miramar Ranch Community Area. District-5.)

CITY MANAGER REPORT: This action establishes the annual assessment for Scripps-Miramar Ranch Landscape and Lighting Maintenance District. The district provides landscape maintenance for open space and center islands, and maintenance for street-light standards. The Fiscal Year 1986 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$107,109
Water and Electric Service	31,343
Incidentals	39,845
Total Expenses	\$178,297
Reserve	17,830
Total	\$196,127
Less Carry-over and Interest	44,850
Less City Contribution	7,933
Assessed to District	\$143,344

There will be an increase in the amount assessed to the district for FY 1986 as compared to FY 1985. This is the result of an increase in maintenance and utility costs. The proposed unit assessment for FY 1986 is approximately \$33.50 as compared to \$32.50 for FY 1985.

FILE: STRT M-97

COUNCIL ACTION: (Tape location: A025-050.)

Hearing began at 10:32 a.m. and halted at 10:35 a.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND ADOPT AS AMENDED
BY

APPROVING THE RECOMMENDATION TO INCREASE THE CITY'S CONTRIBUTION FOR MEDIAN MAINTENANCE FROM \$908 TO \$1,408, THEREBY REDUCING THE AMOUNT ASSESSED TO THE DISTRICT. Second by McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-331: (R-85-2226 REV-1) ADOPTED AS AMENDED AS RESOLUTION

R-263591

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Tierrasanta Landscape and Lighting Maintenance District.

(Tierrasanta 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 open space, center islands, and street-light and street-name standards. The Fiscal Year 1986 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$194,459
Water and Electric Service	67,820
Incidentals	54,800
Total Expenses	\$317,079
Contingency Reserve	31,708
Total	\$348,787
Less Carry-over and Interest	-75,600
Less City Contribution	-31,365
Assessed to District	\$241,822

Based on the above amounts, the proposed unit assessment for Fiscal Year 1986 will be \$23.60 as compared to \$13.00 for Fiscal Year 1985. This year's increase in the amount assessed is due to a substantially lower carry-over than was experienced in Fiscal Year 1985, an increase in contractual maintenance cost, and a projected substantial increase in water usage.

FILE: STRT M-95

COUNCIL ACTION: (Tape location: A051-060.)

Hearing began at 10:35 a.m. and halted at 10:36 a.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND ADOPT AS AMENDED

BY

APPROVING THE RECOMMENDATION TO INCREASE THE CITY'S CONTRIBUTION FOR MEDIAN MAINTENANCE FROM \$12,440 to \$15,447, THEREBY REDUCING THE AMOUNT ASSESSED TO THE DISTRICT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, District 7-vacant, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-332: (R-85-2223 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-263592

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed

maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-8.)

CITY MANAGER REPORT: This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The Fiscal Year 1986 proposed district costs are as follows:

Current Service Level Maintenance (sidewalks and landscaping)	\$ 87,845
Street Lights (energy and maintenance)	74,000
* Optional Additional Sidewalk Maintenance (cleaning and scrubbing)	45,650
* Optional Drinking Fountain and Trash Receptacle Replacement	20,266
* Optional Sealing of Brick Sidewalks	74,800
Incidentals	38,200
Programmed Reserve	28,000
Contingency Reserve	20,004
Total Expenses	\$388,765
Less Carry-over and Interest	- 60,539
Less City Contribution (street lights)	- 13,100
Assessed to District	\$315,126

If the proposed district costs are approved, the assessments to parcels in the improved portion of the district will increase approximately 200 percent over FY 1985 assessments. If the three optional work items are not approved, the assessments to parcels in the improved portion of the district will increase 58 percent over FY 1985 assessments. The additional sidewalk maintenance has been requested as a result of increased weekend patronage in the district and the further increase anticipated when the Horton Plaza opens in August. The drinking fountain and trash receptacle item is to replace vandalized equipment. The sealing of the brick sidewalks would significantly reduce the staining of the bricks by spilled liquids.

FILE: STRT M-96

COUNCIL ACTION: (Tape location: A061-145.)

Hearing began at 10:36 a.m. and halted at 10:43 a.m.

Testimony in favor by Art Skolnik.

MOTION BY MARTINEZ TO CLOSE THE HEARING AND APPROVE THE RECOMMENDATION BY MR. SKOLNIK THAT THE CITY OF SAN DIEGO PAY THE COST INCURRED BY OPTIONS 3, 4, AND 5 AS SUBMITTED IN THE MEMORANDUM FROM THE GASLAMP QUARTER COUNCIL. (OPTION #3 - ADDITIONAL SIDEWALK CLEANING AND SCRUBBING - \$46,650; OPTION #4 - DRINKING FOUNTAIN AND TRASH RECEPTABLE REPLACEMENT - \$20,266; AND OPTION #5 - SEALING OF BRICK PAVERS - \$74,800). Second by

McColl. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmayea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-333:

A proposal to amend the Progress Guide and General Plan of the City of San Diego by:

A) Amending the General Plan Map (Land Use Element) to reflect recently adopted and/or amended community plans, precise plans, and specific plans. Environmental reports on each of these plans were certified by the City Council prior to taking action.

- 1) Northside Specific Plan, adopted October 30, 1984, Resolution R-261850;
- 2) San Dieguito River Regional Plan, adopted October 30, 1984, Resolution R-261854;
- 3) Mid-City Community Plan, amended December 4, 1984, Resolution R-262091;
- 4) Carmel Valley Neighborhood 4, 5 & 6 Precise Plan, amended December 18, 1984, Resolution R-262228;
- 5) Blackhorse Farms & Center Specific Plan, adopted January 8, 1985, Resolution R-262308; and
- 6) University Community Plan, amended January 8, 1985 (in conjunction with Blackhorse Farms), Resolution R-262308;

B) Amending the General Plan Map (Land Use Element) to reflect recently approved annexations:

- 1) MV Associates Reorganization, effective March 21, 1985;
- 2) Daley Island Reorganization, effective March 25, 1985; and
- 3) Otay Mesa Reorganization, effective March 14, 1985.

C) Amending the Phased Development Areas Map to indicate that San Diego Unified Port District and U.S. military lands are not included in any phased development area.

(R-85-2375 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-263593

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

FILE: LAND - Progress Guide and General Plan

COUNCIL ACTION: (Tape location: A146-290.)

Hearing began at 10:44 a.m. and halted at 10:52 a.m.

Testimony in favor by Jay Powell.

MOTION BY MARTINEZ TO CLOSE THE HEARING AND ADOPT AS AMENDED BY APPROVING ITEMS 1 AND 2 OF THE SUMMARY ISSUES OUTLINED IN

PLANNING DEPARTMENT REPORT NO. 85-263; REFER ITEM 3 BACK TO THE TRANSPORTATION AND LAND USE COMMITTEE; AND DIRECT STAFF TO PROVIDE A LEGAL OPINION ON JULY 8, WHEN COUNCIL CONSIDERS THE MANAGED GROWTH INITIATIVE, WITH RESPECT TO ANY CHANGES IN THE FUTURE URBANIZING DESIGNATION THAT MIGHT OR MIGHT NOT BE COVERED BY THE INITIATIVE. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-334: (O-85-213) INTRODUCED, TO BE ADOPTED JULY 15, 1985

Prezoning a portion of Lot 70 and a portion of Lot C, Rancho Mission, CC-15191 (approximately 40.89 acres), located 16,000 feet northwest of Mission Gorge Road between Jackson and Princess View Drives, in the Navajo Community Plan area, from unzoned to Zone A-1-10, pending annexation to the City of San Diego.

(Case-85-0280. Navajo Community Area. District-7.)
Introduction of an Ordinance for A-1-10 Zoning.

FILE: --

COUNCIL ACTION: (Tape location: A291-319.)

Hearing began at 10:53 a.m. and halted at 10:55 a.m.

MOTION BY GOTCH TO INTRODUCE THE ORDINANCE. Second by Martinez.

Passed by the following vote: Mitchell-yea, Cleator-yea,

McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District

7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-335: (R-86-97) ADOPTED AS RESOLUTION R-263594, GRANTED THE APPEAL AND THE AMENDMENT TO THE PERMIT

Appeal of Pardee Construction Company from the decision of the Board of Zoning Appeals in approving the applicant's amended request to (1) erect two wall-mounted, 24 sq. ft. externally illuminated community entry signs identifying the Sabre Springs Community; and (3) erect one wall-mounted, 15 sq. ft. area identification sign identifying the Stony Brook Subdivision; but denying (2) erection of two, wall-mounted, 17 sq. ft. externally illuminated community area identification signs for Sabre Springs Business Park. The subject property is a portion of Rancho Los Penasquitos, and a portion of Sections 16, 21 and 22, Township 14 South, Range 2 West, S.B.B.M., and is

located east of I-15, north and south of Poway Road, in the Sabre Springs Community Plan area, in Zone A-1-10. (Case-C-18681. Districts-1 and 5.)

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

FILE: ZONE - Zoning Appeals C-18681

COUNCIL ACTION: (Tape location: A320-380.)

Hearing began at 10:55 a.m. and halted at 10:58 a.m.

Testimony in favor by Mike Madigan and Ruben Andrews.

MOTION BY MITCHELL TO CLOSE THE HEARING, GRANT THE APPEAL AND THE AMENDMENT TO THE PERMIT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

ITEM-336: (R-85-) ADOPTED AS RESOLUTION R-263595, GRANTED APPEAL AND MAP AS AMENDED

(Continued from the meeting of May 14, 1985 at the appellant's request.)

Appeal of Walter and Joseph Zumstein, by Ronald C. Parker, Agent, from the decision of the Planning Commission in approving Tentative Map TM-84-0895 as modified, which proposes a 4-lot tentative parcel map of portions of the West Half of the Southwest Quarter of the Southeast Quarter of Section 28, Township 18 South, Range 2 West, S.B.B.M. The subject property is located on the north side of Ilex Avenue between Saturn Boulevard (19th Street) and Switzerland Drive in Zone R1-5000 and within the boundaries of the Otay Mesa-Nestor Community Plan Area.

(TM-84-0895. District-8.)

Adoption of a Resolution granting or denying the appeal and the map with conditions and/or modifications and with appropriate findings to support Council action.

FILE: SUBD - T18S, R2W, Sec. 28, por.

COUNCIL ACTION: (Tape location: A381-619.)

Hearing began at 10:59 a.m. and halted at 11:12 a.m.

Testimony in favor by Don Detisch.

MOTION BY MARTINEZ TO CLOSE THE HEARING, GRANT THE APPEAL AND MAP WITH THE REVISED CONDITIONS SUBMITTED BY DON DETISCH BY LETTER DATED JUNE 21, 1985 FROM THE LAW FIRM OF DETISCH, CHRISTENSEN AND WOOD. ALSO, APPROVE WITH THE CONDITION THAT THE SUBDIVIDER SHALL SUBMIT LETTERS OF SCHOOL AVAILABILITY. Second by Gotch. Passed by the following vote: Mitchell-yea,

Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea,
District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-337: (R-86-96) REV.1 ADOPTED AS RESOLUTION R-263596, GRANTED
APPEAL AND EXTENSION OF VARIANCE

Appeal of Pardee Construction Company by Mike Madigan,
Senior Vice President, from the decision of the Board of
Zoning Appeals in denying the request to maintain and
extend for a period of one (1) year the existing model home
sales complex used for the sale of new homes constructed by
Pardee in the Mira Mesa Community Plan area, where such
uses are permitted only for sale of new homes in the same
subdivision as the complex.

The subject property is located on Stanwell Circle and
Stanwell Court in Zone R1-5000 and is further described as
Lots 127 through 134, Block 115, Mira Mesa Verde Unit No.
3, Map-6366, and Lots 121 through 124, Mira Mesa Verde Unit
No. 2, Map-6465.

(Case-C-10092. Mira Mesa Community Area. District-5.)
Adoption of a Resolution granting or denying the appeal and
the request for an extension of time with appropriate
findings to support Council action.

FILE: ZONE - Zoning Appeals C-10092

COUNCIL ACTION: (Tape location: A620-640.)

Hearing began at 11:12 a.m. and halted at 11:13 a.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, GRANT THE APPEAL AND A
THREE-YEAR EXTENSION OF THE VARIANCE. Second by McColl. Passed
by the following vote: Mitchell-yea, Cleator-yea, McColl-yea,
Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant,
Martinez-yea, Mayor Hedgecock-yea.

ITEM-338: INTRODUCED, TO BE ADOPTED JULY 15, 1985

A proposal to approve an Ordinance to limit the height of
buildings and structures within a portion of the Uptown
area (Mission Hills) to 30 feet.

A height limitation will be established along San Diego
Avenue, north of Washington Street. The height limitation
ordinance will provide an adequate period of time to
complete the update of the Uptown Community Plan, currently
being prepared by the Planning Department.

The update of the Community Plan will be addressing this
area and developing design guidelines for the hillsides.

The hillsides provide exceptional public views. The design guidelines will serve as a guide for future development. The design guidelines will also ensure that the size and height of future development does not block public views and that future development will maintain the existing character of the hillsides.

(District-2.)

(O-85-207)

Introduction of the height limitation ordinance.

FILE: --

COUNCIL ACTION: (Tape location: A641-C067.)

Hearing began at 11:13 a.m. and halted at 11:59.

Testimony in favor by Albert A. Gabbs and Bruce Jordan.

John Houts, John Lomac, Tess Wilcoxon, Vince Faiola, Prescott Nichols, Ned Garrignes, Clifford Weiler, Barbara Brown and Vovilie Capaee.

Motion by Gotch to approve staff recommendation. Second by Mitchell. Motion withdrawn.

MOTION BY CLEATOR TO APPROVE THE PLANNING DEPARTMENT'S RECOMMENDATIONS AND DIRECT STAFF TO PROVIDE A STATUS REPORT WITH RESPECT TO WHEN THE COMMUNITY PLAN FOR THE UPTOWN AREA WILL COME

BACK TO COUNCIL. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

ITEM-339:

(Continued from the meeting of June 18, 1985 at Council Member Struiksmay's request.)

Rezoning Lot 1, Hammond Subdivision, Map-4207

(approximately 1.45 acres), located at 605 Hotel Circle South, in the Mission Valley Community Plan area, from Zone R1-40000 to Zone CR and CR (portion HR).

(Case-83-0787. Mission Valley Community Area. District-5.)

Subitem-A: (R-85-2185) ADOPTED AS RESOLUTION R-263597

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-84-0894 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-85-197) INTRODUCED, TO BE ADOPTED JULY 15,
1985

Introduction of an Ordinance for CR and CR (portion HR)
Zoning.

FILE:

Subitem A ZONE ORD. NO.;

Subitem B --

COUNCIL ACTION: (Tape location: C070-106.)

Hearing began at 12:01 p.m. and halted at 12:03 p.m.

Testimony in favor by Syd Xinos.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, ADOPT SUBITEM A AND
INTRODUCE SUBITEM B. Second by Jones. Passed by the following
vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea,
Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor
Hedgecock-yea.

19850702

ITEM-340: (R-86-117) ADOPTED AS RESOLUTION R-263608 GRANTING
THE APPEAL AND VARIANCE

(Continued from the meeting of June 18, 1985 at Peter
Polischuk's request.)

Appeal of Edgar Jack Ridout by Peter M. Polischuk,
Attorney, from the decision of the Board of Zoning Appeals
in the partial denial of the request to maintain existing
freestanding walls, retaining walls and decks as follows:

- 1) 18'0" of stucco wall ranging from 2'9" to 3'3" in
height, observing a 0'0" front yard at the closest point;
- 2) 54'6" of maximum 4'6" high retaining wall with 5'6" of
freestanding wall above and 3'0" of glass and wood fence on
top (total height 13'0"), observing a 4'6" front yard at
the closest point, where a 3'0" high retaining wall with a
3'0" high, 50 percent open fence above is the maximum
permitted;
- 3) 98'0" of 5'0" high retaining wall with maximum 6'0"
high wall above (total height 11'0") observing a 0'0"
interior side yard on the east;
- 4) 12'0" of maximum 4'0" high retaining wall with a 2'0"
solid wall above and a 4'0" glass and wood fence on top
(total height 10'0"), observing a 0'0" interior side yard
on the east;
- 5) 98'0" of 5'0" to 9'0" high retaining wall with a 5'0"
freestanding wall above (total maximum height 14'0")

- observing a 0'0" interior side yard on the west;
- 6) 12'0" of 5'0" high retaining wall with a 2'0" solid wall above and 4'0" of glass and wood fence on top (total height 11'0") observing a 0'0" interior side yard on the west, where a 6'0" high retaining wall with a 3'6" high, 50 percent open fence on top is the maximum permitted within the required side yard;
 - 7) 50'0" of maximum 5'0" high retaining wall with 2'0" wall above and 4'0" glass and wood fence on top (maximum height 11'0") observing a 3'0" rear yard where 6'0" retaining wall with a 3'6" high, 50 percent open fence above is the maximum permitted in the required yard;
 - 8) Approximately 540 sq. ft. of deck ranging from 2'0" to 5'0" in height, observing a 3'6" rear yard where a 4'0" rear yard is required;
 - 9) Approximately 393 sq. ft. of deck ranging from 2'6" to 5'0" in height, observing a 4'6" front yard at the closest point where a 15'0" front yard is required.

The subject property is located at 1231 Van Nuys Street, in Zone R1-5000, in the La Jolla Community Plan area, and is more particularly described as Lots 11 and 12, Block 2, Seaview Heights, Map-1125.

(Case-C-18483. District-1.)

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

FILE: ZONE - Zoning Appeals C-18483

Hearing began at 2:16 p.m. and halted at 2:26 p.m.

Testimony in favor of appeal by Peter Polischuk

COUNCIL ACTION: (Tape location: D072-210.)

MOTION BY MITCHELL TO CLOSE THE HEARING, AND GRANT THE APPEAL AND VARIANCE. Second by Gotch. Passed by the following vote:

Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-341:

Matter of consideration by the City Council of amendments which would exclude certain projects or geographical areas within the boundaries of the University Community Plan from Emergency Ordinance O-16413 (N.S.), adopted April 23, 1985, which are subject to special or unique factual circumstances, including limited or mitigated traffic inducing situations, justifying exemptions.

(District-1.)

(O-85-228) INTRODUCED AS AMENDED, TO BE ADOPTED JULY 16, 1985
(SCRIPPS CLINIC ONLY)

Introduction of an Ordinance amending Emergency Ordinance
O-16413 N.S.

FILE: --

COUNCIL ACTION: (Tape location: E141-H284.)

Hearing began at 3:04 p.m. and halted at 5:22 p.m.

Testimony in favor of exemption for Scripps Clinic by Craig
Beam.

Testimony in favor of exemption for Sheraton Hotel by Craig
Beam.

Testimony in favor of exemption for Spin-Physics by Paul
Robinson.

Testimony in favor of exemption for Gen-Probe by George Codling.

Testimony in opposition of exemptions by George W. Lattimer and
Harry Mathis.

MOTION BY MITCHELL TO INTRODUCE THE ORDINANCE AS AMENDED WHICH
WOULD EXCLUDE THE SCRIPPS MOLECULAR BIOLOGICAL BUILDING ADDITION
WITHIN THE BOUNDARIES OF THE UNIVERSITY COMMUNITY PLAN FROM
EMERGENCY ORDINANCE O-16413 (N.S.), ADOPTED APRIL 23, 1985,
WHICH IS SUBJECT TO SPECIAL OR UNIQUE CIRCUMSTANCES INCLUDING
LIMITED OR MITIGATED TRAFFIC INDUCING SITUATIONS JUSTIFYING THE
EXEMPTION AND DIRECT SCRIPPS TO RETURN TO COUNCIL ON JULY 16,
1985, AT 10:00 A.M. WITH A TRAFFIC STUDY REPORT. Second by
Jones. Passed by the following vote: Mitchell-yea,

Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea,
District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

MOTION BY MITCHELL TO DENY EXEMPTION FROM THE ORDINANCE FOR
SHERATON HOTELS WITH THE UNDERSTANDING THAT THE PROJECT BE
REVIEWED THROUGH THE CITY'S PLANNED DEVELOPMENT PROCESS. Second
by Struiksma. Passed by the following vote: Mitchell-yea,

Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea,
District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

MOTION BY STRUIKSMA TO DENY EXEMPTION FROM THE ORDINANCE FOR
SPIN PHYSICS WITH THE UNDERSTANDING THAT THE PROJECT BE REVIEWED
THROUGH THE CITY'S PLANNED DEVELOPMENT PROCESS. Second by

Jones. Passed by the following vote: Mitchell-yea, Cleator-not
present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea,
District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

MOTION BY STRUIKSMA TO ADOPT STAFF RECOMMENDATION DENYING
EXEMPTION FROM THE ORDINANCE FOR GEN-PROBE. Second by Martinez.

Failed by the following vote: Mitchell-yea, Cleator-nay,
McColl-nay, Jones-not present, Struiksma-yea, Gotch-nay,
District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

MOTION BY MITCHELL TO CONTINUE JULY 16, 1985, AT 10:00 A.M. THE EXEMPTION REQUEST FROM GEN-PROBE AT WHICH TIME THEY ARE TO BRING BEFORE COUNCIL A REPORT REGARDING TRANSFER OF TRAFFIC CAPACITY.

Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-UC-6: (R-86-51) ADOPTED AS RESOLUTION R-263598

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Council Member Gloria McColl from the Monday Council meeting of July 8, 1985 to attend a hearing for Public Safety Committee in Sacramento.

FILE: MEET

COUNCIL ACTION: (Tape location: C107-118.)

MOTION BY McCOLL TO ADOPT. Second by Jones. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

19850702

ITEM-UC-7: (R-85-2587) ADOPTED AS RESOLUTION R-263599

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Settlement of attorneys fees and costs in the amount of \$305,576.29 to Attorney Robert Klitgaard in the matter of Tachiki v. City of San Diego.

FILE: MEET

COUNCIL ACTION: (Tape location: C107-118.)

MOTION BY MARTINEZ TO ADOPT. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

ITEM-UC-8: (R-86-52) ADOPTED AS RESOLUTION R-263607

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Council Member Mike Gotch from attending all City Council and Committee meetings of July 8 through July 9, 1985, for the purpose of vacation.

FILE: MEET

COUNCIL ACTION: (Tape location: H275-284.)
MOTION BY GOTCH TO ADOPT. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, District 7-vacant, Martinez-yea, Mayor Hedgecock-yea.

ITEM-CS-1: (R-86-13) ADOPTED AS RESOLUTION R-263600

A Resolution adopted by the City Council in Closed Session on July 2, 1985:

Authorizing the City Manager to pay the total sum of \$6,824.82 in settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the residence of John Amick; authorizing the City Auditor and Comptroller to issue one check in the amount of \$6,824.82 made payable to Luth and Turley, Jr. in full settlement of all claims.

FILE: MEET

ITEM-CS-2: (R-86-14) ADOPTED AS RESOLUTION R-263601

A Resolution adopted by the City Council in Closed Session on July 2, 1985:

Authorizing the City Manager to pay the total sum of \$31,886.35 in settlement of each and every claim against the City of San Diego, its agents and employees, resulting from property damage to the residence of Fred Falduti; authorizing the City Auditor and Comptroller to issue one check in the amount of \$31,886.35 made payable to Luth and Turley, Jr. in full settlement of all claims.

FILE: MEET

ITEM-CS-3: (R-86-16) ADOPTED AS RESOLUTION R-263603

A Resolution adopted by the City Council in Closed Session on July 2, 1985:

Authorizing the City Manager to pay the total sum of \$10,000 in settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Joseph Castaneda (Superior Court Case No. 474941, Joseph E. Castaneda v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$10,000 made payable to Joseph Castaneda and his attorney, Gary Sernaker, in full settlement of the lawsuit and all claims.

FILE: MEET

ITEM-CS-4: (R-86-17) ADOPTED AS RESOLUTION R-263604

A Resolution adopted by the City Council in Closed Session on July 2, 1985:

Authorizing the City Manager to pay the total sum of \$60,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Maude Eliason (Superior Court Case No. 526752, Maude E. Eliason v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$60,000 made payable to Maude Eliason and her attorney, Donald Schwimmer, in full settlement of the lawsuit and all claims.

FILE: MEET

ITEM-CS-5: (R-86-18) ADOPTED AS RESOLUTION R-263605

A Resolution adopted by the City Council in Closed Session on July 2, 1985:

Authorizing the City Manager to pay the total sum of \$18,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Gerald O'Brien (Superior Court Case No. 465407, Gerald O'Brien and Marta Adams v. City of San Diego, Van Wey, Furtak and Martinez); authorizing the City Auditor and Comptroller to issue a check in the total amount of \$18,000 made payable to Gerald A. O'Brien and his attorney, Greg D. Genochio in full settlement of the lawsuit and all claims.

FILE: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Hedgecock at 5:22 p.m.

FILE: MINUTES

COUNCIL ACTION: (Tape location: H283.