

19870811

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, AUGUST 11, 1987  
AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Struiksma at 10:08 a.m. The meeting was recessed by Chairperson Struiksma at 12:28 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Chairperson Struiksma at 2:13 p.m. with Mayor O'Connor and Council Member Jones not present.

Chairperson Struiksma adjourned the meeting at 5:56 p.m. and convened the Joint City Council/Redevelopment Agency meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-269253 (City business in Scotland)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present  
Clerk-Mutascio;Hanson-Holtry (eb;mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Mutascio called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present

ITEM-109: (R-88-223 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-269096

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Approving the legislative recommendations regarding AIDS Legislation contained in IRD Report IRD-87-15, dated June 22 1987, as approved unanimously by the RULES Committee on July 15, 1987; approving the proposed policy language contained in IRD-87-15, dated June 22, 1987 for inclusion in Council Policy 000-19.

(See Intergovernmental Relations Department Report IRD-87-15.)

COMMITTEE ACTION: Reviewed by RULES on 7/15/87. Recommendation to adopt the Intergovernmental Relations Department recommendation. Districts 4, 6 and Mayor voted yea. Districts 2 and 3 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A285-434.)

Motion by McCarty to refer the matter to the Rules Committee to consider following the same guidelines that the County has recommended. No second.

MOTION BY WOLFSHEIMER TO ADOPT THE RESOLUTION AS AMENDED TO APPROVE THE LEGISLATIVE RECOMMENDATIONS REGARDING AIDS LEGISLATION CONTAINED IN IRD REPORT IRD-87-15 AND REFER THE DRAFT POLICY BACK TO RULES COMMITTEE FOR FURTHER REVIEW. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-310: (R-88-178) ADOPTED AS RESOLUTION R-269097

Proclaiming August 22, 1987 to be "Neighbors Against Drugs Day" in San Diego; urging all citizens to recognize and support our City's work in eradicating drugs from our community; commending the similar efforts by National City to accomplish the same goals and the hard work of Paradise Valley Hospital in putting together the two-day program to highlight these efforts.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A062-098.)

MOTION BY McCARTY TO ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-311: CONTINUED TO NOVEMBER 9, 1987

(Continued from the meeting of May 26, 1987, Item 31, at James Milch's request, because of calendar conflicts of the appellants.)

Matter of the request of L. Donald Taicher, by James Milch, Attorney, for a hearing of an appeal from the decision of the Planning Commission in denying Planned Residential Development Permit PRD-85-0730 and Tentative Map TM-85-0730 (Rosecrans Court), proposing construction of 39 residential condominium units in 9 buildings on a one-lot subdivision on approximately 1.37-acres. The subject property is described as Lots 1 through 12, Block 146, Roseville, Map-305, and is located on the block bounded by Rosecrans, Russell, Quimby and Locust Streets, in Zone R1-5000 (proposed R-1500), in the Peninsula Community Plan area. (PRD & TM-85-0730. District-2.)

A motion granting or denying the request for a hearing of the appeal.

NOTE: If the request to allow an appeal is granted, time has been reserved for the project to be heard on Tuesday, September 22, 1987 at 10:00 a.m., with companion rezoning and community plan amendment.

FILE LOCATION: PERM PRD-85-0730 SUBD Rosecrans Court

COUNCIL ACTION: (Tape location: A099-118.)

MOTION BY CLEATOR TO CONTINUE THE MATTER TO NOVEMBER 9, 1987, AT JIM MILCH'S REQUEST FOR THE CITY AND THE PROPERTY OWNER TO MEET REGARDING THE DESIGNATION OF THE PROPERTY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-330: (O-87-207Rev.1) INTRODUCED AS AMENDED AND ADOPTED AS ORDINANCE O-16926 (New Series)

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Introduction and adoption of the Linda Vista Emergency Ordinance. The ordinance provides that all property presently zoned R-2, R-2A, R-3, R-3A, CP, CO and CA within a portion of that area known as the Linda Vista Community Plan, and described as Subarea 2 (Chesterton), Subarea 4 (Linda Vista), Subarea 8 (Mission Heights), Subarea 9 (Tait-Kelly) and Subarea 11 (Alcala Knolls), shall not be developed with more than one dwelling unit per 5,000 square feet of parcel area unless a Planned Infill Residential Development Permit, Conditional Use Permit or a Planned

Commercial Development Permit is obtained. The ordinance would be effective for a period of 90 days.

(District-5.)

FILE LOCATION: LAND Linda Vista Community Plan

COUNCIL ACTION: (Tape location: A439-600.)

Hearing began 10:35 a.m. and halted 10:45 a.m.

MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT WITH AN AMENDMENT BY STRUIKSMA TO ADD AT THE END OF SECTION 1, PAGE 2 THE FOLLOWING: "PROVIDED, HOWEVER, THAT ANY PROJECT WHICH PROVIDES FOR THE REHABILITATION OF EXISTING UNITS WHICH EXCEED 30 PERCENT OF THE TOTAL NUMBER OF UNITS IN THE PROJECT AND THE TOTAL NUMBER OF UNITS IN THE PROJECT EXCEED 40 UNITS SHALL BE EXEMPTED FROM THE PROVISIONS OF THIS ORDINANCE."

Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-331:

A) Introduction of an Ordinance amending Section 101.0510 of the San Diego Municipal Code (Planning and Zoning Regulations) establishing a conditional use permit process and processing procedures for Hazardous Waste Facilities and for Hazardous Waste Treatment Research, Development and Demonstration Facilities; and

B) Introduction and adoption of an Emergency Ordinance extending for 120 days, the effective period of Interim Ordinance No. O-16743 N.S. The Interim Ordinance requires a conditional use permit for any facility, activity, or use of property in the Scientific Research (SR) Zone required by federal law to obtain a Research, Development and Demonstration Permit for hazardous waste treatment.

(Citywide.)

Subitem-A: (O-88-24) INTRODUCED AS AMENDED, TO BE ADOPTED SEPTEMBER 8, 1987

Introduction of an Ordinance amending the San Diego Municipal Code.

Subitem-B: (O-88-26) INTRODUCED AND ADOPTED AS ORDINANCE O-16927 (New Series)

Introduction and adoption of an emergency Ordinance extending the effective period of Interim Ordinance O-16743 N.S. for 120 days.

FILE LOCATION:

Subitem-A --,

Subitem-B MEET

COUNCIL ACTION: (Tape location: B010-523.)

Hearing began 10:45 a.m. and halted 11:22 a.m.

Testimony in favor by Diana Takvorion, Ivan White and Edward Gorham.

Testimony in opposition by David Mulliken.

MOTION BY GOTCH TO AMEND SUBITEM-A TO INCLUDE ALTERNATIVE 1 (A) DELETE FROM SECTION 101.0510 C.4.j. THE PHRASE "SUBJECT TO THE ADDITIONAL PROVISIONS IN SECTION 101.0516;" AND (B) DELETE FROM SECTION 101.0516 A. THE PHRASE "OR SECTION 101.0510 C.4.j." AND THE PHRASE "AND TO HAZARDOUS WASTE TREATMENT, RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES, AS DEFINED IN SECTION 101.0510 C.4.j." AND INTRODUCE AS AMENDED, AND REFER THE CONCEPT OF TIME CONSTRAINTS AND THE LANGUAGE SUBMITTED BY MR. MULLIKEN TO THE CITY ATTORNEY AND THE PLANNING DEPARTMENT FOR A REPORT TO THE PUBLIC SERVICES AND SAFETY COMMITTEE; AND INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE EMERGENCY ORDINANCE FOR SUBITEM-B. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-332:

Matter of a proposal to amend Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code relating to Zoning Use Certificates and Home Occupations in Residential Zones. The amendments include regulations

- a) To establish or operate any new business, or for a change of use, expansion or relocation of a current business use;
- b) For changes in ownership of adult entertainment establishments;
- c) To replace the current Home Occupation Permit; Establishing a fee of \$6.00 for the Zoning Use Certificate Program to recover costs of processing the certificate. (City-wide)

Subitem-A: (R-87-2536) ADOPTED AS RESOLUTION R-269098

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0983 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-87-232) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 8, 1987

Introduction of an Ordinance amending Chapter X, Article 1, Division 3 of the San Diego Municipal Code relating to Zoning Use Certificate.

Subitem-C: (O-87-234) INTRODUCED, TO BE ADOPTED  
SEPTEMBER 8, 1987

Introduction of an Ordinance amending Chapter X, Article 1, Division 4 of the San Diego Municipal Code relating to Home Occupations in Residential Zones.

Subitem-D: (R-87-2535) ADOPTED AS RESOLUTION R-269099

Adoption of a Resolution establishing a fee for the Zoning Use Certificate Program.

FILE LOCATION:

Subitems A and D MEET,

Subitems B and C --

COUNCIL ACTION: (Tape location: B530-550.)

Hearing began 11:24 a.m. and halted 11:25 a.m.

MOTION BY CLEATOR TO ADOPT. Second by Ballesteros. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-333: CONTINUED TO SEPTEMBER 29, 1987, 10:00 A.M.

Approval of an interim update to the Penasquitos East Community Plan, focusing on critical issues now facing the community.

The Penasquitos East Community Plan update will identify additional park sites within the community. This update will include a reevaluation of the plan capacity and buildout projections. The updated plan will also eliminate inconsistencies and provide revised definitions for calculating density. This interim update will affect all property within the Penasquitos East Community Plan area.

(District-1.)

Subitem-A: (R-88-205)

Adoption of a Resolution recertifying that the information contained in Environmental Impact Report EIR-78-0548 and certifying that the information contained in Addendum No. 87-0556, thereto has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report and addendum have been reviewed and considered by the Council.

Subitem-B: (R-88-204)

Adoption of a Resolution approving the interim community plan update.

FILE LOCATION: LAND Penasquitos East Community Plan

COUNCIL ACTION: (Tape location: A123-155.)

MOTION BY WOLFSHEIMER TO CONTINUE TO SEPTEMBER 29, 1987, 10:00 A.M. AT HER REQUEST TO MEET WITH THE PLANNING DEPARTMENT AND THE COMMUNITY TO GO OVER THE RECOMMENDATIONS OF THE TASK FORCE.

Second by Cleator. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-334:

(Continued from the meetings of May 26, 1987, Item 334; June 9, 1987, Item 332; and July 14, 1987, Item 333; last continued at Council Member Wolfsheimer's request, for a report from Genstar regarding review of the EIR and the modified map.)

Appeal of Rancho Penasquitos Planning Board, by Barbara Fisher, from the decision of the Planning Commission in approving an extension of time for Tentative Map TM-86-0929 (Penasquitos Park View Estates, Unit 14), proposing a subdivision of 187 lots for residential development. The subject property (a 60.96-acre site), is located on the west side of Camino Ruiz, northerly of Park Village Road, in Zone A-1-10 (HRO) (proposed Zone R1-5000 (HRO), and is further described as a portion of Rancho de los Penasquitos, in the Penasquitos East Community Plan area. (TM-86-0929. District-1.)

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Subitem-A: (R-87- ) DUE TO LACK OF 5 VOTES IN SUPPORT OF THE APPEAL THE DECISION OF THE PLANNING COMMISSION STANDS

Adoption of a Resolution certifying that the information

contained in Environmental Impact Report EIR-80-11-13 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-87- ) DUE TO LACK OF 5 VOTES IN SUPPORT OF THE APPEAL THE DECISION OF THE PLANNING COMMISSION STANDS

Adoption of a Resolution granting the appeal and denying the extension of time for the map, or denying the appeal and granting the extension of time for the map, with appropriate findings to support Council action.

Subitem-C: (R-87- ) DUE TO LACK OF 5 VOTES IN SUPPORT OF THE APPEAL THE DECISION OF THE PLANNING COMMISSION STANDS

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-80-11-13.

ADDED BUSINESS: (R-88-1252) ADOPTED AS RESOLUTION R-269100

Amending TM-86-0929 to make changes as indicated by Mr. Gabrielson to eliminate a cul de sac and move a short eclipse.

FILE LOCATION:

Subitems A, b, C, and Added Business SUBD Penasquitos Park View Estates, Unit 14

COUNCIL ACTION: (Tape location: A157-230, B554-D273.)

Motion by Wolfsheimer to continue to September 8, 1987. No second.

Testimony in opposition to a continuance by Alan Perry.

Hearing began 11:25 a.m.

Hearing halted 12:28 p.m.

Testimony in opposition to the appeal by Alan Perry and Lyle Gabrielson.

Motion by Wolfsheimer to approve the extension of time for TM-86-0929 with conditions to the developers that the net residential acres are according to the community plan, delete 40 units, and leave Mercy Road in place. No second. Motion withdrawn.

Testimony in favor of the appeal by Kathleen Zaworski-Burke and Barbara Fisher.

Motion by McCarty to deny the appeal and approve a revised map with changes indicated by the developer to eliminate a Cul de



Sac and move a short eclipse. Second by McColl for the purpose of discussion. No vote.

The question was divided.

MOTION BY GOTCH TO APPROVE REVISIONS INDICATED BY THE DEVELOPER TO ELIMINATE A CUL DE SAC AND MOVE A SHORT ECLIPSE. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

MOTION BY McCARTY TO DENY THE APPEAL. Second by McColl for the purpose of discussion. Failed by the following vote: Wolfsheimer-nay, Cleator-yea, McColl-nay, Jones-not present, Struiksmay-yea, Gotch-nay, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-335:

Appeal of Jackson & Associates, by Mark A. Krasner, Esq., of Seltzer, Caplan, Wilkins & McMahan, from the decision of the Planning Commission in denying Conditional Use Permit CUP-86-0720.1 to allow the construction of a 52,860-square-foot, three-story clinical office building with basement. The subject property (17,160-square-feet), is located on the north side of Albatross Drive between Montecito Way and Arbor Drive, and is further described as Lots 18 and 19 and a portion of Lot 20 of Gilbert's Hillcrest Addition according to Map-2244, in Zone R-400, in the Uptown Community Plan area.

The applicant is requesting the following variances to Zone R-400 requirements:

- 1) 78 percent coverage where 60 percent is the maximum allowed;
- 2) A three-foot front yard setback where 15 feet is required;
- 3) An eight-foot street side yard setback where 10 feet is required;
- 4) A five-foot interior side yard setback where seven feet is required; and
- 5) A five-foot rear yard setback where 18 feet is required.

(CUP-86-0720.1. District-2.)

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Subitem-A: (R-88-383) ADOPTED AS RESOLUTION R-269101

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0720

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-88-384) ADOPTED AS RESOLUTION R-269102  
GRANTING APPEAL AND PERMIT

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

FILE LOCATION: PERM - CUP-86-0720

COUNCIL ACTION: (Tape location: E049-112.)

Hearing began at 2:17 p.m. and halted at 2:22 p.m.

Testimony in opposition, in writing and read by staff, by Michael Powers.

MOTION BY CLEATOR TO GRANT THE APPEAL AND THE PERMIT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-336: CONTINUED TO SEPTEMBER 29, 1987, 10:00 A.M.

(Continued from the meeting of July 14, 1987, Item 337, at Council Member Wolfsheimer's request, to review a report which is due soon.)

Two actions relative to the condemnation action to acquire Gonzales Canyon Sewer Main Easement, TM-85-0259 (North City West Neighborhood 7, Units 11 through 14, inclusive):  
(See City Manager Report CMR-87-331. North City West Community Area. District-1.)

Subitem-A: (R-87-2702)

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the construction, operation and maintenance of a public sewer, together with the right of ingress and egress over, under, along and across portions of Sections 7 and 8, Township 14 South, Range 3 West, S.B.B.M., Parcels 1 and 3 of Parcel Map PM-5254 and Parcel 1 of Parcel Map PM-8367, and that the public interest, convenience and necessity demand the acquisition of permanent easements and temporary work easements in said property for said public sewer or sewers and all appurtenances thereto to serve Neighborhood 7 in North City West and other properties in the Gonzales

Canyon Drainage Basin; declaring the intention of the City to acquire said property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property interests and taking immediate possession thereof.

Subitem-B: (R-87-2714)

Certifying that the information contained in Environmental Mitigated Negative Declaration EMND-85-0259, issued in connection with the acquisition of the Gonzales Canyon sewer main easement, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines thereto, and that said Declaration has been reviewed and considered by the Council.

WU-PR-87-165.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A235-270.)

MOTION BY WOLFSHEIMER TO CONTINUE TO SEPTEMBER 29, 1987, 10:00 A.M. AT THE REQUEST OF PARDEE CONSTRUCTION COMPANY TO WORK WITH THE PROPERTY OWNERS AND THE COASTAL COMMISSION. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-337: (O-88-30) INTRODUCED AND ADOPTED AS ORDINANCE O-16928  
(New Series)

Introduction and adoption of an Ordinance fixing tax rates and levying taxes for Fiscal Year 1987-88.

(See City Manager Report CMR-87-399.)

NOTE: See Item 200 on the docket of August 10, 1987 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B523-530.)

MOTION BY GOTCH TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-338: (O-88-28) INTRODUCED AND ADOPTED AS ORDINANCE O-16929

(New Series)

Introduction and adoption of an Ordinance amending Ordinance O-16916 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1987-88 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. 00-16916-1, as amended and adopted therein, by amending the personnel authorization of the Auditor and Comptroller's Department (050) by adding one (1.00) Principal Accountant position and one (1.00) Accountant II position.

CITY MANAGER REPORT: The City Manager has requested the City Auditor and Comptroller to provide for significant computer system changes in the areas of Purchasing/Stores Inventory and Project Management (Cost Accounting). The need for increased automation in the Purchasing Department was previously approved by Council and is consistent with the management audit findings of Hamm, O'Brien and Isler. Additionally, the City needs to develop new computer systems in the area of project management (cost accounting), particularly regarding capital projects. These systems should not proceed without adequate involvement of the Auditor's Office as they are or will be integrally tied to, and must interface with, our existing fiscal systems. For the next two years the Auditor's existing staff is fully committed to the development of a new Personnel/Payroll System, necessitating this request for additional staff. Therefore, 1.00 Principal Accountant and 1.00 Accountant II positions are requested to promptly begin the development and implementation of the new systems being requested by the City Manager.

NOTE: See Item 201 on the docket of August 10, 1987, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B523-530.)

MOTION BY GOTCH TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-339: (R-87-2737) ADOPTED AS RESOLUTION R-269103

Acquiring 1.74 acres of Ellison Place for the San Diego Open Space Park Facilities District No. 1; authorizing the expenditure of an amount not to exceed \$140,000 as payment

for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to the property without further Council action.

(Mid-City Community Area. District-3.)

CITY MANAGER REPORT: Ellison Place is part of Mission Valley Hillside D, priority number 42, in Category B, on the Council's adopted open space retention list. This land, which consists of one parcel, totalling 1.74 acres, is located at the north end of Ellison Place, north of North Mountain View Drive. On November 21, 1983, Council adopted Resolution R-259663, approving an acquisition plan which included allotting up to \$5 million for Council District 3 parcels. The specific acquisition plan and funds to appraise this land for purposes of acquisition for open space were approved by the City Council on September 15, 1986. This request is for \$140,000 to purchase this parcel at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8700988.

FILE LOCATION: STRT OS-17

COUNCIL ACTION: (Tape location: E044-048.)

Hearing began at 2:16 p.m. and halted at 2:17 p.m.

MOTION BY McCOLL TO ADOPT. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-340: (R-87-2735) ADOPTED AS RESOLUTION R-269104

Acquiring 8.83 acres of Mission Valley Slopes for the San Diego Open Space Park Facilities District No. 1; authorizing the expenditure of an amount not to exceed \$150,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(Mid-City Community Area. District-3.)

CITY MANAGER REPORT: Mission Valley Slopes is part of Mission Valley Hillside D, priority number 42, in Category B, on the Council's adopted open space retention list. This land, which consists of four parcels, totalling 8.83 acres, is located south of Camino del Rio South. On November 21, 1983, Council adopted Resolution R-259663, approving an acquisition plan which included allotting up to \$5 million for Council District 3 parcels. The specific acquisition plan and funds to appraise this land for purposes of acquisition for open space were

approved by the City Council on September 15, 1986. This request is for \$150,000 to purchase these parcels at fair market value plus funds to cover title, escrow and other miscellaneous costs.

Aud. Cert. 8700987.

FILE LOCATION: STRT OS-16

COUNCIL ACTION: (Tape location: E044-048.)

Hearing began at 2:16 p.m. and halted at 2:17 p.m.

MOTION BY McCOLL TO ADOPT. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-341:

Approval of the Levi-Cushman Specific Plan, which requires an amendment to the Mission Valley Community Plan and the Progress Guide and General Plan of The City of San Diego. The Levi-Cushman Specific Plan proposes a multiple use development on 200 acres in the western portion of the Mission Valley community. Proposed uses include: 1329 residential units, 1000 hotel rooms, 200,000 square feet of commercial-retail and 2,582,000 square feet of office use along both sides of the San Diego River. The amendment proposes to cul-de-sac Hotel Circle North on both ends from the Via Las Cumbres extension to Fashion Valley Road. A new four-lane major street will be constructed parallel to Hotel Circle North between Fashion Valley Road and Via Las Cumbres.

The subject property is located west of Fashion Valley Road, between Friars Road and I-8 on property currently occupied by the Stardust golf course.  
(District-5.)

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Subitem-A: (R-88-203) ADOPTED AS AMENDED AS RESOLUTION  
R-269105

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0563 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 and adopting the findings made with respect to the feasibility of the mitigating measures, project alternatives and the statements of overriding

considerations.

Subitem-B: (R-88-202 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-269106

Adoption of a Resolution approving the specific plan and  
the amendment to the community plan.

FILE LOCATION: LAND - Levi-Cushman Specific Plan

COUNCIL ACTION: (Tape location: E355-H058.)

Hearing began at 2:41 p.m. and halted at 4:21 p.m.

Testimony in favor by Lance Burris, Paul Peterson, Bill Scott,  
Russ Crane, F. A. Evans, and Don Warfield.

Testimony in opposition by Michael Handlery, Grace Warren, Jim  
Noel, Al Mix, Sharon Keith, Kathy Romine, and Carl Shuler.

MOTION BY CLEATOR TO CERTIFY THE EIR, APPROVING THE REVISED  
DRAFT OF OVERRIDING CONSIDERATIONS AS PREPARED BY THE APPLICANT;  
ADD LANGUAGE TO THE LRT AS FOLLOWS: "OWNERS WILL CONTRIBUTE AN  
AMOUNT EQUAL TO MTDB'S CURRENT ESTIMATED CONSTRUCTION COSTS FOR  
THE TRACKAGE AND STATION ON THE PROPERTY WITH PROVISIONS FOR  
ESCALATION UNDER AN APPROPRIATE CONSTRUCTION COST INDEX"; ADOPT  
RESOLUTION R-88-202 APPROVING THE LEVI-CUSHMAN SPECIFIC PLAN  
WITH CONDITIONS AND RESERVATIONS RECOMMENDED BY THE PLANNING  
COMMISSION ON JULY 9, 1987, AND APPROVING THE AMENDMENT TO THE  
MISSION VALLEY COMMUNITY PLAN TO BE EFFECTIVE ON ADOPTION OF  
THE OMNIBUS AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN OF  
THE CITY OF SAN DIEGO; AUTHORIZE THE CITY ATTORNEY TO NEGOTIATE  
A DEVELOPMENT AGREEMENT WITH THE OWNERS IN ACCORDANCE WITH THE  
SPECIFIC PLAN. Second by McCarty. Passed by the following  
vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not  
present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea,  
Mayor O'Connor-not present.

ITEM-342:

Request to amend Conditional Use Permit CUP-4120, by adding  
3.02 acres to the El Camino Memorial Park cemetery. The  
subject property is located on the north side of Carroll  
Road, east of Pacific Heights Boulevard and is further  
described as portions of Section 3 and the east half of  
Section 4, Township 15 South, Range 3 West, SBBM, in Zone  
A-1-10, in the Mira Mesa Community Plan area.  
(CUP-86-0947. District-5.)

19870811

Subitem-A: (R-88-381) ADOPTED AS RESOLUTION R-269107

Adoption of a Resolution certifying that the information

contained in Environmental Negative Declaration END-86-0947 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-88-382) ADOPTED AS RESOLUTION R-269108  
GRANTING PERMIT

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

FILE LOCATION: PERM - CUP-4120

COUNCIL ACTION: (Tape location: E464-476.)

Hearing began at 2:47 p.m. and halted at 2:48 p.m.

MOTION BY GOTCH TO GRANT THE PERMIT AND TO CERTIFY END-86-0947.

Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-343: (R-88-389) ADOPTED AS RESOLUTION R-269109 GRANTING  
APPEAL AND DENYING PERMIT

19870811

Appeal of Mrs. Eric Edmunds from the decision of the Board of Zoning Appeals in approving CUP-19499 with conditions. The permit proposes construction of a guest house to be located on top of an existing one-story garage, to observe a 0'0" north side yard where 4'0" is required and a 2'0" front yard on Olivet Street where 15'0" is required. The subject property is described as Lot 7, Block 76, La Jolla Park Villa Tract, Map-976, and is located at 1245 Virginia Way, in Zone R1-5000, in the La Jolla Community Plan area. (CUP-19499. District-1.)

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

FILE LOCATION: ZONE - Zoning Appeals Case CUP-19499

COUNCIL ACTION: (Tape location: I273-663.)

Hearing began at 5:20 p.m. and halted at 5:42 p.m.

Testimony in favor by Kendall Newman.

Testimony in opposition by J. Stacey Sullivan.

MOTION BY WOLFSHEIMER TO GRANT THE APPEAL, UPHOLD ZONING ADMINISTRATOR'S DECISION, AND DENY THE PERMIT. Second by Gotch.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-not present, Struiksmay-yea,



Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

MOTION BY COMMON CONSENT TO SUSPEND THE RULES TO CONTINUE THE MEETING BEYOND 5:30 P.M. Passed by the following vote:

Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-not present, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-344: (R-88-380) ADOPTED AS RESOLUTION R-269110 DENYING APPEAL AND AMENDMENT

19870811

Appeal of Del Cerro Heights Homeowners Association, by Donald H. Warfield, from the decision of the Planning Commission in denying an amendment to Planned Residential Development Permit No. 15, proposing that a gated entryway on Rancho Park Drive, west of Pasatiempo Avenue be converted from emergency vehicle use only to general use by the project residents. The subject property is located generally south of Camino Rico, west of Pasatiempo Avenue and east of Bernadette Lane, in Zone R1-5000 (Hillside Review Overlay), in the Navajo Community Plan area. The subject property is further described as Del Cerro Heights Units 1-4, Map Nos. 7586, 7923, 7924 and 7925.

(PRD-87-0184. District-7.)

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

FILE LOCATION: PERM - PRD-15

COUNCIL ACTION: (Tape location: H130-I115.)

Hearing began at 4:27 p.m. and halted at 5:08 p.m.

Testimony in favor by Don Warfield, Annelise Carew, Eugene Faure, Rip Bojorquez.

Testimony in opposition by Brian Seltzer, Stuart Clark, Howard Newman, Dr. Henry Adams, and Dan Miller.

MOTION BY McCARTY TO DENY THE APPEAL AND THE AMENDMENT TO THE PERMIT WITH APPROPRIATE FINDINGS AS LISTED ON PAGES 5 and 6 OF

THE REPORT. Second by Gotch. Passed by the following vote:

Wolfsheimer-yea, Cleator-nay, McColl-not present, Jones-not present, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-345:

Appeals of Lorenzo W. Milam and Holt Maness, from the decision of the Planning Commission in approving Planned

Residential Development PRD-86-0967 and Tentative Map TM-86-0987 (Eugene Canyon), proposing to construct one single-family detached and 14 duplex structures for a total of 15 residential units, and an extension of time for a 16-lot subdivision. The subject property is located on the east terminus of Eugene Place, easterly of Raymond Place in Zone R1-5000 (HRO), in the Mid-City Community Plan area. The subject property is further described as Parcel 2, Map 10308 and Lots 3-7 of Normal Heights Resubdivision of Villa Lot 137, Map-1338.  
(PRD & TM-86-0987. District-3.)

19870811

Subitem-A: (R-88- ) FILED AS A RESULT OF GRANTING THE  
APPEAL

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-0987 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-88-378) ADOPTED AS RESOLUTION R-269112  
GRANTING APPEAL AND DENYING PERMIT

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

Subitem-C: (R-88-379) ADOPTED AS RESOLUTION R-269113  
GRANTING APPEAL AND DENYING MAP

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

FILE LOCATION:

Subitem-A,B: PERM - PRD-86-0987;

Subitem-C:

SUBD - Eugene Canyon

COUNCIL ACTION: (Tape location: E020-043.)

Hearing began at 2:14 p.m. and halted at 2:16 p.m.

Testimony by Lorenzo Milam.

MOTION BY McCOLL TO GRANT THE APPEAL AND DENY THE PERMIT AND MAP. Second by Cleator. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-346: CONTINUED TO SEPTEMBER 29, 1987, 2:00 P.M. TIME CERTAIN

Appeal of DeAnza Land & Leisure Corporation, by Paul A. Peterson, Attorney, from the decision of the Planning Commission in denying proposed amendment to Conditional Use Permit CUP-10-489-3. This proposed amendment would add a 309-space auxiliary parking lot to serve an existing drive-in theater and swap meet. The subject property (approximately 14.4-acres) is located on the north side of Coronado Avenue between I-5 and Raedel Drive, in Zones R1-5000, R-3000 and CA-RR, in the Otay Mesa-Nestor Community Plan area, and is further described as portion of Parcel 1, Parcel Map PM-8862, Lot 2, Bayview Drive-In Theatre Tract No. 2, Map-4493 and the easterly 30 feet of Green Street.  
(CUP-84-0295. District-8.)

Subitem-A: (R-88- )

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0295 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-88- )

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

FILE LOCATION: PERM - CUP-10-489-0

COUNCIL ACTION: (Tape location: I118-267.)

MOTION BY BALLESTEROS TO CONTINUE TO SEPTEMBER 29, 1987, 2:00 P.M. TIME CERTAIN, AT THE REQUEST OF REBECCA MICHAEL FOR MORE MEMBERS OF THE COUNCIL TO BE PRESENT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S500: CONTINUED TO SEPTEMBER 8, 1987

(Continued from the meetings of July 7, 1987, Item 338; August 4, 1987 and Item 330; last continued at Council Member Wolfsheimer's request, in order for the traffic

engineer, developer, and officers of the La Jolla Town Council to get together and bring back conditions to be placed on the map.)

A position 'In Favor' of this appeal is a position against the project.

A position 'Opposed' to this appeal is a position in favor of the project.

Matter of appeals of La Jolla Town Council, Inc., by David M. Ish, Executive Manager, and The La Jolla Shores Association, by Dr. Michael N. Oxman, Chairman, from the decision of the Planning Commission in approving Planned Residential Development Permit PRD-86-0797 and Tentative Map TM-86-0797 (La Jolla Shores Glen) proposing to develop 29 multi-family units on a 2-lot subdivision, on 6.4-acres. The subject property is located on the west side of Torrey Pines Road, north of the Ardath Road intersection, in Tract "D" of the La Jolla Shores Planned District and in the La Jolla Community Plan area. The subject property is further described as portions of Lots 1280 and 1297 of Pueblo Lands of San Diego.  
(PRD & TM-86-0797. District-1.)

Subitem-A: (R-87- )

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-86-0797 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-87- )

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

Subitem-C: (R-87- )

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

FILE LOCATION:

Subitem-A,B: PERM - PRD-86-0797;

Subitem-C:

SUBD - La Jolla Shores Glen

COUNCIL ACTION: (Tape location: E116-335.)

MOTION BY WOLFSHEIMER TO CONTINUE TO SEPTEMBER 8, 1987, TO ALLOW THE COUNCIL TIME TO REVIEW THE AUGUST 10, 1987, REPORT WITH ATTACHMENT. Second by Cleator. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksmayea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

ITEM-S501: CONTINUED TO SEPTEMBER 29, 1987, 10:00 A.M.

(Continued from the meeting of August 4, 1987, Item 336, at Council Member Gotch's request, to allow him to be present for Council discussion and at Council Member Wolfsheimer's request, for more information regarding SDG&E substation site.)

A position 'In Favor' of this appeal is a position against the project.

A position 'Opposed' to this appeal is a position in favor of the project.

1. Approval of the North City West Development Unit 4A Precise Plan. The plan totals 247 acres of land located 0.3 miles east of Torrey Pines High School, north of Del Mar Heights Road, in Zone A-1-10, and is within the North City West Development Unit 4A Precise Plan area of the North City West Community Plan. The plan proposes 423 single family residences, two mini parks and three institutional sites. The plan area is described as a portion of Sections 8 and 17, Township 14 South, Range 3 West, SBBM;
2. Amendment of the North City West Planned District Ordinance to rezone the Development Unit 4A Precise Plan area from Zone A-1-10 (Agricultural) to Zones SF1 and SF1-A (Single Family Residential) and OS (Open Space);
3. Appeals of James and Joan C. Beu from the decision of the Planning Commission in approving:
  - a) North City West Development Plan Permit, proposing development of 304 lots for residential use and 16 lots for open space on a portion of the above described real property, and
  - b) Tentative Map TM-85-0220 (N.C.W.Neighborhood 4A, Units 1,2,3,4 & 5), proposing a subdivision of a total of 320 lots for residential and open space development on a portion of the above described real property; and
4. An agreement between the City of San Diego and Pardee Construction Co., in which Pardee would grant to the City, for open space purposes, two canyon areas totaling

23.5 acres and construct a public park on another seven acre site in North City West Development Unit 7. These areas are located north and northeast of Torrey Pines High School and are described as portions of Sections 17 and 18, Township 14 South, Range 3 West, SBBM. (PD and TM-85-0220. District-1.)

Subitem-A: (R-86-562)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-84-0805 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-86-563)

Adoption of a Resolution approving the North City West Development Unit 4A Precise Plan.

Subitem-C: (O-86-49)

Introduction of an Ordinance amending the North City West Planned District Ordinance.

Subitem-D: (R-88- )

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

Subitem-E: (R-88- )

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

Subitem-F: (R-88- )

Adoption of a Resolution approving the agreement.

Subitem-G: (R-88- )

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-84-0805.

FILE LOCATION:

Subitem-A,C,F,G: LAND - North City West  
Planned District;

Subitem-B: LAND - North  
City West Development Unit 4A Precise Plan;

Subitem-D: PERM - PD-85-0220;

Subitem-E:

SUBD - NCW Neighborhood 4A, Units 1,2,3,4,&5

COUNCIL ACTION: (Tape location: H065-101.)

MOTION BY McCOLL TO CONTINUE TO SEPTEMBER 29, 1987, 10:00 A.M., AT THE REQUEST OF DONALD WORLEY AND M. MADIGAN. THE CITY MANAGER IS ASKED TO GET TOGETHER WITH PARDEE AND SDG&E TO RESOLVE THE ISSUE OF WHERE TO LOCATE THE SDG&E SUBSTATION.

Second by Cleator. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

ITEM-ND-1:

MOTION BY WOLFSHEIMER TO ACCEPT THE NON-DOCKET ITEM BECAUSE THE NEED FOR COUNCIL ACTION AROSE AFTER POSTING OF THE DOCKET.

Second by Gotch. Passed by the following vote:

Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.

Adoption of a resolution requiring disclosure on forthcoming ballot statements of the names or numbers of those Councilmembers endorsing any ballot proposition.

(Submitted by Council Member Wolfsheimer.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: J010-080.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Gotch. Failed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-nay, Mayor O'Connor-not present.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Struiksma at 5:56 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I674).

MOTION BY COMMON CONSENT TO ADJOURN IN HONOR OF THE MEMORY OF DORIS BRIGGS. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-not present, Struiksmay-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-not present.