

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

OF

TUESDAY, MARCH 1, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:57 a.m. The meeting was recessed by Mayor O'Connor at 12:31 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with Council Members McColl, Henderson, and McCarty not present. Mayor O'Connor adjourned the meeting into Closed Session at 3:01 p.m. in the twelfth floor conference room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member McColl-present
  - (4) Council Member Pratt-present
  - (5) Council Member Struiksma-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Abdelnour (tm/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-104: (R-88-1664 Rev.1) ADOPTED AS AMENDED AS RESOLUTION  
R-270460

19880301

Authorizing the City Attorney to execute a retainer agreement with the law firm of McDermott, Will and Emery, to serve as counsel representing the City of San Diego in the federal lawsuit entitled, Chicano Federation of San Diego County, et al. v. City of San Diego, et al., Case No. 880103R(M); authorizing the expenditure of funds, as necessary, for the above lawsuit from the General Revenue Sharing Fund (18014).

Aud. Cert. 8800768.

FILE LOCATION: MEET CONT FY88-1

COUNCIL ACTION: (Tape location: E200-220.)

MOTION BY HENDERSON TO ADOPT AS AMENDED TO APPROVE THE RETENTION

OF THE LAW FIRM; AND TO CONTINUE FOR ONE WEEK THAT PORTION OF THE RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-204: ADOPTED AS RESOLUTION R-270467

In the matter of the Scripps Miramar Ranch (County Island) Annexation.

FILE LOCATION: ANNX - Scripps Miramar Ranch

COUNCIL ACTION: (Tape location: A053-C155.)

MOTION BY STRUIKSMA TO ADOPT THE CITY MANAGER'S RECOMMENDATION (CITY MANAGER'S REPORT NUMBER 88-118), AND TO NOTE AND FILE THE CONDITIONS. Second by Roberts. Passed by the following vote:

Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-nay, Mayor O'Connor-nay.

MOTION BY STRUIKSMA TO ADOPT THE FOLLOWING TWO RECOMMENDATIONS:

(1) BEFORE COUNCIL CAN TAKE ANY ACTION ON INCREASING THE SIZE OF POMERADO ROAD FROM TWO LANES TO FOUR LANES, THERE FIRST MUST BE AN ADVISORY VOTE OR REFERENDUM CONDUCTED BY THE CITY, AT THE CITY'S EXPENSE, IN THE SCRIPPS RANCH COMMUNITY AND; (2) UPON THE COMPLETION OF THE IMPROVEMENTS ON POMERADO ROAD BY THE PROJECT REFERRED TO AS THE COUNTY ISLAND, POMERADO ROAD SHALL NOT BE CONNECTED WITH THE CITY OF POWAY UNTIL SUCH A TIME AS THE OPENING OF ALTERNATIVE 8A OCCURS. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea,

Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330:

Five actions relative to the Improvement of Alley Block E, University Heights:  
(Mid-City Community Area. District-3.)

Subitem-A: (R-88-1274) ADOPTED AS RESOLUTION R-270452  
Resolution of Feasibility for the Improvement of Alley Block E, University Heights, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-B: (R-88-1275) ADOPTED AS RESOLUTION R-270453  
Ordering the work for the Improvement of Alley Block E, University Heights, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-C: (R-88-1276) ADOPTED AS RESOLUTION R-270454  
Approving the City Engineer's Report submitted in connection with the Improvement of Alley Block E, University Heights.

Subitem-D: (R-88-1277) ADOPTED AS RESOLUTION R-270455  
Adopting the plans and specifications for the Improvement of Alley Block E, University Heights, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

Subitem-E: (R-88-1278) ADOPTED AS RESOLUTION R-270456  
Inviting sealed proposals for bids for the Improvement of Alley Block E, University Heights, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

CITY MANAGER SUPPORTING INFORMATION: The project was initiated by owners of 67 percent of the property involved. the petition was accepted by Council on August 18, 1986, per Resolution R-266406. The alley to be improved is located between Adams Avenue and Collier Avenue, and Hamilton Street and Oregon Street. The improvements, including the alley aprons, consist of grading and paving the alley as a 15-foot wide alley section. Small portions of the existing sidewalk and pavement adjacent to the alley aprons on both Adams and Collier Avenues have badly deteriorated over the years and will be reconstructed

as part of the alley improvements. The City will pay for the cost of this repair work.

FILE LOCATION: STRT D-2260

COUNCIL ACTION: (Tape location: A006-039.)

Hearing began at 10:57 a.m. and halted at 11:00 a.m.

MOTION BY McCOLL TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

Two actions relative to the improvement of Alley Block 68, Arnold & Choate's Addition, under the provisions of the 1911 Street Improvement Act:  
(Uptown Community Area. District-2.)

Subitem-A: (R-88-1579) ADOPTED AS RESOLUTION R-270457

Considering the protests and confirming the assessment in the matter of the improvement of Alley Block 68, Arnold & Choate's Addition on Assessment Roll No. 4012, under Resolution of Intention R-267632, adopted February 9, 1987.

Subitem-B: (R-88-1580) ADOPTED AS RESOLUTION R-270458

Authorizing the expenditure of not to exceed \$3,161.63 from C-I-P-44-001, Annual Allocation for Sewer Main Replacements, Sewer Revenue Fund 41506, solely and exclusively for the purpose of providing funds for the improvement of the assessment district.

CITY MANAGER SUPPORTING INFORMATION: The assessment district for the improvement of Alley Block 68, Arnold & Choate's Addition was approved by Council at the public hearing on March 24, 1987. The work has now been completed and assessments have been spread, based on the final project costs and in proportion to the benefit each parcel receives. This public hearing will confirm the assessments and complete the proceedings for this project.

The contract cost increased by \$4,586.15, due to necessary changes in the pavement, curb, and utility work, yet the final assessments are approximately 31 percent lower than the estimated assessments which were noticed to the property owners for the public hearing in March 1987.

Aud. Cert. 8800702.

FILE LOCATION: STRT D-2253

COUNCIL ACTION: (Tape location: A039-053.)

Hearing began at 11:00 a.m. and halted at 11:01 a.m.

MOTION BY ROBERTS TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332:

Request for Conditional Use Permit CUP-87-0922 to place a 30-foot-high radio antenna pole with a six-foot diameter microwave antenna as part of a radio station studio complex. The subject property (approximately 5,000 square feet), is located on the southeast side of Kearny Villa Road between Topaz Way and Chesapeake Drive, in Zone M-1B, in the Serra Mesa Community Plan area, and is further described as a portion of Lots 72 and 78 of Rancho Mission of San Diego.  
(CUP-87-0922. District-5.)

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Subitem-A: (R-88-1880) ADOPTED AS RESOLUTION R-270461

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0922 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-88-1881) ADOPTED AS RESOLUTION R-270462,  
GRANTING THE PERMIT

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

FILE LOCATION: PERM - CUP-87-0922

COUNCIL ACTION: (Tape location: D024-027.)

Hearing began at 2:06 and halted at 2:07.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND ADOPT SUBITEM-A AND SUBITEM-B, GRANTING THE PERMIT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-88-1758) ADOPTED AS RESOLUTION R-270463,  
GRANTING THE APPEAL AND THE VARIANCE

19880301

Appeal of Mr. and Mrs. Hunter Muir of Kellogg Owner's Association, by John M. Turner, Attorney, from the decision of the Board of Zoning Appeals in granting variance as modified for Case C-19689, requesting to construct a 92'0" solid wall with a maximum height of 9'8" adjacent to a private driveway and consisting of:

- 1) 20'0" of 9'8" high wall within the required front yard observing a 0'0" front yard at the closest point where 20'0" is required;
- 2) 72'0" of 9'8" high wall observing a 0'0" side yard where a 6'0" side yard is required;
- 3) a maximum 7'6" high open vehicle/pedestrian gate observing a 14'0" front yard where a 20'0" front yard is required; and
- 4) to maintain two pillars approximately 9'0" high located in the front yard where a maximum structure of 3'0" in height is permitted within the 20'0" front yard. The pillars are located on both sides of the existing private drive and encroach approximately 0'4" into the public right-of-way.

The subject property is located on the west side of San Gorgonio Street at Kellogg Street, in Zone R1-10000, in the Peninsula Community Plan area, and is further described as portions of Pueblo Lots 105, 117 and 129, designated as "Road Easement" on Record of Survey Map-1844.

(Case C-19689. District-2.)

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

FILE LOCATION: ZONE - ZONING APPEALS CASE C-19689

COUNCIL ACTION: (Tape location: D027-245.)

The hearing began at 2:07 p.m. and halted at 2:25 p.m.

McColl entered at 2:10 p.m.

Testimony in favor by John M. Turner.

MOTION BY ROBERTS TO GRANT THE APPEAL AND THE VARIANCE ALLOWING FOR AN OPEN GATE OBSERVING A 14 FOOT FRONT YARD. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-88-1955) ADOPTED AS RESOLUTION R-270464,  
GRANTING THE VARIANCE

19880301

(Continued from the meeting of February 2, 1988, Item 337C, at Council Member Roberts' request, for review by the Community Planning Group.)

A variance request from the Interim Development Ordinance (IDO) to construct 10 multi-family residences. The subject property is located at 3927 Wabaska Drive and is described as Assessor's Parcel Nos. 449-390-22 and 449-390-27. The R-1500 zoned site is within the Peninsula Community Plan. (Case-87-2163) (Non-accelerated) (District-2.)

Adoption of a Resolution granting or denying the variance request for Case-87-2163 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO VARIANCE CASE-87-2163

COUNCIL ACTION: (Tape location: D246-469.)

Hearing began at 2:26 p.m. and halted at 2:40 p.m.

Testimony in favor by William Maxwell.

McCarty entered at 2:30 p.m.

MOTION BY ROBERTS TO GRANT THE VARIANCE REQUEST. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-88-1936 Rev.1) ADOPTED AS RESOLUTION R-270465, DENYING THE VARIANCE

19880301

(Continued from the meeting of February 2, 1988, Item 337D, at Council Member Roberts' request, for the Community Planning Group to review.)

A variance request from the Interim Development Ordinance (IDO) to construct 15 condominium units. The subject property is located at 422 through 428 Rosecrans Street and is described as Assessor's Parcel Nos. 532-454-10 and 532-454-11. The R-600 zoned site is within the Peninsula Community Plan. (Case-87-2061) (Non-accelerated) (District-2.)

Adoption of a Resolution granting or denying the variance request for Case-87-2061 with appropriate findings to support Council action.

FILE LOCATION: ZONE IDO VARIANCE CASE-87-2061

COUNCIL ACTION: (Tape location: D470-610.)

Hearing began at 2:41 p.m. and halted at 2:47 p.m.

Testimony in favor by Joseph Goulart and Aide Theodore.  
MOTION BY ROBERTS TO DENY THE VARIANCE REQUEST. Second by  
Struiksma. Passed by the following vote: Wolfsheimer-yea,  
Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (R-88-1670 Rev. 4) ADOPTED AS AMENDED AS RESOLUTION  
R-270466

19880301

Authorizing the City Manager to extend the term of the option agreement with Mission Pacific Associates (MPA), on file in the Office of the City Clerk as Document RR-257336-1, from March 1, 1988 to April 5, 1988; declaring that MPA will pay a fee of \$90,000 as consideration for the option period extension; declaring that the \$390,000 of option fees collected between March 1, 1987 and February 29, 1988, as well as \$65,000 of the option payment for March, 1988, remain eligible for reimbursement as a rent credit against first year operating period rents should MPA obtain financing and execute the option prior to the expiration of the option period extension contemplated in this Resolution; directing the City Manager to report to the Public Facilities and Recreation Committee at or prior to its meeting of March 23, 1988, on a proposal for further option extensions, if any.

(See City Manager Report CMR-88-110. Mission Bay Community Area. District-6.)

COMMITTEE ACTION: Initiated by PFR on 2/24/88. Recommendation to extend the term of the option agreement with MPA from March 1, 1988 to March 31, 1988. For consideration of the option period extension, MPA will pay a fee of \$90,000. Districts 5, 6, 7, and 8 voted yea. District 1 voted nay.

FILE LOCATION: LEAS - MISSION PACIFIC ASSOCIATES  
LEAS FY88-1

COUNCIL ACTION: (Tape location: D611-E199.)

MOTION BY HENDERSON TO ADOPT AS AMENDED TO EXTEND THE OPTION THROUGH APRIL 18, 1988; THAT THE OPTION PRICE IS \$90,000 A MONTH PRORATED FOR THAT PERIOD; THAT IF THE OPTION IS EXERCISED PRIOR TO APRIL 18, THAT THE OPTION PRICE BE PRORATED BASED ON THE NUMBER OF DAYS THAT HAVE EXPIRED. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent Mayor O'Connor adjourned the meeting at  
3:01 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E221).