

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 15, 1991
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 10:58 a.m. The meeting was recessed by Mayor O'Connor at 12:04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Filner at 2:08 p.m. A quorum was not present. A quorum was present at 2:13 p.m. with Mayor O'Connor and Council Members Hartley, Pratt, and McCarty not present. Deputy Mayor Filner adjourned the meeting at 4:46 p.m. to meet in Closed Session at 9:00 a.m. on Tuesday, January 22, 1991 in the twelfth floor conference room on pending litigation and Meet and Confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Bernhardt-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Fishkin (rb, eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

ITEM-310: (R-91-1131) ADOPTED AS RESOLUTION R-277213

Proclaiming 1991 to be the "San Diego Zoo 75th Birthday Year" in San Diego, and offering congratulations to our Zoo and encouraging all citizens to participate in the year-long festivities.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A015-068.)

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

ITEM-330: (R-91-1374) ADOPTED AS RESOLUTION R-277214,
GRANTED APPEAL AND VARIANCE

Appeal of Dr. and Mrs. Homer Peabody, from the decision of the Board of Zoning Appeals in approving the variance which partially approved the maintenance of 93'-11" of retaining planter walls in excess of the maximum 3'0" permitted in the Nahant Court yard. The original request for the variance that was denied by the Zoning Administrator was for the maintenance of 120'-11" of freestanding and retaining planter walls which exceed the three foot height limit permitted in the 15-foot required yard along Nahant Court. The subsequent appeal is also for allowance of a parking space within the side yard set back. The subject property is located at 3544-46 Bayside Walk, in the Mission Beach Planned District, R-S Subdistrict and is more particularly described as Lot A, Block 146, Mission Beach, Altered Map-1809.
(Case-C-20557. District-2.)

Adoption of a Resolution granting or denying the appeal
and the request for variance.

FILE LOCATION: ZONE - ZONING APPEALS CASE-C-20557

COUNCIL ACTION: (Tape location: A090-195.)

The hearing began at 11:04 a.m. and halted at 11:12 a.m.

Testimony in favor by Maria Lia.

MOTION BY ROBERTS TO APPROVE THE VARIANCE WITH THE FINDINGS
OF THE BOARD OF ZONING APPEALS UPHELD BY COUNCIL. Second by
Henderson. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-not present, Filner-yea, Mayor
O'Connor-yea.

ITEM-331:

Appeal of Hamid Raissi from the decision of the
Planning Commission in denying Coastal Development
Permit CDP-89-0843 and Conditional Use Permit
CUP-89-0843, proposing to demolish a single family
house and an existing restaurant and construct a
mixed-use project consisting of four commercial suites
and five residential units with associated off-street
parking. The Conditional Use Permit would allow
parking on the residentially zoned portion of the
property. The subject property is located at 2253
Sunset Cliffs Boulevard, in Zones C-1 and R-3000, in
the Ocean Beach Community Plan area and consists of
four lots zoned C-1 and a fifth lot and a portion of a
sixth lot which are zoned R-3000 (approximately 14,050
square feet), and is more particularly described as
Lots 1-5 and a portion of Lot 6, Block 22, Ocean Beach,
Park Map-1167.

(CDP & CUP-89-0843. District-2.)

Subitem-A: (R-91-1375) ADOPTED AS RESOLUTION R-277217

Adoption of a Resolution certifying that the
information contained in Environmental Negative
Declaration END-89-0843 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-91-1376) ADOPTED AS RESOLUTION R-277218
GRANTED APPEAL GRANTED CDP
PERMIT

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

Subitem-C: (R-91-1377) ADOPTED AS RESOLUTION R-277219
GRANTED APPEAL GRANTED CUP
PERMIT

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

FILE LOCATION: Subitems A and C PERM CUP 89-0843, Subitem-B
PERM CDP 89-0843

COUNCIL ACTION: (Tape location: C114-607.)

Hearing began 2:15 p.m.

Hearing halted 2:46 p.m.

Public testimony in favor by Bob Evans.

Council Member Hartley entered 2:25 p.m.

Testimony in favor by Patricia McCoy.

Testimony in opposition by Patricia Hall.

Council Member Pratt entered 2:31 p.m.

Testimony in opposition by Joseph Span.

Council Member Filner entered 2:40 p.m.

The hearing was closed.

MOTION BY ROBERTS TO ADOPT SUBITEM-A, ADOPT SUBITEM-B,
GRANTING THE APPEAL AND GRANTING THE CDP PERMIT, ADOPT
SUBITEM-C, GRANTING THE APPEAL AND GRANTING THE CUP PERMIT,
INCLUDING THE FINDINGS, AND DIRECT THE PLANNING DEPARTMENT
TO WORK WITH THE OWNER ON IMPROVEMENTS TO THE LANDSCAPING IN
THE AREA TERMED A "NO MAN'S LAND" THAT MIGHT BE CREATED BY A
PROPOSED STREET WIDENING IN FRONT OF PROJECT. Second by

Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-nay, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-91-397) ADOPTED AS RESOLUTION R-277215

Providing additional direction from the City Council to the City Manager regarding the petition for the improvement of Via Grimaldi and Via Latina in Del Mar Terrace, under the provisions of the 1913 Improvement Act, in light of a counter petition received opposing these improvements.

(See City Manager Report CMR-90-473. Torrey Pines Community Area. District-1.)

FILE LOCATION: STRT D-2282

COUNCIL ACTION: (Tape location: A200-B330.)

MOTION BY WOLFSHEIMER TO PROCEED WITH THE IMPROVEMENT WITH DIRECTION TO STAFF TO COMMUNICATE WITH COUNCIL DISTRICT ONE AS TO THE VARIOUS PRIORITIES FOR UNDERGROUNDING THE UTILITIES IN THE FIRST DISTRICT. CHECK WITH COMMUNITY GROUPS TO SEE WHETHER PEOPLE IN THE AREA ARE INTERESTED IN MOVING FORWARD WITH AN ASSESSMENT DISTRICT. LOOK TO A DESIGN THAT PREVENTS ANY NEGATIVE IMPACT TO THE PENASQUITOS LAGOON WITH RESPECT TO THE DRAINAGE. LOOK TO A SIDEWALK DESIGN THAT IS GOING TO BE PROTECTIVE OF CHILDREN AND WALKERS, BUT DOES NOT REALLY DESTROY THE CHARACTER OF THE NEIGHBORHOOD BECAUSE IT WOULD REMOVE TOO MANY TREES. WORK WITH SDG&E (SAN DIEGO GAS AND ELECTRIC) ON THE UNDERGROUNDING. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-333: (O-91-79) INTRODUCED, TO BE ADOPTED JANUARY
28, 1991

Matter of an amendment to the Planning Director Demolition Review Procedure of the Mid-City Communities Planned District Ordinance (Section 103.1504-J of the San Diego Municipal Code). The Demolition Review Procedure requires Planning Director review of all

demolition and building removal applications within the Uptown, North Park, and the westerly portion of the Mid-City community planning areas.

This procedure expired on June 29, 1990. The proposed amendment would reinstitute the requirement for Planning Director review of demolitions permits for another two years or until such time as ongoing historic inventories in the various community planning areas are completed. The Demolition Review Procedure would continue to apply to the Uptown, North Park, and westerly portion of the Mid-City community planning areas as shown on the map on file with the Planning Department. A minor adjustment in the boundary is proposed to include that portion of the North Park community plan area south of Upas Street and east of Balboa Park. This area was inadvertently excluded when the ordinance was originally adopted.

(Districts-2, 3 and 8.)

Introduction of an Ordinance amending the San Diego Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D050-179.)

Hearing began 2:50 p.m.

Hearing halted 3:00 p.m.

MOTION BY HENDERSON TO INTRODUCE THE ORDINANCE. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-334: (O-91-80 COR. COPY) REFERRED TO TLU

A proposal to amend Chapter X, Article 3, Division 1, of the San Diego Municipal Code by amending Section 103.0101-E to change the public noticing requirements for Planned Districts. This amendment would reduce the number of mailed public notices for future amendments to planned district ordinances by allowing the City to use only newspaper notices whenever the number of mail notices would exceed 1,000.

(Citywide.)

Introduction of an Ordinance amending the San Diego
Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D180-308.)

Hearing began 3:00 p.m.

Hearing halted 3:12 p.m.

Motion by Henderson to introduce. No second.

MOTION BY BERNHARDT TO REFER TO TLU FOR REVIEW AND TO REVIEW
POLICY OF PUBLISHING NOTICES. Second by Hartley. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-335: CONTINUED TO JANUARY 28, 1991

(Continued from the meetings of November 19, 1990, Item
200 and December 10, 1990, Item 200; last continued at
the City Manager's request, for further review.)

Discussion in the matter of the enactment of an
ordinance establishing a Human Relations Commission for
the City of San Diego.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C070-111.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JANUARY 28, 1991, AT
COUNCIL MEMBER PRATT'S REQUEST. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Pratt-not present, Bernhardt-yea,
Henderson-yea, McCarty-not present, Filner-yea, Mayor
O'Connor-yea.

ITEM-336: (R-91-953) ADOPTED AS RESOLUTION R-277220

(Continued from the meeting of December 11, 1990, Item
348, at Councilmember Hartley's request, to consider
the item after the Committee's meeting to ratify

replacement of a member.)

Ratification of the North Park Redevelopment Project
Area Committee Election. (District-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D315-320.)

MOTION BY ROBERTS TO ADOPT ITEM-336 ON THE COUNCIL DOCKET
AND ITEMS 3, 4, 5, AND 6 OF THE REDEVELOPMENT AGENCY DOCKET.
Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-not present,
Filner-yea, Mayor O'Connor-yea.

ITEM-337: CONTINUED TO APRIL 23, 1991, 2:00 P.M.

Request of Carroll Canyon Golf and Recreation Center
for Conditional Use / Hillside Review / Resource
Protection Overlay Zone Permits, CDP/HRP/RPOZ-87-1104
to develop a 17-acre site with a 275-yard driving
range, and a 7,000 square foot clubhouse with a
restaurant, golf shop, exercise room and fitness trail.
A variance is requested to allow substantial alteration
of Carroll Canyon Creek.

The subject property is located on the south side of
Carroll Canyon Road immediately to the south of the
terminus of Pacific Heights Boulevard and is further
described as a portion of Sections 3 and 4, Range 3
West, Township 15 South, in Zone A-1-10, in the Mira
Mesa Community Plan area.
(CUP/HRP/RPOZ-87-1104. District-6.)

Subitem-A: (R-91-)

Adoption of a Resolution certifying that the
information contained in Environmental Impact Report
EIR-87-1104 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 appropriate
findings of mitigation, feasibility or project
alternatives and statement of overriding considerations
pursuant to California Public Resources Code Section
21081.

Subitem-B: (R-91-)

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

FILE LOCATION: Subitems A and B PERM CUP/HRP/RPZ 87-1104

COUNCIL ACTION: (Tape location: D040-045.)

MOTION BY HENDERSON TO CONTINUE TO APRIL 23, 1991, 2:00 P.M. AT THE REQUEST OF ATTORNEY MILCH TO ALLOW TIME FOR REVIEW BY ENVIRONMENTAL CONSULTANTS. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-338: (O-91-105) INTRODUCED TO BE ADOPTED JANUARY 28, 1991

Introduction of an Ordinance amending the San Diego Municipal Code Section 102.0201 to conform the language of the section with the provisions of California Government Code Section 66474.2 relating to ordinances, policies and standards to be utilized in the tentative map review process.

(City-wide.)

CITY ATTORNEY SUPPORTING INFORMATION: San Diego Municipal Code Section 102.0201 provides, inter alia, that a tentative map and site plan shall comply with all ordinances, policies and standards in effect at the time of approval of the map. On the other hand, the Subdivision Map Act, California Government Code section 66474.2, provides that the local agency shall apply only those ordinances, policies and standards in effect at the date the local agency has determined that the application for the tentative map is complete. The amendment will conform the San Diego Municipal Code to the provisions of the Subdivision Map Act.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F354-370.)

Hearing began 4:39 p.m. and halted 4:41 p.m.

MOTION BY WOLFSHEIMER TO INTRODUCE THE ORDINANCE AND REFER

TO TLU TO REVIEW AND UPDATE THE TENTATIVE MAP REVIEW PROCESS. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-339: (R-91-1055) CONTINUED TO JANUARY 22, 1991

Adoption of a Resolution directing the City Manager to effect such reductions in the Fiscal Year 1991 and 1992 Water Operating Budgets of the Water Utilities Department as may be necessary to compensate for the revenue deficiency resulting from the absence of increases in water base fees and commodity charges and reduced water sales due to conservation.
(See City Manager Report CMR-90-513 and Legislative Specialist Analysis PSS-90-37.)

COMMITTEE ACTION: Reviewed by PSS on 12/6/90. Recommendation to approve the City Manager and Legislative Specialist's recommendations. The Committee requested the City Manager to return to the PSS Committee with a report on changing over the current rate structure to a seasonal rate structure at current rates. Districts 3, 4, 5 and 7 voted yea. District 2 not present.

WU-U-91-097.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: F349-352.)

MOTION BY ROBERTS TO CONTINUE TO JANUARY 22, 1991 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (R-91-1124) ADOPTED AS RESOLUTION R-277221

Determining that the use of funds from the Horton Plaza Low and Moderate Income Housing Fund to pay part of the cost of rehabilitating the housing under a proposed

Housing Rehabilitation Agreement between the Redevelopment Agency of the City of San Diego and the San Diego Youth and Community Services, Inc. will be of benefit to the Horton Plaza Redevelopment Project.

(See memorandum from CCDC Executive Vice President dated 12/12/90. Centre City Community Area. District-8.)

NOTE: See the Redevelopment Agency Agenda of January 15, 1991 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F370-390.)

MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-S501: WELCOMED

Welcoming approximately 30 students from Emerson Elementary School, accompanied by their teacher, Muriel Handrus. The group will arrive at approximately 10:15 a.m.

(District-4.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-080.)

ITEM-S502: (O-91-210) UNFINISHED BUSINESS TO JANUARY 22, 1991

(Trailed from the adjourned meeting of Tuesday, January 8, 1990, Item 333; Continued from the meetings of September 24, 1990, Item 203, Subitem G, November 13, 1990, Item 335, and January 9, 1991, Item 209; last continued at the architects' request, due to lack of time.)

The proposed City-Wide Multi-Family Design Regulations,

which address the issues of bulk, scale, parking, landscaping, and the quality of new multi-family residential development projects. The proposed regulations would amend the R zones (Multiple Family Residential), the City-Wide Landscape Ordinance and the Multi-Family Parking Requirements by establishing:

- Thresholds for discretionary review;
- Lot consolidation prohibition;
- Street facade requirements regarding entries, windows, pedestrian access, garages and carports;
- Flexible building envelope requirements, including front of lot height restrictions, offsetting planes variable yard setbacks, permitted encroachments, and private exterior area;
- Requirements for refuse and general storage areas;
- Screening requirements for utility and refuse areas;
- Alley access parking requirements;
- Parking space size requirements and curb cut limitations; and
- Preservation of large tree(s) in front of lot.

The following sections of the San Diego Municipal Code would be amended:

- 101.0410 R Zones (Multiple Family Residential);
- 101.0713 Measures Compliance (City-Wide Landscape Regulations);
- 101.0835 Multi-Family Parking requirements.

These regulations would apply to Multi-Family Residential Ministerial Permit applications City-wide, except in areas governed by Planned District Ordinances. These proposed regulations were discussed at previous City Council hearings on July 10, 1990 and on July 24, 1990. (City-wide.)

This item, if adopted, will require amendments to the Local Coastal Program which must be submitted for review and final approval to the California Coastal Commission.

Introduction of an Ordinance amending the San Diego Municipal Code relating to the Multi-Family Design Regulations.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D320-F340.)

Hearing began 3:13 p.m. and halted 4:38 p.m.

Testimony in opposition by Ken Kellogg, Bruce Ray, Dave Odell, John Setter, David Singer, Harriet Gill, Rebecca Michael, Jim Engelke, and Jaroslava Solyova.

Motion by Wolfsheimer to approve the task force recommendation requiring a front window visible from the street or in the absence, for discretionary review of the project. Second by Bernhardt. Failed by the following vote: Yeas-1,5,6,8. Nays-2, M. Not present-3,4,7.

Motion by Wolfsheimer to approve a proposed amendment to Sec. 101.0410, A. Purpose and Intent to replace with the June 7, 1990 Planning Department statement of Purpose and Intent and insert the indicated paragraphs as follows: In second paragraph after "Multiple Family residential Zone Regulations " the language "to provide a framework for communities to implement their adopted Community Plans by ensuring" and in the eighth paragraph after "existing neighborhood." and "The Ordinance is intended to be applied on a citywide basis, except in the Planned District Ordinance (PDO) areas and areas already subject to discretionary review, e.g. Coastal Zone, Hillside Review, etc. Criteria in these regulations shall not be construed as the criteria for any discretionary permit." Second by Roberts. Passed by the following vote: Yeas-1,2,5,6,8,M. Not present-3,4,7.

Motion by Wolfsheimer to amend proposed N.2 re: garage door width to delete exception to N.2. Second by Henderson. Failed by the following vote: Yeas-1, 5, 6, 8. Nays-2, M. Not present-3, 4, 7.

MOTION BY HENDERSON TO CONTINUE TO JANUARY 29, 1991 FOR FULL COUNCIL. Second by Wolfsheimer. Failed by the following vote: Yeas-1, 5, 6, 8. Nays-2. Not present-3, 4, 7, M.

ITEM-S503: (R-91-1159) CONTINUED TO JANUARY 22, 1991

Authorizing the Auditor and Comptroller to transfer within the General Fund 100, the sum of \$500,000 from the Unallocated Reserve (605) to the Allocated Reserve (901) to provide supplemental funds to be expended solely and exclusively for the purpose of defraying costs incurred in the opposition to the proposed merger of San Diego Gas and Electric Company and Southern California Edison.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D045-050.)

MOTION BY BERNHARDT TO CONTINUE TO JANUARY 22, 1991 AT THE CITY MANAGER'S REQUEST FOR FURTHER REVIEW. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Filner at 4:46 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F405).