

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 3, 1991
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Roberts at 10:35 a.m. The meeting was recessed by Deputy Mayor Roberts at 10:45 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Roberts at 2:08 p.m. with Council Members Behr, Stallings, Filner, and Mayor O'Connor not present. Deputy Mayor Roberts recessed the regular Council Meeting at 3:55 p.m. to convene jointly as the Redevelopment Agency and the City Council to consider Item 337 on the Regular Council Docket and Item No. 6 on the Redevelopment Agency Agenda. Deputy Mayor Roberts reconvened the Regular Council Meeting at 5:31 p.m. with Mayor O'Connor and Council Member Filner not present. Deputy Mayor Roberts adjourned the Regular Council Meeting at 5:37 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-Not Present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Clerk-Abdelnour (so/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

ITEM-330:

Two actions relative to the Mission Gorge Road
(Greenbrier Avenue to Princess View Drive) Underground
Utility District:

(Navajo Community Area. District-7.)

Subitem-A: (R-92-591) ADOPTED AS RESOLUTION R-279094

Establishing an Underground Utility District to be
known as the Mission Gorge Road (Greenbrier Avenue to
Princess View Drive) Underground Utility District.

Subitem-B: (R-92-592) ADOPTED AS RESOLUTION R-279095

Authorizing the expenditure of an amount not to exceed
\$67,000 from Annual Allocation - Miscellaneous
Requirements - City Streets, CIP-58-004.0 (TransNet
Funds), for the purpose of administering the Mission
Gorge Road (Greenbrier Avenue to Princess View Drive)
Underground Utility District, minor City Force work and
other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Mission Gorge Road between Greenbrier Avenue and Princess View Drive. This is a scheduled project in the calendar year 1993 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9200238.

FILE LOCATION: STRT-K 202

COUNCIL ACTION: (Tape location: A029-056.)

Hearing began at 10:38 a.m. and halted at 10:39 a.m.

MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-331:

Two actions relative to the 73rd Street (El Cajon Boulevard to Amherst Street) Underground Utility District:

(College Community Area. District-7.)

Subitem-A: (R-92-588) ADOPTED AS RESOLUTION R-279096

Establishing an Underground Utility District to be known as the 73rd Street (El Cajon Boulevard to Amherst Street) Underground Utility District.

Subitem-B: (R-92-589) ADOPTED AS RESOLUTION R-279097

Authorizing the expenditure of not to exceed \$25,000 from CIP-58-004, TransNet Funds, for the purpose of

administering the 73rd Street (El Cajon Boulevard to Amherst Street) Underground Utility District, minor City Force work, payment to SDG&E for the purchase and installation of street lights, and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on 73rd Street between El Cajon Boulevard and Amherst Street. This is a scheduled project in the calendar year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9200239.

FILE LOCATION: STRT-K203

COUNCIL ACTION: (Tape location: A029-056.)

Hearing began at 10:38 a.m. and halted at 10:39 a.m.

MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-332:

Request for a Conditional Use Permit CUP-91-0256 to permit KUSI-TV to construct and operate a 59-foot high microwave TV tower in the side yard of an existing television studio. The trellised tower would contain two 6-foot and two 8-foot diameter antenna dishes for the reception and transmission of television signals. The subject property is located at 4575 Viewridge Avenue, in Zone M-1A, in the Serra Mesa Community Plan area, and is further described as Lot 13 of Daly Business Park, Unit 3.

(CUP-91-0256. District-6.)

Subitem-A: (R-92-982) ADOPTED AS RESOLUTION R-279098

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-91-0256 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-92-983) ADOPTED AS RESOLUTION R-279099, GRANTED PERMIT

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

FILE LOCATION: PERM-CUP-91-0256

COUNCIL ACTION: (Tape location: A029-056.)

Hearing began at 10:38 a.m. and halted at 10:39 a.m.

MOTION BY McCARTY TO GRANT THE PERMIT WITH APPROPRIATE FINDINGS. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-333:

Matter of a request for a Tentative Map TM-88-0858 to change an established 25-foot setback line to ten feet. The subject property is characterized as one parcel containing 25.88 acres and is located on the east side of Morena Boulevard between Jutland Drive and Avanti Drive and is described as Lot 1 of Rose Canyon Warehouse Subdivision according to Map-3787. The M-1 zoned site is within the Clairemont Mesa Community Planning Area.
(TM-88-0858. District-6.)

Subitem-A: (R-92-984) ADOPTED AS RESOLUTION R-279100

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0858 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-92-81 Rev.1) INTRODUCED, TO BE ADOPTED
JANUARY 6, 1992

Introduction of an Ordinance for changing the setback line.

FILE LOCATION: SUBD-Rose Canyon Warehouse Subdivision

COUNCIL ACTION: (Tape location: A029-056.)

Hearing began at 10:40 a.m. and halted at 10:42 a.m.

MOTION BY STALLINGS TO GRANT THE MAP WITH APPROPRIATE FINDINGS AND ADD A CONDITION REQUIRING LANDSCAPING TO BE INSTALLED AND INSPECTED BY CITY STAFF. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-334:

Two actions relative to the Clean Water Program financing:

Subitem-A: (R-92-811) ADOPTED AS RESOLUTION R-279102

Authorizing the City Manager to amend the contract with Public Resource Advisory Group/Grigsby, Brandford and Powell, Inc., the financial advisors for the Clean Water Program financing, for an amount not to exceed \$200,000.

Subitem-B: (R-92-812) ADOPTED AS RESOLUTION R-279103

Authorizing the City Manager to amend the contract with Orrick, Herrington & Sutcliffe, the bond counsel for the Clean Water Program financing, for an amount not to exceed \$132,000.

FILE LOCATION: WATER-Clean Water Program Financing
CONFY92-2

COUNCIL ACTION: (Tape location: A057-191.)

MOTION BY BEHR TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-335: (R-92-) CONTINUED TO DECEMBER 10, 1991, AT
2:00 P.M.

(Continued from the meeting of November 12, 1991, Item 333, at Councilmember Wolfsheimer's request, for consideration of a redesign of the project.)

Appeal by J. Timothy Martin of Don Edson Architect A.I.A. & Associates, from the decision of the Planning Commission in denying the Thompson Residence, Coastal Development Permit/Conditional Use Permit 91-0158 proposing the demolition of an existing single-family residence and the construction of a new 10,050 square-foot single-family residence with a 2,500 square-foot basement garage. A Conditional Use Permit will also be considered for the proposed guest quarters. The subject property totals approximately 19,384 square-feet and is located at 6405 Muirlands and is described as Lot 1, Block 21 of the Muirlands Map No. 2024. The R1-10000 zoned site is within the La Jolla Community Planning Area.

(CDP/CUP-91-0158. District-1.)

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

FILE LOCATION: PERM - CDP/CUP-91-0158

COUNCIL ACTION: (Tape location: B013-169;B212-D041.)

Request by Marty Bohl to continue the item.

Hearing began at 2:11 p.m. and halted at 3:34 p.m.

Motion by Wolfsheimer to approve the project subject to the conditions that it complies with Prop. "D" and that the plans are arranged so that they are understandable to all parties that it is in compliance with Prop. "D". Second by Stevens. No vote; motion withdrawn.

Testimony in favor by Lynne Heidel, Tony Crisafi, Janet Thompson, and Richard Thompson.

Testimony in opposition by Marty Bohl, and Dick Bundy.

MOTION BY WOLFSHEIMER TO CONTINUE THE ITEM FOR ONE WEEK TO ERECT STORY POLES, IF IT IS AGREEABLE TO ALL PARTIES INVOLVED; AND TO ACCEPT DEPUTY MAYOR ROBERTS' REQUEST TO DIRECT THE BUILDINGS DIVISION TO REVIEW THE ISSUE OF COMPLIANCE WITH PROP. "D" AND TO EXPLAIN THOSE INTERPRETATIONS WHEN THE ITEM COMES BACK TO COUNCIL ON DECEMBER 10, 1991. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-nay, Filner-not present, Mayor O'Connor-not present.

ITEM-336: CONTINUED TO DECEMBER 10, 1991

(Continued from the meeting of November 12, 1991, Item 334, at Councilmember Wolfsheimer's request, to have a meeting with Planning and the City Attorney regarding the Ordinance.)

Consideration of an amendment of Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code by: Modifying, repealing or deleting certain existing sections and by adding new sections pertaining to the determination (measurement) of building and structure height as follows:

1. Amend Sec. 101.0101.62 HEIGHT (BUILDING)
2. Amend Sec. 101.0445 AIRPORT APPROACH OVERLAY ZONE

Paragraph C.

PERMITTED BUILDINGS, STRUCTURES AND USES

3. Amend Sec. 101.0452 HEIGHT LIMITATION ZONES-
ESTABLISHMENT OF
4. Repeal Sec. 101.0452.1 HEIGHT LIMITATION ZONE - LA
JOLLA
5. Amend Sec. 101.0452.5 HEIGHT LIMITATION ZONE -
CLAIREMONT
6. Repeal Sec. 101.0452.17 HEIGHT LIMITATION ZONE -
UPTOWN
(Ordinance has expired)
7. Amend Secs. 101.0630 SATELLITE ANTENNA and 101.0620
FENCES
Add corrected Illustrations
8. Amend Sec. 103.0202 OLD TOWN SAN DIEGO PLANNED
DISTRICT, Paragraph C.1.b.(2) PROJECT REVIEW
ADMINISTRATION
9. Amend Sec. 103.0205 OLD TOWN SAN DIEGO PLANNED
DISTRICT,
Paragraph E. HEIGHT

10. Repeal Sec. 103.0303.3, Amend Sec.103.0304.1.D.,
103.0304.2.C, 103.0304.3.C and 103.0304.4.B, LA JOLLA
SHORES PLANNED DISTRICT
11. Amend Sec. 103.0407.A.2 GASLAMP PLANNED DISTRICT
11. Amend Sec. 103.0526.12 MISSION BEACH PLANNED DISTRICT
13. Amend Sec. 103.1008.E.6. MOUNT HOPE PLANNED DISTRICT
14. Amend Sec. 103.1203.B.14.d and 103.1203.B.16 and
103.1206.C. LA JOLLA PLANNED DISTRICT, Add Appendices
A through G
15. Amend Sec. 103.1306.C. WEST LEWIS STREET PLANNED
DISTRICT
16. Amend Sec. 103.1503.B.5 MID-CITY PLANNED DISTRICT
17. Amend Sec. 103.1606.C.1 CENTRE CITY
18. Amend Sec. 103.1705.D.4., 103.1706.G and 103.1708.E.1
SOUTHEAST SAN DIEGO PLANNED DISTRICT
19. Amend Sec.103.2007 MARINA PLANNED DISTRICT deleted
building height
20. Add Sec. 101.0214 DETERMINATION OF MAXIMUM HEIGHT OF A
STRUCTURE
21. Add Sec. 101.0215 PROCEDURAL REQUIREMENTS FOR
DETERMINATION OF STRUCTURE HEIGHT
22. Add Sec. 101.0216 TOPOGRAPHICAL SURVEY REQUIREMENTS
The proposed amendment to the Municipal Code also
constitutes an amendment to the City of San Diego's
Local Coastal Program (LCP). If approved by the City

Council, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission.
(Citywide.)

Subitem-A: (O-92-38)

Introduction of an Ordinance amending the Municipal Code.

Subitem-B: (O-92-38 Alt.)

Introduction of an Ordinance (Alternative) amending the Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B170-196.)

MOTION BY WOLFSHEIMER TO CONTINUE FOR ONE WEEK AS REQUESTED BY ZONING ADMINISTRATOR SHARI CARR TO INCORPORATE CHANGES AND PROVIDE A DRAFT TO COUNCIL. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-337: (R-92-803) ADOPTED AS RESOLUTION R-279104

Approving Certificate of Participation Financing in the amount not to exceed \$13,500,000 for the San Diego State University Foundation.

(See City Manager Report CMR-91-498. State College Community Area. District-7.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D047-E215.)

Note: Council convened jointly as the City Council and the Redevelopment Agency to hear this item and Item No. 6 of the Redevelopment Agency agenda.

Hearing began at 3:35 p.m. and halted at 4:33 p.m.

Testimony in favor by Paul Robinson, Harry Albers, Marilyn Whisenand, Brian Bennett, and James Boggus.

MOTION BY McCARTY TO APPROVE THE FINANCING AND THE JOINT SPONSORSHIP TO THE STATE JPA (JOINT POWERS AGREEMENT) AND APPROVAL OF THE TWO AGREEMENTS (ITEM NO. 6 OF THE REDEVELOPMENT AGENCY AGENDA). Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S405: (R-92-746) TRAILED TO DECEMBER 9, 1991

(Continued from the meeting of November 12, 1991, Item S405; Trailed as Unfinished Business from the meeting of November 26, 1991, Item 209, due to lack of 5 affirmative votes.)

Authorizing the expenditure of an amount not to exceed \$200,000 from Water Fund 41500 for the purpose of continuing the Weather Modification Project; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to Water Fund 41500.

CITY MANAGER SUPPORTING INFORMATION: In November 1989, Council approved a five-year agreement between the City of San Diego, the Helix Water District and the Sweetwater Authority, to jointly fund a Weather Modification Program in San Diego. Also approved was a five-year contract with Atmospheric, Inc. to execute the program. It is recommended that the City of San Diego, the Helix Water District and the Sweetwater Authority continue to fund the Weather Modification Program. This year's program is a continuation of the five-year agreement and contract mentioned above. The results of last year's project appeared to be favorable, with an estimated rainfall increase (due to cloud seeding efforts) in the range of 12 to 15 percent over the target area. This project is still considered a pilot project to determine the feasibility and efficiency of cloud seeding in San Diego.

Aud. Cert. 9200332.

WU-U-92-058.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A191-277.)

Motion by Wolfsheimer to deny. Second by Hartley. Failed.
Yeas-1,2,3,4. Nays-5,6,7,8. Not present-M.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

ITEM-PC-5: REFERRED TO THE CITY MANAGER

Comments by Bert Becker regarding the homeless teen center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F536-G037.)

ITEM-PC-6: REFERRED TO THE CITY MANAGER

Comments by Larry Milligan regarding the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F536-G037.)

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 5:37 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G037-G039).