

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 10, 1992  
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 10:49 a.m. Mayor O'Connor recessed the meeting at 12:09 p.m. to meet in Closed Session in the 12th floor conference room to review the City's position and instruct the City's management team concerning certain meet and confer items under the Meyers-Millias-Brown Act and a matter of significant exposure to litigation.

The meeting was reconvened by Chairperson Filner at 2:10 p.m. with Mayor O'Connor, Deputy Mayor Roberts and Council Members Hartley and Stallings not present. Mayor O'Connor recessed the meeting at 4:21 p.m. to convene the Redevelopment Agency meeting. The meeting was reconvened by Mayor O'Connor at 4:25 p.m. with Deputy Mayor Roberts and Council Member Stallings not present. Mayor O'Connor adjourned the meeting at 4:25 p.m. to meet in Closed Session in the 12th floor conference room to review the City's position and instruct the City's management team concerning certain meet and confer items under the Meyers-Millias-Brown Act.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by R-281108 (personal)
- (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/Fishkin (mc/so)

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-not 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-not present
- (8) Council Member Filner-present

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-3: REFERRED TO THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK

Proposal by Boyd Malm to charge the public five cents for each purchase made to help with the City's budget crisis.

FILE LOCATION: Agenda

COUNCIL ACTION: (Tape location: C260-296.)

COUNCIL COMMENT:

None.

ITEM-50: (O-93-55 Rev.) ADOPTED AS ORDINANCE O-17860 (New Series)

Amending Chapter IV, Article 4, of the San Diego Municipal Code, by adding Section 44.0322, relating to Dog License Fees, establishing the following fees for altered and unaltered dogs, effective January 1, 1993:

	6 mo.	1 year	2 years	3 years
Altered	\$ 6.00	\$10.00	\$17.00	\$23.00
Unaltered	\$16.25	\$25.50	\$42.00	\$54.50

(Introduced on 10/27/92. Council voted 5-3. Districts 1,3,4,6 and 8 voted yea. Districts 2, 5 and 7 voted nay. Mayor not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B436-445.)

MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

ITEM-310: NOTED AND FILED

Welcoming a group of approximately 55 students from La Mirada Elementary School, accompanied by Jane Henn. This group will arrive at approximately 10:30 a.m. (District-8.)

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A013-015.)

MOTION BY COMMON CONSENT TO NOTE AND FILE. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330: (O-93-76) INTRODUCED AND ADOPTED AS ORDINANCE O-17861 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17807, adopted July 21, 1992, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1992-93 and Appropriating the Necessary Money to Operate the City of San Diego for said Year."

NOTE: See Item 201 on the regular docket of Monday, November 9, 1992, for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B446-457.)

MOTION BY WOLFSHEIMER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-93-547) ADOPTED AS RESOLUTION R-281029

Vacating Ribbontree Court and a street reservation within Sorrento Hills Corporate Center, Map-12607, under Resolution of Intention R-280869, adopted on October 19, 1992.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The subject vacation has been requested in order to consolidate it with the adjacent properties. The rights-of-way were offered for public use as part of subdivision per the Sorrento Hills Corporate Center, Phase II, Unit 3, Map-12607.

Development of the properties adjoining the area-of-vacation is controlled by Planned Industrial Development Permit PID-84-0520, which was approved on January 22, 1985. The subject vacation is located in the Sorrento Hills Community and is situated in an M-1B Zone. The area-of-vacation totals approximately 78,792 square feet (1.81 acres) for Ribbontree Court and approximately 28,400

square feet (0.65 acres) for the street reservation. The street vacation will not affect density, since the approved PID Development will be limited to industrial uses. The Planning Department and the Torrey Pines Community Planning Group have no objections to the proposed vacation. The Planning Commission recommended approval of the vacation on July 11, 1991, by a vote of 5-0. The subject right-of-way and street reservation are unimproved and contain no public utilities or franchise facilities. Ribbontree Court, west of Sorrento Hills Boulevard, and the street reservation were originally required for access to a San Diego Gas and Electric Company substation. However, the substation may be accessed from Sorrento Hills Boulevard. Ribbontree Court, east of Sorrento Hills Boulevard, provides access to Lots 78-80. However, upon the filing of a lot line adjustment parcel map, the right-of-way will no longer be necessary. Therefore, a lot line adjustment parcel map will be required as a condition of the vacation.

Staff review has indicated that the vacation is consistent with the General Plan, the adopted community plan, and Council Policy 600-15 and may be vacated. The right-of-way is no longer required for present or prospective public use, since all adjoining properties will continue to have access to a dedicated public street. The facilities for which the rights-of-way were originally acquired will not be detrimentally affected, since the rights-of-way are unimproved and are not required for traffic circulation or access. The public will benefit from the vacation through improved utilization of the land, relieving the City of maintenance and liability responsibilities, and an increased tax base.

FILE LOCATION: DEED F-5919; STRT J-2780 DEEDFY93-1

COUNCIL ACTION: (Tape location: B458-463.)

Hearing began at 12:06 p.m. and halted at 12:07 p.m.

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

ITEM-332: CONTINUED TO NOVEMBER 17, 1992

Matter of a request to approve Tentative Map TM-91-0602

(Carroll Mesa Business Park) and Resource Protection Ordinance Permit RPO-91-0602 and Rezone No. 91-0602. The project proposes to subdivide a lot into three lots, rezone Lot 1 from A1-10 to M1-B and grade a 7.3-acre pad for future development. The subject property is located between Mesa Ridge Road and the planned extension of Camino Santa Fe, on the north side of Rattlesnake Canyon and is further described as Parcel 2 of Map-7131 in the A1-10 Zone within the boundaries of the Mira Mesa Community Plan area.  
(TM/RPO/Rezone 91-0602. District-5.)

Subitem-A: (R-93- )

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-91-0602 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-93- )

Introduction of an Ordinance to rezone Lot 1 from A1-10 to M1-B.

Subitem-C: (R-93- )

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

Subitem-D: (R-93- )

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

FILE LOCATION:

COUNCIL ACTION: (Tape location: C011-164.)

Hearing began at 2:09 p.m. and halted at 2:22 p.m.

Testimony in favor by Tom Ferrar and Craig Beam.

MOTION BY BEHR TO CONTINUE TO NOVEMBER 17, 1992 TO REVIEW THE QUESTIONS RAISED BY FENTON AND THEIR ATTORNEYS AND TO GO THROUGH THESE ISSUES TO UNDERSTAND THE CONCERNS RELATED TO EQUITY AND LEGALITY TO FIND OUT WHETHER OR NOT THE CITY HAS THE RIGHT TO DO THIS. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-333:

Appeal of William Dawson of Community Resources And Self Help, Inc. (CRASH) from the decision of the Planning Commission in denying Conditional Use Permit CUP-92-0441 for the conversion of a senior care facility into a 48- bed residential care facility for drug and alcohol rehabilitation. The subject property is 37,228 square feet in size and is located at 4890 67th Street and is described as a portion of Block 33 and a closed portion of 67th Street and a portion of Block C, La Mesa Colony, Map-346. The MR-1000 zoned site is within the Mid-City Community Plan area. (CUP-92-0441. District-7.)

Subitem-A: (R-93-829) ADOPTED AS RESOLUTION R-281030

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-92-0441 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-93-830) GRANTED APPEAL AND PERMIT, ADOPTED AS RESOLUTION R-281031

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 - CUP-92-0441

COUNCIL ACTION: (Tape location: A019-B420.)

Hearing began at 10:51 a.m. and halted at 12:05 p.m.

Testimony in favor by Barry Schultz, Bill Dawson, Audrey Escalderon, Melinda Newman and Reverend Michael Ratajczak. Testimony in opposition by Nellie Foltz, Mark Dice, Bill Martin, Joan Rovenger, Brian Martins, Henry De Silva and Karen Harris.

Motion by McCarty to deny the appeal and the project on the basis that: 1) it is not compatible with the surrounding neighborhood; and 2) the additional traffic and other impacts on the community are not acceptable.

MOTION BY FILNER TO GRANT THE APPEAL AND THE PERMIT AND ADOPT THE RESOLUTION CERTIFYING THE ENVIRONMENTAL NEGATIVE DECLARATION WITH THE FOLLOWING DIRECTIVES: 1) REFER TO STAFF THE QUESTION OF OTHER POSSIBLE SITES IN THE EVENT THAT ANOTHER PROJECT SUCH AS THIS ARISES; 2) THAT THIS MOTION CONTAIN ALL THE ISSUES OF THE CUP AND THAT STAFF IS TO REPORT BACK TO COUNCIL ONE YEAR AFTER FINAL INSPECTION WITH A REPORT ON THE IMPACT OF THIS FACILITY ON THE NEIGHBORHOOD; AND 3) REFER THE SENIOR CITIZEN FACILITY TO THE PLANNING STAFF AND COME BACK WITH RECOMMENDATIONS ON HOW TO DEAL WITH THIS IN THE FUTURE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

Two actions relative to the San Diego Housing Commission:

Subitem-A: (R-93-720) ADOPTED AS RESOLUTION R-281032

Accepting the Management Audit Report from the consultant, Zucker Systems, and referring it to the City Manager for review and to report back as appropriate with implementation and recommendations to the City Council or Housing Commission.

Subitem-B: (O-93-69) INTRODUCED AS AMENDED, TO BE ADOPTED NOVEMBER 23, 1992

Introduction of an Ordinance amending the San Diego



Municipal Code Section 98.0301, designating the City Manager as the Executive Director of the Housing Authority and Housing Commission, and other related items.

FILE LOCATION: Subitem-A: MEET; Subitem-B: --

COUNCIL ACTION: (Tape location: C296-D463.)

MOTION BY STEVENS TO ADOPT SUBITEM-A RETAINING THE COMPOSITION OF THE HOUSING COMMISSION AS IT IS PRESENTLY AND RETAINING CONTROL BY THE CITY MANAGER. Second by Hartley. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE FOR SUBITEM-B AS AMENDED STRIKING THE WORDS IN THE SENTENCE UNDER SEC. 98.0301 SAN DIEGO HOUSING COMMISSION (5) THAT READS: "FOR INEFFICIENCY, NEGLECT OF DUTY, OR MISCONDUCT IN OFFICE..." AND LEAVE THE WORDS, "...A MEMBER MAY BE REMOVED UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE CITY COUNCIL." Second by Filner. Passed by the following vote: Wolfsheimer-nay, Roberts-not present, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: CONTINUED TO NOVEMBER 17, 1992

(Continued from the meetings of September 15, 1992, Item 336, and October 20, 1992, Item 341; last continued at Councilmember Wolfsheimer's request, at the request of a constituent, due to lack of time.)

Appeal of Luis E. Garcia, from the decision of the Planning Commission in denying a Tentative Map, Hillside Review and Resource Protection Ordinance Permit (TM/HRP/RPO-90-0834), proposing a two-lot subdivision and the construction of a 2,270-square-foot single-family home, on a site with an existing single-family home. The subject property, a 1.22-acre site, is located at 3230 Welmer Place in the R1-5000 (Single-Family Residential - minimum lot size of 5,000 square feet) Zone and within the boundaries of the University Community Plan Area.

The legal description of the site is The Bluffs, Lot 27 of Unit 1, Map-6208.  
(TM/HRP/RPO-90-0834. District-1.)

Subitem-A: (R-93- )

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration DEP-90-0834 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-93- )

Adoption of a Resolution granting or denying the appeal and granting or denying the Hillside Review Permit and the Resource Protection Ordinance Permit with appropriate findings to support Council action.

Subitem-C: (R-93- )

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

FILE LOCATION:

COUNCIL ACTION: (Tape location: D464-F053.)

Hearing began at 3:27 p.m. and halted at 4:21 p.m.

Council Member Stallings left the meeting at 3:45 p.m.

Testimony in favor by Paul A. Peterson, Don Goertz, and Luis Garcia.

Testimony in opposition by Harry Mathis and Michael Orenich.

Motion by Wolfsheimer to deny the appeal and deny the project. No second.

Motion by Stevens to grant the appeal, grant the project, and incorporate findings 1-10 in Attachment 5 and the draft findings in Attachment 6. Second by Hartley. Failed by the following vote: Yeas-3,4,8,M. Nays-1,5,7. Not present-

2,6.

Motion by Filner to continue one week for a full council. Second by Stevens. Passed by the following vote: Yeas-3,4,5,7,8,M. Nays-1. Not present-2,6.

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

MOTION BY FILNER TO CONTINUE TO NOVEMBER 17, 1992 FOR A FULL COUNCIL. Second by Behr. Passed by the following vote: Wolfsheimer-nay, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336: (O-93-70) INTRODUCED, TO BE ADOPTED NOVEMBER 23, 1992

1. Introduction of an Ordinance amending the San Diego Municipal Code Section 101.0901 (Planned Residential Permits), relating to the new pipeline provision to exempt certain projects, including but not necessarily limited to those projects which: have an application that has been previously approved, or provide a public golf course, or have a development agreement or similar document.

2. Amendment to the City of San Diego Local Coastal Program (LCP), Implementing Ordinance. If adopted 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 in the Coastal Zone until after approval by the California Coastal Commission.

Areas within the North City Future Urbanizing Area would be affected by this ordinance amendment. This area is generally bounded by Rancho Penasquitos to the east, the County of San Diego to the north, Interstate 5 and the Carmel Valley Community to the west, and Penasquitos Canyon to the south.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C164-256.)

Hearing began at 2:23 p.m. and halted at 2:30 p.m.

Council Member Hartley arrived at 2:34 p.m.

Testimony in favor by Tom DiBereditto.

Testimony in opposition by Bob McNatt and Kathy Tanner.

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:25 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F098).