

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 13, 1996  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:09 a.m. City Manager Jack McGrory recognized the staff from the Torrey Pines Golf Course for their efforts in providing the high quality playing conditions for this year's Buick Invitational Gold Championship, which was played last week. Mr. McGrory announced all media coverage identified the course playing conditions as "the best over" and ranked Torrey Pines as one of the best playing stops on the west coast. Mr. McGrory introduced and welcomed John Walter, Golf Operations Manager at Torrey Pines Golf Course and commended him and his staff for working 14 to 16 hour days, seven days a week getting ready for the tournament, and making Torrey Pines a world class golf course. Mayor Golding convened the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency Meeting simultaneously with the regular meeting at 10:15 a.m. The meeting was recessed by Mayor Golding at 12:05 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:06 p.m. with Council Member Stallings not present. Mayor Golding adjourned the meeting at 3:42 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present

- (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (pr/mc)

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:  
None.

COUNCIL COMMENT:  
None.

ITEM-330: CONTINUED TO MARCH 19, 1996

SUBJECT: Appeals of John Kern, California Communication Council, from the decision of the Planning Commission in approving the installation of various roof-top, or ground-mounted, or interior-located Personal Communication System (PCS) sites.

(CUP-95-0350-2, -3, -6, -8, -9, -12, -13, -14, -15, -37, -39 and -48. Districts-1, 2, 3, 5, 6, 7 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A to certify the EQD report and Subitem B through Subitem M to deny the appeal and grant the permits:

Subitem-A: (R-96- )

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-95-0350 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 pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-2 (Kensington), with appropriate findings to support Council action.

Subitem-C: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-3 (First Church of the Brethren), with appropriate findings to support Council action.

Subitem-D: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-6 (Rolando), with appropriate findings to support Council action.

Subitem-E: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-8 (Talmadge), with appropriate findings to support Council action.

Subitem-F: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-9

(Kalupson), with appropriate findings to support Council action.

Subitem-G: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-12 (Casa de las Campanas), with appropriate findings to support Council action.

Subitem-H: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-13 (Regents), with appropriate findings to support Council action.

Subitem-I: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-14 (Granthill Park), with appropriate findings to support Council action.

Subitem-J: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-15 (Tierrasanta Baptist Church), with appropriate findings to support Council action.

Subitem-K: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-37 (Rancho Pegasus), with appropriate findings to support Council action.

Subitem-L: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-39 (Columbia), with appropriate findings to support Council action.

Subitem-M: (R-96- )

Adoption of a Resolution granting or denying the appeal and granting or denying permit CUP-95-0350-48 (Eastgate), with appropriate findings to support Council action.

SUPPORTING INFORMATION:

Pacific Bell Mobile Services (PBMS) is currently processing over 60 applications for PCS sites within the City of San Diego. Approximately three-quarters of the projects are considered to be minor based on the Development Services Department's Determination 15 and are being reviewed administratively. The remaining 12 sites have been determined to be major and require CUP's. The City agreed to process PBMS' 12 permits by the end of the year in order to assist PBMS in meeting their goal to be operational for the Republican National Convention in August, 1996.

FILE LOCATION: Subitems A & B: PERM CUP-95-0350-2; Subitem C: PERM CUP-95-0350-3; Subitem D: PERM CUP-95-0350-6; Subitem E: PERM CUP-95-0350-8; Subitem F: PERM CUP-95-0350-9; Subitem G: PERM CUP-95-0350-12; Subitem H: PERM CUP-95-0350-13; Subitem I: PERM CUP-95-0350-14; Subitem J: PERM CUP-95-0350-15; Subitem K: PERM CUP-95-0350-37; Subitem L: PERM CUP-95-0350-39; Subitem M: PERM CUP-95-0350-48

COUNCIL ACTION: (Tape location: A117-C439; D050-E248.)

Hearing began at 10:19 a.m. and recessed at 12:04 p.m.

Council Member Kehoe left at 10:31 a.m. and returned at 10:33 a.m.

Council Member Vargas left at 10:40 a.m. and returned at 10:43 a.m.

Council Member Stevens left at 10:40 a.m. and returned at 10:46 a.m.; left at 11:41 a.m. and returned at 11:46 a.m.

Testimony in opposition by John Kern, Michael Ruger, Lou Wolfsheimer, Nathaniel Cowan, Joan Ireland, Jerry Dockstader, Irwin Nichols, James Milch, Opal Trueblood, Myron Halb, Michael Shames, Camile Ohlson, Sid McSwain, Meade Massa, Amy McQueen, and Jim Madsen.

Testimony in favor by Mike McDade, Randy Johnson, Patricia Yaeger, Frank Bowe, Kathy Bates, Arthur Deutsch, Paul Downey, Doris McKinney, and Daniel Conklin.

Motion by Vargas to require an Environmental Impact Report. Second by Stevens. No vote taken.

Hearing trailed to afternoon session.

Hearing resumed at 2:12 p.m. and halted at 3:09 p.m.

Substitute motion by Stallings to hire an expert consultant to provide Council with answers to the questions raised today. No second.

Substitute motion by Mathis to adopt the resolutions certifying the EQD report, denying the appeal and granting the permits. No second.

MOTION BY McCARTY TO CONTINUE THIS ITEM FOR 30 DAYS TO ALLOW STAFF TO GATHER MORE INFORMATION IN ORDER FOR COUNCIL TO MAKE A DECISION. STAFF IS REQUESTED TO MEET WITH COUNCIL MEMBER McCARTY TO BRIEF HER SPECIFICALLY ON THE ANTENNAS THAT WOULD GO UP IN THE SEVENTH DISTRICT.

THE CITY MANAGER IS REQUESTED TO:

1. ASSIGN SOMEONE TO INVESTIGATE THE ONGOING STUDIES PERTAINING TO WIRELESS TECHNOLOGIES AT THE FCC, FDA, AND THE UNIVERSITY OF OKLAHOMA;
2. MEET WITH THE CHAIRMAN OF FCC AND WITH THE FDA TO DISCUSS AND GET THEIR CONFIRMATION ON THE QUESTIONS RAISED HERE TODAY PERTAINING TO THE AFFECTS OF WIRELESS TECHNOLOGIES ON HEARING AIDS, PACEMAKERS, WHEELCHAIR BRAKES, AND RADIO FREQUENCY MODULATION;
3. DIRECT THE PLANNING DEPARTMENT TO REVIEW THIS ISSUE TO SEE IF IT IS CONSISTENT WITH THE MISSION TRAILS DESIGN DISTRICT;
4. MEET WITH THE ROLANDO COMMUNITY GROUP AND ANY OTHER COMMUNITY GROUP THAT WOULD BE AFFECTED TO HEAR THEIR THOUGHTS ON THIS MATTER;
5. DIRECT STAFF TO CONSULT WITH EXPERTS OR OTHER AGENCIES ON THIS ISSUE TO OBTAIN INFORMATION THAT COUNCIL CAN LEGALLY BASE A DECISION ON;
6. ORGANIZE THE INFORMATION IN SUCH A WAY THAT WHEN THIS ITEM RETURNS TO COUNCIL IN 30 DAYS IT IS MORE DEFINITIVE;
7. IF THERE ARE VARYING DEGREES OF INTERFERENCE PROVIDE

- COUNCIL WITH THE PERTINENT INFORMATION;
8. INFORM COUNCIL OF ANY OTHER ONGOING STUDIES PERTAINING TO THIS ISSUE AND SPECIFICALLY STATE WHAT THEY ARE STUDYING AND WHAT THEY ARE NOT STUDYING;
  9. DIRECT STAFF TO MEET WITH THE UPTOWN PLANNERS TO DISCUSS THE TOWER AT THE COLUMBIA STREET LOCATION IN TERMS OF ENVIRONMENTAL IMPACTS FROM THE LAND USE STANDPOINT.

Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-331:

SUBJECT: Consideration of a Rezone, Tentative Map, Planned Industrial Development, Planned Residential Development, Hillside Review Permit and Coastal Development Permit No. 91-0540.

(Torrey Reserve Terraces).

(RZ/TM/PID/PRD/HR/CDP-91-0540. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem-A and introduce Subitem B; adopt Subitems C and D to approve the map and permits.

TODAY'S ACTIONS ARE:

Subitem-A: (R-96-830) ADOPTED AS RESOLUTION R-286928

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-91-0540 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: (O-96-106) INTRODUCED, TO BE ADOPTED ON

MARCH 4, 1996

Introduction of an Ordinance for rezoning forty acres in Sorrento Hills Community Planning Area from the A-1-10 and Hillside Review Overlay Zones into the R-1500, M-1P, OS-OSP and Hillside Review Overlay Zone, as defined by San Diego Municipal Code Sections 101.0405, 101.0410, 101.0435.1 and 101.0454.

Subitem-C: (R-96-964) ADOPTED AS RESOLUTION R-286929  
GRANTING THE MAP AS AMENDED

Adoption of a Resolution granting or denying Tentative Map TM-91-0540.

Subitem-D: (R-96-963) ADOPTED AS RESOLUTION R-286930  
GRANTING THE PERMITS AS AMENDED

Adoption of a Resolution approving or denying the PID/PRD/HR/CDP permits.

SUPPORTING INFORMATION:

The project for Torrey Reserve Terraces proposes to subdivide a 40-acre property to allow for a 100-unit multi-family project and an approximately 72,130 square foot industrial project and consideration of Interim Habitat Loss Findings.

LEGAL DESCRIPTION:

The subject property is more particularly described as a Portion of Section 32, all in Township 14 South, Range 3 West, SBM in the Sorrento Hills Community Plan Area.

FILE LOCATION: Subitem A: PERM-PRD-91-0540  
Subitem B: NONE;  
Subitem C: SUBD-TORREY RESERVE TERRACES;  
Subitem D: PERM-PID/PRD/HR/CDP-91-0540

COUNCIL ACTION: (Tape location: A070-097.)

Hearing began at 10:16 a.m. and halted at 10:19 a.m.

Testimony in favor by Doug Boyd.

CONSENT MOTION BY MATHIS TO ADOPT SUBITEM A, INTRODUCE THE ORDINANCE FOR SUBITEM B, AND ADOPT SUBITEMS C AND D TO GRANT



THE MAP AND PERMITS AS AMENDED WITH THE FOLLOWING CLARIFICATIONS REQUESTED BY T & B PLANNING CONSULTANTS:  
1) CLARIFY DRAFT CONDITION NUMBER 17 TO REFLECT THAT THE ASSESSMENT DISTRICT OR FINANCING MECHANISM WOULD INCLUDE ALL PROPERTIES WITHIN LOS PENASQUITOS LAGOON WATERSHED, AND THAT T & B PLANNING CONSULTANTS RETAIN THE RIGHT TO COMMENT AT ONE OR MORE OF THE HEARINGS ON THE ASSESSMENT AMOUNTS AND THEIR ALLOCATION. 2) REVISE DRAFT CONDITION NUMBER 23 FOR THE PID TO READ AS FOLLOWS: "PRIOR TO THE RECORDATION OF THE FIRST FINAL MAP, THE SUBDIVIDER SHALL PROVIDE A LETTER OF APPROVAL FROM SAN DIEGO GAS & ELECTRIC COMPANY TO THE CITY ENGINEER, CONCERNING THE GRADING INTO THE SDG&E EASEMENT." 3) REVISE DRAFT CONDITION NUMBER 28a IN REFERENCE TO THE TENTATIVE MAP CONDITIONS TO REFER TO THE UPDATED SEWER STUDY DATED APRIL 29, 1994, INSTEAD OF THE SEWER STUDY DATED JULY 7, 1993. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Request for Procedural Direction from the City Council related to the Land Development Zoning Code Update Process.

(See City Manager Reports P96-014 and P95-189.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-96-797 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-286934

Directing the City Manager to proceed with preparation of environmental documents and draft ordinances for the proposed Land Development Code for the City of San Diego, after the Land Use and Housing Committee has completed review of public input on the second draft provided during the public comment period.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 12/6/95, LU&H voted 4-0 as follows:

Motion by Councilmember Warden, second by Councilmember McCarty to extend the formal public comment period for the second draft

of the Land Development/Zoning Code Update to January 22, 1996, for staff to publicly notice the extension, and for the Land Use and Housing Committee to hear this issue again during early February 1996.

Motion by Councilmember Wear, second by Councilmember McCarty to forward the draft Land Development/Zoning Code to the City Council with the recommendation that Council direct staff to prepare draft ordinances, prepare the appropriate environmental document, and to obtain direction from the Land Use and Housing Committee and the Planning Commission prior to release of the Notice of Preparation. (Councilmembers Mathis, Wear, Warden and McCarty voted yea. Councilmember Stevens not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E252-F142.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION DIRECTING THE CITY MANAGER TO: 1) GO FORWARD WITH STARTING THE ORDINANCE PREPARATION; 2) INCORPORATE THE POLICY DIRECTIONS INCORPORATED IN THE CITY OF SAN DIEGO MSCP SUBAREA PRESERVE PLAN (AS REVISED DECEMBER 5, 1995) AND THE COMMITTEE APPROVED MSCP POLICY POSITIONS (LU&H 8/2/95, RULES 10/30/95 AND NRC&A 9/27/95) IN THE ZONING CODE UPDATE FOR ENVIRONMENTAL REVIEW; 3) RESOLVE THE NOTICE OF PREPARATION ISSUE AND ANY ADDITIONAL ISSUES THAT ARE OUTSTANDING AND ARE A MATTER OF CONCERN AT THE LU&H COMMITTEE; AND 4) RETURN TO COUNCIL FOR FINAL DIRECTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: San Diego Jack Murphy Stadium Improvements - Design/Build Contract.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-96-888) ADOPTED AS RESOLUTION R-286931

Authorizing the City Manager to recommend to the San

Diego public Facilities Financing Authority the award of the design/build contract to construct the project to be entered into between the San Diego Public Facilities Financing Authority and the best and lowest economic bidder, based on actual bids received, in an amount not to exceed \$38,532,000, with the City acting as contract administrator on behalf of the San Diego Public Facilities Financing Authority, contingent upon appropriate financing.

FILE LOCATION: MEET (61 Stadium)

COUNCIL ACTION: (Tape location: A055-116.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-96-906) ADOPTED AS RESOLUTION R-286933

A Resolution adopted by the City Council in Closed Session on February 13, 1996:

Authorizing the City Manager to pay the sum of \$450,000 for partial settlement in the case of San Dieguito Partnership, L.P., et al. v. City of San Diego, et al., Superior Court Case No. 675245 from Public Liability Fund No. 81140, Object Account No. 4824, and Job Order No. 081141; authorizing the City Auditor and Comptroller to issue one check in the amount of \$450,000, made payable to San Dieguito Partnership, L.P., c/o Roy Collins at R. B. Collins and Associates, 5963 La Place Court, Suite 109, Carlsbad, CA 92008, as partial settlement of the San Dieguito case described above; authorizing the City Auditor and Comptroller to establish an interest bearing trust account, entitled "San Dieguito Valley Trust Fund," for the purpose of serving as a repository for funds to be used to comply with the terms of any further settlement of the San Dieguito Partnership case described above; authorizing the City Auditor and Comptroller transfer \$100,000 from Public Liability Fund No. 81140, Object Account No. 4824, and Job Order No. 081141, to the San Dieguito Valley Trust Fund for the above stated purpose.

Aud. Cert. 9600859

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:42 p.m. in honor of the memory of Robert J. Sullivan, as requested by City Attorney John W. Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F143-152.)