

RESOLUTION NO. 209513

DEC 20 1973

WHEREAS, CUSH TOURS, INC., dba Smedley's Towne Tours, has applied to the City Council for a Certificate of Public Convenience and Necessity to operate three automobiles for hire within the limits of the City of San Diego; and

WHEREAS, pursuant to Section 72.13 of the San Diego Municipal Code, the City Manager has caused an investigation to be made and has reported his findings in writing to this Council, which report indicates:

a. The service available for sight-seeing within the City of San Diego has been more than adequate for the demand experienced during the six months ending in October of this year.

b. The existing mass transportation service, taxicab service, and automobile-for-hire service is adequate at this time to satisfy the need for the existing service demands. The San Diego Transit Corporation has a charter bus service available to the public, and reports that the proposed service by Mr. Cushman will dilute the revenue from those already franchised and licensed.

c. The applicant is financially responsible and is highly recommended by financial and business institutions here in San Diego.

d. The vehicles proposed for use are three London double-deck buses, each having a 56-passenger capacity. An inspection was made by the California Highway Patrol and it

was found that the buses do not meet the California Vehicle Code requirements in areas of lights, emergency exits, air-brake system, mirrors, emergency reflectors and overall height limitation. All of these can be corrected by the applicant prior to starting operations. However, the overall height of the buses is 14 feet, which is 6 inches over the allowed Vehicle Code limit of 13 feet, 6 inches. A special permit will be required from the California Department of Transportation and The City of San Diego for the excess height prior to the operation of the buses on public streets.

e. The City Traffic Engineer reviewed the proposed service and reports that it will not present any additional traffic and parking congestion problems, providing the "Discover San Diego" tour does not operate during peak traffic periods, i.e., before 8 a.m. and between 4 p.m. and 6 p.m. The applicant is agreeable to this requirement.

f. The engines for the buses are diesels. The Environmental Quality Department reports the diesel engines emit less air pollutants than gasoline engines. They also stated that the engines in the buses are of foreign design whose age is unknown, and there is some question of the lack of noise attenuation provisions. The operating noise level could be objectionable under certain operating speeds and roadway conditions, and fail to meet ordinance standards.

g. The fares to be charged are included in the total package cost for the tour being taken. These costs are well within those rates allowed in Section 72.21 of the Municipal Code.

WHEREAS, the Council this date after public testimony finds that the vehicles proposed for use will be one London double-deck bus and two highway coaches; and

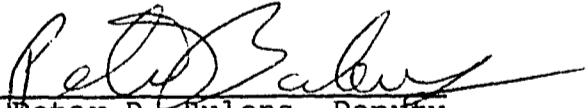
WHEREAS, the Council this date after a public hearing has found that services available from the City of San Diego to the San Diego Wild Animal Park are wholly inadequate and that the City Manager's report in this regard is incorrect and that, therefore, the services available for sight-seeing within the City of San Diego are not adequate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That having filed an application for a Certificate of Public Convenience and Necessity to operate three automobiles for hire pursuant to the provisions of Section 72.11 of the San Diego Municipal Code, and the City Manager having conducted the required investigation, the City Council hereby grants a Certificate of Public Convenience and Necessity to Cush Tours, Inc., dba Smedley's Towne Tours, to operate the three vehicles specified in the application.

APPROVED: JOHN W. WITT, City Attorney

By

  
Peter D. Bulens, Deputy

PDB:lc  
1/22/74  
REVISED

Passed and adopted by the Council of The City of San Diego on **DEC 20 1973**,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**PETE WILSON**  
 Mayor of The City of San Diego, California.

(Seal)

**EDWARD NIELSEN**  
 City Clerk of The City of San Diego, California.

By *LaVerne E. Miller* Deputy.

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Resolution Number **209513** Adopted **DEC 20 1973**