

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - WEDNESDAY, DECEMBER 8, 1976  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE  
8:30 A.M.

Present-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro,  
and Mayor Wilson.

Absent--None.

Vacant--District 7.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:46 a.m.

(Item 100)

Roll call was taken.

(Item 256 - Supplemental No. 3 - First time.)

A proposed Resolution, approving the transfer of 280 Certificates of Public Convenience and Necessity from the San Diego Yellow Cab Company to the new owners, was presented.

City Manager McKinley answered questions directed by the Council.

By common consent the Council agreed to hear this item at 11:00 a.m.

(Item 102)

Mayor Wilson welcomed twenty students from Clairemont High School, accompanied by Margaret West.

Councilman Gade addressed the group.

(Item 103)

Mayor Wilson welcomed fifty-two students from San Diego High School, accompanied by Mrs. Gorman and Miss Lamb. Councilmen Haro and Hubbard addressed the group.

(Unanimous Consent No. 1)

By Unanimous Consent granted to Councilman Morrow, as a Special Order of Business, Councilman Morrow presented five-year service pins to Mayor Wilson and Councilwoman O'Connor.

(Item 105)

Mr. Donald H. Gilchrist, Canadian Consulate General in Los Angeles, presented a Bicentennial Gift to the people of San Diego from the Canadian Government.

Mayor Wilson accepted the gift.

(Item 104)

Lt. General Louis Metzger USMC (Ret.), Chairman, San Diego Bicentennial Memorial Task Force, presented a report on the activities and progress of the Bicentennial Memorial Task Force.

The motion of Councilman Morrow to accept the report of the Bicentennial Memorial Task Force, dated November 22, 1976 with the recommendation that a suitable memorial be constructed in the Marina area on Port District land, passed unanimously.

(Item 106)

A communication, continued from the Meeting of November 24, 1976, from Thomas Kozden, representing the Ocean Beach Planning Board, requesting permission to address the Council regarding a resolution passed by the Ocean Beach Planning Board requesting the Council to undertake a study and possible action to close Santa Monica Avenue, between Sunset Cliffs Boulevard and Ebers Street, was presented.

Thomas Kozden appeared to speak on said communication.

On motion of Councilman Gade, the communication was referred to the City Manager and Planning Department for a report to the Committee on Transportation and Land Use.

(Item 107)

A communication from Marian R. Bear, representing Community Planning Chairmen, requesting permission to address the Council regarding interest and concern of CPC in the matter of forming a single planning group for the total Mission Valley area, was presented.

Marian Bear appeared to speak on said communication.

On motion of Councilman Johnson, said communication was referred to the City Manager and the Planning Department for a report to the Rules Committee.

(Item 108)

A communication from Randle McFadden and A. Ben Bella, representing W.H.E.E.L. (Working, Helping, Evaluating, Enjoying, Learning) Urban Organic Agricultural Center, requesting permission to address the Council regarding: a - approval of plans for a building permit for organic vegetable and fruit distribution center, offices and watchman's quarters; b - City assistance in payment of water costs for several crops or six months; and c - funds for a full-time field supervisor trainee at \$2.50 per hour for one year, was presented.

(Item 108 - Continued)

Randle McFadden appeared to speak on said communication.

Councilman Williams left the Chambers.

On motion of Councilman Johnson, the communication was referred to the City Manager and Committee on Public Services and Safety, by the following vote: Yeas-Councilmen Johnson, O'Connor, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-Councilman Williams.

The Council considered requests for continuances: Item 251.

(Item 251)

OTHER RESOLUTIONS: (Continued from the Meetings of November 3 and 17, 1976.) Authorizing the sale of Lots 13 through 18, Block 24, Western Addition, to John E. Morris for the sum of \$53,300; authorizing the execution of a grant deed granting to John E. Morris the above described property.

Councilman Williams entered the Chambers.

City Manager McKinley answered questions directed by the Council.

On motion of Councilwoman O'Connor the item was continued to the Meeting of December 22, 1976 at the City Manager's request.

The Council considered Items 311 and 312 - Referral Agenda - simultaneously.

(Items 311 and 312 - Referral Agenda)

City Manager McKinley answered questions directed by the Council.

The following proposed Resolutions, (1) Authorizing the City Auditor and Comptroller to transfer the sum of \$200,000 from Community Development Block Grant Fund No. 290, Program Element 87.95 (Contingencies and Unspecified) to Program Element 87.58 (Comprehensive Health Care Program) in order to provide total funds required to implement the Comprehensive Health Care Project; authorizing the City Manager to execute an agreement with the County of San Diego for the purpose of continuing City support of activities leading to completion of the Comprehensive Health Care Facility for a period of twelve months ending December 31, 1976, and participate in one-third of the operational cost of the completed facility for a period of nine months ending September 30, 1977; and

(2) Authorizing the City Manager to execute a Fourth Amendment to Agreement with the County of San Diego for the purpose of extending the time element of the Comprehensive Health Care Project to cover a nine-month period ending September 30, 1977, were removed from the referral agenda and placed on the Council docket of December 15, 1976, a.m. under non-consent items, on motion of Councilman Haro, which passed unanimously.

The Council considered the portion of the Consent Agenda dealing with Ordinances introduced at a previous meeting, ready for dispensing with the reading and adoption, which consisted of Items 120, 121, 122, 123, and 124.

The following Ordinances were introduced at the Meeting of November 23, 1976. Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council and there was available for the consideration of each member of the Council and the public prior to the day of their passage, a written or printed copy of each Ordinance.

The following Ordinances were adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 120)

Four Ordinances incorporating hillsides in the Navajo Community Area into HR (Hillside Review) Overlay Zone as defined by Section 101.0454 of the San Diego Municipal Code:

(CASE NO. 33-76-1)

NORTH NAVAJO AREA

ORDINANCE 11958 (New Series), incorporating those hillsides west of Park Ridge Boulevard and east of the San Diego River, and between Mission Gorge Road on the north and Zion Avenue, Waring Road, and Navajo Road on the south.

(CASE NO. 49-76-2)

COWLES MOUNTAIN WEST AREA

ORDINANCE 11959 (New Series), incorporating those hillsides west of Cowles Mountain and east of Deerfield Street and Cibola Road, and between Mission Gorge Road on the north and Navajo Road on the south.

(CASE NO. 49-76-3)

COWLES MOUNTAIN EAST AREA

ORDINANCE 11960 (New Series), incorporating those hillsides west of Lake Murray Boulevard and east of Golfcrest Drive, and between the City boundary on the north and Navajo Road on the south.

(CASE NO. 49-76-4)

LAKE MURRAY AREA

ORDINANCE 11961 (New Series), incorporating those hillsides west of the City boundary and east of College Avenue, and between Murray Park Drive on the north and I-8 on the south.

The following Ordinances were introduced at the Meeting of November 16, 1976. Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and there was available for the consideration of each member of the Council and the public prior to the day of their passage, a written or printed copy of each Ordinance.

The following Ordinances were adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 121 - CASE NO. 48-76-4 - portion.)

ORDINANCE 11962 (New Series) incorporating a portion of the Northeast 1/4 of the Southwest 1/4, Section 35, Township 18 South, Range 2 West, S.B.B.M. (approximately 11.5 acres), located on the east side of Dairy Mart Road between SanySidro Boulevard and Vista Lane, into CN and CR Zones, as defined by Sections 101.0426 and 101.0421.1, respectively, of the San Diego Municipal Code, and repealing Ordinance No. 10862 (New Series), adopted June 29, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

(Item 122 - CASE NO. 41-76-2)

ORDINANCE 11963 (New Series), incorporating a portion of Lot 8, Rosedale Tract, and a portion of Lot 73, partition of Rancho Mission of San Diego, S.C.C. 348 in Section 28, Township 15 South, Range 2 West, S.B.B.M., into R-2 Zone as defined by Section 101.0409 of the San Diego Municipal Code, and repealing Ordinance No. 10864 (New Series), adopted June 29, 1972 of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

The following Ordinance was introduced at the Meeting of November 17, 1976.

Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

The following Ordinance was adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 123)

ORDINANCE 11964 (New Series), amending Chapter II, Article 4 of the San Diego Municipal Code by repealing, renumbering, amending and adding sections thereof relating to the San Diego City Employees' Retirement System.

The following Ordinance was introduced at the Meeting of November 24, 1976. Reading in full was dispensed with by a vote of not less than a majority of the members elected to the Council and there was available for the consideration of each member of the Council and the public prior to the day of its passage, a written or printed copy of said Ordinance.

The following Ordinance was adopted on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None.

(Item 124)

ORDINANCE 11965 (New Series) amending Chapter III, Article 1, Division 3 of the San Diego Municipal Code by amending Section 31.0302 relating to Business Licenses.

The Council considered the portion of the Consent Agenda dealing with Ordinances to be introduced, which consisted of Item 125.

(Item 125)

A proposed Ordinance, amending Chapter VIII, Article 6, of the San Diego Municipal Code by amending Section 86.02 and adding Section 86.02.2, relating to parking, was introduced on motion of Councilman Hubbard by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None.

The Council considered the portion of the Consent Agenda dealing with Resolutions: Items 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 169, 170, 171, 172, 201, and 202.

(Item 150a, c, and d)

The following Resolutions, relative to awarding contracts, were adopted on motion of Councilman Gade:

RESOLUTION 217197, V. R. Dennis Construction Co., for resurfacing City streets, Group "O", with a price escalation not to exceed 4% of an estimated cost with escalation, of \$1,099,288.94;

RESOLUTION (not numbered as it was reconsidered at a later time) Haas Butler Haas, for the sum of \$414,506 for the Construction of the University Community Branch Library; authorizing the expenditures of \$489,000 out of Capital Outlay Fund (Fund 245) and \$45,500 out of Community Buildings Improvement Bond Fund (Fund 726) for said purpose and related costs;

RESOLUTION 217198, Eastwood and Sons, for an estimated cost of \$23,000 for Tennis Court Resurfacing; authorizing the expenditure of \$23,000 out of Park and Recreation Fund (Fund 100) for said purpose and related costs; and

RESOLUTION 217199, 1. Western Fastener Co., 2. Lumber Purveyors Co., Inc., 3. Inland Nut & Bolt Co., and 4. Smolan Industrial Supply for the purchase of hardware and fasteners as may be required for the period of one year ending November 30, 1977, for an actual estimated cost, including tax and terms, of \$17,503.35.

(Item 151)

RESOLUTION 217200, Awarding Contracts to 1. Master Truck Div. of Hallamore, Inc. and 2. Farron-Freeman Inc., for the purchase of two (2) refuse trucks and bodies, for a total cost, including tax, terms and less trade-in, of \$83,418.40, was adopted on motion of Councilman Gade.

(Item 152)

RESOLUTION 217201, Inviting bids for Construction of Street Lighting Systems and Pedestrian Ramps for the Handicapped on College Avenue between University Avenue and Meridian Avenue in accordance with Specifications Document No. 757408, was adopted on motion of Councilman Gade.

(Item 153)

The following Resolutions, relative to the final subdivision map of Penasquitos Glens Unit No. 7 Resubdivision, were adopted on motion of Councilman Gade:

RESOLUTION 217202, authorizing an agreement with H.G.H. for completion of improvements in Penasquitos Glens Unit No. 7 Resubdivision, an 87-lot subdivision located east of Penasquitos Drive and south of Alamazon Street; and

RESOLUTION 217203, approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program.

(Item 154)

The following Resolutions, relative to the final subdivision map of Sunrise Addition Subdivision, were adopted on motion of Councilman Gade:

RESOLUTION 217204, authorizing an agreement with Treetops Unlimited, for completion of improvements in Sunrise Addition Subdivision, a 286-lot subdivision located southwesterly of I-5 and State Highway 75;

RESOLUTION 217205, approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program;

RESOLUTION 217206, approving the acceptance by the City Manager of deed of Treetops Unlimited (public purposes);

RESOLUTION 217207, approving the acceptance by the City Manager of deed of Norman C. Roberts (sewer purposes); and

RESOLUTION 217208, authorizing an agreement with Treetops Unlimited for the collection of charges by City and reimbursement for cost in excess of its pro rata share of the sewer and water mains required to serve said subdivision.

(Item 155)

The following Resolution, relative to the final subdivision map of Valley Crest Unit No. 2 Subdivision, were adopted on motion of Councilman Gade.

RESOLUTION 217209, authorizing an agreement with Valley Crest for completion of improvements in Valley Crest Unit No. 2 Subdivision, a 44-lot subdivision located north of Betelgeuse Way and northeast of Menkar Road;

RESOLUTION 217210, approving the final map and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program; and

RESOLUTION 217211, approving the acceptance by the City Manager of deed of Pardee Construction Company (street purposes) - MENKAR ROAD.

(Item 156)

RESOLUTION 217212, granting the petition for installation of a water main on Sorrento Valley Road from the N/E lot line of Lot 33B, Sorrento Lands & Townsite Maps #483 and #362 to the terminus of the old Sorrento Valley Road with I-805 adjacent to Lot 2 of said subdivision, under the Improvement Act of 1911; directing the City Manager to furnish description and plat of the district, was adopted on motion of Councilman Gade.

(Item 157)

The following Resolutions, relative to the Market Street Lighting District, were adopted on motion of Councilman Gade:

RESOLUTION 217213, approving the City Engineer's report; and

RESOLUTION 217214, Resolution of Intention for the establishment of the Market Street Lighting District and to annex said district into the San Diego Street Lighting Maintenance District No. 1,

(Item 158)

The following Resolutions, relative to paving and otherwise improving Escuela Street from Imperial Avenue to Nogal Street, were adopted on motion of Councilman Gade:

RESOLUTION 217215, awarding a contract to R. E. Hazard Contracting Company for said construction; and

RESOLUTION 217216, authorizing the expenditure of \$18,701.29 out of Federal Revenue Sharing Fund 3286 for the City's contribution.

(Item 159)

The following Resolutions, relative to widening of Imperial Avenue, were adopted on motion of Councilman Gade:

RESOLUTION 217217, approving the acceptance by the City Manager of deed of San Diego Unified School District of San Diego County, California;



(Item 159 - Continued)

RESOLUTION 217218, approving the acceptance by the City Manager of deed of San Diego Unified School District of San Diego County, California (street purposes) - Parcel 1, IMPERIAL AVENUE and Parcel 2, 49TH STREET;

RESOLUTION 217219, authorizing the expenditure of not to exceed \$115,000 out of Capital Outlay Fund 245 for said acquisition, supplementing Resolution No. 216015 by said amount;

RESOLUTION 217220, setting aside and dedicating for street purposes a portion of the Southeast Quarter of Lot 43 of a portion of Ex-Mission Lands of San Diego known as Horton's Purchase, and naming the same IMPERIAL AVENUE, and

RESOLUTION 217221, authorizing a lease agreement with San Diego Unified School District of San Diego County, California whereby the School District occupies a portion of City-owned property (Lincoln High School) for the purpose of providing a playground, parking lot and educational facility for use by the general public for a period of three years.

(Item 160)

RESOLUTION 217222, approving the acceptance by the City Manager of deed of San Diego Unified School District of San Diego County, California (street purposes) - 49TH STREET, was adopted on motion of Councilman Gade.

(Item 161)

RESOLUTION 217223, authorizing a Fourth Amendment to Memorandum of Understanding with the Comprehensive Planning Organization, granting \$1,500 in additional funds to carry its program through January, 1977, was adopted on motion of Councilman Gade.

(Item 162)

RESOLUTION 217224, authorizing a First Amendment to Agreement with VTN Consolidated, Inc., dba VTN San Diego, for professional engineering studies and preparation of environmental impact analyses for two landfill sites, providing an additional sum of \$5,000 for compensation; authorizing the Auditor and Comptroller to transfer within Capital Outlay Fund 245 to Capital Outlay Fund 244, CIP 37-055.3, the sum of \$5,000 for said purpose, was adopted on motion of Councilman Gade.

(Item 163)

RESOLUTION 217225, authorizing the use of City Forces to install a walk-in fume hood in the Central Police Laboratory at an estimated cost of \$3,700, was adopted on motion of Councilman Gade.

(Item 164)

RESOLUTION 217226, approving Change Order No. 2 issued in connection with the contract with T. B. Penick & Sons, Inc., for construction of Southeast San Diego Sports Field, Phase II; said changes amounting to a net increase of \$8,985 and an extension of time of 30 days, to January 19, 1977, in which to complete said contract, was adopted on motion of Councilman Gade.

(Item 165)

RESOLUTION 217227, approving Change Order No. 2 issued in connection with the contract with T. B. Penick & Sons, Inc., for Street Median Landscaping - City-wide (75/76); said changes amounting to a net increase in contract price of \$5,855 and an extension of time of 45 days to February 5, 1977, in which to complete said contract, was adopted on motion of Councilman Gade.

(Item 166)

RESOLUTION 217228, authorizing the transfer of \$25,870 from Resolution 213710, adopted July 2, 1975, to supplement Resolution No. 215751, adopted May 14, 1976, to cover acquisition expenses for the widening of Imperial Avenue, was adopted on motion of Councilman Gade.

(Item 168)

RESOLUTION 217229, calling a special meeting of the City Council to be held on January 6, 1977 at 2:00 p.m. at the Casa del Prado in Balboa Park for the purpose of considering jointly with the San Diego County Board of Supervisors the matter of the Lake Murray/Cowles Mountain/Fortuna Mountain Regional Park Master Plan, was adopted on motion of Councilman Gade.

(Item 169) e

RESOLUTION 217230, excusing Councilman Leon Williams from the Council Meeting of November 16, 1976 due to illness, was adopted on motion of Councilman Gade.

(Item 170)

RESOLUTION 217231, authorizing the City Manager to pay the sum of \$7,400 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to Wal-Con Construction Company; authorizing the City Auditor and Comptroller to issue a warrant check in the amount of \$7,400 to Wal-Con Construction Company and John M. Artukovich in full settlement of all claims, was adopted on motion of Councilman Gade.

(Item 171)

RESOLUTION 217232, authorizing the Auditor and Comptroller to pay the sum of \$4,242 as settlement in the case of Shattuck v. City of San Diego, Superior Court No. 342756, said sum to be paid from sources as follows:

Fund 11722, Program 57.29	\$3,642.00
Fund 100, Program 53.31	\$ 600.00

was adopted on motion of Councilman Gade.

(Item 172)

RESOLUTION 217233, authorizing the Auditor and Comptroller to pay from Fund 11520, Program 57.29, the sum of \$12,904.48 as court awarded judgment in the case of Miller v. City of San Diego, Superior Court No. 378863, was adopted on motion of Councilman Gade.

(Item 201)

RESOLUTION 217234, requesting the Board of Supervisors to take the necessary actions to provide the Federal GSA assurance that a road with limited access to Brown Field and the proposed second border crossing in Otay Mesa will be available through County lands; directing the City Manager to communicate this request to said Board and to furnish said Board a certified copy of this resolution, was adopted on motion of Councilman Gade.

(Item 202)

RESOLUTION 217235, authorizing the City Manager or his authorized representative to submit to the Federal Aid Urban Advisory Committee, established pursuant to the procedure endorsed by the City Council by Resolution No. 216623 adopted August 18, 1976, for evaluation, application for street improvement and traffic control projects to be constructed in the Fiscal Years 1977 and 1978, was adopted on motion of Councilman Gade.

(Item 101)

A special order of business, continued from the Meetings of November 17 and 24, 1976, City Manager Report on San Diego Unified School District and City priorities for the construction and maintenance of turfed playing fields and the matter of whether the City should enter into an agreement with the San Diego Unified School District whereby the District would install 3.4 acres of turf on the site of Camp Elliot #6 Elementary School, an "XX-YY" school to be built in Tierrasanta, and the City maintain the turf. This would be in addition to City maintenance of two other "XX-YY" sites in Tierrasanta: 1.7 acres at Tierrasanta Elementary and 6.26 acres at Serra Junior/Senior High, was presented.

City Manager McKinley answered questions directed by the Council.

Mayor Wilson left the Chambers and Deputy Mayor O'Connor assumed the Chair.

(Item 101 - Continued)

City Manager McKinley continued answering questions directed by the Council.

The motion of Councilman Morrow to approve items 3, 5, 6, and 7 of City Manager's report of November 17, 1976 and agree to maintain those sites and reinstate the Ad Hoc Committee on Joint Recreational Facilities.

By common consent, the Council divided the question.

City Manager McKinley and Chief Deputy City Attorney Katz answered questions directed by the Council.

Janet Blackburn, J. V. Ward, Tony Osunos, Sunny Pippin, and Marian Bear appeared to speak on the matter.

The motion of Councilman Morrow to amend his previous motion, which had been divided by common consent, to approve items 3, 5, 6, and 7 of the City Manager's report of November 17; agree to maintain those sites; to include all seven sites in the City Manager's report of November 17, 1976, was not voted on at this time.

J. V. Ward appeared to speak.

City Manager McKinley and Jack Krasovich, Park and Recreation Department, answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Morrow to approve all seven items of City Manager's report of November 17; agree to maintain those sites, which was defeated by the following vote: Yeas-Councilmen Johnson and Morrow. Nays-Councilmen Hubbard, Williams, Gade, Haro, and Deputy Mayor O'Connor. Absent-Mayor Wilson. District 7 vacant.

The motion of Councilman Haro to approve Items 6 and 7 - Doyle Elementary School and Miramar Ranch Elementary School - as City Manager recommended in the report dated November 17, 1976, was not voted on at this time.

The motion of Councilman Morrow to add the Camp Elliot site to the previous motion of Councilman Haro to approve Items 6 and 7 - Doyle Elementary School and Miramar Ranch Elementary School - as City Manager recommended in Report dated November 17, 1976, died for lack of a second.

Councilman Gade withdrew his second to the previous motion of Councilman Haro to approve Items 6 and 7 - Doyle Elementary School and Miramar Ranch Elementary School - as City Manager recommended in the report dated November 17, 1976.

The motion of Councilman Hubbard that no additional schools will be added to the list until the Council established a policy and prioritized them, was not voted on.

Councilman Gade then seconded the previous motion of Councilman Haro to approve Items 6 and 7 - Doyle Elementary School and Miramar Ranch Elementary School - as City Manager recommended in Report dated November 17, 1976, which passed unanimously.

The motion of Councilman Johnson to approve Item 2 - Spreckles Elementary School as the City Manager recommended in Report dated November 17, 1976, was not voted on at this time.

Jack Krasovich, Park and Recreation Department, answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Johnson to approve Item 2 - Spreckles Elementary School - as the City Manager recommended in Report dated November 17, 1976, which failed due to lack of five affirmative votes by the following vote: Yeas-Councilmen Johnson, Morrow, and Deputy Mayor O'Connor. Nays-Councilmen Hubbard, Williams, and Gade. Absent-Mayor Wilson. District 7 vacant.

(Item 101 - Continued)

The motion of Councilman Morrow to add Item 3 - Camp Elliott Elementary School site - City Manager report dated November 17, 1976, was not voted on at this time.

Jack Krasovich, Park and Recreation Department, answered questions directed by the Council.

The vote was then taken on the previous motion of Councilman Morrow to add Item 3 - Camp Elliott Elementary School site - City Manager Report dated November 17, 1976, which failed due to lack of five affirmative votes by the following vote: Yeas-Councilmen Johnson, Morrow, and Deputy Mayor O'Connor. Nays-Councilmen Hubbard, Williams, Gade, and Haro. Absent-Mayor Wilson. District 7 vacant.

Deputy Mayor O'Connor recessed the Regular Meeting at 11:03 a.m. Upon reconvening at 11:26 a.m., the Roll call showed all members present.

Councilman Williams left the Chambers.

The vote was then taken on the previous motion of Councilman Morrow to reinstate the Ad Hoc Committee on Joint Recreational Facilities, which passed unanimously.

RESOLUTION 217236, reinstating the Ad Hoc Committee on Joint Recreational Facilities.

Councilman Williams entered the Chambers.

(Item 150b - second time)

The motion of Councilman Gade to reconsider Item 150 b passed unanimously. The Council trailed the matter until later in the meeting.

(Item 206)

A proposed Ordinance, increasing the retirement allowances of fixed pension City retirees, was presented.

The motion of Councilman Haro to introduce the revised Ordinance, was not seconded at this time.

Rules Committee Consultant Conrad answered questions directed by the Council.

Councilman Gade then seconded the previous motion of Councilman Haro to introduce the revised Ordinance, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None. District 7 vacant.

(Item 256 - Supplemental 3 - second time)

The motion of Councilman Hubbard to continue the item to the Special Meeting of Friday, December 10, 1976, 11:00 a.m. Time Certain to allow the Transportation and Land Use Committee to consider amendments to Council Policy 500-2 at a special Meeting of that Committee on Thursday, December 9, 1976, 1:30 p.m. in the Council Chambers, was not voted on at this time.

City Manager McKinley answered questions directed by the Council.

Alec Cory and Thomas Grela appeared to speak on the continuance.

The vote was then taken on the previous motion of Councilman Hubbard to continue the item to the Special Meeting of Friday, December 10, 1976, 11:00 a.m. Time Certain to allow the Transportation and Land Use Committee to consider amendments to Council Policy 500-2 at a special Meeting of that Committee on Thursday, December 9, 1976, which passed unanimously.

(Item 211)

A proposed Resolution, approving the following maximum rates of admission requested by the Board of Trustees of San Diego Zoological Society for entrance to the San Pasqual Wild Animal Park:

Individual adults:	\$3.00
Individual Children 6 to 15 years	\$1.00
Father, Mother, plus all their children under 16	\$8.00
Father <u>or</u> Mother, plus all their children under 16	\$5.00

was presented.

RESOLUTION 217237, approving the following maximum rates of admission requested by the Board of Trustees of San Diego Zoological Society for entrance to the San Pasqual Wild Animal Park:

Individual adults:	\$3.00
Individual Children 6 to 15 years	\$1.00
Father, Mother, plus all their children under 16	\$8.00
Father <u>or</u> Mother, plus all their children under 16	\$5.00

was adopted on motion of Councilman Morrow.

(Item 255-- Supplemental 1)

The following Resolutions, relative to the final subdivision map of Aero Park Subdivision, a 7-lot subdivision located southerly of Aero Drive and west of Ruffin Road:

- a - Authorizing an agreement with William P. Tschantz and Janet Tschantz for completion of improvements;
- b - approving the final map; and
- c - approving the acceptance by the City Manager of deed of William P. and Janet Tschantz (park purposes), were presented.

The following Resolutions, relative to the final subdivision map of Aero Park Subdivision, were adopted on motion on Councilman Hubbard:

RESOLUTION 217238, authorizing an agreement with William P. Tschantz and Janet Tschantz for completion of improvements in Aero Park Subdivision, a 7-lot subdivision located southerly of Aero Drive and west of Ruffin Road;

RESOLUTION 217239, approving the final map of Aero Park Subdivision; and

(Item 255 - Supplemental 1 - Continued)  
RESOLUTION 217240, approving the acceptance by the City Manager of deed of William P. and Janet Tschantz (park purposes).

(Item 150b - third time)

City Manager McKinley answered questions directed by the Council.  
Ronald Martz appeared to speak.  
Purchasing Agent Mattis answered questions directed by the Council.  
Ronald Martz appeared to speak further.  
Deputy City Attorney Ryan and Purchasing Agent Mattis answered further questions directed by the Council.  
Ronald Martz appeared to speak.  
Deputy City Attorney Ryan answered further questions directed by the Council.

Councilman Johnson left the Chambers.

Ronald Martz spoke further.

The item was trailed

Mayor Wilson recessed the Regular Meeting at 12:16 to reconvene at 2:00 p.m.

Upon reconvening at 2:14 p.m., the roll call showed Councilmen Williams and Morrow absent. District 7 vacant.

Councilman Morrow entered the Chambers.

(Item 150b - Third time)

Deputy City Attorney Ryan answered questions directed by the Council.

Councilman Williams entered the Chambers.

Discussion followed.

Mr. Ryan and City Attorney Witt answered questions directed by the Council.

A motion by Councilman Gade to continue the matter one week and direct the City Attorney to prepare a written opinion on this item and what to do in the future and the City Manager's recommendations, received no vote.

Discussion followed.

Mr. Ryan and Assistant City Manager Graham answered questions directed by the Council.

Purchasing Agent Mattis answered questions directed by the Council.

Councilman Gade withdrew his previous motion.

Mr. Martz and Attorney Showgren appeared to address the Council.

RESOLUTION 217241, rejecting all bids for the construction of the University Community Branch Library; authorizing the Purchasing Agent to readvertise for bids for construction of the University Community Branch Library, was adopted on motion of Councilman Haro.

(Item 402)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposal to change the date of the Improvement Bonds issued in connection with the Standley Park Assessment District - San Diego Park District No. 5 - under Resolution 217096.

He continued by stating that any and all persons having any protest or objection to the proposed bond date change may appear before the Council and show cause why the change should not be ordered.

City Clerk Nielsen reported that the affidavits of publication and mailing of Resolution No. 217096, proposing the bond date change, were on file in his office. He further stated that copies of all written protests, if any, filed with the Clerk before 10:00 a.m. on December 8, 1976 were furnished to each member of the Council. However, he continued, there were no written protests to be read.



(Item 402 - Continued)

Frank Hamilton, Special Counsel gave a brief explanation of the bond date change. He explained that the necessity for the bond change was occasioned by litigation filed shortly after the City awarded both the construction contract and the bond bids. He further stated that it took about a year and a half to dispose of that litigation and that during that time he had advised the City Treasurer to make no collections nor interest installment payments until the matter was resolved. He further stated that the matter has been resolved.

He concluded by stating that the redating of the bonds will reschedule the fiscal and interest payment period, and that there being no protests, the Council can go forward and order the change.

Mayor Wilson asked if any person desired to make an oral protest.

No one appeared to be heard.

Mr. Wilson repeated the invitation for anyone to protest.

No one indicated a desire to be heard.

On motion of Councilman Johnson, the hearing was closed and the following Resolution was adopted: on motion of Councilman Johnson:

RESOLUTION 217242, determining the following:

Section 1. Overruling and denying each and all oral and written protests and objections, if any, made or filed in the matter of the proposed bond date change.

Section 2. Ordering the date of the bonds to be issued to represent unpaid assessments changed from March 17, 1975, as fixed by Resolution No. 212226, to September 17, 1976.

Section 3. Authorizing and directing the Treasurer to issue and deliver to Stone & Youngberg, the bond purchaser, bonds dated September 17, 1976, all in accordance with the agreement between the city and the bond purchaser authorized and executed pursuant to Resolution No. 217095.

(Item 252)

A proposed Resolution, continued from the Meetings of November 17 and 24, 1976, declaring John W. Joly, Jr., Blanche A. Joly and David Saphir, to be in default under terms and conditions of agreement entered into for completion of improvements in Joly-Saphir Subdivision; authorizing the City Attorney to cause notice of this declaration of default to be given to said subdividers and to Insurance Company of North America; authorizing the City Manager to complete or cause to be completed, said improvements, was presented.

John W. Joly, Jr. appeared to address the Council and answered questions directed by the Council regarding a one year extension of time.

Councilman Williams left the Chambers.

On motion of Councilwoman O'Connor, the following Resolution was adopted and the City Manager was directed not to take any action for a period of one year.

RESOLUTION 217243, declaring John W. Joly, Jr., Blanche A. Joly and David Saphir, to be in default under terms and conditions of agreement entered into for completion of improvements in Joly-Saphir Subdivision; authorizing the City Attorney to cause notice of this declaration of default to be given to said subdividers and to Insurance Company of North America; authorizing the City Manager to complete or cause to be completed, said improvements.

Councilman Williams entered the Chambers.

(Item 403)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of rezoning Lot 63, Hill 'N Dale Unit 7, located on the northeast side of Margerum Avenue between Mission Gorge Road and Larchwood Avenue, in the Navajo Community Plan area, from Zone CN to Zone R-2A.

No one appeared to be heard.

The hearing was closed on motion of Councilman Johnson.

RESOLUTION 217244, certifying that the information contained in the Environmental Negative Declaration 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; and

A proposed Ordinance, incorporating Lot 63, Hill 'N Dale Unit 7, located on the northeast side of Margerum Avenue between Mission Gorge Road and Larchwood Avenue, in the Navajo Community Plan area, into R-2A Zone, as defined by Section 101.0410 of the San Diego Municipal Code, and repealing Ordinance No. 10174 (New Series), adopted November 6, 1969, insofar as the same conflicts herewith, was introduced on motion of Councilman Johnson, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-None. Absent-None. Vacant-District 7.

#403  
minutes

ORDINANCE NO. 11970 DEC 22 1976 0.77-103  
(New Series)

AN ORDINANCE INCORPORATING LOT 63, HILL 'N DALE UNIT 7, LOCATED ON THE NORTHEAST SIDE OF MARGERUM AVENUE BETWEEN MISSION GORGE ROAD AND LARCHWOOD AVENUE, IN THE NAVAJO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO R-2A ZONE, AS DEFINED BY SECTION 101.0410 OF THE SAN DIEGO MUNICIPAL CODE, AND REPEALING ORDINANCE NO. 10174 (NEW SERIES), ADOPTED NOVEMBER 6, 1969, INsofar AS THE SAME CONFLICTS HEREWITH.

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

Section 1. That Lot 63, Hill "N Dale Unit 7, located on the northeast side of Margerum Avenue between Mission Gorge Road and Larchwood Avenue, in the Navajo Community Plan area, in the City of San Diego, California, within the boundary of the district designated "R-2A" on Zone Map Drawing No. B-2941, filed in the office of the City Clerk as Document No. 757263, be, and it is hereby incorporated into R-2A Zone, as such zone is described and defined by Section 101.0410 of the San Diego Municipal Code.

Section 2. That Ordinance No. 10174 (New Series), adopted November 6, 1969, of the ordinances of The City of San Diego, be, and it is hereby repealed insofar as it conflicts herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad  
Frederick C. Conrad  
Chief Deputy City Attorney

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(Item 401)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of November 16, 1976, on the matters of:

- a - Proposal to adopt the Tia Juana River Valley Plan and rescind the existing San Diego Border Area Plan, adopted November 9, 1976. The Tia Juana River Valley Plan encompasses approximately 5,450 acres and is generally bounded by the Pacific Ocean, the City of Imperial Beach, the communities of Nestor and San Ysidro, the I-5 Freeway, and Tijuana, Mexico. It contains six basic elements: Park and Estuary; Agricultural Preserve; Flood Control; Urbanization; Public Facilities; and Circulation. The Plan was developed with the following goals: (1) to provide flood protection commensurate with economic cost benefits for urbanized areas, (2) to fulfill international obligations between the United States and Mexico, (3) to protect and preserve diminishing natural coastal resources, (4) to conserve and enhance agricultural productivity, (5) to provide visual and passive relief from continuous urbanization, (6) to assure standard public facilities and services commensurate with development, and (7) to provide necessary public health and safety facilities and services within the public lands portion of the Plan.

- b - Proposed amendment to the Progress Guide and General Plan for the City of San Diego - to amend the Map concerning that portion covered by the proposed Tia Juana River Valley Plan.

It was reported that there was one letter in opposition.

Director Goff, Keith Rogers and Jim Fisk, Planning Department, presented a report and slide presentation.

Director Goff and Robert Cain, Planning Department, answered questions directed by the Council.

Chief Deputy City Attorney Conrad, J. R. Crosby, Engineering and Development Department and Director Goff answered questions directed by the Council.

A motion by Councilman Haro to close the hearing and adopt the proposed Resolutions: (a) Environmental Impact Report No. 75-12-18C, (b) approving the Tia Juana River Valley Plan, as amended, and rescinding the San Diego Border Area Plan, and (c) approving the Amendment to the General Plan Map to be effective with the adoption of the Tia Juana River Valley Plan, received no vote at this time.

Attorney Michael Coute, representing the Tia Juana Valley Water District, William R. Walker, Conn-Rock Company, Ruth Schneider, Otay Mesa Community Planning Committee, and Commander Whelan, U. S. N., appeared to address the Council in opposition to the proposed Resolutions.

Arthur Casey, Citizens Coordinate, Danny Marshall, Robert Conyers, and Irwin Olsen appeared to address the Council in favor of the proposed Resolutions.

Mr. Fisk, Chief Deputy City Attorney Conrad and Assistant City Manager Graham spoke on the matter and answered questions directed by the Council.

(Item 401 - Continued)

The hearing was closed on motion of Councilman Haro.

The following Resolutions were adopted on motion of Councilman Haro by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Gade, Haro, and Mayor Wilson. Nays-Councilman Hubbard. Absent-None. Vacant-District 7.

RESOLUTION 217245, certifying that the information contained in Environmental Impact Report No. 75-12-18C 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;

RESOLUTION 217246, approving the Tia Juana River Valley Plan, as amended, and rescinding the San Diego Border Area Plan; and

RESOLUTION 217147, approving the Amendment to the General Plan Map to be effective with the adoption of the Tia Juana River Valley Plan.

Mayor Wilson recessed the Meeting at 3:54 p.m. Upon reconvening at 4:15 p.m., the Roll Call showed Councilman Morrow absent.

(Item 253 - Unfinished Business from the Meeting of December 7, 1976)

A proposed Resolution, ordering the estimated costs and expenses of the proposed acquisition for San Diego Park District No. 12F - Tecolote Canyon to be increased by \$331,606.32 to \$6,520,000 and increasing the City's cash contribution to the project by \$331,606.32 to \$3,419,728.28; authorizing the City Auditor and Comptroller to expend the sum of \$331,606.32 from Capital Outlay Reserve - Flood Control Right-of-Way (CIP 90-245.2) to be used solely and exclusively as an advance for interim funding for the acquisitions required by the Tecolote Canyon Park District No. 12F, said monies to be reimbursed to the Capital Outlay Fund upon receipt of sufficient Environmental Growth Funds in fiscal year 1978, was presented.

Councilman Morrow entered the Chambers.

The following Resolution was numbered out of order.

RESOLUTION 217196, ordering the estimated costs and expenses of the proposed acquisition for San Diego Park District No. 12F - Tecolote Canyon to be increased by \$331,606.32 to \$6,520,000 and increasing the City's cash contribution to the project by \$331,606.32 to \$3,419,728.28; authorizing the City Auditor and Comptroller to expend the sum of \$331,606.32 Capital Outlay Reserve - Flood Control Right-of-Way (CIP 90-245.2) to be used solely and exclusively as an advance for interim funding for the acquisitions required by the Tecolote Canyon Park District No. 12F, said monies to be reimbursed to the Capital Outlay Fund upon receipt of sufficient Environmental Growth Funds in fiscal year 1978, was adopted on motion of Councilman Gade.

(Item 212 - Unfinished Business from the Meeting of December 7, 1976 - Supplemental #3)

A proposed Resolution, requesting the San Diego Unified School District to take no action on the Draft Policy for Determining the Availability of Schools dated November 4, 1976, until the School Board and the Council have met to discuss the Policy, was presented.

(Item 212 - Unfinished Business from the Meeting of December 7, 1976 - Supplemental #3 - Continued.)

A motion by Councilman Williams to adopt the proposed Resolution, as amended, received no vote at this time.

The Council discussed the matter.

RESOLUTION 217248, requesting the San Diego Unified School District to take no action on the Draft Policy for Determining the Availability of Schools dated November 4, 1976, until the revised Policy, as proposed by the School Board, is reviewed by the Transportation and Land Use Committee and thereafter by the Council, was adopted on motion of Councilman Williams.

(Item 405 - TM 74-137 Rev.)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Urban Development Group, by Elliot R. Stein, from Condition 5-e relative to grading of street reservations in the decision of the Planning Commission when it denied the appeal of the Torrey Pines Protective Association from the decision of the Subdivision Review Board in granting the tentative map of Torrey Pines Science Park Unit 2. This is a one-unit, eight-lot subdivision of portions of Pueblo Lots 1326, 1327, 1328, and 1330, located easterly of Torrey Pines Road at the terminus of Science Park Road in the SR, R-1-5, R-1-5 HR Overlay (proposed SR, R-1-5 HR Overlay) Zones.

Ken Klein, Planning Department, presented his report.

Chief Deputy City Attorney Conrad answered questions directed by the Council on two additional proposed Resolutions, R-77-937 and R-77-938.

Mr. Klein answered questions directed by the Council.

Jim Covell, Economic Development Corporation, answered questions directed by the Council.

Earl Hayden, Engineering and Development Department, and Mr. Covell presented their reports and answered questions directed by the Council.

The Council discussed the matter.

Dr. Kent Wilson, Torrey Pines Protective Association, appeared to address the Council and answered questions directed by the Council.

Dwight Worden appeared to address the Council and withdrew the appeal of the Urban Development Group.

Mr. Hayden and Jim Covell answered questions directed by the Council.

The hearing was closed on motion of Councilman Johnson.

The following Resolutions were adopted on motion of Councilman Johnson:

RESOLUTION 217249, certifying that the information contained in First Amendment to Environmental Impact Report No. 75-06-06C has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said First Amendment to Report has been reviewed and considered by the Council;

RESOLUTION 217250, granting the appeal of the Urban Development Group, by Elliott R. Stein, from Condition 5-e relative to grading of street reservations;

(Item 405 - TM 74-137 Rev. - Continued)

RESOLUTION 217251, determining the following:

1. The proposed map is consistent with the General Plan and University Community Plan which designate the property for Scientific Research and Development use.
2. The design and proposed improvements for the subdivision are consistent with the General Plan and University Community Plan and SR Zoning/Development Regulations.
3. The site is physically suitable for Scientific Research development.
4. The site is suitable for the proposed Scientific Research density of development.
5. The design of the subdivision and the proposed improvements will not cause substantial environmental damage, based upon the findings of the Environmental Report EQD No. 75-06-06C.
6. The design of the subdivision and the type of improvements will not likely cause serious public health problems inasmuch as the map is consistent with SR zoning and conforms with City development regulations.
7. The design of the subdivision and the type of improvements are such that they will not conflict with any easements acquired by the public at large for access through or use of, property within the proposed subdivision.
8. That said Findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Approving the tentative subdivision map for Torrey Pines Science Park Unit No. 2 (Revised Map) (TM 74-137 Rev) based on the Findings hereinbefore adopted by the Subdivision Review Board, subject to the following conditions:

1. This tentative map will expire May 18, 1978.
2. Dedicate a 60-foot-wide right-of-way for Science Park Road, Callan Road, Street "A," and a 60-foot-radius turnaround at the northerly end of Street "A," all as shown on the approved tentative map.
3. Provide two 60-foot-wide street reservations from Street "A" to the north subdivision boundary and the east subdivision boundary, and a 30-foot-wide street reservation along the north subdivision boundary, all as shown on the approved tentative map.
4. Undergrounding of public utility systems and service facilities is required according to San Diego Municipal Code, Section 102.0221, Subsection 7.
5. Prior to issuance of any Land Development Permit within the HR Overlay zoned area, the Planning Director or Planning Commission shall approve a Hillside Review Permit.

It is recommended that the following improvements be installed to adequately serve the proposed lots. These improvements will be provided by a City-administered construction contract.

- a. Improve Torrey Pines Road with additional pavement, curb, and sidewalk to provide three northbound traffic lanes.
- b. Construct a new off-ramp from Torrey Pines Road connecting to Callan Road, as shown on the approved tentative map.
- c. Reconstruct the existing ramp on the east side of Torrey Pines Road, as shown on the approved tentative map.
- d. Improve Science Park Road, Street "A," and Callan Road as industrial local streets with 40 feet of roadway, curb, and sidewalk on both sides

(Item 405 - TM 74-137 Rev. - Continued)

e. The street reservations shall be graded fullwidth, satisfactory to the City Engineer. North South street reservation shall not be graded, cleared or grubbed closer than 400 feet from the North property line and the East West Street reservation along the northerly property shall not be graded, cleared or grubbed.

f. Extend the existing 12-inch AC water main in Science Park Road to Street "A."

g. Install 12-inch AC water mains in Street "A" and Callan Road.

h. Install fire hydrants within the subdivision in accordance with City standards.

i. Install a system of gravity sewer mains to serve all lots within the subdivision, connecting to the existing sewer main located east and offsite to the subdivision.

j. All cut and fill slopes, all areas scarred by trenching operations and all street reservations graded but not improved, shall be restored in accordance with special conditions P-23; and

RESOLUTION 217252, determining that the Council plans to donate the land shown on the designated map, to the State for addition to Torrey Pines Reserve and directs that staff expeditiously initiate the procedures for doing so; that appropriate City departments shall include in all deeds or leases of Torrey Pines Science Park a statement that the property is within the Miramar Naval Air Station flight path and The City of San Diego has no present intention to seek or assist in any efforts to realign or relocate said flight path.

(Item 408)

The following Resolutions, relative to the Final Subdivision Map of Torrey Pines Science Park Unit 2, were adopted on motion of Councilman Johnson:

RESOLUTION 217253, authorizing the Mayor and City Clerk to execute the certificate of ownership on said final map of Torrey Pines Science Park Unit 2, a City-owned 8-lot subdivision, located on North Torrey Pines Road, northerly and easterly of existing Torrey Pines Science Park Unit No. 1, consenting to the preparation and recordation of said map; and

RESOLUTION 217254, approving the Final Map of Torrey Pines Science Park Unit No. 2.

Dwight Warden, Torrey Pines Planning Association, Jim Covell, Economic Development Corporation, and Marian Bear appeared to address the Council.

Councilmen Morrow and Haro left the Chambers.

Ken Klein, Planning Department, answered questions directed by the Council.

A motion by Councilman Gade to suspend the rules to extend the Meeting to 6:00 p.m., passed unanimously.



(Item 406)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposal to amend Chapter X, Article 1, Division 3 of the San Diego Municipal Code by amending Section 101.0303 Continuance of Nonconforming Uses and Structures to allow the expansion or alteration of a nonconforming structure when such expansion or alteration does not increase the degree of nonconformity of the structure and conforms in every respect with the current zoning regulations.

Councilman Haro entered the Chambers.

Mrs. Clark appeared to speak.

Ken Klein, Planning Department, presented his report.

A motion by Councilman Williams to close the hearing and introduce a proposed Ordinance, received no vote at this time.

Mr. Klein answered questions directed by the Council.

The vote was then taken on the previous motion by Councilman Williams, which resulted in the following actions:

The hearing was closed.

A proposed Ordinance, amending Chapter X, Article 1, Division 3 of the San Diego Municipal Code by amending Section 101.0303 relating to nonconforming uses and structures, was introduced on motion of Councilman Williams by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Williams, Gade, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Morrow. District 7 vacant.

(Item 407)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the proposal to amend Chapter X, Article 3, Division 3 of the San Diego Municipal Code by amending Section 103.0303.2 Nonconforming Uses and Structures in the La Jolla Shores Planned District to allow the expansion or alteration of a nonconforming structure when such expansion or alteration does not increase the degree of nonconformity of the structure and conforms in every respect with the Planned District regulations.

Ken Klein, Planning Department, answered questions directed by the Council.

Minutes #406  
C-77-44

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ORDINANCE NO. (New Series)

DEC 22 1976

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0303 RELATING TO NONCONFORMING USES AND STRUCTURES.

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

Section 1. That Chapter X, Article 1, Division 3 of the San Diego Municipal Code be amended by amending Section 101.0303 to read as follows:

SEC. 101.0303 CONTINUANCE OF NONCONFORMING USES AND STRUCTURES

The lawful use of land existing at the time the district zone ordinance became effective with which ordinance such use did not conform may be continued provided no enlargement or addition to such use is made.

The lawful use of buildings existing at the time the District Zone Ordinance became effective with which Ordinance such building did not conform with respect to the development regulations may be continued, provided any enlargement, addition, or alterations to such building will not increase its degree of nonconformity and will conform in every respect with the development regulations of the zone in which the building is located, except as hereinafter provided by zone variance.

11971

(Item 407 - Continued)

Donna Kruger, La Jolla Shores Protective Association, William Kellogg, President, La Jolla Shores Planning Committee, J. W. Holland and Martin Loegger appeared to speak.

Discussion followed.

The hearing was closed on motion of Councilman Williams.

A proposed Ordinance, amending Chapter X, Article 3, Division 3 of the San Diego Municipal Code by amending Section 103.0303.2 relating to the nonconforming uses and structures in the La Jolla Shores Planned District, was introduced on motion of Councilman Williams by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Gade, Haro, and Mayor Wilson. Nays-Councilman Johnson. Absent-Councilman Morrow. District 7 vacant.

(Item 205 - Unfinished Business from the Meeting of December 7, 1976)

A proposed Resolution, authorizing the University Community Planning Group to work with the Planning Department and the City Manager in the amendment and implementation of the University Community Plan for the area bounded on the north and east by Sorrento Valley and Naval Air Station Miramar; San Clemente Canyon Park on the south; and Gilman Drive, North Torrey Pines Road, and the Pacific Ocean on the west, was presented.

A motion by Councilman Johnson to adopt the proposed Resolution, received no vote at this time.

Discussion followed.

The vote was then taken on the previous motion of Councilman Johnson, which passed unanimously and the following Resolution was adopted:

RESOLUTION 217255, authorizing the University Community Planning Group to work with the Planning Department and the City Manager in the amendment and implementation of the University Community Plan for the area bounded on the north and east by Sorrento Valley and Naval Air Station Miramar; San Clemente Canyon Park on the south; and Gilman Drive, North Torrey Pines Road, and the Pacific Ocean on the west.

*Minutes Item 407 256*

0-77-43

ORDINANCE NO. 11973  
(New Series)

DEC 22 1976

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 103.0303.2 RELATING TO NONCONFORMING USES AND STRUCTURES IN THE LA JOLLA SHORES PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 3 of the San Diego Municipal Code be amended by amending Section 103.0303.2 to read as follows:

SEC. 103.0303.2 NONCONFORMING USES AND STRUCTURES

A. The lawful use of land which existed at the time the Planned District regulations became effective and which did not conform with said regulations may be continued except when specifically prohibited provided no enlargement or additions to such use is made.

The lawful use of buildings existing at the time the Planned District regulations became effective with which regulations such buildings did not conform may be continued, provided any enlargement, addition, or alterations to such buildings will not increase the degree of nonconformity and will conform in every respect with all the District regulations.

B. Any discontinuance of a nonconforming use for a continuous period of 12 months shall be deemed to

01825

By Unanimous Consent granted to Councilman Hubbard, a proposed Resolution requesting Mayor Pete Wilson to schedule a special meeting of the City Council during the week of December 20, 1976 to hear presentations by representatives of the U.S. Navy and a report by the City Manager on the proposed reconstruction of the Naval Hospital in Balboa Park, was presented.

RESOLUTION 217256, requesting Mayor Pete Wilson to schedule a special meeting of the City Council during the week of December 20, 1976, to hear presentations by representatives of the U.S. Navy and a report by the City Manager on the proposed reconstruction of the Naval Hospital in Balboa Park, was adopted on motion of Councilman Hubbard.

(Item 404 - CASE NO. 60-76-7)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Miramedical Associates, by John A. Recht, from the decision of the Planning Commission in denying its application to rezone a portion of Lot 1, H. L. Barrow's Subdivision of the North 1/2 of the Southeast 1/4, Section 9 and Lots 4, 5, and 6 in Section 9, Township 15 South, Range 3 West, S.B.B.M. (approximately 4.74 acres), located on the south side of Miramar Road between I-805 and Eastgate Mall, from Zone A-1-10 to Zone M-1A.

John A. Recht appeared to address the Council to request a continuance.

On motion of Councilman Johnson, the matter was continued to Wednesday, December 15, 1976, 4:00 p.m. Time Certain, at the applicant's request, which passed unanimously.

By Common Consent, the Council continued the remaining items on the dockets to Tuesday, December 14, 1976, p.m. as Unfinished Business, which consisted of Items 105, 203, 204, 207, 208, 250, 256, 258 and 405 - docket of December 7, 1976, and Items 167, 200, 203, 204, 205, 207, 208, 209, 210, 250, 253 and 254 - docket of December 8, 1976.

Councilwoman O'Connor left the Chambers.

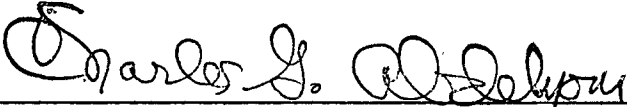
By Unanimous Consent granted to Councilman Hubbard, a proposed Resolution waiving the requirement for the contractor to provide a Material and Labor Bond on the Morrell Street storm drain contract authorized on October 6, 1976; authorizing the City Manager to execute said contract, was presented.

RESOLUTION 217257, waiving the requirement for the contractor to provide a Material and Labor Bond on the Morrell Street storm drain contract authorized on October 6, 1976; authorizing the City Manager to execute said contract, was adopted on motion of Councilman Hubbard.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Morrow, the Regular Meeting was adjourned at 6:16 p.m. on motion of Councilman Gade, in memory of Mrs. Bebe Banks who passed away on November 30, 1976.

\_\_\_\_\_  
Mayor of The City of San Diego, California

ATTEST:

  
\_\_\_\_\_  
City Clerk of The City of San Diego, California