

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO  
FOR THE REGULAR MEETING OF TUESDAY, OCTOBER 3, 1978  
IN THE CHAMBERS OF THE COUNCIL AT 8:30 A.M.

ATTENDANCE:

Present-Councilmen Mitchell (1), O'Connor (2), Lowery (3), Williams  
(4), Schnaubelt (5), Gade (6), and Stirling (7).  
Absent--Mayor Wilson (M).  
Vacant--District 8.  
Clerk---Abdelnour.

Meeting called to order at 9:02 a.m. by Acting Mayor O'Connor.

ITEM 300: Roll call.  
Present-Councilmen Mitchell, Schnaubelt, Gade, Stirling and  
Acting Mayor O'Connor.  
Absent--Councilmen Lowery, Williams and Mayor Wilson.  
Vacant--District 8.

Meeting recessed at 10:35 a.m. by Acting Mayor O'Connor.  
Meeting reconvened at 10:58 a.m. with Councilman Gade and Mayor Wilson absent.

ITEM 207: Adoption of Resolution 221942.  
  
Matter of a proposed sequencing plan for PARAMEDIC UNIT IMPLE-  
MENTATION.

Motion by Mitchell to adopt Resolution approving the  
City Manager's recommendation, Alternative A in report  
No. 78-77 dated September 28, 1978.  
Second by Stirling.  
Passed unanimously. Absent-M. Vacant-8.

ITEM 310: Adopted as Resolution 221943.

(R-79-584) RESOLUTION commending the GENEROSITY AND PERSONAL COMMITMENT that Dave Winfield of the San Diego Padres has shown to the young citizens of America's Finest City; declaring TUESDAY, OCTOBER 3, 1978 as DAVE WINFIELD DAY.

Motion by Williams to adopt.

Second by Lowery.

Passed unanimously. Absent-M. Vacant-8.

ITEM 330: Matter of REZONING a portion of the NORTHEAST 1/4 of the NORTH-EAST 1/4, SECTION 31, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.B.M. (approximately 9.3 acres), located on the south side of Galvin Avenue between Black Mountain Road and Samoa Avenue, in the Mira Mesa Community Plan area, from ZONE A-1-1 to ZONE R-2A.

(CASE NO. 60-78-10.)

Hearing began at 10:06 a.m.

Hearing halted at 10:35 a.m.

Testimony by Clem Abrams , Verne Goodwin and John Bauhanan.

Subitem a: Adopted as Resolution 221944.

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 78-03-50 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

Subitem b: Introduced, to be adopted 10/16/78.

INTRODUCTION of an ORDINANCE for R-2 Zoning.

Motion by Mitchell to close the hearing, adopt the resolution and introduce the ordinance for R-2 Zoning.

Second by Williams.

Passed. Yeas-1,2,3,4,5,6, Nays-7. Absent-M.  
Vacant-8.

ITEM 331: Matter of REZONING portions of SECTION 10, TOWNSHIP 15 SOUTH, RANGE 3 WEST, S.B.B.M. (approximately 44.26 acres), located on the north and south sides of Carroll Canyon Road at the intersection with Carroll Road, in the Mira Mesa Community Plan area, from ZONE A-1-10 to ZONE M-1B.

(CASE NO. 60-78-12.)

Hearing began at 11:02 a.m.  
Hearing halted at 11:05 a.m.

Testimony by Russ Crane and Verne Goodwin.

Subitem a: Adopted as Resolution 221945.

(R-79-430) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT NO. 77-10-43 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;

Subitem b: Introduced, to be adopted 10/16/78.

(O-79-70) INTRODUCTION of an ORDINANCE for M-1B Zoning; and

Subitem c: Adopted as Resolution 221946.

(R-79- ) Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT NO. 77-10-43.

Motion by Mitchell to close the hearing, adopt EIR Resolution, introduce ordinance for M-1E Zoning, and adopt resolution containing the appropriate findings as approved by the Planning Commission.

Second by Gade.

Passed unanimously. Absent-M. Vacant-8.

ITEM 332: Continued to October 10, 1978 - 2:00 p.m. Time Certain.

Matter of REZONING LOT 186 and a portion of LOT 187, EMPIRE ADDITION TO ENCANTO HEIGHTS, MAP NO. 1254 (approximately 1.17 acres), located on the south side of Federal Boulevard between Winnett Street and 60th Street, in the Southeast San Diego Community Plan area, from ZONE C-1S to ZONE R-2A.

(CASE NO. 29-78-2.)

Hearing began at 10:59 a.m.  
Hearing halted at 11:01 a.m.

Gade entered at 11:00 a.m.

Testimony on continuance.

Subitem a: (R-79-432) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT NO. 78-03-24 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;

Subitem b: (O-79-72) INTRODUCTION of an ORDINANCE for R-2A Zoning; and

Subitem c: (R-79- ) Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT NO. 78-03-24.

Motion by Lowery to continue to October 10, 1978, 2:00 p.m. Time Certain at opponent's request.  
Second by Mitchell.  
Passed unanimously. Absent-M. Vacant-8.

ITEM 333: (Continued from the Meeting of September 12, 1978 at applicant's request.)

Matter of REZONING LOTS 10 and 12, BLOCK 59, LINDA VISTA UNIT NO. 7, MAP NO. 3208 AND PARCEL 1, PARCEL MAP NO. 6068 (approximately 42,000 square feet), located on the south side of Tait Street between the easterly terminus of Tait Street and Drescher Street, in the Kearny Vista Community Plan area, from ZONES R-2 and R-2A to ZONE R-3.

(CASE NO. 35-78-2.)

(ITEM 333 - Continued)

Hearing began at 9:23 a.m.  
Hearing halted at 10:05 a.m.

Williams entered at 9:38 a.m.

Testimony in favor by Larry Motoya.  
Testimony in opposition by Adrian Marine, O.J. Quapp  
and Catherine Allan.

Subitem a: Adopted as Resolution 221947.

(R-79-298) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 78-05-03 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

Subitem b: Introduced, to be adopted 10/16/1978.

(O-79-40) INTRODUCTION of an ORDINANCE for R-2A Zoning.

Motion by Schnaubelt to close the hearing, adopt Resolution and introduce amended ordinance for R-3 Zoning.  
Second by Gade.  
Failed. Yeas-3,5,6,7. Nays-1,2,4, Absent-M.  
Vacant-8.

Motion by Schnaubelt to close the hearing, adopt Resolution and introduce ordinance for R-2A Zoning.  
Second by Gade.  
Passed unanimously. Absent-M. Vacant-8.

ITEM 334: Appeal granted as Resolution 221948.

(Continued from the Meetings of August 8 and September 12 and 19, 1978 for further review.)

APPEAL of UNION OIL COMPANY OF CALIFORNIA, owner/permittee, from the decision of the PLANNING COMMISSION in requiring as a condition to APPROVING CONDITIONAL USE PERMIT NO. 539-PC, the replacement of an existing pole mounted sign with a pole mounted self-serve sign of monument style. The property is located on the northwest side of Lake Murray Boulevard between San Carlos Drive and Navajo Road in the Navajo Community Plan area, and is more particularly described as LOT 34, SAN CARLOS UNIT NO. 2, MAP NO. 4089.

(CUP NO. 539-PC)

(R-79- ) Today's action is adoption of a RESOLUTION granting or denying the appeal.

Hearing began at 9:04 a.m.  
Hearing halted at 9:22 a.m.

Lowery entered at 9:15 a.m.


Testimony in favor by Chuck Rowe.

Motion by Stirling to close the hearing and adopt resolution granting the appeal.

Second by Gade.

Passed unanimously. Absent-4,M. Vacant-8.

Meeting recessed at 11:54 a.m. by Acting Mayor O'Connor to reconvene at 2:00 p.m.

*Asst.*   
City Clerk of The City of San Diego, California

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO  
FOR THE REGULAR MEETING OF TUESDAY, OCTOBER 3, 1978  
IN THE CHAMBERS OF THE COUNCIL AT 2:00 P.M.

ATTENDANCE:

Present--Mitchell (1), O'Connor (2), Lowery (3), Williams (4),  
Schnaubelt (5), Gade (6), Stirling (7) and Mayor Wilson  
(M).  
Absent--None.  
Vacant--District 8.  
Clerk---Abdelnour.

Meeting reconvened at 2:08 p.m. by Mayor Wilson.

Roll call showed Councilmen Williams and Gade absent.

Meeting recessed at 2:48 p.m. into Executive Session on pending litigation in the  
Mayor's Conference Room on the 11th Floor.

Meeting reconvened at 3:48 p.m. with Councilmen O'Connor and Williams absent.

Mayor Wilson welcomed a delegation of Soviet Union Educators.

ITEM 151: Continued to 10/10/1978 at Helen Cobb's request.

(R-79-508) Directing the CITY MANAGER to review and adjust the  
1979 CAPITAL IMPROVEMENTS PROGRAM to provide for a revised  
listing of PRIORITY PROJECTS to be UNDERGROUNDED, and the amount  
of San Diego Gas & Electric Company allocation funds to be used;  
supporting the reopening of CALIFORNIA PUBLIC UTILITIES  
COMMISSION CASE NO. 8209 to provide for a method of assisting  
property owners with service conversion costs necessitated by  
the establishment of underground utility districts.

Motion by Stirling to continue to October 10, 1978, at  
Helen Cobb's request.

Second by Gade.

Passed Unanimously. Absent-4. Vacant-8.

ITEM 311:

Referred back to City Manager and City Attorney and continued to 11/7/1978, 2:00 p.m., time certain.

(R-79-560) Authorizing the following SETTLEMENT of the City of San Diego v. Adobe Falls, et al., Superior Court Case No. 398189, CONDEMNATION LITIGATION for the ACQUISITION of land for the ADOBE FALLS PARK; declaring that the CITY COUNCIL agrees and accepts the settlement and authorizing the CITY MANAGER to execute that "SETTLEMENT AGREEMENT", which contains a grant of option for easement; and authorizing the CITY ATTORNEY to execute all documents necessary to accomplish this settlement and conclude the litigation in San Diego Superior Court Case No. 398189; authorizing the EXPENDITURE of \$56,000 along with any additional escrow and title insurance expenses reasonably incurred not to exceed \$700 from those monies now on deposit with the court in this litigation, and accrued interest thereon, and from those monies previously encumbered in City Auditor's Certificate No. 8279 for the purpose of PURCHASING and ACCEPTING a DEED to the land now under condemnation for Adobe Falls Park and carrying out the terms and conditions of the "Settlement Agreement."

This item was taken with ITEM 339.

Motion by Stirling to close the hearing, refer ITEMS 311 and 339 back to the City Manager and City Attorney to negotiate a settlement and continue to the Meeting of November 7, 1978, 2:00 p.m. time certain.

Second by Lowery.

Passed Unanimously. Absent-None. Vacant-8.

ITEMS 335 and 336 WERE CONSIDERED SIMULTANEOUSLY:

ITEM 335:

Continued to 10/17/1978, due to lack of time.

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the FOURTH AVENUE (Beech Street to Laurel Street) UNDERGROUND UTILITY DISTRICT.

(R-79-202) Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.



ITEM 336: Continued to 10/17/1978, due to lack of time.

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the ROSECRANS STREET (North Evergreen Street to Pacific Highway) UNDERGROUND UTILITY DISTRICT.

(R-79-200) Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

MOTION FOR ITEMS 335 and 336:

Motion by Stirling to continue to  
October 17, 1978, due to lack of time  
Second by Gade.  
Passed Unanimously. Absent-None. Vacant-8.

ITEM 337: Continued to 2/6/1979 at Paul Peterson's request.

(Continued from the Meetings of October 4, 1977 and April 4, 1978 at Mr. Peterson's request.)

Matter of REZONING property in the LA JOLLA COMMUNITY Plan area, as described below, from ZONE R-2 to ZONE R-1-40 or any zone in between:

PORTION OF AREA 3 consists of a portion of PUEBLO LOT 1258 (approximately 8.3 acres), generally located east of Fay Avenue between Nautilus Street and Vincente Way.

Hearing began at 2:18 p.m.  
Hearing halted at 2:33 p.m.

Testimony for the continuance was given by Paul Peterson.

Testimony in opposition to the continuance was given by Virginia Ulrich and Edwin Balmer.

Motion by Lowery to continue to February 6, 1979, at Paul Peterson's request.

Second by Gade.

Passed. Yeas-2,3,4,5,6,M. Nays-1,7. Absent-None.  
Vacant-8.

ITEM 338: Continued to 11/7/1978 at Paul Peterson's request.

(Continued from the Meetings of October 4, 1977 and April 4, 1978 at Mr. Peterson's request.)

Matter of REZONING property in the LA JOLLA COMMUNITY PLAN AREA, as described below, from ZONES M-1, CS, CO, R-4, R-3, R-2, R-1-5, R-1-10 and R-1-20 to ZONES CS, CO, RV, R-3, R-2A, R-2, R-1-5, R-1-8, R-1-10, R-1-20, and R-1-40, or any combination thereof:

AREA 4 consists of 147 acres of R-1-10 and R-1-20 zoned property generally bounded on the north by Caminito Muirfield, on the east by I-5, on the south by Amity Street, and on the west by Soledad Mountain Road.

Paul Peterson appeared requesting the continuance.

Motion by Lowery to continue to November 7, 1978 at Paul Peterson's request.

Second by Gade.

Passed. Yeas-2,3,4,5,6,7,M. Nays-1. Absent-None.  
Vacant-8.

ITEM 339: Referred back to the City Manager and City Attorney and continued to 11/7/1978.

(Continued from the Meeting of August 22, 1978 for full Council.)  
Matters of:

a - REZONING a portion of LOT 67, RANCHO MISSION OF SAN DIEGO, S.C.C. NO. 348 (approximately 36.5 acres), located on the north side of I-8 between Waring Road and College Avenue, in the Navajo Community Plan area, from ZONES R-1-40 and R-1-5 to ZONE R-2.

(CASE NO. 33-78-5)

b - APPEALS of PATRICIA E. TEAZE and THEODORE R. and BETTY J. TATE from the decision of the PLANNING COMMISSION in GRANTING the application of FOREST W. BREHM, owner/permittee, under HILLSIDE REVIEW PERMIT NO. 114, for grading in the Hillside Review Overlay Zone to allow development under the regulations of the R-1-5 and R-1-40 proposed R-2 Zone. The property is more particularly described as a portion of LOT 67, RANCHO MISSION OF SAN DIEGO, S.C.C. NO. 348, located on the north side of I-8 between Waring Road and College Avenue.

(HRP NO. 114)

ITEM 339 CONTINUED:

- Subitem a: (R-79-295) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT NO. 77-12-41 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;
- Subitem b: (O-79-39) INTRODUCTION of an ORDINANCE for R-2 Zoning;
- Subitem c: (R-79- ) Adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit; and
- Subitem d: (R-79- ) Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT NO. 77-12-41.

This item was taken with ITEM 311.

Hearing began at 2:33 p.m.

Hearing recessed at 2:48 p.m. and resumed at 4:03 p.m.

Testimony in favor of the appeal was given by John Wicham, Theodore Ortiz, Pat Teaze and Doris Daniels.

Testimony in opposition to the appeal was given by Julie Pruitt and Sam Saphino.

Motion by Stirling to suspend the rules to allow 20 minutes of testimony per side.

Second by Lowery.

Passed Unanimously. Absent-None. Vacant-8.

Motion by Stirling to close the hearing, refer ITEMS 311 and 339 back to the City Manager and City Attorney to negotiate a settlement and continue to November 7, 1978, 2:00 p.m., time certain.

Second by Lowery.

Passed Unanimously. Absent-None. Vacant-8.

ITEM 340:

(Continued from the Meetings of September 12 and 18, 1978 to permit appellants and school officials to meet with Planning Department staff to work our alternative configuration.)  
APPEAL of RACHEL HUNT and LEONARD B. KOLKEY from the decision of the PLANNING COMMISSION in APPROVING the application of the UNIVERSITY OF SAN DIEGO HIGH SCHOOL, under HILLSIDE REVIEW PERMIT NO. 123, for grading in the Hillside Review Overlay Zone

ITEM 340 CONTINUED:

(HR Zone) to allow development under the regulations of the R-1-5 Zone. The property is located on the south side of Linda Vista Road at Marian Way and is more particularly described as a portion of PUEBLO LOT 1177, MISCELLANEOUS MAP NO. 36. (HRP. NO. 123)

Subitem a: Adopted as Resolution 221949.

(R-79- ) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 78-06-39 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

Subitem b: Adopted as Resolution 221950.

(R-79- ) Adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit, including appropriate findings to support Council action.

Hearing began at 5:04 p.m.  
Hearing halted at 5:27 p.m.

Testimony in favor given by Mr. Balmer and Leonard Kolkey.

Testimony in opposition given by Robert Edwards.

Motion by Gade to close the hearing and adopt 340-a and adopt 340-b denying the appeal and granted the permit.  
Second by Stirling.  
Passed Unanimously. Absent-None. Vacant-8.

ITEM 341: Continued to 10/10/1978, 8:30 a.m., time certain, due to lack of time.

(Continued from the Meetings of July 18 and 31, 1978 at applicant's request.)

Matter of APPEAL of G. W. KETTENBURG from the decision of the PLANNING COMMISSION in DENYING his application to REZONE a portion of PUEBLO LOT 104 of the PUEBLO LANDS OF SAN DIEGO (approximately 27,000 square feet), located on the east side of Catalina Boulevard between Rosecroft Street and Trudy Lane, in the Peninsula Community Plan area, from ZONE R-1-20 to ZONE R-1-10.

ITEM 341 CONTINUED:

Subitem a: (R-78-2490) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 77-11-37 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

Subitem b: (O-78-310) INTRODUCTION of an ORDINANCE for R-1-10 Zoning.

Williams entered at 3:59 p.m.

Motion by O'Connor to continue to October 10, 1978, 8:30 a.m., time certain, due to lack of time.

Second by Lowery.

Passed Unanimously. Absent-None. Vacant-8.

EXECUTIVE

SESSION #1: Adopted as Resolution 221951.

Authorizing the City Manager to pay a sum not to exceed \$10,000.00, in addition to \$4,994.88 already expended, in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage to Holy Family School; authorizing the City Auditor and Comptroller to issue a warrant check in the amount of \$8,575.07 to Hydrovac and a warrant check not to exceed \$1,424.93 to Holy Family School in full settlement of all claims against the City of San Diego, was adopted with District 8 seat vacant.

EXECUTIVE

SESSION #2: Adopted as Resolution 221952.

Authorizing the City Manager to pay the sum of \$8,413.79 in partial settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage of Porfirio Montijo; authorizing the City Auditor and Comptroller to issue warrant checks in the amount of \$2,186.35 to Hirth Flooring and \$6,227.44 to A & J Construction Company in partial settlement of claim, was adopted with District 8 seat vacant.

EXECUTIVE

SESSION #3: Adopted as Resolution 221953.

Authorizing the City Council and the City of San Diego the expenditure of \$385,000 as payment to defendant Presidio Development Company of just compensation for all its claims arising out of the City's acquisition of the property described in the complaint and all damage to the remainder, if any including, but not limited to, severance damage and erosion damage, was adopted with District 8 seat vacant.

Meeting recessed at 5:30 p.m. to reconvene at 9:00 a.m. on Friday, October 6, 1978 at which time Items 60, 61, 100, 101, 102, 103, 106, 134, 135, 145, 147, 150, 152, 154, 155, 200, 203, 204, 206, 208, 209, 210, S-400, S-401 and S-402 would be considered as Unfinished Business and the Mayor announced that the Council would go into Executive Session on pending litigation in the Mayor's Conference Room on the 11th Floor.

  
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City Clerk of the City of San Diego, California