

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO
FOR THE REGULAR MEETING OF TUESDAY, DECEMBER 4, 1979
IN THE CHAMBERS OF THE COUNCIL AT 8:30 A.M.

ATTENDANCE:

Present: Councilmembers Mitchell (1), Cleator (2), Lowery (3), Williams (4), Schnaubelt (5), Gotch (6), Stirling (7), and Killea (8).
Not present: Mayor Wilson (M).
Clerk: Mutascio.

Meeting was called to order at 8:40 a.m. by Deputy Mayor Lowery.

Meeting recessed at 9:57 a.m. by Deputy Mayor Lowery.

Meeting reconvened at 10:17 a.m. by Deputy Mayor Lowery with Mayor Wilson and Councilmembers Williams and Schnaubelt not present.

Meeting recessed into Executive Session by Deputy Mayor Lowery at 11:18 a.m.

ITEM 300: Roll call.
Present-Councilmembers Mitchell, Cleator, Lowery, Schnaubelt Gotch, Stirling, and Killea.
Not present-Mayor Wilson and Councilmember Williams.

ITEM 310: Welcomed. (074 - 077)

Thirty-one students from Crown Point Elementary School will attend this Meeting accompanied by Pat Nigon.

ITEM 330: Continued to December 18, 1979. (077 - 130)

APPEAL of BALBOA DEVELOPMENT CO., INC., by F. E. Hollow, from the decision of the OLD SAN DIEGO PLANNED DISTRICT REVIEW BOARD in denying their application, under CASE NO. 7917, for a building permit to construct a 40,000 square-foot condominium/office building on the property bounded by San Diego Avenue, Hortensia Street and I-5, in the Old San Diego Planned District.

(CASE NO. OSD7917)

ITEM 330: Continued.

Subitem a: (R-80-) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 79-09-12 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: (R-80-) Adoption of a RESOLUTION granting or denying the appeal.

Hearing began 10:17 a.m.
Hearing halted 11:10 a.m.

Testimony in favor by John Scidel
and H. Way.

Testimony in opposition by Jeffery
McGillon, Joseph Tegal, Marylouise
Collette, and Richard Yeal.

Motion by Cleator to refer to Planning
to resolve differences, schedule for
a regular Board Meeting, and return to
Council in two weeks.
Second by Mitchell.
Passed unanimously. Not present-4,M.

ITEM 331: Proposal to amend Chapter X, Article 3, Division 2 of the San Diego Municipal Code relating to the OLD SAN DIEGO PLANNED DISTRICT as follows: (135 - 137)

- a - To increase the parking requirements;
- b - To allow for the provision for compact car parking;
- c - To permit tandem parking in hardship cases; and
- d - To clarify the abatement period for non-conforming signs.

ITEM 331: Continued.

Subitem a: Adopted as Resolution R-250753.

(R-80-971) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 79-04-18 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 December 17, 1979.

(O-80-109) INTRODUCTION of an ORDINANCE amending Chapter X, Article 3, Division 2 of the San Diego Municipal Code by AMENDING SECTIONS 103.0204.2, 103.0204.3, 103.0204.4, 103.0205.2 and 103.0206.3 all relating to the OLD SAN DIEGO PLANNED DISTRICT.

Hearing began 11:15 a.m.
Hearing halted 11:18 a.m.

Motion by Cleator to close the hearing,
adopt (a), and introduce (b).
Second by Gotch.
Passed unanimously. Not present-4,5,M.

ITEM 332: Referred to Transportation & Land Use Committee.

(001 - 074)

GRANTING a FRANCHISE to AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION for the nonexclusive right, privilege and FRANCHISE to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and cable television service along, across and upon the public streets, ways, alleys and places within certain areas of San Diego. Said FRANCHISE will replace five (5) existing FRANCHISES and establish a new term.

Pursuant to Section 103 of the Charter of The City of San Diego an opportunity shall be afforded any individual to appear in support or opposition. Opposition may include the proposal of an alternative FRANCHISE.

ITEM 332: Continued.

(O-80-110 Rev.) Today's action is INTRODUCTION of an ORDINANCE granting the franchise.

Hearing began 8:40 a.m.
Hearing halted 9:54 a.m.

Williams entered 8:44 a.m.

Motion by Mitchell to direct staff to prepare a report on all reports made up till now and be prepared to respond. Refer to T&LU in four weeks to discuss all points with a representative from ATC and to deal with them satisfactorily; to discuss including apartments, condominiums, and mobile homes where it states single family dwellings; discuss public access and expanding the service area. Direct the City Attorney to prepare a report from the stand point of the company on how to deal with the 15 years they now have if we do not come to some agreement with them on a new contract and what sanctions do we have on the present contract.

Second by Gotch.

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

Not present-M.

Schnaubelt requested to direct staff to prepare a report comparing community video or any other special interest access to the newspapers, general circulation magazines, or to broadcast television as a frame of reference where the constitutional rights come in relative to a special interest group getting, in essence, free access to an asset of this sort.

ITEM 333: Matter of REZONING portions of QUARTER SECTIONS 53 and 78, RANCHO DE LA NACION, MAP NO. 166 (approximately 20,342 square feet), located north of Paradise Valley Road and west of the northerly extension of Woodman Street, in the South Bay Terraces Community Plan area, from ZONE R-1-40 to ZONE R-1-5.

(134 - 135)

(CASE NO. 32-79-3)

Subitem a: Adopted as Resolution R-250754.

(R-80-870) Adoption of a RESOLUTION certifying that the information contained in SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 76-09-49 S3 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said supplemental report has been reviewed and considered by the Council;

Subitem b: Introduced, to be Adopted December 17, 1979.

(O-80-160) INTRODUCTION of an ORDINANCE for R-1-5 Zoning; and

Subitem c: Adopted as Resolution R-250755.

(R-80-) Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 76-09-49 S3.

Hearing began 11:14 a.m.

Hearing halted 11:15 a.m.

Motion by Stirling to close the hearing, introduce (b), and adopt (a) and (c).

Second by Killea.

Passed unanimously. Not present-4,M.

ITEM 334: Referred to Planning. (130 - 131)

Matter of REZONING portions of LOTS 1037 and 1039, BAY TERRACES UNIT NO. 15, MAP NO. 7765; LOTS 1040 through 1046, BAY TERRACES UNIT NO. 16, MAP NO. 7766 and a portion of QUARTER SECTION of LOT 51, RANCHO DE LA NACION, MAP NO. 166 (approximately 30 acres), located east of Briarwood Road between Ilsacia Street and Paradise Valley Road, in the South Bay Terraces Community Plan area, from ZONE R-2A (portion in HR) to ZONE R-1-5.

(CASE NO. 32-79-4)

Subitem a: (R-80-872) Adoption of a RESOLUTION certifying that the information contained in SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 76-09-49S6 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said supplemental report has been reviewed and considered by the Council;

Subitem b: (O-80-162) INTRODUCTION of an ORDINANCE for R-1-5 Zoning; and

Subitem c: (R-80-) Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 76-09-49S6.

Hearing began 11:10 a.m.

Hearing halted 11:11 a.m.

Motion by Stirling to refer to Planning
due to a problem with the legal description
and incorrect noticing from the beginning.

Second by Killea.

Passed unanimously. Not present-4,M.

ITEM 335: Matter of REZONING a portion of RANCHO LOS PENASQUITOS (approximately 150 acres), located on the west side of Black Mountain Road between Penasquitos Canyon and Twin Trails Drive, in the Penasquitos East Community Plan area, from ZONE A-1-10 (a portion in HR) to ZONE R-1-5 with a request for authorization of overheight slopes. (131 - 134)

(CASE NO. 60-79-16)

ITEM 335: Continued.

Subitem a: Adopted as Resolution R-250756.

(R-80-871) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT NO. 79-02-33 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 December 17, 1979.

(O-80-161) INTRODUCTION of an ORDINANCE for R-1-5 Zoning; and

Subitem c: Adopted as Resolution R-250757.

(R-80-) Adoption of a RESOLUTION containing the appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT NO. 79-02-33.

Hearing began 11:11 a.m.
Hearing halted 11:14 a.m.

Motion by Mitchell to close the hearing,
introduce (b), and adopt (a) and (c).

Second by Stirling.

Passed. Yeas-1,2,3,5,7,8. Nay-6.

Not present-4,M.

EXECUTIVE
SESSION #4:

Adopted as Resolution R-250824.

Authorizing the City Attorney to settle condemnation action entitled "The City of San Diego v. Lloyd L Cottingham, et al.," Superior Court No. 383992, as to Parcel 3, for a total amount of \$275,000.00; that the Revolving Fund establish for payment of incidental costs connected with open space projects be closed and Resolution No. 206866 be rescinded and the remaining balance of \$172,235.00 for the purpose of acquiring Sunset Cliffs Park (CIP 29-259) be appropriated; transferring the sum of \$17,565.00 from the Environmental Growth Fund (Fund 10505) Open Space Maintenance Program (Program 210) to Capital Improvements Program (Program 250) CIP 29-259; and authorizing the City Auditor and Comptroller to issue a check-warrant in the amount of \$189,800.00 to Robert D. Zumwalt, County Clerk, in full settlement.

Meeting recessed at 11:18 a.m. into Executive Session by Deputy Mayor Lowery on pending litigation, personnel matters, and meet with management on meet and confer matter in the conference room on the west side of the 11th floor.

MINUTES OF THE COUNCIL OF THE CITY OF SAN DIEGO
FOR THE REGULAR MEETING OF TUESDAY, DECEMBER 4, 1979
IN THE CHAMBERS OF THE COUNCIL AT 2:00 P.M.

ATTENDANCE:

Present: Mayor Wilson (M), and Councilmembers Mitchell (1), Cleator (2), Lowery (3), Williams (4), Schnaubelt (5), Gotch (6), Stirling (7), and Killea (8).
Clerk: Mutascio

Meeting reconvened at 2:13 p.m. by Mayor Wilson with Councilmembers Lowery, Williams, and Schnaubelt not present.

Meeting recessed at 3:32 p.m. by Mayor Wilson.

Meeting reconvened at 4:00 p.m. by Mayor Wilson with Councilmember Lowery not present.

ITEM 336: Introduced, to be adopted December 17, 1979.
(Tape Loc. 020 - 032)
and 087 - 099)

(Continued from the Meeting of October 9, 1979 at the Planning Department's request.) Proposal to apply the HR (HILLSIDE REVIEW) OVERLAY ZONE to the whole or any part of the following property in the GOLDEN HILL AREA:

Those hillsides east of 30th Street and west of Wabash Boulevard and between Beech Street on the north and Highway 94 on the south.

(CASE NO. 6-78-1 - SOUTH GOLDEN HILL - City-initiated - Drawing No. C-635.)

(O-80-6) Today's action is INTRODUCTION of an ORDINANCE for HR Overlay Zoning.

Hearing began 2:30 p.m.
Hearing halted 2:42 p.m.

Hearing began 4:00 p.m.
Hearing halted 4:12 p.m.

Testimony given in opposition by Michael M. Ramsey.

ITEM 336 continued:

Direction given to staff to take measurements of Mr. Gerald Fox's property regarding slope, with Council to review results when Ordinance is ready for adoption December 17, 1979.

Motion by Killea to close hearing and introduce.

Second by Stirling.

Passed. Yeas-1,2,6,7,8,M. Nay-5.

Not present-3,4.

ITEM 337:

Introduced, to be adopted December 17, 1979.

(Tape Loc. 032 - 082)

(Continued from the Meetings of October 9 and 22, 1979 at Gerald Fox's request.) Matter of REZONING Subarea P in the GREATER GOLDEN HILL PRECISE PLAN AREA which consists of 15.1 acres in the 32nd Street Canyon, between Cedar and C Streets, exclusive of C Street frontage, from ZONE R-2 to ZONE R-1-10.

(CASE NO. 6-79-1 - City-initiated - Drawing No.C-645.1)

(0-80-70) Today's action is INTRODUCTION of an ORDINANCE for R-1-10 Zoning.

Hearing began 2:42 p.m.

Hearing halted 3:32 p.m.

Testimony given in favor by Don Gullans, Matt Fisher, Barbara McCarthy, and Cherie Black.

Testimony given in opposition by Richard Van Ritter, and Gerald Fox.

Councilmember Williams entered 3:15 p.m.

Motion by Killea to close hearing and introduce.

Second by Williams.

Passed. Yeas-1,2,4,6,7,8,M. Nay-5.

Not present-3.

ITEM 338:

Continued to January 8, 1980, 2:00 p.m. Time Certain.

(Tape Loc. 096 - 103)
and 104 - 178)

(Continued from the Meeting of October 9, 1979 at the Planning Department's request.) Matter of REZONING a portion of Subarea Q in the GREATER GOLDEN HILL PRECISE PLAN AREA which consists of 6.8 acres in the 34th Street Canyon between Date and B Streets, from ZONE R-2 to ZONE R-1-10.

(CASE NO. 6-79-1 - City-initiated - Drawing No. C-645.1)

(O-80-117) Today's action is INTRODUCTION of an ORDINANCE for R-1-10 Zoning.

Hearing began 4:12 p.m.

Hearing halted 4:19 p.m.

Hearing began 4:20 p.m.

Hearing halted 5:34 p.m.

Mayor Wilson out 4:34 p.m.

Deputy Mayor Lowery in 4:38 p.m.

Councilmember Mitchell out 5:00 p.m.

Councilmember Schnaubelt out 5:30 p.m.

Testimony given in favor by Tom Webb, Peter Amato, and Jane Amato.

Testimony given in opposition by Jerry Dawson, and Phillip Walling.

Motion by Williams to extend proponent/opponent time by ten minutes.

Second by Stirling.

Passed unanimously. Not present-M.

Motion by Williams to suspend rules to extend time of meeting past 5:30 p.m. for ten minutes only.

Second by Cleator.

Passed unanimously. Not present-1,5,M.

See ITEM 339 for motion.

ITEM 339: Continued to January 8, 1979, 2:00 p.m., Time Certain.
(Tape Loc. 104 - 178)

(Continued from the Meeting of November 20, 1979 at appellant's request.) APPEAL of PETER AMATO from the decision of the PLANNING COMMISSION in APPROVING the TENTATIVE SUBDIVISION MAP of GOLDEN HILLS VILLAS, which proposes a one-lot subdivision of a portion of PUEBLO LOT 1140, CHOATES ADDITION, MAP 351 and a portion of MORSE, WHALEY and DALTON ADDITION, MAP 516. The subject property is located west of Whaley Avenue between Ash and Beech Streets in the R-2 (HR) ZONE and within the boundaries of the Park Northeast Community Plan.

(T. M. 79-127)

Subitem a: (R-80-) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL IMPACT REPORT NO. 79-03-50 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: (R-80-) Adoption of a RESOLUTION granting the appeal and denying the map, or denying the appeal and granting the map with appropriate findings to support Council action; and

Subitem c: (R-80-) Adoption of a RESOLUTION containing the findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT NO. 79-03-50.

MOTION FOR ITEMS 338 AND 339

Motion by Killea to continue Items 338 and 339 to January 8, 1980, 2:00 p.m., time certain for full Council, and with the condition that staff is to confer with the contractor and community planning group to assist in resolving zoning regulations.

Second by Williams.

Passed unanimously. Not present-l,M.

ITEM 340: PAVING and otherwise improving RITCHEY STREET between Woodman Street and Madrone Avenue - on Resolution of Intention No. 250373.

Subitem a: Adopted as Resolution R-250759.

(R-80-) Adoption of RESOLUTION OF FEASIBILITY; and

ITEM 340 continued:

Subitem b: Adopted as Resolution R-250760.

(R-80-538) Adoption of a RESOLUTION ORDERING WORK and directing NOTICE INVITING BIDS.

Hearing began 4:19 p.m.
Hearing halted 4:20 p.m.

Motion by Williams to close hearing and adopt.
Second by Mitchell.
Passed unanimously. Not present-3.

ITEM 341: Adopted as Resolution R-250761. (Tape Loc. 006 - 009)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the ADAMS AVENUE (Interstate 15 to Van Dyke Avenue) UNDERGROUND UTILITY DISTRICT.

(R-80-606) Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

Hearing began 2:15 p.m.
Hearing halted 2:18 p.m.

Councilmember Schnaubelt in 2:17 p.m.

Motion by Stirling to close hearing and adopt.
Second by Killea.
Passed unanimously. Not present-3,4.

ITEM 342: Adopted as Resolution R-250762. (Tape Loc. 009 - 010)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the "C" STREET (Tenth Avenue to Twelfth Avenue) UNDERGROUND UTILITY DISTRICT.

(R-80-691) Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

Hearing began 2:18 p.m.
Hearing halted 2:20 p.m.

Motion by Killea to close hearing and adopt.
Second by Stirling.
Passed unanimously. Not present-3,4.

ITEM 343: Adopted as Resolution R-250763. (Tape Loc. 010 - 012)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the EL CAJON BOULEVARD (54th Street to 62nd Street) UNDERGROUND UTILITY DISTRICT.

(R-80-757) Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

Hearing began 2:20 p.m.
Hearing halted 2:21 p.m.

Motion by Stirling to close hearing and adopt.
Second by Gotch.
Passed unanimously. Not present-3,4.

ITEM 344: Continued to December 11, 1979. (Tape Loc. 012 - 021)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the LAUREL STREET (Columbia Street to First Avenue) and STATE STREET (Juniper Street to Maple Street) UNDERGROUND UTILITY DISTRICT.

(R-80-620) Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

Hearing began 2:21 p.m.
Hearing halted 2:30 p.m.

Testimony given in favor by E. C. Mehner.

Motion by Killea to continue at Engineering and Development Department's request.
Second by Stirling.
Passed unanimously. Not present-3,4.

ITEM 345: Matter of REZONING a portion of the NORTHEAST $\frac{1}{4}$ of the SOUTHWEST $\frac{1}{4}$ of SECTION 35, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M. (approximately 3.85 acres), located on the west side of Dairy Mart Road and northeast of San Ysidro Boulevard, in the San Ysidro Community Plan area, from ZONE A-1-5 to ZONES CN and CR.
(Tape Loc. 178 - 180)

(CASE NO. 48-79-11)

ITEM 345 continued:

Subitem a: Adopted as Resolution R-250764.

(R-80-873) Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION NO. 79-05-54 and the FIRST AMENDMENT, thereto, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration and first amendment, thereto, have been reviewed and considered by the Council; and

Subitem b: Introduced, to be adopted December 17, 1979.

(O-80-163) INTRODUCTION of an ORDINANCE for CN and CR Zoning.

Hearing began 5:35 p.m.
Hearing halted 5:37 p.m.

Motion by Killea to close hearing, adopt (a), and introduce (b).

Second by Williams.

Passed unanimously. Not present-1,5,M.

ITEM 346: Continued to December 18, 1979, 4:00 p.m.

(Tape Loc. 180 - 185)

APPEALS of CYNTHIA GULLICKSON and SANDRA McGOWAN from the decision of the PLANNING COMMISSION in GRANTING CONDOMINIUM CONVERSION PERMIT NO. 4, which proposes the conversion of RUF N' READY APARTMENTS to condominiums. The subject property is located on the east side of Ruffin Road between Success Avenue and Gramercy Drive, in the CO ZONE and within the boundaries of the Serra Mesa Community Plan, and is more particularly described as PARCEL 1, PARCEL MAP NO. 3876.

(CCP No. 4)

(R-80-) Today's action is adoption of a RESOLUTION granting the appeal and denying the permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

ITEM 346 continued:

Hearing began 5:36 p.m.
Hearing halted 5:43 p.m.

Motion by Williams to continue to December 18, 1979,
4:00 p.m. at appellant's request.
Passed unanimously. Not present-1,5,M.

UNANIMOUS
CONSENT #1:

Adopted as Resolution R-250765.

(Tape Loc. 185 - 188)

(R-80-) Excusing Councilmember Fred Schnaubelt from Council Meetings of December 10 and 11th; Rules Committee Meeting of December 10th; and Transportation and Land Use Committee Meeting of December 12, 1979, for the purpose of vacation.

Motion by Stirling to adopt.
Second by Killea.
Passed unanimously. Not present-1,5,M.

UNANIMOUS
CONSENT #2:

Adopted as Resolution R-250766.

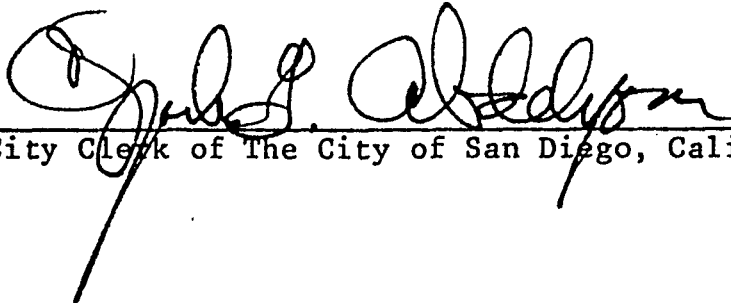
(Tape Loc. 188 - 189)

(R-80-) Excusing Mayor Pete Wilson from Council Meeting of May 15, 1979, due to illness.

Motion by Williams to adopt.
Second by Gotch.
Passed unanimously. Not present-1,5,M.

ADJOURNMENT:

Meeting adjourned at 5:44 p.m. by Deputy Mayor Lowery.



City Clerk of The City of San Diego, California