

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 11, 1980
AT 8:30 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Lowery at 8:50 a.m. A recess was called by Deputy Mayor Lowery at 8:55 a.m. Deputy Mayor Lowery reconvened the meeting at 9:10 a.m. with Councilmember Schnaubelt and Mayor Wilson not present. A recess was called by Deputy Mayor Lowery at 10:07 a.m. Deputy Mayor Lowery reconvened the meeting at 10:40 a.m. with Councilmembers Mitchell, Schnaubelt, Gotch, and Mayor Wilson not present. A recess was called by Deputy Mayor Lowery at 10:43 a.m. to reconvene at 2:00 p.m.

Mayor Wilson reconvened the meeting at 2:10 p.m. with Councilmembers Lowery, Williams and Schnaubelt not present. Meeting recessed by Mayor Wilson at 4:05 p.m. Meeting reconvened by Mayor Wilson at 4:31 p.m. with Councilmembers Mitchell, Williams and Stirling not present. Meeting adjourned by Deputy Mayor Lowery at 5:55 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Wilson-present.
- (1) Councilmember Mitchell-present.
- (2) Councilmember Cleator-present.
- (3) Councilmember Lowery-present.
- (4) Councilmember Williams-present.
- (5) Councilmember Schnaubelt-present.
- (6) Councilmember Gotch-present.
- (7) Councilmember Stirling-present.
- (8) Councilmember Killea-present.

Clerk-Abdelnour and Mutascio (bb,eb)

CITY COUNCIL AGENDA:

ITEM-300: Clerk Abdelnour called the roll:

Mayor Wilson-not present.
Councilmember Mitchell-present.
Councilmember Cleator-present.
Councilmember Lowery-present.
Councilmember Williams-not present.
Councilmember Schnaubelt-not present.
Councilmember Gotch-present.
Councilmember Stirling-present.
Councilmember Killea-present.

* ITEM-121: (R-80-1569)

Approving the Transportation and Land Use Committee recommendations on those CITY-OWNED SITES NUMBERED 73, 271-273, 661, 662, 674, 765, 784, 785, 809, 829, 830, 834 and 848.

CITY COUNCIL ACTION: (Tape location: A005-006).

Trailed from March 10, 1980.

Adopted as Resolution R-251363.

MOTION BY STIRLING TO ADOPT. Second by Gotch. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-not present. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-not present.

ITEM-310: (R-80-1494)

Declaring the week of March 9 through March 15, 1980, as "GIRL SCOUT WEEK"; declaring March 11, 1980, as GIRL SCOUTS IN GOVERNMENT DAY.

CITY COUNCIL ACTION: (Cassette location: A006-012).

Adopted as Resolution R-251364.

MOTION BY STIRLING TO ADOPT. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-not present.

ITEM-311: Fifteen Jr. Foreign Officers will attend this meeting accompanied by Lieutenant Commander DeLong of the U.S. Navy.

CITY COUNCIL ACTION: (Cassette location: A012-015).

Welcomed.

ITEM-330: Matter of REZONING LOTS 6 and 7, BLOCK 148, MIDDLETOWN and a portion of UPAS STREET CLOSED, C.C. 1-1874 (approximately 16,000 square feet), located on the northwest side of Upas Street between Columbia and State Streets, in the Uptown Community Plan area, from ZONE R-2 to ZONE R-2A.

(DISTRICT-8)

(CASE-12-79-5)

Subitem-A: (R-80-1478)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-07-38 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: (0-80-231)

INTRODUCTION of an ORDINANCE for R-2A Zoning.

CITY COUNCIL ACTION: (Tape location: A001-005 and A012-062).

Subitem-A filed.
Subitem-B filed.

Hearing began 8:51 a.m. Hearing recessed 8:55 a.m.
Hearing resumed 9:16 a.m. Hearing halted 10:07 a.m.

Testimony in favor by Jack Appel.

Testimony in opposition by Sidney McSwain.

Motion by Stirling to direct City Manager to do an analysis of traffic flow at the above location. Second by Killea. Passed by the following vote: Yeas-1, 2, 3, 4, 6, 7, 8. Not present-5, M.

MOTION BY KILLEA TO ADOPT STAFF RECOMMENDATION OF DENYING THE APPEAL OF R-2A ZONING. Second by Mitchell. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-not present.

ITEM-331: APPLICATION of W/C JOINT VENTURE, owner, and SOUTHWESTERN CABLE T.V., permittee, for permission, under CONDITIONAL USE PERMIT CUP-589-PC, to construct and operate a T.V. office and studio facility of 22,250 square feet with parking and landscaping on a 2.7 acre site in the M-1B ZONE. The subject property is located north of Carroll Road and west of Camino Santa Fe, in the Mira Mesa Community Plan area, and is more particularly described as a portion of PARCELS 1 and 2, PARCEL MAP PM-2088.

(DISTRICT-1)

(CUP-589-PC)

Subitem-A: (R-80-)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-10-61 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 application and the permit with appropriate findings to support Council action.

CITY COUNCIL ACTION: (Tape location: A063-070).

Subitem-A adopted as Resolution R-251365.

Subitem-B adopted as Resolution R-251366.

Hearing began 10:41 a.m. Hearing halted 10:43 a.m.

MOTION BY STIRLING TO ADOPT. Second by Killea. Passed by the following vote: Mitchell-not present. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-not present. Stirling-yea. Killea-yea. Mayor Wilson-not present.

ITEM-332: (R-80-)

(Trailed as unfinished business from the Meeting of January 22 to January 28, 1980. Continued from the Meetings of January 28 and February 12, 1980 at the Mayor's request.)

APPEAL of TIMOTHY E. FIELDS, from the decision of the PLANNING COMMISSION in APPROVING TENTATIVE SUBDIVISION MAP NO. TM-79-451 and CONDOMINIUM CONVERSION PERMIT NO. CCP-1, which proposes the conversion of existing apartment units to condominiums. The subject property is located on the north west corner of Riley Street and Colusa Street, in the R-3 ZONE and within the boundaries of the Kearny Vista Community Plan, and is more particularly described as LOTS 9 and 10, BLOCK 1, SILVER TERRACE ADDITION, AMENDMENT MAP-695.

(DISTRICT-6)

(CCP-1)

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.

CITY COUNCIL ACTION: (Tape location: E425-F186).

Appeal denied as Resolution R-251367.

Hearing began 4:32 p.m. and halted 4:59 p.m.

Testimony in favor of the appeal by Timothy Fields.

Councilmember Williams entered 4:38 p.m.

Councilmember Mitchell entered 4:40 p.m.

Testimony in opposition by Mr. Stevenson.

MOTION BY SCHNAUBELT TO CLOSE THE HEARING; ADOPT RESOLUTION DENYING THE APPEAL AND GRANTING THE PERMIT; AND REFER TO THE PLANNING COMMISSION THE QUESTION OF THE ABUSE BY LANDLORDS OF WITHHOLDING SECURITY DEPOSITS TO FRUSTRATE THE INTENT OF THE COUNCIL AND THE ORDINANCE TO PROVIDE ASSISTANCE IN THE AMOUNT OF TWO-MONTHS' RENT. Second by Lowery. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-nay. Stirling-not present. Killea-yea. Mayor Wilson-yea.

ITEM-333: (R-80-)

(Continued from the Meetings of January 15 and February 12, 1980 at the Mayor's request.)

APPEAL of PAULINE D. PARR from the decision of the PLANNING COMMISSION in APPROVING CONDOMINIUM CONVERSION PERMIT CCP-15, which proposes the conversion of existing apartment units (RIVIERA DE VILLE) to condominiums. The subject property is located on the southeast corner of Armstrong Street and Armstrong Place in the R-3 ZONE and within the boundaries of the Clairemont Mesa Community Plan, and is more particularly described as LOTS 72 through 74, PUEBLO VISTA UNIT NO. 2, MAP-5470.

(DISTRICT-5)

(CCP-15)

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.

CITY COUNCIL ACTION: (Tape location: C025 - E393).

Appeal denied as Resolution R-251368.

Motion by Killea to continue for City Attorney opinion on whether the waiver form provided tenants is adequate notice. Second by Williams. Defeated by the following vote: Yeas-1,4,6,8. Nays-2,3,5,7,M. Not present-None.

Motion by Cleator to determine that the notice is adequate. Second by Lowery. Defeated by the following vote: Yeas-2,3,5. Nays-1,4,6,7,8,M. Not present-None.

Motion by Schnaubelt to direct the City Attorney to draft a model form as an amendment to Ordinance No. 0-15013 (New Series) prescribing adequate notice. Second by Gotch. Passed by the following vote: Yeas-1,4,5,6,7,8,M. Nays- 2,3. Not present-None.

Hearing on the appeal began 3:19 p.m. and halted 4:05 p.m.

Testimony in favor of the appeal by David Durkin, Pauline Park, Jeanne Lot and Carole Brocato.

Testimony in opposition to the appeal by Jeff Mason.

MOTION BY STIRLING TO CLOSE THE HEARING; ADOPT RESOLUTION DENYING THE APPEAL AND GRANTING THE PERMIT ON CONDITION THAT THE 13 PROSPECTIVE TENANTS WHO RECEIVED DEFECTIVE NOTICES BE ACCORDED THE BENEFITS OF THE PRE-EXISTING TENANTS. Second by Schnaubelt. Passed by the following vote: Mitchell-nay. Cleator-yea. Lowery-yea. Williams-nay. Schnaubelt-yea. Gotch-nay. Stirling-yea. Killea-nay. Mayor Wilson-yea.

ITEM-334: (R-80-608)

Establishing an UNDERGROUND UTILITY DISTRICT to be known and denominated as the IMPERIAL AVENUE (61st Street to 65th Street) UNDERGROUND UTILITY DISTRICT.

(East Encanto Community area. DISTRICT-4)

Today's action is adoption of a RESOLUTION declaring the area an Underground Utility District.

CITY COUNCIL ACTION: (Tape location: F202).

Adopted as Resolution R-251369.

Hearing began 5:00 p.m. and halted 5:01 p.m.

MOTION BY WILLIAMS TO CLOSE THE HEARING AND ADOPT. Second by Gotch. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-yea. Killea-yea. Mayor Wilson-not present.

ITEM-335: Matter of REZONING a portion of PUEBLO LOT 1202 of THE PUEBLO LANDS OF SAN DIEGO, MISCELLANEOUS MAP-36 (approximately 1.3 acres), located on the west side of Linda Vista Road between Mesa College Drive and Markham Street, in the Clairemont Mesa Community Plan area, from ZONE R-1-5 to ZONE CN.

(DISTRICT-5)

(CASE-35-80-1)

Subitem-A: (R-80-1479)

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-79-10-27 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-80-232)

INTRODUCTION of an ORDINANCE for CN Zoning.

CITY COUNCIL ACTION: (Tape location: F218 - F339)

Subitem-A adopted as Resolution R-251370.

Subitem-B introduced, to be adopted March 24, 1980.

Hearing began 5:01 p.m. and halted 5:10 p.m.

Testimony in favor by Elbert Frost.

MOTION BY SCHNAUBELT TO CLOSE THE HEARING; ADOPT SUBITEM A; AND INTRODUCE SUBITEM B, THE ORDINANCE FOR CN ZONING. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-yea. Schnaubelt-yea. Gotch-yea. Stirling-not present. Killea-yea. Mayor Wilson-not present.

ITEM-336: (R-80-)

(Continued from the Meetings of January 15 and February 12, 1980 at the Mayor's request.)

APPEALS of JOSEPHINE and DONALD B. CURTIS et al, from the decision of the PLANNING COMMISSION in GRANTING CONDOMINIUM CONVERSION PERMIT CCP-16, which proposes the conversion of existing apartment units (VILLA WEST) to condominiums. The subject property is located on the north side of Beadnell Way between Cannington Drive and Charger Boulevard, in the R-3 ZONE and within the boundaries of the Clairemont Mesa Community Plan, and is more particularly described as LOTS 1 through 4, BALBOA TOWNHOUSES RESUBDIVISION NO. 1, MAP-5622.

(DISTRICT-5)

(CCP-16)

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.

CITY COUNCIL ACTION: (Tape location: F340 - G210).

Appeal denied as Resolution R-251371.

Hearing began 5:10 p.m. and halted 5:43 p.m.

Testimony in favor by Carole Brocato, David Durkin and Jeff Mason.

Motion by Killea to determine that the waiver form is inadequate to provide proper notice to prospective tenants. Second by Gotch. Defeated by the following vote: Yeas-1,4,7,8. Nays-2,3,5,6. Not present-M.

Motion by Mitchell to amend Councilmember Schnaubelt's motion to deny the appeal to add the condition that the four people who were prospective tenants be included under the provisions of Ordinance O-15013 (New Series) for relocation assistance. Second by Cleator. Passed by the following vote: Yeas-1,2,4,5,6,8. Nays-3. Not present-7,M.

Motion by Schnaubelt to suspend the rules of the Council to extend the time of the Council Meeting to 5:45 p.m. Second by Williams. Passed by the following vote: Yeas-1,2,3,4,5,6,8. Nays-None. Not present-7,M.

Motion by Killea to continue for full Council. Second by Gotch. Failed by the following vote: Yeas-1,4,6,8. Nays-2,3,5. Not present-7,M.

MOTION BY SCHNAUBELT TO CLOSE THE HEARING AND ADOPT RESOLUTION DENYING THE APPEAL AND UPHOLD THE PLANNING COMMISSION'S RECOMMENDATION ON THE CONDITION THAT THE FOUR PEOPLE WHO WERE PROSPECTIVE TENANTS BE INCLUDED UNDER THE PROVISIONS OF ORDINANCE O-15013 (N.S.) FOR RELOCATION ASSISTANCE. Second by Cleator. Passed by the following vote: Mitchell-yea. Cleator-yea. Lowery-yea. Williams-nay. Schnaubelt-yea. Gotch-nay. Stirling-not present. Killea-yea. Mayor Wilson-not present.

ITEM-337: (R-80-)

(Continued from the Meetings of January 15 and February 12, 1980 at the Mayor's request.)

APPEAL of BILL DAVID VIVIAN from the decision of the PLANNING COMMISSION in APPROVING CONDOMINIUM CONVERSION PERMIT CCP-18, which proposes the conversion of existing apartment units (GENESEE GARDEN VILLAS) to condominiums. The subject property is located on the north and south sides of Hummingbird Lane and Nightingale Way between I-805 and Meadowlark Drive, in the R-4 ZONE and within the boundaries of the Serra Mesa Community Plan, and is more particularly described as LOTS 1 through 49, and a portion of PARCEL B, GENESEE GARDENS, MAP-5322.

(DISTRICT-5)

(CCP-18)

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.

CITY COUNCIL ACTION: (Tape location: G215).

Continued to 4:00 p.m., Monday, March 24, 1980.

Motion by Schnaubelt to close the hearing and deny the appeal. No Second.

MOTION BY MITCHELL TO CONTINUE TO 4:00 P.M., MARCH 24, 1980, DUE TO LACK OF TIME. Second by Williams. Passed by the following vote: Mitchell-yea. Cleator-nay. Lowery-yea. Williams-yea. Schnaubelt-nay. Gotch-yea. Stirling-not present. Killea-yea. Mayor Wilson-not present.

UC-2: (R-80-1625)

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Approving the acceptance by the CITY MANAGER of FLOWAGE AND EASEMENT DEEDS of Wesley Lee Stark, Jr., an unmarried man, executed in favor of The City of San Diego, bearing dates of March 6, 1980, conveying to said City easements for flowage and street purposes in all that portion of LOT 73 of LAS ALTURAS VILLA SITES, according to MAP-501 filed in the office of the County Recorder, as more particularly described in said deeds; dedicating the land in said street easement deed for a public street, and naming same BONITA DRIVE.

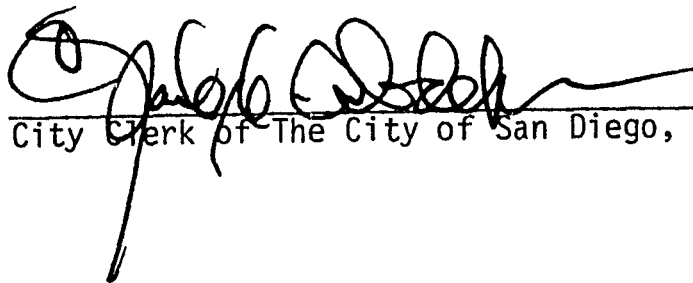
CITY COUNCIL ACTION: (Tape location: G286).

Adopted as Resolution R-251372.

MOTION BY WILLIAMS TO ADOPT. Second by Mitchell. Passed by the following vote: Mitchell-yea. Cleator-not present. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-not present. Killea-yea. Mayor Wilson-not present.

ADJOURNMENT:

Motion by Mitchell to adjourn in memory of Frederick Whitaker. Second by Killea. Passed by the following vote: Mitchell-yea. Cleator-not present. Lowery-yea. Williams-yea. Schnaubelt-not present. Gotch-yea. Stirling-not present. Killea-yea. Mayor Wilson-not present.



City Clerk of The City of San Diego, California