

REGULAR MEETING OF THE COUNCIL OF THE CITY OF  
SAN DIEGO, CALIFORNIA - THURSDAY, AUGUST 28, 1975  
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING  
CHARLES C. DAIL CONCOURSE

Present-Councilmen Johnson, O'Connor, Hubbard, Williams, Martinet,  
Ellis, Haro, and Mayor Wilson.

Absent--Councilman Morrow.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:35 a.m.

(Item 250)

Roll call was taken.

(Item 251)

Mayor Wilson introduced Mr. Michael Newman, Deacon, Editor  
of the Southern Cross, who gave the Invocation.

(Item 252)

Councilman Johnson led the Pledge of Allegiance.

(Item 150 - Unfinished Business - Docket of August 27, 1975)

A proposed Resolution, awarding a contract to Tab Construction,  
Inc., for construction of Chollas Creek trunk sewer, for the sum  
of \$3,767,264; authorizing the expenditure of \$4,017,200 from  
Sewer Revenue Fund No. 506 for said purpose and related costs,  
was presented.

Robert D. Woods, Alex P. Rados, and Arthur Bostow appeared to  
speak in opposition to the proposed Resolution.

Councilman Morrow entered the Chambers.

Dale Powell and Al Saez appeared to speak in favor of the  
proposed Resolution.

Assistant City Manager Graham answered questions directed  
by the Council.

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

(Item 150 - Continued)

Chief Deputy City Attorney Johnson answered questions directed by the Council.

A vote was then taken on the previous motion by Councilman Haro to adopt the Resolution, which failed by the following vote: Yeas-Councilmen Johnson, Ellis, Haro, and Mayor Wilson. Nays-Councilmen O'Connor, Hubbard, Williams, Morrow, and Martinet. Absent-None.

A motion by Councilman Morrow to amend the Resolution and award the contract to Steve P. Rados, Inc., received no vote at this time.

A motion by Councilman Ellis to rebid, died for lack of a second.

RESOLUTION 214114, accepting the bid of \$3,768,357 by Steve P. Rados, Inc., for construction of Chollas Creek Trunk Sewer, Base Bid Items 1 through 55; authorizing the expenditure of \$4,017,200 from Sewer Revenue Fund No. 506 for said purpose and related costs, was adopted on motion of Councilman Morrow, which passed by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, and Martinet. Nays-Councilmen Johnson, Ellis, Haro, and Mayor Wilson. Absent-None.

Mayor Wilson recessed the Meeting at 9:59 a.m. Upon reconvening at 10:22 a.m., the roll call showed all present.

(Item 301 - CUP 391-PC/EOT)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on the appeals of Citizens to Save Open Space, by M. Eloise Battle, chairman, and Marian R. Bear, from the decision of the Planning Commission in granting the application of The Anderson Foundation, owner/permittee, for an extension of time to Conditional Use Permit No. 391-PC, to construct and operate a 199-unit, non-profit, housing and development for the elderly and handicapped. The property is located at the northeast corner of Cowley Way and Mt. Acadia Boulevard, more particularly described as Lot 6, Forest Park Plaza, in the R-3 (LC Overlay) Zone. It was reported that no written protests had been received.

Marian Bear, John Chalmers, Eloise Battle and Earl Theiland appeared to speak on the matter.

Councilman Morrow moved to continue the matter to September 4, 1975, at 2:00 p.m., Time Certain, at appellant's request, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Williams, Morrow, Haro, and Mayor Wilson. Nays-Councilmen Hubbard, Martinet, and Ellis. Absent-None.

Councilman Haro left the Chambers.

(Unanimous Consent No. 1)

By Unanimous Consent granted to Councilman Williams, a proposed Resolution, excusing Councilman Williams from Council Meeting of August 28, 1975 to attend the League of California Meeting in Los Angeles, was presented.

RESOLUTION 214115, excusing Councilman Leon L. Williams from Council meeting of Thursday, August 28, 1975, for the purpose of attending the League of California Cities Community Development Committee meeting in Los Angeles, was adopted on motion of Councilman Morrow.

Councilman Williams left the Chambers

(Item 152 - Unfinished Business - Docket of August 27, 1975)

A proposed Resolution, authorizing the expenditure of \$1,000 out of Unallocated Reserve Fund No. 100, for the purpose of providing funds to the National League of Cities as the City of San Diego's contribution to help defray legal fees incurred by the League in connection with a suit filed by the League against the United States Government challenging the constitutionality of those parts of the 1975 amendments to the Fair Labor Standards Act (FLSA) which extend the coverage of the FLSA to State and municipal employees, was presented.

On motion of Councilwoman O'Connor, the proposed Resolution was continued to September 4, 1975 and referred to the Rules Committee.

By common consent, the Council agreed to change the hearing date on Item 207 under Referral Agenda - Committee on Public Services and Safety from September 3, 1975 to September 10, 1975.

(Item 154 - Unfinished Business - Docket of August 27, 1975)

A proposed Resolution, in the matter of consideration of proposals solicited from the private sector for the operation of the "Dial-A-Ride" Transportation Program, was presented.

Assistant City Manager Graham and Transportation Director Simpson answered questions directed by the Council.

Councilman Haro entered the Chambers.

(Item 154 - Continued)

Councilman Hubbard moved to suspend the rules to allow more than 15 minutes presentation per side, which passed unanimously.

John J. Ford, Tony Simpson, Roy Helsing, Bill Hilton, Noel Neudeck, Robert Reading, Earl Theilan, Martha Little, Marguerite Schartzman and Barbara Brown appeared to speak.

Assistant City Manager Graham answered questions directed by the Council.

Councilman Morrow moved to refer the proposed Resolution to the City Manager for analysis and Transportation and Land Use Committee.

Councilman Johnson left the Chambers.

(Unanimous Consent No. 2)

By Unanimous Consent granted to the City Manager, the following Resolutions were adopted on motion of Councilwoman O'Connor. Councilwoman O'Connor was excused from voting due to possible conflict of interest.

RESOLUTION 214116, assenting to the contracts of RETC as listed below:

- 1 - Amendment of CETA Title I Contract with State of California Employment Development Department
- 2 - Amendment of Contract with City of San Diego - San Diego Regional Youth Program
- 3 - Amendment of CETA Title I Contract with Episcopal Community Service
- 4 - Amendment of CETA Title I Contract with Escondido Union High School District
- 5 - Amendment of CETA Title I Contract with San Diego County Jobs for Progress, Inc.
- 6 - Amendment of CETA Title I Contract with Catholic Community Services
- 7 - Amendment of CETA Title I Contract with San Diego County Minority Plan for the Construction Industry, Inc.
- 8 - Amendment of CETA Title I Contract with Council of Pilipino-American Organization of San Diego County, Inc.
- 9 - Amendment of CETA Title I Contract with San Diego County Tribal Chairmen's Association, Inc.
- 10 - Amendment of CETA Title I Contract with San Diego Kind Corporation

(Unanimous Consent No. 2 - Continued)

- 11 - Amendment of CETA Title I Contract with San Diego Community College District
- 12 - Modification to RETC Public Service Employment Sub-Agent Agreement with The City of San Diego
- 13 - Modification to RETC Public Service Employment Sug-Agent Agreement with the County of San Diego
- 14 - Amendment to Contract with City of San Diego - San Diego Regional Youth Employment Program
- 15 - Personal Service Contract with Thomas P. Nagle, Executive Director of RETC;

RESOLUTION 214117, assenting to the contract of RETC for the Amendment of CETA Title I Contract with San Diego County for a Comprehensive County Manpower Training Program; and

RESOLUTION 214118, assenting to obligations of the RETC Annual Central Administrative Budget.

(Item 151 - CASE NO. 48-74-5 - Unfinished Business - Docket of August 27, 1975)

A proposed Resolution, granting or denying the request of Harbor Management Corporation, by Ben Polak, to file a new application with the Planning Commission to rezone a portion of the Northeast 1/4 of the Northeast 1/4 of Section 2, Township 19 South, Range 2 West, S.B.B.M., and portions of Lots A-205 and A-206 of Addition No. 3 to San Ysidro, located on Calle Primero between Cottonwood Road and Calle Primero cul-de-sac, from Zone A-1-1 to Zone M-1B, was presented.

Ben Polak appeared to speak in favor of the proposed Resolution.

RESOLUTION 214119, granting the request of Harbor Management Corporation, by Ben Polak, to file a new application with the Planning Commission to rezone a portion of the Northeast 1/4 of the Northeast 1/4 of Section 2, Township 19 South, Range 2 West, S.B.B.M., and portions of Lots A-205 and A-206 of Addition No. 3 to San Ysidro, located on Calle Primero between Cottonwood Road and Calle Primero cul-de-sac, from Zone A-1-1 to Zone M-1B, within one year; waiving the provisions of San Diego Municipal Code, Section 101.0205, was adopted on motion of Councilman Haro.

Mayor Wilson recessed the Meeting at 12:15 p.m., to reconvene at 2:00 p.m.

Upon reconvening at 2:04 p.m., the roll call showed Councilmen Williams, Morrow, Martinet, and Haro absent.

(Item 253)

The Purchasing Agent reported on all bids opened Wednesday, August 27, 1975, for paving and otherwise improving Alleys, Blocks 169, 180 and 254, Pacific Beach, and Alley, Block 2, North Shore Highlands; three bids received.

Finding was made on motion of Councilman Johnson, that bids had been opened and declared as reported. By the same motion, report was referred to the City Manager and City Attorney for recommendation.

Councilman Martinet entered the Chambers.

(Item 152 - Unfinished Business - Docket of August 27, 1975 - Second Time)

Councilman Martinet moved to reconsider the morning action.  
Councilman Martinet moved to continue the proposed Resolution to September 11, 1975 - a.m., and refer to the Rules Committee.

(Item 302)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on appeals of Lawrence Forman and Gale Fox Forman, Frank J. and Janice D. Sarn, William K. and Barbara Graham, and others, from the decision of the Planning Commission in granting the application of Diocese of San Diego Education & Welfare Corporation, owner, and CLM Management, Inc., permittee, under Conditional Use Permit No. 434-PC, to operate and maintain a two-story, 15-bed residential care facility of 4,015 square feet with parking and landscaping on a 15,000 square foot lot in the R-1-5 Zone. The subject property is Lots 14-16, Block A, Cabrillo Terrace, and is located on the south side of Canon Street between Evergreen Street and Willow Street.

It was reported that no written protests had been received.

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

Councilman Morrow entered the Chambers.

Councilman Haro entered the Chambers.

(Item 302 - Continued)

John D. Reynolds and Max Mavenshill appeared to speak in favor of the appeals.

Frank Sarne and Virginia Ennis appeared to speak in opposition to the appeals.

The hearing was closed and the following Resolution adopted on motion of Councilwoman O'Connor:

RESOLUTION 214120, denying by a vote of 8 to 0, the appeal of Lawrence Forman and Gale Fox Forman, Frank J. and Janice D. Sarn, William K. and Barbara Graham, and others, and granting to the Diocese of San Diego Education & Welfare Corporation and CLM Management, Inc., Conditional Use Permit No. 434-PC.

(Item 303 - CASE NO. 28-75-3)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of August 21, 1975, at applicant's request, on matter of rezoning Lot 1, Pentecost Park and a portion of Lot 17, Rancho Mission of San Diego, S.C.C. 348, located north of Pentecost Way, and east of Westover Place, from Zones R-1-5, R-2, and R-4 to Zone R-3.

It was reported that no written protests had been received.

Owen Crabtree and Rev. David F. Gray appeared to speak in favor of the matter.

Chief Deputy City Attorney Conrad and Ken Klein, Planning Department, answered questions directed by the Council.

The hearing was closed and the following Resolution adopted on motion of Councilman Morrow:

RESOLUTION 214121, certifying that the information contained in Environmental Negative Declaration No. 75-03-14P 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.

A proposed Ordinance, incorporating Lot 1, Pentecost Park and a portion of Lot 17, Rancho Mission of San Diego, S.C.C. 348, into R-3 Zone, as defined by Section 101.0411 of the San Diego Municipal Code and repealing Ordinance No. 8870 (New Series), adopted August 22, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Morrow, by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Morrow, Martinet, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilman Williams.

ORDINANCE NO. \_\_\_\_\_  
(New Series)

AN ORDINANCE INCORPORATING LOT 1, PENTECOST PARK AND A PORTION OF LOT 17, RANCHO MISSION OF SAN DIEGO, S.C.C. 348, IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO R-3 ZONE, AS DEFINED BY SECTION 101.0411 OF THE SAN DIEGO MUNICIPAL CODE AND REPEALING ORDINANCE NO. 8870 (NEW SERIES), ADOPTED AUGUST 22, 1963, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

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

Section 1. That Lot 1, Pentecost Park and a portion of Lot 17, Rancho Mission of San Diego, S.C.C. 348, in the City of San Diego, California, within the boundary of the district designated "R-3" on Zone Map Drawing B-2863, filed in the office of the City Clerk as Document No. 752215 be, and it is hereby incorporated into R-3 Zone as such zone is described and defined by Section 101.0411 of the San Diego Municipal Code.

Section 2. That Ordinance No. 8870 (New Series), adopted August 22, 1963, of the Ordinances of The City of San Diego be, and the same 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.

APPROVED: JOHN W. WITT, City Attorney

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

(Item 401 - CASE NO. 60-74-6)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of August 14, 1975, at applicant's request, on matter of rezoning portions of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter, Section 1, Township 14 South, Range 4 West, S.B.B.M., located on the north side of Via de la Valle, east of San Andres Drive, from Zone A-1-10 to Zone CA.

It was reported that no written protests had been received. Ferdinand Fletcher appeared to speak on the matter.

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

RESOLUTION 214122, certifying that the information contained in Environmental Negative Declaration No. 74-2-011P 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.

A proposed Ordinance, incorporating portions of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter, Section 1, Township 14 South, Range 4 West, S.B.B.M., into CA Zone, as defined by Section 101.0428.1 of the San Diego Municipal Code and repealing Ordinance No. 10936 (New Series), adopted October 5, 1972, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Johnson by the following vote: Yeas - Councilmen Johnson, O'Connor, Hubbard, Morrow, Martinet, Ellis, Haro, and Mayor Wilson. Nays - None. Absent - Councilman Williams.

Mayor Wilson recessed the Meeting at 3:12 p.m. Upon reconvening at 3:32 p.m., the roll call showed Councilmen O'Connor, Williams and Martinet absent.

ORDINANCE NO. \_\_\_\_\_  
(New Series)

AN ORDINANCE INCORPORATING PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 1, TOWNSHIP 14 SOUTH, RANGE 4 WEST, S.B.B.M., IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO CA ZONE, AS DEFINED BY SECTION 101.0428.1 OF THE SAN DIEGO MUNICIPAL CODE AND REPEALING ORDINANCE NO. 10936 (NEW SERIES), ADOPTED OCTOBER 5, 1972, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICTS HEREWITH.

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

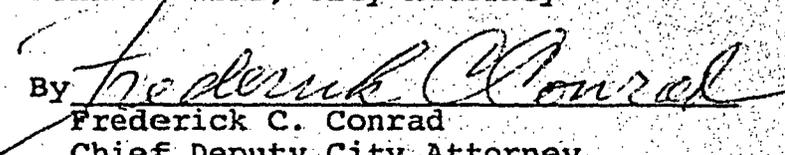
Section 1. That in the event that within two years of the effective date of this ordinance, portions of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter, Section 1, Township 14 South, Range 4 West, S.B.B.M., in the City of San Diego, California, within the boundary of the district designated "CA" on Zone Map Drawing No. B-2799.2 are subdivided and a final subdivision map or maps thereof duly approved by the City Council and thereafter recorded, and within such subdivision or subdivisions, provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use; the provisions of Section 101.0428.1 of the San Diego Municipal Code shall attach and become applicable to the said subdivided land and the said subdivided land shall be incorporated into CA Zone, as described and defined by Section 101.0428.1, the boundary of such zone to be as indicated on Zone Map Drawing No. B-2799.2, filed in the

office of the City Clerk as Document No. . Said zoning shall attach only to those areas included in the subdivision map or maps recorded as provided in this section.

Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance No. 10936 (New Series), adopted October 5, 1972, of the Ordinances of The City of San Diego, be, and the same is hereby repealed insofar as the same conflicts herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh

9/4/75 (Rev.)  
60-74-6

Councilman Martinet entered the Chambers.

Councilwoman O'Connor entered the Chambers.

(Item 402 and Item 403 were considered simultaneously)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, vacating Colima Street between Chelsea Avenue and Sea Rose Place; an unnamed Alley south of Block 36, between Calumet Avenue and Sea Rose Place, Bird Rock Addition, under Resolution of Intention 213899 and the following proposed Resolutions relative to the Final Subdivision Map of Calumet Park, a 30-lot subdivision located on the south side of Midway Street, west of La Jolla Boulevard: a) Vacating a public utility easement affecting Lots "B" through "L" and Lots "R" through "U" inclusive, Block "D", Bird Rock Villas, being unnecessary for present or prospective public use by the City; b) Authorizing an agreement with Robert L. Haniman and Anne Marie Haniman, for the completion of improvements; c) Approving the Final Map and acknowledging receipt of subdividers assurance of compliance with the Affirmative Marketing Program; and d) Approving the acceptance by the City Manager of a Deed from Robert L. Haniman and Anne M. Haniman, conveying Lot 30, Calumet Park for park purposes, were presented.

It was reported that no written protests had been received.

C.R. Lochhead, Engineering and Development Department, answered questions directed by the Council.

John Theilen appeared to speak in favor of the items.

Philip Shaefer, Barbara Shaefer, Alfred Haas, Helen Salvani, Richard Eckhart and Joseph A. Tower, appeared to speak in opposition.

Councilman Johnson moved to suspend the rules to allow for an additional 6 minutes testimony.

The hearing was closed and the following Resolutions, relative to the Final Subdivision Map of Calumet Park, were adopted on motion of Councilman Johnson, which passed by the following vote: Yeas-Councilmen Johnson, Hubbard, Martinet, Ellis, and Mayor Wilson. Nays-Councilmen O'Connor, Morrow and Haro. Absent-Councilman Williams.

RESOLUTION 214123, vacating Colima Street between Chelsea Avenue and Sea Rose Place; an unnamed Alley south of Block 36, between Calumet Avenue and Sea Rose Place, Bird Rock Addition, Map No. 1083;

(Item 402 and Item 403 were considered simultaneously - continued)

RESOLUTION 214124, vacating a public utility easement affecting Lots "B" through "L" and Lots "R" through "U" inclusive, Block "D", Bird Rock Villas, being unnecessary for present or prospective public use by the City;

RESOLUTION 214125, authorizing an agreement with Robert L. Haniman and Anne Marie Haniman, for the installation and completion of improvements in Calumet Park, a 30-lot subdivision located on the south side of Midway Street, west of La Jolla Boulevard;

RESOLUTION 214126, approving the final map of Calumet Park and acknowledging receipt of subdivider's assurance of compliance with the Affirmative Marketing Program; and

RESOLUTION 214127, approving the acceptance by the City Manager of that deed of Robert L. Haniman and Anne M. Haniman, conveying Lot 30, Calumet Park for park purposes.

(Item 408 - CASE NO. 43-75-5)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of August 21, 1975, due to lack of time, on matter of rezoning portions of Lots 21, 22, and 27, The Highlands, located on the north side of Vickers Street, west of Kearny Mesa Road from Zone R-1-20 to Zone M-1A.

It was reported that no written protests had been received. Mr. de la Fuente appeared to speak on the matter.

Councilman Hubbard moved to continue the matter to September 4, 1975, 2:10 p.m., Time Certain due to lack of time.

(Item 404 - T.M. 73-17)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on application of Valley Meadows North, by Robert N. Mann, for special permission to waive underground utility requirements in connection with the Subdivision Map of Valley Meadows North, located easterly of Mission Gorge Road, northerly of Zion Avenue, in the R-3 Zone.

It was reported that no written protests had been received.

J. F. McLaughlin, Engineering and Development Department and Chief Deputy City Manager Conrad answered questions directed by the Council.

Steve Drogin appeared to speak in favor of the matter.

The hearing was closed and the following Resolution adopted on motion of Councilman Ellis, which passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Martinet, Ellis, and Mayor Wilson. Nays-Councilmen Morrow and Ellis. Absent-Councilman Williams.

(Item 404 - Continued)

RESOLUTION 214128, granting the application of Valley Meadows North, by Robert N. Mann, for special permission to waive underground utility requirements in Valley Meadows North, subject to the following conditions: 1) Declaration of covenants not to protest assessment district for undergrounding; and 2) Install underground conduit to receive wire at time of undergrounding.

Councilwoman O'Connor left the Chambers.

(Item 405 - T.M. 73-119)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on the application of Security Title Insurance Company, as Trustee of its Trust No. P.T. 1091, for special permission to waive underground utility requirements in connection with the Subdivision Map of Metropolitan Industrial Park Unit No. 2, located west of Ruffner Road, south of Engineer Road, in the R-1-20 (proposed M-1-B) Zone.

It was reported that no written protests had been received.

J.F. McLaughlin, Engineering and Development Department answered questions directed by the Council.

The hearing was closed and the following Resolution adopted on motion of Councilman Morrow:

RESOLUTION 214129, granting the application of Security Title Insurance Company, for special permission to waive underground utility requirements in Metropolitan Industrial Park Unit No. 2.

(Item 406 - CASE NO. 1-75-3)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on matter of rezoning Lots 1 through 5, Block 79, Pacific Beach, located on the south side of Law Street between Ocean and Mission Boulevards, from Zone R-2 to Zone CO.

It was reported that one written protest had been received.

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

Albert Cross appeared to speak in favor of the matter.

Paul W. Platts, Isabel Puccini, and Daniel Shaefer appeared to speak in opposition.

A motion by Councilman Martinet to close the hearing and introduce an Ordinance for RV Zoning, failed by the following vote: Yeas-Councilmen Hubbard and Martinet, Nays-Councilmen Johnson, Morrow, Ellis, Haro, and Mayor Wilson. Absent-Councilmen O'Connor and Williams.

The matter was deemed denied due to lack of five affirmative votes.

Councilman Morrow left the Chambers.

Councilman Ellis moved to suspend rules to continue the meeting after 5:30 p.m.

Councilman Haro moved to reconsider Item 105 - docket of August 27, 1975, endorsing the concept of a Second Civic Theatre; directing the City Manager to prepare a specific proposal for the acquisition of such a facility at a cost not to exceed \$350,000 out of the Transient Occupancy Tax Fund 223; determining that all rents realized from the use of a Second Theatre be placed in the Transient Occupancy Tax Fund 223; and determining that no monies be designated for a revolving fund, to hear Mr. McLaughlin regarding opposition, which passed by the following vote: Yeas-Councilmen Johnson, Martinet, Ellis, Haro, and Mayor Wilson. Nays-Councilman Hubbard, Absent-Councilmen O'Connor, Williams, and Morrow.

Councilman Ellis moved to continue the matter to September 4, 1975, 2:00 p.m., Time Certain, to allow opposition to speak.

(Item 407 - CASE NO. 48-75-5)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on appeal of Oscar Padilla from the decision of the Planning Commission in failing to approve his application to rezone a portion of the Northeast 1/4 of the Northwest 1/4, Section 1, Township 19 South, Range 2 West, S.B.B.M., from Zones R-4 and C to Zone CA. The property is located on the north side of Bolton Hall Road between Willow Road and I-805 in the San Ysidro Community.

It was reported that no written protests had been received. No one appeared to be heard.

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

The hearing was closed and the following Resolution adopted on motion of Councilman Haro:

RESOLUTION 214130, certifying that the information contained in Environmental Negative Declaration No. 75-04-11P 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.

A proposed Ordinance, incorporating a portion of the Northeast 1/4 of the Northwest 1/4, Section 1, Township 19 South, Range 2 West, S.B.B.M., into CA Zone, as defined by Section 101.0428.1 of the San Diego Municipal Code and repealing Ordinance No. 8028 (New Series), adopted December 18, 1958, of the Ordinances of the City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Haro, by the following vote: Yeas-Councilmen Johnson, Hubbard, Martinet, Ellis, Haro, and Mayor Wilson. Nays-None. Absent-Councilmen O'Connor, Williams, and Morrow.

Councilman Martinet left the Chambers.

(Item 300)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing, on matters of proposed amendments to the San Diego Municipal Code regarding Single-Family Zones-Floor Area Ratios, Multi-Family Zones-Floor Area Ratios and Other Related Regulations, and new and amended definitions:

Eight Ordinances amending Chapter X, Article 1, Division 4, as follows:

- a - Section 101.0407 - R-1 Zones;
- b - Section 101.0409 - R-2 Zone;
- c - Section 101.0410 - R-2A Zone;
- d - Section 101.0411 - R-3 Zone;
- e - Section 101.0412 - R-3A Zone;
- f - Section 101.0413 - R-4 Zone;
- g - Section 101.0414 - RV Zone;
- h - Section 101.0415 - R-4C Zone; and

ORDINANCE NO. \_\_\_\_\_  
(New Series)

AN ORDINANCE INCORPORATING A PORTION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 1, TOWNSHIP 19 SOUTH, RANGE 2 WEST, S.B.B.M., IN THE CITY OF SAN DIEGO, CALIFORNIA, INTO CA ZONE, AS DEFINED BY SECTION 101.0428.1 OF THE SAN DIEGO MUNICIPAL CODE AND REPEALING ORDINANCE NO. 8028 (NEW SERIES), ADOPTED DECEMBER 18, 1958, OF THE ORDINANCES OF THE CITY OF SAN DIEGO IN SO FAR AS THE SAME CONFLICTS HEREWITH.

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

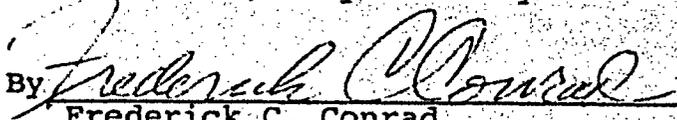
Section 1. That in the event that within two years of the effective date of this ordinance a portion of the Northeast 1/4 of the Northwest 1/4, Section 1, Township 19 South, Range 2 West, S.B.B.M., in the City of San Diego, California, within the boundary of the district designated "CA" on Zone Map Drawing No. B-2866, is subdivided and a final subdivision map thereof duly approved by the City Council and thereafter recorded, and within such subdivision provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of Section 101.0428.1 of the San Diego Municipal Code shall attach and become applicable to the said subdivided land and the said subdivided land shall be incorporated into CA Zone, as described and defined by Section 101.0428.1, the boundary of such zone to be as indicated on Zone Map Drawing No. B-2866, filed in the office of the City Clerk as Document No. 752227.

00224

Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance No. 8028 (New Series), adopted December 18, 1958, of the Ordinances of The City of San Diego, be, and the same is hereby repealed insofar as the same conflicts herewith.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
8/25/75  
48-75-5

(Item 300 - Continued)

One Ordinance amending Chapter X, Article 1, Division 1, Definitions and Interpretations, as follows:

- i - Modifications to Section 101.0101.25 Gross Floor Area; Section 101.0101.35 Lot Coverage; Section 101.0101.48 Underground Parking Structure; and Section 101.0101.50 Yard; and  
New definitions including Section 101.0101.50.1 Yard, Front; Section 101.0101.50.2 Yard, Street Side; Section 101.0101.50.3 Yard, Rear; Section 101.0101.50.4 Yard, Interior Side; Section 101.0101.63 Story; Section 101.0101.64 Story, First; Section 101.0101.65 Story, Half (Attic); Section 101.0101.66 Mezzanine (Interior Balcony); Section 101.0101.67 Balcony, Exterior; Section 101.0101.68 Basement; Section 101.0101.69 Cellar; Section 101.0101.70 Incremental Yards; Section 101.0101.71 Penthouse; and Section 101.0101.72 Floor.

It was reported that no written protests had been received. No one appeared to be heard.

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

The hearing was closed, directed the City Attorney to draft Ordinances in accordance with the Transportation and Land Use Committee recommendations, and the following Resolution was adopted on motion of Councilman Ellis:

RESOLUTION 214131, certifying that the information contained in Environmental Impact Report No. 74-7-005C 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.

(Item 450)

RESOLUTION 214132, confirming the appointment by the Mayor of John P. Starkey as a City representative on the San Diego County Water Authority Board for a term expiring on March 5, 1979, to fill the vacancy created by the resignation of Judith McConnell, was adopted on motion of Councilman Hubbard.

(Item 153 - Unfinished Business - Docket of August 27, 1975)

RESOLUTION 214133, authorizing the City Auditor and Comptroller to transfer the sum of \$1,295 from Unallocated Reserve to Model Cities Fund No. 2902 to cover disallowed costs addressed in Finding No. 4 of the Department of Housing and Urban Development Audit #08-4-4007-4309, dated May 24, 1974, was adopted on motion of Councilman Haro.

(Item 155 - Unfinished Business - Docket of August 27, 1975)

A proposed Resolution, authorizing the City Manager, on behalf of the City, to communicate to the San Diego County Board of Supervisors, the concurrence of the City Council, in the County's intent to have itself designated the Community Action Agency (CAA) to administer antipoverty programs in the County; accepting said designation, was presented.

Assistant City Manager Graham answered questions directed by the Council.

Councilman Hubbard moved to refer the proposed Resolution to the Rules Committee.

(Item 350)

A proposed Resolution, continued from the Meeting of August 20, 1975, for further review, endorsing the concept of a Citizens Committee on Transit to study the issue of public transit in the San Diego area; directing such Committee to advise the Transportation and Land Use Committee of its objectives when they are formulated, was presented.

Councilman Ellis moved to continue the proposed Resolution to September 4, 1975.

The Regular Meeting was adjourned at 6:04 p.m., in memory of Edwin Z'berg, who died August 26, 1975, into Executive Session in the 12th Floor, Council Conference Room, for the purpose of pending litigation. The following resolutions were adopted:

RESOLUTION 214134, authorizing the City Auditor and Comptroller to issue a warrant check in the amount of \$6,000.00 to Marcus D. Adams, Jr., a Minor, his Guardian and ad Litem, Evelyn J. Adams and their attorneys, Mathews, Bergen, Vodicka and Montag; Yeas-Councilmen Johnson, Hubbard, Ellis, Haro, and Mayor Wilson. Nays-None. Excused-Councilman Williams. Absent-Councilmen O'Connor, Morrow, and Martinet.

RESOLUTION 214135, authorizing the City Auditor and Comptroller to issue a warrant check in the amount of \$6,000.00 to Reginald Davis, a Minor, his Guardian ad Litem, Berline Davis and their attorneys, Mathews, Bergen, Vodicka and Montag; Yeas-Councilmen Johnson, Hubbard, Ellis, Haro, and Mayor Wilson. Nays-None. Excused-Councilman Williams. Absent-Councilmen O'Connor, Morrow, and Martinet.

There being no further business to come before the Council the Regular Meeting was adjourned.

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Mayor of The City of San Diego, California

ATTEST:

*Charles J. Adelstein*

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City Clerk of The City of San Diego, California