

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - THURSDAY, NOVEMBER 6, 1975
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 a.m. and 2:00 p.m.

Present-Councilmen O'Connor, Hubbard, Martinet, Ellis, Haro, and Mayor Wilson.
Absent--Councilmen Johnson, Williams and Morrow.
Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 8:40 a.m.

(Item 250)

Roll Call was taken.

(Item 251)

Mayor Wilson introduced Sister Agatha Faimon, Christ the King Catholic Church, who gave the Invocation:

(Item 252)

Councilman Martinet led the Pledge of Allegiance.

(Item 253)

A presentation of a lithograph "Marines in the Revolution" and a commendation from the Commandant of the Marine Corps to the City by Herb Lathan, President of the Third Marine Division Association was made.

Herb Lathan appeared to speak and introduced Colonel Marv Williams, and Major Russ Adams.

Herb Lathan presented the lithograph, and also a telegram from Louis H. Williams, Commandant of the Marine Corps, to the Mayor and Council in celebration of the Nations 200th Birthday.

(Item 254)

Mayor Wilson welcomed thirty-five students from Harvey Lewis Jr. High School, accompanied by Mr. Jack Dray.

Councilman Ellis addressed the group.

(Item 255)

Mayor Wilson welcomed and addressed the forty students from Madison High School, accompanied by Mr. Richard Coolidge.

Councilman Morrow entered the Chambers.

(Special Order of Business)

Tom D'Agostino, President of the Student Body, San Diego State University, and Craig Penrose, Quarterback for the Aztec Football Team, appeared to speak regarding the support and encouragement that the team had received from the citizens of San Diego.

Mayor Wilson presented a proclamation to Mr. D'Agostino and Mr. Penrose proclaiming November 7 and 8, 1975, as San Diego Aztec Football Days.

Mayor Wilson left the Chambers.

Acting Mayor Williams assumed the Chair.

(Item 256)

A communication from Russ and Janet Hammett, representing Project Survival, requesting permission to address the Council regarding the endorsement of a resolution calling for public information and discussion on nuclear safeguards, was presented.

Russ Hammett appeared to speak regarding said communication.

On motion of Councilman Ellis, said communication was referred to the Committee on Rules, Legislation, and Intergovernmental Relations.

The Council considered Requests for Continuances: Items 302 and 304.

(Item 302)

NOTICED HEARINGS: (Continued from the Meeting of October 9, 1975.) Appeal of Scripps Ranch Civic Association, by Robert Feuge from the decision of the Planning Commission in granting the application of the United States Naval Facilities Engineering Command and The City of San Diego, owners, and the County of San Diego, permittee, under Conditional-Use Permit No. 439, to construct and operate a sanitary land fill on the south side of Pomerado Road, 3.8 miles east of I-15. The property is portions of Sections 35 and 36, Township 14 South, Range 2 West, and portions of Sections 1 and 2, Township 15 South, Range 2 West, S.B.B.M., in the R-1-40 and A-1-10 Zones.

(Item 302 - Continued)

Councilwoman O'Connor spoke regarding a continuance of one month at the request of Councilman Johnson.

The motion of Councilwoman O'Connor to continue the matter to December 11, 1975, 8:30 a.m., at the request of Councilman Johnson, received no vote at this time.

Mayor Wilson entered the Chambers.

Councilman Hubbard seconded the motion of Councilwoman O'Connor to continue the matter to December 11, 1975, 8:30 a.m., at the request of Councilman Johnson. City Manager McKinley answered questions directed by the Council.

The vote was then taken on the motion of Councilwoman O'Connor to continue the matter to December 11, 1975, 8:30 a.m., at the request of Councilman Johnson, which passed unanimously.

(Item 304)

NOTICED HEARINGS: Matter of rezoning property in the Mid-City Planning Area IV, as described, from Zone R-4 to Zones R-3A, R-3, R-2A, R-2, R-1, or any combination thereof.

Winston German appeared to speak requesting a continuance of 30 days.

The motion of Councilman Ellis to continue Area 1, Subarea C and Subarea D died for lack of a second.

William Louis appeared to speak in opposition to the continuance of the hearing on Area 1, Subarea D.

The matter was trailed and no action was taken at this time.

(Item 300)

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 Meetings of September 25, and October 16, 1975, at appellant's request, on the appeal of Lawrence Berry, by Louis S. Katz, attorney, from the decision of the Chief of Police in revoking his card room work permit at Lucky Lady Cardroom, 4792 El Cajon Boulevard, under the provisions of Section 33.1625.3 of the San Diego Municipal Code. It was reported that no written protests had been received.

Gene Gordon, Police Department, answered questions directed by the Council regarding the hearing held revolving around the revocation of the card room work permit of Lawrence Berry.

Louis S. Katz, Stanley Smith, Professor Moratides, and Lawrence Berry appeared to speak regarding the matter.

The Council discussed the matter at length.

The motion of Councilman Morrow to close the hearing and grant the appeal received no vote at this time.

The Council continued discussion of the matter.

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

RESOLUTION 214608, reversing the decision of the Chief of Police revoking the Cardroom Work Permit of Mr. Lawrence Berry and reinstating the Cardroom Work Permit of Mr. Lawrence Berry.

(Item 304 - Second Time)

On motion of Councilman Ellis, the hearing was continued to December 11, 1975, 8:30 a.m., at the property owners' request.

Mayor Wilson recessed the meeting at 10:12 a.m. Upon reconvening at 10:37 a.m., the Roll Call showed Councilmen Johnson, Williams, Morrow and Haro absent.

(Item 301 - CASE NO. 60-75-8)

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 7, 1975, until consumer fraud action by City is resolved, on the matter of rezoning a portion of the East one-half of Section 25, Township 14 South, Range 3 West, S.B.B.M., located on the north side of Capricorn Way between Kelowna Road and Westonhill Drive, in the Mira Mesa Area, from Zone A-1-10 to Zone R-1-5. It was reported that no written protests had been received.

Councilman Haro entered the Chambers.

~~Councilman Morrow entered the Chambers.~~

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

Councilman Williams entered the Chambers.

Deputy City Attorney Avery answered questions directed by the Council.

John Butler, Attorney for Pardee Construction Company, appeared to speak in favor of the proposed rezoning.

Jerry Gunnels, Capricorn Homeowners Association, and Michael Welsh, Vice-Chairman, Mira Mesa Community Planning Group, appeared to speak regarding the proposed rezoning.

George Pardee, Chairman of the Board, Pardee Construction Company, appeared to speak in favor of the proposed rezoning.

Charles Kerch appeared to speak regarding the proposed rezoning.

The Council discussed the matter at length.

The motion of Councilman Morrow to continue the hearing to November 13, 1975, to allow for the presence of Councilman Johnson received no second at this time.

Sam Miller, San Diego Unified School District, appeared to speak and answered questions directed by the Council.

The motion of Councilman Hubbard to close the hearing, adopt the Resolution certifying the Environmental Impact Report had been reviewed and considered by the Council and introduce an Ordinance for R-1-5 Zoning received no second at this time.

(Item 301 - Continued)

The Council continued discussion of the matter.

Carl Griesbaum appeared to speak regarding the proposed rezoning.

J. R. Crosby, Engineering and Development Department, answered questions directed by the Council.

Councilman Ellis seconded the motion of Councilman Hubbard to close the hearing, adopt the Resolution certifying the Environmental Impact Report had been reviewed and considered by the Council and Introduce an Ordinance for R-1-5 Zoning which received no vote at this time.

Bill Hillsdorf appeared to speak regarding the proposed rezoning.

Councilman Haro seconded the motion of Councilman Morrow to continue to November 13, 1975, for a City Manager Report, which received no vote at this time.

Jim Lash and Mrs. Allen, President of the Capricorn Homeowners Association, appeared to speak regarding the proposed rezoning.

City Manager McKinley answered questions directed by the Council.

Councilman Morrow withdrew his previous motion to continue the matter to November 13, 1975.

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

RESOLUTION 214609, certifying that the information contained in Environmental Impact Report No. 75-01-42P 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;

A proposed Ordinance, incorporating a portion of the east one-half of Section 25, Township 14 South, Range 3 West, into R-1-5 Zone, as defined by Section 101.0407 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 Hubbard, by the following vote: Yeas-Councilmen O'Connor, Hubbard Williams, Morrow, Martinet, Ellis, Haro and Mayor Wilson. Nays-None. Absent-Councilman Johnson.

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

Upon reconvening at 2:10 p.m., the Roll Call showed Councilman Johnson absent.

(Item 303)

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 October 16, 1975, at applicant's request, on the application of Mr. Andrew E. Louis, doing business as Broadway Drivers, for a Certificate of Public Convenience and Necessity to operate one Automobile For Hire for the purpose of offering a chauffeur service operating from an office in his home on an "on call" basis, within the City, in accordance with Section 72.0204 of the San Diego Municipal Code. It was reported that no written protests had been received.

(Item 303 - Continued)

No one appeared to be heard.

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

RESOLUTION 214610, denying the certificate of public convenience and necessity to Mr. Andrew E. Louis to operate the vehicle specified in said application of Mr. Andrew E. Louis for a certificate of public convenience and necessity to operate an automobile for hire, pursuant to the provisions of Section 72.0204 of the San Diego Municipal Code.

(Item 306)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of rezoning property in the Mid-City Planning Area IV, as described, from Zone R-4 to Zones R-3A, R-3, R-2A, R-2, or any combination thereof, and from Zone R-3 to Zones R-2A, R-2, or any combination thereof.

Written correspondence from Mr. and Mrs. John E. Snow was read into the record requesting a continuance.

The item was trailed and no action was taken at this time.

Councilman Martinet introduced Tom Gade, Councilman elect, and his wife, Susán Gade.

(Item 305 - CASE NO. 44-75-2)

The hour of 8:30 a.m. having arrived, the Mayor announced this was the time and place set for the hearing on the matter of rezoning property in the Mid-City Planning Area IV, as described below, from Zone R-4 to Zones R-3A, R-3, R-2A, R-2, or any combination thereof:

AREA 2 SUBAREA A: Consists of 8.8 acres of R-4 zoned property located north and south of the intersection of College Grove Drive and College Grove Way. It was reported that no written protests had been received.

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

The hearing was closed on motion of Councilman Ellis.

A proposed Ordinance, incorporating that property in the Mid City Planning Area IV, located north and south of the intersection of College Grove Drive and College Grove Way, into R-3 Zone as defined by Section 101.0411 of the San Diego Municipal Code, and repealing certain Ordinances of the City of San Diego insofar as the same conflict herewith, was introduced, by the following vote: ~~Yeas~~ Councilmen O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Haro and Mayor Wilson. Nays-None. Absent-Councilman Johnson.

AREA 2 SUBAREA B: Consists of .66 acre of R-4 zoned property located east of 54th Street between Krenning Street and Redwood Street.

No one appeared to be heard.

The motion of Councilman Hubbard to file the proposed Ordinance and retain R-4 Zoning died for lack of a second.

The hearing was closed on motion of Councilman Williams.

(Item 305 - Continued)

A proposed Ordinance, incorporating that property in the Mid-City Planning Area IV, located east of 54th Street between Krenning Street and Redwood Street; into R-3 Zone as defined by Section 101.0411 of the San Diego Municipal Code, and repealing certain Ordinances of the City of San Diego insofar as the same conflict herewith, was introduced, by the following vote: Yeas-Councilmen O'Connor, Hubbard, Williams, Morrow, Martinet, Ellis, Haro and Mayor Wilson. Nays-None. Absent-Councilman Johnson.

(Item 306 - Second Time)

Ollivette Howell appeared to speak regarding the continuance.

On motion of Councilwoman O'Connor, the hearing was continued to December 11, 1975, 9:00 a.m., Time Certain, at the request of the property owners.

The Council considered Items 402 and 403 simultaneously.

City Manager McKinley spoke requesting a continuance for Items 402 and 403.

(Item 403)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Big Brothers of San Diego County and Time Tele-Marketing, Inc., by John R. Wertz, attorney, from the decision of the Chief of Police in denying their application for a Public Charitable Solicitation Permit, pursuant to the provisions of Section 57.01.7 of the San Diego Municipal Code. It was reported that no written protests had been received.

John Wertz appeared to speak requesting a continuance.

On motion of Councilwoman O'Connor, the hearing was continued to November 20, 1975, 2:00 p.m., to allow review by the Committee on Rules, Legislation and Intergovernmental Relations of proposed amendments to regulations.

(Item 402)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Richard David, by James H. Pasto, attorney, from the decision of the Chief of Police in revoking a Cabaret Variance at 827 Fourth Avenue, pursuant to the provisions of Section 33.1501.10 of the San Diego Municipal Code. It was reported that no written protests had been received.

On motion of Councilman Haro, the hearing was continued to January 8, 1976, 2:00 p.m., to allow review by the Committee on Rules, Legislation and Intergovernmental Relations of proposed amendments to regulations.

(Item 401)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing on the appeal of Charles Hoover, by Gerald S. Mendell, attorney, from the decision of the Chief of Police in revoking his cardroom work permit at the New Orleans Club on Fourth Avenue, pursuant to the provisions of Section 33.1625.3 of the San Diego Municipal Code. It was reported that no written protests had been received.

ORDINANCE NO. 11719
(New Series)

NOV 19 1975 0.76-64

AN ORDINANCE INCORPORATING THAT PROPERTY IN THE MID-CITY PLANNING AREA IV, LOCATED NORTH AND SOUTH OF THE INTERSECTION OF COLLEGE GROVE DRIVE AND COLLEGE GROVE WAY, 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 CERTAIN ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

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

Section 1. That property in the Mid-City Planning Area IV, located north and south of the intersection of College Grove Drive and College Grove Way, in the City of San Diego, California, within the boundary of the district designated "R-3" on Zone Map Drawing No.

C- 456.1, filed in the office of the City Clerk as Document No. 753380, 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. 8514 (New Series), adopted September 7, 1961, and Ordinance No. 6701 (New Series), adopted October 6, 1955, of the Ordinances of The City of San Diego, be and the same are hereby repealed insofar as they conflict 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

00469

FCC:clh
10/28/75
44-75-2
Area 2
Subarea A

ORDINANCE NO. 11720
(New Series)

0.76-65
NOV 19 1975

AN ORDINANCE INCORPORATING THAT PROPERTY IN THE MID-CITY PLANNING AREA IV, LOCATED EAST OF 54TH STREET BETWEEN KRENNING STREET AND REDWOOD STREET, 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 CERTAIN ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

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

Section 1. That property in the Mid-City Planning Area IV, located east of 54th Street between Krenning Street and Redwood Street, in the City of San Diego, California, within the boundary of the district designated "R-3" on Zone Map Drawing No. C-456.1, filed in the office of the City Clerk as Document No. 753380, 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. 5482 (New Series), adopted February 10, 1953, of the Ordinances of The City of San Diego, be and the same is hereby repealed insofar as it conflict 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

FCC:clh
10/23/75
44-75-2
Area 2
Subarea B

00470

(Item 401 - Continued)

Gene Gordon, Police Department, answered questions directed by the Council.

Gerald S. Mendell appeared to speak in favor of the appeal.

Lt. Gregory answered questions directed by the Council.

The Council discussed the matter at length.

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

RESOLUTION 214611, reversing the decision of the Chief of Police revoking the Cardroom Work Permit of Mr. Charles Hoover and reinstating the Cardroom Work Permit of Mr. Charles Hoover.

(Unanimous Consent #1)

By Unanimous Consent granted to Councilman Hubbard, the matter of the procedure for appointment of the City of San Diego's representatives on the San Diego Metropolitan Transit Development Board was presented for discussion.

The motion of Councilman Williams to refer the matter to the Committee on Rules, Legislation and Intergovernmental Relations received no vote at this time.

The Council discussed the matter.

The vote was then taken on the motion of Councilman Williams to refer the matter to the Committee on Rules, Legislation and Intergovernmental Relations, which passed unanimately.

City Manager McKinley spoke regarding the scheduling of the meetings for the Housing Authority and Redevelopment Agency.

By Common Consent, the Redevelopment Agency meeting was scheduled for December 10, 1975, 8:30 a.m., and the Housing Authority meeting was scheduled for December 10, 1975, 10:00 a.m.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 3:46 p.m., on motion of Councilman Hubbard.

Pete Wilson

Mayor of The City of San Diego, California

ATTEST:

Opale S. DeLoe

City Clerk of The City of San Diego, California