

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, SEPTEMBER 28, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
- CHARLES C. DAIL CONCOURSE
2:00 P.M.

Present-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor
O'Connor.

Absent--Councilmen Johnson, Morrow, and Mayor Wilson.

Clerk---Edward Nielsen.

Deputy Mayor O'Connor called the Regular Meeting at 2:07 p.m.

(Item 1)

Roll call was taken.

(Item 2)

Deputy Mayor-O'Connor introduced Reverend Anthony C. Nay,
Associate Pastor at St. Michael's Catholic Church, who gave the Invocation.

(Item 3)

Councilman Williams led the Pledge of Allegiance.

(Item 4)

The matter of a report from Frank L. Hope and Associates on the
Police Site Selection Study, was presented.

Assistant City Manager Graham answered questions directed by Council.

By common consent, the City Manager was directed to work with Council
to determine a convenient date (Council Meeting day) for presentation by
Frank L. Hope & Associates in Room 2000 at lunch 12:00 - 2:00 p.m.

There were no requests for continuances.

(Item 20)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the installation of Sewer Main, laterals, and appurtenances in Spalding Place from Georgia Street west to Alley in Block 24, University Heights - on Assessment Roll No. 3900. It was reported that no written appeals had been received.

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

Curt Ritchie and Selma Thompson appeared to be heard in opposition.

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

RESOLUTION 216852, overruling and denying all appeals, written or verbal, from the Street Superintendent's Assessment No. 3900, covering the costs of the installation of sewer main, laterals, and appurtenances in Spalding Place, from Georgia Street west to Alley in Block 24, University Heights; authorizing the Street Superintendent to attach his warrant thereto and issue the same in the manner and form provided by law; said warrant, diagram, and assessment to be recorded in the office of said Street Superintendent, and with the County Recorder.

(Item 21)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the proposal to apply the HR (Hillside Review) Overlay Zone to the whole or any part of the following in the University City Community:

CASE NO. 36-76-1 - NORTH COAST - City-initiated

Those hillsides east of the Pacific Ocean and west of I-5, and between Los Penasquitos Lagoon on the north and the easterly and westerly extensions of Science Park Road on the south. It was reported that no written protests had been received.

Kcn Klein, Planning Department, answered questions directed by Council.

No one appeared to be heard.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of the Pacific Ocean and west of I-5, and between Los Penasquitos Lagoon on the north and the easterly and westerly extensions of Science Park Road on the south, ~~into~~ HR (Hillside Review) Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

(Item 21 - Continued)

CASE NO. 36-76-2 - SOUTH COAST - City-initiated

Those hillsides east of the Pacific Ocean and west of I-5, and between the easterly and westerly extensions of Callan Road on the north and La Jolla Village Road on the south. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of the Pacific Ocean and west of I-5, and between the easterly and westerly extensions of Callan Road on the north and La Jolla Village Road on the south, into HR (Hillside Review) Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

CASE NO. 36-76-3 - GENESEE VISTA - City-initiated

Those hillsides east of I-5 and west of I-805, and between Sorrento Valley on the north and Genesee Avenue and Eastgate Mall on the south. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of I-5 and west of I-805, and between Sorrento Valley on the north and Genesee Avenue and Eastgate Mall on the south, into HR Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

CASE NO. 60-76-5 - NORTH MIRAMAR - City-initiated

Those hillsides east of I-805 and west of the Atchison Topeka and Santa Fe Railroad right-of-way, and between Carroll Canyon Road on the north and Eastgate Mall and Miramar Road on the south. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of I-805 and west of the Atchison Topeka and Santa Fe Railroad right-of-way, and between Carroll Canyon Road on the North and Eastgate Mall and Miramar Road on the south, into HR (Hillside Review) Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

(Item 21 - Continued)

CASE NO. 38-76-8 - UNIVERSITY CITY-WEST - City-initiated

Those hillsides east of I-5 and west of Regents Road, and between Genesee Avenue on the north and State Route 52 on the south. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of I-5 and west of Regents Road, and between Genesee Avenue on the north and State Route 52 on the south, into HR (Hillside Review) Overlay Zone, as defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

CASE NO. 38-76-9 - EASTGATE SOUTH - City-initiated

Those hillsides east of Genesee Avenue and west of Miramar Naval Air Station and between Eastgate Mall on the north and the Atchison Topeka and Santa Fe Railroad right-of-way on the south. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. No one appeared to be heard.

The hearing was closed on motion of Councilman Williams.

A proposed Ordinance, incorporating those hillsides

CASE NO. 38-76-10 - SOUTH CITY - City-initiated

Those hillsides east of Genesee Avenue and west of I-805, and between the Atchison Topeka and Santa Fe Railroad right-of-way on the north and State Route 52 on the south. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. Philip Artley appeared to be heard.

The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, incorporating those hillsides east of Genesee Avenue and west of I-805, and between the Atchison Topeka and Santa Fe Railroad right-of-way on the north and State Route 52 on the south, into HR (Hillside Review) Overlay Zone, was defined by Section 101.0454 of the San Diego Municipal Code, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilman Johnson, Morrow, and Mayor Wilson.

(Item 22 - CASE NO. 42-76-3)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the matter of rezoning a portion of Lot 46, Partition of Rancho Mission, S.C.C. 348, located on the north side of Camino Del Rio North between I-805 and I-15, in the East Mission Valley Area Plan, from Zone R-1-40 to Zone CO. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. No one appeared to be heard.

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

RESOLUTION 216853, certifying that the information contained in Environmental Negative Declaration No. 76-05-35P 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 Lot 46, Partition of Rancho Mission, Map No. 330, S.C.C. 348, located on the north side of Camino Del Rio North between I-805 and I-15, in the East Mission Valley Area Plan, into CO Zone as defined by Section 101.0423 of the San Diego Municipal Code, and repealing Ordinance No. 11116 (New Series), adopted September 6, 1973, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced as amended, on motion of Councilman Ellis by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

(Item 23 - CASE NO. 44-76-1)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the matter of Rezoning Lot 5, Bonillo Square, located on the southeast corner of University Avenue and Bonillo Drive, from Zones C and CP to Zone C-1. It was reported that no written protests had been received.

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

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

RESOLUTION 216854, certifying that the information contained in Environmental Negative Declaration No. 76-06-04P 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 5, Bonillo Square, Map No. 3571, located on the southeast corner of University Avenue and Bonillo Drive, into C-1 Zone as defined by Section 101.0430.1 of the San Diego Municipal Code, and repealing Ordinance No. 7791 (New Series), adopted March 6, 1958, of the Ordinances of The City of San Diego insofar as the same conflicts herewith, was introduced on motion of Councilman Ellis by the following vote: Yeas-Councilmen Hubbard, Williams, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilmen Johnson, Morrow, and Mayor Wilson.

(Item 24 - CASE NO. 60-76-6 - PCD No. 24)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the matter of: a) Appeal of Municipal Engineers, Inc., by Bryl D. Phelps, president, from the decision of the Planning Commission in denying the application of Foodmaker, Inc., to rezone a portion of Lot 2, Scott Miramar Tract Unit No. 2, located on the north side of Miramar Road between Black Mountain Road and Padgett Street, in the Mira Mesa Community Plan Area, from Zone M-1B to Zone C-1S; and b) Appeal of Foodmaker, Inc., from the decision of the Planning Commission in denying the application of Miramar Development Company, owner, and Foodmaker, Inc., permittee, under Planned Commercial Development Permit No. 24, to construct and operate a 2,223 square foot family restaurant on a 28,750 square foot parcel with parking and landscaping in the M-1B (proposed C-1S Zone). The property is more particularly described as a portion of Lot 2, Scott Miramar Tract Unit No. 2, located on the north side of Miramar Road between Black Mountain Road and Padgett Street. It was reported that no written protests had been received.

Ken Klein, Planning Department, answered questions directed by Council. Jim Coburn and Bryl D. Phelps appeared to speak.

Councilman Morrow entered the Chambers.

The motion of Councilman Ellis to close the hearing, adopt the Environmental Impact Report, introduce an Ordinance for C-1S Zoning, grant the appeal and PCD No. 24, received no vote at this time.

Mr. Klein further answered questions directed by Council.

A vote was then taken on the previous motion by Councilman Ellis to close the hearing, adopt the Environmental Impact Report, introduce an Ordinance for C-1S Zoning, grant the appeal and PCD No. 24, which was deemed denied due to lack of five affirmative votes by the following vote: Yeas-Councilmen Hubbard, Gade, and Ellis. Nays-Councilmen Williams, Morrow, Haro, and Deputy Mayor O'Connor. Absent-Councilman Johnson and Mayor Wilson.

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

RESOLUTION 216855, certifying that the information contained in Environmental Impact Report No. 76-04-25P 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.

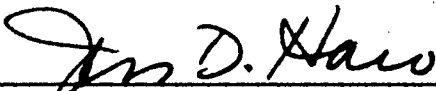
(Item 25)

The hour of 2:00 p.m. having arrived, the Deputy Mayor announced this was the time and place set for the hearing on the proposed amendment to Rule XI of the Rules of the Civil Service Commission adding Section 8, and to Chapter II, Article 3, Division 12 of the San Diego Municipal Code by renumbering Sections 23.1208 and 23.1209 and by adding Section 23.1208 relating to Resignations, Removals, Suspensions and Layoffs. It was reported that no written protests had been received.

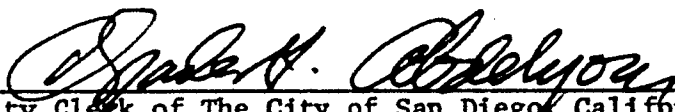
Personnel Director Williams answered questions directed by Council. The hearing was closed on motion of Councilman Haro.

A proposed Ordinance, amending Chapter II, Article 3, Division 12 of the San Diego Municipal Code by renumbering Sections 23.1208 and 23.1209 and adding a new Section 23.1208 (Rule XI, Section 8 of the Rules of the Civil Service Commission) relating to Resignations, Removals, Suspensions and Layoffs, was introduced on motion of Councilman Haro by the following vote: Yeas-Councilmen Hubbard, Williams, Morrow, Gade, Ellis, Haro, and Deputy Mayor O'Connor. Nays-None. Absent-Councilman Johnson and Mayor Wilson.

There being no further business to come before the Council at this time, the Regular Meeting was adjourned at 3:05 p.m., on motion of Councilman Ellis.


Deputy Mayor of The City of San Diego, California

ATTEST:


City Clerk of The City of San Diego, California