

REGULAR MEETING OF THE COUNCIL OF THE CITY OF
SAN DIEGO, CALIFORNIA - TUESDAY, OCTOBER 12, 1976
IN THE CHAMBERS OF THE COUNCIL - ADMINISTRATION BUILDING
CHARLES C. DAIL CONCOURSE
8:30 A.M.

Present--Councilmen Johnson, Hubbard, Williams, Gade, Ellis, Haro, and Mayor
Wilson.

Absent--Councilmen O'Connor and Morrow.

Clerk---Edward Nielsen.

Mayor Wilson called the Regular Meeting to order at 2:10 p.m.

(Item 1)

Roll Call was taken.

Councilwoman O'Connor entered the Chambers.

(Item 2)

Councilman Ellis gave the Invocation.

(Item 3)

Councilman Haro led the Pledge of Allegiance.

The Council considered requests for continuances: Item 23 and 22.

(Item 23 - T.M. 72-149)

NOTICED HEARINGS: Application of Chilcote Construction, Inc., by M. L. Chilcote, for special permission to waive underground utility requirements in connection with the subdivision map of Division Highlands Unit 10 Subdivision, located south of Pittsburgh Avenue, east of 61st Street, in the R-1-5 (portion in Hillside Review Overlay) Zone.

Allen Jones appeared to speak on the continuance.

On motion of Councilwoman O'Connor, the hearing was continued to the Meeting of November 2, 1976 at applicant's request.

Councilman Morrow entered the Chambers.

(Item 22 - CASE NO. 48-76-4 - portion)

NOTICED HEARINGS: Matter of rezoning a portion of the Northeast 1/4 of the Southwest 1/4, Section 35, Township 18 South, Range 2 West, S.B.B.M. (approximately 16.7 acres), located on the east side of Dairy Mart Road between San Ysidro Boulevard and Vista Lane, from Zone A-1-1 to Zones CN and R-1-5.

Robert Conger appeared to speak on the continuance.

On motion of Councilman Haro, the hearing was continued to the Meeting of November 2, 1976, 2:00 p.m. Time Certain, at applicant's request.

(Item 21 - T.M. 74-70)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meetings of March 27, April 3, June 26, September 25 and November 20, 1975, February 25, April 7, 21, 28, May 18, August 10, and October 5, 1976, on the appeal of the Subdivision Review Board from the decision of the Planning Commission in granting the appeal of Lion Property Company relative to Condition 18 imposed by the Subdivision Review Board (archaeological testing and excavating) in approving the tentative subdivision map of Lion Research Park. This is a 3-unit, 6-lot subdivision of Pueblo Lots 1353 and 1355, and a portion of Acre Lots 5, 6, and 7, Sorrento Valley Road, southwesterly of I-805, in the M-1A Zone.

Bill Weatherford, Public Facilities and Recreation Committee Consultant, presented the committee report and answered questions directed by the Council.

Assistant Property Director Hagar answered questions directed by the Council.

The motion of Councilwoman O'Connor to accept the City Manager's Alternative A of October 4, 1976 Memo in exchange of Lion Property lease assignment of James R. Simpson, was not voted on at this time.

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

The motion of Councilman Morrow to close the hearing, grant the appeal and impose Condition 18 of the tentative map, died for lack of a second.

Discussion followed.

Carmalita Swarts appeared to speak.

Chief Deputy City Attorney Conrad and Assistant Property Director Hagar answered questions directed by the Council.

Ron Wheatcroft appeared to speak.

The motion of Councilwoman O'Connor to accept the City Manager's alternative A of the October 4, 1976 memo in exchange of Lion Property lease assignment of James R. Simpson, passed by the following vote: Yeas-Councilmen Johnson, O'Connor, Hubbard, Gade, Haro, and Mayor Wilson. Nays-Councilmen Williams and Morrow. Absent-None.

There was further discussion, and the Mayor stated that the item will be continued to the Meeting of November 2, 1976 for completion of the property exchange.

(Item 20 - BUILDING PERMIT K-73684, BUILDING PLAN FINE NO. 79084-D, CITY ENGINEER'S ENCROACHMENT APPLICATION NO. 7255)

The hour of 2:00 p.m. having arrived, the Mayor announced this was the time and place set for the hearing, continued from the Meeting of September 21, 1976, on the appeal of Camille Cantrell from the decision of the City Engineer in requiring, pursuant to granting a Building Permit, additional pavements and curbs on Vega Street and sidewalk on West Morena Boulevard and removal of retaining walls lying within the street right-of-way. Property is at 1101 Vega Street and is more particularly described as Lot 13, Boulevard Gardens, located on the southeast corner of West Morena Boulevard and Vega Street.

Attorney Lee Estep, representing Mrs. Cantrell, appeared to speak.

Floyd Moore, Engineering and Development Department, answered questions directed by the Council.

Mr. Estep and Mr. Moore answered further questions directed by the Council.

The motion of Councilman Gade to close the hearing and grant the appeal subject to an agreement and the following conditions: eliminate one of two driveways on Cantrell property, retaining wall to be placed on the property owner's side of the property line, Mrs. Cantrell to pay \$4,600 to City when the work is completed, and the work to be completed within five years, received no second at this time.

Chief Deputy City Attorney Conrad, City Manager McKinley, and Mr. Moore answered questions directed by the Council.

Mr. Estep and Mrs. Cantrell answered questions directed by the Council.

Councilman Hubbard seconded the previous motion of Councilman Gade, which received no vote at this time.

Discussion followed.

The vote was then taken on the previous motion of Councilman Gade which passed unanimously and resulted in the following actions:

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

RESOLUTION 216957, granting the appeal of Camille Cantrell from the decision of the City Engineer in requiring, pursuant to granting a building permit, additional pavements and curbs on Vega Street and sidewalk on West Morena Boulevard and removal of retaining walls lying within the street right-of-way at 1101 Vega Street, which is more particularly described as Lot 13, Boulevard Gardens, located on the southeast corner of West Morena Boulevard and Vega Street, subject to an agreement and the following conditions: eliminate one of two driveways on Cantrell property, retaining wall to be placed on the property owner's side of the property line, Mrs. Cantrell to pay \$4,600 to City when the work is completed, and the work is to be completed within five years.

(Item 24 - Supplemental No. 2)

A proposed Resolution, proposing to make changes in the report of Superintendent of Streets for Mira Mesa Boulevard, Phase I, Assessment District under the provisions of the Municipal Improvement Act of 1913; proposing a City contribution; fixing the time and place for hearing protests and objections to the changes and giving notice thereof, was presented.

(Item 24 - Supplemental No. 2 - Continued)

City Manager McKinley answered questions directed by the Council.

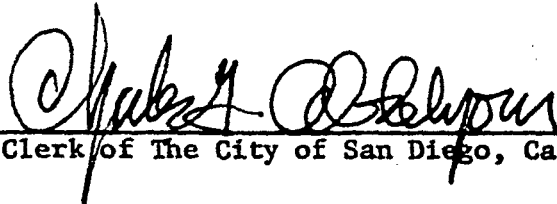
RESOLUTION 216958, proposing to make changes in the report of the Superintendent of Streets for Mira Mesa Boulevard, Phase I, Assessment District under the proposing a City contribution; fixing the time and place for hearing protests and objections to the changes and giving notice thereof, was adopted on motion of Councilwoman O'Connor.

There being no further business to come before the Council at this time, by Unanimous Consent granted to Councilman Morrow, the Regular Meeting was adjourned at 4:16 p.m. on motion of Councilman Morrow, in memory of Alexander P. Alvarado, who passed away on October 8, 1976, and the Mayor announced that the Council would go into executive session in the 12th Floor Council Conference Room on a personnel matter.



Mayor of The City of San Diego, California

ATTEST:



City Clerk of The City of San Diego, California