

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 27, 2004 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

A Special Meeting of the **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Noticed Hearings

ITEM-330: Four actions related to the College Heights Enhanced Maintenance Assessment District. College Community Plan Area. (Dist. 7)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-331: Anchorage Lane Project. MND LDR No. 41-0449/CPA and LCPA No. 60828/RZ No. 2663/TM No. 2684/CDP No. 2664/PDP No. 2665/PTS No.1514. Peninsula Community Plan Area. (Dist. 2)

Matter of approving, conditionally approving, modifying, or denying a proposed community plan and local coastal plan amendment, rezone, tentative map, coastal development permit and planned development permit (with a deviation to sideyard setback) to allow demolition of two office buildings & construction of a 7-unit townhome condominium project on a 0.38 acre site located at 1055 Shafter Street in the CO-1-2 Zone (proposed rezone to RM-2-5), Coastal Zone (Appealable), Coastal Height Limit Overlay Zone, Community Plan Implementation Overlay Zone and Parking Impact Overlay Zone, within the Peninsula Community Plan Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A and B; introduce the ordinance in subitem C; adopt the resolution in subitem D to grant the map; and adopt the resolution in subitem E to grant the permit.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Discussion, Other Legislative Item

ITEM-332:

Three actions related to Public Art Master Plan.

NATURAL RESOURCES AND CULTURE COMMITTEE'S

RECOMMENDATION: On 3/17/2004, NR&C voted 5 to 0 to approve the City Manager's recommendations as follows:

- 1a. Advance the Public Art Master Plan, in concept, to City Council for approval.
- 1b. Direct the City Attorney to draft a Council Policy as applied to eligible Public Works projects to implement the program as outlined in this report, but waive the Council Policy as it applies to Public Works projects for Fiscal Year 2005.
- 1c. Direct the City Attorney to draft an Ordinance as applied to Private Development and Redevelopment projects to implement the program as outlined in this report.
2. In light of the ongoing efforts undertaken by the Park and Recreation and Engineering and Capital Projects Departments to streamline the design review process which already includes exhaustive community input and review, the City Manager recommends not establishing a Civic Design Commission.

Direct the Arts and Culture Commission to present the Public Art Master Plan to the following organizations before the Public Art Master Plan is heard before the City Council: a) San Diego Regional Chamber of Commerce, b) National Association of Office and Industrial Properties, and c) Community Planners Committee (CPC).

To determine the annual fiscal impact of the proposed policies contained in the Public Art Master Plan, direct the City Manager to conduct a fiscal analysis of the potential annual costs based on the Fiscal Year 2004 City budget before the Public Art Master Plan is heard before City Council.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Four actions related to the College Heights Enhanced Maintenance Assessment District.

(College Community Plan Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-825)

Considering the protests, approving Engineer's Report, confirming the assessments, and ordering the proposed maintenance, in the matter of the College Heights Enhanced Maintenance Assessment District.

Subitem-B: (R-2004-827)

Approving Fiscal Year 2005 Budget for the College Heights Enhanced Maintenance Assessment District.

Subitem-C: (R-2004-828)

Authorizing the City Auditor and Comptroller to establish the College Heights Enhanced Maintenance Assessment District Fund.

Subitem-D: (R-2004-829)

Authorizing the City Manager to appropriate and expend an amount not to exceed \$15,000 of Council District 7 Community Development Block Grant Fiscal Year 2005 funds for the purpose of funding the College Heights Maintenance Assessment District projects, contingent upon the City Auditor and Comptroller first certifying that funds are available.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the College Heights Enhanced Maintenance Assessment District (District) and authorized Fiscal Year 2005 assessments. The District is located along both sides of El Cajon Boulevard beginning at eastside of 54th Street, east to the City limit line, adjacent to the City of La Mesa.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The purpose of the District is to fund regular maintenance of landscaped and hardscaped medians, landscaped right-of-way, adjacent slopes, sidewalks, gutters and brow ditches, and provide promotional activities within the District.

**College Heights Enhanced Maintenance Assessment District
Estimated Expenditure, Revenues & Reserves**

	FY 2005	Maximum Authorized
EXPENDITURES		
Public Right of Way and Sidewalk Operations	\$170,953.00	\$186,343.00
Special Projects	\$ 36,000.00	\$ 36,000.00
Administration	\$ 33,000.00	\$ 33,000.00
Contingency Reserve	<u>\$ 41,661.00</u>	<u>\$ 41,661.00</u>
TOTAL EXPENDITURES	\$281,614.00	\$297,004.00
REVENUES		
Assessments – Zone 1	\$145,233.00	\$145,233.00
Assessments – Zone 2	\$121,381.00	\$121,381.00
City Contribution – Gas Tax*	\$ 0.00	\$ 15,390.00
City Contributions – Community Block Grants	<u>\$ 15,000.00</u>	<u>\$ 15,000.00</u>
TOTAL REVENUES	\$281,614.00	\$297,004.00

*The Gas Tax Contribution assumes a 18.0-cent contribution on a proposed landscaped median along approximately 17,100 linear feet of El Cajon Boulevard. If the median averages five feet in width, the square footage would be 85,500, thus resulting in a total contribution of \$15,390 from Gas Tax. At this time, these medians are not constructed. Once they are constructed, accurate square footages will become available to calculate the appropriate Gas Tax transfer amount.

FISCAL IMPACT:

Approximately \$266,614 will be assessed and collected for the College Heights Enhanced Maintenance Assessment District in FY 2005. Total General Fund assessment is \$5,445.

Herring/Cunningham/RG

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: Anchorage Lane Project.

Matter of approving, conditionally approving, modifying, or denying a proposed community plan and local coastal plan amendment, rezone, tentative map, coastal development permit and planned development permit (with a deviation to sideyard setback) to allow demolition of two office buildings & construction of a 7-unit townhome condominium project on a 0.38 acre site located at 1055 Shafter Street in the CO-1-2 Zone (proposed rezone to RM-2-5), Coastal Zone (Appealable), Coastal Height Limit Overlay Zone, Community Plan Implementation Overlay Zone and Parking Impact Overlay Zone, within the Peninsula Community Plan Area.

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: Patricia J. FitzGerald, Development Project Manager, 1222 First Avenue, MS 501, San Diego CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(MND LDR No. 41-0449/CPA and LCPA No. 60828/RZ No. 2663/TM No. 2684/CDP No. 2664/PDP No. 2665/PTS No.1514. Peninsula Community Plan Area. District-2.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; introduce the ordinance in subitem C; adopt the resolution in subitem D to grant the map; and adopt the resolution in subitem E to grant the permit:

Subitem-A: (R-2004-1093)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-41-0449, Project No. 1514, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, has been reviewed and considered by the Council in connection with the approval of the Peninsula Community Plan and Local Coastal Program Amendment, a rezone, a tentative map, a coastal development permit and planned development permit for the Anchorage Lane Project;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

Subitem-B: (R-2004-1094)

Adoption of a Resolution adopting the amendment to the Peninsula Community Plan and Local Coastal Amendment Program No. 60828;

Adopting the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan;

Declaring that the updated Peninsula Community Plan and Local Coastal Program are not effective until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-C: (O-2004-127)

Introduction of an Ordinance changing 0.38 acres, located 1055 Shafter Street, in the Peninsula Community Plan Area, from the CO-1-2 Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance O-16910 (NS), adopted July 27, 1987.

Subitem-D: (R-2004-)

Adoption of a Resolution granting or denying Tentative Map No. 2684, with appropriate findings to support Council action.

Subitem-E: (R-2004-)

Adoption of a Resolution granting or denying Coastal Development Permit No. 2664/Planned Development Permit No. 2665, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 18, 2003, voted 6 – 0 to recommend approval; no opposition.

Ayes: Brown, Chase, Lettieri, Schultz, Ontai, Steele

Not present: Garcia

The Peninsula Community Planning Board on March 20, 2002, voted 13 - 0 - 1 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The Anchorage Lane project proposes a rezone from CO-1-2 to RM-2-5, amendment to the Peninsula Community Plan and the Local Coastal Program, a tentative map, planned development permit and coastal development permit to allow for the construction of seven attached condominium town-home units.

Planning Commission Recommendation: The Planning Commission voted (6-0-0) to recommend unanimous approval of the project by consent at the Planning Commission public hearing of December 18, 2003.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Community Planning Group Recommendation: On March 20, 2002, the Peninsula Community Planning Board voted to recommend approval of the project by a vote of (13-0-1), with the condition that there be a maximum of seven (7) residential units. The project proposes seven residential units.

Water Quality Impact: The project proposes the construction of subsurface parking areas and the project is considered to be a priority project per the City Storm Water Standards. The project is required to implement site design, source control, and treatment control Best Management Practices (BMPs). Mitigation is incorporated into the project to ensure that adequate runoff filtration devices and/or materials will be incorporated into the project storm drains as permanent Best Management Practices (BMPs) in accordance with the final version of the City of San Diego Standard Urban Storm Water Mitigation Plan (SUSMP) and the Storm Water Standards, prior to the issuance of any construction permits. Implementation of the required water quality measures would reduce downstream water quality impacts to a level below significance.

Fiscal Impact: No cost to the City; all costs are recovered by a deposit account funded by the applicant.

Housing Impact Statement: Under the proposed community plan amendment, the project would provide seven (7) residential dwelling units at a density of 15-29 dwelling units per acre. No affordable units are proposed, however, the project is subject to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Loveland/Christiansen/PJF

LEGAL DESCRIPTION:

The project site is located at 1055 Shafter Street in the CO-1-2 Zone (Rezone to RM-2-5), Coastal Zone (Appealable); Coastal Height Limit Overlay Zone; Community Plan Implementation Overlay Zone; and Parking Impact Overlay Zone, Peninsula Community Plan Area, and is more particularly described as Parcel 1 of Parcel Map No. 3548, APN No. 531-692-04-00 in Council District 2.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-332: Three actions related to Public Art Master Plan.

(See City Manager Reports CMR-04-053 and CMR-04-080 (not available at the Committee); and memorandum from Victoria L. Hamilton dated 1/21/2004.

TODAY'S ACTIONS ARE:

Adopt the following resolutions in Subitems A and B and introduce the ordinance in Subitem C:

Subitem-A: (R-2004-1079 Cor. Copy)

Approving the Public Art Master Plan.

Subitem-B: (R-2004-1078 Cor. Copy)

Amending Council Policy No. 900-11 regarding "Artist(s) Involvement in Selected Capital Improvement Projects";

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

Subitem-C: (O-2004-124 Cor. Copy 2)

Introduction of an Ordinance amending Chapter 2, Article 6, Division 7, of the San Diego Municipal Code by amending Section 26.0701, by renumbering and amending Section 26.0702 to 26.0703, Section 26.0703 to 26.0704, and Section 26.0705 to 26.0702, by adding new Section 26.0705, by retitling and amending Sections 26.0706 and 26.0707, and by adding new Sections 26.0708, 26.0709, 26.0710, and 26.0711, all relating to the Commission for Arts and Culture and the development of cultural and artistic resources in the City of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/17/2004, NR&C voted 5 to 0 to approve the City Manager's recommendations as follows:

- 1a. Advance the Public Art Master Plan, in concept, to City Council for approval.
- 1b. Direct the City Attorney to draft a Council Policy as applied to eligible Public Works projects to implement the program as outlined in this report, but waive the Council Policy as it applies to Public Works projects for Fiscal Year 2005.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCE TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

(Continued)

ITEM-332: (Continued)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

(Continued)

- 1c. Direct the City Attorney to draft an Ordinance as applied to Private Development and Redevelopment projects to implement the program as outlined in this report.
2. In light of the ongoing efforts undertaken by the Park and Recreation and Engineering and Capital Projects Departments to streamline the design review process which already includes exhaustive community input and review, the City Manager recommends not establishing a Civic Design Commission.

Direct the Arts and Culture Commission to present the Public Art Master Plan to the following organizations before the Public Art Master Plan is heard before the City Council: a) San Diego Regional Chamber of Commerce, b) National Association of Office and Industrial Properties, and c) Community Planners Committee (CPC).

To determine the annual fiscal impact of the proposed policies contained in the Public Art Master Plan, direct the City Manager to conduct a fiscal analysis of the potential annual costs based on the Fiscal Year 2004 City budget before the Public Art Master Plan is heard before City Council.

(Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT