

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, AUGUST 3, 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

The **SAN DIEGO HOUSING AUTHORITY** 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 Housing Authority Secretary at (619) 578-7540.

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 ===

Adoption Agenda, Discussion, Committee Items

ITEM-330: Amend Land Development Code Single Room Occupancy Hotel Regulations to be Consistent with the State Law.
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 5/19/2004, LU&H voted 5 to 0 to approve the City Attorney's recommendation with additional direction to the City Manager to bring the broader issues pertaining to Single Room Occupancy Hotels to the Land Use and Housing Committee for discussion within 4 months.

Noticed Hearings

ITEM-331: Two actions related to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005. Otay Mesa Community Area. (Dist. 8)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 6/16/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings (Continued)

ITEM-332: Fashion Walk. Linda Vista Community Plan Area. (Dist. 6)

Matter of the appeal by Mark Polinsky from the decision of the Planning Commission in approving an application for a Planned Commercial Development (PCD) and Resource Protection Ordinance (RPO) Permit with a Tentative Map to construct a multi-story, 161-unit multi-family residential development (above a subterranean parking garage) intended for sale as condominiums, on a 1.8-acre portion of a vacant 8.0-acre site located at the northwest corner of Friars Road and Ulric Street, north of Friars Road and the Fashion Valley Shopping Center, west of State Route 163 and east of Fashion Valley Road.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution in subitem A to deny the appeal and to uphold the decision of the Planning Commission, certifying the environmental document; and adopt the resolution in subitem B to grant the permits; and adopt the resolution in subitem C to grant the map.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-333: Affordable Housing Task Force Recommendations Update and Status of Other Affordable Housing Activity.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:
Adopt the resolution.

ITEM-334: Informational Report on Proposition 46 and Other Sources of Funding for Affordable Housing Programs.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:
Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON LAND USE AND HOUSING,
ORDINANCE TO BE INTRODUCED:

ITEM-330: Amend Land Development Code Single Room Occupancy Hotel Regulations to be Consistent with the State Law.

(See memorandum from Deputy Mayor Atkins and Councilmember Zucchet dated 3/30/2004; memorandum from Deputy Mayor Atkins and Councilmember Peters dated 1/14/2004; memorandum from P. Lamont Ewell dated 5/4/2004; memorandum from City Manager dated 4/6/2004; report from the City Attorney dated 4/29/2004; memorandum from George Loveland dated 5/12/2004; letter from Hal Sadler dated 2/11/2004; letter from J. Michael McDade dated 4/28/2004; and letter from Matthew Doherty dated 5/18/2004.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2004-133)

Introduction of an Ordinance amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 113.0103; and amending Chapter 14, Article 3, Division 5, by amending Sections 143.0540 and 143.0570 titled SRO Hotel Regulations, all relating to General Regulations.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/19/2004, LU&H voted 5 to 0 to approve the City Attorney's recommendation with additional direction to the City Manager to bring the broader issues pertaining to Single Room Occupancy Hotels to the Land Use and Housing Committee for discussion within 4 months. (Councilmembers Peters, Zucchet, Lewis, Frye, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The City Attorney is recommending limited amendments to the City's existing Single Room Occupancy Hotel regulations, contained in Land Development Code Chapter 14, Article 3, Division 5, to bring the regulations into compliance with state law as discussed in the City Attorney Report No. 2004-12, to the Land Use and Housing Committee.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON LAND USE AND HOUSING,
ORDINANCE TO BE INTRODUCED: (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)

These amendments were approved unanimously by the City's Land Use and Housing Committee on May 19, 2004. In supporting the proposed amendments, the Committee rejected a proposal to include a sunset clause in the ordinance. The Committee directed the City Manager to return to the Committee within four months with comprehensive revisions, including development incentives as previously directed by the Committee in 2003.

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ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-331: Two actions related to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-128; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft; letters from Rob Hixson's 6/15/2004 and from Gary Triphan, General Manager of De La Fuente Business Park Owners Association 7/12/2004. Otay Mesa Community Area. District-8.)

TODAY=S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1310)

Designating an area of benefit in Otay Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of the Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2004-1311)

Approving the Development Impact Fee [DIF] schedule for properties within Otay Mesa.

LAND USE AND HOUSING COMMITTEE=S RECOMMENDATION:

On 6/16/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Zucchet, Lewis, Frye and Inzunza voted yea.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: Fashion Walk.

Matter of the appeal by Mark Polinsky from the decision of the Planning Commission in approving an application for a Planned Commercial Development (PCD) and Resource Protection Ordinance (RPO) Permit with a Tentative Map to construct a multi-story, 161-unit multi-family residential development (above a subterranean parking garage) intended for sale as condominiums, on a 1.8-acre portion of a vacant 8.0-acre site located at the northwest corner of Friars Road and Ulric Street, north of Friars Road and the Fashion Valley Shopping Center, west of State Route 163 and east of Fashion Valley Road.

(See City Manager Report CMR-04-165. Linda Vista Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal and to uphold the decision of the Planning Commission, certifying the environmental document; and adopt the resolution in subitems B to grant the permits; and adopt the resolution in subitem C to grant the map:

Subitem-A: (R-2005-)

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission, Certifying Mitigated Negative Declaration No. 99-1356.

Subitem-B: (R-2005-)

Adoption of a Resolution granting or denying Planned Commercial Development Permit No. 80170 and Resource Protection Ordinance Permit No. 80579, with appropriate findings to support Council action.

Subitem-C: (R-2005-)

Adoption of a Resolution granting or denying Tentative Map No. 80580, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on April 22, 2004, voted 4-3 to approve; was opposition.

Ayes: Garcia, Schultz, Otsuji, Steele

Nays: Lettieri, Chase, Ontai

The Linda Vista Community Planning Group has recommended approval this project.

CITY MANAGER SUPPORTING INFORMATION:

Planning Commission Report Nos. PC-04-059, issued March 5, 2004, and PC-04-075, issued April 16, 2004, discuss the proposed project in depth and are included as Attachments 15 and 17 respectively.

FISCAL IMPACT:

All staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the applicant.

Loveland/Christiansen/WCT

LEGAL DESCRIPTION:

The project site is located at 7148 Friars Road in the commercial office (CO) zone of the Linda Vista Community Planning Area northwest corner of Friars Road and Ulric Street, north of Fashion Valley Mall, west of Highway 163 and is more particularly described as Lot 1 and 2 of Fashion Ridge, Map No. 11871 Council District 6.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-333: Affordable Housing Task Force Recommendations Update and Status of Other Affordable Housing Activity.

(See San Diego Housing Commission Report CCR-04-004/City Manager Report CMR-04-070.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1042)

Accepting Housing Commission Report No. CCR04/City Manager Report No. CMR04-070 updating the status of the Affordable Housing Task Force recommendations.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-334: Informational Report on Proposition 46 and Other Sources of Funding for Affordable Housing Programs.

(See San Diego Housing Commission Report CCR04-002-Revised.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1039)

Accepting Housing Commission Report No. CCR04-002 regarding the allocation of Proposition 46 revenues and other sources of funding for affordable housing programs.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT