

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 23, 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: **A.** - Status of Off-Leash Dog Parks.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/16/2004, LU&H voted 5 to 0, to accept the City Manager's recommendation on Issues #1, 3, 4, and 5 in the staff report with additional direction to the City Manager to continue to work with the Recreation Council to develop an expansion plan for Dusty Rhodes Park off-leash use area and to begin to develop alternatives to deal with the problem of turf maintenance at dog parks throughout the City. The Committee voted 5 to 0 to: Refer Issue #2 in the staff report to the full City Council without a recommendation regarding the alternatives presented for Grape Street Park.

B. - Addressing Fees Associated with the Off Leash Dog Sessions.

NATURAL RESOURCES AND CULTURE COMMITTEE'S

RECOMMENDATION: On 11/17/2004, NR&C voted 4 to 0 to direct the City Manager to add to the City Manager's Report 04-130 a discussion of Permit fees for Off-Leash Dog Sessions for consideration at the City Council Meeting of November 23, 2004.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

ITEM-331: Avalon Plaza. (Pacific Beach Community Plan Area. District 2.)

Matter of the appeal by Mayfair Homes, Inc., of the decision by the Planning Commission in denying the request for the waiver of undergrounding of utilities in connection with the Avalon Plaza project. Planning Commission approved the project on June 10, 2004, however they denied the request for the waiver of undergrounding of utilities. Avalon Plaza is an application for a Coastal Development Permit, Planned Development Permit and Tentative Map to construct a three-story mixed use building, to total approximately 47,595 square feet of gross floor area, with 24 two-bedroom residential units, 13 first floor commercial units, and a subterranean parking garage on a 24,883 square foot property. The project site is located at 924-936 Hornblend Street, between Cass Street and Bayard Street, within the CC-4-2 Zone, Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone and within the Pacific Beach Community Plan Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the appeal and grant the permits; and adopt the resolution in subitem C to grant the map and the waiver of undergrounding.

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 AND COMMITTEE ON NATURAL
RESOURCES, AND CULTURE:
RESOLUTIONS:

ITEM-330: Status of Off-Leash Dog Parks and Addressing Fees Associated with the Off-Leash Dog Sessions.

(See City Manager Report CMR-04-130 and memorandum from Ellen Oppenheim dated 11/17/2004 – Addendum to the City Manager Report CMR-04-130; memorandum from Ellen Oppenheim dated 11/9/2004 and Information from Laura Emerick. Citywide.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-158)

Declaring that permanent Off Leash Areas are designated (where one-year trials have successfully concluded) at: Doyle Community Park, Dusty Rhodes Neighborhood Park, Kearny Mesa Community Park, and Torrey Highlands Neighborhood Park (Maintenance Assessment District);

Declaring that one of the following four alternative proposals for Grape Street Park Off Leash area are adopted:

- a. Recommend approval of the schematic plan for the provision of a fenced Off Leash area at Grape Street Park in Balboa Park, and recommend expanded hours of Off Leash use for the fenced Off Leash area at Grape Street Park in Balboa Park.
- b. Recommend approval of the schematic plan for the provision of a fenced Off Leash area at Grape Street Park in Balboa Park *with modifications*, and recommend expanded hours of Off Leash use for the fenced Off Leash area at Grape Street Park in Balboa Park.
- c. Do not recommend approval of the schematic plan for the provision of a fenced Off Leash area at Grape Street Park in Balboa Park, and maintain the current posted hours of Off Leash use.
- d. Do not recommend approval of the schematic plan for the provision of a fenced Off Leash area at Grape Street Park in Balboa Park, and recommend expanded hours of Off Lease use at Grape Street Park in Balboa Park.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON LAND USE AND HOUSING AND COMMITTEE ON NATURAL RESOURCES, AND CULTURE:

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

Subitem-A: (Continued)

Adopting procedure revisions to the community input process for considering, initiating, reviewing status, modifying or revoking Off Leash areas;

Recommending the development of an annual procedure for Off Leash User Group registration;

Recommending the development of City Wide policy standards for Off Leash area development as an element of a City Wide Parks System Master Plan.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/16/2004, LU&H voted 5 to 0 to accept the City Manager's recommendation on Issues #1, 3, 4, and 5 in the staff report with additional direction to the City Manager to continue to work with the Recreation Council to develop an expansion plan for Dusty Rhodes Park off-leash use area and to begin to develop alternatives to deal with the problem of turf maintenance at dog parks throughout the City.

The Committee voted 5 to 0 to: Refer Issue #2 in the staff report to the full City Council without a recommendation regarding the alternatives presented for Grape Street Park.

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

Subitem-B: (R-2005-585)

Addressing Fees Associated with the Off-Leash Dog Sessions.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/17/2004, NR&C voted 4 to 0 to direct the City Manager to add to the City Manager's Report 04-130 a discussion of Permit fees for Off-Leash Dog Sessions for consideration at the City Council Meeting of November 23, 2004.

(Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON LAND USE AND HOUSING AND COMMITTEE ON NATURAL RESOURCES, AND CULTURE:
RESOLUTIONS: (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION:

On June 16, 2004 the Land Use and Housing Committee reviewed the proposed staff recommendations and heard public testimony on items #1, 3, 4 & 5 of the staff report. Following public input and Committee discussion, the Land Use and Housing Committee unanimously recommended approval of items #1, 3, 4 & 5. The Committee also reviewed information and took public testimony regarding the four alternative options for the Grape Street Off Leash area (item #2). Following testimony the Committee forwarded item #2 to the City Council without any recommendation.

See City Manager Report CMR-04-130.

FISCAL IMPACT:

None with this action.

Herring/Oppenheim/MM

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARING:

ITEM-331: Avalon Plaza.

Matter of the appeal by Mayfair Homes, Inc., of the decision by the Planning Commission in denying the request for the waiver of undergrounding of utilities in connection with the Avalon Plaza project. Planning Commission approved the project on June 10, 2004, however they denied the request for the waiver of undergrounding of utilities. Avalon Plaza is an application for a Coastal Development Permit, Planned Development Permit and Tentative Map to construct a three-story mixed use building, to total approximately 47,595 square feet of gross floor area, with 24 two-bedroom residential units, 13 first floor commercial units, and a subterranean parking garage on a 24,883 square foot property. The project site is located at 924-936 Hornblend Street, between Cass Street and Bayard Street, within the CC-4-2 Zone, Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone and within the Pacific Beach Community Plan Area.

(See City Manager Report CMR-04-248. Pacific Beach Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the appeal and grant the permits; and adopt the resolution in subitem C to grant the map and the waiver of undergrounding:

Subitem-A: (R-2005-)

Adoption of a Resolution certifying Mitigated Negative Declaration Project No. 13862, and adopting the Mitigation, Monitoring and Reporting Program (MMRP).

Subitem-B: (R-2005-)

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 29920, and Planned Development Permit No. 29921, with appropriate findings to support Council action.

Subitem-C: (R-2005-)

Adoption of a Resolution granting or denying Tentative and Waiver of Undergrounding No. 29944, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARING: (Continued)

ITEM-331: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on June 10, 2004, voted 5-0 to approve the CDP/PDP and Tentative Map and to deny the Waiver of Undergrounding, along with staffs modifications that were read into the record; no opposition.

Ayes: Lettieri, Chase, Garcia, Ontai, Otsjusi

Abstaining: Steele

Not present: Schultz

The Pacific Beach Community Planning Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The 24,883 square foot project site is currently vacant and fenced off. In the past, the site had been used as an open commercial parking lot, not tied to or containing required parking for any surrounding development. Surrounding the project site are predominately commercial land uses with some mixed-use. The project site is located at 924-936 Hornblend Street, on the north side of Hornblend just south of Garnet Avenue, between Cass Street and Bayard Street, within the CC-4-2 Zone, Coastal (non-appealable) Overlay Zone, Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone and within the Pacific Beach Community Plan Area. The proposed grading, construction, and subdivision all constitute, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 144.0202), for the proposed consolidation of the seven existing lots into a one lot subdivision for 24 condominium units. The applicant requested the Planned Development Permit in order that the project design can be reviewed for conformance as a transit-oriented development, which would allow for the increased residential density of up to 43 dwelling units per acre.

FISCAL IMPACT:

None.

Loveland/Halbert/GRG

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARING: (Continued)

ITEM-331: (Continued)

LEGAL DESCRIPTION:

The project site is located is located at 924-936 Hornblend Street within the Pacific Beach Community Planning Area and is more particularly described as Lots 27 thru 34 of Block 224 of Pacific Beach, Map Nos. 697 and 854.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT