

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 30, 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 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 ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-330: Ratifying the 2004 Project Area Committee (PAC) Election Results for College Community, City Heights, and North Bay. (College Area, City Heights, Midway/Pacific Highway, Linda Vista, Peninsula, Clairemont Mesa, Uptown, Mission Valley, and Old Town Community Areas. Districts 2, 3, 4, 6, and 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-331: Applying to HUD for a Brownfields Economic Development Initiative (BEDI) Grant and a Section 108 HUD Loan for the Development of Chollas Parkway Business Park. (Mid City and Eastern Area Community Areas. District 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

ITEM-332: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005. (Carmel Valley Community Area. District 1.)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation.

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

Noticed Hearings, Discussion (Continued)

ITEM-333: Two actions related to Disposition & Development Agreement with East Village LLC for Ballpark Project East Village Square Right Field Development Diamond View Tower. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S

RECOMMENDATION: Adopt the resolutions.

ITEM-334: Sea Breeze Carmel View. (Carmel Valley Community Plan Area. District 1.)

Matter of approving, conditionally approving, or denying a proposal for a Site Development Permit; Coastal Development Permit; and Planned Development Permit; Multi-Habitat Planning Area Boundary Adjustment; and Height Deviation to allow the construction of one two-story and one three-story office building totaling 125,000 square feet and a four-level subterranean parking structure with 456 spaces. The project also includes an amendment to the Carmel Valley Neighborhood 8 Precise Plan and the City of San Diego Progress Guide and General Plan to redesignate 0.5 acres from Very-Low Residential (0-5 dwelling units/acre) and 4.0 acres of Open Space to Neighborhood Commercial. These land use changes constitute an amendment to the Carmel Valley Local Coastal Program/Land Use Plan. The site is currently zoned SF2 (single-family development with 4,500-square foot minimum lot size) and is proposing to rezone to NC (Neighborhood Commercial). The site is located just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley Neighborhood 8 Precise Plan.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem B to grant the permits, the Multi-Habitat Area Boundary Line Adjustment and Height Deviation; and introduce the ordinance in Subitem C.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: Ratifying the 2004 Project Area Committee (PAC) Election Results for College Community, City Heights, and North Bay.

(See City Manager Report CMR-04-252. College Area, City Heights, Midway/Pacific Highway, Linda Vista, Peninsula, Clairemont Mesa, Uptown, Mission Valley, and Old Town Community Areas. Districts 2, 3, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-607)

Ratifying the election results of October 5, 2004, for the College Community Redevelopment Project Area Committee.

Subitem-B: (R-2005-559)

Ratifying the election results of November 9, 2004, for the City Heights Redevelopment Project Area Committee.

Subitem-C: (R-2005-608)

Ratifying the election results of October 26, 2004, for the North Bay Redevelopment Project Area Committee.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: Applying to HUD for a Brownfields Economic Development Initiative (BEDI) Grant and a Section 108 HUD Loan for the Development of Chollas Parkway Business Park.

(See Redevelopment Agency Report No. RA-04-42/CMR-04-262. Mid City and Eastern Area Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-583)

Authorizing the City Manager, or his designee, to apply to HUD for a Section 108 Loan of \$1.35 million for development of the Chollas Parkway Business Park and set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager, or his designee, to apply for HUD for a Brownfield Economic Development Initiative grant in an amount up to \$225,000 for the annual repayment of the HUD 108 loan and set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager, or his designee, to conduct all negotiations and to execute and submit all documents related to the processing of the HUD 108 loan and the BEDI grant, if said loan and grant are approved.

Authorizing the City Manager, or his designee, to accept and transfer the loan proceeds to the Redevelopment Agency for the development of the Chollas Parkway Business Park, if said grant and loan is approved and funded;

Authorizing the City Manager, or his designee, to pledge future District 7 CDBG entitlement funds as security should there be insufficient tax increment revenue to make the annual loan payments;

Authorizing the City Manager, or his designee, to utilize the BEDI grant for interest-only payments on the HUD 108 loan for 3 to 5 years, or until expended;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

Authorizing the City Manager, or his designee, to amend the CDBG 2005 Action Plan to reflect the use of HUD 108 funds for the development of the Chollas Parkway Business Park;

Authorizing the City Manager, or his designee, to encumber the City's College/Rolando Service Center (4704 College Avenue) and the current College Heights Branch Library (4710 College Avenue) by issuing a deed of trust in HUD' s favor as collateral for the HUD 108 loan;

Authorizing the City Manager, or his designee, further collateralization of the loan with future CDBG entitlement funds, if required by HUD to supplement the real estate offered as collateral.

NOTE: See Redevelopment Agency Agenda of 11/30/2004 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-332: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-212; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft. Carmel Valley Community Area. District 1.)

TODAY=S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-391)

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

Subitem-B: (R-2005-392)

Approving the Development Impact Fee [DIF] schedule for properties within Carmel Valley.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Zucchet, Frye and Inzunza voted yea. District 4-vacant.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Two actions related to Disposition & Development Agreement with East Village LLC for Ballpark Project East Village Square Right Field Development Diamond View Tower.

(See Centre City Development Corporation Report CCDC-04-36/CCDC-04-22. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-288)

Approving the sale of certain property located generally at the block bounded by Ninth Avenue, Tenth Avenue, J Street, and K Street in the Centre City Redevelopment Project Area to East Village Square LLC; approving the Disposition and Development Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2005-287 Cor. Copy)

Declaring the proposed Office and Building Identity Comprehensive Sign Plan establishes guidelines for signs on the exterior of the Diamond View Tower consistent with the City of San Diego Land Development Code and the East Village Square Master Plan;

Approving the Office and Building Identity Comprehensive Sign Plan, subject to the condition that all high-rise signs utilize the same lighting to provide uniformity in their appearance.

NOTE: See the Redevelopment Agency Agenda of 11/30/2004 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: Sea Breeze Carmel View.

Matter of approving, conditionally approving, or denying a proposal for a Site Development Permit; Coastal Development Permit; and Planned Development Permit; Multi-Habitat Planning Area Boundary Adjustment; and Height Deviation to allow the construction of one two-story and one three-story office building totaling 125,000 square feet and a four-level subterranean parking structure with 456 spaces. The project also includes an amendment to the Carmel Valley Neighborhood 8 Precise Plan and the City of San Diego Progress Guide and General Plan to redesignate 0.5 acres from Very-Low Residential (0-5 dwelling units/acre) and 4.0 acres of Open Space to Neighborhood Commercial. These land use changes constitute an amendment to the Carmel Valley Local Coastal Program/Land Use Plan. The site is currently zoned SF2 (single-family development with 4,500-square foot minimum lot size) and is proposing to rezone to NC (Neighborhood Commercial). The site is located just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley Neighborhood 8 Precise Plan.

(MND/MMRP/Amending Carmel Valley Neighborhood 8 Precise Plan, Carmel Valley Community Plan, PG&GP, LCP No. 7276/RZ No. 7274/SDP No. 7273/CDP No. 7272/PDP No. 7275/Multi-Habitat Plan Area Boundary Line Adjustment/Height Deviation/Project No. 4449. Carmel Valley Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem B to grant the permits, the Multi-Habitat Area Boundary Line Adjustment and Height Deviation; and introduce the ordinance in Subitem C:

Subitem-A: (R-2005-550)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 4449, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a Progress Guide and General Plan Amendment, Carmel Valley Community Plan Amendment, Neighborhood 8A Precise Plan, Rezone, MHPA Boundary Adjustment, Coastal Development Permit, Site Development Permit and Planned Development Permit for the Sea Breeze Carmel Valley Project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-A: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2005-)

Adoption of a Resolution granting or denying Site Development Permit No. 7273, Coastal Development Permit No. 7272, and Planned Development Permit No. 7275, and granting or denying Multi-Habitat Area Boundary Line Adjustment/Height Deviation, with appropriate findings to support Council action.

Subitem-C: (O-2005-68)

Introduction of an Ordinance of the Council of the City of San Diego changing 5.4 acres located at the south west corner of Shaw Ridge Road and Carmel Creek Road, within the Carmel Valley Community Plan area, in the City of San Diego, California, from the Carmel Valley Planned District SF2 and OS Zones into the Carmel Valley Planned District NC Zone, as defined by San Diego Municipal Code Sections 103.0610 and 103.0614, and repealing Ordinance No. O-16636 (New Series), adopted April 28, 1986 and Ordinance No. O-17016 (New Series), adopted January 25, 1988, of Ordinances of the City of San Diego insofar as the same conflict herewith.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

Subitem-D: (R-2005-551)

Adoption of a Resolution amending the Carmel Valley Community Plan and Neighborhood 8 Precise Plan;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 0 to approve; was opposition.

Ayes: Schultz, Otsuji, Chase, Ontai, Lettieri
Abstaining: Garcia

The Carmel Valley Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The proposal is to allow the construction of one two-story and one three-story office building totaling 125,000 square feet and a four-level subterranean parking structure. The project requires amendments to the Carmel Valley Community Plan/Neighborhood 8 Precise Plan, the City of San Diego Progress Guide and General Plan and to the Local Coastal Program to redesignate 0.5 acres from Very-Low Residential (0-5 dwelling units/acre) and 4.0 acres of Open Space to Neighborhood Commercial. These land use changes constitute an amendment to the Local Coastal Program/Land Use Plan. The site is currently zoned SF2 (single family with 4,500-square foot minimum lot size) and is proposing to rezone to NC (Neighborhood Commercial). The site is located just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley 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 project will be with the California Coastal Commission.

Community Planning Group Recommendation – On September 14, 2004, the Carmel Valley Community Planning Group voted 13:0:0 in support of the project as proposed with no conditions.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

SUPPORTING INFORMATION: (Continued)

Planning Commission Recommendation – On November 4, 2004, the Commission voted 5:0:1 to recommend that the City Council adopt City staff recommendations to approve the project as presented in Planning Report No. PC-04-177 and in preceding Item 11.

FISCAL IMPACT: None. All costs are paid by the applicant.

Ewell/Halbert/PXG

LEGAL DESCRIPTION:

The project site is located southeast of the intersection of Interstate 5 and State Route 56, just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley Neighborhood 8 Precise Plan area and is more particularly known as Section 19 of Township 14 South, Range 3 West of the USGS 7.5' Del Mar Quadrangle.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT