

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 29, 2005 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: Extending the North Park Project Area Committee (PAC) by One Year and To Notice and Conduct PAC Elections for 2006. (North Park Community Area. District 3.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-331: Ratify the 2005 Project Area Committee Election Results for the College Community Redevelopment Project Area. (College Community Area. District 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

ITEM-332: Stella-Project No. 65484. (Midway/Pacific Highway Corridor Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Progress Guide and Community Plan and the Midway/Pacific Highway Corridor Community Plan to redesignate the site from Light Industrial to Very High Residential at 75-110 dwelling units per acre, a Rezone (from IS-1-1, an Industrial Small Lot Zone, to RM-4-10, a Multi-Family Residential Zone), an Easement Abandonment, Vesting Tentative Map (including a request to waive the requirement to underground existing overhead utilities), and Site Development Permit to demolish an existing, vacant warehouse and to construct an 86-unit, multi-family development (for sale condominiums) on an infill site. The development would exceed the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the AMI. The project site is located at 2015 Hancock Street in the Midway/Pacific Highway Community.

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

ITEM-333: Bankers Hill Townhomes. (Uptown Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Rezone, Site Development Permit, and Tentative Map to demolish existing buildings and construct a 16-unit residential units as condominiums (5-stories above underground parking) on a 0.46-acre site in the NP-3 Zone (proposed NP-1) of the Mid-City Communities Planned District within the Uptown Community Planning Area located at 2561 First Avenue.

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 permit; and adopt the resolution in Subitem E to grant the map.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

ITEM-334: State Street Tentative Map. (Uptown Community Plan Area. District 2.)

Matter of approving, conditionally approving, modifying or denying a Right-of-Way Vacation, Easement Abandonment, and a Tentative Map to convert a total of 27 existing residential units to condominiums, including 11 existing residential units on a 0.23-acre site at 3606 State Street and 16 existing residential units on a 0.43-acre site at 3603 and 3613 State Street, and a request to waive the requirement to underground existing overhead utilities. The site is located in the MR-1500 Zone of the Mid-City Communities Planned District, and the Airport Approach Overlay Zone, within the Uptown Community Plan Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: Extending the North Park Project Area Committee (PAC) by One Year and To Notice and Conduct PAC Elections for 2006.

(North Park Community Area. District 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-462)

Extending the North Park Redevelopment Project Area Committee for one year from March 2006 to March 2007;

Requesting that an election be held to fill seats on the North Park PAC which will become vacant at the conclusion of the 2005/2006 term in March 2006;

Declaring these actions do not constitute a "project" and are therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

CITY MANAGER SUPPORTING INFORMATION:

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a Project Area Committee ("PAC") if there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property, by eminent domain, on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents. Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council. The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership and set procedures for conducting elections.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The North Park PAC was formed on January 15, 1991 and has been in continuous service to the Redevelopment Agency since that date. The statutory three-year term of the PAC expired on January 15, 1994. In each year since the expiration of the initial three-year term, the City Council of the City of San Diego has adopted a resolution extending the PAC for one year and directing staff to notice and conduct an election of PAC members.

In accordance with the PAC Formation Procedures for the North Park PAC, elections to the PAC are held in the month of February and subject to ratification by the City Council as soon thereafter as feasible.

FISCAL IMPACT:

None with this action.

Oppenheim/Fischle-Faulk/TR

Staff: Tom Romstad – (619) 533-5284
Susan Y. Cola – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: Ratify the 2005 Project Area Committee Election Results for the College Community Redevelopment Project Area.

(See City Manager Report CMR-05-227. College Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-521)

Ratifying the election results of October 4, 2005, for the College Community Redevelopment Project Area Committee;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

Staff: Michael Fortney (619) 533-5403
Eunice C. Chan – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-332: Stella-Project No. 65484.

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Progress Guide and Community Plan and the Midway/Pacific Highway Corridor Community Plan to redesignate the site from Light Industrial to Very High Residential at 75-110 dwelling units per acre, a Rezone (from IS-1-1, an Industrial Small Lot Zone, to RM-4-10, a Multi-Family Residential Zone), an Easement Abandonment, Vesting Tentative Map (including a request to waive the requirement to underground existing overhead utilities), and Site Development Permit to demolish an existing, vacant warehouse and to construct an 86-unit, multi-family development (for sale condominiums) on an infill site. The development would exceed the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the AMI. The project site is located at 2015 Hancock Street in the Midway/Pacific Highway Community.

(Revised MND Project No. 65484/PG&GP-CPA No. 200813/RZ No. 196639/EA No. 272689/SDP No. 240731/VTM No. 240730/Project No. 65484. Midway/Pacific Highway Corridor Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, and E; introduce the ordinance in Subitem C; and adopt the resolution in Subitem D to grant the permit:

Subitem-A: (R-2006-467)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 65484, 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 community plan amendment, site development permit, vesting tentative map, easement abandonment and rezone for the Stella Project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (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, 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-2006-468)

Adoption of a Resolution amending the Midway/Pacific Highway Corridor Community Plan;

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

Subitem-C: (O-2006-62)

Introduction of an Ordinance of the Council of the City of San Diego changing a 0.89 acre site, located at 2015 Hancock Street, in the Midway/Pacific Highway Corridor Community Plan Area, in the City of San Diego, California, from the IS-1-1 Zone (previously referred to as the M-SI Zone), into the RM-4-10 Zone (previously referred to as the R-400 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-17654 (New Series), adopted June 10, 1991, which was changed (Zone name only, from M-SI Zone to IS-1-1 Zone) by Ordinance No. 18691, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-D: (R-2006-)

Adoption of a Resolution granting or denying Site Development Permit No. 240731, with appropriate findings to support Council action.

Subitem-E: (R-2006-469)

Adoption of a Resolution adopting findings with respect to Vesting Tentative Map No. 240730 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code Section 66434(g), the public service easement shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 240730 is granted to Constellation Property Group (Hancock), a Delaware Limited Partnership, Applicant/Subdivider and Feyzi Design Group, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on October 27, 2005, voted 4-1 to recommend approval of the Stella project, with denial of the request for a waiver of the requirement to underground existing overhead utilities. Staff continues to support, and the project includes, the undergrounding waiver with conditions; was opposition.

Ayes: Chase, Ontai, Otsuji, Steele

Nays: Griswold

Recusing: Schultz

Not present: Garcia

The Midway Community Planning Advisory Committee, on August 10, 2005, voted 7-0-1 to approve the Stella project design and entitlement as proposed.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

The proposed Stella residential project would include the demolition of an existing and vacant warehouse and the construction of an 86-unit, multi-family development (for sale condominiums) on an approximately 0.89-acre infill site located at 2015 Hancock Street within the Midway/Pacific Highway Corridor Planning Area. The development would exceed the requirements of the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the Area Median Income.

The 86 units would consist of 12 single story one-bedroom units and 74 two-story two-bedroom town home units. The project would also include 145 off-street vehicle parking spaces, an approximately 8,000 square-foot landscaped courtyard including a water feature, paved seating area with BBQ facilities, security entry gates, and decorative lighting. This project requires amendments to the Progress Guide and General Plan and the Midway Community Plan to redesignate the project site from "Light Industrial" to "Very High Density Residential (75-110 Dwelling Units per Acre)"; a Rezone from IS-1-1 to RM-4-10; an Easement Abandonment; a Site Development Permit; and a Vesting Tentative Map, including a waiver to the requirement to underground existing overhead utilities.

FISCAL IMPACT:

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

WATER QUALITY IMPACT STATEMENT:

During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Water Pollution Control Plan (WPCP) in conjunction with the grading plans. The WPCP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system. The post development Best Management Practices (BMPs) incorporated into the project consist of site design, source control and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

Oppenheim/Halbert/DES

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

LEGAL DESCRIPTION:

The project site is located at 2015 Hancock Street within the Midway-Pacific Highway Corridor Community Plan, North Bay Redevelopment Project Area, Airport Approach Overlay Zone, and Coastal Height Limit Overlay Zone in Council District 2 (APN 450-613-08).

Staff: Dan Stricker – (619) 446-5251

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Bankers Hill Townhomes.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Rezone, Site Development Permit, and Tentative Map to demolish existing buildings and construct a 16-unit residential units as condominiums (5-stories above underground parking) on a 0.46-acre site in the NP-3 Zone (proposed NP-1) of the Mid-City Communities Planned District within the Uptown Community Planning Area located at 2561 First Avenue.

(See City Manager Report CMR-05-221. MND Project No. 5606/MMRP/CPA No. 10141/RZ No. 10142/SDP No. 10143/TM No. 10144/Project No. 5606. Uptown Community Plan Area. District 2.)

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 permit; and adopt the resolution in Subitem E to grant the map:

Subitem-A: (R-2006-445)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR No. 5606, 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 site development permit, tentative map, rezone, and community plan amendment for the Banker's Hill Townhomes project;

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;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Subitem-A: (Continued)

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 on file in the Office of the City Clerk and incorporated 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-2006-444)

Adoption of a Resolution amending the Uptown Community Plan;

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

Subitem-C: (O-2006-58)

Introduction of an Ordinance of the Council of the City of San Diego changing the zoning designation for a property located at 2561 First Avenue, in the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone into the NP-1 Zone, as defined by San Diego Municipal Code Section 103.1510, and repealing Ordinance No. O-18487 (New Series), adopted April 7, 1998, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-)

Adoption of a Resolution granting or denying Site Development Permit No. 10143, with appropriate findings to support Council action.

Subitem-E: (R-2006-)

Adoption of a Resolution granting or denying Tentative Map No. 10144, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on April 8, 2004, voted 7-0 to recommend approval; was opposition.

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

The Uptown Planners on July 15, 2003, voted 13-1-0 to recommend approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The 0.46-acre project site is located at 2561 First Avenue between Laurel Street and Maple Street within the Uptown Community Planning Area. The property is currently designated for office and medium density residential development. The site is in the NP-3 Zone of the Mid-City Communities Planned District and included in the Airport Approach Overlay Zone. The property was developed in the early part of the 20th Century from 1904 through 1939 with four residential structures including a single-family home that has been converted to office use, a single-story unit and two, Two-story multi-family buildings for a total of 11 existing dwelling units. The neighborhood surrounding the project site is characterized by a variety of land uses including professional and medical office uses, senior housing facilities and multi-family development. Two historically designated Victorian structures are located within close proximity of the project site including the Long-Waterman House and the Timkin House. Additionally, the surrounding Uptown community in general includes several new office and residential projects that have recently been completed or are currently under construction.

On February 21, 2002, the Planning Commission initiated a General/Community Plan Amendment to redesignate the project site from Office and Residential use at 15 to 29 dwelling units per acre. The proposed increase in residential density to medium-high at 29 to 44 dwelling units per acre and would allow for a maximum of 20 dwelling units to be built on the site, whereas the current medium density designation would allow for 13 units. A comprehensive community plan analysis including the issues identified during the initiation process is provided further in this report.

On April 8, 2004, the Planning Commission considered the project at a publicly noticed hearing, and after hearing the staff presentation and public testimony, the Commission voted 7-0-0 approving a motion to recommend that the City Council approve the project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

However, while preparing the project for a City Council hearing, the City Attorney's Office determined that the project should have appropriately been reviewed by the San Diego Regional Airport Authority and should have received a determination regarding the project's consistency with the San Diego International Airport (SDIA) Comprehensive Land Use Plan (CLUP) from the Airport Land Use Commission (ALUC).

On July 8, 2004, the ALUC determined that the project was "Not Consistent" with the SDIA CLUP based on the height of the structure. On July 20, 2004, the Federal Aviation Administration conducted an Aeronautical Study and made a determination of "No Hazard to Air Navigation" (Attachment 18). The Aeronautical Study revealed that while the structure does exceed the obstruction standards, the 60-foot structure would not be a hazard to air navigation. The FAA further determined that no lighting or marking would be required.

Based on the ALUC determination that the height of the structure was not consistent with the SDIA CLUP, approval of the proposed project required a two-thirds override vote by the City Council.

On December 9, 2004, the project (as originally proposed) was before the City Council requesting an override vote and subsequently seeking approval of the General/Community Plan Amendment, Rezone, Planned Development Permit and Tentative Map. After the staff presentation and public testimony, a motion to override the Airport Authority determination failed to garner the required two-thirds vote and therefore the development project was not considered.

The project has since been redesigned to avoid any encroachment into the airport approach path buffer by reducing the number of units from 19 to 16 and incrementally stepping the building back from the buffer zone. The revised plans have been reviewed by the City staff and on September 8, 2005, the Airport Land Use Commission found the redesigned project to be "consistent" with the San Diego International Airport (SDIA) Comprehensive Land Use Plan.

DISCUSSIONProject Description

This application is requesting a General and Community Plan Amendment, Rezone, Site Development Permit and Tentative Map in order to demolish the existing structures and develop the 20,100 square-foot project site with a five-story, 16-unit residential project above 42 subterranean parking spaces.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The General/Community Plan Amendment is required to designate the site with a higher residential density than currently prescribed in the Uptown Community Plan. The Rezone is required to modify the underlying zone from NP-3 to NP-1 which is tailored more towards high intensity office and residential uses. The Site Development Permit is required because the project is requesting deviations from the applicable development regulations of the NP-1 Zone. The Tentative Map is required to develop the project as condominium units. The project is within the Airport Approach Overlay Zone and subject to the supplemental development regulations of the Land Development Code (Section 132.0205).

FISCAL IMPACT:

All of the costs associated with processing this application are paid for by the applicant.

Oppenheim/Goldberg/Halbert/Strohminger/JPH

LEGAL DESCRIPTION:

The project site is located at 2561 First Avenue in the Uptown Community Planning Area and is more particularly described as Lots A, B, C, and D in Block 287 of Horton's Addition.

Staff: Patrick Hooper – (619) 557-7992

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: State Street Tentative Map.

Matter of approving, conditionally approving, modifying or denying a Right-of-Way Vacation, Easement Abandonment, and a Tentative Map to convert a total of 27 existing residential units to condominiums, including 11 existing residential units on a 0.23-acre site at 3606 State Street and 16 existing residential units on a 0.43-acre site at 3603 and 3613 State Street, and a request to waive the requirement to underground existing overhead utilities. The site is located in the MR-1500 Zone of the Mid-City Communities Planned District, and the Airport Approach Overlay Zone, within the Uptown Community Plan Area.

(Uptown Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-463)

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 92651;

That pursuant to California Government Code Section 66445(j), portions of State Street, located within the project boundaries as shown in Tentative Map No. 92651, shall be vacated, contingent upon the recordation of the approved final map for the project, as it is no longer needed for public purpose for which it was granted and the City Council finds that:

- a. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the action through improved use of the land made available by the vacation;
- c. The vacation does not adversely affect any applicable land use plan; and
- d. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation;

That pursuant to California Government Code Section 66445(j), the existing sewer easement granted to the City of San Diego per Book 1647, Page 161, recorded June 5, 1929, within the project boundaries as shown in Tentative Map No. 92651, shall be vacated contingent upon the recordation of the approved Final map for the project, and the City Council finds that:

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

- a. There is no present or prospective public use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the action through improved utilization of the land made available by the abandonment;
- c. The abandonment is consistent with any applicable land use plan; and
- d. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

That Tentative Map No. 92651 is granted to Dan Floint and State 27, LLC, Applicant/Subdivider and Anthony-Taylor Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on July 28, 2005, trailed the project to their August 4, 2005, agenda due to the lack of a quorum. On August 4, 2005, the Planning Commission voted 5-1 to recommend approval of the project as presented in the Planning Commission Report No. PC-05-227 on their consent agenda; no opposition.

Ayes: Shultz, Garcia, Grisworld, Ontai, Steele

Nays: Chase

Recusing: Otsuji

On September 7, 2004, the Uptown Planners voted 14-0-0 to recommend approval of the project with recommended conditions as presented in the Planning Commission Report No. PC-05-227.

CITY MANAGER SUPPORTING INFORMATION:

The State Street Tentative Map project proposes a Tentative Map, Easement Abandonment and Public Right-of-Way Vacation for the conversion of 27 existing residential units into condominiums and includes a request to waive the requirement to underground existing overhead utilities on the site located at 3603, 3606, and 3613 State Street.

Manager's Recommendation: Approve Tentative Map No. 92651, Easement Abandonment No. 232831, and Public Right-of-Way Vacation No. 232833.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

FISCAL IMPACT:

All costs associated with the project are recovered from a deposit provided by the applicant.

Oppenheim/Halbert/MAS

Staff: Michelle Sokolowski – (619) 446-5278

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT