

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 19, 1999
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 10:11 a.m. Deputy Mayor Wear recessed the regular meeting at 10:30 a.m. to convene the Housing Authority. The regular meeting was reconvened by Deputy Mayor Wear at 10:34 a.m. with Mayor Golding and Council Member Warden not present. Deputy Mayor Wear recessed the regular meeting at 11:56 a.m. to reconvene the Housing Authority. The regular meeting was reconvened by Deputy Mayor Wear at 12:00 p.m. with Mayor Golding and Council Member Warden not present. Deputy Mayor Wear adjourned the regular meeting at 12:02 p.m. to the Special Joint Meeting and concurrent Public Hearings with the Redevelopment Agency on Friday, October 22, 1999 at 10:00 a.m. in the City Administration Building, 202 "C" Street, San Diego, California 92101.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-excused by R-292387 (Attending to other City business)

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-not present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Jane Hewitt regarding the De Anza Community, and her feeling that it is perverse to put elderly people out of their homes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-036.)

PUBLIC COMMENT-2:

Comment by Daniel Beeman regarding the Housing Authority and how their actions pertain to the Constitution and the Bill of Rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A037-061.)

PUBLIC COMMENT-3:

Comment by J. R. Graham regarding his feelings that elections are unfair, and that elected officials because of their arrogance should be fired.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A062-083.)

PUBLIC COMMENT-4: REFERRED TO CITY ATTORNEY AND CITY MANAGER

Comment by Scot Sandstrom regarding the public comment of Andrew Kaplan during the City Council Meeting of October 18, 1999, on the development of Carmel Valley Neighborhood 8A. Mr. Sandstrom wished to express that he was here to defend Western Pacific Housing, and that Mr. Kaplan spoke on the issue yesterday unbeknownst to them; and that furthermore he felt Mr. Kaplan was using terrorist tactics by using an open forum to blast their good name.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-110.)

PUBLIC COMMENT-5: REFERRED TO CITY ATTORNEY AND CITY MANAGER

Comment by Chad Harris reiterating Scott Sandstrom's non-agenda comment stating that he wished to address the false allegations made by Mr. Kaplan yesterday as follows: 1. The failure of Western Pacific Housing to acquire the Proper MHPA boundary adjustment; and 2. The grading was imbalanced.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A111-128.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Vargas wishing to express that he was pleased that Mr. Sandstrom and Mr. Harris came to Council today to clarify Mr. Kaplan's statements of yesterday. Council Member Vargas further expressed that it was unfair when someone comes to speak at Council against someone, and the other side is not there to defend themselves.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A129-137.)

ITEM-CC-2:

Comment by Council Member Mathis that he found it unusual for attorneys' to come to Council to speak during Public Comment to seek some kind of advantage, but that Council has had enough exposure to that sort of thing to recognize it when it happens.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A137-145.)

ITEM-CC-3:

Comment by Council Member Stallings wishing to announce that she was just informed by her staff that the community of Linda Vista had collected and removed 70 tons of trash.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C096-099.)

ITEM-330: Mission Valley Auto Dealers Sign.

Initiate an amendment to the Mission Valley Planned District Ordinance within the Mission Valley Community Plan.

(98-0370. District-6.)

CITY MANAGER'S RECOMMENDATION:

Deny the initiation of an amendment to the Mission Valley Planned District Ordinance.

TODAY'S ACTION IS:

(R-2000-153) CONTINUED TO NOVEMBER 30, 1999

Adoption of a Resolution to initiate an amendment to the Mission Valley Planned District Ordinance to allow for the construction of the Mission Valley Auto Dealers Sign.

COMMITTEE ACTION:

Reviewed by Land Use and Housing Committee on July 21, 1999. Motion to recommend that the City Council initiate an Amendment to the Mission Valley Planned District Ordinance. Districts 2,4,7,8 voted yea. District 1 voted nay.

SUPPORTING INFORMATION:

The Mission Valley auto dealers believe that both they and the City of San Diego are losing market share in automotive sales to other car dealerships within surrounding cities. The car dealers believe this is in part due to freeway identification signs that several auto malls outside the City of San Diego currently utilize. The Mission Valley auto dealers believe that the proposed sign will result in significant increases in taxable sales, which could result in additional sales tax revenue to the City of San Diego.

FISCAL IMPACT:

None.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15262.

FILE LOCATION: LAND-Mission Valley Planned District Ordinance (10)

COUNCIL ACTION: (Tape location: A146-170.)

MOTION BY VARGAS TO CONTINUE THIS ITEM TO NOVEMBER 30, 1999, AT THE REQUEST OF THE APPLICANT FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331: Fairbrook Estates.

Matter of recommending approval, conditional approval, or denial of an amendment to the Scripps Miramar Ranch Community Plan, Progress Guide and General Plan to redesignate a 12.09 acre site from school/park to residential and a rezone from the R1-20000 and R1-40000 zones to the R1-8000 zone to develop 17 single-family residential dwelling units, 2 open space lots and a 3.44 acre park site through the accompanying subdivision map and Planned Residential Development Permit on the site located on the south side of Fairbrook Road east of Caminito Magnifica.

(CPA/VTM/PRD/REZONE-98-1011. Scripps Miramar Ranch Community Plan area. District-5.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2000-388) ADOPTED AS RESOLUTION R-292321

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-98-1011 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Mitigated Negative Declaration has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation, Monitoring and Reporting Program.

Subitem-B: (R-2000-410) ADOPTED AS RESOLUTION R-292322

Adoption of a Resolution approving the Amendment of the Scripps Miramar Ranch Community Plan.

Subitem-C: (O-2000-53) INTRODUCED, TO BE ADOPTED
NOVEMBER 1, 1999

Introduction of an Ordinance approving the rezoning of a 12.06 acre portion of a site from R1-40000 and R1-20000 to the R1-8000 and OS-P zones in the Scripps Miramar Ranch Community Plan area.

Subitem-D: (R-2000-497) GRANTED MAP, ADOPTED AS RESOLUTION R-
292323

Adoption of a resolution granting or denying Vesting Tentative Map (VTM) No. 98-1011, with appropriate findings to support Council action.

Subitem-E: (R-2000-498) GRANTED PERMIT, ADOPTED AS RESOLUTION R-
292324

Adoption of a resolution granting or denying Planned Residential Development (PRD) Permit No. 98-1011, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to adopt the City Manager's recommendations with two modifications to the VTM Resolution and three modifications to the PRD Permit; no opposition.

Ayes: Anderson, White, Stryker, Brown
Abstaining: Steele, Skorepa, Butler

The Scripps Ranch Community Planning Group has recommended approval of the project: Voted 13-0-0 on September 2, 1999.

CITY MANAGER SUPPORTING INFORMATION:

Background:

The subject 12.06 acre site is owned by the San Diego Unified School District and was planned to be developed as an elementary school and neighborhood park. The site is comprised of two subdivided lots, lying within the project boundaries of the two adjoining Planned Residential Developments. The site has been previously graded and is located on the south side of Fairbrook Road east of Caminito Magnifica within the current R1-20000 and R1-40000 zones. The Scripps Miramar Ranch Community Plan identifies the site as school/park site and states that the site should be used as a park if the community would be better served by an alternate school site in Miramar Ranch North, and are therefore requesting redesignation of the subject site to a Neighborhood Park and Residential use. Combined, the two adjoining PRDs have developed to near maximum density (within four dwelling units) as permitted by the underlying zones and in conjunction with the plan amendment, would allow for the development of the seventeen residential lots and park site.

Discussion

The subject site was subdivided and graded in conjunction with the two adjacent PRDs in 1978/79. Since the adjoining PRDs have utilized the near maximum potential residential density allowed under the existing zoning and community plan designation, both a community plan amendment for redesignation from school/park to low-density residential and a rezone from the R1-20000 and R1-40000 to the R1-8000 and OS-P (Open Space-Park) zones is required in order to permit the requested 17 residential lots and the 3.11 gross acre park site.

The proposed Planned residential Development Permit contains conditions to assure compatible development with the two adjacent neighborhoods with conditions for setbacks, mix of one and two-story units, materials and colors, walls and fencing and landscaping which emphasizes the retention and addition of Eucalyptus trees.

The park site will be acquired by the City of San Diego through negotiations with the school district and developed to provide opportunities for sports activities, picnicking and other passive uses. On-street and off-street parking will permit users to access the park site. The draft permit

calls for the permittee to rough grade the park site while the City of San Diego would develop the park through its standard park development process. The Scripps Miramar Ranch Community Planning Group recommends that various stages in the development of the subdivision (recordation of the final map, issuance of certificates of occupancy) be keyed to milestones in the development of the Park (design, construction). However, this recommendation has not been incorporated into the draft permit or map conditions, as staff does not believe that the development of the park by the City should limit the permittee's development of the 17 single-family residential units. One of the two open space parcels within this project was originally planned as a pedestrian access to the proposed school. This parcel shall be maintained as a non-building easement as a portion of the adjoining new residential lot, as a separate lot to be maintained by a Homeowners Association or acquired by the adjacent (Chantemar) Homeowners Association and used for controlled access to the park. The Second open space lot, adjacent to Fairbrook Road near the controlled access entry to the adjacent residential neighborhood, contains a subdivision identification sign and landscaping maintained by that Homeowners Association. This parcel shall be maintained as a non-building easement by the permittee through a Homeowners Association or acquired by the adjacent HOA.

The subject site is designated as school/park in the adopted Scripps Miramar Ranch Community Plan and has been acquired by the San Diego Unified School District. Another site has been deemed better suited for development of the necessary elementary school. The community plan amendment will permit compatible residential development and a City park to occur. This 20-lot Vesting Tentative Map of the 12.06 acre site is in conjunction with the Planned Residential Development permit to develop 17 single-family residential lots, 2 open space lots and 1 City park of 3.11 acres. The rezone from R1-20000 and R1-40000 to the R1-8000 and OS-P zones is required to effectuate this change of use.

The Scripps Ranch Community Planning Group voted 13-0-0 on September 2, 1999, to approve the project with caveats that were addressed to all parties satisfaction by the action of the Planning Commission as forwarded to the City Council.

On September 16, 1999, the Planning Commission voted 4-0 (Steele, Butler and Skorepa not participating) to recommend to the City Council, adoption of the City Manager's recommendation with modifications made to the conditions on the VTM and the PRD Permit as directed by the Planning Commission and accepted by the applicant. There was one neutral speaker at the Planning Commission public hearing for the Fairbrook Estates project who expressed traffic safety concerns and comments.

The City Manager recommends the City Council CERTIFY MND No. 98-1011 and ADOPT the MMRP, APPROVE the community plan amendment, ADOPT the Rezone Ordinance, and APPROVE the Vesting Tentative Map Resolution and the Planned Residential Development Permit.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/RMK

LEGAL DESCRIPTION:

The proposed project site is approximately 12.09 acres and located in the community of Scripps Ranch, in the northwestern portion of the City of San Diego, California. Specifically, the site is approximately one-quarter of a mile east of Pomerado Road and south of Fairbrook Road (See attached Figures 1 and 2) of Mitigated Negative Declaration LDR No. 98-1011.

FILE LOCATION: SUBITEMS A, B, D, & E. LAND-Scripps Miramar Ranch Community Plan (10); SUBITEM C: NONE

COUNCIL ACTION: (Tape location: A175-195.)

Hearing began at 10:26 a.m. and halted at 10:29 a.m.

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE MAP AND TO GRANT THE PERMIT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-332: The Trails Apartments.

Matter of recommending approval, conditional approval, modification, or denial of The Trails Apartments project to rezone the subject property from A1-10, R1-5000, and R-1000 to R-1500; to process a Planned Residential Development (PRD); Resource Protection Ordinance (RPO); and a Mission Trails Design District (MTDD) Permit to construct 180 apartment units in six, three-story buildings over subterranean parking on a vacant 8.8 acre parcel located on the

southwest side of Mission Gorge Road at Maregum Avenue in the Navajo Community Plan Area.

(PRD/RPO/MTDD/REZONE-98-0695. Navajo Community Plan Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and D; adopt the resolution in subitem C to grant the permits; and introduce the ordinance in subitem B:

Subitem-A: (R-2000-389) CONTINUED TO NOVEMBER 9, 1999

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration DEP-98-0695 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines; that said MND reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project; and adopting the Mitigation, Monitoring, and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-52) CONTINUED TO NOVEMBER 9, 1999

Introduction of an Ordinance rezoning the subject site from A1-10, R1-5000 and R-1000 to R-1500.

Subitem-C: (R-99-) CONTINUED TO NOVEMBER 9, 1999

Adoption of a Resolution granting or denying the Planned Residential Development (PRD), Resource Protection Ordinance (RPO), and Mission Trails Design District (MTDD) Permit No. 98-0695, with appropriate findings to support Council action.

Subitem-D: (R-2000-405) CONTINUED TO NOVEMBER 9, 1999

Adoption of a Resolution authorizing the vacation of a portion of Mission Gorge Road as provided for under Section 66499.20-1/2 of the State Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 7- 0 to approve; was opposition.

Ayes: Steele, White, Anderson, Brown, Butler, Skorepa, Stryker

The Navajo Planning Committee voted 9-7-1 on September 21, 1998 to recommended denial of the project.

CITY MANAGER SUPPORTING INFORMATION:

The request is for a rezoning from A1-10, R1-5000 and R-1000 to R-1500, a Street Vacation of a portion of Mission Gorge Road, and a Resource Protection Ordinance /Planned Residential Development/Mission Trails Design District Permit No. 98-0695 to construct 180 apartment units in six, three-story buildings over subterranean parking. The site is on a vacant 8.8-acre lot, located at the southwest corner of Mission Gorge Road and Margerum Avenue in the Navajo Community Plan area.

The first Planning Commission public hearing was held on July 29, 1999. Because the Navajo Planning Committee cited traffic impacts to adjacent streets as a reason for not supporting the project, the Planning Commission directed staff to analyze traffic alternatives. (The Navajo Planning Committee voted 9:7:1 on September 21, 1998, to deny the project due to traffic impacts on adjacent streets).

On September 16, 1999, at the second public hearing, staff reported that six traffic alternatives had been analyzed and staff continued to support the project as designed. The Planning Commission voted 7-0 to recommend that the City Council **APPROVE** the City Manager's recommendations to approve the rezone, street vacation, and PRD/RPO/MTDD Permit No. 98-0695.

The Planning Commission also requested that the Navajo Planning Committee take action on the traffic alternatives that had been presented to them, in an attempt to find a traffic alternative that would be acceptable to the Committee. On September 28, 1998, the Navajo Planning Committee voted 9:6 in opposition to the present traffic design of the project. They did not take an action on the traffic alternatives.

The City Manager recommends **CERTIFICATION** of Mitigated Negative Declaration (MND) No. 98-0695 and **ADOPTION** of the Mitigation Monitoring and Reporting Program (MMRP), and approval of a rezoning from A1-10, R1-5000 and R-1500, a Street Vacation for a portion of Mission Gorge Road, and a Resource Protection Ordinance/Planned Residential Development/Mission Trails Design District Permit No. 98-0695.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/DES

LEGAL DESCRIPTION:

The 8.8-acre site is located on the southwest side of Mission Gorge Road at Maregum Avenue in the R-1500 Zone of the Navajo Community Plan area. The project site is more particularly described as that portion of Lot E of the partition of a portion of Lot 70 of Rancho Mission of San Diego.

FILE LOCATION: SUBITEMS A & C: PERM 98-0695 (65)
SUBITEM C: NONE; SUBITEM D: STRT-J-2904 (39)

COUNCIL ACTION: (Tape location: A264-C074.)

Hearing began at 10:35 a.m. and halted at 11:42 a.m.

Testimony in opposition by Dan Karsh, Judy Ervice, and Ken Minnot.

Testimony in favor by Matt Peterson, David Tiffany, Keith Turnham, and Cheri Lazos.

Deputy Mayor Wear closed the Public Testimony portion of the Hearing with the exception of traffic impact issues.

MOTION BY McCARTY TO CONTINUE THIS ITEM TO NOVEMBER 9, 1999, TO ALLOW STAFF THE TIME NEEDED TO COME BACK TO COUNCIL WITH A REPORT REGARDING TRAFFIC MITIGATION MEASURES, AND WITH THE DIRECTION TO STAFF TO EVALUATE THE FOLLOWING:

1. A FOUR WAY STOP AT LARAMIE WAY AND CONTESTOGA.

2. NO RIGHT TURN ON A RED LIGHT AT PRINCESS VIEW TURNING ONTO MISSION GORGE ROAD.
3. EXTENSION OF THE WEST BOUND POCKET AT PRINCESS VIEW DRIVE.
4. TIME OF THE LIGHT AND THE LENGTH OF THE LEFT TURN POCKET ON PRINCESS VIEW.
5. U-TURNS ONLY FROM THE PRINCESS VIEW INTERSECTION.
6. EXTENSION OF THE POCKET AT MARGERUM AND THE EVALUATION OF THE LEFT HAND TURN POCKET AT MARGERUM AS WELL AS THE WEST BOUND POCKET AT PRINCESS VIEW DRIVE.
7. NEW TRAFFIC COUNT AT MARGERUM AND LARAMIE.
8. TRAFFIC COUNT ON MARGERUM BETWEEN LARCHWOOD AND HIGHPLACE.
9. TRAFFIC COUNT ON LARAMIE.
10. AVERAGE SPEED ON MISSION GORGE ROAD.

Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333: Raphael's Party Rentals.

Matter of a Rezone, Tentative Map (98-0283), Planned Industrial Permit within the Mira Mesa Community Planning area.

(RZ/TM/PID-98-0283. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; introduce Subitem B; and adopt Subitems C to grant the map and D to grant the permit:

Subitem-A: (R-2000-390) ADOPTED AS RESOLUTION R-292325

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-98-0283 has been completed in compliance with the California Environmental Quality Act of 1970 and State

guidelines, and that said declaration reflects the independent judgment of the City of San Diego as Lead agency and has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2000-45) INTRODUCED, TO BE ADOPTED NOVEMBER 1, 1999

Introduction of an Ordinance rezoning 5.76 acres from the A-1-10 to M-1B zone.

Subitem-C: (R-2000-488) GRANTED MAP, ADOPTED AS RESOLUTION R-292326

Adoption of a Resolution granting or denying the tentative map 98-0283 including authorization of a drainage easement abandonment and a street reservation vacation, with appropriate findings to support Council action.

Subitem-D: (R-2000-489) GRANTED PERMIT, ADOPTED AS RESOLUTION R-292327

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 7- 0 to approve.

Ayes: Anderson, Brown, Butler, Skorepa, Steele, Stryker, White

The Mira Mesa Community Planning Board has recommended approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The Raphael's Party Rentals project includes a rezone from A-1-10 to M-1B and subdivision of a 5.76-acre site into two lots for development by means of a Rezone/Tentative Parcel Map/Planned Industrial Development Permit. Both parcels meet all requirements to be legal lots. An existing drainage easement and street reservation would be abandoned on the parcel map. The project would consist of a total of 116,344 square feet of warehouse, light manufacturing, commercial, and office uses in two two-story structures. Shared access and shared parking are required as a condition of approval.

The Mira Mesa Community Planning Board voted 12-0-1 at its regularly scheduled meeting on May 17, 1999, to recommend approval of the project.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/Lukes

LEGAL DESCRIPTION:

The project site is located at 8606 Miramar Road and is more particularly described as that Portion of the Southeast 1/4 Southeast 1/4, Section 1, Township 15 South, Route 3 West, San Bernardino Meridian in the Mira Mesa Community Plan area.

FILE LOCATION: SUBITEMS A, C, & D: PERM-98-0283 (65)
SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A175-195.)

Hearing began at 10:26 a.m. and halted at 10:29 a.m.

CONSENT MOTION BY STALLINGS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE MAP AND TO GRANT THE PERMIT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-334: Three actions related to Otay Mesa FY 2000 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report P99-123; Public Facilities Financing Plan and FBA, Fiscal Year 2000, Draft, July 1999. Otay Mesa Community. District-8).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-14) ADOPTED AS RESOLUTION R-292328

Approving the document entitled "Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2000".

Subitem-B: (R-2000-15 Cor.Copy) ADOPTED AS RESOLUTION R-292329

Resolution of Intention to designate an area of benefit in Otay Mesa and setting the time and place for holding a public hearing thereon.

Subitem-C: (R-2000-18 Cor.Copy) ADOPTED AS RESOLUTION R-292330

Authorizing a reimbursement agreement with Pardee Construction Company for the construction of improvements to Ocean View Parkway (formerly Palm Avenue);

Authorizing the expenditure not to exceed \$762,000 from Development Impact Fee [DIF] Funds (\$571,500 from DIF Fund 39062 and \$190,500 from DIF Fund 39067), contingent upon the City Auditor and Comptroller certifying that the funds necessary for reimbursement under the agreement are, or will be, on deposit in the City Treasury.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/21/99, LU&H voted 5-0 to accept the recommendation of the City Manager on consent. (Councilmembers Mathis, Wear, Stevens, McCarty and Vargas voted yea.)

FILE LOCATION: SUBITEMS A, B, & C: STRT-FB-06 (33)

COUNCIL ACTION: (Tape location: C095-C295.)

MOTION BY VARGAS TO ADOPT THE RESOLUTIONS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-335: Amendments of the Coral Point Apartments Multifamily Mortgage Revenue Bond Documents.

(See San Diego Housing Commission Report HCR99-109. District-1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-51) INTRODUCED, TO BE ADOPTED NOVEMBER 1, 1999

Introduction of an Ordinance authorizing the substitution of an alternate security and a transfer of a 368-unit multifamily rental housing project known as Coral Point to a new owner; approving and authorizing the execution of a supplemental indenture with respect to the project and approving and authorizing the execution of related documents, agreements and actions.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A175-195.)

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

CLOSED SESSION:

ITEM-CS-1: (R-2000-465) ADOPTED AS RESOLUTION R-292331

A Resolution adopted by the City Council in Closed Session on October 19, 1999:

Authorizing the City Manager to pay the sum of \$175,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 725664, Davey v. City of San Diego, resulting from personal injury/property damage to Charles Davey; authorizing the City Auditor and Comptroller to issue one check in the amount of \$175,000.00, made payable to Charles W. Davey in full settlement of all claims.

FILE LOCATION: MEET

Aud. Cert. 2000370

ITEM-CS-2: (R-2000-411) ADOPTED AS RESOLUTION R-292332

A Resolution adopted by the City Council in Closed Session on October 19, 1999:

Authorizing the City Manager to pay the sum of \$71,165.18 in the settlement of each and every claim against The City of San Diego, its agents and employees, resulting from the property damage claim of Dina Barron; authorizing the City Auditor and Comptroller to issue one check in the amount of \$71,165.18 made payable to Luth and Turley, as the complete and final settlement of the property damage claim.

FILE LOCATION: MEET

Aud. Cert. 2000347

ITEM-CS-3: (R-2000-473) ADOPTED AS RESOLUTION R-292333

A Resolution adopted by the City Council in Closed Session on October 19, 1999:

Authorizing the City Manager to enter into a Settlement Term Sheet between the City of San Diego, the Redevelopment Agency of the City of San Diego, the Centre City Development Corporation, the San Diego Padres, San Diego Gas & Electric and the Environmental Health Coalition, pertaining to measures that will be undertaken by the parties in the course of developing and operating the proposed Ballpark and related Ancillary Development Projects in the Centre City East area.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 12:02 p.m. in the honor of:

Jacqueline Malouf Nassir as requested by City Clerk Charles Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C354.)