

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 3, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:08 a.m.

Council Member Kehoe was presented with flowers and birthday wishes by community members from District 3.

The meeting was recessed by Mayor Golding at 11:33 a.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Mayor Golding reconvened the Regular Council Meeting at 11:36 a.m. with all members present. Deputy Mayor Mathis recessed the Regular Council Meeting at 12:14 p.m. to reconvene at 2:00 p.m.

Chairperson Wear reconvened the Redevelopment Agency Meeting at 2:14 p.m. with Mayor Golding, Deputy Mayor Mathis, Council Members Stallings and Vargas not present. The regular meeting was reconvened by Deputy Mayor Mathis at 2:36 p.m. with Mayor Golding not present. Deputy Mayor Mathis recessed the regular meeting at 2:44 p.m. to convene the Special Joint Council Meeting with the Redevelopment Agency. Deputy Mayor Mathis reconvened the regular meeting at 3:20 p.m. with all members present. Mayor Golding adjourned the meeting at 5:39 p.m. to convene the Special Workshop and to meet in Open and Closed Session on Thursday, October 5, 2000 at 10:00 a.m. in the twelfth floor Committee Room to discuss existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Blair-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (rl/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Blair-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Leo Long commented regarding rules of clear expression.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-106.)

PUBLIC COMMENT-2:

Ray Holfus, a De Anza resident commented regarding assigning rights not

responsibilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A107-121.)

PUBLIC COMMENT-3: REFERRED TO CITY MANAGER

Alvin Walter commented regarding dog leash problems at local beaches and his claim of damages he feels the City is responsible for.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A122-151.)

PUBLIC COMMENT-4:

Thurman Hewitt commented regarding the World Water Color Society and his hopes to see this Society gain a Museum in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A152-177.)

PUBLIC COMMENT-5: REFERRED TO CITY MANAGER

Mark Burns commented regarding police accountability for their actions, his concerns over City Manager's actions regarding a shooting in his neighborhood, and his question on Risk Management's follow-up response to his concerns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A178-226.)

PUBLIC COMMENT-6:

Pavel Kuzminski commented on his concerns surrounding the process of recalling a City elected officer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A227-261.)

PUBLIC COMMENT-7:

Ron Boshun commented on the Chargers' deal he disagrees with.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A262-300.)

COUNCIL COMMENT:

NONE.

ITEM-152: City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Report.

(See City Manager Report CMR-00-112.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-180) ADOPTED AS RESOLUTION R-293923

Accepting the City Manager's Interim Equal Opportunity Contracting Program (EOCP) Status Report for the first half of FY 2000 as set forth in City Manager Report CMR-00-112.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 5/31/2000 PS&NS voted 4 to 0 to accept the report and forward it to the full City Council for consideration. (Councilmembers Mathis, Wear, Stevens and Warden voted yea. Councilmember

Stallings not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A378-B071.)

Testimony in favor by Wendell Stemley

Hearing began at 11:36 a.m. and halted at 11:54 a.m.

MOTION BY STEVENS TO ADOPT WITH DIRECTION TO BRING BACK A REPORT BY NOVEMBER 6, 2000 OUTLINING HOW MANY COMPANIES, OUT OF THOSE WHO RESPONDED TO THE REQUEST FOR BIDS, ARE OF A PARTICULAR ETHNICITY AND ACTUALLY RECEIVED THE CONTRACTS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-310: Purdon Residence & Guest Quarters.

DENIED REQUEST

Request by Mitchell Berner for a hearing of an appeal from the decision of the Planning Commission to approve a Coastal Development Permit (CDP)/Conditional Use Permit(CUP) to demolish an existing single-family residence and to construct a new, 6,918-square-foot, two-story, single-family residence with an 836-square-foot guest quarters on the lower level, an attached, 833-square-foot garage, and a detached pool and spa on a 0.48-acre site, located at 747 Golden Park Avenue, in the R1-10,000 zone and the Coastal Zone (Non-appealable Area 2), within the Peninsula Community Plan area.

(Case CDP/CUP-99-0990. Peninsula Plan Area. District-2.)

TODAY'S ACTION IS:

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project.

If the request to allow an appeal is granted, time has been reserved for the project to be heard on October 24, 2000 at 10:30 a.m.

SUPPORTING INFORMATION:

This request was deemed complete prior January 1, 2000 (the effective date of the Land Development Code). The subject property is located at 747 Golden Park Avenue, within the Peninsula Community Plan area (Attachment 1). The 0.48-acre site is within the R1-10,000 and Coastal Zones (Non-appealable Area 2), and is developed with an existing two-story, single-family residence with an attached garage. The applicant proposes the removal of the existing improvements and the construction of a new, 6,918-square-foot, two-story, single-family residence with an 836-square-foot guest quarters on the lower level, an attached, 833-square-foot garage, and a detached pool and spa.

The Peninsula Community Plan designates this site for single-family (0-4 du/ac) residential development. Surrounding land uses include single-family residential development.

On June 7, 2000, the Hearing Officer approved the Purdon Residence and Guest Quarters project. On June 20, 2000, Mitchell Berner, representing Michael and Jan Strode who own the adjacent property located at 731 Golden Park Avenue, filed an appeal of the decision citing the following (Attachment 7):

1. The proposed project is out of character with the surrounding neighborhood;
2. The proposed project is inconsistent with the Peninsula Community Plan and Local Coastal Program;
3. The proposed project is inconsistent with General Plan;
4. The proposed project obstructs views to and along the ocean and other scenic coastal areas from public and private vantage points; and
5. The proposed project therefore fails to comply with the required findings for both the Coastal Development Permit and Conditional Use Permit.

Mr. Berner has produced a supplemental booklet to the appeal form, dated June 16, 2000, which has been provided to the Planning Commissioners at his request.

Several neighbors attended the Peninsula Community Planning Board January 20, 2000 meeting regarding this project. After a lengthy discussion in which all sides were allowed to present, the Board recommended approval of the proposed residence and guest quarters by a vote of 10 yeas, 0 nays, and 2 abstentions.

Planning Commission voted 7-0 to deny the appeal and approve the project; was opposition.

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

Nays: None.

FILE LOCATION: PERM-99-0990 (65)

COUNCIL ACTION: (Tape location: B072-080.)

Hearing began at 11:55 a.m. and halted at 11:56 a.m.

MOTION BY WEAR TO DENY THE REQUEST FOR A HEARING OF THE APPEAL. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Street Vacation - Linwood Street between Keating Street and Washington Street.

(Uptown Community Planning Area. District-2.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolution:

(R-2001-144) ADOPTED AS RESOLUTION R-293924

Vacating a portion of Linwood Street between Keating Street and Washington Street, and the area shown on Drawing No. 18729-B designated as a general utilities easement is reserved as a general utilities easement for the construction and maintenance of public utilities and appurtenances thereto with the right of ingress and egress for such purposes;

Declaring that the vacation shall be conditioned upon and not become effective unless and until the installation of a curb cut and the cut-and-plug of a water main has been inspected and accepted by the City Engineer. In the event that this construction is not accomplished within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of Linwood Street has been requested by the adjacent property owners in order for one of the owners to construct a driveway to his previously inaccessible garage. The segment of Linwood Street proposed for vacation totals .149 acres and is located in the Uptown Community Planning Area. In 1997, the Uptown Planners recommended against the vacation by a vote of 10-0, with no conditions. They believed it did not meet the requirements of the Community Plan. Staff believes that the proposed vacation does meet the requirements of the Uptown Community Plan. On December 2, 1999, the Planning Commission voted 5-0 in favor of the vacation, recommending that a building restriction easement be included over the area proposed for vacation. Staff believes the building restriction easement is redundant because the vacated area will be significantly encumbered by general utility easements described below.

The applicant is requesting the vacation without a building restriction easement, in order to facilitate the construction of his proposed driveway. The area of Linwood Street proposed for vacation contains public sewer and SDG&E facilities, for which general utilities easements will be reserved as a condition of the vacation. Staff recommends that the right-of-way be vacated conditioned upon the reservation of general utilities easements, the installation of a curb cut to provide access, and a cut-and-plug of the water main in Keating Street.

FINDINGS: Staff review has indicated that the right-of-way may be vacated because the four required findings for vacation can be made.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.
Culbreth-Graft/Haase/GH

FILE LOCATION: STRT-J-2916 (39)

COUNCIL ACTION: (Tape location: A301-376.)

Hearing began at 11:30 a.m. and halted at 11:35 p.m.

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-331: San Diego Spectrum.

Matter of approving, conditionally approving, modifying or denying the proposed

1) Lennar Project (99-1269) - VTM/Master Plan Amendment to revise the lot and street configuration on Phase 3 & 4 of TM-96-0165; revise the New Century Center Master Plan to reflect the new design of Market Square/Planning Area 2A; and vacate Irrevocable Offer to Dedicate for the old Market Square configuration:
2) FF Development (99-0509) - A Planned Residential Development permit, a Rezone for CA to R-1500, a Tentative Parcel Map, an Amendment to the Kearny Mesa Community Plan, the New Century Master Plan and the New Century Center Development Agreement to allow 448 multi-family residential units. The property is bounded by Clairemont Mesa Boulevard to the north, SR 163 and Kearny Villa Road to the west, Ruffin Road to the east, and Balboa Avenue to the south. TM-96-0165 (San Diego Spectrum)

(99-1269 & 99-0509. Kearny Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolutions in subitems A, B, and J; adopt the resolution in subitem E to grant the map; adopt the resolution in subitem F to grant the map; adopt the resolution in subitem G to grant the amendment to the permit; adopt the resolution in subitem H to grant the permit; and introduce the ordinances in subitems C, D, and I:

Subitem-A: (R-2001-437) ADOPTED AS RESOLUTION R-293925

Adoption of a Resolution certifying that the information contained in Addendum to an Environmental Impact Report (EIR) LDR-99-1269, dated July 6, 2000, Addendum to EIR-96-0165, has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA guidelines, and that said Addendum to EIR-96-0165 reflects the independent judgment of the City of San Diego as Lead Agency; Stating for the record that the Addendum to EIR-96-0165 has been reviewed and considered by the Council prior to approving the project.

Subitem-B: (R-2001-438) ADOPTED AS RESOLUTION R-293926

Adoption of a Resolution approving the requested amendments to the Kearny Mesa Community Plan and the Progress Guide and General Plan related to the New Century Center Master Plan.

Subitem-C: (O-2001-50) INTRODUCED, TO BE ADOPTED ON OCTOBER 16, 2000

Introduction of an Ordinance changing 10.40 acres and 9.20 acres, located in the

Kearny Mesa Community Plan Area, in the City of San Diego, California, from the CA and M-1B zones, respectively, to the R-1500 zone, as defined by San Diego Municipal Code Section 101.0410; and repealing Ordinances No. O-12342 (New Series), adopted May 1, 1978, and No. O-18447 (New Series), adopted December 2, 1997, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (O-2001-51) INTRODUCED, TO BE ADOPTED ON OCTOBER 16,
2000

Introduction of an Ordinance changing 11.90 acres, located in the Kearny Mesa Community Plan Area, in the City of San Diego, California, from the CA zone to the M-1B zone, as defined by San Diego Municipal Code Section 101.0435.2; and repealing Ordinance No. O-18447 (New Series), adopted December 2, 1997, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-E: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION
R-293927

Adoption of a Resolution granting or denying Vesting Tentative Map (VTM) 99-1269.

Subitem-F: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION
R-293928

Adoption of a Resolution granting or denying Tentative Parcel Map (TPM) 99-0509.

Subitem-G: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-293929

Adoption of a Resolution granting or denying the Planned Industrial Development/Planned Commercial Development (PID/PCD) Permit Amendment No.-99-1269 that amends PID/PCD Permit No. 96-0165.

Subitem-H: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-
293930

Adoption of a Resolution granting or denying Planned Residential Development Permit No.-99-0509 for 448 multi-family residential units.

Subitem-I: (O-2001-54) INTRODUCED, TO BE ADOPTED ON OCTOBER 16,

2000.

Introduction of an Ordinance approving the amendment to the New Century Center Development Agreement between the City of San Diego and LNR Kearny Mesa, Inc.

Subitem-J: (R-2001-439) ADOPTED AS RESOLUTION R-293931

Adoption of a Resolution summarily vacating Irrevocable Offer of Dedications and slope easements with Map 13826, Map 13827 and Map 13980, as provided for under Public Streets, Highways and Service Easements Vacation Law, Section 8330 et. seq. and under California Government Code, Section 66434(g).

OTHER RECOMMENDATIONS

Planning Commission on August 17, 2000, voted 5-0 to approve; no opposition.

Motion by Anderson to recommend to the City Council that they approve Staff's revised recommendations as outlined in their memo dated August 11, 2000 regarding residential options and a new parking lot design, along with the following additional conditions:

1. Residential emphasis mixed use requirement south of the commons under the current zones on Lot 6;
2. In the negotiated Development Agreement that they pursue with the applicants, affordable housing density bonuses, not in lieu of the units that are permitted, but in addition to the units that are permitted as there is an opportunity to add additional housing, shared parking and transit credits to reduce the cost to the developers to provide the housing. Also, because there is a demand for the housing given the service jobs in Kearny Mesa and within the project itself including the hospital and hotel.
3. Ensure that there is access to the west that is done with similar frequency in a similar manner to that to the north.

Ayes: Steele, Anderson, Brown, Stryker, White
Not present: Butler, Skorepa

The Kearny Mesa Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The New Century Center project (96-0165) is generally bounded by Clairemont Mesa Boulevard to the north, State Route 163 (SR-163) and Kearny Villa Road to the west, Ruffin Road to the east, and Balboa Avenue to the south.

The original project was approved on November 18, 1997, and consisted of a mixed-use retail, commercial and industrial/business park development. The principal features of the project included a planned commercial, retail, and entertainment use area located on the western side of the property facing Kearny Villa Road; a planned industrial and business park area located on the eastern side of the Property facing Ruffin Road; a system of roadways linking the retail and entertainment use area on the western side of the property to the industrial and business park area on the eastern side of the Property; a Market Square amenity in the center of the property; retention of approximately 7 acres of the existing Missile Park in the northeast corner of the property; and retention of approximately four acres in the southeast corner of the property as a vernal pool conservation area.

On August 5, 1999, the Planning Commission initiated a Community Plan Amendment to allow consideration of residential use in place of a portion of commercial and industrial use. Two workshops have been conducted to discuss the specific changes to the approved plan, one on February 24, 2000, and one on May 11, 2000.

At the July 20, 2000 hearing, Planning Commission raised a number of issues including the amount of residential use, residential density, affordable housing, the commitment to retail use, the lack of an urban feeling to the project, the lack of commercial- residential mixed-use, the location of utilities, and the design of parking areas. The commission continued the hearing to August 17, 2000, and asked staff to consider these and return with an analysis and potential project alternatives.

At the August 17, 2000 hearing, staff recommended the addition of residential use as a permitted use in the Mixed-use Commercial area of the plan and allowing the residential development in Planning area 3B to exceed the proposed 448 units. Up to 550 dwelling units in addition to the 448 units proposed in the residential portion of the plan would be permitted subject to the approval of a Planned Residential Development Permit decided in accordance with Process 4 for a maximum of 998 units.

FISCAL IMPACT:

None.

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant. The Extraordinary Benefits required through the original Development Agreement will continue to be assured through the amended Development Agreement.

Loveland/Haase/fzm

LEGAL DESCRIPTION:

The proposed projects consist of two separate but interrelated proposals with the New Century Center Master Plan area, which consists of approximately 244 acres generally bounded by Kearny Villa Road to the west, Clairemont Mesa Boulevard to the north, Balboa Avenue to the south, and Ruffin Road to the east, in the Kearny Mesa Community Planning Area (see Figure 1, Location Map, Addendum to an Environmental Impact Report, LDR No. 99-1269). The current proposals would affect approximately 73 acres within the western portion of the Master Plan area.

Figure 2 (Addendum to an Environmental Impact Report, LDR No. 99-1269) represents the existing New Century Center Master Plan Land Use Plan. The New Century Center project (96-0165) is generally bounded by Clairemont Mesa Boulevard to the north, State Route 163 (SR-163) and Kearny Villa Road to the west, Ruffin Road to the east, and Balboa Avenue to the south.

FILE LOCATION: Subitems A, B, E, F, G, H: LAND-Kearney Mesa (10)
Subitems C, D, I: None.
Subitem J: DEED F-7865

COUNCIL ACTION: (Tape location: B096-322.)

Hearing began at 11:57 a.m. and halted at 12:14 p.m.

MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B AND J; INTRODUCE THE ORDINANCES IN SUBITEMS C, D AND I; ADOPT THE RESOLUTIONS IN SUBITEMS E AND F, GRANTING THE MAPS; ADOPT THE RESOLUTIONS IN SUBITEMS G AND H, GRANTING PERMITS. APPROVE THE MANAGER'S RECOMMENDATION WITH THE PLANNING COMMISSION'S CONDITIONS OF RESIDENTIAL EMPHASIS, MIXED USE REQUIREMENT SOUTH OF THE COMMONS; PURSUE AFFORDABLE HOUSING DENSITY BONUSES, AND PEDESTRIAN ACCESS BE PROVIDED TO THE COMMONS FROM ALL RESIDENTIAL PROJECTS. Second by Blair. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-332: University City Village.

Matter of an application to construct an additional 559 residential units, including second story additions to existing single-story units; 80 assisted living units; CPA to redesignate the site from single-family to multi-family; and a rezone from R-1-5000 to R-2500. The site is located at 4633 Governor Drive.

(Case CUP/CPA/RZ-98-0408. University Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION

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

Subitem-A: (R-2001-483) ADOPTED AS RESOLUTION R-293935

Adoption of a Resolution certifying that the information contained in LDR-98-0408 has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970 and State (CEQA) guidelines, and that said Mitigated Negative Declaration (MND) reflects the independent judgement of the City of San Diego as Lead Agency; and stating for the record that the final MND has been reviewed and considered prior to approving this project by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2001-57) INTRODUCED, TO BE ADOPTED ON OCTOBER 16, 2000

Introduction of an Ordinance rezoning the site from RS-1-7 (R1-5000) to RM-1-2 (R-2500).

Subitem-C: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-293936

Adoption of a Resolution approving Conditional Use Permit/Resource Protection Ordinance Permit 98-0408, with appropriate findings to support Council action.

Subitem-D: (R-2001-484) ADOPTED AS RESOLUTION R-293937

Adoption of a Resolution amending the University City Community Plan to redesignate the site from single-family residential (5-10 du/ac) to multi-family residential (15-30 du/ac) and to eliminate the site from the Single Family Protection Map.

OTHER RECOMMENDATIONS

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

Ayes: Anderson, Brown, Butler, Stryker, White
Abstaining: Steele
Not present: Skorepa

The University Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The University City Village project is located south of Governor Drive, north of SR-52, between Interstate 805 and Genesee Avenue on 75 acres in the University City Community Plan area. The entire project is proposed to be a senior housing apartment project. There are 510 existing units which are proposed to be remodeled. An additional 599 new senior apartments and 80 assisted living units will also be provided for a total of 1,189 senior units. Fifteen of the units will be affordable income units. The following actions are proposed:

1. A community plan amendment to redesignate the site in the University Community Plan from single-family (5-10 du/ac) to multi-family (15-30 du/ac) residential and to eliminate the site from the Single Family Protection Map.
2. A rezone from RS-1-7 (R1-5000) to RM-1-2 (R-2500);
3. Certification of MND 98-0408 and adoption of the Mitigation Monitoring and Reporting Program; and
4. A Conditional Use Permit/Resource Protection Ordinance Permit 98-0408.

University City Community Planning Group: On September 14, 1999, the planning group voted 11:2:1 in support of the project.

Planning Commission: The Commission voted 5:0 in support of the project on August 17, 2000.

Environmental Impact: The City of San Diego as Lead Agency under CEQA has reviewed and considered MND, LDR File No. 98-0408, dated August 2, 2000, covering this activity.

FISCAL IMPACT:

None.

Loveland/Haase/pg

LEGAL DESCRIPTION:

The project site is more particularly described as being located south of Governor Drive, north of State Route 52 and Marian Bear Memorial Park, between Interstate 805 and Genesee Avenue (University City Unit 9, Lots 1-4, Map No. 5100, City and County of San Diego).

FILE LOCATION: Subitems A, C & D: PERM-98-0408 (65)
Subitem B: NONE

COUNCIL ACTION: (Tape location: C268-374.)

Hearing began at 2:36 p.m. and halted at 2:44 p.m.

MOTION BY BLAIR TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND D; ADOPT THE RESOLUTION GRANTING THE PERMIT IN SUBITEM C; AND INTRODUCE THE ORDINANCE IN SUBITEM B. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens -yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-333: Market Street (from 47th Street to Iona Drive) Underground Utility District.

(Continued from the meeting of 9/12/2000, Item 333, at the request of City staff for further review because it is underground lighting.)

(Chollas View and Emerald Hills Community Areas. District-4.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolution:

(R-2001-06) ADOPTED AS RESOLUTION R-293932

Establishing the Market Street (from 47th Street to Iona Drive) Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities", and will underground the overhead utility facilities in the Market Street (from 47th Street to Iona Drive) Underground Utility District. The formation of this district will require

the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral.

Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$1,347,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$1,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Cert. 2001319.

FILE LOCATION: STRT-K-298 (38)

COUNCIL ACTION: (Tape location: A301-376.)

Hearing began at 11:30 a.m. and halted at 11:35 a.m.

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Naval Training Center Land Use Entitlements.

Matter of the Naval Training Center (NTC) Precise Plan, zoning and affiliated development permits. The Precise Plan, zoning and permits are designed to implement the NTC Reuse Plan which was adopted by the City Council in

October 1998. The project entitlements will include adoption of the NTC Precise Plan and Local Coastal Program, an amendment to the Peninsula Community Plan and the Progress Guide and General Plan, the application of zoning to the site, a Vesting Tentative Map (VTM), Planned Development permits (PDP) including Urban Design Guidelines and Historic Design Guidelines, and a Conditional Use Permit (CUP) for the modification of the existing golf course to include a 20 station driving range with protective netting. The draft Precise Plan envisions that the project site will be developed as a pedestrian-oriented mixed-use neighborhood with residential, educational, recreational, office, commercial, institutional and civic, arts & cultural uses.

The approximately 360-acre site is located along Rosecrans Street between Lytton Avenue and North Harbor Drive and is west of San Diego International Airport (Lindbergh Field). The property is currently unzoned and is within the Peninsula Community Planning Area, Council District 2. (Companion Item to Peninsula Public Facilities Financing Plan and Development Impact Fee).

(99-1076. Peninsula Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolutions in subitems A and F ; adopt the resolution in subitem B to grant the map; adopt the resolution in subitem C to grant the permit; adopt the resolution in subitem D to grant the permit; adopt the resolution in subitem E to grant the permit; and introduce the ordinances in subitems G, H, and I:

Subitem-A: (R-2001-491) ADOPTED AS RESOLUTION R-293938

Adoption of a Resolution approving the amendments to the Peninsula Community Plan;

Approving the Naval Training Center Precise Plan and Local Coastal Program;

that it adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan and the Naval Training Center Precise Plan and Local Coastal Program;

that it finds that the plan amendments are consistent with the City-adopted Regional Growth Management Strategy, and directs the City Clerk to transmit a copy of this resolution to SANDAG in its capacity as the Regional Planning and Growth Management Review Board;

that the provisions of this resolution shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission certifies this resolution as a Local Coastal Program amendment.

Subitem-B: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION
R-293939

Adoption of a Resolution granting or denying the NTC Vesting Tentative Map VTM-99-1076.

Subitem-C: (R-2001-) GRANTED PERMITS, ADOPTED AS RESOLUTION
R-293940

Adoption of a Resolution granting or denying the NTC Master Development Permit/Coastal Development Permit No. 99-1076 (entitling the property under the control of the Corky McMillin Companies), with appropriate findings to support Council action.

Subitem-D: (R-2001-) NOTED AND FILED

Adoption of a Resolution granting or denying a Conditional Use Permit (CUP No. 99-1076) for a Golf Course at NTC, with appropriate findings to support Council action.

Subitem-E: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-293942

Adoption of a Resolution granting or denying the Site Development Permit No. 40-0750 for the Metropolitan Wastewater Lab on NTC, with appropriate findings to support Council action.

Subitem-F: (R-2001-492) ADOPTED AS RESOLUTION R-293943

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-99-1076 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said declaration has been reviewed and considered by the Council and 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 the above mentioned land use actions for the redevelopment of the former Naval

Training Center;

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 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;

that pursuant to mitigation measure LEU-4 previously adopted by the Redevelopment Agency of the City of San Diego on February 1, 2000, in *Environmental Impact Report for the NTC Redevelopment Project* (SCH No. 99081140) and mitigation measure LU-5 previously adopted by the City of San Diego on October 20, 1998 in *California Environmental Impact Statement/Environmental Impact Report* No. LDR-96-0255, the City Manager is authorized and directed to convey within 45 days a limited aviation easement to the Unified Port District of San Diego for the land which is in City ownership and which is legally described and depicted in attachment B to this Resolution. This area includes the property at NTC which is located within the 1999 65 dB or greater CNEL contour of the Lindbergh Field Airport Influence Area. The limited aviation easement shall acknowledge the noise, inconvenience, and property value impacts caused by airport noise and thus serve to fully satisfy the City and Redevelopment Agency's mitigation obligations with respect to airport noise impacts. Conveyance of this easement is further intended to fully satisfy noise compatibility requirements contained in the Comprehensive Land Use Plan (CLUP) for Lindbergh Field and California Law [Chapter 2.5, Subchapter 6, Title 21 of the California Code of Regulations] by achieving a status of "conditional compatibility" for all future development and use at NTC which conforms with the Precise Plan.

Subitem-G: (O-2001-59) INTRODUCED, TO BE ADOPTED ON OCTOBER 16, 2000

Introduction of an Ordinance applying zoning regulations for the RT-1-4, RM-2-5, CR-1-1, OP-1-1, CV-1-1 and CC-5-5 zones, as the zones are defined by San Diego Municipal Code Sections 131.0201, 131.0401, and 131.0501, to approximately 316 acres of unzoned land in the former Naval Training Center, located Northerly of North Harbor Drive, Southerly of Lytton Avenue, Easterly of Rosecrans Avenue and Westerly of San Diego International Airport, in the Peninsula Community Plan Area.

Subitem-H: (O-2001-60) INTRODUCED, TO BE ADOPTED ON OCTOBER 16, 2000

Introduction of an Ordinance amending Chapter 13, Article 2, Division 4, of the San Diego Municipal Code by amending Section 132.0402 relating to the Peninsula Community Plan.

Subitem-I: (O-2001-61) INTRODUCED, TO BE ADOPTED ON OCTOBER 16, 2000

Introduction of an Ordinance amending Chapter 13, Article 2, Division 2, of the San Diego Municipal Code relating to the Peninsula Community Plan.

OTHER RECOMMENDATIONS

Planning Commission will meet on September 28 to make recommendations on this item.

The Peninsula Community Planning Board, on September 7, 2000, voted to recommend approval of the project subject to conditions.

The Historic Resources Board, on August 24, 2000, voted to recommend approval of the project subject to conditions. On June 22, 2000, the Historic Resources Board approved the *NTC Guidelines for the Treatment of Historic Properties*, and designated NTC as a historic landmark.

The NTC Implementation Advisory Committee, on September 20, 2000, voted to recommend approval of the project subject to conditions.

The North Bay Project Advisory Committee (PAC), on September 6, 2000, voted to recommend approval of the project subject to conditions. The list of conditions was not provided to the PAC nor to city staff.

SUPPORTING INFORMATION:

BACKGROUND

The approximately 360-acre Naval Training Center (NTC) is located along Rosecrans Street between Lytton Avenue and North Harbor Drive, west of San Diego International Airport (Lindbergh Field). The property is currently unzoned, and most of the site is within the Peninsula Community Planning Area (see Attachment 1). In 1993, the Federal Base Closure and Realignment Commission recommended closure of NTC. The City of San Diego was designated

the Local Redevelopment Authority responsible for the preparation of a re-use plan. On April 30, 1997, NTC ceased its military function and went into Navy “caretaker” status. On April 29, 1997, the City Council approved and adopted the NTC Redevelopment Project Area.

After a multi-year public planning effort, the NTC Re-Use Plan was completed and adopted by the City Council in October 1998. The Re-Use Plan organizes future uses of the site into five categories: Residential, Educational, Historic Core/Mixed Use, Waterfront/Recreation, and Camp Nimitz (see Attachment 2). The Navy found the Re-Use Plan adequate for transfer of ownership of the property to the City, and portions of the site have already been conveyed to the City.

In August 1998, the City issued a Request for Qualifications/Proposals for a master developer to implement the Re-Use Plan. On June 22, 1999, the Agency authorized the Executive Director to negotiate a Disposition and Development Agreement (DDA) with the McMillin Company. On June 26, 2000, the City Council and Redevelopment Agency approved the DDA with McMillin, establishing the financial terms and conditions under which McMillin would complete the redevelopment of NTC.

In December 1999, the Planning Commission initiated the preparation of a Precise Plan and Local Coastal Program (LCP) Land Use Plan for NTC. Since October 1999, City staff and McMillin have been working with the Peninsula Community Planning Group and the NTC Implementation Advisory Committee, a 21-member committee established by the Mayor to ensure implementation of the Re-Use Plan and to provide a regional perspective to the planning and development process.

On July 20, 2000 and September 14, 2000, workshops were held with the Planning Commission to discuss status and key policy issues regarding the project, including building height, traffic, public access, affordable housing, landscaping in the courtyard/grinders area, and the golf course configuration.

DISCUSSION

Naval Training Center Precise Plan and Local Coastal Program Land Use Plan

The Precise Plan is a land use policy document to guide the development and use of NTC. The Precise Plan (Attachments 3 and 21) is intended to serve as the LCP Land Use Plan, since the entire base is within the coastal zone. The City will request the assumption of permit authority over portions of the base upon certification of the LCP by the California Coastal Commission. The LCP will serve as a guiding document for the City and the Coastal Commission for the evaluation of coastal development permits. Amendments to the Peninsula Community Plan are needed to incorporate the Camp Nimitz area into the Peninsula Community Planning Area, and to update various policies with respect to NTC.

Drafts of the Precise Plan and Peninsula Community Plan amendment were prepared by McMillin and City staff and circulated for public review and comment in March and July 2000.

The Precise Plan draws heavily from the NTC Re-Use Plan, which was adopted by the San Diego City Council in 1998. The land use plan remains the same in terms of number of units, acreage devoted to various uses, and the site layout. The Precise Plan provides additional landscape, urban design, transportation, and zoning information to further refine the Re-Use Plan. The intent of the plan is to promote a pedestrian-oriented mixed-use development that preserves the historical integrity of NTC. This is achieved by retaining the existing street widths in most locations, retaining existing pedestrian arcades and adding them in new buildings, integrating the landscaping with the adjacent neighborhood, creating physical and/or visual continuity with the neighborhood street grid, applying a broad commercial zone on the historic core to facilitate its adaptive reuse, and including a greenbelt system along the boat channel and within the development area.

FISCAL IMPACT:

None with this action.

All costs associated with processing this project are paid for by a deposit made by the Master Developer.

LEGAL DESCRIPTION:

The project site is situated on the northern edge of San Diego Bay, just east of the Loma Portal neighborhood and west of Lindbergh Field, within the Peninsula Community Plan area and is more particularly described as Parcels 1-7, 9-14, 18 & 19 of R.O.S. 16556.

FILE LOCATION: Subitems A-F: LAND-Naval Training Center (67)
Subitems G-I: NONE

COUNCIL ACTION: (Tape location: D292-G538.)

Hearing began at 3:20 p.m. and halted at 5:39 p.m.

Testimony in opposition by Ron Boshun, Beryl Flom, Yvonne Lewis, Connie Messina, John McNab, Donald Ray, Jr.

Testimony in favor by Lowell North, Pat Goddard, George Gildred, Clint Steed, Gary Ruyle, Lynne Christenson, Wayne Rafflesberger, Julie Zoellin Cramer, Donald Harrison, Dan Wilkens, Leslie Hokr, Diana Alexander, Greg Finley, Seth Leyton, Jim Peugh, Richard Anthony, Mitch Mitchell, Walter Heiberg, Mark Steele, Marc Kasky, and Corky

McMillin.

Deputy Mayor Mathis left at 5:00 p.m. and returned at 5:05 p.m.

Council Member Stevens left at 5:01 p.m. and returned at 5:05 p.m.

Council Member Stallings left at 5:04 p.m.

MOTION BY WEAR TO APPROVE THE CITY MANAGER'S RECOMMENDATIONS ADOPTING THE RESOLUTIONS IN SUBITEMS A AND F ; ADOPTING THE RESOLUTION IN SUBITEM B TO GRANT THE MAP; ADOPTING THE RESOLUTION IN SUBITEM C TO GRANT THE PERMIT; ADOPTING THE RESOLUTION IN SUBITEM D TO DENY THE PERMIT; ADOPTING THE RESOLUTION IN SUBITEM E TO GRANT THE PERMIT; AND INTRODUCING THE ORDINANCES IN SUBITEMS G, H, AND I PURSUANT TO THE FOLLOWING MODIFICATIONS, CLARIFICATIONS AND ADDITIONS TO THE CITY MANAGER'S RECOMMENDATIONS:

NUMBER 6-DENY CUP NO. 99-1076 FOR THE DRIVING RANGE BUT KEEP A DRIVING RANGE COMPONENT POSSIBLE IN THE FUTURE;

NUMBER 11-SEEK MAXIMUM FLEXIBILITY FOR LAND USES WITHIN THE SHORELINE PLAZA SUB-AREA. SPECIFIC EFFORTS SHOULD BE MADE TO EITHER REDUCE OR ELIMINATE PARKING ALONG THE WATER'S EDGE AND THAT OPTIONS SHOULD REMAIN OPEN REGARDING ANY DEMOLITION OF BUILDINGS UNTIL THE LAND USE PLAN FOR SHORELINE PLAZA IS COMPLETED. THE PARKING MANAGEMENT PLAN AND THE ANNUAL UPDATES REQUIRED BY THE MITIGATION MONITORING AND REPORTING PROGRAM SHOULD SEEK TO IDENTIFY POTENTIAL ALTERNATIVE PARKING OPPORTUNITIES;

NUMBER 12-REQUIRE A PROCESS 3 DEVELOPMENT PERMIT FOR ANY PARKING STRUCTURES ALONG ROSECRANS;

NUMBER 13-CONTINUE THE BEAUX ARTS LANDSCAPE TRADITION IN THE GRINDERS AREA SUPPORTING MCMILLIN'S ORIGINAL LANDSCAPING PLAN;

NUMBER 14-KEEP THE LIVE/WORK LOFTS AS AN OPTION BUT RESTRICT THEM TO LAWRENCE COURT BUILDINGS 27, 28 AND 29;

NUMBER 15-DIRECT THE CITY MANAGER TO INCLUDE AN OPTION FOR A

50-METER POOL AND A DIVING FACILITY INTO THE PARK PLANNING PROCESS SO WHEN IT COMES BACK COUNCIL CAN MAKE SOME DECISIONS;

NUMBER 16-DIRECT THE MANAGER TO CONSIDER ESTABLISHING A WETLANDS AREA ALONG THE CHANNEL AT THE APPROPRIATE AREAS BUT NOT NECESSARILY AT THE VERY END; AND

~~*INCLUDE ANY PARKING STRUCTURE FACILITY NEEDS TO COME BACK AS A PROCESS 3.~~ Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ALL PARKING FACILITIES, INCLUDING STRUCTURES AND WATERFRONT PARKING WILL REQUIRE A PROCESS 3 REVIEW. (Corr. by ek 5/26/06)

ITEM-335: Two actions related to the Peninsula Public Facilities Financing Plan and Development Impact Fee.

(See City Manager Report CMR-00-196. Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-501) CONTINUED TO OCTOBER 24, 2000

Approving the document titled "Peninsula Public Facilities Financing Plan, Fiscal Year 2001," dated September 15, 2000.

Subitem-B: (R-2001-502) CONTINUED TO OCTOBER 24, 2000

Rescinding the existing Peninsula Development Impact Fees (DIF);

Declaring the DIF fee schedule contained in the Peninsula Public Facilities Financing Plan, Fiscal Year 2001, to be an appropriate and applicable DIF fee schedule for all properties within the Peninsula Community Planning Area;

Declaring that the Docket Supporting Information (including City Manager's

Report No. 00-196) and the text contained in the Peninsula Public Facilities Financing Plan are incorporated by reference as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrating how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

FILE LOCATION: STRT-FB-21 (33)

COUNCIL ACTION: (Tape location: A013-023.)

MOTION BY MCCARTY TO CONTINUE TO OCTOBER 24, 2000 FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Blair-yea, Stallings-not present, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Market Street Industrial Park Redevelopment Plan.

(See City Manager Report CMR-00-195.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-479) ADOPTED AS RESOLUTION R-293933

Consenting to the proposed termination of the Redevelopment Plan for the Market Street Industrial Park Project; authorizing the establishment of a date, time and place of a joint public hearing; and authorizing the publication and mailing of notice of the joint public hearing.

NOTE: See the Redevelopment Agency Agenda of October 3, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A301-376.)

Hearing began at 11:30 a.m. and halted at 11:35 a.m.

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-337: Findings for Surface Off-Site Improvements for the Young Women's Christian
Association of San Diego (YWCA).

(See memorandum from CCDC dated 9/5/2000. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-398) ADOPTED AS RESOLUTION R-293934

Making certain findings of benefit regarding the construction of surface off-site
improvements for the Young Women's Christian Association of San Diego
(YWCA) at 10th Avenue and C Street.

NOTE: See the Redevelopment Agency Agenda of October 3, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A301-376.)

Hearing began at 11:30 a.m. and halted at 11:35 a.m.

MOTION BY WEAR TO ADOPT. Second by Kehoe. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

CLOSED SESSION ITEMS:

ITEM-CS-1: (R-2001-541 Cor. Copy) ADOPTED AS RESOLUTION R-293921

A Resolution adopted by the City Council in Closed Session on October 3, 2000:

Authorizing the City Manager to pay the sum of \$35,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 733038, Nancy Wolff v. City of San Diego, resulting from personal injury to Nancy Wolff; authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000.00, made payable to Nancy Wolff and her attorney Ronald B. Laba, in full settlement of all claims, as a result of an incident which occurred on November 28, 1998.

Aud. Cert. 2100386

FILE LOCATION: MEET

ITEM-CS-2: (R-2001-516) ADOPTED AS RESOLUTION R-293922

A Resolution adopted by the City Council in Closed Session on October 3, 2000:

Authorizing the City Manager to pay the sum of \$30,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury claim of Jason Brock; authorizing the City Auditor and Comptroller to issue one check in the amount of \$30,000.00, made payable to Jason R. Brock and David L. Goldin, his attorney of records, as the complete and final settlement of the personal injury which occurred on February 3, 1999.

Aud. Cert. 2100360

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:39 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G539).