

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 8, 2000
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 Mathis at 10:13 a.m. Deputy Mayor Mathis convened the Redevelopment Agency to meet simultaneously with the City Council at 10:32 a.m. Deputy Mayor Mathis recessed the regular meeting at 10:35 a.m. to convene the Housing Authority.

The meeting was reconvened by Deputy Mayor Mathis at 10:52 a.m. Deputy Mayor Mathis adjourned the meeting at 11:13 a.m. into closed session immediately following the regular meeting in the twelfth floor conference room to discuss Real Property negotiations.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-excused by R-292861 (no reason given)

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (ew)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour 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-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Daniel Beeman thanking the City Council for their time and patience.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-022.)

PUBLIC COMMENT-2:

Comments by Reverend Sky regarding the Anti-Gang Measure, Proposition 21 and suggested to the City Council to consider reading the proposition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-046.)

PUBLIC COMMENT-3:

Comments by Dorie Offerman stating that on July 27, 1999, the City Council voted to approve the MOU regarding De Anza Community with several recommendations. She asked if the recommendations have been addressed and requested for the following information to be provided to the President, Ernie Abbit: 1) An up-dated copy of the MOU with all attachments and amendments; 2) A complete draft of the Option to lease to the De Anza Corporation for an additional 50 years; and 3) Information as to when the De Anza Corporation intends to submit their EIR, including alternative land uses.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A047-090.)

PUBLIC COMMENT-4:

Comment by William Claycomb regarding gasoline prices and electricity shortage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A091-116.)

PUBLIC COMMENT-5:

Comment by Doug Beckham inviting the City Council to the Linda Vista Multicultural Fair held on Saturday, April 29th.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A117-131.)

COUNCIL COMMENT:

NONE.

ITEM-112: Support of State Ballot Propositions 12, 13, and 14.

(See Intergovernmental Relations Department Report IRD-99-12.)

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-788) ADOPTED AS AMENDED AS RESOLUTION R-292750

Supporting the passage of Propositions 12, 13, and 14 on the March 2000 ballot.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/29/99, RULES voted 4-0 to support Propositions 12, 13, and 14. (Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A426-B200.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION SUPPORTING THE THREE ITEMS WITH DIRECTION TO MAYOR GOLDING TO PUT TOGETHER LOBBYING TEAMS TO GO UP TO SACRAMENTO AFTER THE BOND ISSUES PASS, AND PLAN TO GO FORWARD WITH LOBBYING FOR PROPORTIONATE AMOUNTS OF MONEY WHEN LOBBYING FOR THESE KINDS OF PROPOSITIONS FOR THE CITY OF SAN DIEGO. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-113: Sale - City's Leased Fee Interest, Lot 9, Eastgate Technology Park.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-787 Cor.Copy) ADOPTED AS RESOLUTION R-292751

Authorizing the sale of portion of Lot 9, Parcel Map PM-11498, Eastgate Technology Park to be sold by negotiation for the amount of \$3.2 million to G.H. Cooper Properties, Inc.;

Authorizing the City Manager to execute a Real Estate Purchase Contract for the sale of the property;

Authorizing the execution of a quitclaim deed, granting to G.H. Cooper Properties, Inc., all of the City's right, title, and interest in that portion of Lot 9, Parcel Map PM-11498, Eastgate Technology Park;

Declaring that a broker's commission may be paid by the City to CB Richard Ellis on the negotiated sale.

CITY MANAGER SUPPORTING INFORMATION:

On June 8, 1999, the Mayor and Council authorized the City Manager to market the City's interest in Lot 9, Eastgate Technology Park to the general public. On December 7, 1999, in Closed Session, Council approved the sale of the City's leasehold interest to Village Builders 98 at \$3.2 million. On January 15, 2000, Village Builders 98 rescinded its original offer. Immediately thereafter, the City's broker, CB Richard Ellis identified another qualified buyer, G.H. Cooper Properties, Inc., on the same terms and conditions, except as noted below with the City taking back at \$450,000 note over 10 years at 7.5 percent. The City's interest in Lot 9 consists of the ground leasehold of 3.91 acres. Kilroy Realty owns a 45,200-square foot building on the site which is occupied by SAIC. The City obtained an outside appraisal in February 1999 which indicated a range of value from \$3.3-3.6 million. The City's broker distributed a marketing brochure listing the property at \$3.4 million. Kilroy Realty made an offer at \$2.5 million. The City received two additional offers at \$2.8 million and \$3.2 million. Staff consulted with an

independent appraiser and confirmed that \$3.2 million represents the full market value for the City's interest. Lot 9 is currently encumbered by a lease which causes the property to have a very low rate of return for the next 5-7 years. This means it will attract a limited number of potential investors and a limited window to maximize price. The low rate of return causes a decrease in value as interest rates rise. Due to the rise in interest rates since the appraisal was completed 9 months ago, \$3.2 million represents the current market value (which may further erode as interest rates continue to rise). Given these facts, the City's broker, appraiser and staff concur that the current \$3.2 million offer represents the best opportunity to maximize the City's return. The City Manager recommends accepting the most recent offer made by G.H. Cooper Properties at \$3.2 million, with a note for \$450,000 for 25 years due and payable in 10 years at 7.5 percent. And payment of 3.5 percent broker's commission will be paid to CB Richard Ellis.

FISCAL IMPACT:

The amount of \$2.75 million will be deposited into the Police Decentralization Fund No. 30248, less a 3.5 percent recommended broker's commission, with the City to finance a note for \$450,000 over a ten-year period at 7.5 percent.

Culbreth-Graft/Griffith/LMG

FILE LOCATION: DEED F-7697

COUNCIL ACTION: (Tape location: A132-194.)

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

ITEM-330: Amendment of the Airport Environs Overlay Zone, and Application of the Overlay Zone To Areas Surrounding Lindbergh Field.

Matter of amending the Airport Environs Overlay Zone (AEOZ) to add Lindbergh Field to the list of airports around which some new construction is subject to the filing of avigation easements with the San Diego Unified Port District and to the requirement to attenuate for aircraft noise impacts. The City is also proposing to apply the Airport Environs Overlay Zone to property surrounding Lindbergh Field.

The proposed Airport Environs Overlay Zone and its application fall partially within the Coastal Zone. Therefore, an amendment to the Local Coastal Program (LCP) is required. If adopted by the City, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment will not become effective until after approval by the California Coastal Commission.

The City Council will consider approving the following:

1. Amendment to the Airport Environs Overlay Zone to reference Lindbergh Field, thereby requiring that property owners provide avigation easements to the Port District when requesting certain forms of new residential construction within the area defined by the 65 decibel CNEL noise contour. Property owners proposing residential construction within the 60+ decibel noise contour will also be required to attenuate for aircraft noise to achieve an interior noise level not exceeding 45 decibels. The cost of the required noise attenuation shall not exceed 10 percent of construction costs.
2. Application of the Airport Environs Overlay Zone to the area shown on Zone Map Drawing C-885, which approximates the 60 decibel CNEL aircraft noise contour.

(Districts-2, 3, 4, & 8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances in Subitems A and B:

Subitem-A: (O-2000-126) CONTINUED TO MARCH 14, 2000

Introduction of an Ordinance amending the Airport Environs Overlay Zone (Municipal Code Sections 132.0301, 132.0302, 132.0303, 132.0306, and 132.0309).

Subitem-B: (O-2000-129) CONTINUED TO MARCH 14, 2000

Introduction of an Ordinance applying the Airport Environs Overlay Zone to properties surrounding Lindbergh Field.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve; was opposition.

Ayes: Brown, Skorepa, Stryker, White

Abstaining: Anderson, Butler

Not present: Steele

The Golden Hill, Mission Beach, Southeastern San Diego, Peninsula, Midway/Pacific Highway Corridor, Ocean Beach, and Uptown Community Planning Groups have been notified of this item and have not submitted a recommendation.

SUPPORTING INFORMATION:

In 1992, SANDAG (acting as the region's Airport Land Use Commission) approved the Lindbergh Field Comprehensive Land Use Plan (CLUP). The CLUP contains recommendations to improve compatibility between the airport and surrounding residential land uses. The CLUP calls for the City of San Diego, under certain circumstances, to require property owners to include noise attenuation in new residential construction projects, and to provide the Port District with "avigation easements."

Noise attenuation is intended to ensure that noise levels interior to the home do not exceed 45 decibels. The avigation easement is a written acknowledgment of the noise, inconvenience, and property value impacts caused by aircraft noise. The proposed Airport Environs Overlay Zone is a Municipal Code amendment that would implement these CLUP recommendations. The zone would be applied to properties by an overlay zone that would be reflected on the City's zoning maps.

The proposed Airport Environs Overlay Zone (AEOZ) will require noise attenuation for all residential construction in the 60 decibel and higher noise contour. This is consistent with the City's adopted noise ordinance. The AEOZ would require avigation easements from property owners when proposing the addition of new dwelling units in the 65 decibel and higher noise contours. Easements would not be required for building additions or renovations. This approach is consistent with various provisions of the CLUP and would implement the requirements of State law. However, Port District staff recommend that easements be required for renovation of multifamily units, and that easements be required in the broader 60+ decibel contour. City staff propose to use the 1999 noise contour maps to form the boundaries of the overlay zone, while

Port District staff recommend the use of 1990 noise contour maps. The CLUP recommends using the 1990 contours; however, the 1999 maps more accurately reflect current conditions (the 1999 noise environment is quieter than 1990 due to the phase-out of Stage 2 aircraft).

In September 1999, the Land Use and Housing Committee directed staff to proceed with public hearings on the overlay zone. The Committee recommended that easements be required in the 65+ contour for construction of new (additional) dwelling units, and that the overlay zone be based on 1999 contours. In December 1999, the Planning Commission recommended approval of the draft AEOZ, but recommended that the 1990 contours be used to establish the overlay zone boundaries.

FISCAL IMPACT:

None.

Culbreth-Graft/Goldberg/MBK

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061.b.3.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A132-194.)

MOTION BY WEAR TO CONTINUE TO MARCH 14, 2000, AT THE CITY MANAGER'S REQUEST FOR ADDITIONAL TIME TO PREPARE MAPS. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-331: Entering into a Cooperation Agreement with MTDB for Undergrounding Power Lines for a Transit Oriented Development.

(See City Manager Report CMR-00-18. Linda Vista Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-836) ADOPTED AS RESOLUTION R-292752

Making certain findings with respect to the Undergrounding of Power Lines for a Transit Oriented Development within the North Bay Redevelopment Project.

Aud. Cert. 2000667.

NOTE: See the Redevelopment Agency Agenda of February 8, 2000 for a companion item.

FILE LOCATION: MEET (66)

COUNCIL ACTION: (Tape location: A195-290.)

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

ITEM-332: Two actions related to the Formation of Proposed City of San Diego Community Facilities District No. 2 (Santaluz):

(See City Manager Report CMR-00-16. Portions of Subareas I and IV of the Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-860) ADOPTED AS RESOLUTION R-292753

Resolution of Intention to incur bonded indebtedness within each of proposed improvement Area Nos. 1, 2 and 3 of Community Facilities District No. 2 (Santaluz).

Subitem-B: (R-2000-859) ADOPTED AS RESOLUTION R-292754

Resolution of Intention to establish Community Facilities District No. 2 (Santaluz), to authorize the Levy of Special Taxes to pay the costs of acquiring or constructing certain facilities and expenses of the District and to pay debt service on bonded indebtedness and approving the form of and authorizing the execution of two Purchase and Financing Agreements.

FILE LOCATION: Subitems A & B: STRT-CF-2 (58)

COUNCIL ACTION: (Tape location: A132-194.)

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

ITEM-S500: Allowing the Display of Banners in the Public Right-of-Way in the Vicinity of the County of San Diego Administration Building.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-903) ADOPTED AS RESOLUTION R-292755

A Resolution Allowing the Display of Banners in the Public Right-of-Way in the Vicinity of the County of San Diego Administration Building.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A132-194.)

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 11:13 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B201).