

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 6, 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 Mayor Golding at 10:08 a.m. Mayor Golding recessed the regular meeting at 10:28 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency and the Housing Authority thereafter. Mayor Golding reconvened the regular meeting at 10:39 a.m. with all members present. The meeting was recessed by Mayor Golding at 12:25 p.m. to meet in Closed Session in the twelfth floor conference room to discuss pending and anticipated litigation.

The meeting was reconvened by Mayor Golding at 2:19 p.m. Mayor Golding adjourned the meeting at 3:20 p.m.

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 Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (pr/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin 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 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 Dorcas Turoski regarding the De Anza Community. Ms. Turoski referenced a natural disaster that caused the displacement of 500 residents, and what she considers to be equal devastation; the future displacement of residents of the De Anza Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-040.)

PUBLIC COMMENT-2:

Comment by Steve McWilliams regarding "Shelter from the Storm" and medical marijuana guidelines.

At the request of Mayor Golding Assistant City Attorney Leslie Devaney explained that Mr. McWilliams is currently on felony probation, and the case that

he is referring to regarding a closure or arrests made at the “Shelter from the Storm” is currently in the District Attorney’s Office. Assistant City Attorney Leslie Devaney stated that a Task Force on the subject is being considered to fill in the holes on the proposition initiative regarding the use of marijuana for medical purposes, and it is a state issue in the sense that if anything should be rectified, it should be rectified at that level.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-082.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Mathis expressing that he wished to recognize the fifth grade students and their teacher from Sunset Hills Elementary School attending the Council Meeting today.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A082-087.)

ITEM-330: Initiation of a Community Plan Amendment.

Matter of an appeal by Harold K. Brown for Carl Karcher Enterprises, Inc. of the Planning Commission’s decision in denying a proposal to initiate an amendment to the Mira Mesa Community Plan to allow a free-standing commercial restaurant fronting the south side of Mira Mesa Boulevard on a .85 acre site between Flanders Drive and Viper Way in the Mira Mesa Business Park East Planned Industrial Development (PID). The Community Plan and PID currently allow only interior oriented ancillary support commercial uses to serve the Business Park and do not allow free-standing restaurants. The proposed development would consist of two restaurants in one building. A Carl’s Jr. (with drive-thru) and a Rubio’s (with on-site alcohol sale) are proposed. The hearing will be limited to discussing whether the amendment should be initiated.

(Mira Mesa Community Planning area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the initiation:

(R-2001-32) GRANTED INITIATION, ADOPTED AS RESOLUTION
R-293253

Adoption of a Resolution granting or denying the initiation of an amendment to the Progress Guide and General Plan and Mira Mesa Community Plan to redesignate a .85 acre site from industrial park to neighborhood commercial.

OTHER RECOMMENDATIONS:

Planning Commission voted 4 - 0 to deny the Initiation; no opposition.

Ayes: Brown, Skorepa, Anderson, Steele

Abstaining: White, Butler

Not present: Stryker

The Mira Mesa Community Planning Group has recommended denial of the Initiation.

SUPPORTING INFORMATION:

Carl Karcher Enterprises, Inc. is proposing a community plan amendment to redesignate a .85 acre site on Mira Mesa Boulevard between Flanders Drive and Viper Way in Mira Mesa from industrial park to neighborhood commercial in order to construct a combination Carl's Jr./Rubio's restaurant. A rezone from M1-B to M1-A and an amendment to PID Nos. 84-0667 and 86-0975 are requested to be processed concurrently with the plan amendment. The Planning and Development Review Department has recommended denial of the community plan amendment because it is inconsistent with primary goals and objectives in the Progress Guide and General Plan as well as the Mira Mesa Community Plan. Existing policies in the Community Plan restrict development of freestanding commercial uses in industrial areas west of Plaza Sorrento in order to preserve the remaining supply of industrially designated land, of which there is a serious shortage according to the Progress Guide and General Plan. The Community Plan also prohibits further expansion of strip commercial developments, particularly those located across from and around planned shopping centers because they interfere with traffic flow to and from the centers and undermine surrounding property values.

On January 24, 2000 the Mira Mesa Community Planning Board voted 12 to 1 against this plan amendment initiation request and subsequent to a second presentation by the applicant on March 20, 2000 voted 11 to 1 against; both times based mainly on concerns over traffic from the drive-through component of the project during lunch and desirability of preserving industrially designated land. At the March 20, 2000 Community Planning Group meeting the Board voted 9-1-1 to consider a Community Plan Amendment for a sit-down restaurant at this site.

On March 23, 2000 the Planning Commission voted 4-0-2 to deny the community plan amendment initiation, consistent with the manager's recommendation.

On April 3, 2000 the applicant filed an appeal of the Planning Commission's denial of their request to initiate the Community Plan amendment so that the request can be considered by the City Council.

FISCAL IMPACT:

None.

Loveland/Goldberg/TK

NOTE: This activity is not a project and is therefore exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(1).

Hearing began at 10:40 a.m. and halted at 11:01 a.m.

Testimony in opposition by Bill Darnell, Hal Goldberg, and Harold Brown.

Testimony in favor by Cynthia Davis.

FILE LOCATION: LAND-Progress Guide and General Plan/Mira Mesa [09]

COUNCIL ACTION: (Tape location: A400-B133.)

MOTION BY WARDEN TO ADOPT THE RESOLUTION TO APPROVE THE INITIATION OF AN AMENDMENT TO THE MIRA MESA COMMUNITY PLAN, AND TO DIRECT STAFF TO CONSIDER CHANGING THE ZONING ON THE ENTIRE PARCEL TO M1-A FOR CONSISTENCY. Second by Stevens. 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: Proposed First Quarterly Update to the Land Development Code.

Matter of a proposed First Quarterly Update to the Land Development Code (Municipal Code Chapters 11-14) and Guidelines for Biology, Coastal Bluffs and Beaches, and Historical Resources. This proposed Update is Citywide.

(Districts-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in subitem A; and adopt the resolution in subitem B amending the Guidelines for Biology, Coastal Bluffs and Beaches, and Historical Resources:

Subitem-A: (O-2000-172) INTRODUCED, TO BE ADOPTED ON JUNE 19, 2000

Introduction of an Ordinance amending the Land Development Code.

Subitem-B: (R-2000-1377) ADOPTED AS RESOLUTION R-293254

Adoption of a Resolution amending the Guidelines for Biology, Coastal Bluffs and Beaches, and Historical Resources.

Planning Commission voted 5 - 0 to recommend approval of the administrative corrections and telecommunication facility regulations; no opposition.

Ayes: White, Brown, Steele, Butler, Skorepa

Not present: Anderson, Stryker

The Community Planning Groups have been notified of this item and have not submitted a recommendation.

SUPPORTING INFORMATION:

On September 28, 1999, the City Council adopted modifications to the Land Development Code (LDC) and accompanying Land Development Manual Guidelines as required for certification by the California Coastal Commission. Implementation of the LDC and accompanying guidelines occurred on January 3, 2000.

This first Quarterly Update to the LDC is the first step in the Code Monitoring Process directed by the City Council. A Code Monitoring Team, with representatives from professional organizations, community groups, business owners and environmental concerns, has been working with staff to evaluate the proposed amendments.

The First Quarterly Update includes a number of administrative corrections to the LDC and guidelines that were identified by staff and the public during training sessions and in the first three months following implementation. These include corrections to typographical errors, simple clarifications, and reference corrections. This quarterly update also includes amendments to update the regulations for telecommunication facilities consistent with City Council policy and does not substantively change the intent of the regulations.

- C See Ordinance for the strikeout/underline version of the amendments.
- C Complete copies of the Guidelines for Biology, Coastal Bluffs and Beaches, and Historical Resources are available at the City Clerk's Office.

FISCAL IMPACT: None.

Loveland/Christiansen/BM

NOTE: Action on the administrative corrections to the Land Development Code and the amendment to the regulations for minor and major telecommunication facilities are exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

Action on the administrative corrections to the Guidelines for Biology, Coastal Bluffs and Beaches, and Historical Resources are exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

Hearing began at 10:15 a.m. and halted at 10:28 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

CONSENT MOTION BY WARDEN TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Silver Oaks.

Matter of a proposed 8-lot subdivision, "Silver Oaks", to create 7 lots for single-family residential dwelling units, and 1 open space lot on a 19.5 acre site located within the A-1-10 zone in the Del Mar Mesa Specific Plan area approximately 6,000 feet east of Carmel Country Road identified as Parcel 32 in the Specific Plan. The Application also includes a request for a Planned Residential Development, Resource Protection and Hillside Review Permit to construct 7 residential units on lots ranging in size from 1.24-4.85 acres. The vacation of Shaw Ridge Road through the property will also be considered.

(TM/PRD/RPO/SV-99-0023. Del Mar Mesa Community Planning Group.
District-01.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2001-42) ADOPTED AS RESOLUTION R-293255

Adoption of a Resolution certifying that the information contained in LDR-99-0023 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Findings to the Master Environmental Impact Report 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: (R-2001-43) GRANTED PERMIT, ADOPTED AS RESOLUTION
R-293256

Adoption of a Resolution granting or denying the Planned Residential Development/Resource Protection Ordinance Permit No. 99-0023, with appropriate findings to support Council action.

Subitem-C: (R-2001-44) GRANTED MAP, ADOPTED AS RESOLUTION
R-293257

Adoption of a Resolution granting or denying Tentative Subdivision Map, TM-99-0023, with appropriate findings to support Council action.

Subitem-D: (R-2000-) **(PLEASE NOTE: STREET VACATION NOT
REQUIRED PER DEPUTY CITY ATTORNEY)**

Adoption of a Resolution authorizing the vacation of portions of Shaw Valley Road as provided for under Section 66499.20-1/2 of the State Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to approve; no opposition.

Ayes: Steele, Anderson, Skorepa, Stryker, White, Brown
Nays: None
Abstaining: None
Not present: Butler

The Del Mar Mesa Community Planning Group has recommended approval of the draft permit.

SUPPORTING INFORMATION:

The proposed application package would allow for the construction of a seven (7) unit single family development with one (1) open space lot on a 19.5 acre site located in the Del Mar Mesa Community Plan. The 19.5 acre site is located in the central most portion of the Community Plan along Shaw Ridge Road, approximately 6,000 feet east of Carmel Mountain Road. Access to the site will be from the extension of Del Mar Mesa Road. The old Shaw Ridge Road going through the project will be vacated as part of this project. The project is subject to the A1-10 zoning regulations of the Del Mar Mesa Specific Plan which allows a maximum of one dwelling unit per 2.5 acres. The actual lot sizes range between 1.24 and 4.85 acres.

It is the intent of the applicant to sell the lots off to individual owners who would then prepare building plans. With the design criteria as contained in the Specific Plan and the conditions that have been included in the Permit, the development will proceed in a manner consistent with a rural community. Condition number 18 requires that each residential lot be subject to a substantial conformance review to verify conformance with the polices of the Del Mar Mesa Specific Plan and the design guidelines contained therein prior to the issuance of building permits.

FISCAL IMPACT:

None. All costs associated with this project are recovered from a deposit provided by the applicant.

Loveland/Haase/RG

LEGAL DESCRIPTION:

The vacant project site is located approximately 0.15 miles east of Carmel Country Road along both sides of Shaw Ridge Road within the Del Mar Mesa Specific Plan (Subarea V) of the North City Future Urbanizing Area (NCFUA) and partially within the Multiple Habitat Planning Area (MHPA), and is more particularly described as the east half of the southwest quarter of the northeast quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Base Meridian.

Hearing began at 10:15 a.m. and halted at 10:28 a.m.

FILE LOCATION: SUBITEMS A & B: PERM-99-0023 [65]
 SUBITEM C: SUBD - Silver Oaks (40)
 SUBITEM D: STRT-J-2911 [39]

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-333: Murray Canyon/Conditional Use Permit.

Matter of the appeal of Lynn Heidel, attorney for the applicant: Hanson Aggregates Pacific Southwest, Inc. from the decision by the Planning Commission in denying Conditional Use Permit (CUP) No.98-0337 to operate a concrete ready mix batch plant, a custom topsoil treatment operation and a concrete recycling center on a 13.6 acre site located at 5745 Mission Center Road in the Mission Valley Community Plan area.

(CUP-98-0337. Mission Valley Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem-A; and adopt the resolution in Subitem-B to grant the appeal and grant the Permit:

Subitem-A: (R-2001-608 Cor.Copy 02/02/01) ADOPTED AS RESOLUTION
R-293271

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR-98-0337 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and State guidelines thereto (California Administrative Code Section 15000 et seq.), and that said report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2001-609 Cor.Copy 02/02/01) GRANTED THE APPEAL AND
GRANTED THE PERMIT,
ADOPTED AS RESOLUTION
R-293272

Adoption of a Resolution granting or denying the appeal and granting or denying Conditional Use Permit (CUP) No. 98-0337, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-0 to deny; was opposition.

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

Not present: Stryker

The Mission Valley Community Planning Group voted 8-0-8 in favor of the project with eight abstentions on February 3, 1999.

The Serra Mesa Community Council voted 10-0-0 in opposition to the project on November 18, 1999.

CITY MANAGER SUPPORTING INFORMATION:

The project site is located on the east side of Mission Center Road, north of Friars Road. The site is surrounded by industrial land to the east, south and west, and residential development to the north.

The site has been subject to sand and gravel extraction since the 1950's. No land use development permits were required at that time. In 1966, CUP 107 was granted to the H. G. Fenton Company to construct and operate an asphalt plant on 125-acres that replaced an existing asphalt plant and to also construct a batching plant to manufacture concrete products. The permit was granted for twenty-five (25) years. In 1982, CUP 107 was amended by CUP No. 82-0005. CUP No. 82-0005 deleted 92 acres from CUP 107 and extended the expiration date from 1991 to 2000, or until "economic depletion occurs".

Today, of the 33-acres covered by CUP-82-0005 approximately 13.6-acres are not being mined. The proposed project request is to amend CUP-82-0005 to remove these 13.6-acres to use them for a ready mix concrete batch plant, a custom topsoil treatment operation and a concrete recycling facility for 5 years.

The concrete batch plant currently exists on the site. It was incorporated into the existing CUP through a Substantial Conformance Review (SCR) approval of October 21, 1996. The remaining 19.4-acres would continue to be a mining operation pursuant to CUP-82-0005.

The site is zoned Mission Valley-Multiple Use (MV-M) in the Mission Valley Planned District Ordinance (MVPDO). The MVPDO does not address the use of mining, however, the MVPDO Administrative Regulations, Section 103.2103.3 refers the decision to Section 101.0510 (Conditional Use Permits) of the citywide regulations. Under Section 101.0510, the extracting, processing, storing and selling of sand, gravel, rock cement, and soil is permitted. The Mission Valley Community Plan, a policy document, also allows for the sand and gravel operations.

FISCAL IMPACT: None.

LEGAL DESCRIPTION:

The project site is located at 5745 Mission Center Road, and is more particularly described as a portion of Parcel 2, Map No. 12442.

Hearing began at 11:01 a.m. and recessed at 12:20 p.m.

Testimony in favor by Lynn Heidel, Richard Cardvilla, Abdur-Rahim Hameed, Jose Mireles, Warren Coalson, Ellis Logan, Ed Stoughton, Bruce Evans, Michael Serra, Bill Taylor, and Kevin Elliott.

Testimony in opposition by James Sperbeck, Joseph Guido, Dr. Edward Peters, Richard Shick, Pat Mendiola, Steven Sanderman, Tom Young, Patricia Barrett, Hilda Mendinla, Dicken Hall, Doris Krug, Cindy McIntyre, Cindy Moore, Phyliss Cook, Jeff Johnson,

John Salerrio, James Rodd, Doug Beckman, Dave Henderson, Julie Corwin, Don Cramer, and Jack Gaffney.

The hearing resumed at 2:20 p.m. and halted at 3:19 p.m.

FILE LOCATION: SUBITEMS A & B: LUP - Murray Canyon/Conditional Use Permit

COUNCIL ACTION: (Tape location: B134-D200; E010-F219.)

Motion by Stallings to deny the appeal and deny the permit and uphold the unanimous decision of the Planning Commission. Second by Kehoe.

SUBSTITUTE MOTION BY WARDEN TO ADOPT THE FOLLOWING RESOLUTIONS: SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE APPEAL AND TO GRANT THE PERMIT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: The Kenyon Residence.

Matter of the appeal by Bonair LLC, from the decision of the Historical Resources Board in approving the historical site designation of property located at 750 Bonair Place in the La Jolla Community Plan Area.

(La Jolla Community Plan Area. District-1)

TODAY'S ACTION IS: CONTINUED TO JUNE 27, 2000

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

CITY MANAGER'S RECOMMENDATION:

Deny the appeal of Bonair LLC and uphold the action of the Historical Resources Board.

OTHER RECOMMENDATIONS:

Historical Resources Board voted 10-3 on April 27, 2000 to approve the building's designation with Boardmembers Christenson, Johnson, and Sykes opposed.

Ayes: Riley, Ahern, Bishop, Burnett, Delawie, Furlong, Malone, May, Sewell,
Stiegler
Nays: Christenson, Johnson, Sykes
Absent: Iseman, Sherr

The La Jolla Community Planning Group has been notified of this item and has not submitted a recommendation.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego Historical Resources Board considered the site location at 750 Bonair Place when brought before the Board in conjunction with a proposed major building modification of a structure of 45 years under San Diego Municipal Code Section 143.0212.

It is the intention of the property owner to demolish the building to make way for a 4 unit apartment building. At the Historical Resources hearing, the Board limited its evaluation solely to the issue of historical significance, leaving the issue of site disposition to be handled separately at a later hearing and upon review by the HRB Design Assistance Subcommittee, as necessary.

According to the historical report submitted, very little historic reference material relating to this area of La Jolla is available at this time. The property in question was not listed in the 1977 Schaelchlin Report of historical La Jolla, nor have any of the occupants been listed in the 1955 Randolph's La Jolla Year by Year. Both documents will be undergoing update this year as part of the La Jolla historical study program, which has been awarded CDBG funding, and for which a consultant team is being sought to work with HRB staff and the La Jolla Historical Society.

The building in question, located at 750 Bonair Place, was constructed in 1952 by Charles H. McCauley, a building contractor under contract to Martha Kenyon, who lived on the property for two years until sold to the Newtons who in turn resided on the property for the next 14 years, until 1968. The Munson family bought it next and has lived on this property until now (32 years.)

The house built in 1947 is a rare Modern Adobe brick house. Charles McCauley appears to have produced a few such homes in San Diego during the late 1940's through early 1950's. The significance of this house stems from the architectural application of adobe brick construction in a modern style. The house is of simple design and has weathered its 53 years very well. The building retains its location integrity. Later modifications (a rear wing) have not compromised the simple original architectural design. Architectural features include adobe brick walls and large wood framed windows.

The site is a significant historical resource under HRB-CRITERION C (Architecture) as follows:

CRITERION C - Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of natural materials or craftsmanship.

Adobe architecture is important because it is one of the oldest forms of human shelter making, evidenced by archaeological construction activity long before recorded history worldwide. Adobe is still used today in some parts of the world. Its basic component is earth, a readily available material. The construction method is low technology, but requires high maintenance. The history of adobe construction in the southwestern United States can be divided into three broad phases: Indigenous, Victorian and Revival.

Indigenous Period. From the 1840's through 1881, it represents an amalgamation of Native American, Spanish Colonial, and Mexican influences with very thick adobe walls rising directly from shallow trenches, has small window openings and is framed with local timbers and flat roofs covered with packed earth over a simple system of log beams branches and straw or grass. The flooring is of packed earth or adobe pavers.

Victorian Period. From 1882 to 1914 is heavily influenced by the Anglo building methods, and the industrial revolution of the late 1800's. It retains the adobe wall construction on continuous stone foundation which supports a raised wood framed floor. Windows were large, often casement or double hung, and buildings have wood framed pitched roofs covered with roof shingles. Walls are covered with lime stucco resulting in a more durable structure that required less maintenance.

Revival Period. From 1915 to 1948 uses construction methods that resembled today's. The adobe walls are placed on a raised concrete foundation and the floor is slab on grade. Adobe walls are completely encased in cement plaster. Often large wood or steel framed windows are included, giving the structure a more modern look. Roof configurations are varied and set upon a concrete bond beam on top of the adobe wall. This bond beam gives the building structural stability important in seismic prone areas such as San Diego.

The Bonair Place residence is a representative example of the Late Revival Period, with strong modern features. With its 1947 construction date and modern design idiom, it could be classified into a new Modern Adobe Period, with its simple design, large wood windows to the floor, and simple roof lines. Modern Southwestern American architects of the early part of the century, liked using the adobe structure as a means of developing a low cost, high quality construction. The adobe style is still very much in use in New Mexico, and no longer in use in Southern California. The Bonair Place house is one of the few such homes built in urban San Diego.

The property owners plan to build a four unit apartment complex on the 12,000 square foot lot. The location of the main house is on one side, so it would be possible to find a way to incorporate the adobe house into a new project. The Historical Resources Board staff is available to work with the property owner to seek a solution that integrates the original adobe house into the new project's design. The HRB Design Assistance Subcommittee could also be instrumental in helping to reach the desired win/win solution.

It is staff's recommendation that the adobe house is architecturally significant in its unique modern design and its uniqueness to urban San Diego, to warrant designation. Designation of the house will not impair densification but it will require that a modified site and architectural design be sought. Benefits of designation include the possibility for Mills Act property tax reduction contracts, use of the Historical Building Code, opportunities for site design flexibility, and historic CUPs which allow for use flexibility.

FISCAL IMPACT: None.

LEGAL DESCRIPTION:

The subject property is located at 750 Bonair Place and is more particularly described as Block F, Lots 1 & 2.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A090-100.)

MOTION BY MATHIS TO CONTINUE THIS ITEM TO JUNE 27, 2000, AT THE REQUEST OF THE ATTORNEYS REPRESENTING THE APPELLANT TO ALLOW FOR ADDITIONAL TIME TO REVIEW THE MERITS OF THE CASE. 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-yea.

ITEM-335: 4045-4075 First Avenue.

Matter of the appeal by Daniel E. Meuli, from the decision of the Historical Resources Board in approving the historical site designation of property located at 4045, 4053, 4057, 4069, & 4075 First Avenue in the Uptown Community Planning Area.

(Uptown Community Plan Area. District-3.)

TODAY'S ACTION IS: CONTINUED TO JULY 17, 2000

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

CITY MANAGER'S RECOMMENDATION:

Deny the appeal of Daniel E. Meuli and uphold the action of the Historical Resources Board.

OTHER RECOMMENDATIONS:

Historical Resources Board voted 10 - 3 on April 27, 2000 to approve staff recommendation to designate the five original bungalows on the front of the properties based on HRB Criteria A (Community History) and C (Architecture) with additional statement that these Craftsman Vernacular Bungalows represent Pre-World War I development and are excellent Transitorily Period from Victorian to Craftsman.

Ayes: Stiegler, Sewell, Bishop, Christenson, Ahern, Burnett, Delawie, Malone,
May, Riley
Nays: Furlong, Johnson, Sykes
Absent: Iseman, Sherr

The Uptown Community Planning Group has been notified of this item and has not submitted a recommendation.

SUPPORTING INFORMATION:

BACKGROUND

This item was brought before the Historical Resources Board in conjunction with a proposed request for demolition of a structure of 45 years or older under San Diego Municipal code Section 143.0212.

A historical report has been prepared by the Environmental Analysis Section of the Development Review Division, and a supplemental rebuttal report has been submitted by the Office of Marie Lia, Attorney at Law. It is the intention of the owner to demolish the structures on site and build apartments permitted by the zoning. The project site is in the Uptown Community Plan area.

ANALYSIS

The site is a significant historical resource under HRB-CRITERIA A (Community History), and C (Architecture) as follows:

CRITERION A - Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political aesthetic, engineering, landscaping or architectural development.

The five houses in question front First Avenue and were built in the period from 1908 to 1911. The five craftsman vernacular bungalows are typical middle income houses of the early 20th century. Built at a time when the Hillcrest neighborhood was experiencing a boom in development brought on by the promotion of William Wesley Whitson, the original subdivider of Hillcrest in 1906. The Hillcrest Company constructed streets, curbs, subdivided property and sold lots. A lumber mill was set up specifically to sell materials for some 300 homes. The bungalows were built by individual property owners from sets of standard working drawings bought commercially. That is how affordable housing was built by the middle class in the USA. The five bungalows identified here are excellent examples of this era of construction in both architectural design, layout, and structural condition. There are no other locations in Hillcrest with similar quality historical development.

CRITERION C - Embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of natural materials or craftsmanship.

The buildings' architectural fabric is in good condition, and there has been little modification made affecting the building's historic fabric. The most visible modifications are enclosed porches undertaken long ago in a manner consistent with the original design. Other modifications are on the rear of the property.

With the exception of 4053 First Avenue, all other buildings (4050, 4057, 4069, 4075) are a similar type of craftsman bungalow with large hipped roof enclosing the dwelling area, and generous front porches. Architectural detailing, varies enough among the structures to provide individuality and avoid the typical monotony of mass tract development. All these bungalows were built as rentals, unlike 4053 first Avenue which was built by the Stillman family as a residence.

The bungalows exhibit special architectural details that give them their individuality. Large porches, brick tapered columns and "klinker bricks," clapboard siding, and wood windows, with some multi-transom across the top, detailed joist and decorative brackets, and deep gable roofs, and ventilation dormers of different types that provide individuality to the same basic design.

4053 First Avenue was built for owner residency, is a classic influenced bungalow, with articulated roof and classic columned porch, narrow clapboard siding, and various types of wood windows some with a transom of diamond shaped leaded glass. The entire structure is supported by ashlar-faced block foundation.

It is the owner's intention to demolish the buildings and instead build an apartment building. If the Board were to designate the buildings identified, the staff would work with the property owner, and the Design Assistance Subcommittee to achieve a win/win project that maintains some of the historical fabric while allowing the development of additional units. The bungalows in question are laid out towards the front of the property and there is enough room in the back to allow for adequate space for a substantial amount of additional development.

Historic designation would bring the benefits of Mills Act property tax incentives, use of the Historic Building Code and development flexibility.

CONCLUSION

It is staff's conclusion that this item presents a special case worthy of consideration, where enough quality-design historic fabric remains in the five craftsman vernacular bungalows. The designation of these buildings as historical structures would give recognition to an important development pattern of historic Hillcrest. Designation of the craftsman vernacular bungalows would not preclude new development, but it would require a new approach to development that Hillcrest presently experiences.

FISCAL IMPACT: None.

LEGAL DESCRIPTION:

The subject property is located at 4045, 4053, 4057, 4069 & 4075 First Avenue (APN 444-521-09, 08, 07, 06 & 05) and is more particularly described as Lots 9, 8, 7, 6, & 5, Block 5, M 1069 in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A090-100.)

MOTION BY KEHOE TO CONTINUE THIS ITEM TO JULY 17, 2000, AT THE REQUEST OF THE APPELLANT FOR FURTHER REVIEW. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Housing Trust Fund Three-Year Program.

(See Housing Commission Report HCR-00-041.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1355) ADOPTED AS RESOLUTION R-293259

Authorizing the Housing Trust Fund Three-Year Program for Fiscal Years 2001 through 2003 and the Implementation Strategy for Fiscal Year 2001.

NOTE: See the Housing Authority Agenda of June 6, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-337: Subordination of Residual Receipts to Housing Commission for Repayment of Commission's Rehabilitation Loan to "Strongly Oriented for Action" (SOFA).

(See Housing Commission Report HCR-00-024 & Supplemental. La Jolla Community Area. District-1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1423) ADOPTED AS RESOLUTION R-293260

Authorizing an agreement with the San Diego Housing Commission and Strongly Oriented for Action (SOFA), whereby the City would subordinate its claim to 50 percent of residual receipts from SOFA's operation of La Jolla Marine Apartments to the Commission following SOFA's full repayment, with interest, of a loan for which the residual receipts were previously subordinated under Resolution R-281392;

Declaring that the City's subordination to the Commission shall terminate when the Commission's loan to SOFA, together with 3 percent interest, has been fully repaid, and that the term of the City's subordination to the Commission shall not extend beyond the term of the City's lease with SOFA.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-338: Issuance of Housing Revenue Bonds.

(See San Diego Housing Commission Report HCR-00-048. Rancho Peñasquitos, Mid-City, and Clairemont Community Areas. Districts-1, 4 and 6.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1405) ADOPTED AS RESOLUTION R-293261

Approving the issuance of bonds by the Housing Authority of the City of San Diego for the Canyon Rim Summit Crest and Stratton Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the San Diego Housing Authority Agenda of June 6, 2000 for a companion item.

Hearing began at 10:15 a.m. and halted at 10:28 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-339: Support for Tax-exempt Financing for the Mercado del Barrio Commercial Redevelopment Project.

(Barrio Logan/Harbor 101 Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1426 Cor. Copy) ADOPTED AS RESOLUTION R-293262

Approving the issuance of the California Statewide Communities Development Authority Enterprise Zone Bonds in an aggregate principal amount not to exceed \$6,000,000 for the purpose of financing the acquisition, construction, improvement, and equipping of a retail shopping center and a supermarket and certain other matters relating thereto.

CITY MANAGER SUPPORTING INFORMATION:

The City Council is requested to hold a TEFRA hearing supporting issuance of tax-exempt conduit revenue private activity bonds by the California Statewide Communities Development Authority Joint Powers Agency ("CSCDA") on behalf of the Applicants in order for them to receive the Year 2000 private activity bond volume cap allocation from the State Treasurer's office needed to achieve the tax-exempt status. CSCDA has previously issued conduit bonds through the City for many San Diego businesses' capital expansion projects.

The subject Enterprise Zone Facilities Bonds will finance two components of the Mercado del Barrio Commercial Redevelopment Project, the supermarket and the adjacent retail respectively.

Situated on a 6.32 acre, Redevelopment Agency-owned site in the Barrio Logan Community bounded by Crosby Street to the north, National Avenue to the east, Dewey Street to the South and Main Street to the west, the projects comprise a total 100,000 square-foot shopping center.

1. - Anchor Supermarket. Applicant: El Mercado del Sol Corporation, a startup full service grocery; Bond Amount: Up to \$3 Million; Project Description: Commercial development of a \$6.73 Million, 33,500 S.F. hispanic-oriented anchor supermarket; Employment: 100 jobs created, at least 35 percent of which must be filled by Enterprise Community residents, with job training programs provided.

2-Adjacent Retail. Applicant: San Diego Mercado Alliance, a joint partnership of Land Grant Development and the MAAC Project; Bond Amount: Up to \$3 Million; Project Description: Commercial development of a \$8.11 Million (not including land), 70,000 S.F. retail center containing 15-20 national chain and community tenant businesses; Employment: 120 jobs created, at least 35% of which must be filled by Enterprise Community residents.

By adopting resolution supporting this financing by CSCDA, the Council will be providing the applicants with access to low-cost, tax-exempt financing at no marginal cost or risk to the City or the Agency, thus facilitating the removal of blight, providing much-needed services to the Barrio Logan community and creating (in addition to temporary construction jobs), approximately 220 new permanent jobs, at least 35% of which must be filled by Enterprise Community residents.

FISCAL IMPACT:

Based on the proposed financing amount of \$6 million, origination fees totaling \$15,000 would be paid into the City's IDB Administrative Expense Fund (10240)

Loveland/Cunningham/JG

Hearing began at 10:15 a.m. and halted at 10:28 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-340: Request for Bid - Potter Tract/Valencia Palms Business Park Public Improvements.

(See memorandum from Southeastern Economic Development Corporation SEDC-00-016. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-1429) ADOPTED AS RESOLUTION R-293263

Approving the Potter Tract/Valencia Palms Business Park Public Improvements located within the Central Imperial Redevelopment Project Area, making certain findings with respect to the payments for the improvements, and authorizing the Southeastern Economic Development Corporation to award the contract for the construction of the improvements.

NOTE: See the Redevelopment Agency Agenda of June 6, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-341: Request for Temporary Closure of a Portion of Imperial Avenue during Construction of Imperial Avenue Improvements Associated with the Imperial Marketplace Project (CIP-52-677.0).

(See memorandum from Southeastern Economic Development Corporation SEDC-00-018. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-1465) ADOPTED AS RESOLUTION R-293264

Approving the temporary closure of a portion of Imperial Avenue between Messina Drive and the area immediately west of the entrance to the Greenwood Cemetery, for a period not to exceed 20 weeks.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

ITEM-342: Ordinance Relating to Year-end Budget Adjustments.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2000-180) INTRODUCED, ADOPTED AS ORDINANCE O-18813
(New Series)

Amending Ordinance No. O-18667 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1999-2000 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by amending document OO-18667, as amended and adopted therein, by authorizing certain year-end budget adjustments including making additional appropriations and transfers that may be necessary to balance fund carryovers and expenditures/appropriations for Fiscal Year 2001.

NOTE: See Item 203 on the regular docket of Monday, June 5, 2000 for the first public hearing. Today's action is the second public hearing and the introduction and adoption of the ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D201-220.)

MOTION BY MATHIS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-yea.

ITEM-343: Request for Sponsorship for Banking Services.

(See City Manager Report CMR-00-110.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-1421) ADOPTED AS RESOLUTION R-293265

Authorizing the City Manager to utilize a Request for Sponsorship procedure to obtain Banking Services for San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-242.)

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

CLOSED SESSION ITEMS:

ITEM-CS-1: (R-2000-1550) ADOPTED AS RESOLUTION R-293268

A Resolution adopted by the City Council in Closed Session on June 6, 2000:

Authorizing the City Manager to pay the sum of \$550,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, in Superior Court Case No. 732050, PCL Civil Constructors, Inc. v. City of San Diego, resulting from unforeseeable conditions encountered by the contractor; authorizing the City Auditor and Comptroller to issue one check in the amount of \$550,000.00, made payable to PCL Civil Constructors in full settlement of all claims.

Aud. Cert. 2001219

FILE LOCATION: MEET

ITEM-CS-2: (R-2000-1544) ADOPTED AS RESOLUTION R-293270

A Resolution adopted by the City Council in Closed Session on June 6, 2000:

Authorizing the City Manager to pay the sum of \$50,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from personal damage to Lori Kaye Deason, et al.; authorizing the City Auditor and Comptroller to issue a check in the amount of \$50,000 made payable to the Clerk of the Superior Court, in full settlement of all claims.

Aud. Cert. 2001197

FILE LOCATION: MEET

ITEM-CS-3: (R-2000-1532) ADOPTED AS RESOLUTION R-293273

A Resolution adopted by the City Council in Closed Session on June 6, 2000:

Authorizing the City Manager to pay the sum of \$15,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from personal damage to Margaret A. Sticher, et al.; authorizing the City Auditor and Comptroller to issue a check in the amount of \$15,000 made payable to Alice Swann and her attorney of record Blaine R. Phipps, as the complete and final settlement of the personal injury claim.

Aud. Cert. 2001196

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE:

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:20 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F219-220.)