

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 24, 2000
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING	3
ATTENDANCE DURING THE MEETING	3
ITEM-300: ROLL CALL	4
CLOSED SESSION ANNOUNCEMENT:	4
NON-AGENDA COMMENT	4
COUNCIL COMMENT	5
ITEM-310: Draper Avenue Condominiums	7
ITEM-311: Centre Court Apartments	9
ITEM-330: Mid-City Communities Plan Amendment	11
ITEM-331: Mortenson Residence	13
ITEM-332: Competitive Cable Television Franchise	17
ITEM-333: Old Town Trolley Tours	21
ITEM-334: Presidio View	23
ITEM-335: McKinley Tentative Parcel Map	26
ITEM-336: Greystone Torrey Highlands	31
ITEM-337: <u>Two</u> actions related to the Peninsula Public Facilities Financing Plan and Development Impact Fee.	35

ITEM-338:	<u>Three</u> Actions related to Third Amendment to the Central Imperial Redevelopment Plan.	36
ITEM-339:	<u>Two</u> actions related to Financing and Refinancing of the Centre City and Horton Plaza Redevelopment Projects.	38
ITEM-340:	Authorization to Award Bid and Enter into Phased Funding Contract for Valencia Business Park Public Improvements.	38
	CLOSED SESSION ITEM	40
	NON-DOCKET ITEMS	41
	ADJOURNMENT	41

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:06 a.m. The meeting was recessed by Mayor Golding at 11:48 a.m. to convene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 11:50 a.m. with Council Member Wear not present. The meeting was recessed by Mayor Golding at 12:15 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Mathis at 2:11 p.m. Deputy Mayor Mathis recessed the meeting to convene the Special Joint Council Meeting with the Redevelopment Agency at 2:43 p.m. Deputy Mayor Mathis reconvened the meeting at 2:54 p.m. with Mayor Golding and Council Member Wear not present. Deputy Mayor Mathis adjourned the meeting at 4:13 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-Excused by R-294619 (due to out-of-town City business)
- (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 (pr/er)

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-not 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-not present

CLOSED SESSION ANNOUNCEMENT:

City Attorney Casey Gwinn announced that pursuant to the Brown Act in Executive Session by a vote of 8 to 0 with District 2 absent, the City Council voted to initiate litigation against Carollo Engineers and/or Nielsen Dillingham builders. In a separate matter Council voted 8 to 0 with District 2 absent, to initiate litigation against Nielsen Dillingham builders. In a third matter by a vote of 6 in favor, District 3 and District 8 opposed, and District 2 absent, the Council authorized a joinder in a lawsuit regarding the validity of SB 402 which the City Attorney will be acting on in the weeks to come,

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Bob Spellman regarding the De Anza Community. Mr. Spellman referenced condos in Newport Beach slated for demolition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A014-037.)

PUBLIC COMMENT-2:

Comment by Leo Long regarding the De Anza Community and his paradox on that.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-065.)

PUBLIC COMMENT-3:

Comment by Donald P. Ray regarding homeless issues, Father Joe Carroll, and wishing to recognize Council Member Stevens efforts regarding the Redistricting Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-085.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Vargas wishing to reiterate that Father Joe Carroll is doing a wonderful job for the homeless, and is a great humanitarian as well as a pillar of the community.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A087-099.)

COUNCIL COMMENT-2:

Comment by Mayor Golding wishing to welcome and recognize students from Erickson Elementary School and Harborside School.

Council Member Vargas wished to express that it was a pleasure to have Harborside School attend the Council Meeting, that his daughter Rosa is in her second year there, and has had a fantastic time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A102 108;110-114.)

COUNCIL COMMENT-3: REFERRED TO THE CITY MANAGER

Comment by Council Member Kehoe wishing to refer to an article in the San Diego Tribune regarding “Onions and Orchards” awards and that unfortunately one of the onion awards was the new development along Washington Avenue in uptown between Hillcrest and Mission Hills in her District. The article referenced that the new architecture lacked any sense of community character. Council Member Kehoe requested a response from the City Manager’s Office and the Planning Department.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A114-139.)

COUNCIL COMMENT-4:

Comment by Council Member Stevens regarding the Redistricting Commission that has been appointed by a panel of three Judges, and that he does not agree with their selection or appointments in terms of the lack of representation; the omission of Council District 4.

Mayor Golding commented regarding a Charter Change and that the method of appointment to the Commission is set in the Charter. The City Manager draws by random the names of three retired Judges and those Judges make the selection of the Redistricting Commission from a whole host of nominees. Mayor Golding expressed there are seven people serving on the Commission, and there are eight Council Districts; but that not a single one coming from the area of District 4 raises questions. Lastly, Mayor Golding expressed that the Judges do have the option to appoint an Alternate, and hopefully they will rectify this issue at that time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A174-185.)

ITEM-310: **GRANTED RECONSIDERATION OF THE DENIAL OF THE APPEAL;
HEARING TO BE HELD ON NOVEMBER 21, 2000.**

Draper Avenue Condominiums. (98-0835 Coastal Development Permit/Tentative Map/La Jolla Planned District Permit. La Jolla Community Plan Area. District-1.).

Consideration of Motion to: (1) waive the permanent rules of the City Council; and (2) reconsider the denial of the appeal of Ami Kawa from the decision of the Planning Commission denying the request for a Tentative Map, Coastal Development Permit, and La Jolla Planned District Permit. **(Waiver of the permanent rules of the Council requires a vote of two-thirds of the Councilmembers).**

Setting a hearing for November 21, 2000 on the matter of the appeal of Ami Kawa.

SUPPORTING INFORMATION:

The Draper Avenue Condominium Project proposes the demolition of 13 multi-family units in six existing buildings, the relocation of a single-family home at 7520 Draper Avenue, and the construction of 12 townhouse condominiums in two, three-story buildings, with a subterranean parking garage. As proposed, the development requires a Tentative Map, Coastal Development Permit, and a La Jolla Planned District Permit.

The project site is located at 7518-7534 Draper Avenue, in a block with mixed-use development, consisting of one story, single-family residential, two to five story multi-family residential, with some retail, cultural (library), and commercial office space. The project site is within Zone 5 of the La Jolla Planned District, and is in the La Jolla Community Planning Area and the Coastal Zone (Non-Appealable Area 2). The La Jolla Community Plan designates the site for medium density (14-34 dwelling units per acre) residential use.

On August 5, 1999, the La Jolla Community Planning Association voted 13-0 with no abstentions to recommend approval of the proposed project.

On October 28, 1999, the Planning Commission voted 5-2 to deny the project on the ground that finding "A" in the La Jolla Planned District Permit Findings could not be made.

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

On February 1, 2000, the City Council voted 4-4 to approve the appeal and project. The effect of the City Council's vote was to affirm the decision of the Planning Commission

Ayes: Mathis, Wear, McCarty, Golding.
Nays: Kehoe, Stevens, Warden, Stallings.
Absent: Vargas.

The applicant now seeks a reconsideration of the City Council's February 1, 2000 decision as part of a proposed settlement to pending litigation. Pursuant to Municipal Code section 22.0101 Rule 4(b), approval of this motion for reconsideration requires the City Council to waive the permanent rules of the Council by a two-thirds Vote.

LEGAL DESCRIPTION:

The project site is located at 7518-7534 Draper Avenue, between Silver Street and Pearl Street, in the La Jolla community and is more particularly described as Lots 26, 27, 28, 29, & 30, Block 12, La Jolla Park, Map No. 352, City and County of San Diego.

FILE LOCATION: PERM 98-0835 (65)

COUNCIL ACTION: (Tape location: B017-346.)

MOTION BY MATHIS TO WAVE THE PERMANENT RULES OF THE CITY COUNCIL. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-yea.

MOTION BY MATHIS TO RECONSIDER THE DENIAL OF THE APPEAL FROM THE DECISION OF THE PLANNING COMMISSION. Second by Blair. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-311: GRANTED HEARING OF THE APPEAL; HEARING TO BE HELD ON NOVEMBER 21, 2000

Centre Court Apartments.

Matter of the request of Gregory Dimitri Senoff for an appeal of the decision of the Planning Commission in approving Mid-City Development Permit No. 99-1228 which would allow construction of a four-story, thirty-four unit apartment building with underground parking and associated site landscaping. The 0.48 acre (21,000 square-foot) site is located at 3974-92 Centre Street, between University and Lincoln Avenues, legally described as Lots 42 through 47, Block 191, University Heights, Amended Map by G.A. D'Hemecourt, Book 8, Page 36 et seq of Lis Pendens. The property is located within the MR-800B Zone (Multi-Family Residential) of the Mid-City Communities Planned District Ordinance (MCCPDO), Uptown Community Plan Area.

(MCD-99-1228. Uptown Community Plan area. District-3.)

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 November 14, 2000 at 10:30 a.m.

SUPPORTING INFORMATION:

The project proposes demolition of nine rental units within five detached structures, and construction of 34 apartment units within a four-story building, located at 3974-3992 Center Street, between Lincoln and Blaine Avenues to the north and south respectively, west of Park Blvd. The site is within the Hillcrest neighborhood of the Uptown Community Plan which designates the area for high-density residential development at 44-73 units per acre (one unit per 597-990 square-feet of lot area).

The site consists of six contiguous 3,500 square-foot (25' x 140') legal lots comprising a total site area of 21,000 square-feet, within the MR-800(B) Zone (Multi-Family Residential) of the PDO adopted in 1986. Municipal Code regulations provide for a bonus density for premises containing 15,000 square-feet (sf) or more. This bonus density allows for development of one dwelling unit per 600 sf of lot area (maximum of 35 units), where one unit per 800 sf (26 units) would otherwise be allowed.

For properties located within the MR-800(B) Zone, a discretionary MCD Permit is required for development of more than 30 units, and allows consideration of from 31 to 35 units under the discretionary process, an increase of from one to five units. Projects within the MR-800 (B) Zone which propose 30 units or less, are not subject to discretionary review unless deviations from the PDO are proposed.

Planning Commission voted 7 - 0 to deny the appeal and approve the project; no one present to speak in opposition.

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

The Uptown Community Planning Group has recommended approval of the project.

FISCAL IMPACT:

None.

All costs associated with processing this application are paid from a deposit account maintained by the applicant.

Halbert/WCT

LEGAL DESCRIPTION:

The 21,000-square-foot site is located at 3974-92 Centre Street, between University Avenue and Lincoln Avenue, in the Uptown Community Planning Area, and is more particularly described as lots 42 thru 47 Block 191 of University Heights, according to Amended Map made thereof made by G.A. D'Hemecourt in Book 8, page 36 et seq of Lis Pendens on file in the Office of the County Recorder of San Diego County.

FILE LOCATION: PERM 99-1228 (65)

COUNCIL ACTION: (Tape location: B348-398.)

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

ITEM-330: Mid-City Communities Plan Amendment.

Matter of proposed amendments to the Mid-City Communities Plan to redesignate 4.88 acres within the City Heights planning area from commercial mixed-use to multifamily residential. Properties affected are located north of Orange Avenue between 41st Street and Marlborough Avenue (2.87 acres), and north of University Avenue between 44th Street and 47th Street (2.01 acres).

(Mid-City/City Heights Community Plan areas. Districts-3,4,7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-645) ADOPTED AS RESOLUTION R-294048

Adoption of a Resolution amending the Mid-City Communities Plan and Progress Guide and General Plan to redesignate 4.88 acres from commercial residential mixed-use to multi-family residential.

Subitem-B: (R-2001-646) ADOPTED AS RESOLUTION R-294049

Adoption of a Resolution certifying that the information contained in Addendum LDR-40-0803 to Environmental Impact Report EIR-98-8207, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines thereto (California Code of Regulations section 15000 et seq.), that the 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 this Council in connection with the approval of Mid-City Communities Plan and Progress Guide and General Plan Amendment, pursuant to California Public Resources Code Section 21081.

OTHER RECOMMENDATIONS:

The Planning Commission will consider this matter on October 19, 2000.

The Planning Commission's recommendation will be communicated to the City Council by memorandum.

City Heights Area community planning group has recommended approval of this project.

SUPPORTING INFORMATION:

BACKGROUND

On September 12, 2000, the City Council considered a draft ordinance rezoning property within the Mid-City planning area to implement recommendations of the adopted Mid-City Communities Plan. The ordinance introduced on that date reflected direction from the City Council to retain multifamily zoning where mixed-use commercial use was designated in the community plan. To maintain conformance between the community plan and adopted zoning, the City Council initiated corresponding amendments to the community plan redesignating 2.87 acres located north of Orange Avenue between 41st Street and Marlborough Avenue, and 2.01 acres located north of University Avenue between 44th Street and 47th Street from commercial mixed-use to multifamily residential use.

DISCUSSION

The Mid-City Communities Plan designates properties north of Orange Avenue between 41st Street and Marlborough Avenue for residential development at a density of 25 dwelling units per acre or commercial mixed-use development with a residential density of 43 dwelling units per acre. Properties north of University Avenue between 44th Street and 47th Street are designated for residential development at a density of 15 dwelling units per acre or commercial mixed-use development with a residential density of 43 dwelling units per acre.

The proposed amendments to the Mid-City Communities Plan would remove from these areas the option of commercial or mixed commercial/residential uses. Residential densities permitted in commercial mixed-use projects would not be applicable within redesignated areas. As a result, the maximum number of dwelling units that could be achieved within these areas would be reduced from 210 to 102 units.

The proposed reductions in development intensity would reduce the potential impact of future development on the local street system, several segments of which have been identified as congested.

ALTERNATIVES

1. Maintain the land use designations of the Mid-City Communities Plan. This alternative would require rezoning of the subject properties to permit commercial use.

FISCAL IMPACT:

None.

McCullough/Romstad

LEGAL DESCRIPTION:

The two areas are 2.87 acres, and is more particularly described as being located north of Orange Avenue between 41st and Marlborough Avenue - proposed change from mixed commercial/residential (maximum 43 d.u./acre) to residential (maximum 25 d.u./acre) and 2.01 acres located north of University Avenue between 44th Street and 47th Street - proposed change from mixed commercial/residential (maximum 43 d.u./acre) to residential (maximum 15 d.u./acre).

Hearing began at 11:20 a.m. and halted at 11:47 a.m.

FILE LOCATION: SUBITEMS A & B: LAND-Progress Guide and General Plan/Mid-City Community Plan Amendment (09)

COUNCIL ACTION: (Tape location: A300-B016.)

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

ITEM-331: Mortenson Residence.

Matter of the appeal of Veryl J. Mortenson, Trustee of the Veryl J. Mortenson Trust, from the decision of the Planning Commission in denying the request for an application for a Sensitive Coastal and Coastal Development Permit with a Yard Variance (SCR/CDP/VAR) to maintain, currently in violation, the following improvements located within the minimum 4'-0" required side yard (south) setback: **1.** Combination solid masonry wall approximately 7'-1" in height, with solid wood fencing approximately 1'-6" in height on top (totaling 8'-7"), where a

maximum of 6'-0" solid wall/fencing with a maximum of 3'-0" open wall/fencing on top (totaling 9'-0") is permitted; **2.** Trellis/Patio Cover-approximately 8'-8" high, observing a 0'-0" side yard where 4'-0" is the minimum required; and **3.** Equipment room/storage shed (serving an existing in-ground spa) - approximately 8'-8" high, observing a 0'-0" side yard where 4'-0" is the minimum required. The property is developed with a two-story, single-family residence legally described as Lot 6, Neptune Estates, Map No. 3492, located at 7126 Vista Del Mar, within the RS-1-7 Zone (formerly R1-5000) of the La Jolla Community Plan Area.

(CDP/SCR/VAR-99-1366. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution denying the appeal and upholding Planning Commission's decision to deny the Sensitive Coastal Resource Permit and Variance:

(R-2001-) CONTINUED TO DECEMBER 12, 2000

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission's decision to deny the Sensitive Coastal Resource Permit and Variance No. 99-1366.

OTHER RECOMMENDATIONS:

Planning Commission on August 3, 2000 voted 4 - 2 to deny the request; was opposition.

Ayes: Anderson, White, Steele, Brown

Nays: Stryker, Butler

Not present: Skorepa

On April 6, 2000, the Coastal Development Permit Review Sub-Committee voted 2-4-4 to recommend denial of the application. On May 11, 2000, the Trustees of the La Jolla Community Planning Association voted 12-0-3 to recommend approval of the application.

SUPPORTING INFORMATION:

BACKGROUND

The subject property was developed with the existing two-story, single-dwelling unit in 1971 and is addressed as 7126 Vista Del Mar, located between Vista Del Mar to the east and an access roadway (serving an existing City-owned pump station), and the Pacific Ocean to the west. In addition to the single-dwelling unit, the property was developed with an in-ground spa, a trellis/patio cover, and an equipment/storage room located on a southwesterly portion of the property adjacent to the residence. The remainder of the property is developed with miscellaneous landscape and hardscape.

The approximately 7,400 square-foot legal lot is zoned RS-1-7 (Single-Family Residential) within the La Jolla Community Plan Area, and located within the City of San Diego Coastal Zone (Coastal Commission Appeal Jurisdiction). The surrounding area is designated by the La Jolla Community Plan for low-density, single-family residential development to the north, east and south. Surrounding development within the vicinity consists of one- and two-story single-dwelling units.

The Applicant requested the Sensitive Coastal Resource Permit and Variance in an effort to maintain three improvements located within the 4'-0" required interior side yard setback. The application was initiated, deemed complete and reviewed under Municipal Code regulations in effect prior to enactment of the Land Development Code (LDC) on January 1, 2000. Land Development regulations of the Municipal Code regulate structures including fencing and walls within required yards/setbacks. Approved variances are required to be obtained to locate overheight walls or other structures within these portions of the property prior to construction. An approved Sensitive Coastal Resource (SCR) Permit is required for the subject property based on a determination that the structure(s) (Improvement Nos. 2 and 3), increase the envelope/footprint of an existing building or accessory structure.

These improvements included the following; 1) A solid masonry wall, 8" in width, 7'-1" in height, with 1'-6" high solid wood fencing on top (totaling 8'-7" in height), and 27' in length. An approximate 1'-0" high portion of the wall retains earth for the adjacent property to the south, also developed with a single-family residence; and 2) A wooden trellis/patio cover (284 sq. ft.) approximately 10'-6" in width, 8'-8" in height, and 27' in length, attached to the south wall of the residence and which extends over an in-ground spa. This structure is constructed of 2" x 6" wood configured in slats, and is attached to wood fencing located atop the masonry wall. The structure provides covered access and privacy to/from the spa and an adjacent bedroom located on the first floor of the residence; and 3) A wooden storage shed (53 sq. ft.) accessed by a doorway from the spa area and measuring approximately 5' in width, 8'-8" in height, and 10'-6" in length, which contains filtering, heating and related equipment to service the spa.

Although the application to maintain these improvements was filed prior to enactment of the LDC, it has been determined that the Applicant will be afforded the benefit of LDC regulations currently in effect. These regulations are beneficial with regard to Improvement No. 1, providing more flexibility in the measurement of fencing, freestanding and retaining walls than those of the previous Municipal Code. These regulations allow the Applicant to maintain the existing combination retaining and freestanding retaining wall at its current height, provided that the solid wood fencing atop the wall is modified to comply with the 'open fencing' design criteria.

Should the Applicant choose not to modify the solid wood fencing to comply with the 'open fencing' design criteria, an approved variance is required. An approved building permit is required for fences and/or walls which exceed six feet in height. Should the Applicant choose to reduce the height of the wall to six feet or less, a building permit is not required.

Prior to the Planning Commission hearing, the Applicant demolished the storage shed (Improvement No. 3). On August 3, 2000, the Planning Commission took action and denied the application determining that the findings required to approve the SCR Permit and VAR (pertaining to each improvement) could not be supported. The decision of the Planning Commission to deny the variance request for the combination wall/fence reflected submittal and review of the application under previous Municipal Code regulations.

The remaining wooden trellis/patio cover (Improvement No. 2) continues to require approval of an SCR Permit and VAR to be maintained. This approximately 284 sq. ft. structure is attached to the residence and provides covered access and privacy to/from an in-ground spa adjacent to a bedroom located on the first floor. The Applicant has indicated a desire to maintain this improvement based on privacy concerns.

DISCUSSION

This proposal is to remedy the Notice of Violation for improvements constructed without required permits. The City has made efforts to obtain voluntary compliance from the Applicant to modify or remove these improvements.

Based on staff's review, including testimony and evidence presented at the public hearing, the Planning Commission determined that findings required for approval of the request could not be supported. Therefore, staff recommends the City Council deny the appeal and uphold Planning Commission's decision to deny the request. Should this occur, staff recommends that the resolution of denial reflect direction that within 60 days of the decision date, the Applicant- 1) Modify the solid wood fencing atop the freestanding/retaining wall (Improvement No. 1) to comply with open design criteria of the LDC, acquire a building permit and obtain final inspection; and 2) remove the wood trellis/patio cover (Improvement No. 2).

ALTERNATIVE:

APPROVE the request for a SCR Permit and VAR, making the finding as specified in the Land Development Code.

FISCAL IMPACT:

None.

Loveland/Christianson/wct

LEGAL DESCRIPTION:

The project site is located at 7126 Vista del Mar Avenue, on the west side of Vista del Mar Avenue, north of Fern Glen, in the La Jolla Community Plan area and is more particularly described as Lot 6, Neptune Estates, Map No. 3492.

NOTE: This project has been reviewed and determined to be exempt from the California Environmental Quality Act based on Article 19 of the Guidelines for Categorical Exemptions, Section 15301.1 (Existing Facilities), and there are no environmental issues.

FILE LOCATION: PERM-99-1366 (65)

COUNCIL ACTION: (Tape location: A215-220.)

MOTION BY MATHIS TO CONTINUE THIS ITEM TO DECEMBER 12, 2000, AT THE REQUEST OF THE APPLICANT'S ATTORNEY FOR FURTHER REVIEW. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Competitive Cable Television Franchise.

Matter of introducing an Ordinance approving a non-exclusive competitive cable television franchise agreement between the City of San Diego and RCN Telecom Services, Inc. to construct, maintain, and operate a cable system in the public rights-of-way under the terms and conditions set forth in the franchise agreement.

The public hearing is required by Section 103 of the City Charter and Section 53066 of the Government Code. An ordinance granting the franchise has been prepared and is ready for introduction.

NOTE: 6 votes required.

(Districts-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-72) INTRODUCED, TO BE ADOPTED NOVEMBER 14, 2000

Introduction of an Ordinance approving a non-exclusive Competitive Cable Television Franchise Agreement between the City of San Diego and RCN Telecom Services, Inc.

OTHER RECOMMENDATIONS:

None.

SUPPORTING INFORMATION:

The City of San Diego currently maintains cable television franchise agreements with Cox Communications and Time Warner Cable, granting each provider the ability to utilize City streets, alleyways and other public Right-of-Way property for providing cable television services. The City's existing cable television franchises are non-exclusive allowing for the granting of additional competitive franchises. In June, 2000, the City Council adopted the City's first competitive cable television franchise agreement with Western Integrated Networks of California for the construction and operation of a competitive cable television system in all areas of the City. On August 24, 2000, the City of San Diego received a second cable television system application from RCN Telecom Services (RCN) to provide competitive cable television services Citywide.

RCN proposes to develop and construct an advanced technology network that will have the capability of providing a number of "bundled" broadband cable television and telecommunications services including analog and digital video service, high-speed Internet service, and local/long distance telephone services. RCN's system construction architecture will consist mostly of fiber-optic network technologies and will be installed in a manner similar to existing cable television companies maintaining all construction requirements and environmental procedures as mandated by the City.

RCN Corporation and its subsidiaries were among the first facilities-based telecommunications providers to provide bundled and unbundled video and telecommunications services in direct competition with incumbent service providers. Currently, RCN Corporation and its subsidiaries operate or hold an interest in numerous cable television and/or open video systems in California, Illinois, Massachusetts, New York, New Jersey, Pennsylvania, and Washington D. C.

City Council Policy on Telecommunications (Policy #900-13) promotes a competitive marketplace and consumer choice of service providers with regard to cable television and other broadband communications services. The federal Telecommunications act prohibits the City from establishing unreasonable barriers to entry for new telecommunications service providers.

Discussion

The City's Cable Television Office of the Department of Information Technology and Communications has reviewed the technical, financial, and legal qualifications of RCN to be a competitive cable service provider in the City of San Diego. Staff has also considered the economic, aesthetic, and disruptive impact of RCN's proposed cable system and the cable television related needs of the community. Staff has determined that RCN's proposed system would not have unreasonable adverse economic or aesthetic impacts on public Right-of-Way and would not cause unreasonable disruption or inconvenience to existing or future use of utility poles or public easements contrary to the California Public Utilities Code.

Staff has negotiated a competitive cable television franchise agreement under terms similar to the City's existing competitive franchise with Western Integrated Networks. Terms of the proposed franchise agreement between the City and RCN include the following:

Term of 15 years

Right-of-Way Usage Fee or "franchise fee" of 5% on all revenues with the exception of telephone services, and those services where such fees are prohibited by law

5 year build-out plan Citywide

9 dedicated access channels for government, educational, and public use

3 Secure digital PEG sources for City use

Video and high-speed Internet service to all City facilities, leased City facilities, and public schools at no cost

Institutional video/data service network connecting all City Fire Facilities

Capital Grant of \$540,000 for closed captioning, PEG Access, and I-Net equipment

Security fund and liquidated damages for franchise non-compliance

Requirements for coordination with other telecommunications service providers during system construction

RCN's franchise mandates a five year build-out that will be Citywide. This project will be subject to full CEQA review by the City prior to the commencement of construction. The environmental impact review, therefore, is not under consideration at this time.

Federal Communications Commission studies have shown that cable television service prices have stabilized or decreased in those communities where competition exists. The advent of competitive cable television providers in the City of San Diego should produce a favorable impact on service pricing and the choice of services available to the community.

ALTERNATIVE

Do not approve the granting of a competitive cable television franchise with RCN Telecom Services and return this issue to the City Manager.

FISCAL IMPACT:

None.

Due to an increase in the franchise fee percentage for Right-of-Way use, the City will realize a 40% increase in cable television franchise fee revenues on subscribers that switch from the existing incumbent cable television companies to the services provided by RCN. Overall cable television subscribership may also increase with the advent of competitive system marketing and new cable television technology services available to customers. Technology grant provision of this new franchise provides for a cash grant of \$540,000 to the City for closed captioning, PEG access channels, and institutional network equipment.

Neff/Wilken/msj

NOTE: This project is statutorily exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15262. Will be subject to full CEQA review prior to construction.

Hearing began at 11:20 a.m. and halted at 11:47 a.m.

FILE LOCATION: FRAN - RCN Telecom Services (08)

COUNCIL ACTION: (Tape location: A300-B016.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: Old Town Trolley Tours.

Matter of application to reconstruct the existing Casa de Aguirre Adobe; relocate and rehabilitate the existing St. Joseph's Rectory/Convent building; demolish an existing garage and construct a carriage house and install sales/food carts throughout the project site, located at 2610 San Diego Avenue, in the Old Town Community Plan Area.

(PDP/RPO/CUP-96-7903. Old Town Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A, and adopt the resolution in subitem B to approve the permit:

Subitem-A: (R-2001-) CONTINUED TO OCTOBER 30, 2000

Adoption of a Resolution certifying that the information contained in LDR File No. 96-7903 has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA Guidelines, and that said MND reflects the independent judgement of the City of San Diego as Lead Agency, stating for the record that the final MND has been reviewed and considered by the Council prior to approving the project, and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2001-566) CONTINUED TO OCTOBER 30, 2000

Adoption of a Resolution approving Old Town San Diego Planned District/Resource Protection Ordinance/Conditional Use Permit No. 96-7903.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-1 to approve; was opposition.

Ayes: Steele, Anderson, Brown, White

Nays: Stryker

Not present: Skorepa, Butler

The Old Town Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

Old Town Trolley Tours proposes a Old Town San Diego Development Permit/Resource Protection Ordinance Permit/Conditional Use Permit, to reconstruct the Casa de Aguirre adobe; relocate and rehabilitate the existing St. Joseph's Rectory/Convent building; demolish an existing garage and construct a carriage house, and install sales/food carts, ticket booth/stand at 2610 San Diego Avenue, in the Old Town Community.

On February 11, 1998, the Old Town Community Planning Committee voted 8-1-0, to recommend approval of the project.

At the September 14, 2000, Planning Commission hearing, the Commission voted 4-1-0, to adopt staff's recommendation to recommend that the City Council approve this project.

The City staff recommends certification of the Mitigated Negative Declaration LDR No. 96-7903; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all impacts of the project as identified in the MND; and approval of Old Town San Diego Planned District Permit/Resource Protection Ordinance/Conditional Use Permit No. 96-7903.

FISCAL IMPACT:

None.

Loveland/Christiansen/JRJ

LEGAL DESCRIPTION:

The 0.44-acre project site is more particularly described as being located at 2610 San Diego Avenue in the Old San Diego Planning Area (A portion of Lot 2, Block 452, Washington Square, Old San Diego, Miscellaneous Map No. 40).

FILE LOCATION: PERM-96-7903 (65)

COUNCIL ACTION: (Tape location: A220-250.)

MOTION BY MATHIS TO CONTINUE THIS ITEM TO OCTOBER 30, 2000, AT THE REQUEST OF THE STATE PARK DEPARTMENT FOR FURTHER REVIEW. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Presidio View.

Matter of approving, conditionally approving, modifying or denying an application to amend the Mission Valley Community Plan and Progress Guide and General Plan to redesignate a 7.15 acre portion of a 20.46 acre site from Commercial Office/Visitor to Multi-family Residential, amend the Mission Valley Planned District Ordinance (rezone from MV-CO-CV to MV-CO-CV and MVR- 4), and to approve a Mission Valley Planned District Development Permit to permit a 350-unit apartment development and an expansion of an existing Hotel through a future amendment. A transfer of development rights through ADT's is also proposed from a mitigation parcel off-site. The subject property is located at 950-1450 Hotel Circle North between Hotel Circle Place and Fashion Valley Road.

(MVCP/PG&GP/RZ 99-0348. Mission Valley Community Plan area. District-6.)

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 ordinances in subitems B and E:

Subitem-A: (R-2001-567) ADOPTED AS RESOLUTION R-294063

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration (MND) LDR-No.-99-0348 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said MND has been reviewed and considered by the Council and reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final MND has been reviewed and approved prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2001-69) INTRODUCED, TO BE ADOPTED ON
NOVEMBER 14, 2000

Introduction of an Ordinance changing 7.15 acres located on the north side of Hotel Circle North between Hotel Circle Place and Fashion Valley Road, within the Boundary of the Mission Valley Community Plan area, from the MV-CO-CV zone into the MVR-4 zone, as defined by San Diego Municipal Code section 103.2108; and repealing ordinance No. O-18619 (New Series), adopted February 1, 1999, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2001-) GRANTED PERMIT; ADOPTED AS RESOLUTION R-294064, WITH DIRECTIONS

Adoption of a Resolution granting or denying Planned District Ordinance Permit No. 99-0348, with appropriate findings to support Council action.

Subitem-D: (R-2001-568) ADOPTED AS RESOLUTION R-294065, WITH DIRECTIONS

Adoption of a Resolution approving the requested amendment of the Progress Guide and General Plan and Mission Valley Community Plan.

Subitem-E: (O-2001-71) INTRODUCED, TO BE ADOPTED ON NOVEMBER 14, 2000

Introduction of an ordinance amending Chapter 10, Article 3, Division 21, by amending sections 103.2102 and 103.2108 relating to the Mission Valley Planned District.

OTHER RECOMMENDATIONS:

Planning Commission on September 21, 2000 voted 5 - 2 to recommend approval; was opposition.

Ayes: Steele, Brown, Butler, Skorepa, White

Nays: Anderson, Stryker

The Mission Valley Unified Planning Organization voted 13-0-3 on March 1, 2000 to recommend approval of this project.

SUPPORTING INFORMATION:

This project proposes the redevelopment of an existing hotel, private recreation club and movie theater (currently in use as a church through a Conditional Use Permit), to allow the development of 350 residential apartments on a 7.15 acre portion of the site (recreation club and theater/church portion) and future hotel renovation on an 8.31 acre portion through the requested actions.

The Mission Valley Unified Planning Organization voted 13-0-3 on March 1, 2000, to support the project.

On August 10, 2000, the Planning Commission heard the project and continued the item to September 21, 2000, to receive additional information as to hydrology and drainage, sidewalks, the 'fit' of the proposed residential use to the community area and relationship to the adjacent property to the north. On September 21, 2000, the Commission heard additional concerns in regard to traffic and, with the inclusion of additional conditions for the widening of a portion of Hotel Circle North, the future off-and on-ramp to Interstate 8 and an access through the site to the proposed Levi-Cushman Specific Plan area, made a motion to recommend approval to the City Council of the requested actions by a 5-2 vote (Commissioners Anderson and Stryker expressing concerns that the project is premature with a need to consider schools, parks, coordination with other properties and a new plan for the area).

There was opposition present at the Planning Commission hearing from the adjacent property owner to the north which the Commission and staff responded to.

The City Manager recommends that the City Council adopt the Rezone Ordinance, approve the Progress Guide and General Plan and Mission Valley Community Plan Amendments, approve the Mission Valley Planned District Ordinance Amendment and Mission Valley PDO Permit. The City Council must first certify the Mitigated Negative Declaration, LDR No. 99-0348 and adopt the MMRP.

FISCAL IMPACT:

None.

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

Loveland/Christianson/rmk

LEGAL DESCRIPTION:

The project is located at 950 and 1450 Hotel Circle North within the Mission Valley Community Plan area and is more particularly described as Parcel 1, R.O.S. Maps 1142 and 6238.

Hearing resumed at 2:11 p.m. and recessed at 2:12 p.m. Hearing resumed at 3:00 p.m. and halted at 4:11 p.m.

Testimony in opposition by Larry Cushman, William Steen, Randy Berkman, Eric Bowlby.

Testimony in favor by Donna Jones, Gordon Carrier, Russ Valone.

FILE LOCATION: Subitem A, C, D: LAND - Progress Guide & General Plan/Mission Valley Community Plan Area (09)
Subitem B, E: NONE

COUNCIL ACTION: (Tape location: C012-022; D105-E534.)

MOTION BY STALLINGS TO INTRODUCE THE ORDINANCES AND ADOPT THE RESOLUTIONS WITH THE FOLLOWING DIRECTIONS:

1. THE HOOK RAMP IMPROVEMENTS SHALL BE DONE IN PHASE ONE;
2. THE BUS STOPS AND SIDEWALK IMPROVEMENTS ARE INCLUDED IN THE PERMIT;
3. BOUGAINVILLEA WILL BE PLANTED ALONG THE FENCE;
4. ITEM NO. 19 IN THE DRAFT COPY OF THE PERMIT IS ELIMINATED.

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

ITEM-335: McKinley Tentative Parcel Map.

Matter of the City Council setting aside its previous decision to deny an application for a Tentative Parcel Map, TPM-98-1183, for the subdivision of a 0.52 acre lot on Rockhurst Drive, west of Madra Avenue into 2 lots in the R-1-5 zone of the Navajo Community Plan area and to reconsider the matter in light of the court's ruling. This reconsideration will include the original TPM for two 50-foot wide lots previously denied; and an application for a Planned Development Permit (PDP), pursuant to LDC 143.0401 to allow panhandle access to the second lot as an alternative to create the wider lot frontage that is common in this neighborhood. This hearing is in compliance with the Court's Peremptory Writ

of Mandamus, dated August 24, 2000, in the case of McKinley v City of San Diego, et al, Case No. GIC 737246, which commands the City of San Diego and City Council of San Diego to set aside its denial of TPM-98-1183. TPM-98-1183 (McKinley Tentative Parcel Map).

(TPM-98-1183. Navajo Community Plan area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in either Subitem A granting the map **or** Subitem B granting the Permit (City Manager recommends approval of Subitem A but is offering an alternative proposal in Subitem B if Council prefers to choose this alternative in Subitem B):

Subitem-A: (R-2001-) TRAILED TO MONDAY, OCTOBER 30, 2000

Adoption of a Resolution granting or denying the original TPM-98-1183, with appropriate findings to support Council action.

or

Subitem-B: (R-2001-) REFERRED TO THE PLANNING COMMISSION

Adoption of a Resolution granting or denying the Planned Development Permit (PDP) which would allow panhandle access to the second lot to create a wider lot frontage, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

The Court issued a Writ that commands the City of San Diego and City Council of San Diego to set aside its denial of Tentative Parcel Map No. 98-1183 and to reconsider the matter.

The Mayor & City Council on July 20, 1999, voted 9-0-0 to DENY the Tentative Parcel Map.

Planning Commission on June 3, 1999, voted 4-1-0 to DENY the Tentative Parcel Map; was opposition.

Ayes: Steele, Butler, Stryker, White

Nays: Anderson

Not present: Skorepa

The Navajo Community Planning Group on January 19, 1999, voted 5-4-4 to recommend DENIAL of the project.

CITY MANAGER SUPPORTING INFORMATION:

Background and Project Description

The project is for Tentative Parcel Map (TPM) to subdivide a 0.52 acre property into two lots. The project site is located on the north side of Rockhurst Drive, approximately 200 feet west of Madra Avenue in the R-1-5000 zone of the Navajo Community Plan area. Many lots in the area are significantly larger than the minimum lot size of 5,000 square feet required by the underlying zone. The area is characterized by single family homes on hilly terrain.

On June 3, 1999, the Planning Commission voted 4-1-1 to deny the TPM. The Planning Commission felt that the two lots resulting from this subdivision would be out of character with other lots in the area. The applicant appealed the Planning Commission denial of the TPM to the City Council. On July 20, 1999, the Mayor and City Council voted 9-0-0 to also deny the TPM, agreeing with the Planning Commission that the TPM would result in a project that would be out of character with other lots in the area. The 100-foot frontage of the existing lot is about the same size as the frontages of all lots on Rockhurst Drive, and the immediate area. The subdivision will reduce the lot frontage from 100 feet to 50 feet. At 6,350 square-feet, proposed Parcel 2 would exceed the 5,000 square-foot minimum lot size requirement of the underlying zone, but would be significantly smaller in size than most lots in the immediate area. The panhandle alternative would create a wider lot frontage and provide access via a driveway to the second lot.

The applicant subsequently filed suit in Court to challenge the City Council decision. As a result, the Court issued a Peremptory Writ of Mandamus, dated August 24, 2000 (McKinley v City of San Diego, et al, Case No. GIC 737246). The Writ commands the City of San Diego and City Council of San Diego to set aside its denial of Tentative Parcel map No. 98-1183 and to reconsider the matter in light of the Court's ruling.

Discussion of Issues

The project site slopes upward from 525 feet above mean sea level (MSL) at the southeastern corner to 580 feet above MSL at the northwestern corner. The elevation differential is 55 feet. The existing side property lines are 206 and 243 feet; and the existing rear property line is 106 feet in width and the street frontage is 100 feet. The subdivision will carve out a rectangular 50 foot by 127 foot Parcel 2. Parcel 1 will also have a 50 foot frontage, and is proposed at 16,116 square feet. Parcel 2 is 6,350 square feet in area. The proposed lots are consistent with the size, width and length requirements of the R-1-5,000 zone. The panhandle alternative provides a

wider lot frontage with a driveway leading to the second lot.

The applicant has also identified building pad areas on the map to indicate that the lots can be developed with single-family homes that are consistent with development standards of the underlying zone, including building setbacks and building height. The property has also been reviewed and approved conceptually for compliance with the City's policies on drainage. City policy requires excess water to be directed away from adjacent properties into the City drainage system. Final drainage plans will be subject to the review and approval of the City Engineer. In addition, provision of street trees is a condition of approval.

Community Planning Group Review: The Navajo Community Planning Group discussion centered on two issues. (1) Many homeowners in the area feel that deed restrictions for properties on Rockhurst Drive prohibit the subdivision of existing lots. The project applicant disagrees. (2) The community also discussed that subdivision of this lot would adversely affect the existing character of the neighborhood. Lots on Rockhurst Drive and many nearby lots have 100 foot street frontages and are generally larger than the minimum lot size of 5,000 square-feet (0.11 acre). The proposal would create two lots with 50 foot frontages and 0.37 and 0.15 acres in size.

The Navajo Community Plan identifies this area for single-family residential development, and does not specifically address either of the two issues discussed by the community planning group. Planning & Development Review Department's role is to ensure the property meets the City's development regulations and guidelines. The City does not enforce property deed restrictions.

The project is consistent with all Municipal Code requirements relative to property subdivisions in the R-1-5,000 zone. Therefore, staff recommends approval of the project.

ALTERNATIVES:

5. DO NOT APPROVE the TPM to subdivide a 0.52 acre property into two lots.
6. APPROVE the TPM to subdivide a 0.52 acre property into two lots, with a panhandle access to the second lot as an alternative to create the wider lot frontage that is common in this neighborhood.

Project Alternative 2 is a configuration that features a 20-foot wide street frontage that will serve as driveway access for Parcel 1. Parcel 2 will have an 80-foot wide frontage adjacent to Rockhurst Drive. In this configuration, Parcel 1 deviates from the minimum 50-foot frontage requirement of the RS-1-7 zone. LDC Section 126.0602(b)(1) allows exceptions to base zone development regulations with a Planned Development Permit (PDP). Finding for a PDP includes a provision that the “proposed development, when considered as a whole, will be beneficial to the community.”

Nearly all of the lots on Rockhurst Drive have frontages of about 100 feet in width. An 80-foot wide Parcel 2 will result in a project that is more compatible in this neighborhood. (The alternative is two lots with 50-foot frontages.) The proposed deviation for Parcel 1 is appropriate for this location, and will result in a project that is also more desirable to the neighborhood than a design that is in strict conformance with the development regulations of the RS-1-7 zone. In the proposed alternative, the project will comply with all other applicable regulations of the Land Development Code.

Staff believes that finding can be made to approve the subdivision with a panhandle configuration, as described in the attached exhibit.

FISCAL IMPACT:

None.

Loveland/Christiansen/jb

LEGAL DESCRIPTION:

The project site is located on the north side of Rockhurst Drive, between College Avenue and Madra Avenue in the Navajo Community Planning area and is more particularly described as lot 353 of Del Cerro Unit No. 5, according to map thereof No. 3538 filed in the office of the County Recorder of San Diego County, November 2, 1956.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15315, Minor Land Division.

Hearing began at 11:20 a.m. and halted at 11:47 a.m.

Hearing began at 2:12 p.m. and recessed at 2:41 p.m. Hearing resumed at 2:54 p.m. and halted at 3:00 p.m.

Testimony in opposition by Rebecca Michael, Rosemary Langdon, Carolyn Winer, Joanne Einhorn, Marion Palma, Allen Hitch, Jack Winer, Betsy Russell.

Testimony in favor by Richard Freeland.

FILE LOCATION: SUBITEMS A & B: PERM-98-1183 (65)

COUNCIL ACTION: (Tape location: A300-B016; C027-436; C628-D105.)

CONSENT MOTION BY MATHIS TO REFER SUBITEM B TO THE PLANNING COMMISSION FOR DISCUSSION. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Greystone Torrey Highlands.

Matter of a proposed 108 acre site requiring a Community Plan Amendment to redesignate a portion of a high school site and a portion of a residential area to commercial use and a rezone from A1-10 and HRO to R-1500 (RM-2-5), R1-5000 (RS-1-14), CA (CC-1-3) and CN (CN-1-2) to enable the development of 235 single-family residences, an affordable housing site for 76 attached dwelling units, 2-commercial lots for limited development, 2-open space lots and 6-lots for Homeowners Association maintenance, located generally on the north and south side of the proposed alignment of State Route 56 and on the west and east sides of the proposed Camino Ruiz within the Torrey Highlands Subarea IV planning area.

(TM/PRD/RPO/PCD/RZ/CPA-98-0392. Torrey Highlands Subarea IV Community Plan area. District- 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A, C, D, E, F and G; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-651) ADOPTED AS RESOLUTION R-294050

Adoption of a Resolution certifying that the Mitigated Negative Declaration No. 98-0392, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the land use actions for the Greystone Torrey Highlands project; and adopting the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2001-76) INTRODUCED, TO BE ADOPTED ON TUESDAY,
NOVEMBER 14, 2000

Introduction of an Ordinance of the Council of the City of San Diego changing approximately 108 acres located generally on the north side of the proposed state route 56 and the east side of the proposed alignment of Camino Ruiz, in the Torrey Highlands Subarea IV Plan area, in the City of San Diego, California, from the A1-10 and Hillside Review Overlay (HRO) Zones to the R1-5000, R-1500, CN, CA, and HRO Zones, as defined by San Diego Municipal code section 101.0407, 101.0410, 101.0426, 101.0428, and 101.0454; and repealing Ordinance No. O-8858 (New Series) adopted July 18, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2001-) GRANTED PERMIT; ADOPTED AS RESOLUTION R-294051 TO GRANT THE RESOURCE PROTECTION ORDINANCE PERMIT AND TO GRANT THE PLANNED COMMERCIAL DEVELOPMENT PERMIT

Adoption of a Resolution granting or denying a Resource Protection Ordinance Permit.

Subitem-D: (R-2001-652) GRANTED PERMIT; ADOPTED AS RESOLUTION R-294051 TO GRANT THE RESOURCE PROTECTION ORDINANCE PERMIT AND TO GRANT THE PLANNED COMMERCIAL DEVELOPMENT PERMIT

Adoption of a Resolution granting or denying a Planned Commercial Development Permit.

Subitem-E: (R-2001-) CONTINUED TO TUESDAY, NOVEMBER 14, 2000

Adoption of a Resolution granting or denying a Planned Residential Development Permit.

Subitem-F: (R-2001-652) ADOPTED AS RESOLUTION R-294053

Adoption of a Resolution requesting an amendment to the Torrey Highlands Subarea IV Plan for the purpose of amending a 2.90 acre site located at the north side of the intersection of Camino Ruiz and Street "B" from the High School designation to Neighborhood Commercial and a 2.66 acre site located on the east side of Camino Ruiz and south side of State Route 56 from the LMD (residential 5-10 d.u./gra) designation to Commercial Regional, both parcels lying within boundaries of the 108-acre site for the Greystone Torrey Highlands project.

Subitem-G: (R-2001-) GRANTED MAP; ADOPTED AS RESOLUTION R-294054

Adoption of a Resolution granting or denying Tentative Map No. 98-0392.

OTHER RECOMMENDATIONS:

Planning Commission serves as Planning Group.

This is a matter of Citywide effect.

The following community group has taken a position on the item: Rancho Penasquitos Planning Group has recommended approval on the project.

SUPPORTING INFORMATION:

This project proposes the subdivision and development of a 108 acre land area into 246-lots for 235 single family residences, a 76-unit affordable housing site, 2-commercial lots, open space and HOA maintained common areas and Right-of-Way for State Route 56. An amendment of the Progress Guide and General Plan and Torrey Highlands Subarea IV Plan is required to

redesignate a portion of a site not acquired by the high school and a portion of a residential site adjacent to another initiated plan amendment (by others) to commercial use. A Resource Protection Ordinance and Planned Residential/Planned Commercial Development Permit would regulate subsequent buildout of the project components.

The Planning Commission is the planning group for this plan area which lies adjacent to the western edge of Rancho Penasquitos. The Rancho Penasquitos Planning Group has been kept informed of the projects progression and, at their meeting of October 4, 2000, voted 8-1-1 to recommend approval of the project subject to conditions that staff has incorporated into the project permit.

The project is scheduled for Planning Commission consideration on Thursday, October 12, 2000, with scheduling for City Council reserved on the Tuesday, October 24, 2000, agenda. City staff has been responding to interested parties and expect to address all concerns expressed at the Planning Commission Hearing.

City staff will prepare a supplemental memo for the City Council to provide information as to the Planning Commission's recommended action to the City Council, on any opposition presented or other matters of importance.

The City Manager recommends that the City Council adopt the Rezone Ordinance, approve the Progress Guide and General Plan and Torrey Highlands Subarea IV Plan Amendments, approve the Tentative Map, approve the Resource Protection Ordinance and Planned Residential/Planned Commercial Development Permits No. 98-0392. The City Council must first Certify the Mitigated Negative Declaration, LDR No. 98-0392 and adopt the MMRP.

FISCAL IMPACT:

None.

Loveland/Christiansen/rmk

LEGAL DESCRIPTION:

The property is in the southeast portion of the Torrey Highlands Subarea (Subarea IV of the former North City Future Urbanizing Plan Area) between Entreken Way and Sundance Avenue with the western portion of the property crossed by the future Camino Ruiz between Black Mountain Road and the future State Route 56 Freeway, and is more particularly described as a portion of Parcels A and B, all of Parcel C, portion of D and all of Parcel Map #5577.

Hearing began at 11:20 a.m. and halted at 11:47 a.m.

FILE LOCATION: SUBITEMS A, C, D, E, F, & G: LUP - Greystone Torrey Highlands
SUBITEM: B: NONE

COUNCIL ACTION: (Tape location: A250-270; A300-B016.)

MOTION BY MATHIS TO CONTINUE SUBITEM E TO NOVEMBER 14, 2000, TO ALLOW THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT TO COME BACK AS PART OF THE SECOND READING OF THE ORDINANCE. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

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

ITEM-337: 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.)

(Continued from the meeting of October 3, 2000, Item 335, at the request of the City Manager, for further review.)

NOTE: Hearing open. No testimony taken on 10/3/2000.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-501) RETURNED TO THE CITY MANAGER

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

Subitem-B: (R-2001-502) RETURNED TO THE CITY MANAGER

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.

Hearing began at 11:20 a.m. and halted at 11:47 a.m.

FILE LOCATION: SUBITEMS A&B: MEET

COUNCIL ACTION: (Tape location: A300-B016.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER DISCUSSIONS WITH COMMUNITY GROUPS REGARDING THE PROJECTS THAT WOULD BE IMPLEMENTED. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-not present, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NOTE: This item is a Special Joint Meeting with the Redevelopment Agency.

ITEM-338: Three Actions related to Third Amendment to the Central Imperial Redevelopment Plan.

(See Southeastern Economic Development Corporation's Report SEDC-00-033. District-4.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the following resolutions in Subitem B and C:

Subitem-A: (O-2001-75) INTRODUCED, TO BE ADOPTED ON TUESDAY, NOVEMBER 14, 2000

Introduction of an Ordinance approving and adopting the Third Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.

Subitem-B: (R-2001-633) ADOPTED AS RESOLUTION R-294055

Accepting and approving the report to the Council of the City of San Diego for the Third Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project.

Subitem-C: (R-2001-632) ADOPTED AS RESOLUTION R-294056

Certifying the final Mitigated Negative Declaration for the Third Amendment to the Redevelopment Plan for the Central Imperial Redevelopment Project and the implementation of activities therefor, making certain findings regarding the environmental impacts of the proposed Third Amendment to the Redevelopment Project, and adopting a mitigation monitoring and reporting program.

NOTE: See the Redevelopment Agency Agenda of October 24, 2000 for a companion item.

Hearing began at 11:20 a.m. and halted at 11:47 a.m.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B&C: MEET

COUNCIL ACTION: (Tape location: A300-B016.)

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

ITEM-339: Two actions related to Financing and Refinancing of the Centre City and Horton Plaza Redevelopment Projects.

(See Memorandum from CCDC dated 9/28/2000. Centre City and Horton Plaza Redevelopment Project Community Areas. Districts-2, 3 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-617) ADOPTED AS RESOLUTION R-294057

Approving the financing and refinancing of the Centre City Redevelopment Project by the Redevelopment Agency of San Diego through the issuance of Tax Allocation Bonds up to \$23,000,000.

Subitem-B: (R-2001-618) ADOPTED AS RESOLUTION R-294058

Approving the financing and refinancing of the Horton Plaza Redevelopment Project by the Redevelopment Agency of San Diego through the issuance of Tax Allocation Bonds up to \$17,000,000.

NOTE: See the Redevelopment Agency Agenda of October 24, 2000 for a companion item.

FILE LOCATION: SUBITEMS A&B: MEET

COUNCIL ACTION: (Tape location: A300-B016.)

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

ITEM-340: Authorization to Award Bid and Enter into Phased Funding Contract for Valencia Business Park Public Improvements.

(See Southeastern Economic Development Corporation's Report SEDC-00-028. District-4.)

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

Adopt the following resolution:

(R-2001-462) ADOPTED AS RESOLUTION R-294059

Finding and determining that the construction of the Potter Tract, Valencia Palms Business Park Public Improvements in the Project area for which the Agency proposes to pay are of benefit to the Central Imperial Redevelopment Project, that the Council finds and determines that no other reasonable means of financing the proposed improvements for which the Agency proposes to pay are available to the community, and that the Council finds and determines that the proposed improvements will assist in eliminating one or more blighting conditions inside the Project area;

Finding and determining that the construction of the Improvements are consistent with the Implementation Plan adopted for the Project by the Agency pursuant to California Health and Safety Code section 33490;

Authorizing acceptance of repayment of \$581,374 in Community Development Block Grant [CDBG] funds previously loaned to the Agency for the Mount Hope Redevelopment Project Area, and authorizing the reloan and transfer of the same CDBG funds as an interest bearing loan of \$581,374 from Fund No. 18502 to the Agency, and to be repaid as soon as practicable from tax increment or other appropriate and available revenue.

NOTE: See the Redevelopment Agency Agenda of October 24, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A300-B016.)

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

CLOSED SESSION ITEM:

ITEM-CS-1: (R-2001-667) ADOPTED AS RESOLUTION R-294060

A Resolution adopted by the City Council in Closed Session on October 24, 2000:

Authorizing the City Manager to pay the sum of \$42,500.00, in the settlement of each and every claim against the City of San Diego, its agents and employees, in United States District Court Case No. 00cv00419-BTM (LSP), Vic A. Allen v. City of San Diego, et al., resulting from personal injury to Vic A. Allen; authorizing the City Auditor and Comptroller to issue one check in the amount of \$42,500.00, made payable to Vic A. Allen and his attorney of record, Michael R. Marrinan, Esq., in full settlement of all claims.

Aud. Cert. 2100470

FILE LOCATION: MEET

ITEM-CS-2: (R-2001-607) ADOPTED AS RESOLUTION R-294061

A Resolution adopted by the City Council in Closed Session on October 24, 2000:

Authorizing the City Manager to pay the sum of \$67,024.20 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage to H&H Marine Center, Inc.; authorizing the City Auditor and Comptroller to issue two checks, one made payable to Luth and Turley, Inc. in the amount of \$35,262.53, and one made payable to H&H Marine Center, Inc. in the amount of \$31,761.67, as the complete and final settlement of the incident which occurred on January 31, 2000.

Aud. Cert. 2100396

FILE LOCATION: MEET

ITEM-CS-3: (R-2001-667) ADOPTED AS RESOLUTION R-294062

A Resolution adopted by the City Council in Closed Session on October 24, 2000:

Authorizing the City Manager to negotiate and execute, for and on behalf of the City, Change Order No. 30 with Nielsen Dillingham Builders, Inc. in an amount not to exceed \$1,300,000 to repair defective pipe under the contract for the Point Loma Wastewater Treatment Plant - Digester Facility Upgrade and Expansion Project; authorizing the City Auditor and Comptroller to transfer \$1,300,000 within Fund No. 41509, from CIP 45-940.0, Wet Weather Storage Facility, to CIP 46-170.0, Point Loma - Digester Facility Upgrade and Expansion.

Aud. Cert. 2100477

FILE LOCATION: MEET

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 4:13 p.m. in honor of the memory of Phyllis Adkisson at the request of Council Member Kehoe and Mrs. Virgil Lockridge at the request of Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E547-580).