

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 21, 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
NON-AGENDA COMMENT	4
COUNCIL COMMENT	6
ITEM-212 Clarification of Resolution R-290821.	6
ITEM-330: Draper Avenue Condominiums	7
ITEM-331: Centre Court Apartments	12
ITEM-332: Various Underground Utility Districts with Mitigation Monitoring Reporting Program	14
ITEM-333: <u>Four</u> actions related to the Establishment of City of San Diego Community Facilities District No. 4 (Black Mountain Ranch Villages)	16
ITEM-334: Approval of the First Amendment to the Agreement with the Environmental Trust for Wetlands Creation, Maintenance, Monitoring and Long-Term Endowment.	18
ITEM-335: La Jolla Crossroads	19
ITEM-336: Cooperation Agreement with the Redevelopment Agency to Reimburse Costs for Certain Public Improvements Associated with the International Gateway of the Americas Project.	24

ITEM-337: Transfer of Funds for Acquisition of Days Inn Motel for Homeless Shelter 25

ITEM-338: Emergency Housing Assistance Grant Application 26

ITEM-339: 2000/2001 Winter Shelter Program 27

ITEM-340: HUD 108 Loan for Purchase of Days Inn Motel 28

ITEM-341: Workshop on Strategic Framework Element of the General Plan for the City of San Diego 29

ITEM-S500: Easement Grants - Pacific Bell / Cox PCS - Fairbanks Country Club 30

ITEM-S501: International Gateway of The Americas 31

ITEM-S502: Acquisition and Rehabilitation Loan Agreement - Episcopal Community Services (2822 Fifth Avenue) 35

ITEM-S503: Nomination to the Centre City Development Corporation Board of Directors 36

ITEM-S504: Four actions related to the Final Subdivision Map of Del Mar Mesa Estates Unit No. 2. 37

NON-DOCKET ITEMS 39

ADJOURNMENT 39

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:45 a.m. The meeting was recessed by Mayor Golding at 11:00 a.m. to convene the Special Joint Council Meeting with the Redevelopment Agency and the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 11:07 a.m. with all members being present. The meeting was recessed by Mayor Golding at 12:09 p.m. to reconvene at 2 p.m. Executive Assistant City Attorney Devaney announced that today in Closed Session the Redevelopment Agency voted to initiate litigation against Bryant Geo Technical Services and Mark Bryant. The vote was 6 to 0 with Districts 7, 8 and the Mayor absent.

The meeting was reconvened by Mayor Golding at 2:05 p.m. with Council Member Wear, Council Member Blair, and Council Member McCarty not present. The meeting was recessed by Mayor Golding at 6:24 p.m. to reconvene the Special Joint Council Meeting and the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 6:41 p.m. with Council Member McCarty not present. The meeting was recessed by Mayor Golding at 6:45 p.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Golding at 7:11 p.m. with Council Member Stevens and Council Member McCarty not present. Mayor Golding adjourned the meeting at 8:00 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 Blair-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

Clerk-Fishkin (ew/pr)

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comments by Anne Curo regarding homeless families. She acknowledged two children that were homeless and out of school but now living with her and attending school. She further commented that there are homeless families in the city and that the homeless children are not in school.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A242-278.)

PUBLIC COMMENT-2:

Comments by Norma Milnes thanking the Council for letting the people of the De Anza Community participate in the meetings for the De Anza Project. She further commented that the meetings were taped and that the tapes are available for anyone to see.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A279-318.)

PUBLIC COMMENT-3:

Comments by Don Stillwell regarding money spent for interest on loans provides no tangible benefits for the borrower. He further requested and challenged the City to research and determine the amounts of interest paid per year since the City was incorporated in 1931.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A319-346.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Comments by Renee K. Neaves expressing that she had come before Council in August regarding the death of her son, Scott Neaves, who had been killed by his babysitter, the daughter of a San Diego Police Sergeant, in 1996. Ms. Neaves stated that after the meeting she had gotten on the elevator with the City Manager and that he had apologized to her, saying how sorry he was, that he would look into the matter and something would be done. Ms. Neaves further expressed that it had been four months now and she has not heard anything from the City Manager and that it has been very frustrating and hard on her and her family. Ms. Neaves stated that her family was struggling to find out why the matter was

just let go, and why the babysitter was never prosecuted for the homicide of her four year old child. Ms. Neaves asked if Council could help her because she felt her son did not deserve to die that way; to have nothing be done for him. Lastly, Ms. Neaves requested help to get the case reopened so her family could get justice for their son.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-378.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comments by Mayor Golding stating that she will be announcing in a Press Conference this afternoon that the City has a web page that the public can use a credit card or check to donate money to the Winter Shelter for Homeless Families this Holiday season.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A379-423.)

ITEM-212 Clarification of Resolution R-290821.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-685) ADOPTED AS RESOLUTION R-294248

Declaring that Resolution R-290821 intended to vest in the City Manager complete discretion to determine whether to undertake the Charger ticket purchase authorized by that resolution, and the timing and circumstance of the ticket purchase;

Reaffirming the authority and discretion vested in the City Manager by Resolution R-290821.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

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

ITEM-330: Draper Avenue Condominiums.

Matter of the appeal of Ami Kawa from the decision of the Planning Commission in denying the request for an application for a Tentative Map, Coastal Development Permit, and La Jolla Planned District Permit. The project proposes the relocation of an existing single-family home, the demolition of 13 multi-family units in six existing buildings, and the construction of 12 townhouse condominiums, in two, three-story buildings, with a subterranean parking garage on 0.4 acres. The project site is within the La Jolla Planned District Zone 5, and is located at 7518 through 7534 Draper Avenue, within the La Jolla Community Plan area.

(98-0835 Coastal Development Permit/Tentative Map/La Jolla Planned District Permit. La Jolla Community Plan area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; 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-) ADOPTED AS RESOLUTION R-294249

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration-LDR No. 98-0835 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 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-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-294250

Adoption of a Resolution granting or denying Coastal Development Permit and La Jolla Planned District Permit No. 98-0835.

Subitem-C: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION R-294251

Adoption of a Resolution granting or denying Tentative Map No. 98-0835, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-2 to deny staff's recommendation based on their belief that finding "A" in the La Jolla Planned District Permit Findings cannot be made and that the project would not fulfill a community need; no opposition.

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

Nays: Butler, Brown.

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

CITY MANAGER 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.

Based on the project application, the applicant was required to obtain a Coastal Affordable Housing Compliance Permit from the San Diego Housing Commission, subject to the provisions of Council Policy 600-3. This policy requires developers in the Coastal Zone to mitigate for the loss of affordable housing units, either through the construction of replacement units or the payment of a fee to be paid to the San Diego Housing Commission. Fees paid under Council Policy 600-03 are used to provide affordable housing units within the Coastal Zone, and if not feasible, within 3 miles of the Coastal Zone boundary.

In response to the application for the Coastal Affordable Housing Compliance Permit, the San Diego Housing Commission performed an income survey of the tenants who reside at the proposed development site. The survey determined that ten of the fourteen units were occupied by low income person or families. On March 5, 1999, the Housing Commission approved the Chief Executive Officer's Compliance Permit Determination, and authorized the Chief Executive Officer to execute a Coastal Affordable Housing Compliance Agreement to provide for replacement units or payment of an in-lieu fee for the ten units occupied by low income persons or families.

On May 18, 1999, following an appeal by the applicant of the Housing Commission's approval, the City Council confirmed the Compliance Permit Determination, by denying the applicant's appeal. In addition, the City Council directed the Housing Commission, as a part of the negotiations with the applicant, to negotiate a satisfactory relocation arrangement for the tenants.

On October 28, 1999, the Planning Commission denied Staff's recommendation to approve the project and certify the Mitigated Negative Declaration, on a 5-2 vote. The Planning Commission based their decision on their belief that Finding 'A' of the La Jolla Planned District Ordinance could not be made, and that the project would not fulfill a community need for affordable housing units. The Commission was concerned about the removal of 10 affordable housing units from a community that was lacking affordable units.

The Planning Commission discussion was critical of the following three aspects of Council Policy 600-03:

1. The policy does not require the replacement of the affordable housing units, rather allows for the option of in-lieu payments, based on a fee schedule, per affordable residential unit being removed.

2. Should the replacement of units be the option chosen by a developer, the policy allows three years before a development project which removes affordable housing units, is required to replace the units.
3. The policy allows the replacement to occur at another location within the Coastal Zone, or within 3 miles of the Coastal Zone boundary.

DISCUSSION

On October 24, 2000, the City Council approved a motion for reconsideration of the Draper Avenue Condominiums project. At the October 24, 2000 hearing, the item was docketed on the City Council agenda of November 21, 2000.

On December 7, 1999 the Draper Avenue Condominiums appeal was first brought before the City Council. The item consisted of an appeal by the applicant of a Planning Commission decision to deny the project. After two continuances, the item was heard by the Council on February 1, 2000. The City Council deadlocked on a motion to approve the project, by a vote of 4-4. The effect of the Council's decision was to affirm the decision of the Planning Commission. While the City Council did not adopt any formal findings, many of the Councilmembers in opposition to the project were concerned that the \$179,800 in-lieu fee would not directly benefit the tenants who would have to relocate.

Since the project was before the City Council on February 1, 2000, the applicant has agreed to the following conditions:

1. The applicant will pay an in-lieu fee of \$300,300 instead of the previously negotiated \$179,800 fee. The \$300,300 is based on an updated Housing Commission calculation;
2. As previously offered, the applicant will provide the tenants with six months notice to vacate; and
3. The applicant will provide each low income person or family with a relocation assistance payment equal to four months rent, double the two months rent previously offered by the applicant.

FISCAL IMPACT:

None.

A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

HOUSING AFFORDABILITY IMPACT:

The Owner and Permittee of the subject project is required to comply with Council Policy 600-3 (Coastal Housing Program) as administered by the San Diego Housing Commission. The Owner and Permittee has executed a "Compliance Permit and Agreement Imposing Covenants and Restrictions on Real Property" with the Chief Executive Officer of the Housing Commission, which shall be recorded. Said Compliance Agreement requires the Owner and Permittee to provide to the Housing Commission an acceptable performance security towards the provision of any required replacement units prior to the City staff's recordation of the Coastal Development Permit and the La Jolla Planned District Permit No. 98-0835. City staff's recordation of this permit with the County of San Diego Recorder's Office shall be withheld until the Housing Commission has provided written confirmation of the Owner and Permittee's compliance with the performance security requirement of the agreement. Failure to satisfy the terms of the compliance agreement shall deem this permit null and void.

Loveland/Christiansen/DS

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: SUBITEMS A, B & C: LUP - Draper Avenue
Condominiums - Council Reconsideration

COUNCIL ACTION: (Tape location: A601-B196.)

Hearing began at 11:01 a.m. and halted at 11:39 a.m.

Testimony in opposition by Sherri Lightner.

Testimony in favor by Mark Maasch, Charles Haughey, and Courtney Coyle.

MOTION BY MATHIS TO ADOPT THE RESOLUTION IN SUBITEM A; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE MAP. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-not present, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-yea.

ITEM-331: Centre Court Apartments.

Matter of the appeal by Gregory Dimitri Senoff from the decision of the Planning Commission in approving Mid-City Development Permit No. 99-1228 which would allow construction of a four-story, thirty-five 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.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the permit:

(R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-294252

Adoption of a Resolution granting or denying Mid-City Development (MCD) Permit No. 99-1228, with appropriate findings to support Council action.

CITY MANAGER’S SUPPORTING INFORMATION:

The project proposes demolition of nine rental units within five detached structures, proposes construction of 35-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 Boulevard. The site is within the Hillcrest neighborhood of the Uptown Community Plan which designates the area for high-density, multi-family residential development at 44-73 dwelling units per acre (one unit per 597-990 square-feet of lot area).

OTHER RECOMMENDATIONS:

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.

NOTE: On October 24, 2000, Council voted unanimously to hear the appeal. Councilmembers Wear and Vargas not present.

FISCAL IMPACT:

None.

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

Loveland/Christiansen/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 Penders on file in the Office of the County Recorder of San Diego County.

NOTE: Environmental Impact: None. This project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and an Addendum (LDR-99-1228) to Negative Declaration No. 98-0170 prepared. This document was certified by the Hearing Officer at the public hearing on May 31, 2000.

FILE LOCATION: PERM-99-1228 (65)

COUNCIL ACTION: (Tape location: B197-604.)

Mayor Golding opened the hearing at 11:40 a.m.

Testimony in opposition by Greg Senoff, Melissa Senoff, David Senoff, Kelly Gralewski, John Graybill, Jeff Doyle, Jeffrey Salisbury, and Ron Salisbury.

Testimony in favor by Todd Downing.

Mayor Golding closed the hearing at 12:08 p.m.

MOTION BY KEHOE TO ADOPT THE RESOLUTION GRANTING THE PERMIT AND APPROVING THE PROJECT WITH THE REMOVAL OF THE NORTH AND SOUTH UNIT FOR A TOTAL OF 34 UNITS AND INCLUDING ALL THE OTHER RECOMMENDATIONS OF THE PLANNING COMMISSION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-332: Various Underground Utility Districts with Mitigation Monitoring Reporting Program.

(Grant Hill, Sherman Heights, Greater Golden Hill, Barrio Logan, Otay Mesa-Nestor, Peninsula and La Jolla Community Areas. Districts-8, 2 and 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-394) ADOPTED AS RESOLUTION R-294253

Establishing the 25th Street (from Market Street to Commercial Street) Underground Utility District.

Subitem-B: (R-2001-393) ADOPTED AS RESOLUTION R-294254

Establishing the B Street (from 19th Street to 30th Street) Underground Utility District.

Subitem-C: (R-2001-395 Cor. Copy) ADOPTED AS RESOLUTION R-294255

Establishing the CCDC Area 3, Phase I, Job 2, Underground Utility District.

Subitem-D: (R-2001-391) ADOPTED AS RESOLUTION R-294256

Establishing the Saturn Boulevard (from Coronado Avenue to Leon Avenue) Underground Utility District.

Subitem-E: (R-2001-392) ADOPTED AS RESOLUTION R-294257

Establishing the Scott Street (900 Block) Underground Utility District.

Subitem-F: (R-2001-390) ADOPTED AS RESOLUTION R-294258

Establishing the Silverado Street (from Eads Avenue to Ivanhoe Avenue)
Underground Utility District.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities”, and will underground the overhead utility facilities in the 25th Street (from Market Street to Commercial Street), B Street (from 19th Street to 30th Street), CCDC Area 3 Phase 1, Job 2, Saturn Boulevard (from Coronado Avenue to Leon Avenue), Scott Street - 900 Block, and Silverado Avenue (from Eads Avenue to Ivanhoe Avenue) Underground Utility Districts. The formation of these districts will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electrical service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of their electrical service trench for electrical and conduit up to a maximum of \$3,500 per electric service lateral. Reimbursements will also include the cost of modifications to the electrical service box, up to a maximum of \$1,000 for residential conversions and \$1,500 for commercial conversions, when such modifications are needed to receive underground service. Typical costs for service box modifications range from \$300 - \$500. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching, conduit and any needed electric service box modifications.

FISCAL IMPACT:

SDG&E Cost: The construction cost of \$3,982,000 will be financed through the use of San Diego Gas and Electric Company's Annual Allocation Funds as directed by the Public Utilities Commission (Case 8209). The fiscal impact to the City is for the administration and street light replacement. Cost estimated at \$6,000. Funding is available in CIP-37-028.0, Undergrounding of City Utilities.

Belock/Boekamp/HR

Aud. Certs. 2100336; 2100338; 2100334; 2100335; 2100337; 2100333.

FILE LOCATION: SUBITEMS A-F: STRT-K-295 (38)

COUNCIL ACTION: (Tape location: A004-172.)

Hearing began at 10:50 a.m. and halted at 10:59 a.m.

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

ITEM-333: Four actions related to the Establishment of City of San Diego Community Facilities District No. 4 (Black Mountain Ranch Villages).

(Subarea I of the North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B, and C; introduce the ordinance in Subitem D:

Subitem-A: (R-2001-792) ADOPTED AS RESOLUTION R-294259

Adoption of a Resolution establishing Community Facilities District No. 4 (Black Mountain Ranch Villages), authorizing the levy of special taxes, and calling elections herein.

Subitem-B: (R-2001-793) ADOPTED AS RESOLUTION R-294260

Adoption of a Resolution determining the necessity to incur bonded indebtedness within Community Facilities District No. 4 (Black Mountain Ranch Villages) and calling elections therein.

Subitem-C: (R-2001-794) ADOPTED AS RESOLUTION R-294261

Adoption of a Resolution certifying the results of the November 21, 2000 Special Tax and Bond Elections.

Subitem-D: (O-2001-93) INTRODUCED, TO BE ADOPTED ON DECEMBER 5, 2000

Introduction of an Ordinance authorizing the levy of a special tax within the district.

CITY MANAGER SUPPORTING INFORMATION:

On October 16, 2000, the City Council adopted Resolution Numbers R-293975 and R-293976, which declared Council's intention to establish Community Facilities District No. 4 (Black Mountain Ranch Villages), authorize the levy of special taxes to pay the costs of acquiring or constructing certain facilities and expenses of the District, authorize the payment of debt service on bonded indebtedness, approve the Purchase and Financing Agreements between the City and property owner and declared the City's intention to incur bonded indebtedness, within Community Facilities District No. 4 (Black Mountain Ranch Villages). At the noticed public hearing, the City Council will be asked to hear testimony either for or against formation of the district. Council will then declare the public hearing closed and will be asked to adopt the following Resolutions:

- 1.) Resolution declaring and establishing the formation of Community Facilities District No. 4 (Black Mountain Ranch Villages), and authorizing the submittal of the levy of special taxes to the qualified electors; and
- 2.) Resolution declaring the necessity to incur bonded indebtedness, and submitting a proposition to the qualified voters in Community Facilities District No. 4 (Black Mountain Ranch Villages).

If Council adopts the above resolutions, the City Clerk will be asked to conduct a special election among the qualified district voters. Upon completion of the special election, the results will be tallied and certified. Assuming a favorable vote, Council will then be asked to adopt the following Resolution and Ordinance:

- 1.) Resolution certifying the results of the special tax and bond authorization election for Community Facilities District No. 4 (Black Mountain Ranch Villages); and
- 2.) Ordinance authorizing the levy of a special tax in the Community Facilities District No. 4 (Black Mountain Ranch Villages).

If the above proceedings are successful, City staff will return to the City council at a later date to seek approval of various legal and financing documents related to the issuance of bonds within the Community Facilities District.

FISCAL IMPACT:

None. All costs related to determining financial feasibility of the proposed CFD, including financial advisory services, legal counsel, special tax consulting, appraisal services, and City staff have been funded by the property owners within the proposed district. If the CFD is established and bonds are issued, all costs related to financing the improvements and all incidental expenses related to forming and administering the CFD will be borne by the district.

Frazier/Vattimo/MSI

FILE LOCATION: SUBITEMS A-C: STRT-CF-4 (58)
SUBITEM D: NONE

COUNCIL ACTION: (Tape location: A004-172.)

Mayor Golding opened the hearing at 10:50 a.m.

Assistant City Clerk Jack Fishkin announced that on the official ballot there is one property owner and that the ballot represents 322 votes. There are 3 propositions: 1) Proposition A- Shall Community Facilities District No. 4 incur an indebtedness; 2) Proposition B- Shall a special tax be levied; and 3) Proposition C- For each commencing year, shall there be an appropriations limit. For all 3 propositions, all 322 votes were "yes" for the Community Facilities District No. 4 (Black Mountain Ranch Villages).

Mayor Golding closed the hearing at 10:59 a.m.

CONSENT MOTION BY WEAR TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B AND C; AND INTRODUCE THE ORDINANCE IN SUBITEM D. Second by MATHIS. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Approval of the First Amendment to the Agreement with the Environmental Trust for Wetlands Creation, Maintenance, Monitoring and Long-Term Endowment.

(See Southeastern Economic Development Corporation Report SEDC-00-035)

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

Adopt the following resolution:

(R-2001-739) ADOPTED AS RESOLUTION R-294263

Accepting the repayment of \$27,445 in Community Development Block Grant funds previously loaned to the Redevelopment Agency of the City of San Diego from the Mount Hope Redevelopment Project, and authorizing the relloan and

transfer of the same CDBG funds as an interest bearing loan of \$27,445 to the Redevelopment Agency for providing funds for use in the Central Imperial Redevelopment Project, and to be repaid as soon as practicable from tax increment or other appropriate and available revenue.

NOTE: See the Redevelopment Agency Agenda dated November 21, 2000 for a companion item.

Aud. Cert. 2100559.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

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

ITEM-335: La Jolla Crossroads.

Matter of approving, conditionally approving, modifying or denying the University Community Plan Amendment (CPA), Progress Guide and General Plan Amendment, Rezone (RZ), Planned Industrial Development Permit (PID), Planned Residential Development Permit (PRD), Tentative Map (TM), Hillside Review Permit and Resource Protection Ordinance Permit (RPO) for the development of 1,500 apartment units on a 33.8 acre property located west of I-805, east of La Jolla Gateway and north of Renaissance La Jolla.

(CPA/RZ/TM/PID/PRD/RPO-99-0647 & Am. To PRD-88-0500, PCD-90-0144. University Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitem A, B, F, and G; and adopt the resolutions in subitem D to grant the map; adopt the resolution in subitem E to grant the permits, and introduce the ordinance in subitem C:

Subitem-A: (R-2001-857) ADOPTED AS RESOLUTION R-294272

Adoption of a Resolution certifying that the information contained in Environmental Impact Report No. 99-0647, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency and 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 and Administrative Code Section 15091; adopting the Statement of Overriding Considerations; and adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B: (R-2001-858) ADOPTED AS RESOLUTION R-294273

Adoption of a Resolution approving amendments to the University Community Plan and Progress Guide and General Plan.

Subitem-C: (O-2001-96) INTRODUCED, TO BE ADOPTED ON DECEMBER 5, 2000

Introduction of an Ordinance rezoning the site from R1-5000 and SR.

Subitem-D: (R-2001-1121) GRANTED MAP, ADOPTED AS RESOLUTION R-294274

Adoption of a Resolution granting or denying Tentative Map No. 99-0647.

Subitem-E: (R-2001-1122) GRANTED PERMITS, ADOPTED AS RESOLUTION R-294275

Adoption of a Resolution granting or denying Planned Industrial Development Permit (PID), Planned Residential Development Permit (PRD), Hillside Review Permit, Resource Protection Ordinance Permit (RPO) No. 99-0647.

Subitem-F: (R-2001-1122) APPROVED AMENDMENTS TO THE PERMIT, ADOPTED AS RESOLUTION R-294275

Adoption of a Resolution approving amendments to Planned Residential Development Permit No. 88-0500.

Subitem-G: (R-2001-1122) APPROVED AMENDMENTS TO THE PERMIT,
ADOPTED AS RESOLUTION R-294275

Adoption of a Resolution approving amendments to Planned Commercial
Development Permit No. 90-0144.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to approve with modification, was opposition.

Yeas: Butler, Skorepa, Anderson, Brown, Garcia
Nays: None
Abstaining: Steele
Not Present: Stryker

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

SUPPORTING INFORMATION:

La Jolla Crossroads 99-0647, University Community Plan Amendment (CPA) and Progress Guide and General Plan Amendment, Rezone (RZ), Planned Industrial Development Permit (PID), Planned Residential Development Permit (PRD), Tentative Map (TM), and Resource Protection Ordinance Permit (RPO) for the development of 1,500 apartment units on approximately 21.4 acres and Scientific Research development of approximately 6.7 acres. A separate lot comprised of approximately 1.3 acres would be created by the Tentative Map but would not be developed as part of the project. The balance of the 33.8 acre property would be devoted to streets. The project site is located west of I-805, east of La Jolla Gateway and north of Renaissance La Jolla. Project access would be from the proposed extension Golden Haven Drive on the west side of the site and the proposed Judicial Drive on the east side of the site.

Environmental Impact Report No. 99-0647 has been prepared for this project in accordance with State CEQA Guidelines. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP), which is attached to the EIR, would reduce the environmental effects of the project to below a level of significance with exception of significant, unmitigated traffic and circulation (cumulative), landform alteration (direct), visual quality (direct), hydrology/water quality (cumulative), air quality (cumulative), public services/solid waste (cumulative), public services/police protection (direct and cumulative), and cultural resources (cumulative) impacts.

The City staff recommends certification of the Environmental Impact Report LDR No. 99-0647; adoption of the Findings and Statement of Overriding Considerations; and 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 EIR were feasible; adoption of the

rezone ordinance and approval of the Progress Guide and General Plan Amendment, Community Plan Amendment, Tentative Map. Planned Residential Development/Planned Industrial Development/Resource Protection Ordinance Permit No. 99-0647 and Amendment to PRD 88-0500 and PCD 90-00144, with all the conditions recommended by the Planning Commission.

FISCAL IMPACT:

None.

Loveland/Haase/FZM

LEGAL DESCRIPTION:

The project site is more particularly described as being located west of Interstate 805, east of La Jolla Gateway and north of Renaissance La Jolla. Project access would be from the proposed extension of Golden Haven Drive on the west side of the site and the proposed Judicial Drive on the east side of the site (Portion of Map No. 36; Parcels A and B of Five Creeks Map No. 12234 and Lot 4 of La Jolla Gateway Map No. 11308).

FILE LOCATION: SUBITEMS A & B: LAND-Progress Guide & General Plan/University Community Plan-La Jolla Crossroads (09)
SUBITEM C: NONE
SUBITEMS D-G: LAND - Progress Guide & General Plan/University Community Plan - La Jolla Crossroads (09)

COUNCIL ACTION: (Tape location: C046-F219.)

Hearing began at 2:10 p.m. and halted at 4:30 p.m.

Testimony in opposition by Andy Schaepli, Willard Smith, Leslie Crawford, Marty Rye, Fred Sicigano, Vince Lombardo, and Peter Hopf.

Testimony in favor by Stuart Posnock, Alice Tana, David Watson, Patti Colburn, Steve Butler, Ron Miller, Susanne Sofie Christlieb, Irwin Resnick, Gail Kindred, Jacque DeArm, Bernie Rhinerson, Paula Schacht, Gerald Geller, Joanne Gaston, and Mark Pidgeon.

MOTION BY MATHIS TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTIONS TO GRANT THE MAP AND THE PERMIT WITH THE FOLLOWING DIRECTIONS:

1. TO BUILD AN ACCESS WAY ON THE RIGHT-OF WAY OF JUDICIAL DRIVE TO PROVIDE ACCESS FOR CONSTRUCTION TRAFFIC AND TRUCK TRAFFIC THAT WILL ESSENTIALLY BYPASS THE COMMUNITIES WITH THE PRIMARY ACCESS TO BE BARRICADED OFF SO THAT CONSTRUCTION TRAFFIC CANNOT USE GOLDEN HAVEN.
2. THE DEVELOPER TO DO WHATEVER IS NECESSARY TO TAKE CARE OF THE DUST ON THE ACCESS WAY THAT WILL BE ASSOCIATED WITH THE CONSTRUCTION TRAFFIC.
3. THE CONSTRUCTION TRAFFIC IS NOT TO USE GOLDEN HAVEN OR PASS THROUGH THE RENAISSANCE COMMUNITY.
4. THE DEVELOPER AGREES TO REPLACE THE PHRASE ASSURED CONSTRUCTION TO “COMPLETED AND OPEN FOR TRAFFIC.”
5. PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR THE 651ST DWELLING UNIT, THE DEVELOPER WILL HAVE IMPROVEMENTS “COMPLETED AND OPEN TO TRAFFIC” REGARDING THE JUDICIAL DRIVE EXTENSION FROM THE PROJECT TO NOBEL DRIVE AND THE SIGNAL AT JUDICIAL AND NOBEL DRIVE.
6. THE INFRASTRUCTURE FOR EACH PHASE MUST BE COMPLETED BEFORE THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND TO THE SATISFACTION OF THE CITY ENGINEER.
7. PRIOR TO PULLING ANY BUILDING PERMITS FOR PHASE II THE DEVELOPER SHALL BOND AND PERMIT THE EXTENSION OF JUDICIAL DRIVE TO NOBEL DRIVE.

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

ITEM-336: Cooperation Agreement with the Redevelopment Agency to Reimburse Costs for Certain Public Improvements Associated with the International Gateway of the Americas Project.

(See City Manager Report CMR-00-247. San Ysidro Community Planning Area / San Ysidro Redevelopment Project Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-751) ADOPTED AS RESOLUTION R-294278

Authorizing the City Manager to prepare and execute a Cooperation Agreement with the Redevelopment Agency of the City of San Diego for the reimbursement of certain off-site public improvements associated with the International Gateway of the Americas Project and making certain findings regarding the use of tax increment for public improvements.

NOTE: See the Redevelopment Agency Agenda of November 21, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F238-G530.)

MOTION BY VARGAS TO ADOPT THE RESOLUTION TO APPROVE THE PROJECT AS PROPOSED WITH THE FOLLOWING MODIFICATIONS:

APPROVE THE ALTERNATIVE LANDSCAPING PLAN WITH THE MODIFICATION THAT THE PLAN SHOULD BE REVISED TO REFLECT THE LANDSCAPE BUFFER THAT IS DESCRIBED IN STAFF'S RECOMMENDED EXHIBIT A LANDSCAPING PLAN AS IT RELATES TO THE 10 FOOT BUFFERING REQUIREMENT IN THE SAN YSIDRO COMMUNITY PLAN, AND TO BE CONSISTENT WITH THE BORDER PATROL REQUIREMENTS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO ALLOW THE PROPOSED 50 FOOT HIGH SIGN TO BE INSTALLED ON LOT 17. THE PLACEMENT OF THE SIGN IS SUBJECT TO A LOT

TIE AGREEMENT BETWEEN LOT 17 AND LOT 16 AS SHOWN ON TENTATIVE MAP 40-0338 OR THAT LOT WHICH IS CONTIGUOUS TO LOT 17 AND INCLUDED WITHIN THE PROJECT TO THE SATISFACTION OF THE CITY ENGINEER. THE INSTALLATION OF THE SIGN SHOULD BE SUPPORTED BY THE FINDINGS PROVIDED BY THE APPLICANT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO DIRECT STAFF THAT WHEN THERE IS SUFFICIENT INCREMENT TO SUPPORT A PAC, THE ISSUE WILL COME BACK TO COUNCIL FOR DISCUSSION AND APPROVAL. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Transfer of Funds for Acquisition of Days Inn Motel for Homeless Shelter.

ECONOMIC DEVELOPMENT & COMMUNITY SERVICES'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-845) ADOPTED AS RESOLUTION R-294279

Accepting the transfer of 3.5 million dollars for the acquisition and related costs of the Days Inn Motel; authorizing execution of an Agreement Effecting Real Property; making certain findings of fact related to the use of low and moderate income housing funds from the College Grove, North Bay, North Park and Market Street Redevelopment Projects.

NOTE: See the Redevelopment Agency Agenda of November 21, 2000 for a companion item.

CITY MANAGER SUPPORTING INFORMATION:

On Wednesday, October 11, 2000, the Land Use and Housing Committee voted 4-0 to approve the recommendations outlined in City Manager's Report CMR-00-208 Year-Round Homeless Family Shelter, which included direction to investigate a Section 108 Housing and Urban Development (HUD) loan and potential bridge loans to provide interim funding to facilitate the purchase, rehabilitation and operation of the Days Inn in order to provide short-term transitional housing for homeless families. The City has requested that the Redevelopment Agency provide funds for the acquisition, rehabilitation and related costs of the Days Inn, with the intent that these funds be returned to the Agency upon receipt of the Section 108 loan by the City. It is

anticipated that the Section 108 loan process could take 9 to 12 months to complete. Estimated costs are currently \$3.5 million. The Centre City Development Corporation (CCDC) has identified Centre City Low and Moderate Income Housing Funds in the amount of \$3.0 million. In addition, City Redevelopment Low and Moderate Income Housing Funds totaling \$500,000 from the College Grove, North Bay, North Park and Market Street Redevelopment Project Areas have also been identified for this purpose. The Days Inn is located in the Centre City Redevelopment Project Area, and will assist CCDC and the Redevelopment Agency in satisfying its requirements to provide housing units for low and moderate income families.

FISCAL IMPACT:

Estimated costs of \$3.5 million will be provided to the City of San Diego by the Redevelopment Agency, with \$3.0 million to be transferred from CCDC/Centre City Low and Moderate Income Housing Fund, and \$500,000 to be transferred from City Redevelopment Low and Moderate Income Housing Funds, with the intent that funds be returned upon receipt of the Section 108 loan by the City, which is expected to take 9 to 12 months.

Loveland/Cunningham/EMD

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G537-I070.)

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

ITEM-338: Emergency Housing Assistance Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-797) ADOPTED AS RESOLUTION R-294264

Authorizing the application to the State of California Department of Housing and Community Development, for grant funding offered through their Emergency Housing Assistance Program.

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Housing and Community Development is accepting grant applications for its Emergency Housing Assistance Program (EHAP). This program funds emergency shelter, transitional housing, and services for the homeless. The City is applying for two (2) grants for \$100,000 each, these funds will be used to cover the overflow cost associated with the 2000/2001 Winter Shelter Program and the operating expenses associated with the short term family transitional shelter. The California Department of Housing and Community Development requires that the City Council adopt a resolution before November 31, 2000, authorizing the City Manager or his designee to apply for grant funding under this program.

FISCAL IMPACT:

The California Department of Housing and Community Development will provide grant funding for one year, renewable for two additional years. There is no matching requirement associated with this grant.

Loveland/Cunningham/HLL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

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

ITEM-339: 2000/2001 Winter Shelter Program.

(See City Manager Report CMR-00-240.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-798) ADOPTED AS RESOLUTION R-294265

Accepting the City Manager's findings that there do not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the

City of San Diego; and therefore declares, in accordance with Government Code section 8698 through 8698.2 that a shelter emergency exists within the City of San Diego;

Declaring that the sheltering program outlined in the City Manager's Report constitutes in part the City's response addressing the declared sheltered emergency;

Establishing the Winter Shelter Fund and authorizing the City Auditor and Comptroller to appropriate and expend \$778,913 for the purpose of operating the 2000/2001 Winter Shelter Program, providing that an Auditor's Certificate is furnished demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Manager to execute agreements and leases associated with implementing the 2000/2001 Winter Shelter Program, provided that the Auditor first furnishes a certificate demonstrating that funds for such obligations are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to accept and expend contributions associated with the approved 2000/2001 Winter Shelter Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

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

ITEM-340: HUD 108 Loan for Purchase of Days Inn Motel.

(See City Manager Report CMR-00-245. Downtown and Cortez Hill Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-849) ADOPTED AS RESOLUTION R-294280

Authorizing the City Manager to apply to HUD for a Section 108 loan of \$3.5 million for the purchase of the Days Inn Motel in order to establish a permanent homeless facility and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager to accept and expend such funds to conduct all negotiations, and to execute and submit all documents related to the processing of such a loan, if said loan is approved;

Authorizing the use of Winter Shelter Program funds to repay the Section 108 loan with the understanding that City-Wide Community Development Block Grant [CDBG] funds will be pledged as the ultimate source of repayment of the 108 loan;

Authorizing the City Manager to amend the CDBG, 2001 Action Plan to reflect the use of HUD Section 108 loan funds for this project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3.0 million to the Redevelopment Agency to replenish the Low and Moderate Income Housing Funds (\$2.5 million to CCDC; \$500,000 to City Redevelopment), when the Section 108 loan proceeds are received by the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I071-110.)

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

ITEM-341: **WORKSHOP HELD**

Workshop on Strategic Framework Element of the General Plan for the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: J164-K259.)

ITEM-S500: Easement Grants - Pacific Bell / Cox PCS - Fairbanks Country Club.

(Fairbanks Ranch Community Area. District-1.)

(Continued from the meeting of 11/14/2000, Item 206, at the request of the City Manager for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-623) RETURNED TO CITY MANAGER

Authorizing the execution of an easement deed conveying to Pacific Bell an easement for the purpose of constructing and maintaining aerial and underground communication facilities affecting Lot 1, Fairbanks Country Club Unit 1, Map 10730, filed September 29, 1983;

Authorizing the execution of an easement deed conveying to Cox PCS Assets, L.L.C., a Delaware limited liability company, an easement for the purpose of constructing and maintaining underground communication facilities affecting Lot 1, Fairbanks Country Club Unit 1, Map 10730.

CITY MANAGER SUPPORTING INFORMATION:

The Polo Club, a City lessee, has requested City approval of a sublease agreement, with Cox PCS, establishing a cell site on the leased premises, which is situated on a 493 acre parcel of Designated Open Space. Two communications easements will be necessary to establish the site. The Pacific Bell easement will provide for expanded service in the Del Mar Highlands area, as well as fulfill the request of the Polo Club to provide the additional lines required by the proposed cell site. The easement for overhead facilities is 7 feet wide, and 2,599 feet long, totaling 18,193 square feet. The easement will have no impact upon the existing open space, since it will be located within an existing pole line. The Cox PCS portion of the communication easement will be underground, thus preserving the existing open space. The easement is 5 feet wide, 633 feet long, and will include a 288 square foot pad, totaling 3,453 square feet. Since both easements were requested by an existing lessee, and the City will receive 50% of all sublease revenue made possible by the easements, no compensation will be required.

FISCAL IMPACT:

The City's share of sublease revenue is \$7,200 per year, to be deposited into General Fund 100.

Loveland/Griffith/ACG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

CONSENT MOTION BY WEAR TO RETURN TO THE CITY MANAGER AT THE CITY MANAGER'S REQUEST SO THAT STAFF COULD OBTAIN MORE COMMUNITY REVIEW AND INPUT ON THE PROPOSED PROJECT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501: International Gateway of The Americas.

Matter of approving, conditionally approving, modifying or denying an application to construct a 654,830 square-foot commercial development consisting of retail and restaurants on a 57.25 acre site. The property is located south of Camino De La Plaza, west of Virginia Avenue and north of the Tijuana River in the San Ysidro Community Plan Area, within the San Ysidro Planned District in Council District 8.

The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this project will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

(TM/CDP/SDP/ST.VAC/CPA-40-0338. San Ysidro Community Plan area. District-8.)

(Continued from the meeting of 11/14/2000, Item 335, at the request of the City Manager for further review.)

NOTE: The public testimony portion of the hearing is open.

NOTE: See the Redevelopment Agency Agenda of November 21, 2000 and Item 336 on the docket of November 21, 2000 for companion items.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B; and adopt the resolution in subitem C to grant the tentative map and approve street vacations; and adopt the resolution in subitem D to grant the permit:

Subitem-A: (R-2001-727) ADOPTED AS RESOLUTION R-294281

Adoption of a Resolution stating for the record that the final Environmental Impact Report certified on April 2, 1996 and the final Mitigated Negative Declaration certified on May 12, 1998 have been reviewed and considered prior to approving the project, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of the International Gateway of the Americas project.

Subitem-B: (R-2001-728) ADOPTED AS RESOLUTION R-294282

Adoption of a Resolution of the Council of the City of San Diego approving amendments to the San Ysidro Community Plan, the Progress Guide and General Plan, and The Local Coastal Program for the International Gateway of the Americas Project.

Subitem-C: (R-2001-) GRANTED MAP, ADOPTED AS RESOLUTION R-294283

Adoption of a Resolution granting or denying Tentative Map, TM-40-0338 and pursuant to California Government Code sec. 66434(g), portions of Boston Avenue, Willow Road, New York Avenue, New Orleans Avenue, National Avenue, Louisiana Avenue, Tia Juana Street and alleys located as shown in Tentative Map, TM-40-0338, shall be vacated, contingent upon the recordation of the approved map for the project.

Subitem-D: (R-2001-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-294284

Adoption of a Resolution granting or denying Coastal Development Permit and Site Development Permit.

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 0 to approve; no opposition.

Ayes: Garcia, Butler, Brown, Skorepa, Steele

Nays: 0

Not present: Stryker, Anderson

The San Ysidro Planning and Development Group has recommended approval of this project.

SUPPORTING INFORMATION:

The subject project proposes the demolition of approximately 18,425 square-feet of existing commercial residential developments and the construction of 654,830 square-feet of commercial development. The project site is located south of Camino De La Plaza, west of Virginia Avenue and north of the Tia Juana River and is within the Coastal Zone, Coastal Height Limit Zone, CT 2-3 Zone, the San Ysidro Planned Development District and within the San Diego Redevelopment area. The site is designated border commercial in the San Ysidro Community Plan.

The 57.25 acre site will be subdivided into 17 lots plus one remainder lot. The vacation of various streets and alleys is included within the proposed subdivision. The amendment to the Progress Guide and General Plan, the Local Coastal Program Land Use Plan and the Community Plan is necessary for the deletion of Tia Juana Street and a bikeway along Tia Juana Street from the circulation element of the Community Plan within the subdivision boundaries to accommodate the proposed International Gateway commercial project. Refer to Planning Commission Report Number P-00-196-PC (attachment 1) for additional information regarding the details of this project.

On May 12, 1998, the Redevelopment Agency entered into a Disposition and Development Agreement (DDA) for this project along with a second phase of the project. Subsequent to the DDA, on February 22, 2000, the Agency entered into the First Implementation Agreement to the DDA which provided for the commencement of the retail portion phase one of the overall project which is discussed in this report. On November 14, 2000, a Second Implementation Agreement (see Redevelopment Agency Report Number RA-00-19) and a Cooperation

Agreement will be proposed to the City Council for approval to amend the Agreements to revise the Scope of Development to add certain off-site public improvements. These improvements are proposed to be constructed by the Developer and/or the Agency in connection with development of the site, to change the phasing of construction of certain off-site public improvements, and to

make other changes deemed appropriate by the parties. If the Redevelopment Agency's recommendations are approved, staff will ensure that the Coastal Development/ Site Development and Tentative Map conditions reflect the changes identified in the Agreements.

FISCAL IMPACT:

None.

Loveland/Christiansen/LJM

LEGAL DESCRIPTION:

The project site is more particularly described as being located south of Camino De La Plaza, west of Virginia Avenue, and north of the Tia Juana River in the Coastal Zone, Coastal Height Limit Zone, CT 2-3 Zone, and in the commercial zone of the San Ysidro Planned Development District of the San Ysidro Community Plan, and is more particularly described as those portions of the east half of the east half of Lot 1 of Section 2. Township 19 South, Range 2 West SBM, plus the west half of the west half of Lot 4 of Section 1, Township 19 South, Range 2 West SBM, plus Lot A of Map 13372, plus Parcel 1 of P. M. 11307, plus Lot 2 of P.M. 8940, plus all of blocks 11-14, plus portions of block 15 and 16 south of Camino De La Plaza and the portions of blocks 25-30 and lots 9, 10 and 11 of Map 562-refiled north of the Flood Control Channel described in Orders of Condemnation File 79-363927 O.R. 8-29-79, File 79-527564 O.R. and File 79-527565 O.R., and the north half of Tia Juana Street between the center of Virginia Avenue and Camiones Way as shown on Record of Survey 14733.

FILE LOCATION: SUBITEMS A, B, C, & D: LAND-Progress Guide & General Plan - San Ysidro Community Plan - International Gateway of the Americas (09)

COUNCIL ACTION: (Tape location: F238-G530.)

Hearing began at 5:30 p.m. and halted at 6:40 p.m.

MOTION BY VARGAS TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT AND TO GRANT THE MAP TO APPROVE THE PROJECT AS PROPOSED WITH THE FOLLOWING MODIFICATIONS:

APPROVE THE ALTERNATIVE LANDSCAPING PLAN WITH THE MODIFICATION THAT THE PLAN SHOULD BE REVISED TO REFLECT THE LANDSCAPE BUFFER THAT IS DESCRIBED IN STAFF'S RECOMMENDED EXHIBIT A LANDSCAPING PLAN AS IT RELATES TO THE 10 FOOT BUFFERING REQUIREMENT IN THE SAN YSIDRO COMMUNITY PLAN, AND

TO BE CONSISTENT WITH THE BORDER PATROL REQUIREMENTS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO ALLOW THE PROPOSED 50 FOOT HIGH SIGN TO BE INSTALLED ON LOT 17. THE PLACEMENT OF THE SIGN IS SUBJECT TO A LOT TIE AGREEMENT BETWEEN LOT 17 AND LOT 16 AS SHOWN ON TENTATIVE MAP 40-0338 OR THAT LOT WHICH IS CONTIGUOUS TO LOT 17 AND INCLUDED WITHIN THE PROJECT TO THE SATISFACTION OF THE CITY ENGINEER. THE INSTALLATION OF THE SIGN SHOULD BE SUPPORTED BY THE FINDINGS PROVIDED BY THE APPLICANT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-nay, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO DIRECT STAFF THAT WHEN THERE IS SUFFICIENT INCREMENT TO SUPPORT A PAC, THE ISSUE WILL COME BACK TO COUNCIL FOR DISCUSSION AND APPROVAL. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S502: Acquisition and Rehabilitation Loan Agreement - Episcopal Community Services (2822 Fifth Avenue).

(See memorandum from Centre City Development Corporation dated 9/28/2000. Horton Plaza Redevelopment Project. District-3.)

(Continued from the meeting of 11/14/2000, Item 339, at the request of the City Manager for further review.)

NOTE: The public testimony portion of the hearing is open.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-626) RETURNED TO THE CITY MANAGER

Determining that the use of Funds from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Fund to purchase property located at 2822 Fifth Avenue will be of benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of November 21, 2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

CONSENT MOTION BY WEAR TO RETURN TO THE CITY MANAGER AT THE CITY MANAGER'S REQUEST FOR ONGOING NEGOTIATIONS WITH EPISCOPAL COMMUNITY SERVICES AND BECAUSE THE AGREEMENT IS NOT READY FOR COUNCIL ACTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Blair-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S503: Nomination to the Centre City Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated 11/16/200.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-759 Rev.) ADOPTED AS RESOLUTION R-294266

Nominating for election to the Centre City Development Corporation Board of Directors:

NOMINEE

NOMINATED BY

Gil Johnson, Business-Finance

Mayor Golding

Declaring that after full and complete public discussion and deliberation, Gil Johnson is elected to the Centre City Development Corporation Board of Directors, for a three-year term ending May 1, 2003, to replace Doug Austin whose term has expired.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A004-172.)

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

ITEM-S504: Four actions related to the Final Subdivision Map of Del Mar Mesa Estates Unit No. 2.

(Del Mar Mesa Subarea V of the North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-827) ADOPTED AS RESOLUTION R-294267

Declaring that based upon the information set forth and provided in the record on this matter, pursuant to Subdivision Map Act Section 66499(a)(4) that it is not in the public interest to require the public improvements sooner than two years after the recordation of the final map;

Authorizing the City Manager to execute a Deferred Subdivision Improvement Agreement with Carmel Valley 18 LLC, for the installation and completion of certain public improvements.

Subitem-B: (R-2001-826) ADOPTED AS RESOLUTION R-294268

Approving the final map.

Subitem-C: (R-2001-828) ADOPTED AS RESOLUTION R-294269

Authorizing the City Manager to execute a Multi-Use Trail Maintenance Agreement with Carmel Valley 18 LLC, for the maintenance of multi-use trails.

Subitem-D: (R-2001-829) ADOPTED AS RESOLUTION R-294270

Authorizing the City Manager to execute a Landscape Maintenance Agreement with Carmel Valley 18 LLC, for the maintenance of landscaping.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 40.892 acre site into 10 lots for residential development. It is located south of SR 56 and east of Carmel Country Road, in the Del Mar Mesa Subarea V Future Urbanizing area. On November 6, 1997 the Planning Commission of the City of San Diego approved Planning Commission Resolution R-2568-2-PC. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 30187-1-D through 30187-27-D filed in the Office of the City Clerk under Micro Number 140.66. It is not anticipated that the improvements will be required within two years, therefore Subdivider has entered into a Deferred Improvement Development agreement which allows for deferral of up to two years to provide the required improvements. There are sufficient monuments existing to establish the subdivision boundaries. Therefore, the remaining monuments will be deferred at this time. In order to satisfy Conditions 28 and 30 of Planning Commission Resolution R-2568-2-PC, Subdivider has entered into a Multi-Use Maintenance Agreement and a Landscape Maintenance Agreement, respectively, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, as well as maintaining the multi-use trail within the Multi-Use Trail Maintenance Area until other mechanisms are established.

FISCAL IMPACT:

None.

Loveland/Haase/GPH

FILE LOCATION: SUBITEMS A-D: SUBD-Del Mar Mesa Estates Unit No. 2
(40)

COUNCIL ACTION: (Tape location: A004-172.)

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

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 8:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: K260.)