

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

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#### CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy 10:03 a.m. The meeting was recessed by Mayor Murphy at 10:16 a.m. to convene as the Housing Authority and the Redevelopment Agency thereafter. The meeting was reconvened by Mayor Murphy 11:21 a.m. with all members being present with the exception of District 8 being vacant. Mayor Murphy recessed the regular meeting at 11:27 a.m. into Closed Session in the twelfth floor conference room to discuss existing litigation, anticipated litigation and to confer with Real Property Negotiator, and to reconvene the regular meeting at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. with all members present and District 8-vacant. The meeting was recessed by Mayor Murphy at 3:25 p.m. for a short break. Mayor Murphy reconvened the meeting at 3:30 p.m. with all members present and District 8-vacant. The meeting was adjourned by Mayor Murphy at 5:50 p.m. into the State of the City Address on Monday, January 8, 2001, at 5:30 p.m.

#### ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present

- (6) Council Member Stallings-present
- (7) Council Member Madaffer-present
- (8) District 8-Vacant

Clerk-Abdelnour (rl/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Stallings-present
- (7) Council Member Madaffer-present
- (8) District 8-Vacant

PUBLIC COMMENT-1:

Darlene Baker Sumner commented regarding her request of Council to help her get a Physiological Policy Surveillance removed from her body.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A009-044.)

PUBLIC COMMENT-2:

Ron Sawade commented regarding his need to know who has the authority to deny an application for a Planning Commission appeal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-056.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Maienschein recognized a staff member of his and extended congratulations for their newborn.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A058-066.)

ITEM-100: Easement Grant - San Diego Gas & Electric - Kearny Mesa Park.

(Kearny Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-910) ADOPTED AS RESOLUTION R-294391 WITH DIRECTIONS

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of location of overhead electrical facilities on portions of Pueblo Lot 1204, according to plat thereof made by James Pascoe in 1870, and is known as County Miscellaneous Map No. 36.

**CITY MANAGER SUPPORTING INFORMATION:**

SDG&E has requested an overhead easement to supply new electric service to a Sprint PCS site on the Mesa College campus. SDG&E will install one new pole and extend the existing overhead lines across City land. The requested easement area is 12 feet in width, 350 feet in length, and totals 4,200 square feet. The easement, which burdens Kearny Mesa Park, has been reviewed and approved by the Park and Recreation Department. The nominal value of \$5,000 has been approved by City valuation staff.

**FISCAL IMPACT:**

\$5,000 will be deposited into City General Fund 100.

Loveland/Griffith/ACG

FILE LOCATION: DEED F-7934

COUNCIL ACTION: (Tape location: D013-165.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH DIRECTION TO DO THE FOLLOWING: 1) HAVE STAFF COME BACK WITH THE NECESSARY FINDINGS TO REQUIRE THE UNDERGROUNDING OF THIS FACILITY; 2) AT THE SAME TIME, GO TO THE LAND USE & HOUSING COMMITTEE REGARDING REVISING THE POLICY TO MAKE IT CLEARER THAT THE CITY HAS JURISDICTION OVER THIS PROPERTY; AND 3) COME BACK TO COUNCIL WITH THE ENTIRE POLICIES FOR REVIEW OR TO BE AMENDED. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-106: Amending FY 2001 Capital Improvements Program Budget-Mesa Verde Neighborhood Park Tot Lot Improvements.

(Mira Mesa Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-918) ADOPTED AS RESOLUTION R-294392

Authorizing the City Auditor and Comptroller to add CIP-29-414.0, Mesa Verde Neighborhood Park Tot Lot, to the Fiscal Year 2001 Capital Improvements Program Budget;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$177,000 (\$47,000 from Mira Mesa Town Council - Community Fund, Fund No. 10516; \$47,000 from Park and Recreation Department Matching Funds, Fund No. 10365; and \$83,000 from Mira Mesa Facilities Benefit Assessment Funds, Fund No. 10365; and \$83,000 from Mira Mesa Facilities Benefit Assessment funds, Fund No. 79006) for use on CIP-29-414.0, Mesa Verde Neighborhood Park Tot Lot.

**CITY MANAGER SUPPORTING INFORMATION:**

This project will provide for playground upgrades and handicap accessible parking at Mesa Verde Neighborhood Park, located between Gold Coast Drive and Flanders Drive east of Camino Ruiz, adjacent to Mason Elementary School in the Mira Mesa community.

The five-acre park was originally developed in 1971. Due to damage or non-compliance with current safety standards, a majority of the playground equipment has been removed from the park. The remaining playground equipment does not meet current Americans with Disabilities Act (ADA) guidelines or provide adequate play value for the community.

**FISCAL IMPACT:**

Funds are available in the amount of \$177,000 from the Mira Mesa Community Fund, Fund No. 10516 (\$47,000), Park and Recreation Department Matching Funds, Fund No. 10365 (\$47,000) and Mira Mesa Facilities Benefit Assessment Funds, Fund No. 79006 (\$83,000) for this purpose. The requested funding will be sufficient to cover project design, construction, and administrative costs. No additional maintenance costs are anticipated for future years.

Loveland/McLatchy/DVW

Aud. Cert. 2100606.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D166-186.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-310: Weller Companion Unit.

**GRANTED HEARING, TO BE HEARD ON JANUARY 23, 2001  
AT 10:00 A.M.**

Request by James Leighton for a hearing of an appeal from the decision of the Planning Commission in approving with conditions the request for an application for a Conditional Use Permit (CUP) to maintain an approximately 576 square foot attached second-story companion unit where a single-family residence exists at 6459 Celia Vista Drive.

(CUP-99-1317. Mid-City Community Plan area. District-7.)

**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 January 23, 2001 at 10:00 a.m.

**SUPPORTING INFORMATION:**

**BACKGROUND:**

The subject site was developed in the 1950s with a two-story single-family residence with a one-car garage in the R1-5000 zone. The companion unit is located on the second floor at the rear of



the residence. The companion unit is approximately 576 square feet and the existing single-family residence is 1,382 square feet.

The companion unit contains a kitchen with a wet bar, a bedroom/living room area, and a 3/4 bath. The companion unit is attached to the single-family residence but has no interior access to the residence. Two additional off-street parking spaces have been provided in the west interior side yard which corrects the required off-street parking deficiency for the single-family residence while adding one additional off-street parking required for the companion unit.

The surrounding neighborhood is developed with small to medium size residences that provide at least one off-street parking space. No other Conditional Use Permits for companion units have been approved in this Eastern Area Community Planning Area.

This neighborhood is in close proximity to San Diego State University where properties are often rented by students. The Hearing Officer based the decision of denial as specified in attachment 7 partly citing there are enforcement problems when properties are rented by students. However, in accordance with the draft permit conditions, the occupant of the companion unit must be age 55, a disabled person, or a member of the primary unit's family. Other single-family residences in this neighborhood offered for rent do not have this restriction.

Although the Eastern Area Community Planning Group voted against the project (see attachment 4, Report to the Planning Commission) neighbors that live in close proximity signed a petition in support of this project (see attachment 6). The Eastern Area Community Planning Group was mainly concerned with the property becoming a rental that would be occupied by college students.

#### DISCUSSION:

The appeal filed by Terry and Susan Weller of the Hearing Officer's decision at the July 19, 2000 hearing is based on Factual Error (see attachment 11). The Weller's project initially went to hearing on June 28, 2000, at 8:30 a.m. and was continued by the Hearing Officer to July 19, 2000, because the applicants needed to provide one additional off-street parking space on the plans. There was no public testimony in opposition at the June 28<sup>th</sup> hearing. The Weller's removed a fence and resubmitted revised plans to show the additional parking space prior to the scheduled hearing on July 19, 2000. The Hearing Officer at the July 19, 2000, public hearing, considered public testimony and rendered a decision of denial. The Weller's believe that they are in compliance with the conditions and criteria set forth in San Diego Municipal Code 101.0512 and request that the project be approved.

**OTHER RECOMMENDATIONS:**

Planning Commission on September 28, 2000 voted 5 - 0 to approve the appeal and approve Conditional Use Permit No. 99-1317; was opposition.

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

The Eastern Area Community Planning Group on February 8, 2000 voted 7-1-0 to recommend denial of the project.

**FISCAL IMPACT:** None.

**CODE ENFORCEMENT IMPACT:**

The Neighborhood Code Enforcement Department has an open violation case on this project. The property owners Susan and Terry Weller, were notified that they needed to apply for and obtain a Conditional Use Permit for a companion unit in order to legalize the unit.

**HOUSING AFFORDABILITY IMPACT:**

The companion unit will contribute to available affordable housing for a person(s) with a disability or is a senior citizen age 55 and older. The companion unit, if not occupied by a member of the family residing in the single-family residence, can only be rented to persons meeting the above criteria.

Halbert/Hanley

**LEGAL DESCRIPTION:**

The project site is located at 6459 Celia Vista Drive in the R1-5000 zone of the Mid-City Eastern Area Community Plan and is more particularly described as Lot 88, Cosgrove Heights Annex No. 1, Map 2645.

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303.

FILE LOCATION: PERM-99-1317 (65)

COUNCIL ACTION: (Tape location: B547-576.)

MOTION BY MADAFFER TO GRANT THE REQUEST FOR A HEARING OF THE APPEAL ON TUESDAY, JANUARY 23, 2001 AT 10:00 A.M. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-330: Second Quarterly Update to the Land Development Code.

Matter of approving, conditionally approving, modifying or denying the Second Quarterly Update to the Land Development Code constituting an amendment to the City of San Diego's Local Coastal Program (LCP). If the City Council approves the amendment, the proposed LCP amendment must be submitted to the California Coastal Commission for review and adoption. The LCP amendment will not become effective until after adoption by the California Coastal Commission.

(Citywide)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem E; adopt the resolution in subitem B; and introduce the ordinances in subitems A, C, and D:

Subitem-A: (O-2001-64) INTRODUCED AS AMENDED, TO BE ADOPTED ON JANUARY 9, 2001

Introduction of an Ordinance Amending Land Development Code Chapters 11-14 to include minor format and reference corrections, consistency corrections, telecommunications facilities regulations amendments, floodplain regulations amendments, subdivision procedures amendments and the Transit Area Overlay Zone update.

Subitem-B: (R-2001-898) ADOPTED AS RESOLUTION R-294393

Adoption of a Resolution authorizing the City Manager to submit the City of San Diego's Local Coastal Program amendments to the California Coastal Commission.

Subitem-C: (O-2001-90) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 2001

Introduction of an Ordinance incorporating property located in the City of San Diego into the residential Tandem Parking Overlay Zone as defined in Chapter 13, Article 2, Division 9 of the Municipal Code and the Transit Area Overlay Zone as defined in Chapter 13, Article 2, Division 10 of the Municipal Code, and repealing all ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (O-2001-65) INTRODUCED, TO BE ADOPTED ON JANUARY 9, 2001

Introduction of an Ordinance amending Chapter 10 of the San Diego Municipal Code by amending Article 3, Division 6, Section 103.0612, relating to Carmel Valley Planned District Parking Regulations.

Subitem-E: (R-2001-774) ADOPTED AS RESOLUTION R-294394

Adoption of a Resolution amending Council Policy No. 600-14 regarding development within areas of special flood hazard.

**COMMITTEE ACTION:**

Land Use and Housing Committee Recommendation - On September 20, 2000, the Land Use and Housing Committee voted 4-0 to recommend approval of the Second Quarterly Update to the LDC with one modification. The committee recommended deleting the proposed provision that would require an additional parking space for guest quarters.

## **OTHER RECOMMENDATIONS:**

Planning Commission on August 17, 2000 voted 6-0 to approve; was opposition.

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

Nays: None

Not present: Skorepa

On August 17, 2000, the Planning Commission voted 6-0 to recommend approval of the minor format and reference corrections, consistency corrections, subdivision procedures, the Transit Area Overlay Zone update, and the Carmel Valley Planned District Ordinance parking regulations and to continue the hearing on the proposed amendments to Telecommunication Facilities Regulations and Floodplain Regulations until September 28, 2000. They also continued the issue relating to curation procedures in the Historical Resources Guidelines until language acceptable to the Historical Resources Board is developed.

Planning Commission on September 28, 2000 voted 5-0 to approve; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker

Nays: None

Not present: Skorepa, White

At their September 28, 2000 hearing, the Planning Commission voted 5-0 to recommend approval of the Floodplain Regulations and the Telecommunication Facilities Regulations with one addition. The Commission recommended that antennas and associated equipment proposed to be undergrounded and located in the public right-of-way in the near vicinity (100 feet) of residential uses should be required to obtain a Neighborhood Use Permit, decided in accordance with a Process Two.

No community planning group has submitted a recommendation.

This is a matter of a Citywide effect.

## **SUPPORTING INFORMATION:**

Code Monitoring Team - On July 26, 2000, the Code Monitoring Team voted unanimously to recommend approval of the minor format and reference corrections, the

consistency corrections, the Telecommunication Facilities Regulations and the Carmel Valley Planned District Ordinance parking regulations. On August 9, 2000, the Code Monitoring Team voted unanimously to recommend approval of the Floodplain Regulations, subdivision procedures, and the Transit Area Overlay Zone amendments.

## **CITY MANAGER SUPPORTING INFORMATION:**

### **BACKGROUND**

The Land Development Code (LDC) was adopted by the City Council on December 9, 1997 and later certified by the California Coastal Commission on November 4, 1999. During the adoption hearings the City Council directed staff to develop a quarterly update process to monitor and remedy any problems or errors that are identified in the LDC after implementation. A Code Monitoring Team, with representatives from professional organizations, community groups, business owners and environmental concerns, was established. A list of the Code Monitoring Team representatives is provided in Attachment 1. The Code Monitoring Team reviews and makes recommendations on staff's proposed solutions. Since implementation of the LDC on January 3, 2000, approximately 200 issues have been identified by staff and the public and have been reviewed by the Code Monitoring Team.

The First Quarterly Update to LDC, approved by the City Council on June 19, 2000, included minor corrections to typographical errors, simple clarifications, and reference corrections. This update resolved 50 of the 200 identified issues in addition to the incorporation of the Telecommunication Regulations from Council Policy 600-43 into the LDC.

The Second Quarterly Update addresses 36 issues that were identified during the first six months of implementation. Attachment 2 contains a matrix of the issues being considered in the second update. The matrix has been organized by significance of the issues. The first set of issues are the minor format and reference corrections. The second set of issues titled "consistency issues" includes various proposed changes that will clarify inconsistencies in the regulations and improve implementation of existing city policies. The third set of issues includes policy issues. It was anticipated that the Quarterly Update Process would also be the vehicle for bringing forward any policy issues and future amendments to the LDC, hence the inclusion of the five policy issues relating to Telecommunication Facilities, Floodplain Regulations, subdivision procedures, the Transit Area Overlay Zone update, and parking regulations in the Carmel Valley Planned District Ordinance.

**FISCAL IMPACT:** None

Loveland/Christiansen/bam

**LEGAL DESCRIPTION:**

Citywide

**ENVIRONMENTAL IMPACT** - Action on the minor format and reference corrections, consistency corrections, amendments to Telecommunication Facilities Regulations, Floodplain Regulations, subdivision procedures, the Transit Area Overlay Zone, and Carmel Valley Planned District Ordinance parking regulations are categorically exempt from CEQA pursuant to the State Guidelines Section 15061(b)(3).

**FILE LOCATION:** Subitems B & E: MEET  
Subitems A, C & D: NONE

**COUNCIL ACTION:** (Tape location: D230-E512.)

Hearing began at 2:25 p.m. and halted at 3:25 p.m.

Testimony in favor by Craig Benedetto, Ramon Valle, Joanne Pearson, and Steve Silverman.

MOTION BY WEAR TO ADOPT THE RESOLUTIONS IN SUBITEM E AND B; INTRODUCE THE ORDINANCES IN SUBITEM C AND D; AND INTRODUCE THE ORDINANCE IN A WITH THE FOLLOWING EXCEPTIONS ON ORDINANCE NO. 2001-64: THAT SECTION 3 OF THE ORDINANCE BE REVISED TO READ AS FOLLOWS: SEC. 141.0405 COMMUNICATION ANTENNAS. (A) SECTION 141.0405 REGULATES THE FOLLOWING COMMUNICATION ANTENNAS. AMATEUR (HAM) RADIO FACILITIES OR TEMPORARY TELECOMMUNICATION FACILITIES NECESSITATED BY NATURAL OR MAN-MADE DISASTERS IS NOT REGULATED AS COMMUNICATION ANTENNAS. SECTION 141.0405 DOES NOT APPLY TO SINGLE DISH ANTENNAS SMALLER THAN 24 INCHES IN DIAMETER OR TO REMOTE PANEL ANTENNAS LESS THAN 24 INCHES IN LENGTH AND IN WIDTH, EXCEPT WHEN ASSOCIATED WITH ANOTHER TELECOMMUNICATION FACILITY. (NO CHANGE TO

REMAINING REVISIONS TO SEC. 141.0405 AS WRITTEN IN THE ORDINANCE.) THAT SECTION 9 IF THE ORDINANCE BE REVISED TO READ AS FOLLOWS: SECTION 9. THIS ORDINANCE SHALL BE IN FORCE AND EFFECT ON THE DATE IT IS EFFECTIVELY CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION AS A CITY OF SAN DIEGO LOCAL COASTAL PROGRAM AMENDMENT, EXCEPT THAT LAND DEVELOPMENT CODE SECTION 131.0631, TABLE 131-06C RELATING TO THE MAXIMUM FLOOR AREA RATIO IN INDUSTRIAL ZONES, SHALL BE IN FORCE AND TAKE EFFECT OUTSIDE THE COASTAL OVERLAY ZONE ON THE THIRTIETH DAY FROM AND AFTER ITS PASSAGE. AND 2) THAT THE CITY MANAGER BE DIRECTED TO FORWARD TO THE COASTAL COMMISSION THE AMENDMENTS REQUIRED TO BE CERTIFIED AS LOCAL COASTAL PROGRAM AMENDMENTS. FINALLY, ADD THE RECOMMENDATION OF NOT REQUIRING THE EXTRA PARKING SPACE FOR GUEST PARKING TO BE CONSISTENT WITH THE ACTION TAKEN BY THE LU&H COMMITTEE. Second by Madaffer.

MOTION BY STALLINGS TO AMEND THE MOTION TO REINSTATE THE GUEST PARKING REQUIREMENT. Second by Stevens. Passed by the following vote: Peters-nay, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

VOTE ON ORIGINAL MOTION: Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea (nay on part of City Manager's recommendation to follow the federal regulations in Subitem A), Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-331: Headquarters Point Research Park.

Matter of approving, conditionally approving, modifying or denying a Rezone/Vesting Tentative Map/Planned Industrial/Coastal Development Permit to rezone a 10.3 acre site from R1-40000 (RS-1-1) to M1-B (IL-2-1) zone and to subdivide the site into two lots and develop a planned industrial development located immediately east of Interstate 805 (I-805) on Headquarters Point between Wateridge Circle and Lusk Boulevard in the Mira Mesa Community Plan area.

(99-0036 RZ/VTM/PID/CDP. Mira Mesa Community Plan area. District-5.)



**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in Subitem B; adopt the resolution in Subitem C to grant the map; adopt the resolution in Subitem D to grant the permit; and introduce the ordinance in Subitem A:

Subitem-A: (O-2001-103) CONTINUED TO TUESDAY, MARCH 13, 2001

Introduction of an Ordinance changing 10.3 acres, located between Wateridge Circle and Lusk Boulevard, in the Mira Mesa Community Plan area, from the R1-40000 (RS-1-1) zone to the M1-B (IL-2-1) zone, as defined by San Diego Municipal Code Section 101.0435.2 (131.0603); and repealing Ordinance No. 8485 (New Series), adopted June 22, 1961.

Subitem-B: (R-2001-925) CONTINUED TO TUESDAY, MARCH 13, 2001

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-99-0036 Supplement to EIR-96-0625, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), and that said EIR reflects the independent judgment 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 this project;

that pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the Findings made with respect to the project;

that pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations;

and that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-C: (R-2001- ) CONTINUED TO TUESDAY, MARCH 13, 2001

Adoption of a Resolution granting or denying Vesting Tentative Map 99-0036, with appropriate findings to support Council action.

Subitem-D: (R-2001- ) CONTINUED TO TUESDAY, MARCH 13, 2001

Adoption of a Resolution granting or denying Planned Industrial Development/Coastal Development Permit No. 99-0036, with appropriate findings to support Council action.

### **OTHER RECOMMENDATIONS:**

The Planning Commission recommendation was not available at the time of the docket closing. City staff will present their recommendation at the City Council hearing.

The Mira Mesa Community Planning Group on October 18, 1999, voted 11-0-1, with conditions, to recommend approval of the project.

### **SUPPORTING INFORMATION:**

Headquarters Point Research Park proposes a rezone from R1-40000 (RS-1-1) to M1-B (IL-2-1) (Industrial), subdivision of a 10.3 acre site into two lots for development by means of a Rezone/Vesting Tentative Map/Planned Industrial Development/Coastal Development Permit to allow the development of an industrial project in the Mira Mesa Community Plan area.

The Mira Mesa Community Planning Group, voted 11:0:1 on October 18, 1999, to recommend approval with the following additional conditions:

1. All buildings shall be limited to a maximum of three stories in height;
2. Prior to the issuance of any building permit, a development plan package as defined on page 15 and 16 of the PID Text, shall be submitted to the Mira Mesa Community Planning Group for their review and approval, and;
3. Offsite acquisition required as mitigation for project impacts to the MHPA should be focused on sites north of State Route 52.

The Planning Commission recommendation was not available at the time these materials were submitted to the Clerk's Office. City staff will present their recommendation at the City Council hearing.

City Staff recommends certification of the Environmental Impact Report LDR No. 99-0036; adoption of the Mitigation Monitoring and Reporting Program with all mitigation necessary to reduce, to a level of insignificance, all significant impacts of the project as identified in the EIR; adoption of the Findings and Statement of Overriding Considerations; adoption of the rezoning; approval of the Vesting Tentative Map; and approval of the Planned Industrial Development/Coastal Development Permit 99-0036 with the conditions recommended by the Mira Mesa Community Planning Group and those contained in the draft Tentative Map resolution and draft permit.

**FISCAL IMPACT:** None.

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Loveland/Christiansen/JSP

**LEGAL DESCRIPTION:**

The project site is located within the Mira Mesa community on the east side on Interstate 805 between Vista Sorrento Parkway to the west, Mira Mesa Boulevard to the south and Lusk Boulevard to the north and is more particularly described as a portion of Lot 10 of Map 13604.

FILE LOCATION: Subitems A,B,C,D: None

COUNCIL ACTION: (Tape location: A067-100.)

MOTION BY STALLINGS TO CONTINUE TO TUESDAY, MARCH 13, 2001 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW, AND TO READVERTISE THE ITEM AND PLACE ON THE AGENDA FOR COUNCIL CONSIDERATION. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-332: Mortenson Residence.

(Continued from the meeting of October 24, 2000, Item 331, at the request of the applicant's attorney for further review.)

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, Council District 1.

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

**NOTE:** Hearing open. No testimony taken on 10/24/2000.

**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 TUESDAY, JANUARY 16, 2001

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

over height 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: NONE

COUNCIL ACTION: (Tape location: A101-151.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, JANUARY 16, 2001 FOR FURTHER REVIEW OF DISPUTED ISSUES. Second by Stallings. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-333: Schotz Estates.

Matter of approving, conditionally approving, modifying or denying a Tentative Map (TM), Planned Residential Development Permit (PRD), Resource Protection Ordinance (RPO) Permit and a Street Vacation (SV) to subdivide a 19.45-acre site into 7 residential lots, one open space lot and one recreation lot. The vacant project site is located approximately 0.15 miles east of Carmel Country Road along both sides of Shaw Ridge Road within the Del Mar Mesa Specific Plan (Subarea V) of the North City Future Urbanizing Area (NCFUA) and partially within the Multiple Habitat Planning Area in the A-1-10 Zone of the Del Mar Mesa Community Plan. TM 99-1350 (Schotz Estates)

(TM/PRD/RPO/SV-99-1350. Del Mar Mesa Community Plan area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A to grant the map; adopt the resolution in subitem B to grant the permit; and adopt the resolution in subitem C:

Subitem- A: (R-2001- ) ADOPTED AS RESOLUTION R-294384

Adoption of a Resolution granting or denying Tentative Map No. 99-1350 and vacating Shaw Valley Road as shown on ROS 7721, contingent upon the recordation of the approved final map for the project, pursuant to State Map Act Section 66434(g).



Subitem-B: (R-2001- ) ADOPTED AS RESOLUTION R-294385

Adoption of a Resolution granting or denying Resource Protection Ordinance/Planned Residential Development Permit No. 99-1350.

Subitem-C: (R-2001-945) ADOPTED AS RESOLUTION R-294386

Adoption of a Resolution certifying that the information contained in Findings to a Master Environmental Impact Report (MEIR) LDR No. 99-1350 (Findings to MEIR No. 95-0353) 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.), and that said report reflects the independent judgment 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 the land use actions for the Schotz Estates Subdivision;

that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Findings are approved;

that the City Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that the Findings are approved;

and that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 16, 2000 voted 6 -0 to approve; no opposition.

Ayes: Steele, Skorepa, Garcia, Butler, Brown, Stryker

Not present: Anderson

The Del Mar Mesa Community Planning Group, on July 13, 2000, voted unanimously to recommend approval of the project.

**SUPPORTING INFORMATION:**

The Schotz Estates project is located approximately 0.15 miles east of Carmel Country Road along both sides of Shaw Ridge Road within the Del Mar Mesa Specific Plan area (Subarea V) of the North City Future Urbanizing Area (NCFUA). The project proposes to subdivide the 19.45- acre site into 9 lots as follows:

1. Lot 1, located north of Del Mar Mesa Road, is located entirely within the MHPA. This 7.73 acre lot will be conserved as permanent open space. While this lot will not be impacted by development, a 4-foot wide multi-purpose (equestrian/pedestrian) trail will be constructed to connect to the community-wide trail along Del Mar Mesa Road;
2. Lots 2-4 and 6-9 would be developed with single-family detached homes (1.27 to 1.59 acre parcels). The design and architecture will be regulated through Design Guidelines;
3. An 8-foot wide multi-purpose trail and a 6-foot wide landscape buffer will be constructed along the north side of Del Mar Mesa Road. This trail will connect with the multi-purpose trail on Lot 1 and connect with a similar trail to the east in the Silver Oaks Estates property;
4. Lot 5 is a 0.61-acre recreational area located in the southwest portion of the site, which may be used by the homeowners association for recreational or common uses; and
5. Street Vacation of a portion of Shaw Ridge Road.

**FISCAL IMPACT:**

None.

Loveland/Christiansen/PG

**LEGAL DESCRIPTION:**

The 19.45-acre vacant site is located approximately 0.15 miles east of Carmel Country Road along both sides of Shaw Ridge Road within the Del Mar Mesa Specific Plan (Subarea V) of the North City Future Urbanizing Area (NCFUA) and partially within the Multiple Habitat Planning Area (MHPA) in the A-1-10 Zone of the Del Mar Mesa Community Plan and is more particularly described as being the West Half of the Southwest Quarter of the Northeast Quarter, Section 21, Township 14 South, Range 23 West, San Bernardino Base Meridian.

FILE LOCATION: Subitems A,B,C: PERM-99-1350 (65)

COUNCIL ACTION: (Tape location: B577-584.)

MOTION BY PETERS TO ADOPT. Second Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-334: Carroll Canyon Business Park.

Matter of approving, conditionally approving, modifying or denying a proposed 2- Unit/13-Lot Subdivision Map of a 75.8 acre site zoned A1-10 and HRO (proposed M-1B/HRO) located on the east and west sides of Camino Ruiz north of Miralani Drive.

(TM/RZ/RPO/PID-98-0978. Mira Mesa Community Plan area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in subitem A; adopt the resolution in subitem C to grant the permit; adopt the resolution in subitem D to grant the map; and introduce the ordinance in subitem B:

Subitem-A: (R-2001-720) ADOPTED AS RESOLUTION R-294395

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-98-0978 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said EIR reflects the independent judgement of the City of San Diego as Lead Agency;

Stating for the record that the final EIR has been reviewed and considered prior to approving the project; and adopting the Mitigation Monitoring and Reporting Program; and adopting the Findings and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-2001-80 ) INTRODUCED, TO BE ADOPTED ON JANUARY 9,  
2001

Introduction of an Ordinance changing 57.8 acres, located on the west and east side of Camino Ruiz along the proposed alignment of Carroll Canyon Road, in the Mira Mesa Community Plan area, from the AR-1-1 Zone (previously referred to as the A1-10 and Hillside Review Overlay [HRO] Zones) to the IL-2-1 Zone (previously referred to as the M-1B and HRO Zones).

Subitem-C: (R-2001- ) GRANTED PERMIT, ADOPTED AS RESOLUTION R-  
294396

Adoption of a Resolution granting or denying Resource Protection Ordinance and Planned Industrial Development Permit No. 98-0978.

Subitem-D: (R-2001- ) GRANTED MAP, ADOPTED AS RESOLUTION R-  
294397

Adoption of a Resolution granting or denying Vesting Tentative Map No. 98-0978.

**OTHER RECOMMENDATIONS:**

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

Ayes: Stryker, Anderson, Brown, Butler

Nays: None

Not present: Skorepa, White, Steele

The Mira Mesa Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

This project proposes the subdivision and development of a 57.8 acre land area into 13-lots (11-industrial and 2-open space) for light manufacturing, and industrial and office uses. Located in the Mira Mesa Community Plan area within Carroll Canyon on the east and west sides of Camino Ruiz in A1-10 and HRO(proposed IL-2-1) zone. The site is bounded by existing industrial development and land utilized for sand and gravel mining and excavation. A Resource

Protection Ordinance and Planned Industrial Development Permit would regulate subsequent buildout of the project components.

The Planning Commission considered this project on September 28, 2000, and voted 4-0 (Skorepa, Steele and White absent) to recommend that the City Council adopt City staff recommendations to approve the project, as presented in the Planning Commission Report No. P-00-154. The Planning Commission's recommendations also included the addition of conditions to the draft RPO/PID Permit No. 98-0978 for the inclusion of environmentally sensitive maintenance technologies for the required landscaping, the inclusion of enclosed bicycle lockers and to add pedestrian scale lighting to the bicycle/pedestrian path adjacent to the Carroll Canyon Creek.

Opposition was voiced over environmental concerns associated with plant species and the creek. City environmental and MSCP staff was able to respond to these concerns with the technical data at hand.

The City Manager recommends that the City Council Adopt the Rezone Ordinance, Approve the Vesting Tentative Map, Approve the Resource Protection Ordinance and Planned Industrial Development Permit Nos. 98-0978. The City Council must first Certify the Environmental Impact Report, LDR No. 98-0978 and Adopt the MMRP and Adopt the Findings and Statement of Overriding Considerations.

**FISCAL IMPACT:** None

Loveland/Christiansen/RMK

**LEGAL DESCRIPTION:**

The project site is located within the Mira Mesa community on the southwest and southeast corners of the planned intersection of Camino Ruiz and Carroll Canyon Road, and is more particularly described as a portion of the N of the SE 1/4 and the NE 1/4 of the SW 1/4 of S1, T15S, R3W.

FILE LOCATION: Subitems A,B,C & D: LUP-Carroll Canyon Business Park, 12/12/00 (65)

COUNCIL ACTION: (Tape location: F229-G513.)

Hearing began at 3:56 p.m. and halted at 4:53 p.m.

Testimony in favor by Jim Dawe and James Greco.

Testimony in opposition by Cindy Burrascano, Mel Hinton, and Eric Bowlby.

MOTION BY MAIENSCHEIN TO ADOPT. Second Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-nay, Madaffer-yea, District 8-Vacant, Mayor Murphy-nay.

ITEM-335: Two actions related to Del Mar Mesa Road/Shaw Ridge Road.

(See City Manager Report CMR-00-265. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-846) ADOPTED AS RESOLUTION R-294398

Rescinding Resolution R-293731 adopted by the City Council on August 15, 2000, which authorized the City Attorney to file an eminent domain action to acquire property needed for the Del Mar Mesa Road/Shaw Ridge Road Project.

Subitem-B: (R-2001-847) ADOPTED AS RESOLUTION R-294399

**FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION**

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the acquisition of easements for the Del Mar Mesa Road/Shaw Ridge Road Project, located south of State Route 56, east of Carmel Country Road and north of Shaw Ridge Road and that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

Declaring that the property is deemed necessary for completion of the Del Mar Mesa Road/Shaw Ridge Road Project;

Declaring the intention of the City to acquire the property under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning the property and acquiring immediate possession.

**NOTE:** **6** votes required for Subitem B.

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: E513-F228.)

Hearing began at 3:30 p.m. and halted at 3:55 p.m.

Testimony in favor by Paul Metcalf and Jan Hudson.

Testimony in opposition by Ron Sawade and Gary Sawade.

MOTION BY PETERS TO ADOPT THE STAFF'S RECOMMENDATION. Second Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-336: Two actions related to Short Term Transitional Housing for Homeless Families.

(See City Manager Report CMR-00-268. Centre City Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-734) ADOPTED AS RESOLUTION R-294400

Authorizing an expenditure of not to exceed \$3,500,000 from Fund 10249, Object Account 9544, for the acquisition of the required property rights, condemnation, labor, title, escrow, contingencies and miscellaneous costs for the Short Term Housing for Homeless Families Project, upon certification by the City Auditor and Comptroller of funds being available.

Subitem-B: (R-2001-733) ADOPTED AS RESOLUTION R-294401

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of fee simple title, the improvements thereon and the furniture, fixtures and equipment to the property, for the improvement, operation and maintenance of the housing for homeless families project; that the interests sought to be acquired are located at the Days Inn Motel, 1449 Ninth Avenue, within the City of San Diego, County of San Diego, State of California; that the interests to be acquired include fee simple title to the property, the improvements thereon, and the furniture, fixtures and equipment; that the project is planned in a manner that will be most compatible with the greatest public good and the least private injury; that the interests sought to be acquired are necessary for the project; that acquisition by eminent domain is authorized by law; and declaring that the offer to purchase the interests required by Government Code Section 7267.2 has been made to the owner of record and rejected; and declaring the intention of the City of San Diego to acquire fee simple title to the property described herein, the improvements thereon, and the furniture, fixtures and equipment under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an eminent domain action in the Superior Court of the State of California, in the County of San Diego, to condemn, acquire and obtain immediate possession of the property for the use of the City.

**NOTE:** **6** votes required for Subitem B.

Aud. Cert. 2100565.



FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Tape location: G513-I117.)

Hearing began at 4:54 p.m. and halted at 5:49 p.m.

Testimony in favor by Mary Ann Pollack, Jim Karalles, John Thelen, Peter Janopaul, William Keith, and Fred Baranowski.

Testimony in opposition by Anandkumar Patel, Mike Poyner, and Kathleen Williams.

MOTION BY WEAR TO CONTINUE HEARING THIS ITEM UNTIL 6 P.M. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

MOTION BY ATKINS TO ADOPT SUBITEM A RESOLUTION WITH AN EXPENDITURE NOT TO EXCEED \$3.5 MILLION AND SUBITEM B RESOLUTION OF NECESSITY AND THE FINDINGS OUTLINED IN THE MANAGER'S REPORT. Second Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-337: Extension of Negotiation of Franchise Fee with San Diego Gas & Electric Company through July 17, 2001.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-946) ADOPTED AS RESOLUTION R-294402

Declaring that the City agrees to a six (6) month extension of the negotiating period for the Franchise Fee percentage as set forth in the Franchises, to and including July 17, 2001;

Authorizing and directing the City Manager and City Attorney to execute any necessary or appropriate document memorializing the extension agreed to pursuant to this resolution.

**CITY MANAGER SUPPORTING INFORMATION:**

The 50-year Franchise Agreement for gas and electric utilities within the City of San Diego includes a provision for renegotiation of the franchise fee in the 30<sup>th</sup> year. It also specifies that the negotiation period is to be for six months starting July 2000 and ending January 2001. The agreement provides for a six month extension of that period if agreement is not reached. Absent an agreement or extension of negotiations the matter is submitted to binding arbitration. Because of complications in the electrical energy market, agreement has not been reached between San Diego Gas & Electric Company and the City negotiating team. Therefore, the Manager recommends authorization of a six month extension. Current franchise fees would remain in place during the extension period.

**FISCAL IMPACT:**

None.

Loveland

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D187-229.)

MOTION BY PETERS TO ADOPT THE STAFF'S RECOMMENDATION. Second Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-338: Making Findings for the Purchase & Installation of a Lighting Control System for the Lyceum Theatre.

(See memorandum from CCDC dated 11/28/2000. Horton Plaza Redevelopment Project. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-950) ADOPTED AS RESOLUTION R-294387

Approving the purchase and installation of a lighting system in the Lyceum Theatre in the Horton Plaza Redevelopment Project and making certain findings with respect to the payment for the improvement.

**NOTE:** See the Redevelopment Agency Agenda of 12/12/2000 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B473-519.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-339: Two actions related to Proposed Amendment to the Centre City Planned District Ordinance regarding Maximum Allowable Parking.

(See the Memorandum from Centre City Development Corporation dated 11/15/2000. Centre City Redevelopment Project Planning Area. Districts-2, 3 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-104) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
JANUARY 9, 2000

Introduction of an Ordinance amending Chapter X, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1936 relating to Off-Street Parking Requirements in the Centre City, to eliminate parking maximums.

Subitem-B: (R-2001-932) ADOPTED AS RESOLUTION R-294388

Certifying that the City Council has reviewed and considered information contained in the Master Environmental Impact Report (MEIR) for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the proposed ballpark and ancillary development projects (SEIR), and associated plan amendments, and the secondary study and proposed negative declaration for the elimination of parking maximums project; making certain findings regarding the environmental impacts of the proposed project; and approving and adopting the proposed Negative Declaration.

FILE LOCATION: Subitem A: NONE  
Subitem B: MEET

COUNCIL ACTION: (Tape location: B520-546.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE IN SUBITEM A, AND TO ADOPT THE RESOLUTION IN SUBITEM B. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-yea, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

ITEM-S500: Two actions related to the Final Subdivision Map of Westin Parc Place Hotel and Condominiums.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-971) ADOPTED AS RESOLUTION R-294389

Authorizing a Subdivision Improvement Agreement with JMI Realty, Inc., for improvement of the intersection of 6<sup>th</sup> Avenue and L Street consistent with Condition No. 18 of the Conditions attached to City Council Resolution R-294153 approving Tentative Map TM-40-0330.

Subitem-B: (R-2001-970) ADOPTED AS RESOLUTION R-294390

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a .973 acre site into three lots for residential development. It is located southerly of "L" Street between Sixth Avenue and Seventh Avenue in the Centre City Community Plan area. On September 14, 2000 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 3010 - PC for Westin Parc Place Hotel and Condominiums. Resolution No. R-03067 was approved on October 26, 1999 implementing general redevelopment by approving the Centre City Development Permit 99-0491. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

On October 26, 1999, Centre City Development Permit No. 99-0491 was approved by the City Council. The permit issuance is pending conveyance of the site from the Redevelopment Agency to the developer. The public improvements required for this subdivision are shown in detail on Drawing Number 30607-1-17-D, filed in the Office of the City Clerk under Micro Number 140.74. All improvements are to be completed within two years. A bond in the amount of \$339,186 has been posted to assure construction of the improvements required for this project. Monumentation is delayed. The cost of setting final monuments is \$1,000. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding Between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". In addition, the subdivider is entering into a bonded deferred improvement agreement for reconstruction of 6<sup>th</sup> Avenue and L Street, to satisfy condition No. 19 of Tentative Map Resolution No. 3010. The subdivider is proposing to construct a pedestrian bridge over 7<sup>th</sup> Avenue, just south of "L" Street, connecting the hotel to the ball park in accordance with Council Policy 600-16. The applicant is proposing to enter into an agreement with the City for this structure spanning the public right-of-way.

**FISCAL IMPACT:**

None.

Loveland/Haase/AZR

FILE LOCATION: SUBD-Westin Parc Place Hotel and Condominiums (40)

COUNCIL ACTION: (Tape location: C014-019.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Stallings-ineligible, Madaffer-yea, District 8-Vacant, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:50 p.m. in honor of the memory of:  
Barbara Ann Weamer Gregory as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I118-133.)