

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 18, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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NON-DOCKET

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ADJOURNMENT

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:08 a.m. The meeting was recessed by Mayor Murphy at 12:01 p.m.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:17 p.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Mayor Murphy reconvened the meeting at 3:47 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:48 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 Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (er/ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour 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 Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Kathy Keehan honored and thanked Council Member Wear for his work to enhance bicycle lanes and travel.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A025-049.)

PUBLIC COMMENT-2:

Judy Italiano thanked City Manager Uberuaga for the memorial service in honor of the victims of the terrorist attack and for the extension of military leave time for City employees. Ms. Italiano also recognized the City employees involved in the Blood Drive Committee and thanked Council Member Frye for her support.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A050-074.)

PUBLIC COMMENT-3:

George Cory extended his condolences on behalf of himself and the Arab American Community for the heinous acts committed by the terrorists. He asked that San Diego not rush into judgment against the Arab American Community for the acts committed by the terrorists. Mr. Cory asked for support from the City Council against hate crimes and backlash against Arab Americans.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A075-095.)

PUBLIC COMMENT-4:

Anna Mathews offered her condolences on behalf of the Human Relations Committee for the tragedy in New York. She warned that we must be careful not to hold an entire group responsible for the acts of a few and stated that this is a time for reaching out to all persons in the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A096-119.)

PUBLIC COMMENT-5:

Michael Aguirre commented that this is a time to cherish our constitutional rights and Council should not limit the right of the people to address their public officials.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A120-139.)

PUBLIC COMMENT-6:

Karen Boger expressed her concerns regarding the impending wireless communication park construction and its proximity to Cliffridge Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A140-180.)

PUBLIC COMMENT-7:

Mary Coakley commented regarding Council Policy and wireless communication facilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A180-218.)

PUBLIC COMMENT-8: **Referred to the City Manager.**

Ross Berry expressed his concerns regarding the approval of the Allegro Tower residential tower. Mr. Berry stated that not all the people in the neighborhood were notified regarding the hearing for the approval of the Allegro Tower.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A219-304.)

PUBLIC COMMENT-9:

Thelma Cartwright informed Council that she is homeless and cannot afford the deposit and rent for an apartment. She stated that she sleeps on the sidewalk and has many health problems that are made worse by her homelessness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A305-328.)

PUBLIC COMMENT-10:

Bert Decker stated that the Naval Training Center should remain public property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A330-370.)

PUBLIC COMMENT-11:

Jacquelyn Meshack commented on housing, street cleaning, and racial issues in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A378-428.)

PUBLIC COMMENT-12:

Daniel Beeman stated that while Council was in recessed, he was lobbying in Sacramento to make San Diego and California a better place to live.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A429-483.)

PUBLIC COMMENT-13:

Ken Lock commented on the vanity of organized sports.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A484-533.)

PUBLIC COMMENT-14:

Leonard Brown commented regarding the homeless problem in San Diego and suggested that Council pass an ordinance that compels homeowners to accept Section 8 vouchers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A537-B023.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced the grand opening of a state-of-the-art Albertsons grocery store in City Heights. Ms. Atkins also announced that Senior Community Centers have been awarded tax credits.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B024-043.)

ITEM-310: Farshin Samimi Residence.

(Continued from the meeting of 7/24/2001, Item 310, at the request of Council Member Peters for further review.)

Matter of the request by Orrin Gabsch, President, La Jolla Town Council, for a hearing of an appeal of the decision by the Planning Commission denying the appeal of the Hearing Officer's decision and approving the request for the Farshin Samimi Residence, Coastal Development Permit/Hillside Review Permit No. 99-1360 with a revision to Condition No. 18. The project requests a Coastal Development Permit/Hillside Review Permit for the construction of a 3,219 square foot, two-story residence above a 1,059 square foot finished basement with an attached two-car garage on a 0.22 acre vacant lot located at 7666 Hillside Drive in the La Jolla Community Plan area.

(CDP/HRP-99-1360. La Jolla Community Plan Area. District-1.)

TODAY'S ACTION IS:

GRANTED REQUEST FOR A HEARING OF THE APPEAL

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 October 9, 2001, at 10:00 a.m.

SUPPORTING INFORMATION:

BACKGROUND

The applicant proposes to construct a 3,219 square foot, two-story residence above a 1,059 square foot finished basement with an attached two-car garage on a vacant 0.22 acre vacant lot. The project site, located at 7666 Hillside Drive, lies within the R1-8000, Coastal Overlay (Nonappealable Area 1), Hillside Review Overlay and the Proposition "D" 30-foot Coastal Height Limit zones of the La Jolla Community Plan area.

The project is required to obtain a Coastal Development Permit (SDMC Section 111.1202) for the construction of the proposed single family residence on the existing vacant lot and is located in the Hillside Review Overlay Zone and requires a Hillside Review Permit (SDMC Section 101.0454).

The La Jolla Community Plan designates this site for single-family (0-4 du/ac) residential development. Surrounding land uses include single-family development and open space.

On September 14, 1984, the Planning Director approved HRP No. 84-0535 on the subject property. This permit allowed grading (700 cu. yds. of cut, and 170 cu. yds. of fill - 530 cu. yds. being exported) associated with the development of a two-story, 4,700 sq. ft., single-family residence. The development included vehicular access via a driveway across adjacent Parcels 2 and 3, a lap pool, and associated retaining walls. HRP No. 84-0535 was never utilized and therefore expired.

On July 1, 1998, the Hearing Officer denied the Dowlatshahi Residence, CDP/HRP/VAR No. 96-0585. The application proposed to construct a 5,859 sq. ft. multi-level residence with retaining walls and vehicular access via the recorded access easement which included a Variance for a 35% encroachment into slopes 25% gradient or greater where 20% is permitted. On October 15, 1998, the applicant's appeal was heard by the Planning Commission, who denied the appeal of the Hearing Officer's decision and denied the project. The project was denied due to the size of the structure in relation to the size of the lot and the excess encroachment over the permitted amount. The former project resolution has been provided as an attachment for review (Attachment 11, Planning Commission Report).

On April 4, 2001, the Hearing Officer approved the Farshin Samimi Residence project. The Hearing Officer determined that findings could be made that the proposed development was in conformance with the Coastal and Hillside Review Overlay zones and the design was sensitive to the hillside and conformed with the Hillside Development Guidelines. Testimony at the hearing included a neighbor, who expressed concerns about conformance and potential impacts to the access road. Additional testimony was given by Joanne Pearson, representing the La Jolla Town Council, with concerns about the change in the amount of impact to the site based on the applicant's consultants findings of non-natural slopes on site, and therefore a reduced impact area into sensitive slopes. Ms. Pearson also submitted a letter from the La Jolla Town Council outlining these issues (Attachment 6).

PROJECT ANALYSIS

The subject property is a portion of a 71 lot subdivision approved in 1912. In 1978, a lot line adjustment among four of these R1-8000 Zoned lots (Lots 63, 64, 65, and 66), resulted in their current configuration as Parcels 1 through 4 (Parcel Map 7723). The vacant 9,586 sq. ft. Site (Parcel 4), slopes steeply upward from an elevation of 284 feet at Hillside Drive, southward a distance of approximately 169 feet, to an elevation of 348 feet at the southerly property line, a difference of approximately 64 feet.

The site is located on the northwest facing slope of Mount Soledad, overlooking La Jolla Shores. Ninety-one percent (91%) of the property contains slopes which exceed a 25 percent gradient, and is zoned Hillside Review Overlay. Fifty-four (54%) of the site retains natural 25 percent or greater slopes. The project proposes to grade 40% of the site, with 940 cubic yards of cut and 120 cubic yards of fill. The project site will contain retaining walls with a maximum height of 8 feet. A geotechnical report has been reviewed and approved by the City Engineering staff.

The site has frontage on Hillside Drive from which vehicular access is provided. Due to topographic constraints, the property is too steep to afford direct access to required off-street parking. Access would be provided to the site via a recorded easement across Parcels 2 and 3,

located immediately adjacent to the east. The proposed project is a 3,219 square foot, two-story single family residence a 1,059 square foot finished basement with an attached two-car garage. The proposed home would be partially embedded into the hillside with a three-story appearance from the street. The remainder of the lot would be partially landscaped with a large area to remain in its natural state.

The proposed home is a contemporary style with a flat roof and stucco finish. The project is located in a residential neighborhood composed of homes with a variety of designs of similar size and scale to the proposed home. The existing homes in the immediate vicinity are large custom designed homes on lots in excess of 8,000 square feet.

The principal difference between this project and the denied project in 1998, is that the applicant hired a soils testing engineering firm to do a complete Geologic Reconnaissance with borings to determine the extent of fill slopes on the site. The outcome of the testing proved that the natural slopes were significantly less than originally thought and therefore the project has a significantly lower level of encroachment into natural 25 percent or greater gradient slopes.

As identified with Mitigated Negative Declaration 99-1360, the entire site is covered by Diegan Coastal Sage Scrub. The project would impact .0979 acres, below the level of significance and no Mitigation is required. In addition, approximately 3,000 square feet of the lot is located within the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA). The project is consistent with the City's Multiple Species Conservation Program Subarea Plan. The project site also may contain significant archeological resources. Although a portion of the site is considered disturbed, any remaining prehistorical/historical resources are considered potentially significant and monitoring is required.

Community Planning Group Recommendation - The La Jolla Community Planning Association on February 12, 2001, voted 7-0-1 to recommend approval of the project.

Environmental Impact - Mitigated Negative Declaration No. 99-1360 has been prepared for this project in accordance with State CEQA guidelines. A Mitigation, Monitoring and Reporting Program has been prepared which contains mitigation that would reduce the potential for impacts to Historical Resources to a level below significance.

Fiscal Impact - None with this action.

Code Enforcement Impact - None with this action.

Housing Affordability Impact - None with this action.

Escobar-Eck/JCT

The Planning Commission on June 7, 2001, voted 5-0 to deny the appeal, certify Mitigated Negative Declaration, Adopt MMRP, and approve CDP No. 99-1360 with a revision to condition No. 18 to read, "Prior to the issuance of any building permits, the applicant shall assure by permit and bond, the widening of Hillside Drive with enough pavement, curb and gutter, along with property frontage with the proper transition, addressing the public health and safety, and drainage issues while maintaining the rural character of the neighborhood satisfactory to the City Engineer"; was opposition.

Yeas: Garcia, Skorepa, Steele, Butler, Stryker

Not Present: Anderson, Brown

FILE LOCATION: PERM-99-1360 (65)

COUNCIL ACTION: (Tape location: B310-403.)

MOTION BY PETERS TO GRANT THE REQUEST FOR A HEARING OF THE APPEAL ON TUESDAY, OCTOBER 9, 2001. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-311: Request for Reconsideration - CUP-99-0464-54 - The Gray Residence-Rancho Peñasquitos.

(Rancho Peñasquitos Community Plan Area. District-1.)

TODAY'S ACTION IS:

WAIVED PERMANENT RULES OF THE COUNCIL,
GRANTED RECONSIDERATION OF THE APPEAL

Consideration of the Motion to:

(1) Waive the Permanent Rules of the Council. **Waiver of the Permanent Rules of the**

Council requires a vote of two-thirds of the Councilmembers.

(2) Reconsider the appeal of AT&T Wireless Services from the decision of the Planning Commission denying the request for a Conditional Use Permit for an application for a wireless communication facility consisting of six pole-mounted panel antennas and associated electronic equipment on a .22 acre site located at 13003 Avenida Grande in the Rancho Peñasquitos Community Planning Area.

If the matter is to be reconsidered, time has been reserved for the project to be heard on October 9, 2001.

FILE LOCATION: PERM-99-0464-54 (65)

COUNCIL ACTION: (Tape location: B414-552.)

MOTION BY FRYE TO WAIVE THE PERMANENT RULES OF COUNCIL. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO RECONSIDER THE APPEAL ON OCTOBER 19, 2001. Second by Madaffer. Passed by the following vote: Peters-not present, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-312: Request for Reconsideration - CUP- 99-1200-Chevron Station - Sorrento Hills.

(See memo from Councilmember Scott Peters dated 9/5/2001. Sorrento Hills Community Area. District-1.)

(Trailed from the adjourned meeting of September 11, 2001, Item S500.)

TODAY'S ACTION IS:

WAIVED PERMANENT RULES OF THE COUNCIL,
GRANTED RECONSIDERATION OF THE APPEAL

Consideration of motions to: (1) Waive the Permanent Rules of Council, Section

22.0101 of the San Diego Municipal Code. **Waiver of the Permanent Rules of Council requires a vote of two-thirds of the Councilmembers (6 votes required).**

(2) Reconsider the appeal by Chevron Products, and Richard Kiy for Torrey Hills Community Coalition, of the decision of the Planning Commission in denying the appeal of the Hearing Officer's decision and approving the proposed project with modifications. The project proposed by Chevron Corporation was to construct and operate a limited-hours gas station, mini-mart, and automated car wash facility on a vacant 2. 48-acre site located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the Sorrento Hills Community Plan area.

If the request for reconsideration is approved, the matter will be scheduled for a noticed public hearing at a future date.

FILE LOCATION: PERM-99-1200 (65)

COUNCIL ACTION: (Tape location: B195-296.)

MOTION BY PETERS TO WAIVE THE PERMANENT RULES OF COUNCIL.
Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

MOTION BY PETERS TO RECONSIDER THE APPEAL ON TUESDAY, OCTOBER 16, 2001. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea

ITEM-330: Two actions related to Carmel Valley - FY 2002 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(Continued from the meeting of August 7, 2001, Item 335, at the request of the City Manager for further review.)

(See City Manager Report 01-122; Public Facilities Financing Plan and FBA, Fiscal Year 2002, April 2001 Draft; May 17, 2001 Errata. Carmel Valley Community Area. District-1.)

NOTE: Hearing open. No testimony taken on 8/7/2001.

CITY MANAGER'S RECOMMENDATION

Adopt the following resolutions:

Subitem-A: (R-2002-5) RETURNED TO THE CITY MANAGER

Designating an area of benefit in Carmel Valley and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-2002-6) RETURNED TO THE CITY MANAGER

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2002, as adopted and approved on July 17, 2001, by Resolution No. R-295161, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Carmel Valley Community;

Declaring that the Docket Supporting Information and the text contained in the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2002, are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 6/13/2001, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Atkins, Stevens and Maienschein voted yea.)

FILE LOCATION: SUBITEMS A& B: STRT-FB-8-02 (33)

COUNCIL ACTION: (Tape location: B044-051.)

MOTION BY WEAR TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Vacation of a Portion of Hardy Avenue.

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolution:

(R-2002-174) CONTINUED TO TUESDAY, OCTOBER 9, 2001

Vacating the portion of Hardy Avenue within the College Area Community Plan area, as described in the legal description marked Exhibit "A", and shown on Drawing No. 19300-B marked Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Hardy Avenue in the College Area within Council District 7. The San Diego State Foundation is the owner on both the north and the south sides of Hardy Avenue and intends to develop the site by building fraternity housing. The San Diego State Foundation has dedicated another portion of land to realign the street. On January 18, 2001 the College Area Community Council recommended approval of the street vacation unanimously. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

FISCAL IMPACT:

None.

Loveland/Haase/AA

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

FILE LOCATION: STRT-J-2927 (39)

COUNCIL ACTION: (Tape location: B044-051.)

MOTION BY WEAR TO CONTINUE TO TUESDAY, OCTOBER 9, 2001 AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: San Diego Mercado at Crosby Street.

Matter of approving, conditionally approving, modifying or denying an application for a Site Development Permit, Coastal Development Permit, Parcel Map and Street Vacation to allow construction of an approximately 114,505 square-foot retail commercial center on a 6.55 acre site. The project site is located in the Redevelopment Subdistrict of the Barrio Logan Planned District and the Barrio Logan/Harbor 101 Community Plan area. The project site is bounded by Crosby Street on the northwest, Main Street on the southwest, National Avenue on the northeast, and the Coronado Bay Bridge Right-of-Way and Chicano Park on the south and southeast.

(SDP/CDP/PM/SV-40-0401. Barrio Logan/Harbor 101 Community Plan Area. District-8.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolutions in subitems A, B, and C; and adopt the resolution in subitem D to grant the permits:

Subitem-A: (R-2002-377) ADOPTED AS RESOLUTION R-295463

Adoption of a Resolution certifying that the information contained in Addendum LDR No. 40-0401 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 the National Environmental Policy Act of 1969, and that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the San Diego Mercado at Crosby Street project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that Addendum LDR No. 40-0401 is approved;

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;

And that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-378) ADOPTED AS RESOLUTION R-295464

Adoption of a Resolution certifying that the Council finds that certain map surveyed by Clive J. Hopwood, Licensed Land Surveyor, titled "Parcel Map, being a lot consolidation of Lots 3 through 18 inclusive, Lots 31 through 47 inclusive, and portions of Lots 1, 2, 19 and 48 of Block 95, Lots 2 through 17 inclusive, Lots 32 through 46 inclusive, and portions of Lots 1, 47, and 48 of Block 129, of Mannasse and Shillers's Subdivision of Pueblo Lot 1157, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 209, filed in the Office of the County Recorder of San Diego County, July 11, 1870, together with a portion of National Avenue and Main Street, as dedicated to public use" [MAP], is made in the manner and form prescribed by law and conforms to the surrounding surveys; that the MAP and the consolidation of land shown thereon is approved and accepted;

That Council finds that a portion of Newton Avenue, the unnamed alley in Block 95 and the unnamed alley in Block 129 are no longer needed for the public purpose for which they were dedicated, and are vacated, and are not shown within this MAP pursuant to Section 66445(j) of the California Subdivision Map Act;

That this resolution shall not become effective unless and until Site Development Permit No. 40-0401 is approved by the Council;

That the City Clerk is authorized and directed to endorse upon the MAP, as and for the act of the Council, that the Council has approved the MAP and that the street and alleys are vacated as stated in this resolution;

And that the City Clerk is directed to transmit the MAP to the County Recorder of the County of San Diego, California.

Subitem-C: (R-2002-379) ADOPTED AS RESOLUTION R-295465

Adoption of a Resolution certifying that the portion of Newton Avenue, as more particularly shown on Drawing No. 19573-B (labeled Exhibit "B") and described in the legal description marked as Exhibit "C," is ordered vacated;

That this resolution shall not become effective unless and until Site Development Permit No. 40-0401 is approved by City Council;

That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the Office of the County Recorder.

Subitem-D: (R-2002-) ADOPTED AS RESOLUTION R-295466 GRANTING THE PERMIT

Adoption of a Resolution granting or denying the subject Site Development Permit/Coastal Development Permit No. 40-0401, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS

Planning Commission on August 9, 2001, voted on consent 6 - 0 to recommend to the City Council that they approve staff's recommendation as outlined in report to Planning Commission No. P-01-139 with the condition read into the record at this hearing by staff; no opposition.

Ayes: Anderson, Lettieri, Brown, Butler, Garcia Stryker
Not present: Schultz

There is no officially recognized community planning group for this area. There is a Project Area Committee within the Redevelopment Area.

The Barrio Logan Project Area committee, on November 9, 2000, voted 9-0-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

This is a request for a Site Development Permit, Coastal Development Permit, Parcel Map and Street Vacation to allow construction of an approximately 114,505 square-foot retail commercial center on a vacant 6.55 acre site in the Barrio Logan/Harbor 101 Community Plan area. The project site is also within the Mercado District of the Redevelopment Subdistrict of the Barrio Logan Planned District and is bounded by Crosby Street, Main Street, National Avenue, and the Coronado Bay Bridge right-of-way and Chicano Park. This Redevelopment Agency project includes construction of three single-story, multi-tenant buildings; one two-story, multi-tenant building; and two building pads. The proposed project also includes 358 on-site parking spaces, landscaping and signage. The vacation of Newton Street and two alleyways through the project site is necessary in order to allow development of the proposed project.

FISCAL IMPACT:

Fiscal impacts of this redevelopment project were identified in the Disposition and Development Agreement (DDA) for the San Diego Mercado Del Barrio at Crosby Street project, approved by City Council Resolution No. R-294285 on November 21, 2000. There are no additional fiscal impacts with this action. All Development Services Department processing costs associated with this project are recovered by a deposit account funded by the applicant.

TRAFFIC IMPACT:

This project is estimated to generate 13,910 average daily trips (ADT). Of these, 2,800 project trips are estimated to occur on the nearby Interstate 5, with an estimated near term plus project volume of 162,800 at level of service "E" before and after the project. There are no improvements planned by Caltrans on Interstate 5 in the vicinity of this project. This project is also estimated to increase the daily trips on Crosby Street fronting the project from 7,800 at level of service "C" to 15,170 at level of service "D" with project mitigations. Consequently as a condition of this permit, the applicant shall re-stripe Crosby Street between Kearney Avenue and Main Street with appropriate transition and any needed modifications to the signals and loop

detectors in this segment of Crosby Street, to provide two travel lanes in each direction with a center turn lane and no on-street parking, satisfactory to the City Engineer.

Loveland/Christiansen/VLG

LEGAL DESCRIPTION:

The 6.55 acre project site is bounded by Crosby Street to the northwest, National Avenue to the northeast, Main Street to the southwest and the Coronado Bay Bridge right-of-way and Chicano Park to the south and southeast. The project is located in the Redevelopment Subdistrict of the Barrio Logan Planned District, specifically the Mercado District. It is also located in the Coastal Zone (Non-Appealable Area 2) and in the Barrio Logan Redevelopment Plan and Barrio Logan Community Plan areas and is more particularly described as Lots 3-18, 31-47, and portions of 1, 2, 19 and 48 of Block 95, and Lots 2-17, 32-46 and portions of 1, 47 and 48 of Block 129, Mannasse and Schiller’s Subdivision of Pueblo Lot 1157, Map 209.

FILE LOCATION: SUBITEMS A & B: PERM-40-0401(65)
SUBITEM C: STRT-J-2931 (39)
SUBITEM D: PERM-40-0401 (65)

COUNCIL ACTION: (Tape location: B554-C025.)

Hearing began at 11:30 a.m. and halted at 11:34 a.m.

Testimony in opposition by Daniel Beeman.

MOTION BY INZUNZA TO ADOPT THE RESOLUTIONS AND GRANT THE PERMIT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Housing Element Update for the Progress Guide and General Plan.

Matter of adoption of the Housing Element Update as an amendment to the Progress Guide and General Plan, in accordance with the provisions of Section 65588 of the California Government Code.

The Housing Element Update covers the period from January 1, 2000 to June 30, 2004 and contains an identification and analysis of existing and projected housing

needs and a statement of goals, quantified objectives, policies, financial resources and scheduled programs for the preservation, improvement and development of housing for all economic segments of the City's population.

(Citywide.)

CITY MANAGER'S RECOMMENDATION

Adopt the following resolutions in subitems A and B:

Subitem-A: (R-2002-290) CONTINUED TO TUESDAY, NOVEMBER 6, 2001

Adoption of a Resolution certifying that the amendment to the Housing Element is hereby adopted as an amendment to the City's Progress Guide and General Plan.

Subitem-B: (R-2002-291) CONTINUED TO TUESDAY, NOVEMBER 6, 2001

Adoption of a Resolution certifying that the information contained in Negative Declaration LDR File No. 99-0522, including any comments received during the public review process, has been reviewed and considered by this Council 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 Housing Element Update;

And that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS

The Community Planners Committee was given a presentation on the Housing Element Update on February 23, 1999 as an informational item. No recommendation was made.

The Housing Commission on June 30, 2000, recommended that the Council authorize submittal of the Housing Element.

The Planning Commission on June 8, 2000, recommended that the City Council authorize submittal of the Housing Element to the State Department of Housing and

Community Development (HCD) for review. Planning Commission voted 7 - 0 to approve; was opposition.

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

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

State law requires the Housing Element of the General Plan to be updated at five year intervals. The updated Housing Element covers the five-year period from July 1, 1999 through June 30, 2004. State law also requires local jurisdictions to submit their housing elements to the State Department of Housing and Community Development (HCD) for a certification of substantial compliance with housing element requirements. In July 2000, the City Council authorized submittal of the Housing Element to HCD for review. In July 2001, HCD found the City's Housing Element to be certifiable and in compliance with state law. The City Council is now being asked to adopt the Housing Element, pursuant to HCD's review and comments.

The Housing Element is the City's primary housing policy document. It is intended to identify and analyze the City's housing needs, establish reasonable and realistic goals, objectives and policies based on those needs and set forth a comprehensive five-year program of actions to achieve as fully as possible, the identified goals and objectives. The goals, objectives and recommended actions are largely based on an assessment of governmental resources anticipated to be available at the local, state and federal levels.

The Housing Element relates directly to the Strategic Framework planning process now underway in that both will consider affordable housing issues. The Housing Element has a five-year time frame, whereas the Strategic Framework has a 20-year time frame. The goals of the Housing Element and Strategic Framework are mutually reinforcing and many of the Housing Element's programs support the City of Villages strategy.

DISCUSSION

Major Goals and Recommendations of the Housing Element

The Housing Element sets goals and makes recommendations to guide the City's allocations of housing resources with respect to new construction, rehabilitation and conservation of existing housing. Although the Housing Element addresses the housing needs of all income segments in San Diego, the emphasis is on the needs of the lower income segment of the population. Goals were developed based on an assessment with Housing Commission staff of resources likely to be

available over the 5-year period. Additionally, the Housing Element makes recommendations for code changes to facilitate the production of additional housing and to enhance affordability. Finally, the Element makes policy recommendations to facilitate community balance and sets goals for the use of Redevelopment Set-Aside funds for affordable housing. Major goals and recommendations are summarized below:

1. New Construction of Affordable Housing - Provide at least 1,750 additional units for low-income households and approximately 1,300 additional units of housing for very low-income households during this 5-year Housing Element cycle.
2. Rehabilitation - Rehabilitate at least 2,900 housing units for lower income households during the 5-year Housing Element cycle.
3. Preservation of Existing Affordable Housing - Preserve the affordability of at least 400 units which are eligible to convert to market rate status during the 5-year Housing Element cycle.
4. Code Changes to Facilitate Housing Production and Affordability - Numerous proposals are made to facilitate housing production and affordability. These proposals were discussed with the Land Use and Housing Committee in May 2001.
5. Community Balance - The Housing Element includes several recommendations and programs to facilitate a balanced distribution of affordable housing in San Diego, especially with respect to emerging employment opportunities. Primary recommendations pertain to development of an inclusionary housing program, incorporation of minimum density requirements into the Land Development Code, targeting of Housing Commission resources to the Planned Urbanizing Communities and updating of the City's Balanced Communities Policy.
6. Goals for Redevelopment Set-Aside Funds - Redevelopment Set-Aside funds are expected to generate approximately \$5 million annually or 25 million over the 5-year Housing Element cycle. These funds will support the generation of an additional 1,200 new or rehabilitated units beyond the numbers stated above.

FISCAL IMPACT: Most programs proposed are already operational. Their funding levels and fiscal impacts are within the current budget.

ENVIRONMENTAL IMPACT: The City of San Diego, as Lead Agency, under CEQA has prepared and completed Negative Declaration, LDR File No. 99-0522, dated September 30, 1999, covering this activity. Adopted July 31, 2000 by Resolution No. R-293595.

Ewell/Goldberg/Morris/MEP

FILE LOCATION: SUBITEMS A and B: NONE

COUNCIL ACTION: (Tape location: B054-182; B554-C365; D008-E197.)

Hearing began at 11:35 a.m. and recessed at 12:00 p.m.

Motion by Frye to return to the City Manager for further review by Land Use and Housing Committee and Housing Commission. Second by Inzunza. Failed. Yeas-4, 5, 6, 8. Nays-1, 2, 3, 7, M.

Motion by Inzunza to continue and bring before the CPC, LU&H and Housing Commission. No second.

Hearing resumed at 2:12 p.m. and halted at 3:08 p.m.

Testimony in opposition by Daniel Beeman and Leonard Brown.

Testimony in favor by Mildred Pilot and Matthew Adams.

MOTION BY INZUNZA TO CONTINUE TO TUESDAY, NOVEMBER 6, 2001, FOR FURTHER REVIEW BY COMMUNITY PLANNERS COMMITTEE, LAND USE AND HOUSING COMMITTEE, AND HOUSING COMMISSION. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Findings for the Construction of Street Lights Phase V Project.

(See CCDC Report dated 8/15/2001. Centre City Redevelopment Project Area. District-2.)

(Trailed from the adjourned meeting of September 11, Item S501.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-334) ADOPTED AS RESOLUTION R-295467

Making certain findings with respect to the payments for construction of street light improvements for the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of September 18, 2001 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E198-E270.)

Hearing began at 3:09 p.m. and halted at 3:15 p.m.

Testimony in favor by Daniel Beeman and Leslie Wade.

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: North Embarcadero Visionary Plan: Modifications Suggested by the California Coastal Commission.

(See CCDC Report dated 8/20/2001. Marina Sub Area of the Centre City Redevelopment Project. District-2.)

(Trailed from the adjourned meeting of September 11, 2001, Item 332.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-336) ADOPTED AS RESOLUTION R-295468

Accepting the California Coastal Commission's suggested modifications for certification of the Local Coastal Program amendments to the Centre City Community Plan, the Centre City Planned District Ordinance, and the Marina Planned District Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F132-138.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:48 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F139).