

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 6, 2001  
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 at 10:13 p.m. Council Members Peters and Inzunza welcomed and introduced two special guest 5<sup>th</sup> Grade classes from King Elementary School in District 8 and from La Jolla Elementary School in District 1. The meeting was recessed by Mayor Murphy at 10:46 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 10:47 a.m. with Council Member Wear not present. Mayor Murphy recessed the meeting at 12:04 p.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:16 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:28 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:20 p.m. to meet immediately in Closed Session in the 12<sup>th</sup> Floor Conference Room to discuss pending and potential litigation.

#### 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 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 Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

CLOSED SESSION ACTION:

City Attorney Gwinn announced that the San Diego City Council this afternoon in Executive Session voted 8 to 0, with Council Member Inzunza absent, to appeal the decision in the case of Davis, et al., v. City of San Diego, San Diego Superior Court Case No. 771998.

COUNCIL ACTION: (Tape location: H145-150.)

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell offered suggestions for the funding of downtown redevelopment such as loans from private parties, the city employee's retirement and pension fund, or a fund set up to receive donations from San Diego County residents. Mr. Stillwell donated \$100 toward this fund.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A034-064.)

COUNCIL COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.

ITEM-330: Housing Element Update for the Progress Guide and General Plan.

(See City Manager Reports CMR-01-235 and CMR-01-186; Housing Element FY 1999-2004 Volumes I and II.)

(Continued from the meeting of 9/18/2001, Item 333, at the request of Councilmember Frye for further review and to bring before Community Planners Committee, Land Use & Housing, and Housing Commission.)

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.

(LDR File No. 41-0858 Addendum to a Negative Declaration No. 99-0522. Citywide.)

**NOTE:** Hearing open. Testimony taken on 9/18/2001.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B:

Subitem-A: (R-2002-290) ADOPTED AS RESOLUTION R-295699

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 Cor. Copy) ADOPTED AS RESOLUTION R-295700

Adoption of a Resolution certifying that the information contained in LDR File No. 41-0858 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Addendum to a Negative Declaration reflects the independent judgement of the City of San Diego as Lead Agency and stating for the record that the Addendum to a Negative Declaration has been reviewed and considered prior to approving the project;

Directing the City Clerk 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.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 10/31/2001, LU&H voted 5-0 to approve. (Councilmembers Peters, Wear, Atkins, Stevens and Maienschein voted yea.)

**OTHER RECOMMENDATIONS:**

The Community Planners Committee on October 23, 2001, voted 21 in favor, 4 opposed and 1 abstention to recommend adoption of the Housing Element.

The Planning Commission and Housing Commission conducted a joint meeting on October 18, 2001, to consider the Housing Element. In separate votes, both Commissions recommended adoption of the Housing Element by a vote of 5 - 0.

Planning Commission - Ayes: Brown, Butler, Letteiri, Schultz, Stryker  
Housing Commission - Ayes: Arthur, Dick, Grinchuck, Salas, Tumminia

## **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 January 1, 2000 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, implementation of the density ranges in adopted community plans, targeting of Housing Commission resources to the Planned Urbanizing Communities, expansion of the Housing Trust Fund 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.

Ewell/Goldberg/Morris/MEP

FILE LOCATION: SUBITEMS A & B: LAND - Housing Element Update  
for the Progress Guide and General Plan/ Progress Guide  
and General Plan -09

COUNCIL ACTION: (Tape location: A494-B167; G240-H110.)

Hearing began at 10:48 a.m. and recessed at 11:09 a.m.

Hearing resumed at 4:45 p.m. and halted at 5:20 p.m.

Testimony in opposition by Catherine Rotoman.

Motion by Atkins to adopt. Second by Madaffer. No vote taken.

MOTION BY ATKINS TO ADOPT WITH DIRECTIONS TO THE CITY MANAGER TO PROVIDE A REPORT ON HOW FAR BEHIND WE ARE ON SUBMITTING THE HOUSING ELEMENT AND WHAT WE NEED TO DO TO CATCH UP AND, AT THE SAME TIME, CONTINUE TO REVIEW WHERE WE NEED TO GO. THE FACT THAT THE SRO MAY NOT BE STRONG ENOUGH ALSO NEEDS TO BE LOOKED AT; ACCEPT COUNCIL MEMBER FRYE'S REQUEST THAT LANGUAGE SHOULD BE ADDED TO REFLECT THAT EXISTING DWELLINGS WILL BE MONITORED AND TO EXPLORE REPLACEMENT PROVISIONS FOR THE LOSS OF AFFORDABLE HOUSING. UNDER NUMBER 3 ON PAGE 53 OF VOLUME I OF THE HOUSING ELEMENT, THERE SHOULD BE LANGUAGE THAT REFLECTS THAT ANY AMENDMENTS TO THE LAND DEVELOPMENT CODE PERTAINING TO HOUSING AFFORDABILITY SHOULD FOLLOW AN INCLUSIVE PROCEDURE FOR NOTICE OF PUBLIC DISCUSSION INVOLVING COMMUNITY PLANNING GROUPS, FOLLOWED BY THE PLANNING COMMISSION AND CITY COUNCIL HEARINGS; ACCEPT COUNCIL MEMBER INZUNZA'S REQUEST THAT A STATEMENT BE ADDED THAT STATES THAT THE CITY COUNCIL AS A GOAL WOULD PURSUE A COMPREHENSIVE STRATEGY TO INCORPORATE TAX-INCREMENT REDEVELOPMENT DOLLARS OUTSIDE OF REDEVELOPMENT AREAS TO PURSUE OUR GOAL OF AFFORDABLE HOUSING FOR FAMILIES. COUNCIL MEMBER INZUNZA REQUESTED THAT STAFF RETURN WITH LANGUAGE THAT REALLY IS COMPREHENSIVE AND THAT ADDRESSES A FAIR AND BALANCED



HOUSING MARKET WHERE THERE ARE AFFORDABLE FAMILIES THAT CAN GO INTO EITHER RENTALS OR WHO CAN BE ASSISTED IN PURCHASING A HOME. Second by Madaffer. 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: The Gray Residence.

(Continued from the meeting of October 9, 2001, Item 332 a, b, at the request of Council, to allow for further review of alternative locations.)

Matter of the City Council reconsidering the appeal by AT&T Wireless Services, of the May 3, 2001, decision of denial by the Planning Commission 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 Penasquitos Community Planning Area.

(CUP-99-0464-54. Rancho Penasquitos Community Plan area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (R-2002- ) CONTINUED TO MONDAY, NOVEMBER 19, 2001

Adoption of a Resolution granting or denying the appeal and granting or denying the Conditional Use Permit No. 99-0464-54, with appropriate findings to support Council action.

Subitem-B: (R-2002- ) CONTINUED TO MONDAY, NOVEMBER 19, 2001

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration (END) LDR No. 99-0464-54 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 Administrative Code Section 15000 et seq.),

and that said END reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081;

and that 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.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 1, 2001, voted 6 - 0 to deny the project and approve the written CUP findings provided at this hearing with a revision to findings C and D to substitute the words “commercially zoned” with “non-residential zones,” and approve certification of the negative declaration; no opposition.

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

The Rancho Penasquitos Planning Board on January 3, 2001, voted 13-0-0, to recommend denial of this project.

**SUPPORTING INFORMATION:**

The project purposes to install and operate a wireless telecommunication facility on a 0.22 acre site located at 13003 Avenida Grande. The Rancho Penasquitos Community Plan designates the site for low density residential land use. The property is zoned RS-1-7 which accommodates single-family residential development. The property is developed with a single-family residence and is surrounded by similar single-family development to the north, east and west. The site is adjacent to Open Space to the south and overlooks State Route 15 to the southeast. The rear portion of the site is identified on City Zoning Maps as containing steep hillsides (formerly Hillside Review Overlay), however, analysis of the site has determined that the slopes are comprised of manmade cut/fill material created with the grading and development of the subdivision. These slopes contain no sensitive environmental resources.

The project proposes six, pole-mounted directional panel antennas on four sixteen foot high poles and an accessory equipment area. Two of the antenna poles are located within the side and rear yard setbacks of the property. The application was deemed complete by Development Services in December of 1999 therefore, the project is regulated pursuant to the previous Municipal Code in effect prior to January 1, 2000.

**FISCAL IMPACT:** None.

All costs associated with the processing of this application are paid for by the applicant.

Loveland/Christiansen/JPH

**LEGAL DESCRIPTION:**

The project site is located at 13003 Avenida Grande in the Rancho Penasquitos Community and is more particularly described as Lot 29, Penasquitos View Unit 1, of Map No. 6654.

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

COUNCIL ACTION: (Tape location: B178-C367; D009-E319.)

Hearing began at 11:09 a.m. and recessed at 12:04 p.m.

Hearing resumed at 2:11 p.m. and halted at 3:15 p.m.

Testimony in opposition by Dick Flanagan, Fred McManis, Sandra LaFaro, Donna Lee, Joost Bende, and Alisa Cassell.

Testimony in favor by Robert Jystad and Mike Cooke.

Motion by Atkins to deny the appeal. No second.

MOTION BY ATKINS TO CONTINUE THIS ITEM TO MONDAY, NOVEMBER 19, 2001, WITH THE REQUEST THAT THE CITY MANAGER BRING BACK WRITTEN FINDINGS, CONSISTENT WITH THE EVIDENCE PRESENTED, TO DISAPPROVE OR DENY THE APPEAL, DENY THE CUP AND NOT CERTIFY THE NEGATIVE DECLARATION. THE CITY COUNCIL WILL THEN MAKE A FINAL DECISION WHETHER OR NOT TO FORMALLY APPROVE THE WRITTEN FINDINGS TO DENY THE APPEAL, DENY THE CONDITIONAL USE PERMIT, AND DENY CERTIFYING THE ENVIRONMENTAL NEGATIVE DECLARATION. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Establishing the Centre City Advisory Committee and Approving the Proposed Bylaws.

(See memorandum from CCDC dated 9/20/2001. Centre City Redevelopment Project. Districts-2, 3 and 8.)

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

Adopt the following resolution:

(R-2002-502) ADOPTED AS RESOLUTION R-295698

Establishing the Centre City Advisory Committee and approving the proposed Bylaws.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A086-446.)

MOTION BY WEAR TO ADOPT WITH DIRECTION THAT THE PLANNING UPDATE WILL BE SOMETHING THAT WILL BE UP TO THE COUNCIL TO DEAL WITH UNDER THE LEADERSHIP OF THE MAYOR. THERE WILL BE SOME MODIFICATIONS MADE TO THE STRUCTURE THAT WILL BE CONSIDERED AS A WORK PRODUCT FOR THE GROUP FOR THE NEXT YEAR. 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-333: Two actions related to the Torrey Pines Golf Course Revenue Crisis and the Proposed Golf Operations at Torrey Pines and Balboa Park Golf Courses.

(See City Manager Reports CMR-01-214 and CMR-01-213; Committee Consultant Analysis 01-1; Proposed Business Plan; PricewaterhouseCoopers Business Plan Review and Revenue Analysis; Robert I. Farrar's 10/12/2001 letter; Robert H. McKee's 10/10/2001 letter; NR&C Chair Madaffer's 10/16/2001 and 7/10/2001 memos; Terri Aja Webster's 8/17/2001 memo; Tracy A. Hubly's letter; Don Collett's statement; CONVIS information; M&M Tee Times Information; news articles.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-557) ADOPTED AS RESOLUTION R-295701

Authorizing the City Manager to adjust the green fees at Torrey Pines Golf Course as necessary until such time as the City Council adopts a revised green fee schedule;

Authorizing the City Manager to require a non-refundable credit-card guarantee for non-resident reservations at Torrey Pines Golf Course;

Authorizing the City Manager to change the hour that tee-time reservations become available for Torrey Pines and Balboa Park Golf Courses from 5:00 a.m. to 7:00 p.m.

Subitem-B: (R-2002-558 Cor. Copy) ADOPTED AS RESOLUTION R-295702

Adopting the City Manager's recommendations for changes in operations at Torrey Pines Golf Course and Balboa Golf Course for the period of January 1, 2002 through June 30, 2005; and authorizing the City Manager to implement the following changes:

- a) Add caller identification capability to the automated golf reservation system; and
- b) Provide opportunities for use of the Junior Monthly Ticket on the Torrey Pines South Course, at the discretion of the City Manager or designee;

Adopting the green fee schedule for Torrey Pines Golf Course for the period of January 1, 2002 through June 30, 2005; and authorizing the City Manager to implement the adopted fee schedule with the following changes:

- a) Amend fees for daily non-resident rates on the South Course to subtract cart fees from the proposed rates resulting in the following rates beginning January 1, 2002:

	<u>18-Hole Weekday</u>	<u>18-Hole Weekend</u>	<u>Twilight Weekday</u>	<u>Twilight Weekend</u>
FY02	\$ 85	\$105	\$ 45	\$ 55
FY03	\$ 95	\$115	\$ 50	\$ 60
FY04	\$105	\$125	\$ 55	\$ 65
FY05	\$115	\$135	\$ 60	\$ 70

b) Establish a San Diego County Resident ID Card for \$12 per year, and adopt San Diego County Resident rates at approximately twenty-five percent of non-resident rates beginning January 1, 2002 as follows:

	<u>18-Hole Weekday</u>		<u>18-Hole Weekend</u>		<u>Twilight Weekday</u>		<u>Twilight Weekend</u>	
	So.	No.	So.	No.	So.	No.	So.	No.
FY02	\$ 65	\$ 50	\$ 80	\$ 60	\$ 35	\$ 25	\$ 40	\$ 30
FY03	\$ 70	\$ 50	\$ 85	\$ 60	\$ 35	\$ 25	\$ 45	\$ 30
FY04	\$ 80	\$ 50	\$ 95	\$ 60	\$ 40	\$ 25	\$ 50	\$ 30
FY05	\$ 85	\$ 60	\$100	\$ 65	\$ 45	\$ 30	\$ 50	\$ 35

**NATURAL RESOURCES AND CULTURE COMMITTEE’S RECOMMENDATION:**

On 10/17/2001, NR&C voted 5-0 (Councilmembers Peters\*, Wear, Frye\*, Madaffer and Inzunza voted yea; \*Councilmembers Peters and Frye voted nay specifically on the residential green fee recommendation on the South Course found in CMR-01-213, effective 1/2002) to approve the following:

- A) Accept the PricewaterhouseCoopers Analysis of the Golf Business Plan.
- B) Accept the City Auditor’s report on Torrey Pines revenue status.
- C) Approve the City Manager’s recommendations (CMR-01-214) regarding the current Torrey Pines Golf Course revenue crisis.
- D) Adopt the Natural Resources and Culture (NR&C) Committee Consultant’s analysis of City Manager’s Report CMR-01-213 and recommendations therein as direction to the City Manager with the following additions:
  - 1) Adopt a San Diego County Resident rate which reflects an approximate 25% reduction from non-resident rates (as listed in NR&C Chair Madaffer’s October 16, 2001 memo).

- 2) Elimination of the golf cart fees and requirements on the South Course except for tournaments.
- 3) Institute a caller identification measure on our telephone reservation system.
- 4) Direct the City Manager, under his discretion, to provide opportunities for Junior Monthly Ticket play on the Torrey Pines South Course.

E) Defer any action on the proposed ordinance eliminating the resale of tee times for six months pending further discussion at the NR&C Committee.

F) Direct the City Manager to return to the NR&C Committee in July 2002 or six months after implementation with a status report to include golf course operations to include effectiveness of cancellation policies and credit card guarantee, cart policies, broker issues, and revenues.

G) City Manager to convene Golf Advisory Committee to review recommendations prior to City Council hearing.

H) Prior to the City Council hearing, provide City Council with a breakdown of the number of tee times available on a daily basis for residents and non-residents, and a complete analysis of the City's maintenance costs per round on the South Course.

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FILE LOCATION: GEN'L - Fees and Charges

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COUNCIL ACTION: (Tape location: E321-G239.)

MOTION BY MADAFFER TO APPROVE THE ITEM, EXCEPT FOR THE FEE INCREASE ON THE SOUTH COURSE. 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.

MOTION BY MADAFFER TO INCLUDE THE FEE INCREASE ON THE SOUTH COURSE. Second by Wear. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:20 p.m.

FILE LOCATION:            MINUTES

COUNCIL ACTION:        (Tape location: H112.)