

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 27, 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 10:08 a.m. Mayor Murphy recessed the meeting at 10:30 a.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Mayor Murphy reconvened the regular meeting at 10:38 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 11:59 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. with Council Member Stevens and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 3:31 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 3:44 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:55 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 5:05 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:40 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-Fishkin (pr/er)

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding the City issuing bonds before Christmas and the downtown redevelopment project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A024-053.)

PUBLIC COMMENT-2:

Comment by Jarvis Ross regarding City policies, planning, and the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-082.)

PUBLIC COMMENT-3:

Comment by Scott McLachlan regarding living above the ballpark and that he understands the problems and issues surrounding that.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-121.)

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Comment by Joyceline Tarr regarding Palm Trees on Newport Avenue, and the urgent need to have them trimmed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A123-150.)

PUBLIC COMMENT-5: **REFERRED TO THE CITY MANAGER**

Comment by Eric Berry regarding his problem with a dog barking in his neighborhood. Mr. Berry stated that Neighborhood Code Compliance was closed when he tried to make a report.

Council Member Atkins stated that her staff would be scheduling the issue of dogs in Committee soon and noted that if someone calls the police on a noise issue after 5 p.m., Neighborhood Code Compliance could not respond.

Council Member Stevens stated that the law is not being enforced regarding barking dogs due to the issue being so low on the priority list.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A154-191; A192-206; A207-225.)

COUNCIL COMMENT:

None.

**CITY MANAGER COMMENT:**

Comment by City Manager Uberuaga regarding wishing to address Don Stillwell's previous question whether bonds for the ballpark redevelopment project were being considered to be sold before the end of the year. The City Manager stated that it is the intent of the City to sale the bonds before the end of the year.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A224-235.)

**CITY ATTORNEY COMMENT:**

None.

ITEM-330: Vacation of a portion of Kate Sessions Way.

(Pacific Beach Community Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-501) CONTINUED TO TUESDAY, DECEMBER 11, 2001

Vacating a portion of Kate Sessions Way, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 19348-B marked as Exhibit "B."

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate a portion of Kate Sessions Way located in the Pacific Beach Community area within Council District 6. The part of the street proposed to be vacated is unimproved and there are no plans to widen the street in that area. The applicant has plans for residential improvements and the current set back does not allow for these improvements. The vacation of the unused portion of the street will enable the owner to use the new right-of-way line for adjusting the required set back, allowing for their planned improvements. The applicant

will widen the existing roadway with asphalt paving and construct a berm as required by the City Engineer. The Pacific Beach Community Planning Committee recommended approval of the street vacation by a vote of 11-2-0, on January 24, 2000. The street to be vacated was acquired at no cost to the City. City staff recommends approval of the street vacation.

**FINDINGS:** Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a) That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The street has limited use and a narrower width is allowable.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues, and the applicant will benefit by the ability to further improve their property.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The Pacific Beach Community Planning Committee recommends approval of the street vacation.
- d) That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has limited use and will not be extended. There are no present or future plans to widen the street.

**FISCAL IMPACT:**

None. All costs have been paid by the applicant.

Loveland/Haase/AA

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

**FILE LOCATION:** STRT-J-2932 (39)

**COUNCIL ACTION:** (Tape location: A238-244.)

MOTION BY WEAR TO CONTINUE THIS ITEM TO TUESDAY, DECEMBER 11, 2001 AT THE REQUEST OF THE CITY MANAGER DUE TO NOTICING PROBLEMS. 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-331: Sprint PCS: Church On The Move.

Matter of the appeal by Georgia Bankston from the decision by the Planning Commission approving with design modifications an application for a Conditional Use Permit and Planned Development Permit to construct and operate a wireless communication antenna facility. The proposed facility includes the addition of a new pedestal element at the base of the existing 65 foot steeple. The new pedestal at the base of the steeple would house nine communication antennas as part of the Sprint network. Associated electronic equipment would be located inside the church. The approximate 0.7 acre site is located at 4481 Estrella Avenue between El Cajon Boulevard and Monroe Avenue in the Kensington/Talmadge Community Plan area.

(CUP/PDP-41-0213-01. Kensington/Talmadge Community Plan Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to deny the appeal and grant the permit:

(R-2002- ) DENIED APPEAL, GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-295796

Adoption of a Resolution granting or denying the appeal and granting or denying CUP/PDP No. 41-0213-01, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on September 20, 2001, voted 6 - 1 to approve; was opposition.

Ayes: Anderson, Butler, Garcia, Brown, Lettieri, Schultz

Nays: Stryker

The Kensington/Talmadge Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

**BACKGROUND**

The project site is located at 4481 Estrella Avenue in the Talmadge neighborhood of the Mid-City Communities Plan area. The Community Plan designates the site for medium to high density residential land use. The property is zoned RM-1-2. The site is surrounded by some single-family homes and a mix of apartments and condominiums. The approximate 0.7 acre site is developed with a church sanctuary and associated assembly and office uses. There is no day care facility or school activities associated with the church on the site.

The Church On The Move CUP was before the Planning Commission on July 19, 2001. A motion was approved to continue the project in order for staff to provide the Commission with additional information in response to issues raised during public testimony. The Commission had significant issues with the proposed demolition of the existing church steeple and the historical significance (if any) of the church itself. Additionally, the Commissioners requested information that would substantiate the applicants claim that this particular site was better suited for their coverage requirements than the neighboring commercial zones along Adams Avenue (north) and El Cajon Boulevard (south). The issue of proper noticing was raised by some surrounding property owners. And lastly, Commissioner Butler commented that the existing steeple was more attractive in relation to the urban setting than the design modification proposed by Sprint. In response to these issues Sprint has modified the previous submittal and provided additional information to further assist in the analysis of the site.

On September 20, 2001, the revised project was approved by the Planning Commission and subsequently appealed to the City Council.

**PROJECT DESCRIPTION**

The project consists of nine panel antennas (three arrays of three antennas each) mounted on the church roof at the base of the steeple, and associated electronic equipment which is located inside the church. The antennas would be totally concealed behind a new screening element at the base of the steeple. The screening element is designed as a pedestal that attempts to meld the post-war modern architecture of the church and the gothic style of the steeple.

The electronic equipment is entirely enclosed within the church sanctuary. An air conditioning unit used to cool the equipment is the only system component located outside of the church.



In addition to the CUP, the project includes a Planned Development Permit (PDP) for the requested height deviation above the 30 foot height limit established by the underlying zone. The proposed antennas and the screening element at the base of the steeple would be approximately 42 feet above grade.

**FISCAL IMPACT:**

None.

**LEGAL DESCRIPTION:**

The 0.7 acre site is located at 4481 Estrella Avenue in the RM-1-2 Zone of the Mid-City Communities Plan area and is more particularly described as Lots 1 through 10, Block C, Belmont Subdivision, Map No. 1476.

Loveland/Christiansen/KB/PH

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

**FILE LOCATION:** PERM-41-0213-01 (65)

**COUNCIL ACTION:** (Tape location: C012-371; D010-E630. )

Hearing began at 11:30 a.m. and recessed at 11:58 a.m.

Hearing resumed at 2:05 p.m. and halted at 3:31 p.m.

Testimony in opposition by Mary Coakley, Bruce Weber, and Georgia Bankston.

Testimony in favor by Greg Stephens, Larry Doherty, Shelly Kilborn, and Karen Zobel.

Motion by Atkins to continue for two weeks to draw up findings to support approval of the appeal and denial of the permit. Second by Frye. Failed. Yeas-3, 5, 6; Nays-1, 2, 4, 7, 8, M.

**MOTION BY MADAFFER TO DENY THE APPEAL AND GRANT THE PERMIT.**  
Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Hacienda Hotel.

Matter of approving, conditionally approving, modifying or denying an Old Town San Diego Community Plan Amendment/Rezone/Site Development Permit No. 40-0973 to construct a three-story, 28 unit hotel with parking at the street level. The site is located at 4045 Harney in the Old Town San Diego Community Plan area.

(CPA/RZ/SDP No.40-0973. Old Town Plan Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (R-2002-671) ADOPTED AS RESOLUTION R-295788

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 40-0973 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.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Hacienda Hotel 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 the Mitigated Negative Declaration, 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.

Subitem-B: (O-2002-58) INTRODUCED, TO BE ADOPTED MONDAY,  
DECEMBER 10, 2001

Introduction of an Ordinance changing a 3.52- acre site located at 4045 Harney Street, within the Old Town Community Plan area, from the Old Town San Diego Planned District Multi-Family and Public Zones into the Old Town San Diego Planned District Rosecrans Zone, as defined by San Diego Municipal Code Section 103.0200; and repealing Ordinance No. O-16906 (New Series), adopted August 20, 1987, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2002- ) GRANTED PERMIT, ADOPTED AS RESOLUTION  
R-295789

Adoption of a Resolution granting or denying Site Development Permit No. 40-0973, with appropriate findings to support Council action.

Subitem-D: (R-2002-670) GRANTED AMENDMENTS, ADOPTED AS  
RESOLUTION R-295790

Adoption of a Resolution granting or denying the amendments to the Old Town Community Plan;

Adopting an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to approve; no opposition.

Ayes: Anderson, Garcia, Brown, Stryker, Schultz, Lettieri  
Nays: None  
Not present: Butler

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

**SUPPORTING INFORMATION:**

The proposal is for Site Development Permit No. 40-0973 to expand the existing Hacienda Hotel located at 4041 Harney Street to add a three story, 28 unit hotel with underground parking on a 0.59 acre portion of the larger 3.52 acre hotel site. The minimum parking requirement for the proposed 28-unit hotel, existing hotel and Acapulco Restaurant is 216 parking spaces. The project is proposing 257 parking spaces (41 spaces will be designated for public parking by the

Park Operations of the County of San Diego). Exterior building materials consist of stucco, wood architectural features and a tile roof. The architecture style is early Californian and is consistent with the Old Town Architectural and Site Development Standards and Criteria. The entire site is designated Multi-Family Residential. Because the hotel was in existence when the community plan update was last adopted in 1987, both the hotel and parking lot were determined to be non-conforming uses and were “grandfathered” as legal, non-conforming uses. The proposed community plan amendment would change the land use designation from multi-family residential to hotel to bring the uses into conformance with the plan. To implement the plan amendment the site must be rezoned from multi-family to hotel. The appropriate zone under the Old Town San Diego Planned District is the Rosecrans Zone.

The following actions are recommended for approval.

1. Certify - Mitigated Negative Declaration No. 40-0973.
2. Community Plan Amendment - Amend the General Plan/Old Town San Diego Community Plan to change the land use designation from multi-family residential to hotel.
3. Rezone - From Public and Multi-Family Residential to the Old Town San Diego Planned District Rosecrans Zone.
4. Site Development Permit No. 40-0973 - To add a three story, 28 unit hotel with underground parking.

Staff Recommendation - Staff recommends approval of items 1-4.

Planning Group Recommendation - The Old Town Planning Committee approved the project on September 13, 2000, by a vote of 9:0:1.

Old Town Design Review Board - On August 16, 2001 the Board voted 5 to 0 in support of the project.

Planning Commission Recommendation - On October 4, 2001 the Commission voted 6:0:0 in support of the project.

Traffic Statement - This project is estimated to generate approximately 280 Average Daily Trips (ADT). The freeway segments nearby the project location are Interstate 5 and 8 which are expected to increase 112 trips and 140 trips, respectively. The estimated near-term plus project volume is 203, 140 ADT on Interstate 8 between Taylor Street and Morena Boulevard and 198, 112 ADT on Interstate 5 between Pacific Highway and Sassafras Street. Caltrans is planning to widen Interstate 8 west of Interstate 5 to State Route 163 which is expected to be completed by 2004.

The project impact on the surrounding transportation network is minimal, and no street improvements are required for this project.

**FISCAL IMPACT:**

None.

All costs associated with this project are paid by a deposit account by the applicant.

Loveland/Christiansen/PXG

**LEGAL DESCRIPTION:**

The project site is located at 4045 Harney Street in the Old Town Community Planning area and is more particularly described as a portion of Lots 1, 2, and 3 of 480 and a portion of Lots 1, 2 and 3 of Block 491 of Old San Diego.

FILE LOCATION: SUBITEMS A, C, & D: PERM-40-0973 (65)

SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A456-474.)

Hearing began at 10:39 a.m. and halted at 10:41 a.m.

MOTION BY WEAR TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT AND TO GRANT THE AMENDMENTS TO THE OLD TOWN COMMUNITY PLAN. Second by Inzunza. 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: North Village at Black Mountain Ranch.

Matter of approving, conditionally approving, modifying or denying a request for an amendment to the Progress Guide and General Plan and the Black Mountain Ranch Subarea Plan; the adoption of an amendment to the Black Mountain Ranch Development Agreement; and issuance of a Planned Development Permit, Site Development Permit, Vesting Tentative Map, Rezone and Street Vacation to allow a mixed use development of residential, office/commercial, public facilities/services, and school uses at the North Village at Black Mountain Ranch.

The 631 acre project site is located north of Rancho Penasquitos and east of Fairbanks Ranch and is currently zoned AR-1-1. The project proposes the rezone of the project site to include the Urban Village Overlay Zone [UVOZ], and the RS-1-14, RX-1-2, RM-1-2, RM-1-3, RM-2-6, CC-1-3, CC-3-5, CC-4-5, CV-1-1, OP-1-1, and OR-1-1. The project proposes the development of 2,783 dwelling units (1,705 single-family and 1,078 multi-family residences) and includes affordable housing units.

(PG&GP/PDP/SDP/VTM/SV/RZ-40-0528. Black Mountain Ranch Subarea 1 Community area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B; adopt the resolution in subitem C to grant the permit; adopt the resolution in subitem D to grant the map and the street vacation; and introduce the ordinances in subitems E and F:

Subitem-A: (R-2002-685) ADOPTED AS RESOLUTION R-295791

Adoption of a Resolution certifying that the information contained in Addendum to an Environmental Impact Report, LDR No. 40-0528 (Addendum to EIR No. 96-7902, SCH No. 97111070), 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.) that the 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 North Village at Black Mountain Ranch development;

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-2002-686) ADOPTED AS RESOLUTION R-295792

Adoption of a Resolution approving the proposed amendments to the Progress Guide and General Plan and Black Mountain Ranch Subarea I plan.

Subitem-C: (R-2002- ) GRANTED PERMIT, ADOPTED AS RESOLUTION R-295793

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0528, with appropriate findings to support Council action.

Subitem-D: (R-2002- ) GRANTED MAP, ADOPTED AS AMENDED AS RESOLUTION R-295794

Adoption of a Resolution granting or denying Vesting Tentative Map, VTM-40-0528; and pursuant to Municipal Code section 125.0430 and Subdivision Map Act sections 66434(g) and 66445(j) as appropriate, vacating a portion of Black Mountain Road, as shown in Vesting Tentative Map, VTM-40-0528, contingent upon the recordation of the approved final map for the project.

Subitem-E: (O-2002-60) INTRODUCED, TO BE ADOPTED MONDAY, DECEMBER 10, 2001

Introduction of an Ordinance changing 659.33 acres located in the northern portion of Black Mountain Ranch, north of Lusardi Creek, in the Black Mountain Ranch Subarea I Planning area, from the AR-1-1 (Agricultural) zone to the Urban Village Overlay Zone [UVOZ], and the RS-1-14, RX-1-2, RM-1-2, RM-1-3, RM-2-6, CC-1-3, CC-3-5, CC-4-5, CV-1-1, OP-1-1, and OR-1-1 zones, as defined by San Diego Municipal Code sections 132.1101, 131.0403, 131.0404, 131.0406, 131.0507, 131.0505, 131.0202, and 131.0204; and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-F: (O-2002-61) INTRODUCED, TO BE ADOPTED MONDAY, DECEMBER 10, 2001

Introduction of an Ordinance approving the first amendment to second amended and restated development agreement between the City of San Diego and Black Mountain Ranch Limited Partnership.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 15, 2001, voted 7 - 0 to approve; no opposition.

Ayes: Lettieri, Stryker, Anderson, Schultz, Brown, Butler, Garcia

There is no officially recognized community planning group for this area.

The Rancho Penasquitos Planning Board and the Rancho Bernardo Community Planning Group, which represent communities adjacent to the project site, voted to recommend approval of the North Village project.

**SUPPORTING INFORMATION:**

This is a request for an amendment to the Progress Guide and General Plan and the Black Mountain Ranch Subarea Plan; the adoption of an amendment to a Development Agreement; and a Planned Development Permit/Site Development Permit/Vesting Tentative Map/Rezone/Street Vacation No. 40-0528 to allow a mixed use development of residential, office/commercial, public facilities/services, parks, and school uses at the North Village at Black Mountain Ranch. The North Village project site includes approximately 642 acres located in the northern most portion of the Black Mountain Ranch Subarea Plan. The proposed amendment to the Development Agreement would provide extraordinary benefits to the City including: regional transportation; recreational facilities; financial contributions to the City; construction of two wildlife crossing bridges; and contributions to a reduction in dependency on automobile travel. The North Village project proposes to construct a total of 2,783 dwelling units (1,705 single-family residences and 1,078 multi-family units), including 469 Affordable Housing Units. The existing zone of the project site is AR-1-1, and the project would rezone areas to RS-1-14, RX-1-2, RM-1-2, RM-1-3, RM-2-6, CC-1-3, CC-3-5, CC-4-5, OP-1-1, OR-1-1, CV-1-1, and the Urban Village Overlay Zone. The project includes the vacation of a paper street.

**FISCAL IMPACT:**

All Development Services processing costs associated with this project are recovered by a deposit account funded by the applicant.



**TRAFFIC IMPACT:**

The project is estimated to generate approximately 46,246 average daily trips (ADT). Black Mountain Ranch Transportation Phasing Plan Phase I would only allow 15,820 average daily trips to occur in the near-term. 949 of these trips are estimated to occur on Interstate 5, which has an estimated near-term plus project volume of 262,949 ADT. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed by FY 2004.

The proposed Black Mountain Ranch is required to contribute \$8.0 Million for the widening of State Route 56 from 4 to 6 lanes, and \$6.1 Million for the widening of Interstate 15 by an additional 2 to 4 lanes. Black Mountain Ranch is required to contribute \$8.0 Million for the widening of El Camino Real north of San Dieguito Road to be completed by FY 2004 (CIP-52-479.0). Black Mountain Ranch is required to widen Via De La Valle west of El Camino Real (East), El Camino Real south of San Dieguito Road and Carmel Valley Road to 4 lanes. Also, Black Mountain Ranch is required to provide a fair-share contribution for the construction of Camino Ruiz south of Carmel Valley Road to be completed by FY 2003.

Loveland/Christiansen/VLG

**LEGAL DESCRIPTION:**

The 642.09-acre project site is located in the northern portion of Black Mountain Ranch, north of Lusardi Creek within Black Mountain Ranch, east of Fairbanks Ranch, west of 4S Ranch and south of the Santa Fe Valley Specific Plan area within the Subarea I Planning Area and is more particularly described as Parcel 3 of Parcel Map 17995 and Parcels 19 and 23 of Parcel Map No. 18504.

**FILE LOCATION:** SUBITEMS A, B, C, & D: LAND-Progress Guide  
And General Plan/Black Mountain Ranch Subarea 1/North  
Village at Black Mountain Ranch (09)

SUBITEMS E & F: NONE

**COUNCIL ACTION:** (Tape location: A256-287; A499-B599.)

Hearing began at 10:41 a.m. and halted at 11:40 a.m.

Testimony in favor by Chandra Wallar and Ron Harper Jr.

MOTION BY PETERS TO INTRODUCE THE ORDINANCES, AND TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT, AND TO GRANT THE MAP AS AMENDED TO CHANGE THE WORDING AS REQUESTED BY COUNCIL MEMBER FRYE ON PAGE 00158, THE FOURTH SENTENCE, FROM "SHALL BE DEVELOPED AND IMPLEMENTED CONCURRENTLY WITH" TO "PRIOR TO COMMENCEMENT OF GRADING ACTIVITIES." TO REQUEST THAT THE APPLICANT WORK WITH THE PLANNING DEPARTMENT ON THE CURRENT STREET DESIGN MANUAL, AND TO DIRECT STAFF TO DESIGN A SMART STREET DESIGN STARTING WITH THIS PROJECT ALLOWING THE STREET DESIGN MANUAL TO FOLLOW. TO DIRECT STAFF AS REQUESTED BY COUNCIL MEMBER WEAR TO BRING A STATUS REPORT TO LAND USE AND HOUSING IN JANUARY OF 2002 TO ALLOW COUNCIL TO GIVE SOME POLICY DIRECTION AT THAT TIME. 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-334: Approval of a Master Agreement with San Diego Housing Commission for Administration of Housing Programs.

(See SEDC Report No. 01-013.)

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

Adopt the following resolution:

(R-2002-656) ADOPTED AS RESOLUTION R-295795

Declaring that the use of the Housing Set-Aside Funds to fund the rehabilitation and housing opportunities in the proposed Master Agreement between the Redevelopment Agency and the Housing Commission and implemented outside of the Central Imperial, Mount Hope, Gateway Center West, Southcrest Redevelopment Project areas, and the Dells Imperial Study area will be of benefit to the project areas.

**NOTE:** See the Redevelopment Agency Agenda of November 27, 2001 and the Housing Authority Agenda of November 27, 2001 for companion items.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A483-484.)

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.

ITEM-335: Clean Syringe Exchange Program Task Force Final Report.

(See Task Force Final Report.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1767 Cor. Copy) ADOPTED AS RESOLUTION R-295797

Declaring that a state of local emergency exists in the City of San Diego due to the spread of the hepatitis C virus and HIV, exacerbated by the shared use of needles and syringes by injection drug users;

Authorizing the City Manager to execute the agreements necessary to establish a one-year clean needle and syringe exchange pilot program linked to drug abuse treatment programs at no cost to the City;

Declaring that the pilot program shall not be conducted within an eight block radius of any school;

Directing the Task Force to return to the Public Safety and Neighborhood Services Committee six months after commencement of the pilot program to report on the status of the program;

Declaring that at the conclusion of the pilot program, a report shall be prepared for the Council by the program administrator, together with members of a program facilitation committee, analyzing the effectiveness of the program;

Declaring that the state of local emergency shall be reviewed every fourteen days unless and until the Council declares that the emergency no longer exists.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 10/10/2001, PS&NS voted 3-2 (Councilmembers Atkins, Frye and Inzunza voted yea. Councilmember Stevens and Maienschein voted nay) to accept the recommendations of the Clean Syringe Task Force:

- A. Declaring a local health emergency in the City of San Diego.
- B. Authorizing a privately-funded one-year pilot clean syringe exchange program as described in the June 12, 2001 report with the additional direction:
  - 1) That the program is not implemented within eight (8) blocks of any school; and
  - 2) That the program managers return to the Public Safety and Neighborhood Services Committee six months after implementation for an evaluation of the pilot sites and consideration of additional sites if warranted.

**FILE LOCATION:** GEN'L - Local Health Emergency Due to Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

**COUNCIL ACTION:** (Tape location: F030-I588.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION ACCEPTING THE FOLLOWING RECOMMENDATIONS OF THE CLEAN SYRINGE EXCHANGE TASK FORCE:

- A) DECLARING A LOCAL HEALTH EMERGENCY IN THE CITY OF SAN DIEGO; AND
- B) AUTHORIZING A PRIVATELY-FUNDED ONE-YEAR PILOT CLEAN SYRINGE EXCHANGE PROGRAM AS DESCRIBED IN THE JUNE 12, 2001 REPORT WITH THE ADDITIONAL DIRECTION:
  - 1. THAT THE INITIAL "PREVENTION KITS" INCLUDE NO MORE THAN TWO (2) SYRINGES;
  - 2. THAT THE PROGRAM IS NOT IMPLEMENTED WITHIN THREE (3) BLOCKS OF ANY SCHOOL;
  - 3. THAT THE PROCESS FOR DETERMINING THE TWO SITES CITYWIDE BE DONE ONLY WITH THE CONCURRENCE OF THE COUNCIL MEMBER REPRESENTING THE DISTRICT WITHIN WHICH THE SITE WOULD BE LOCATED;

4. AT A MINIMUM, THE FOLLOWING INFORMATION WILL BE COLLECTED FOR THE PURPOSES OF PROGRAM EVALUATION:
  - A) THE NUMBER OF CLIENTS WALKING IN;
  - B) THE FREQUENCY OF INDIVIDUAL CLIENT CONTACT;
  - C) FREQUENCY OF CLIENT MEETINGS WITH COUNSELORS;
  - D) NUMBER OF SYRINGES COLLECTED AND EXCHANGED;
  - E) TESTING OF EXCHANGED SYRINGES FOR CONTAMINATION;
  - F) NUMBER OF REFERRALS TO TREATMENT; AND
  - G) APPROPRIATE CRIME STATISTICS AND ASK POLICE CHIEF FOR EVALUATION OF STATISTICS.
5. REPLACING THE LANGUAGE ON THE PROPOSED I.D. CARD SO THAT IT STATES THE FOLLOWING: "THIS CARD HAS BEEN ISSUED TO A PARTICIPANT IN THE CITY OF SAN DIEGO'S SYRINGE EXCHANGE PROGRAM."
6. THAT THE PROGRAM MANAGERS RETURN TO THE PS&NS COMMITTEE SIX MONTHS AFTER IMPLEMENTATION FOR AN EVALUATION OF THE PILOT SITES AND CONSIDERATION OF ADDITIONAL SITES IF WARRANTED.

Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

NON-DOCKET ITEMS:

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 6:40 p.m. in honor of the memory of:

Boyd Wayne Ames, Sr. at the request of Council Member Wear.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: I589-596).