

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 9, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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NON-DOCKET ITEMS

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ADJOURNMENT

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:07 a.m. Mayor Murphy recessed the meeting at 11:12 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:15 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:16 a.m. to reconvene the Redevelopment Agency. Mayor Murphy recessed the meeting at 11:30 a.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting to meet simultaneously with the Housing Authority at 11:35 a.m. with Council Member Wear not present. The meeting was recessed by Mayor Murphy at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:09 for purposes of a break. Mayor Murphy reconvened the meeting at 4:21 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:59 p.m. into Closed Session immediately thereafter to discuss potential and pending litigation and Meet and Confer matters.

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 Judie Italiano regarding Personnel Analyst and Management Analyst positions and salaries.

The Mayor suggested that Council read the detailed memo the City Manager put out pertaining to Ms. Italiano's comments.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A018-061; A052-056.)

PUBLIC COMMENT-2:

Comment by Abdur-Rahim Hameed regarding Sagon Penn and an article of July 5, 2002, in the San Diego Union Tribune.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A062-092.)

PUBLIC COMMENT-3:

Comment by Jim Varnadore regarding needle exchange, case law, and the applicable Statute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A094-113.)

PUBLIC COMMENT-4:

Comment by Catherine Strohlein regarding Mission Bay Park, the 4th of July, excessive alcohol use, and the San Diego Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A114-138.)

PUBLIC COMMENT-5:

Comment by Al Strohlein regarding alcohol licenses.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A139-177.)

PUBLIC COMMENT-6:

Comment by Michael Aguirre regarding people who are opposed to spending public funds for new sports facilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A178-217.)

PUBLIC COMMENT-7:

Comment by Don Stillwell regarding the “flag salute,” and Joint Power Authorities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A219-259.)

PUBLIC COMMENT-8:

Comment by Don Schmidt regarding a letter dated July 30, 2002, the La Jolla Inn, and residents who have legitimate concerns with the project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A261-300.)

PUBLIC COMMENT-9:

Comment by Nick Moffit regarding eliminating Monday public comments, and health and safety issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A301-354.)

PUBLIC COMMENT-10:

Comment by Jarvis Ross regarding Independence Day celebrations, sports teams, and the need for subsidized housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A355-396.)

PUBLIC COMMENT-11: REFERRED TO THE CITY MANAGER

Comment by Kathleen Blavatt regarding quorums, the City process, and a brochure depicting the use of fluoride in drinking water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A397-465.)

PUBLIC COMMENT-12:

Comment by Michael Sprague regarding Project Area Committees.

The City Manager stated that they were working with the City Attorney's Office at this time regarding eligibility issues of the PAC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A471-517.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Inzunza wishing to recognize the distinguished Professor Mr. Phil Seins, from the South Bay, who brought his Political Science classroom to Council today.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A518-529.)

COUNCIL COMMENT-2:

Comment by Deputy Mayor Stevens regarding the reference by Addur-Rahim Hameed to Sagon Penn, Sheriff Kolender, the Police Officer Association, and his concern of quotes written in the San Diego Tribune on that subject.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B005-071.)

COUNCIL COMMENT-3:

Comment by Council Member Madaffer wishing to thank the Fire Fighters of San Diego and the California Division of Forestry for their two aerial tanker drops in Tierresanta over the weekend.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B072-099.)

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

Comment by Council Member Atkins regarding fire issues, and that many residents in Mid-City and probably the Mesa received a notice from the Water Department to try and conserve water in that area as related to the Mid-City pipeline project. Given the season where fires are more common occurrences, Council Member Atkins wished to make sure there are no situations that occur such as the fire in Normal Heights, along the canyon, when the water pressure was too low. Council Member Atkins requested the City Manager to have staff keep tabs on the water pressure.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B100-111.)

COUNCIL COMMENT-5:

Comment by Council Member Frye wishing to alert the public regarding bug bombs or “foggers,” and that the problem is if you release too many of them at once, you could blow up your house. Council Member Frye wished to encourage people to avoid using bug bombs if possible, but if people must, she requested that they very carefully read the label.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B112-121.)

CITY MANAGER COMMENT:

Comment by the City Manager regarding the State Budget, and that it has not been adopted. It was adopted by the Senate who has adjourned through early August, and is now being considered by the Assembly. The City Manager stated it is a budget that has some reductions to the City of San Diego, but it is reasonable in light of a 24 billion dollar deficit the State has. The City Manager wished to encourage the State Assembly to adopt that budget and proceed, and that there will be a briefing at the Rules Committee tomorrow morning.

Council Member Wear stated that hovering over the City is a severe problem regarding vehicle licenses which could severely impact the City’s budget this year.

The City Manager stated that was correct, and that was an area that is most vulnerable. The Senate has passed a budget that allows the vehicle license fees to go back to a certain level to allow the cities to receive those monies.

The second issue the City Manager wished to address was the three fires in the last three weeks in Scripps Ranch, Clairemont Mesa Blvd., as well as Black Mountain Road. The City Manager wished to compliment the Fire Department on putting out the fires in a very professional, and efficient manner. The City Manager encouraged everyone to be very concerned and protective in doing what is necessary to ensure there are no brush fires.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A530-607.)

CITY ATTORNEY COMMENT:

None.

ITEM-330: Business Improvement District Budgets FY2003.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Southeastern San Diego, College Area, Midway, Mission Beach, Pacific Beach, and San Ysidro. Districts-1, 2, 3, 4, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Sub-item-A: (R-2002-1690)ADOPTED AS RESOLUTION R-296774

Levying an annual assessment within previously established Business Improvement Districts for July 1, 2002, through June 30, 2003 (FY2003).

Sub-item-B: (R-2002-1691)ADOPTED AS AMENDED AS RESOLUTION
R-296775

Authorizing the City Manager to execute an agreement with these associations for the respective Business Improvement Districts:

| <u>Association:</u> | <u>Business Improvement District</u> |
|---|--------------------------------------|
| Adams Avenue Business Association | Adams Avenue |
| City Heights BIA | City Heights |
| College Area Economic Development Corp. | College Area |
| Diamond Economic Development Corp. | Diamond - District |
| Downtown San Diego Partnership | Downtown Improvement Area |
| El Cajon Boulevard BIA | El Cajon Gateway |

| | |
|-------------------------------------|------------------|
| El Cajon Boulevard BIA | El Cajon Central |
| Gaslamp Quarter Association | Gaslamp |
| Hillcrest Association | Hillcrest |
| Little Italy Association | Little Italy |
| North Bay Business Association | Midway |
| Mission Hills Association | Mission Hills |
| North Park Organization of Business | North Park |
| Ocean Beach Merchants' Association | Ocean Beach |
| Old Town S.D. Chamber of Commerce | Old Town |
| Discover Pacific Beach | Pacific Beach |
| Promote La Jolla, Inc. | La Jolla |
| San Ysidro Improvement Corporation | San Ysidro |

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess benefitted businesses for the cost of certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach and San Ysidro. State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: the public hearing to levy the proposed assessment for each BID for FY2003 and authorizing the City Manger to enter into the FY2003 annual BID operating agreements with the respective associations.

FISCAL IMPACT:

Approximately \$1.1 million of BID assessments will be collected in FY2003 by the City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Herring/Cunningham/MDB

FILE LOCATION: SUBITEMS A & B: STRT-L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, L-9, L-11, L-12, L-13, L-14, L-15, L-16, L-17, L-20, L-22 (32)

COUNCIL ACTION: (Tape location: B125-261.)

Hearing began at 10:59 a.m. and halted at 11:10 a.m.

Testimony in favor by John Stump.

MOTION BY STEVENS TO ADOPT THE RESOLUTION IN SUBITEM A AND TO ADOPT THE RESOLUTION AS AMENDED IN SUBITEM B. TO ACCEPT THE AMENDMENT TO THE MOTION AS REQUESTED BY COUNCIL MEMBER ATKINS, AND AS READ INTO THE RECORD AS FOLLOWS:

1. ACCEPT THE CITY MANAGER'S RECOMMENDATION FOR SUBITEM A.
2. AMEND THE MANAGER'S RECOMMENDATION FOR SUBITEM B, DELETING THE CITY HEIGHTS BIA FROM THE RESOLUTION AS THE ADMINISTRATOR OF THE CITY HEIGHTS BID.
3. WAIVE COUNCIL POLICY 900-7 REGARDING BUSINESS IMPROVEMENT DISTRICTS IN ORDER TO ALLOW FOR THE CITY MANAGER TO APPOINT AN ADVISORY BOARD TO OVERSEE THE BID IN THIS INSTANCE.
4. AUTHORIZE THE CITY MANAGER TO ACT AS INTERIM ADMINISTRATOR FOR THE BID, IN COMPLIANCE WITH STATE LAW, AND TO CREATE AN ADMINISTRATIVE ADVISORY BOARD OF NOT MORE THAN FIVE BUSINESS OWNERS FROM WITHIN THE CITY HEIGHTS BID FOR THAT PURPOSE.
5. DIRECT THE CITY MANAGER TO RETURN TO COUNCIL AT THE END OF THE STRATEGIC PLANNING PROCESS WITH RECOMMENDATIONS FOR FUTURE MANAGEMENT OF THE CITY HEIGHTS BUSINESS IMPROVEMENT DISTRICT.

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-331: Metro Career Center.

Matter of approving, conditionally approving, modifying or denying a Planned Development Permit, Site Development Permit, Variance and Street and Alley Vacations, to construct a four-story office, retail, community, and child care use building and a 120-unit affordable multi-family housing component. The career center would include approximately 81,500 square feet of office, commercial and community use space, including 5,591 square feet of retail space, 2,262 square feet of community use space, and a 6,200-square-foot childcare center. The multi-family housing complex would consist of nine, three- to four-story buildings, two tot lots, a single-story assembly and laundry building, and a single-story laundry and management office building. A five and one-half-story parking structure that would provide a total of 492 parking spaces is also proposed. The total gross floor area for the project would be approximately 313,368 square feet. The proposed project would include deviations to development regulations, including setbacks, height, personal storage area, private exterior open space, and Landscape points required along University Avenue and on the proposed parking garage. A Variance is requested for Floor Area Ratio (FAR) of 1.53, which exceeds 1.5 maximum permitted. The project would include the vacation of 40th Street between Polk and University Avenues and the vacation of the alley, between 39th and 40th Street from University Avenue to Polk Avenue. The project site is located between 39th Street, 40th Street/Interstate-15, and Polk and University Avenues, excepting a small 140 square foot parcel on 39th street, and is located within the MR-2-5, CT-2-3 and CU-2-3 zones of the Central Urbanized Planned District within the Mid-City Communities Plan area.

(PDP/SDP/Variance/Street and Alley Vacation-2425. City Heights Neighborhood of Mid-City Communities Plan area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B, and adopt the resolution in subitem C to grant the permits:

Subitem-A: (R-2003-30) ADOPTED AS RESOLUTION R-296776

Adoption of a Resolution declaring that the Mitigated Negative Declaration, LDR No. 41-1089, on file in the office of the City Clerk, 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 judgment 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 a site development permit, a planned development permit, a street and alley vacation and a variance for the Metro Career Center 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, a copy of which is on file in the office of the City Clerk and incorporated by reference, 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;

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-2003-29) ADOPTED AS RESOLUTION R-296777

Adoption of a Resolution authorizing the Street vacation, a portion of 40th Street and the Alley in Block 39 of Map 1007, as more particularly shown in Drawing No. 00075-C.

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-C: (R-2003-) GRANTED PERMITS AND VARIANCE, ADOPTED AS RESOLUTION R-296790

Adoption of a Resolution granting or denying Planned Development Permit No. 6572/Site Development Permit No. 6573/2425 and Variance No. 6574 with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on June 20, 2002, voted 5-0-1 to approve; no opposition.

Ayes: Anderson, Brown, Chase, Lettieri, Steele

Abstaining: Schultz

Not Present: Garcia

The City Heights Area Planning Committee has recommended partial approval of this project.

SUPPORTING INFORMATION:

This is a request for a Planned Development Permit, Site Development Permit, Variance and Street and Alley Vacations to demolish existing residential and commercial structures and construct a four-story office, retail, community, and child care use building and a 120-unit affordable multi-family housing development. The site is bordered by Polk and University Avenue, 39th and 40th Street/Interstate 15. The project does not include a 1-foot by 140-foot parcel on 39th Street, and will be developed around the parcel at this time. The project is located in three zones; CU-2-3, CT-2-3, RM-2-5 of the Central Urbanized Planned District within the Mid-City Communities Plan Area. The career center would include approximately 81,500 square feet of office, commercial and community use space, including 5,591 square feet of retail space, 2,262 square feet of community space, and a 6,200-square-foot childcare center. The multi-family housing complex would consist of nine, three-to four-story buildings, two tot lots, a single-story assembly and laundry building, and a single-story laundry and management office building. A five and one-half-story parking structure that would provide a total of 492 parking spaces is also proposed. The total gross floor area for the project would be approximately 313,368 square feet. A Planned Development Permit is requested to distribute density and Floor Area Ratio (FAR) without concern for the zone boundaries and for deviations to height, setbacks, the mixing of required architectural features, private open space, personal storage area, and landscape regulations. The project includes the vacation of 40th Street and the alley between 39th and 40th Street, between University and Polk Avenues.

TRAFFIC IMPACT:

This project is estimated to generate 2,160 average daily trips (ADT). It is estimated that 650 of these trips would use the Interstate 15 between University Avenue and Jct. Rte. 805, which has an estimated near term plus cumulative project plus project volume of 137,250 and 280 of these trips would use the Interstate 15 between University Avenue and El Cajon Boulevard, which has an estimated near term plus cumulative projects plus project volume of 136,680. The project

shall provide improvements as outlined in the permit conditions. In summary, this project shall install a traffic signal at 39th Street/University Avenue intersection with addition of a dedicated westbound right turn lane at this intersection by re-striping University Avenue fronting the project. Project shall also re-stripe 39th Street between University Avenue and Polk Avenue, dedicate and widen Polk Avenue by one foot on the project frontage between 39th Street and 40th Street to reorient Polk Avenue into a two-way traffic, and provide a fair share contribution of 25% of total cost of a future signal installation at 39th Street/Orange Avenue intersection, satisfactory to the City Engineer. The 120 affordable housing units are estimated to be completed by mid 2004.

FISCAL IMPACT:

All Development Services Department processing costs are recovered by a deposit account funded by the applicant. It is anticipated that the applicant and the City of San Diego Redevelopment Agency will enter into a DDA. The total project is estimated to cost approximately \$45 million. The office building component of the project will be developed with no public subsidy. The Redevelopment Agency will sell land to the developer for the fair market price of \$670,000. The affordable housing component is proposed to be subsidized as follows: \$2 million from the Centre City Development Corporation redevelopment project, \$2.5 million from the City Heights redevelopment project, \$1 million contribution and \$960,000 loan guarantee from the San Diego Housing Commission. All of the public subsidies will be residual receipt loans.

Ewell/Christiansen/JCT

LEGAL DESCRIPTION:

The project site is located between 39th Street, 40th Street/Interstate Route 15, Polk Avenue, and University Avenue, within the Central Urbanized Planned District of the Mid-City Communities Plan area and is more particularly described as lots 1 to 48 in Block 39 of City Heights, Map No. 1007, City and County of San Diego.

FILE LOCATION: SUBITEMS A & C: LUP-Metro Career Center 7/09/02
(65)
SUBITEM B: STRT-J-2937 (39)

COUNCIL ACTION: (Tape location: C043-381; D014-117.)

Hearing began at 11:35 a.m. and recessed at 12:02 p.m.

Hearing resumed at 2:07 p.m. and halted at 2:17 p.m.

Testimony in opposition by Michael Sprague.

Testimony in favor by Jeff Ott.

MOTION BY ATKINS TO ADOPT RESOLUTIONS AND TO GRANT THE PERMITS AND VARIANCE. 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-332: Caltrans Street Vacation.

Matter of approving, conditionally approving, modifying or denying Parcel Map including street vacations and an agreement for street vacations and construction of public improvements. Caltrans is requesting Council approval for a consolidation of lots and street vacations of four streets that terminate on existing Caltrans property within the Old Town area. The subject property is located north of Taylor Street, south of Interstate-8, east of the Amtrak/Coaster/Metropolitan Transit Development Board railroad tracks and west of Interstate-8 on-ramp from Morena Boulevard. The lots are to be consolidated and streets are to be vacated because of a future office building and parking lot project proposed by Caltrans that will be developed on the site. The streets to be vacated are Juan Street (north of Taylor Street), Rosecrans Street (west of Sunset Street), Sunset Street (north of Rosecrans Street), and Gaines Street (east of the existing railroad tracks). As part of this action, Caltrans is required to provide certain public improvements; including the construction of a cul-de-sac at the eastern terminus of Rosecrans Street; the widening of Sunset Street; the modification of the traffic signal at Taylor Street and Juan Streets; and the abandonment or relocation of public utilities. Included in the street vacation action is an off-site portion of Rosecrans Street to be vacated. As a result of the required improvement to construct a cul-de-sac at the end of Rosecrans, a remnant, unusable portion of Rosecrans Street would remain. Vacating this portion of Rosecrans Street will eliminate leaving the remnant part of this unusable street.

(See City Manager's Report CMR No. 02-149. SV-1424. Old Town Community Plan area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, and C:

Subitem-A: (R-2002-1673) ADOPTED AS RESOLUTION R-296778

Adoption of a Resolution granting or denying Parcel Map W.O. 032000, with appropriate findings to support Council action. ITEM-332:
(Continued)

Subitem-B: (R-2002-1674) ADOPTED AS RESOLUTION R-296779

Adoption of a Resolution vacating the portions of Rosecrans Street, as more particularly shown on Drawing No. 19704-B. Declaring that this resolution shall not become effective unless and until the Agreement for Street Vacations and Construction of Public Improvements between the City of San Diego and the State of California is approved by Council. Declaring that the City Engineer shall advise the City Clerk of the completion of the conditions of the Agreement for Street Vacations and Construction of Public Improvements, and the City Clerk shall then cause a certified copy of this resolution, Exhibit "C", and Exhibit "D" attested by him under seal, to be recorded in the Office of the County Recorder.

Subitem-C: (R-2002-1675) ADOPTED AS RESOLUTION R-296780

Adoption of a Resolution by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an Agreement for Street Vacations and Construction of Public Improvements with the State of California, acting by and through its Department of General Services and the Department of Transportation, for a street vacation of a portion of Rosecrans Street and construction of public improvements, under the terms and conditions set forth in the agreement.

OTHER RECOMMENDATIONS:

The Old Town Community Planning Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The State of California’s Department of General Services proposes to construct a new office building for Caltrans within the area bounded by the Amtrak/Coaster/Metropolitan Transit Development Board railroad tracks to the northwest, Interstate-8 to the north and northeast, Sunset Street to the east and Taylor Street to the south. The project is located in the Old Town Community Planning Area. The construction project proposes three new office buildings ranging from two to five stories in height and totaling approximately 301,000 square-feet.

Caltrans is requesting a consolidation of various lots and the vacation of four streets that terminate on Caltrans property within the Old Town Community Plan Area. The proposed development site is on approximately 11 acres of land consisting of six lots and portions of four public streets (Juan Street north of Taylor Street, Rosecrans Street west of Sunset Street, Sunset Street north of Rosecrans Street, Gaines Street east of the railroad tracks. The public streets are to be vacated and the lots consolidated as a result of the proposed development.

FISCAL IMPACT:

All costs have been paid by the applicant.

Ewell/Christiansen/MED

Hearing began at 11:11 a.m. and halted at 11:12 a.m.

FILE LOCATION: SUBITEM A, B, & C: STRT-J-2935 (39)

COUNCIL ACTION: (Tape location: B271-294.)

MOTION BY WEAR TO ADOPT. 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-333: SeaWorld Master Plan Update and Lease: California Coastal Commission’s Suggested Modifications.

Matter of approving, conditionally approving, modifying or denying the California Coastal Commission’s suggested modifications to the SeaWorld Master Plan Update.

The California Coastal Commission's suggested modifications also include associated amendments to the Mission Bay Park Master Plan, Local Coastal Program, Progress Guide and General Plan, and the SeaWorld lease. SeaWorld is located north of SeaWorld Drive and east of Ingraham Street, on the southern edge of Mission Bay Park.

The SeaWorld Master Plan Update and associated amendments to the Mission Bay Park Master Plan and Local Coastal Program were approved by the Council of the City of San Diego on July 10, 2001. The SeaWorld Master Plan Update sets forth a long-range conceptual development program, development parameters, and project review procedures for the future renovation of SeaWorld. The Master Plan Update includes amendments to the Mission Bay Park Master Plan to revise the height limit at SeaWorld from 30-feet up to a maximum of 160-feet. The Master Plan includes site-specific proposals, both near term and long term. Associated amendments to the SeaWorld lease to implement the above will also be considered by the City Council.

On February 7, 2002, the California Coastal Commission approved the City of San Diego's request to amend the certified Local Coastal Program/Mission Bay Park Master Plan, which incorporates the SeaWorld Master Plan Update by reference. The approval was subject to 36 suggested modifications, which must be reviewed and accepted by the City Council before the Local Coastal Program amendments are brought back to the Coastal Commission for final certification.

In order to obtain final approval and certification of the SeaWorld Master Plan update and the associated amendments to the Mission Bay Park Master Plan, Local Coastal Program, and SeaWorld lease, the City Council must take formal action (by resolution) to adopt the Coastal Commission's suggested modifications. The Council must take action on the suggested modifications prior to August 7, 2002 (six months from the date of the Coastal Commission action).

(See City Manager's Report CMR-02-153. SeaWorld Master Plan Update and Lease/Mission Bay Park Master Plan/LCP/FEIR-99-0618. Mission Bay Park Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, and D:

Subitem-A: (R-2003-22) ADOPTED AS AMENDED AS RESOLUTION R-296786

Adoption of a Resolution accepting the California Coastal Commission's suggested modifications for the City of San Diego Major LCP Amendment No. 2-2001-C (the Coastal Commission Suggested Modifications);

That the SeaWorld Master Plan Update, including associated amendments to the Progress Guide and General Plan, Mission Bay Park Master Plan, and Local Coastal Program, as approved by City Council on July 10, 2001, pursuant to Resolution No. R-295139, are further amended and revised to include the Coastal Commission Suggested Modifications;

That the City Manager is authorized and directed to transmit the LCP Amendment, as revised by this resolution, to the Coastal Commission for effective certification, pursuant to section 30512 of the Public Resources Code, upon confirmation by its Executive Director.

Subitem-B: (R-2003-48) ADOPTED AS AMENDED AS RESOLUTION R-296787

Adoption of a Resolution authorizing the City Manager to execute, for and on behalf of the City of San Diego, amendments to the lease agreement with Sea World, Inc., a Delaware corporation, under the terms and conditions set forth in that Lease Amendment to take effect upon effective certification of the LCP Amendment.

Subitem-C: (R-2003-55) ADOPTED AS RESOLUTION R-296788

Adoption of a Resolution certifying that the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council in connection with the acceptance of suggested modifications of the California Coastal Commission to the SeaWorld Master Plan Update and Mission Bay Park Master Plan;

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-D: (R-2003-60) ADOPTED AS AMENDED AS RESOLUTION R-296789

Adoption of a Resolution certifying that upon receipt of written notification from SeaWorld of its intent to submit a development application for development of a hotel on the premises, the City Council shall schedule a public hearing to be held

prior to submittal of any such development permit application, the purpose of which public hearing shall include discussion of hotel related issues.

OTHER RECOMMENDATIONS:

Planning Commission on June 21, 2001, approved the SeaWorld Master Plan Update with numerous modifications, most of which were incorporated into the project by the City Council. Approval of the California Coastal Commission's suggested modifications are not subject to Planning Commission review and approval.

Recommendations from the following planning groups and park committees were considered by the Planning Commission and City Council during the original hearings for this project on June 21, 2001, and July 10, 2001: Clairemont Mesa Planning Committee; Midway Community Plan Advisory Committee; Mission Bay Park Committee; Mission Beach Precise Planning Committee; Ocean Beach Planning Board; Pacific Beach Community Planning Committee; Park and Recreation Board; Park and Recreation Board Design Review Committee; Peninsula Community Planning Board.

CITY MANAGER SUPPORTING INFORMATION:

City Council Approval:

On July 10, 2001, the City Council approved the SeaWorld Master Plan Update and associated amendments to the Mission Bay Park Master Plan and Local Coastal Program. City Council's approval of the Master Plan Update included a wide variety of significant changes to the project. Attachment 1 of the City Manager's report entitled *Addendum to SeaWorld Master Plan Update - City Council Revisions*, includes a detailed description of all changes adopted by the City Council. Attachment 4 of the City Manager's report includes the SeaWorld Master Plan Update with all of the City Council's changes incorporated.

California Coastal Commission Approval:

On February 7, 2002, the California Coastal Commission approved the SeaWorld Master Plan Update and associated amendments to the Local Coastal Program/Mission Bay Park Master Plan, subject to 36 suggested modifications. The California Coastal Commission's suggested modifications and findings are included in Attachment 2 of the City Manager's report.

FISCAL IMPACT:

It is anticipated that implementation of the SeaWorld Master Plan Update will result in an increase in fiscal revenue to the City from improved business performance of the lessee. The minimum rent will also be adjusted to reflect any increase in the value of the leasehold that occurs once the lessee obtains fully vested entitlements.

Ewell/Christiansen/Griffith/MJW

LEGAL DESCRIPTION:

The project site is located on SeaWorld Drive, east of Ingraham Street and West Mission Bay Drive, and on the southern edge of Mission Bay Park. It lies within the Mission Bay Park Master Plan area and the Coastal Zone.

NOTE: Environmental Impact Report No. LDR No. 99-0618, dated June 5, 2001, was reviewed and considered by Council on July 10, 2001, by Resolution No. R-295138.

FILE LOCATION: Subitems A - D: LAND-Progress Guide and General Plan/Mission Bay Park Community Plan area-Sea World Master Plan Update and Lease: California Coastal Commission's Suggested Modifications (09)

COUNCIL ACTION: (Tape location: D122-I045.)

Hearing began at 2:18 p.m. and halted at 5:55 p.m.

Testimony in opposition by Scott Andrews, Jarvis Ross, Andy Berg, Kathleen Blavatt, Ross Campbell, Tom Ladegaard, Stephanie Pacey, Anne Pauley, Billy Paul, Mignon Scherer, and Carmen Perez.

Testimony in favor by Dennis Burkes, David Watson, George Mitrovitch, Fred Baranowski, Beth Binger, Jerry Burkiewicz, Sarah DeMarcus, Steve Friar, Abdur Rahim Hameed, John Hawkins, Pamela Masters, Geoff Patnoe, Rev. Eduardo Samaniego, Al Strohlein, Catherine Strohlein, Judith Swink, and Amy Tam.

MOTION BY PETERS TO ADOPT SUBITEM A. 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.

MOTION BY FRYE TO DIRECT THE CITY MANAGER AND THE CITY ATTORNEY TO BRING BACK TO COUNCIL FOR CONSIDERATION, IN SEPTEMBER, THE FOLLOWING CORRECTIONS AND CLARIFICATIONS TO BE CONSIDERED AS A MINOR REVISION TO THE MISSION BAY MASTER PLAN AND SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION AS A MINOR AMENDMENT TO THE LCP AND THAT THE CITY MANAGER WOULD BE FURTHER DIRECTED THAT IF THE CALIFORNIA COASTAL COMMISSION WERE TO DETERMINE THAT THIS WAS NOT IN FACT A MINOR AMENDMENT, BUT REQUIRED A COASTAL COMMISSION HEARING, THAT THE APPLICATION FOR THE MINOR AMENDMENT WOULD BE WITHDRAWN:

1. ON PAGE E-2 UNDER DEVELOPMENT CRITERIA, THE FOLLOWING DELETIONS/MODIFICATIONS SHALL BE MADE TO THE FIRST AND SECOND BULLETS:

~~NO MORE THAN 25% OF THE THEME PARK AREA CAN EVENTUALLY BE DEVELOPED TO HEIGHTS EXCEEDING 30 FEET, AND THE MAJORITY OF THAT MUST BE 60 FEET (EXISTING TREE LEVEL ON THE PARK'S WEST SIDE).~~

~~A MAXIMUM OF 8.77 ACRES (10% OF THE THEME PARK AREA) SCATTERED THROUGHOUT THE ENTIRE THEME PARK AREA CAN BE REDEVELOPED FOR ATTRACTIONS ABOVE 60 FEET. BULK PLANE SETBACKS WILL BE INCORPORATED 25 75 FEET FROM THE SHORELINE AND 20 FEET FROM ALL OTHER PARK BOUNDARIES ALL NEW DEVELOPMENT SHALL BE SET BACK BEHIND A BULK PLANE LINE BEGINNING AT THE PERIMETER LANDSCAPED AREA (20 FEET FROM THE PERIMETER ON THE EASTERN AND SOUTHERN LEASEHOLD PERIMETER BOUNDARIES).~~

2. ON PAGE I-1, UNDER PURPOSE AND NEEDS, THE FOLLOWING MODIFICATIONS SHALL BE MADE TO THE THIRD SENTENCE IN THE SECOND PARAGRAPH:

IN 1998, SEA WORLD SPONSORED, AND SAN DIEGO VOTERS APPROVED (BY A VOTE OF 50.7 PERCENT TO 49.3 PERCENT) THE SEA WORLD INITIATIVE TO AMEND THE CITY'S COASTAL HEIGHT OVERLAY ZONE ALLOWING SEA WORLD TO PROPOSE IMPROVEMENTS WITHIN THE SEA WORLD LEASEHOLD TO HALF THE HEIGHT OF THE SEA WORLD TOWER (160 FEET).

3. ON PAGE I-1, UNDER PLANNING PROCESS, THE FOLLOWING MODIFICATIONS SHALL BE MADE TO THE FIRST PARAGRAPH:

IN NOVEMBER 1998, THE VOTERS OF SAN DIEGO APPROVED THE SEA WORLD INITIATIVE, PROPOSITION D WHICH AMENDED THE CITY OF SAN DIEGO MUNICIPAL CODE TO ALLOW SEA WORLD TO PROPOSE DEVELOPMENT UP TO A MAXIMUM HEIGHT OF 160 FEET ON THE SEA WORLD LEASEHOLD IN MISSION BAY PARK.

4. ON PAGE I-2, UNDER COMMUNITY OUTREACH AND ISSUES ANALYSIS, THE FIRST SENTENCE UNDER THE SECOND BULLET SHALL BE AMENDED TO THE FOLLOWING:

VOTER APPROVAL OF THE DEVELOPMENT HEIGHT LIMIT CHANGE ALLOWED THE ENTIRE LEASEHOLD TO BE ~~DEVELOPED~~ CONSIDERED FOR DEVELOPMENT WITH STRUCTURES UP TO 160 FEET IN HEIGHT.

5. ON PAGE I-3, UNDER THE BULLET "POTENTIAL IMPACTS TO WATER QUALITY IN MISSION BAY," THE PARAGRAPH NEEDS TO BE CORRECTED; IT IS A REPEAT OF THE TEXT ON PAGE 1-2 UNDER THE NOISE IMPACTS PARAGRAPH.

6. ON PAGE I-3, UNDER THE LAST BULLET (THE APPROPRIATENESS OF A NEW HOTEL IN MISSION BAY PARK...) THE FOLLOWING SHALL BE ADDED AS THE LAST SENTENCE:

SEA WORLD MAY NOT SUBMIT A DEVELOPMENT PERMIT APPLICATION FOR CONSTRUCTION OF THE HOTEL PRIOR TO JULY 10, 2001, AND WILL PROVIDE THE CITY OF SAN DIEGO WITH 90 DAYS WRITTEN NOTICE PRIOR TO SUBMITTING ANY APPLICATION FOR A HOTEL DEVELOPMENT.

7. ON PAGE II-4, UNDER EXISTING FACILITIES AND ENTITLEMENTS, AN ASTERISK SHALL BE ADDED NEXT TO THE WORDS “MARINA EXPANSION AND HOTEL” IN THE FIRST PARAGRAPH, SECOND SENTENCE, AND THE FOLLOWING FOOTNOTE ADDED:

*THE COASTAL COMMISSION HAS NOT REVIEWED OR CERTIFIED THE 1985 SEA WORLD MASTER PLAN AS PART OF THE CERTIFIED LOCAL COASTAL PROGRAM, NOR WAS THE PLAN INCORPORATED INTO THE MISSION BAY PARK MASTER PLAN AS CERTIFIED BY THE COMMISSION IN 1995. THEREFORE, ANY ENTITLEMENTS EMBODIES IN THAT PLAN ARE NOT RECOGNIZED, AND HAVE NOT BEEN ENDORSED, BY THE CALIFORNIA COASTAL COMMISSION.

8. ON PAGE II-6, UNDER AREA 2: GUEST PARKING, THE FOLLOWING SENTENCE SHALL BE ADDED TO THE END OF THE PARAGRAPH:

THE DESIGN OF THE PARKING AREA SHALL COMPLY WITH THE AMERICAN WITH DISABILITIES ACT.

9. ON PAGE II-6, UNDER AREA 3: ADMINISTRATION AND SUPPORT, THE LAST SENTENCE SHALL BE AMENDED AS FOLLOWS:

A RESERVED PARKING/CAR POOL LOT, WITH 142 PARKING SPACES, IS ALSO LOCATED IN THE SOUTH PORTION OF THE AREA.

10. ON PAGE II-7, UNDER AREA 4: SEA WORLD MARINA, THE FOLLOWING SHALL BE ADDED AS THE LAST SENTENCE IN THE FIRST PARAGRAPH:

THERE ARE 65 PARKING SPACES.

11. ON PAGE II-7, UNDER AREA 5: PEREZ COVE SHORELINE, THE FOLLOWING SENTENCE SHALL BE AMENDED TO READ:

THE ENTITLEMENT IS RETAINED IN THIS MASTER PLAN UPDATE AND IS INCLUDED AS A PROPOSED FUTURE DEVELOPMENT THOUGH ~~IT CANNOT BE CONSTRUCTED PRIOR TO JULY OF 2001~~ SEA WORLD MAY NOT SUBMIT A DEVELOPMENT PERMIT APPLICATION FOR THE CONSTRUCTION OF THE HOTEL PRIOR TO JULY 10, 2011.

12. ON PAGE II-10, UNDER PROPOSED CONCEPTUAL DEVELOPMENT PROGRAMS, AN ASTERISK SHALL BE ADDED NEXT TO THE WORDS “ENTITLED MARINA AND HOTEL” AND THE FOLLOWING FOOTNOTE ADDED:

*THE COASTAL COMMISSION HAS NOT REVIEWED OR CERTIFIED THE 1985 SEA WORLD MASTER PLAN AS PART OF THE CERTIFIED LOCAL COASTAL PROGRAM, NOR WAS THAT PLAN INCORPORATED INTO THE MISSION BAY PARK MASTER PLAN AS CERTIFIED BY THE COMMISSION IN 1995. THEREFORE, ANY ENTITLEMENTS EMBODIED IN THAT PLAN ARE NOT RECOGNIZED, AND HAVE NOT BEEN ENDORSED, BY THE CALIFORNIA COASTAL COMMISSION.

13. ON PAGE II-22, UNDER BICYCLE/PEDESTRIAN PATH ENHANCEMENT, DESIGN CRITERIA, THE SENTENCE UNDER THE FOURTH BULLET SHALL BE DELETED BECAUSE THE GUIDELINE FROM THE MISSION BAY PARK MASTER PLAN APPLIES TO THE WATERFRONT, AND SITE M-1 IS NOT LOCATED ALONG THE WATER.
~~IN CONSTRAINED NARROW AREAS, THE LANDSCAPED MEDIAN MAY BE DISPENSED; IN SUCH CASES, THE OVERALL WIDTH OF THE PATH SHOULD NOT BE LESS THEN 16 FEET, AND A PAINTED LINE SHOULD SEPARATE THE FOOTPATH FROM THE BIKEWAY.~~

14. ON PAGE II-26, UNDER SPECIAL PROJECTS, THE FOLLOWING SHALL BE ADDED AS THE THIRD BULLET UNDER DESIGN CRITERIA:

SUPERFLUOUS OR EXCESSIVE ORNAMENTATION AND FINISHES SHALL BE AVOIDED.

15. ON PAGE II-28, UNDER HOTEL AND MARINA EXPANSION (AREAS 4 AND 5), AN ASTERISK SHALL BE PLACED AFTER THE WORDS “HOTEL AND MARINA EXPANSION” AND THE FOLLOWING FOOTNOTE ADDED:

*SEA WORLD RECOGNIZES THAT ANY ENTITLEMENTS IDENTIFIED IN THE 1985 SEA WORLD MASTER PLAN WERE GRANTED BY THE CITY OF SAN DIEGO ONLY. THE COASTAL COMMISSION DID NOT REVIEW OR CERTIFY THE 1985 SEA WORLD MASTER PLAN, AND IS IN NO WAY BOUND BY ANY OF ITS PROVISIONS. MOREOVER, SEA WORLD RECOGNIZES THE NEED TO RE-EVALUATE EACH PROJECT AT THE TIME IT IS PROPOSED, TAKING INTO CONSIDERATION TRAFFIC ISSUES AND PUBLIC RECREATIONAL NEEDS.

ALSO ON PAGE II-28, THE LAST SENTENCE IN THE FIRST PARAGRAPH SHALL BE MODIFIED AS FOLLOWS:

~~CONSTRUCTION OF THE HOTEL SHALL NOT BEGIN BEFORE JULY 10, 2011. THE DEVELOPMENT PERMIT APPLICATION FOR THE HOTEL MAY NOT BE SUBMITTED PRIOR TO JULY 10, 2011.~~

16. ON FIGURE III-2, THE TEXT SHALL BE MODIFIED TO REFLECT THE 75-FOOT SHORELINE SETBACK AND ENSURE CONSISTENCY WITH THE CALIFORNIA COASTAL COMMISSION AND THE CITY COUNCIL MODIFICATIONS.
17. ON PAGE IV-1, UNDER DESIGN GUIDELINES, THE FOLLOWING MODIFICATION SHALL BE MADE TO THE LAST SENTENCE IN THE FIRST PARAGRAPH:

FUTURE PROJECTS AT SEA WORLD ~~SHOULD~~ SHALL BE ASSESSED TO MEET SPECIFIC GUIDELINES FOR SUSTAINABILITY AND CONSERVATION.

18. ON PAGE A-7, UNDER HOTEL, THE FOLLOWING MODIFICATION SHALL BE MADE TO THE LAST SENTENCE IN THE SECOND PARAGRAPH:

A DEVELOPMENT PERMIT APPLICATION SEEKING APPROVAL FOR THE ~~CONSTRUCTION~~ OF THE HOTEL SHALL NOT BEGIN BE SUBMITTED BEFORE JULY 10, 2011, ALTHOUGH SEA WORLD MAY SEEK AND OBTAIN ALL NECESSARY APPROVALS PRIOR TO THAT DATE.

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 FRYE TO ADOPT AMENDMENT NO. 1 TO SUBITEM B, AS FOLLOWS:

ON PAGE 4, ARTICLE XXXII, GENERAL DEVELOPMENT PLAN, UNDER SUBPARAGRAPH "C", THE FOLLOWING SHALL BE ADDED AS (vii): LESSEE AGREES TO PROVIDE THE CITY WITH YEARLY ATTENDANCE FIGURES TO ASSIST THE CITY AND LESSEE IN DETERMINING WHEN THE TRAFFIC IMPACT THRESHOLDS FROM THE PREMISES ARE ATTAINED OR EXCEEDED, AND TO HELP ENSURE THAT THE TRAFFIC MITIGATION MEASURES IDENTIFIED IN THE EIR AND MMRP ARE CARRIED OUT IN A TIMELY MANNER. 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.

MOTION BY FRYE TO ADOPT AMENDMENT NO. 2 TO SUBITEM B, AS FOLLOWS: ON PAGE 5, ARTICLE XXXII, GENERAL DEVELOPMENT PLAN, UNDER SUBPARAGRAPH "H", THE EXISTING TEXT (SHOWN IN STRIKEOUT) SHALL BE DELETED IN ITS ENTIRETY AND THE FOLLOWING NEW TEXT (SHOWN IN UNDERLINE) SHALL BE ADDED IN ITS PLACE:

~~NOT MORE THAN 25% OF THE PREMISES SHALL EXCEED 30 FEET IN HEIGHT. LESSEE ALSO AGREES THAT ANY AND ALL DEVELOPMENT AND REDEVELOPMENT WITHIN AREA 1, AS DESIGNATED IN THE DEVELOPMENT PLAN, SHALL BE SUBJECT TO AND SHALL COMPLY WITH THE FOLLOWING HEIGHT LIMITATIONS:~~

| HEIGHT | ACREAGE | % OF AREA |
|---------------------------|-----------------------|----------------------|
| 31 - 60 FEET | 13.1 ACRES | 15% |
| 61 - 100 FEET | 6.1 ACRES | 7% |
| 101 - 130 FEET | 1.8 ACRES | 2% |
| 131 - 160 FEET | 0.88 ACRES | 1% |

LESSEE AGREES THAT THE PREMISES SHALL NOT BE USED TO RENT, SELL OR LEASE PERSONAL WATER CRAFT.

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.

MOTION BY FRYE TO ADOPT AMENDMENT NO. 3 TO SUBITEM B, AS FOLLOWS: ON PAGE 5, ARTICLE XXXII, GENERAL DEVELOPMENT PLAN, UNDER SUBPARAGRAPH "I," THE FOLLOWING MODIFICATIONS SHALL BE MADE:

A MINIMUM OF 75% OF LESSEE'S TOTAL ATTRACTIONS WITHIN AREA 1, THE THEME PARK, AS DESIGNATED IN THE DEVELOPMENT PLAN IN TABLE II-1 AND CONSISTING OF 80.7 ACRES OF LAND AND 7 ACRES OF WATER, SHALL INCLUDE SIGNIFICANT EDUCATION, ANIMAL, RESEARCH, AND/OR CONSERVATION RELATED ELEMENTS. WITHIN THE SEA WORLD THEME PARK, THE CURRENT LISTING OF ATTRACTIONS EXISTING AS OF THE DATE OF THIS AMENDMENT REFLECT THE DOMINANT MARINE ANIMAL THEME AND THE PRIMARY EMPHASIS AREAS OF ENTERTAINMENT, EDUCATION, RESEARCH, AND/OR CONSERVATION. WITHIN AREA 1, THE SEA WORLD THEME PARK, AN EDUCATION, MARINE ANIMAL, RESEARCH AND/OR CONSERVATION ELEMENT IN A LARGER, SINGLE ATTRACTION SHALL BE CONSIDERED "SIGNIFICANT" IF IN THE REASONABLE OPINION OF THE CITY-MANAGER (i) THE EDUCATION, ANIMAL OR CONSERVATION ELEMENT COULD FUNCTION AS A SEPARATE EXHIBIT, INDEPENDENT OF THE LARGER ATTRACTION INTO WHICH IT IS INCORPORATED, AND (ii) THE EDUCATION, ANIMAL OR CONSERVATION ELEMENT IMPARTS INFORMATION AND KNOWLEDGE ABOUT THE ANIMAL AND/OR ITS ENVIRONMENT AN ATTRACTION'S PRIMARY EMPHASIS CONSISTS OF AN EDUCATIONAL, MARINE ANIMAL, RESEARCH AND/OR CONSERVATION THEME, CONSISTENT WITH THE CRITERIA ADOPTED BY THE CITY COUNCIL AND APPENDED TO THE SEA WORLD LEASE AND SEA WORLD MASTER PLAN UPDATE.

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

MOTION BY FRYE TO ADOPT AMENDMENT 4 TO SUBITEM B AS FOLLOWS: ON PAGE 5, ARTICLE XXXII, GENERAL DEVELOPMENT PLAN, UNDER SUBPARAGRAPH "K," THE FOLLOWING MODIFICATIONS SHALL BE MADE:

LESSEE MAY NOT SUBMIT A DEVELOPMENT PERMIT APPLICATION FOR CONSTRUCTION OF THE 300-ROOM, 30-FOOT HOTEL IDENTIFIED IN THE DEVELOPMENT PLAN PRIOR TO JULY 10, 2011, LESSEE AGREES TO GIVE THE CITY NINETY (90) DAYS WRITTEN NOTICE PRIOR TO THE SUBMITTAL OF ANY APPLICATIONS FOR DEVELOPMENT OF THE HOTEL, AND IS AWARE THAT THE CITY COUNCIL WILL SCHEDULE A PUBLIC HEARING TO BE HELD PRIOR TO SUBMITTAL OF ANY SUCH DEVELOPMENT PERMIT APPLICATION. CITY AND LESSEE AGREE TO NEGOTIATE IN GOOD FAITH ANY AMENDMENT TO THE LEASE NECESSARY FOR THE DEVELOPMENT OF A HOTEL ON THE PREMISES. LESSEE RECOGNIZES THAT THE CALIFORNIA COASTAL COMMISSION HAS NOT REVIEWED OR CERTIFIED THE 1985 SEA WORLD MASTER PLAN AS PART OF THE CERTIFIED LOCAL COASTAL PROGRAM, NOR WAS THAT PLAN INCORPORATED INTO THE MISSION BAY PARK MASTER PLAN AS CERTIFIED BY THE COMMISSION IN 1995. THEREFORE, ANY ENTITLEMENTS FOR THE HOTEL EMBODIED IN THE PLAN ARE NOT RECOGNIZED BY THE CALIFORNIA COASTAL COMMISSION.

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

MOTION BY FRYE TO ADOPT AMENDMENT 5 TO SUBITEM B AS FOLLOWS: ON PAGE 6, ARTICLE XXXII, GENERAL DEVELOPMENT PLAN, UNDER SUBPARAGRAPH "L," THE FOLLOWING SHALL BE ADDED:

LESSEE'S FIREWORKS DISPLAYS ARE PERMITTED ONLY FROM THE "FIREWORKS BARGE" AND SHALL BE LIMITED TO A MAXIMUM OF ONE HUNDRED FIFTY (150) NIGHTS PER YEAR. LESSEE AGREES TO RELOCATE THE FIREWORKS BARGE EASTWARDLY ONE MILE TOWARD SOUTH SHORES FROM ITS [CURRENT] APPROVED LOCATION FROM APRIL 1 TO SEPTEMBER 15 OF EACH YEAR FOR THE LEAST TERN NESTING SEASON. LESSEE AGREES TO IMPLEMENT AN EXPANDED MONITORING PROGRAM DURING THE NEXT FIVE YEARS TO DETERMINE POTENTIAL ADVERSE IMPACTS OF FIREWORKS ON BOTH ENVIRONMENTAL RESOURCES AND PUBLIC RECREATION, AND SUBMIT ON A YEARLY BASIS THE MONITORING RESULTS TO THE CALIFORNIA COASTAL COMMISSION, SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD, NATIONAL MARINE FISHERIES SERVICE, U.S. FISH AND WILDLIFE SERVICE, THE CALIFORNIA DEPARTMENT OF FISH AND GAME, AND THE SAN DIEGO CITY COUNCIL. LESSEE AGREES THAT AT THE END OF THE FIRST YEAR, IT WILL PRESENT ITS FINDINGS TO THE CALIFORNIA COASTAL COMMISSION, THE SAN DIEGO CITY COUNCIL AND THE ABOVE AGENCIES FOR REVIEW AND POSSIBLE

REVISIONS TO THE MONITORING PROGRAM. LESSEE ALSO AGREES TO INCREASE THE AREA OF CLEAN UP ON FIESTA ISLAND BEYOND THE SHORE LINE BERM, PROCEEDING AS FAR INLAND AS NECESSARY TO REMOVE ALL FIRE WORK DEBRIS THE MORNING AFTER EACH FIREWORKS SHOW.

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

Amendment No. 6 was not acted on.

MOTION BY FRYE TO ADOPT AMENDMENT NO. 8 TO SUBITEM B AS FOLLOWS:

THAT FOR THE PURPOSES OF DETERMINING THE INCREASE IN VALUE DUE TO THE SUBSTANTIAL CHANGE IN ENTITLEMENTS IN THE SEA WORLD LEASE, THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING BEFORE JANUARY 9, 2003, WHERE THE CITY MANAGER SHALL PROVIDE A COMPLETE ANALYSIS OF THE EXISTING SEA WORLD LEASE PROVISIONS, INCLUDING PROVISIONS RELATED TO RENTAL INCREASE.

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.

MOTION BY FRYE TO ADOPT AMENDMENT NO. 9 TO SUBITEM B TO DISALLOW THE ROLLER COASTER RIDE "JOURNEY TO ATLANTIS."

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

MOTION BY COUNCIL MEMBER WEAR TO MODIFY SUBITEM B TO ALLOW SEA WORLD TO DISCHARGE FIREWORKS FROM LAND ON THE 4TH OF JULY.

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.

MOTION BY FRYE TO ADOPT SUBITEM B WITH MODIFICATIONS AS VOTED ON. 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 WEAR TO ADOPT SUBITEM C. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY FRYE TO ADOPT SUBITEM D WITH THE FOLLOWING AMENDMENT:

UPON RECEIPT OF WRITTEN NOTIFICATION FROM SEA WORLD OF ITS INTENT TO SUBMIT A DEVELOPMENT PERMIT APPLICATION FOR ~~DEVELOPMENT OF A 300-ROOM, 30-FOOT HIGH~~ HOTEL ON THE PREMISES, THE CITY COUNCIL SHALL SCHEDULE A PUBLIC HEARING TO BE HELD PRIOR TO SUBMITTAL OF ANY SUCH DEVELOPMENT PERMIT APPLICATION, THE PURPOSE OF WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A DISCUSSION OF HOTEL RELATED ISSUES, ANY NECESSARY AMENDMENTS TO THE LOCAL COASTAL PROGRAM, AND AN ECONOMIC FEASIBILITY STUDY. 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-334: Transfer of City Owned Property in Barrio Logan to the Redevelopment Agency.

(See the Redevelopment Agency Report RA-02-14 and CMR-02-151. Barrio Logan/Harbor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-18) ADOPTED AS RESOLUTION R-296781

Authorizing the City Manager or Designee to convey real property to the Redevelopment Agency, located at 1901 Main Street, APN 538-670-27, 36, 1031 Cesar E. Chavez Parkway (formally Crosby Street), APN 538-510-28, 1911 Newton Avenue, APN 538-671-01, 917 Cesar E. Chavez Parkway, APN 538-270-18 for purposes of implementing the Redevelopment Plan for the Barrio Logan Redevelopment Project Area.

NOTE: See the Redevelopment Agency Agenda of July 9, 2002 for a companion item.

FILE LOCATION: DEED F-9264

COUNCIL ACTION: (Tape location: A298-307.)

MOTION BY INZUNZA TO ADOPT. 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-335: Three actions related to Metro Villas Residential Project and Metro Career Center.

(See City Manager Report RA-02-16/CMR-02-150. City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-45) ADOPTED AS RESOLUTION R-296782

Certifying that the information in LDR-41-1089 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and the National Environmental Policy Act and that the report reflects the independent judgment of the City of San Diego as Lead Agency;

Stating for the record that the Finding of No Significant Impact/Mitigated Negative Declaration has been reviewed and considered prior to recommending approval of the project and the Disposition and Development Agreement;

Adopting the Mitigation, Monitoring and Reporting Program.

Subitem-B: (R-2003-42) ADOPTED AS RESOLUTION R-296783

Approving the conveyance of real property for the development of the Metro Career Center and the Metro Villas Redevelopment Project located in the City Heights Redevelopment Project area; Authorizing the City Manager to execute any documents and take all actions necessary to carry out the conveyance of the real property.

Subitem-C: (R-2003-34) ADOPTED AS RESOLUTION R-296784

Recognizing that Council has received and heard all oral and written objections to the proposed DDA, to the proposed sale of real property pursuant to the proposed DDA, and to other matters pertaining to the transaction, and that all such oral and written objections are overruled;

Declaring that Council finds and determines that the consideration to be paid to the Agency for the sale of the real property is not less than fair reuse value/fair market price, at the use and with the covenants and conditions and development costs authorized by the sale;

Declaring that Council finds and determines that the sale of the real property will assist in the elimination of blight within the Project area, and is consistent with the Implementation Plan for the Project area adopted pursuant to section 33490 of the California Community Redevelopment Law;

Approving the sale of the real property, and the DDA which establishes the terms and conditions for the sale and development of the real property;

Approving the Findings of Benefit to the Horton Plaza Redevelopment Project for the use of \$2 million of housing set-aside funds from the Horton Plaza Redevelopment Project for the Development;

Authorizing the Auditor and Comptroller to establish a fund for the receipt of contributions of \$20,000 per year for 10 years, and authorizing the expenditure from said fund for the maintenance of public facilities on the University Avenue bridge decks over the State Route 15 freeway and in the public right of way of University Avenue in the vicinity of the Metro Career Center Project.

NOTE: See the Redevelopment Agency Agenda and Housing Authority Agenda of July 9, 2002 for companion items.

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Tape location: C019-381; D014-117.)

MOTION BY ATKINS TO ADOPT. 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-S500: Approval of the FY2002 Bond Issuance.

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

Adopt the following resolution:

(R-2003-61) ADOPTED AS RESOLUTION R-296785

Approving the issuance by the Redevelopment Agency of a series of the Agency's Mount Hope Redevelopment Project Tax Allocation Refunding Bonds in an aggregate principal amount not to exceed \$4,000,000 to provide funds to refinance a portion of the Mount Hope Redevelopment Project by current refunding a portion of the Mount Hope City Loans;

Declaring that Council (a) determines that the repayments of a portion of the Mount Hope City Loan and the subsequent new loans to the Agency to finance public owned public improvements in the Southcrest, Central Imperial and Mount Hope Redevelopment Projects are all of the benefit to the Mount Hope Redevelopment Project or the immediate neighborhood, (b) that no other reasonable means of financing such public improvements are currently available to the community and (c) that such improvements will assist in the elimination of one or more blighted conditions inside the Mount Hope Redevelopment Project area or provide housing for low- and moderate-income person and are consistent with the implementation plan adopted for the Mount Hope Redevelopment Project area;

Confirming that the lien on the tax revenues derived from the Mount Hope Redevelopment Project area for the repayment of the remaining Mount Hope City Loans shall be subordinate to the lien on said tax revenues for payment of principal of, interest and premium (if any) on the Bonds hereinabove approved and on the Prior Bonds, and further confirming that no future repayment of Mount Hope City Loans shall be made by the Agency which would preclude or interfere with the complete and timely payment of principal of, interest and premium (if any) on the hereinabove approved Bonds or the Prior Bonds in accordance with their terms within the constraints imposed by any tax increment limitation required by the law;

Declaring that the limitation imposed by section 620.6 of the Redevelopment Plan for the Mount Hope Redevelopment Project is applicable to bonded indebtedness of the Mount Hope Redevelopment Project including the hereinabove approved Bonds, but does not impose a limitation on the amount of Mount Hope City Loans or other indebtedness.

NOTE: See the Redevelopment Agency Agenda of July 9, 2002 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B353-358.)

MOTION BY WEAR TO ADOPT. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:59 p.m. in honor of the memory of:

Jeff Bowman at the request of Council Member Peters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: I049-070).