

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, OCTOBER 21, 2003
 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 10:09 a.m. The meeting was recessed by Mayor Murphy at 10:53 a.m. to convene the Redevelopment Agency and thereafter the Joint Council and Redevelopment Agency meeting. Mayor Murphy reconvened the meeting at 11:26 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with all Council Members present. The meeting was recessed at 2:55 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:09 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 3:40 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss anticipated and existing litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (er/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-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:

Don Stillwell asked the Council to consider having an invocation for Tuesdays' meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:14 a.m.)

PUBLIC COMMENT-2: **Referred to the City Manager**

Fred Parenti commented that he retired approximately eight months ago and has not received a check from his retirement account.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:17 a.m.)

PUBLIC COMMENT-3:

Jim Bell encouraged Council to develop an energy self-sufficiency plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:21 a.m.)

PUBLIC COMMENT-4:

Kathryn Burton commented on revisions to the Ethics Commission and ways to strengthen it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:23 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on the Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:26 a.m.)

PUBLIC COMMENT-6:

Sky Anderson praised Council for their care and success in the minority communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

PUBLIC COMMENT-7:

Steve McWilliams commented on medical cannabis and the lawsuit against the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-8:

Frank Evaes commented on the Yanti, China resolution to stop the torture of Falun Gaung practioners.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:35 a.m.)

PUBLIC COMMENT-9:

Miyo Ikeda commented on workers in San Diego not earning a living wage.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

PUBLIC COMMENT-10:

Noel Nudeck informed Council that the elevators in the City Administration Building are malfunctioning.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:42 a.m.)

PUBLIC COMMENT-11:

Joyceline Tarr expressed her concern regarding the trimming of palm trees on Newport Avenue and she praised the work of one Council Member.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:44 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins thanked employees from the Water Department for their involvement in the golf tournament held at the Brooklyn Elementary school.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Gwinn stated that regular announcements would be made on any actions taken regarding the Chargers. Mr. Gwinn informed the Council that there was a legal challenge to the Spectator Ordinance; however, the ordinance was upheld. Mr. Gwinn announced that a forensic medical unit will be opened in the Family Justice Center to provide exams for victims of domestic violence.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:48 a.m.)

ITEM-330: Two actions related to Mira Mesa FY 2004 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-03-169; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004 Draft. Mira Mesa Community Area. District-5.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-200) ADOPTED AS RESOLUTION R-298517

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

Subitem-B: (R-2004-201) ADOPTED AS RESOLUTION R-298518

Approving the Development Impact Fee (DIF) schedule for properties within Mira Mesa.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/3/2003, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Peters, Atkins, Lewis and Frye voted yea. Councilmember Zucchet not present.)

FILE LOCATION: STRT – FB-12 (33)

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:50 a.m.)

MOTION BY MAIENSCHHEIN TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NOTE: It is anticipated that this Item #331 will be continued to Monday, October 27, 2003.

ITEM-331: Cost Reimbursement District Agreement Between Torrey Pines Homebuilding Co., LLC and the City of San Diego (Arroyo Sorrento Road Cost Reimbursement District No. 4097).

Matter of considering the establishment of a reimbursement district for the financing of certain public improvements within the City, otherwise known as the Arroyo Sorrento Road Cost Reimbursement District No. 4097.

All properties within the described boundaries of the Cost Reimbursement District may be assessed with a lien to pay a fair share portion of the cost of providing such facilities. If, within a 20 year period from the date of forming this district, either a final map is filed, or a building permit is issued for improvements which will ultimately utilize the cost reimbursement district improvements, or if a building permit is issued for improvements valued in excess of \$20,000, the lien would become due and payable. Permits for improvements that are for replacement of existing single-family residences, modifications or additions to existing single family residential structures (such as gazebos, swimming pools, tennis courts, or room additions) shall not be subject to payment of lien. The boundaries of the district are more particularly described by Plat No. 4097, which is on file in the Office of the City Clerk.

All persons desiring to testify with respect to: the necessity of said public improvements, the cost of said public improvements, the benefitted area or amount of the costs eligible to be recovered, may appear and be heard at this hearing.

(Cost Reimbursement District No. 4097 Agreement. Carmel Valley Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-224) CONTINUED TO MONDAY, NOVEMBER 17, 2003

Adoption of a Resolution of Lien of the Council of the City of San Diego approving the Cost Reimbursement Agreement with Torrey Pines Home Building Co., LLC, Plat Number 4097, the Engineer's Report, and the expenditure of \$15,000 for City administrative costs, all relating to the establishment of the Arroyo Sorrento Road Cost Reimbursement District.

CITY MANAGER'S SUPPORTING INFORMATION

Background

In June of 2000, Torrey Pines Homebuilding Co., LLC, submitted an application requesting that the City initiate proceedings for the formation of the Arroyo Sorrento Road Cost Reimbursement District (CRD). The public improvements for which the developer is seeking reimbursement include surface improvements and underground utility construction for Arroyo Sorrento Road, the main access road serving Neighborhoods 8A and 8B of the Carmel Valley Community Plan. Vesting Tentative Map No. 96-7573 required Torrey Pines Homebuilding Co., LLC, to construct Arroyo Sorrento Road as part of their Torrey Pines Estates Subdivision in Carmel Valley Neighborhood 8A.

On September 18, 2000, the City Council authorized the execution of a District Formation Cost Agreement with Torrey Pines Homebuilding Co., LLC. Also on September 18, 2000, the City entered into an agreement with William A. Steen & Associates to perform engineering consultant services for the Cost Reimbursement District. Torrey Pines Homebuilding Co., LLC, is seeking partial reimbursement from owners of other properties in Neighborhood 8B which receive benefit from the road improvements. One of the consultant engineer's responsibilities was to determine the improvement costs eligible for reimbursement, and the method of spreading those costs to the benefitting property owners. The total estimated cost of the improvements is \$1,375,571.02. The consultant engineer has determined that Torrey Pines Homebuilding Co., LLC, is responsible for \$801,701.75, or approximately 58.3%. The remaining \$573,869.27, or 41.7%, will be spread as liens amongst the benefitting properties, payable upon development of their property.

FISCAL IMPACT

None. The developer has advanced an additional \$15,000 for City administrative expenses. A total of \$55,500 has been previously authorized for the payment of Engineering Consultant services (\$35,500) and City administrative services (\$20,000).

Aud. Cert. 2400273.

Ewell/Goldberg/AMA

NOTE: This activity is a financing measure and is exempt from the California Environmental Quality Act pursuant to State CEQA guidelines section 15061(b)(3).

FILE LOCATION: STRT-CR-28 (50)

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:11 a.m.)

MOTION BY PETERS TO CONTINUE TO NOVEMBER 17, 2003, FOR FURTHER REVIEW. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: River Estates.

Matter of approving, conditionally approving, modifying, or denying a Community Plan Amendment, Rezone, Planned Development Permit and Site Development Permit for a proposed ~~50~~ 48 unit condominium development located at 1194 Hollister Street, south of Coronado Avenue and north of Starburst Lane. The proposed ~~50~~ 48-unit condominium project requires a community plan amendment and a rezone to re-designate the site for multi-family uses. A Planned Development Permit is requested to allow a side yard setback deviation and a deviation to the 50% minimum habitable area requirement for structures facing the street. The Site Development Permit is required as the property contains environmentally sensitive lands.

(CPA No. 5447/PG&GP No. 5774/RZ No. 5776/TM No. 5775/PDP No. 11491/SDP No. 5773/MND No. 3339/MMRP/PTS No. 3339. Otay Mesa-Nestor Community Plan Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; adopt the resolutions in subitems B and C; adopt the resolution in subitem D to grant the map; and adopt the resolution in subitem E to grant the permit:

Subitem-A: (O-2004-34) INTRODUCED, TO BE ADOPTED ON
MONDAY, NOVEMBER 3, 2003

Introduction of an Ordinance changing 2.6, located westerly of Hollister Street, southerly of Coronado Avenue, and northerly of Starburst Lane (Addressed as 1194 Hollister Street) in the Otay Mesa-Nestor Community Plan Area, in the City of San Diego, California, from the RS-1-7 zone (previously referred to as the R1-5000 zone) to the RM-2-4 zone as defined by San Diego Municipal Code Section 131.0406; and repealing Ordinance No. 8029 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2004-306) ADOPTED AS RESOLUTION R-298519

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 3339 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 the River Estates 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 Report 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-C: (R-2004-304) ADOPTED AS RESOLUTION R-298520

Adoption of a Resolution amending the Otay Mesa-Nestor Community Plan and Progress Guide and General Plan for the River Estates Residential project.

Subitem-D: (R-2004-) GRANTED MAP, ADOPTED AS RESOLUTION R-298521

Adoption of a Resolution granting or denying Tentative Parcel Map No. 5775, with appropriate findings to support Council action.

Subitem-E: (R-2004-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-298522

Adoption of a Resolution granting or denying Planned Development Permit No. 11491/Site Development Permit No. 5773, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on July 31, 2003, voted 6 - 0 to approve; no opposition.

Ayes: Chase, Ontai, Lettieri, Brown, Garcia, Steele
Not present: Schultz

The Otay Mesa-Nestor Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The River Estates Project proposes a rezone from RS-1-7 to the RM-2-4 zone, a community plan amendment, a tentative map, a planned development permit to allow the construction of a 48-unit multi-family development on 2.6 acres at a site located at 1194 Hollister Street, south of Coronado Avenue in the Otay Mesa-Nestor Community.

Planning Commission Recommendation The Planning Commission heard the project on May 29, 2003, and after public testimony continued the project to July 31st, 2003. The continuance was required in order for the applicant to address site design concerns, and for staff to provide additional analysis regarding implementation of the Otay Mesa-Nestor Community Plan and to consult with the Department of California Fish and Game regarding a proposed wetland buffer within the project site. On July 31st, the Planning Commission voted 6-1-0 to recommend unanimous approval of the project.

Community Planning Group Recommendation The Otay Mesa-Nestor Community Planning Committee voted 11-0-1 to recommend approval of the project on June 12, 2003, with no conditions.

Water Quality Statement Implementation of the project would disturb more than one acre of land and create a 75-space surface parking lot. A National Pollution Discharge Elimination System (NPDES) permit from the State Water Resources Control Board (SWRCB) would be required to control erosion, sedimentation, runoff, point- and non-point-source pollution as a result of the proposed development. The NPDES permit requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan prior to the commencement of grading activities, which incorporate BMPs into the construction and post-construction phases of the project. The SWPPP and the mitigation measures incorporated in Section V of the MND would mitigate potentially significant water quality impacts to below a level of significance.

Traffic Statement The project is estimated to generate approximately 400 average daily trips (ADT), 320 of which are estimated to occur on the nearby Interstate 5, which has an estimated near term plus project volume of 120,200 ADT, 320 of which are estimated to occur on the nearby Interstate 5, which has an estimated near term plus project volume of 120,200 ADT north of Coronado Avenue with level of service "D" and 107,120 ADT south of Coronado Avenue with a level of service "C." There are no improvements currently programmed by Caltrans on Interstate 5 in the vicinity of the project. Occupancy of the units is anticipated by the year 2005.

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

Ewell/Halbert/ST

LEGAL DESCRIPTION:

The proposed project site and adjacent lot, which are proposed to be adjusted by adding 1,116 square-feet to the subject site through a lot line adjustment, are located at 1194 Hollister Street, between Flower Avenue and Sunburst Lane, and at 1130 Nestor Way, in the Otay Mesa-Nestor

Community Planning Area and is more particularly described as a portion of Parcel 1 of Parcel Map No. 9753; and Parcel 2 of a portion of Lot 9 of Nestor, lying east of the west line of Lot 7, produced southerly to the south line of Lot 9.

FILE LOCATION: SUBITEM A: NONE
SUBITEMS B, C, D, E: LUP-River Estates, 10/21/03 (65)

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:51 a.m.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE IN SUBITEM A; ADOPT THE RESOLUTIONS IN SUBITEMS B AND C; ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE MAP; AND ADOPT THE RESOLUTION IN SUBITEM E TO GRANT THE PERMIT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: South University City Public Facilities Summary and Development Impact Fee.

Matter of consideration of revision of South University City Development Impact Fees. Consideration of this matter will include:

1. Approving, denying or amending the South University City Public Facilities Summary and Development Impact Fee; and
2. Rescinding existing development impact fees for all properties within the south University City Community.

The South University City Public Facilities Summary is available for public inspection at the Office of the City Clerk, City Administration Building, 2nd Floor, 202 "C" Street, San Diego, California, 92101.

(See Public Facilities Summary. University Community Plan Area. District-1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-348) ADOPTED AS RESOLUTION R-298523

Adoption of a Resolution of the Council of the City of San Diego approving the South University City Public Facilities Summary, rescinding the existing

development impact fees, and establishing new development impact fees for all property within South University City.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION

On 10/01/2003, LU&H voted 5 to 0 to rescind old South University City Development Impact Fee plan to approve the Public Facilities Summary Update which would result in an increase of South University City Development Fees. The Attorney indicated a full report is needed by the time this item goes to the City Council. (Councilmembers Peters, Zucchet, Atkins, Lewis, and Frye voted yea.)

OTHER RECOMMENDATIONS:

The University City Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The South University City Public Facilities Summary details the public facilities that will be needed through the ultimate buildout of the South University area and sets Development Impact Fees to be charged to new development at Building Permit issuance. As described in Attachment A, "South University City Public Facilities Summary," infrastructure improvements are needed in the transportation, park and library categories. This plan updates the original facilities needs list which was adopted in 1987. The total impact fee for residential development will increase from \$290 to \$1,778 per dwelling unit and the total non-residential impact fee will increase from \$41 to \$91 per average daily trip.

The proposed fees reflect the current costs of the facilities identified in the University Community Plan and are necessary to maintain existing levels of service in the Community. The increase is a result of updated cost estimates and additional needed facilities in transportation, parks and library. The estimated cost for transportation facilities has increased from \$3,100,000 to \$6,885,658, resulting in a fee increase from \$41 to \$91 per trip. In order to maintain existing levels of service for park and library facilities, new fees in these areas are necessary. The estimated total cost for park facilities is \$1,234,100, resulting in a park fee of \$195 per unit. A library fee of \$946 per unit has been added based on an estimated cost of \$5,972,000 for library improvements. Fire services in the South University area are adequate; therefore no fees for fire facilities are necessary.

FISCAL IMPACT:

The proposed fee reflects the cost to new development for their fair share towards maintaining existing levels of service in the community.

Ewell/Goldberg/JC

NOTE: This summary is a financing measure only and is exempt from CEQA pursuant to Section 15060(c)(3) of the State CEQA Guidelines.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:51 a.m.)

MOTION BY PETERS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Black Mountain Ranch – TM-95-0173.

Matter of approving three (3) agreements to allow for the provision of temporary water service and permanent sewer service to a 165 unit housing development consisting of 119 affordable housing units and 46 market rate units being developed by Santaluz LLC. The proposed project is located on a 12 acre site within the City of San Diego in the North City Future Urbanizing Area, adjacent to the Olivenhain Municipal Water District (OMWD). At the present time, the City has no water or sewer facilities in the vicinity to practically serve this property. However, the OMWD has water and sewer facilities in close proximity to the project and is agreeable to provide temporary water service and permanent sewer service.

The three agreements under consideration are as follows:

- 1). Temporary Water Service Agreement for the Santaluz Northern Development Site between the City of San Diego and OMWD. Authorizes OMWD to provide temporary water service to the City to serve this housing development for at least 10 years. The residents will be water customers of the City. If deemed necessary by the City, this agreement also authorizes the City to execute an Emergency Water Service Agreement with OMWD.
- 2). Temporary Water Service Agreement for the Santaluz Northern Development Site between the City of San Diego and Santaluz, LCG Outlines the developer's duties

and obligations to the City to provide for payment to the City and OMWD, as well as the construction of temporary and permanent facilities.

3). Sewer Service Agreement for the Santaluz Northern Development Site between the City of San Diego and OMWD Authorizes OMWD to provide permanent sewer service to this housing development. The residents will be sewer customers of OMWD.

(See Tentative Map 95-0173/Sewer Service Agreement for the Santaluz Northern Development Site between the City of San Diego and Olivenhain Municipal District/Temporary Water Service Agreement for the Santaluz Northern Development Site between the City of San Diego and Olivenhain Municipal Water District/Temporary Water Service Agreement for the Santaluz Northern Development Site between the City of San Diego and Santaluz, LLC. Black Mountain Ranch Community Plan Area. District-1)

TODAY'S ACTIONS ARE:

Introduce the Ordinance in Subitem A; and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2004-43) INTRODUCED, TO BE ADOPTED ON MONDAY, NOVEMBER 3, 2003

Introduction of an Ordinance pursuant to San Diego Charter Sections 99 and 103.1, authorizing Water and Sewer Service to the Santaluz Northern Development Site.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-2004-) INCORPORATED WITHIN ORDINANCE

Adoption of a Resolution authorizing the City Manager to execute a Temporary Water Service Agreement with the Olivenhain Municipal Water District.

Subitem-C: (R-2004-) INCORPORATED WITHIN ORDINANCE

Adoption of a Resolution authorizing the City Manager to execute a Temporary Water Service Agreement with Santaluz LLC.

Subitem-D: (R-2004-) INCORPORATED WITHIN ORDINANCE

Adoption of a Resolution authorizing the City Manager to execute a Sewer Service Agreement with Olivenhain Municipal Water District.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/24/2003, NR&C voted 3 to 0 to approve. (Councilmembers Frye, Madaffer and Inzunza voted yea. Councilmembers Zucchet and Lewis not present.)

SUPPORTING INFORMATION:

Background:

Santaluz LLC will be developing a 165 unit housing development consisting of 119 affordable housing units and 46 market rate units in the northern corner of the City in the Black Mountain Ranch Development. The proposed project is located on a 12 acre site within the service boundaries of the City of San Diego and adjacent to the Olivenhain Municipal Water District (OMWD).

At the present time, the City has no water or sewer service facilities in the vicinity to practically serve this property. Extension of the City's water system to serve this area is expected to occur in approximately 5 years. Extension of the City's sewer system to serve this area is not feasible at this time. The cost of extending the sewer lines to allow for conveyance of the project's wastewater southward into the City's existing sewer system is estimated at \$20 million, versus approximately \$200,000 to extend the sewer to OMWD's service area.

OMWD, with water and sewer facilities in close proximity to the project, has agreed to provide temporary water service and permanent sewer service to this project. State bond funding critical to the affordable housing project would be jeopardized if the availability of water and sewer service cannot be demonstrated at this time.

The following agreements are proposed to allow for the project to move forward:

- 1) Temporary Water Service Agreement for the Santaluz Northern Development Site between the City of San Diego and OMWD - Authorizes OMWD to provide temporary water service to the City to serve this housing development for at least 10 years. The residents will be water customers of the City. If deemed necessary by the City, this agreement also authorizes the City to execute an Emergency Water Service Agreement with OMWD.
- 2) Temporary Water Service Agreement for the Santaluz Northern Development Site between the City of San Diego and Santaluz, LLC – Outlines the developer's duties and obligations to the City to provide for payment to the City and OMWD, as well as the construction of temporary and permanent facilities.

3) Sewer Service Agreement for the Santaluz Northern Development Site between the City of San Diego and OMWD - Authorizes OMWD to provide permanent sewer service to the housing development. The residents will be sewer customers of OMWD.

LAFCO determined the water service agreement to be exempt from their oversight, and per their jurisdiction over sewer services provided by OMWD, approved the sewer service agreement.

FISCAL IMPACT:

No fiscal impact is anticipated during the term of the agreements. Santaluz LLC agrees to provide the City with a bond in the amount of \$514,300 which constitutes security for payment of water capacity charges, the estimated cost difference between the City's cost of water purchased from OMWD and revenue collected from residents, as well as to remove the temporary facilities and install permanent facilities at the time the City water service is extended to this area. If execution of the Emergency Water Service Agreement is deemed necessary after completion of the temporary agreement, system water purchases from OMWD will be at prevailing water rates.

Mendes/Gardner/EB

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:51 a.m.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE. Second by Zucchet.
Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea,
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Findings of Benefit for Affordable Housing Notice of Funding Availability
(NOFA) Consultant Services.

(See City Manager Report RA-03-32/CMR-03-199.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-405) ADOPTED AS RESOLUTION R-298524

Making certain findings with respect to funding consultants and other administrative expenses incurred during the Notice of Funding Availability evaluation and selection process.

NOTE: See the Redevelopment Agency Agenda of 10/21/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:53 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-336: One Year Extension of the Project Area Committee.

(See Centre City Development Corporation Report CCDC-03-21. Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-376) ADOPTED AS RESOLUTION R-298525

Authorizing the extension of the Centre City Project Area Committee for one year.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-337: Cortez Hill Residential Permit Parking Area.

(See Centre City Development Corporation Report CCDC-03-18. Centre City Community Area. District-3.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-342) ADOPTED AS RESOLUTION R-298526

Accepting the Cortez Hill Parking Study and establishing a residential permit parking area in the Cortez Redevelopment District – Centre City Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:52 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-338: Mission Valley YMCA.

Matter of the appeal by Randy Berkman of the River Valley Preservation Project, James G. Peugh of the San Diego Audubon Society, and Eric Bowlby of the Sierra Club-San Diego Chapter, of the decision by the Planning Commission approving an application for a Conditional Use Permit Amendment, Site Development Permit, and a Multi-Habitat Planning Area Boundary Adjustment to modify an existing YMCA facility located at 5505 Friars Road. The project includes the following components:

- Demolition of approximately ~~2,800~~ 2,801 square feet of building area.
- Renovation of ~~7,910~~ 7,913 square feet of building area.
- Construction of a 50-meter pool.
- Removal of tennis courts and an in-line hockey rink.
- Construction of ~~24,372~~ 21,571 square feet of building area for proposed recreational related uses.
- Construction of a new parking lot adjacent to Friars Road.
- Deviation for parking, light standards and fencing in the front setback.

(See City Manager Report CMR-03-200. MND No. 5501/MMRP/CUP No. 8920 amending CUP No. 91-0215/SDP No. 22593/Multi-Habitat Boundary Line Adjustment No. 22594/PTS No. 5501. Mission Valley Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to deny the appeal and uphold the decision of the Planning Commission, to grant the permit and Multi-habitat Boundary Line Adjustment:

Subitem-A: (R-2004-954 Cor. Copy) ADOPTED AS RESOLUTION R-298515

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 5501 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said MND reflects the independent judgment of the City of San Diego as Lead Agency; Stating for the record that the final MND has been reviewed and considered prior to approving the project; and adopting the Mitigation, Monitoring, and Reporting program.

Subitem-B: (R-2004-955) DENIED APPEAL; GRANTED PERMITS WITH DIRECTIONS; UPHOLDING THE DECISION OF THE PLANNING COMMISSION; ADOPTED AS RESOLUTION R-298516

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission, granting or denying Conditional Use Permit No. 8920 (amending Conditional Use Permit No. 91-0215)/Site Development Permit No. 22593, and Multi-habitat Boundary Line Adjustment, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on July 31, 2003, voted 5-0-0 to approve; was opposition.

Ayes: Brown, Ontai, Lettieri, Chase, Garcia
Recusing: Steele
Not present: Schultz

The Mission Valley Unified Planning Organization on January 8, 2003, voted 15-0-1 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

Background

The project is an appeal of the Planning Commission's decision to approve a Conditional Use Permit (CUP)/Site Development Permit (SDP) and a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment to allow modifications to the existing YMCA facility located at 5505 Friars Road. The proposed improvements include building additions, interior renovations and a new parking lot. Specific project elements are listed below:

1. Construction of 24,372 square feet of new building.
2. Renovation of 7,913 square feet of existing buildings.
3. ~~Demolition of 2,801 square feet of an existing building.~~
4. A new 50-meter outdoor swimming pool.
5. Removal of three tennis courts and one in-line hockey rink located within the interior of the site.
6. Relocation of the existing soccer field (currently located adjacent to Friars Road) to the current location of the tennis courts and in-line hockey rink.
7. Removal of the dirt parking lot within the floodway to be replaced with turf areas for outdoor day care activities and vegetative buffer adjacent to the San Diego River.
8. Construction of a new parking lot in the current location of the existing soccer field adjacent to Friars Road.
9. Deviation to allow fencing, light standards and a row of parking spaces within the front setback along Friars Road.

The 8.3-acre site is designated for Public Recreation and Open Space land uses within the Mission Valley Community Plan, and zoned RS-1-1, a residential single-family zone, and OF-1-1, an open space floodplain zone. The property is not located within the Mission Valley Planned District. The zone boundary lines and land use designation boundary lines are the same and traverse the site. The floodway boundary line is located within the lower approximate one third of the site. ~~The southerly portion of the site is also located with the floodway. The boundary for the floodway also matches the zone and land use boundary lines.~~ Surrounding land uses include the San Diego River to the south and west, a substation of the San Diego Police Station across Friars to the north and a five-story, multi-family complex to the east.

TRAFFIC IMPACT:

A traffic impact analysis for the proposed Mission Valley YMCA Expansion, dated March 2003 was prepared by Katz, Okitsu & Associates. The trip generation associated with the proposed

project expansion is approximately 917 daily driveway trips, with 65 AM peak-hour trips and 98 PM peak hour trips. Based on the traffic study, the proposed project is not expected to cause any significant traffic impacts to the surrounding roadway network.

FISCAL IMPACT:

The cost of processing this project is paid for by the applicant by deposit account.

Ewell/Christiansen/SMT

LEGAL DESCRIPTION:

The project site is located at 5505 Friars Road within the Mission Valley Community Planning Area.

FILE LOCATION: LUP-YMCA Mission Valley Appeal, 10/21/03 (65)

COUNCIL ACTION: (Time duration: 11:26 a.m. – 12:01 p.m.; 2:12 p.m. – 3:36 p.m.)

Testimony in opposition by Randy Berkman, Jim Peugh Ellen Shievley, Heather Lade, Ann Dotter, Diego Armijo, Mike Powell, and Ken Parris.

Testimony in favor by Lynne Heidel, Dick Webster, John Fetherlin, Bettie Allan, Leah Ackerson, Jerry Livingston, Kevin Manley, Linville Martin, Randy Nash, Julia Ruiz-Lopez, Allen Vosard, and Jim Whalen.

MOTION BY FRYE TO ADOPT THE RESOLUTIONS TO APPROVE THE EIR, TO DENY THE APPEAL, AND TO GRANT THE PERMITS WITH DIRECTION TO STAFF TO CRAFT LANGUAGE FOR THE PERMIT THAT IS CONSISTENT WITH HER CONCERN TO HAVE PUBLIC ACCESS WITH AN AVERAGE OF TEN FEET, AND WITH A BUFFER CONSISTENT WITH IMPLEMENTING THE RIVER PLAN, AND CONSISTENT WITH MAINTAINING THE YMCA'S OPERATIONS. THAT THERE BE AN INDEMNIFICATION PROVISION TO RELEASE THE CITY FROM ANY LIABILITY FROM FLOODING CAUSED BY THE PROJECT. REGARDING THE ROLLER HOCKEY RINK, NO GRADING PERMIT SHALL BE ISSUED UNTIL SUCH TIME AS THE NEW ROLLER HOCKEY RINK IS UNDER CONSTRUCTION. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

