

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 2, 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 10:08 a.m. Mayor Murphy recessed the meeting at 10:30 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 10:31 a.m. with Council Member Lewis not present. Mayor Murphy recessed the regular meeting at 10:55 a.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting at 11:02 a.m. with Council Member Lewis not present. Mayor Murphy recessed the regular meeting at 11:03 a.m. to convene the Special Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 11:04 a.m. with Council Member Lewis not present. Mayor Murphy recessed the regular meeting at 11:23 a.m. to reconvene the Special Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 11:24 a.m. with Council Member Lewis not present. Mayor Murphy recessed the regular meeting at 11:55 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:03 p.m. with Council Member Lewis and Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 2:53 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss anticipated and existing litigation matters.

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-(Excused by R-298725 adopted 12/08/03
due to medical reasons)
- (5) Council Member Maienschein-present

- (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane/Maland (mc/gS)

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-not 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 Colonel Fred Nathan urging Council to adopt a resolution in support of the Geneva Accord.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Comment by Carolyn Chase requesting that Council tighten up the rules for Supplemental Dockets, provide a strict deadline for materials to be made available to the public, require that key materials be made available to the public at the same time as the notice and include links to the materials. She stated that the material for items posted late on Friday evenings are not consistently being made available to the public at that time.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:15 a.m.)

PUBLIC COMMENT-3:

Comment by Ron Boshun regarding Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:18 a.m.)

PUBLIC COMMENT-4:

Comment by Sidney Goodman regarding health and safety issues at Mission Bay and all San Diego beaches every year during the Fourth of July Holiday. He requested that this issue be brought before the PS&NS Committee for review.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:21 a.m.)

PUBLIC COMMENT-5:

Comment by Yeong-Ching Foo asking for the urgent rescue of her fiancé, Dr. Charles Smith, a U.S. citizen, who is currently being physically and mentally tortured in China for his belief in Falun Gaung. She requested that Council adopt a resolution to stop the torture of Falun Gaung practitioners in Yanti, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

PUBLIC COMMENT-6:

Comment by Noel Neudeck regarding a two-page public record request that he faxed to the City Clerk on October 29, 2003, regarding areas within the City of San Diego that were purposely “controlled burned” between October 20, 2002 and October 20, 2003, and the response from City Attorney Casey Gwinn that he received.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

COUNCIL COMMENT:

NONE.

CITY MANAGER COMMENT:

NONE.

CITY ATTORNEY COMMENT:

NONE.

ITEM-330: Two actions related to Serra Mesa Public Facilities Financing Plan, FY 2004.

(See City Manager Report CMR-03-195 and Serra Mesa Public Facilities Financing Plan FY 2004. Serra Mesa Community Area. District-6.)

(Continued from the meeting of 11/18/2003, Item 332, at the request of Councilmember Madaffer, for further review.)

Note: Testimony taken on 11/18/2003.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-136) ADOPTED AS RESOLUTION R-298672

Approving the document titled "Serra Mesa Public Facilities Financing Plan, Fiscal Year 2004," dated July 2003.

Subitem-B: (R-2004-137) ADOPTED AS RESOLUTION R-298673

Rescinding the existing Development Impact Fees for the Serra Mesa community and establishing new Development Impact Fees for all property within the Serra Mesa community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/1/2003, LU&H voted 5 to 0 to approve the Fiscal Year 2004 Public Facilities Financing Plan and Facilities Benefit Assessment. (Councilmembers Zucchet, Atkins, Lewis, Frye, and Peters voted yea.)

FILE LOCATION: Subitems A & B: MEET

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:55 a.m.)

Testimony in favor by Blair Sadler, Mike Murphy and Dan Gross.

MOTION BY FRYE TO ADOPT THE RESOLUTIONS APPROVING THE SERRA MESA PUBLIC FACILITIES FINANCING PLAN; RESCIND THE EXISTING DEVELOPMENT IMPACT FEES AND ESTABLISH NEW DEVELOPMENT IMPACT FEES FOR SERRA MESA. DIRECT THE CITY MANAGER TO USE THE PER BED RATE FOR INPATIENT USES AND SQUARE FOOTAGE RATE FOR OUTPATIENT USES WHEN CALCULATING THE DEVELOPMENT IMPACT FEES FOR THE SHARP MEMORIAL HOSPITAL EXPANSION PROJECT AND THE CHILDREN'S HOSPITAL PROJECT THAT HAVE BEEN SUBMITTED TO THE CITY. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Issuance of Multifamily Revenue Bonds for Beyer Courtyard Apartments.

(See Housing Authority Report dated 11/12/2003. San Ysidro Community Area. District-8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-570) ADOPTED AS RESOLUTION R-298674

Approving the issuance of Bonds by the Housing Authority of the City of San Diego for the Beyer Courtyard Apartments in an amount not to exceed \$6,000,000 (Six million dollars), pursuant to Section 147(F) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority agenda of December 2, 2003 for a companion item.

FILE LOCATION: MEET

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

MOTION BY INZUNZA TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Beyer Boulevard Affordable Housing.

Matter of approving, conditionally approving, modifying or denying an application for a Planned Development Permit, Site Development Permit, Rezone and Community Plan Amendment to construct 60 affordable apartment units on a vacant 2.53 acre site on the north side of Beyer Boulevard, east of Precision Park Lane within the San Ysidro Implementing Ordinance in the San Ysidro Community Plan.

(RZ No. 10375/MND-FONSI No. 6272/MMRP/CPA No. 10376/PDP No. 10373/SDP No. 10374/PTS No. 6272. San Ysidro Community Plan Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (O-2004-65) INTRODUCED, TO BE ADOPTED TUESDAY,
JANUARY 13, 2004

Introduction of an Ordinance of the Council of the City of San Diego changing 2.53 acres located on the north side of Beyer Boulevard east of Precision Park Lane, within the San Ysidro Community Plan Area, from the I-1 Industrial Zone into the RM-2-5 Medium Density Residential Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-17549 (New Series), adopted October 1, 1990, of ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2004-603) ADOPTED AS RESOLUTION R-298675

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 6272, 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 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-C: (R-2004-604) ADOPTED AS RESOLUTION R-298676

Adoption of a Resolution amending the San Ysidro Community Plan and;

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

Subitem-D: (R-2004-) GRANTED PERMIT, ADOPTED AS
RESOLUTION R-298677

Adoption of a Resolution granting or denying Planned Development Permit No. 10373/Site Development Permit No. 10374, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 20, 2003, voted 5 - 0 to approve; no opposition.

Ayes: Brown, Chase, Lettieri, Ontai, Steele

Not present: Schultz, Garcia

The San Ysidro Planning and Development Group voted 9 – 1 to recommend approval of the project.

SUPPORTING INFORMATION:

Beyer Boulevard Affordable Housing proposes a Site Development Permit, Planned Development Permit, a Rezone from I-1 to RM-2-5 and a Community Plan Amendment to allow the construction of a 60-unit affordable housing apartment development on 2.53 acres at a site located north of Beyer Boulevard and east of Precision Park Lane in the San Ysidro Community.

Planning Commission Recommendation: The Planning Commission will hear this item on Nov. 20th.

Community Planning Group Recommendation: On September 19th, 2003, the San Ysidro Community Planning and Development Group voted 9-1-1 to recommend approval of the project, with one minor correction to the draft plan amendment.

Water Quality Statement: The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS0000002). The post development Best Management Practices BMPs) incorporated into the project consists of site design, source control and structures to treat the storm water. The project's runoff will be collected and conveyed by a private drainage system before being discharged into the public drainage system. The property owner will be responsible for the long term maintenance of all on site facilities.

Housing Impact Statement: The San Ysidro Community Plan currently designates the subject property Industrial, with no provision for residential development. The proposed community plan amendment would redesignate approximately 2.53 acres from Industrial to Medium Density Residential (15-29 dwelling units/net residential acre). This designation would allow 38-73 multiple family dwelling units on the site where none are currently allowed, and 60 affordable dwelling units are proposed. All of the proposed units would be affordable to households earning below 60 percent of the area medium income (AMI). The proposal could help to address the City 's overall housing shortage and the shortage of available housing.

Traffic Impact Statement: This project is estimated to generate approximately 360 average daily trips (ADT), 288 of which are estimated to occur on the nearby SR-905, which has an estimated near term plus project volume of 47,644 ADT between Beyer Boulevard and Picador Boulevard with level of service "A" and 45,144 ADT between Beyer Boulevard and I-5 with level of service "A". There are no improvements currently programmed by CalTrans on Interstate SR-905 in the near vicinity of the project. According to the applicant, occupancy of the units is anticipated by July 30, 2005.

Environmental Document: City Staff recommends certification of the Mitigated Negative Declaration No. 6272 and adoption of Mitigation, Monitoring and Reporting Program; adoption of Rezone No 10375; adoption of Community Plan Amendment No. 10376; approval of Planned Development Permit No.10373 and Site Development Permit No. 10374.

FISCAL IMPACT: No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Herring/Christiansen/MD

LEGAL DESCRIPTION:

The proposed project site is located on the north side of Beyer Boulevard, east of Precision Park Lane, and within the San Ysidro Implementing Ordinance in the San Ysidro Community Plan area.

FILE LOCATION: SUBITEMS A – D: LUP – Beyer Blvd. Affordable Housing (65)

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:29 a.m.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE IN SUBITEM A, ADOPT THE RESOLUTIONS IN SUBITEMS B AND C, AND ADOPT THE RESOLUTION IN SUBITEM D, GRANTING THE PERMIT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Approving Petco Park Comprehensive Sign Plan.

(See Centre City Development Corporation Report CCDC-03-24. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-613) ADOPTED AS RESOLUTION R-298680

Declaring that the proposed Petco Park Comprehensive Sign Plan establishes guidelines for signs on the exterior of the Ballpark and entry gates consistent with the City of San Diego Land Development Code;

Approving the San Diego Padres Petco Park Comprehensive Sign Plan.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:55 a.m.; 2:04 p.m. – 2:48 p.m.)

Testimony in opposition by Carolyn Chase and Gary Smith.

Testimony in favor by Judy Walsh Jackson, Barbara Gordon, Patty Drieslein and Leslie Devaney.

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION WITH THE FOLLOWING AMENDMENTS TO THE PETCO PARK COMPREHENSIVE SIGN PLAN: 1) PROHIBIT ANY ANIMATION OR ANY CHANGEABLE COPY UTILIZED ON THE PANELS; 2) ALLOW THE CITY OF SAN DIEGO LOGO IN ADDITION TO THE PADRES AND PETCO PARK LOGOS; AND 3) PROHIBIT THE ADVERTISEMENTS OF TOBACCO AND FIREARMS. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Two actions related to Ballpark Project – Master Plan for East Village Square.

(See Centre City Development Corporation Report CCDC-03-23/CCDC-03-35. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-614) ADOPTED AS RESOLUTION R-298678

Approving the East Village Square Master Plan.

Subitem-B: (R-2004-619) ADOPTED AS RESOLUTION R-298679

Certifying the Final Addendum to the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and Addressing the Centre City Community Plan and Related Documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments.

Note: See the Redevelopment Agency agenda of December 2, 2003 for a companion item.

FILE LOCATION: Subitems A-B: MEET (64)

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:23 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-nay, Lewis-not present, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S502: Three actions related to Parcel Map Work Order No. 400628 – Ballpark Project.

(East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-590) CONTINUED TO MONDAY, DECEMBER 8, 2003

Declaring that the City Council finds that certain map surveyed by D.K. Nasland Land Surveyor, titled "Parcel Map" (Map), being a lot consolidation and lot line adjustment of Lot 6, Parcel Map 18855 and Lots A through L in Blocks 128, Lots A, B, C, D, I, J, K, and L in Block 133 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made

by L.L. Lockling, together with those portions of 11th Avenue, 12th Avenue, and J Street, as dedicated to public use, is made in the manner and form prescribed by law and conforms to the surrounding surveys; and that the said Map and the subdivision of land shown thereon is hereby approved and accepted as shown on said Map and subject to the conditions as set forth thereon;

Declaring that the City Council finds that portions of 11th Avenue and K Street dedicated to public use per Horton's Addition, Deed Book 13, Page 522, recorded June 21, 1871, are not shown within this Map because they have been vacated pursuant to Section 66445(j) of the State Subdivision Map Act;

Authorizing and directing the City Clerk to endorse upon the Map, as and for the act of the Council, that the Council has approved the Map and that the streets are vacated as stated in this resolution;

Directing the City Clerk to transmit said Map to the County Recorder of the County of San Diego, California.

Subitem-B: (R-2004-636) CONTINUED TO MONDAY, DECEMBER 8, 2003

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate, and to take all other actions necessary to purchase and/or accept, for and on behalf of the City of San Diego, the conveyance of certain real property acquired by the Agency either at no fee (for use as street rights of way or for the new Main Library site) or at a purchase price equal to the Agency's costs (for subsequent transfer by the City to JMIR – Downtown Acquisition, LLC at a purchase price equal to the City's purchase price) pursuant to the terms and conditions of the MOU and the Ballpark Cooperation Agreement; or otherwise in furtherance of the Ballpark and Redevelopment Project;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate, and to take all actions necessary to convey certain real property to JMIR – Downtown Acquisition, LLC, for a purchase price of \$42,408, and that \$42,408 is hereby appropriated and expenditure of that amount is authorized for the purpose of acquiring the property from the Agency contingent upon the deposit of sale proceeds by JMIR – Downtown Acquisition, LLC.

Authorizing the City Manager, or designee to undertake all actions necessary and appropriate to implement the intent and purposes of this resolution.

Subitem-C: (R-2004-637) CONTINUED TO MONDAY, DECEMBER 8, 2003

Certifying that the Council has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the subsequent Environmental Impact Report to the MEIR for the Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, and the Secondary Study with respect to the development of the Museum of Contemporary Art/San Diego, Santa Fe Depot; making certain findings and determinations regarding Environmental Impacts of the development pursuant thereto; adopting the Mitigation Monitoring and Reporting Program.

Aud. Cert. 2400560.

NOTE: See the Redevelopment Agency Agenda of December 2, 2003 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:04 a.m.; 2:03 p.m. – 2:04 p.m.)

Mayor Murphy opened and closed the hearing at 2:04 p.m.

MOTION BY FRYE TO CONTINUE TO NEXT MONDAY, AT THE REQUEST OF THE CITY ATTORNEY FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

