THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 9, 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 10:07 a.m.

Mayor Murphy acknowledged and welcomed to the meeting, the Honorable Consul General of Japan, Yoshio Nomoto and San Diego's Consul General, Dr. Randall Phillips. Mr. Nomoto is the newly appointed Consul General of Japan for the Southern California region.

Mayor Murphy presented Deputy Mayor Toni Atkins and Council Member Jim Madaffer with their ten-year service pin with the City of San Diego. He thanked them both for their hard work and dedication.

The meeting was recessed by Mayor Murphy at 11:14 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened at 11:34 a.m., with all Council Members present, to meet simultaneously with the Redevelopment Agency. Mayor Murphy recessed the meeting at 12:03 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. simultaneously with the Redevelopment Agency with Council Member Madaffer not present. Mayor Murphy recessed the meeting at 2:27 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 2:35 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:49 p.m. into Closed Session immediately there after to discuss pending and potential litigation and Meet and Confer 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-present

(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/er)

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:

Comment by Al Strohlein regarding the section of the Municipal Code relevant to Document Retention and the need for preserving public documents.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Comment by Reverend Ned Wight and friends, from the Interfaith Committee for Workers Justice, urging Council to pass a Living Wage Ordinance in 2004. They sang "The Twelve Days of Working Poverty" to the Mayor and Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:29 a.m.)

PUBLIC COMMENT-3:

Comment by Jim Bell urging Council to make our community energy, water, and food self-sufficient as soon as possible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:32 a.m.)

PUBLIC COMMENT-4:

Comment by Noel Neudeck regarding the item passed yesterday by the City Council to spend up to $1.9 million to extend the lease on the firefighting helicopter to June 24, 2004. He recommended that Council consider purchasing the Air Tractor AT-802F.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:36 a.m.)

PUBLIC COMMENT-5:

Comment by Jarvis Ross thanking Council for their individual endeavors for serving the general public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:38 a.m.)

PUBLIC COMMENT-6: **REFERRED TO CITY MANAGER**

Comment by Enrique Morones, Roberto Martinez and Gus Chavez regarding their opposition to the placement of the Pete Wilson Statue in Downtown San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:43 a.m.)

PUBLIC COMMENT-7:

Comment by Jill Galante regarding the ordinance passed last September restricting outdoor alcohol advertising in youth saturated areas. She also stated that 20 new billboards will be added next year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:45 a.m.)

PUBLIC COMMENT-8:

Comment by Kaneko Bishop regarding the Sister City of Yokohama placing donation boxes throughout their City, as well as publishing notices in newspapers and distributing flyers, informing the citizens of Yokohama of our recent fires and requesting donations to help the victims of this tragedy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:48 a.m.)

PUBLIC COMMENT-9:

Comment by Karen Huff extending an invitation to the Mayor and Council to attend the Holiday Jazz and Blues Festival on Saturday, December 20th from 11 a.m. to 11:00 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:49 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Mayor Murphy announcing that during this past week there were two significant projects that went forward with regard to Goal Number Four, which is to clean up polluted beaches and bays. Last Friday, Council Member Peters and he christened the first of 18 low flow diversion projects that diverts the polluted urban runoff from the beaches into the sewer system. He also announced that yesterday he along with Council Members Peters, Frye and Zucchet, all members of the Clean Water Task Force, witnessed the World Premier of the "2004 Think Blue" public service announcements. These announcements are educational pieces to encourage and educate the public on how they can stop water pollution by stopping pollutants from getting into our storm drain system.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:01 a.m.)

COUNCIL COMMENT-2:

Comment by Council Member Frye stating that the San Diego Union Tribune is in the process of assessing their current weather page and considering changes that they may or may not make. Ms. Frye encouraged the Mayor and Council, as well as the public, to call the San Diego Union Tribune to ask that they continue to list on the weather page the polluted waters report and the telephone number of the San Diego County Water Department of Environmental Health for the 24-hour recorded message to find out the state of the beaches.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:05 a.m.)

CITY MANAGER COMMENT:

City Manager Uberuaga asked the Intergovernmental Relations Director, Andrew Poat, to give a report on the status of the Vehicle License Fee (VLF) revenues and the significant developments since the last report. Mr. Poat reported: 1) That the VLF fee reduction from 2 percent to .66 percent (2/3 of one percent) was implemented in one week, rather than the three months previously projected to be required; 2) That the

December 5 "deadline" for legislative action on related budget issues has passed; and 3) That the negotiations between the Governor and Legislature have resumed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:57 a.m.)

CITY ATTORNEY COMMENT:

City Attorney Casey Gwinn announced that today in Closed Session the City Council voted 7-0 to authorize an appeal in the case of the City of San Diego versus D.R. Horton, Superior Court Case No. GIC777603.

Mr. Gwinn also wanted to remind everyone, as we go into the Holiday Season, of the Family Justice Resource Center in Downtown San Diego at 707 Broadway, for families that have issues with drugs, alcohol and domestic violence.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:59 a.m.)

ITEM-330: Amendment to the Public Use Lease for Parcel A – Las Americas.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2004-77) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 13, 2004

Introduction of an Ordinance approving the Amendment to the Public Use Lease "Parcel A" with International Gateway Associates.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:06 a.m.)

MOTION BY INZUNZA TO INTRODUCE. 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-331: FY2004 Winter Shelter Program Expansion.

(See City Manager Report CMR-03-236. Uptown Community Area. District-2.)

(Continued from the meeting of November 25, 2003, Item S501, at the request of Councilmember Zucchet, to allow time for further discussions.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-593 Cor. Copy) RETURNED TO THE CITY MANAGER

Accepting the City Manager's findings as outlined in City Manager Report CMR-03-236, that there does not appear to be adequate shelter beds for the estimated number of homeless persons that reside within the City of San Diego, and therefore declaring, in accordance with Government Code Section 8698 through 8698.2 that a shelter emergency exists within the City of San Diego, and that the shelter emergency shall cover a one year period beginning November 30, 2003;

Declaring that the FY2004 Winter Shelter Program be expanded to include a fourth site that will shelter adult males with drug and/or alcohol dependency problems in accordance with the declaration of a shelter emergency;

Approving the location of the fourth site at 120 Elm Street in the Uptown Community;

Authorizing the City Manager to negotiate and execute agreements with the San Diego Rescue Mission for shelter operations associated with implementing the FY2004 Winter Shelter Program and Homeless Services;

Authorizing the City Manager to lease two floors at 120 Elm Street property from the San Diego Rescue Mission, for the purpose of operating a homeless shelter.

Declaring that the City Council respectfully acknowledges the writ issued by the San Diego Superior Court on August 22, 2003, and the ruling issued by the Fourth District Court of Appeals on October 31, 2003, in the case of Washington

Elementary Parent Action Group, et. al. v. City of San Diego, GIC 802177/4th Civil No. D042982. Due to the overriding shelter emergency that exists, and pursuant to the provisions set forth in Government Code Sections 8698-8698.2, this Council finds that it is necessary and appropriate to take the actions set forth in this resolution. The Council believes that the actions set forth in this resolution, approved under the authority set forth above, do not violate the rulings issued by the Courts. However, the City Attorney is directed to take any appropriate or necessary actions pertaining to these court rulings as they relate to this resolution if that should be necessary.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:27 p.m.)

ITEM-332: Coast Boulevard Walkway Improvements – Transfer of Funds.

(La Jolla Community Area. District-1.)

(Continued from the meetings of November 3, 2003, Item 106 and November 24, 2003, Item 202; last continued at the request of the City Manager, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-422 Cor. Copy) ADOPTED AS RESOLUTION R-298735

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed $110,000 from CIP-52-348.0, Coastal Infrastructure Improvement Annual Allocation, Fund No. 102232, TOT Coastal Infrastructure, to CIP-29-486.0, Coast Boulevard Walkway Improvements;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed $110,000 from CIP-29-486.0, Coast Boulevard Walkway Improvements, for the change orders required to complete this project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for improvements to Coast Boulevard, between the lifeguard station and People's Wall. The improvements include realigning the street, provide angle parking on the east side of the street, and the construction of a concrete walkway with architectural features such as pebble faced walls, exposed aggregate, colored and contoured concrete, and landscape.

This request is to cover the cost associated with change orders required to complete construction and related costs.

A pedestrian ramp and a number of irrigation components had to be added to this project since a project just north of this project, which was originally going to provide these irrigation components, was delayed. During the street demolition, the contractor encountered concrete as thick as 12 inches which required demolition and disposal beyond the original estimate. This also required additional fill. Unexpected conflicts with a drain structure required extensive drainage work and structure reconfiguration. These were some of the changes, in addition to other incidental changes, that became necessary to complete the construction of the project.

FISCAL IMPACT:

The estimated cost to pay the change orders and related expenses is $110,000. Funds for this purpose are available in CIP-52-348.0, Coastal Infrastructure Improvement Annual Allocation, Fund No. 102232, TOT Coastal Infrastructure.

Loveland/Oppenheim/AP

Aud. Cert. 2400346.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:08 a.m.)

MOTION BY ZUCCHET TO ADOPT. 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: Walgreens 32nd Street.

Matter of approving, conditionally approving, modifying, or denying a Community Plan Amendment/Rezone and Site Development Permit to allow for the construction of a 13,650 Square-foot Walgreens Store with a 24-hour drive through pharmacy, a 1,506 square-foot coffee shop and a new parking structure located at University Avenue and 32nd Street.

(MND No. 5500/MMRP/CPA-PG&GP No. 9053/SDP No. 9052/RZ No. 9055/PTS No. 5500. Greater North Park Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; and introduce the ordinance in subitem C:

Subitem-A: (R-2004-632) ADOPTED AS RESOLUTION R-298736

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 5500 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 Walgreens 32nd Street 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-B: (R-2004-634) ADOPTED AS RESOLUTION R-298737

Adoption of a Resolution amending the Community Plan;

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

Subitem-C: (R-2004-711) GRANTED PERMIT; ADOPTED AS RESOLUTION R-298746

Adoption of a Resolution granting or denying Site Development Permit No. 9052, with appropriate findings to support Council action.

Subitem-D: (O-2004-76) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 13, 2004

Introduction of an Ordinance changing 0.16 acres located on the west side of 32nd Street between University Avenue and Lincoln Avenue, within the Greater North Park Community Plan Area, in the City of San Diego, California, from the Mid-City Planned District Ordinance MR800B Zone into the Mid-City Planned District Ordinance CN-1 Zone, as defined by San Diego Municipal Code Section 103.1505; and repealing Ordinance No. O-16973 (New Series), adopted November 2, 1987, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on October 30, 2003, voted 5 – 1 to approve staff recommendation with a statement that additional development on the site must include residential element; no opposition.

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

The Greater North Park Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The project proposes the phased development of two separate premises near the corner of 32nd Street and University Avenue in the Greater North Park Planning Area. The completed development would include a 13,650-square-foot Walgreens drugstore including a drive-thru

pharmacy, an additional 1,506 square feet of independent commercial retail space, 65 total surface parking spaces and a two-level, 103 space parking structure.

On March 7, 2002, the Planning Commission initiated a plan amendment to redesignate an approximately .16-acre vacant lot located along 32nd Street. The applicant has requested a plan amendment to redesignate the subject property from High to Very High Residential at 44-55 dwelling units per acre to Commercial that allows residential development at 55-75 dwelling units per acre. The community plan amendment would allow for the implementation of Phase 1 of the project with the development of a two-story, 103-space parking structure to serve the professional office building to the south. The parking structure is being proposed to replace parking across 32nd Street to the east that is currently reserved for the professional office building.

Phase 1 proposes the development of the parking structure on a vacant site located across 32nd Street adjacent to the existing professional office building. As indicated, the office building currently utilizes the proposed Walgreen site to achieve some of the required off-street parking associated with the office use. The completed parking structure would provide most of the required off-street parking for the bank building and allow the development of Phase 2. Phase 2 would include the development of the Walgreens and the additional commercial space, the associated off-street parking for the commercial retail use, and an additional project amenity in the form of public art.

The project area is surrounded with a mix of multi-family residential development and a variety of retail and commercial services located along the University Avenue corridor. Interstate 805 is located one block east of the project site.

The proposed development requires a number of discretionary actions including an amendment to the Greater North Park Community Plan, a Zoning Action to allow the development of a parking structure and a Site Development Permit to allow deviations to the Land Development Code. When viewed in total, the proposed project would be compatible with adjacent commercial and residential uses in the immediate area and beneficial to the Greater North Park community as a whole.

Planning Commission Recommendation -On October 30, 2003, the Planning Commission voted 5-1 recommending the City Council approve the project with the proviso that any additional development on the site include a residential element.

Community Planning Group Recommendation-On January 21, 2003, the Greater North Park Community Planning Committee voted 10-3-0 supporting a motion to approve the proposed project. The Planning Committee included comments regarding a revised color pallet for exterior finish materials, landscape enhancements and transparency requirements. These issues have been incorporated into the project's final design or included as conditions of the Site Development Permit.

Housing Impact Statement-The 2.12-acre project proposes to develop a single-story Walgreens drug store and a two-story parking structure. The 1.6-acre portion of the site where the Walgreens store is proposed is designated for Commercial by the Greater North Park Community Plan, which allows for residential development between 55 and 75 dwelling units to the acre. However, a density bonus of up to 110 dwelling units to the acre may be achieved. The site could therefore be developed with 63 to 127 residential dwelling units. The proposed parking garage site, which constitutes .16-acres is currently designated Residential at 45-55 dus/acre and could accommodate between seven and nine dwelling units. Therefore, the entire project site could accommodate between 70 and 136 potentially affordable residential dwelling units. No residential units are being proposed as part of this project.

FISCAL IMPACT:

None. The property owner shall bear all of the cost associated with the processing of this application.

Ewell/Christiansen/JPH

LEGAL DESCRIPTION:

The project parcels are zoned Commercial Node (CN-1) on Lots 17-30 and Lots 31-34, and Mid-City Residential (MR-800B) on Lots 35 and 36. The proposed CPA and rezone would redesignate the vacant dirt lot from residential to commercial (MR-800B to CN-1). The parcels are located at the northeast corner of University Avenue and 32nd Street (Walgreens), and north of the existing San Diego National Bank building and parking lot located at 3180 University Avenue in the North Park Redevelopment Project Area, the Greater North Park Community Planning Area, and the Mid-City Planned District Ordinance and is more particularly described as Lot 31 through 36 inclusive, Block 210 of University Heights; Lot 17 through 30 inclusive, Block 211 of University Heights in Council District 3.

FILE LOCATION:	Subitems A-B:	LAND-Progress Guide & General Plan/ Greater North Park-Walgreens 32nd Street (09)
	Subitem C:	NONE

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

Testimony in favor by Bertha Klann.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B; ADOPT THE RESOLUTION IN SUBITEM C GRANTING THE PERMIT; AND INTRODUCE THE ORDINANCE IN SUBITEM D. 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: Vacation of a Portion of Goshen Street and Friars Road.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1172) RETURNED TO CITY MANAGER

Vacating a portion of Goshen Street, reserving out a general utility and access easement, and a portion of Friars Road, reserving out a water easement, under the procedure for the summary vacation of public street easements, Section 8330 et seq. of the California and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Goshen Street and Friars Road located in the Mission Valley Community area within Council District 6. The area to be vacated is an unimproved strip of land lying south of Friars Road adjoining the Riverwalk Golf Club. There are no plans to construct a street at this location. The applicant wishes to landscape the vacated area and incorporate it into the golf course. A general utility and access easement will be reserved over a portion of the area to be vacated. On March 3, 2003 the Mission Valley Unified Planning Organization recommended approval of the street vacation by a vote of 17-1-0. The street area to be vacated was acquired at no cost to the City.

City staff recommends approval of the street vacation.

FINDINGS:

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

a. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The street is a dead end and it is unlikely that a street would be built or widened at this location.

b. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.

c. That the vacation is not inconsistent with the General Plan, and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a MVPD-MV-M/SP zone which is consistent with the community plan land use designation. The Mission Valley Unified Organization recommends approval of the street vacation.

d. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has no use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

FISCAL IMPACT:

None, all costs have been paid by the applicant.

Ewell/Broughton/AEA

FILE LOCATION: STRT-J-2959 (39)

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

ITEM-335: Rose Creek Bike Path and Pedestrian Bridge.

Matter of approving, conditionally approving, modifying or denying an application for a Site Development Permit to construct a 1,710-foot long and 14-foot wide pedestrian, bicycle and emergency vehicle path, including a 260-foot long clear span bridge over the Rose Creek Channel entering the north side of Mission Bay, connecting existing segments of this pathway at the east end of Pacific Beach Drive to the west end of North Mission Bay Drive to complete the pathway loop around and through Mission Bay Park.

(See City Manager Report CMR-03-248 / Mitigated Negative Declaration No. 4411/Mitigation Monitoring and Reporting Program (MMRP)/ Site Development Permit (SDP) No. 7023/ PTS 4411. Mission Bay Park Master Plan and adjacent Pacific Beach Community Plan. Districts 2 and 6.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2004-) RETURNED TO CITY MANAGER

Adoption of a resolution granting or denying Site Development Permit No. 7023, with appropriate findings to support Council action.

Subitem-B: (R-2004-592) RETURNED TO CITY MANAGER

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 4411, 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 the Rose Creek Bike Path and Pedestrian Bridge 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, a copy of which is attached hereto and incorporated herein by reference;

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.

OTHER RECOMMENDATION:

Planning Commission Recommendation:
At the direction of the City Council, this project was not scheduled for Planning Commission action and has been brought directly to the City Council for consideration.

Community Planning Group Recommendation:
The project is located within the boundaries of Mission Bay Park and the Master Plan for the area. The bridge and pathway are shown in the plan and also included within the Pacific Beach

Community Plan. On November 3, 2003, the Pacific Beach Community Planning Committee voted unanimously to approve the project.

CITY MANAGER SUPPORTING INFORMATION:

Background:

Mission Bay Park is a seven square-mile a 4,600 acre land and aquatic park with a wide variety of public recreation and commercially related activities. Walking, jogging, skateboarding, bicycling and roller-skating are popular and a number of fund raising races are scheduled within the park. A system of wide sidewalks and pathways encircle and crisscross the parkland linking beach, park and public and private facilities. After years of park development and planning, the key segment of the pedestrian/bicycle/emergency vehicle pathway, including the bridge over the Rose Creek Channel, remains to be developed. The project location is in the northeast portion of the park in the midst of leased areas, including the De Anza Harbor Resort (Trailer Park), San Diego Mission Bay Boat and Ski Club, Mission Bay Golf Club, Mission Bay Athletic Area and Mission Bay Campland.

Project Description:

The Rose Creek Bicycle Path and Bridge project consists of a 1,710-foot long and 14-foot wide pedestrian, bicycle and emergency vehicle path, including a 260-foot long and 16-foot wide clear span bridge over the Rose Creek Channel before it enters into Mission Bay. The path will extend from the easterly terminus of Pacific Beach Drive to the westerly terminus of North Mission Bay Drive, completing an important missing link to the path circumventing the park. The development of this segment of the path will improve access to and from the leaseholds, existing and to be redeveloped within the immediate area, and increase the public awareness of the environmental resources of the park that exist in this northern area. The design of the bridge will leave a minimal clearance of the water level at high tide and preclude the continued use of the Rose Creek Channel and access to the docking facility of the Mission Bay Boat and Ski Club. These existing club facilities will be removed by the leaseholder.

FISCAL IMPACT:

Processing of the Site Development Permit application portion of the project, comes from a deposit account and all expenses associated with the processing of the application are recovered.

Ewell/Christiansen/RMK

LEGAL DESCRIPTION:

The project site is located at Rose Creek north of De Anza Cove and south of the Mission Bay Boat and Ski Club within Mission Bay Park, the Coastal Zone, and the Mission Bay Park Master Plan Area.

FILE LOCATION: Subitems A-B: LUP-Rose Creek Bike Path and Pedestrian Bridge

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

ITEM-336: Saint Augustine High School Master Plan.

Matter of approving, conditionally approving, modifying, or denying a Conditional Use Permit/Planned Development Permit for the Saint Augustine High School Master Plan to redevelop the existing campus in three phases. The project includes the demolition and construction of classroom buildings, gymnasium and recreational facilities, the addition of underground parking and the preservation of the historic portion of the campus. The project is bounded by Palm Street on the north, 32nd Street to the west, Nutmeg Street on the south and 33rd Street to the east.

(See City Manager Report CMR-03-246. CUP No. 8110/PDP No. 34245/MND No. 4869/MMRP/Easement Abandonment No. 44655/PTS No. 4869. Greater North Park Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2004-631) ADOPTED AS RESOLUTION R-298739

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration No. 4869 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 Saint Augustine High School Master Plan 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-B: (R-2004-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-298740

Adoption of a Resolution granting or denying Conditional Use Permit No. 8110/Planned Development Permit No. 34245**,** with appropriate findings to support Council action.

Subitem-C: (R-2004-546) ADOPTED AS RESOLUTION R-298741

Adoption of a Resolution vacating the general utility easement within a previously vacated portion of Bancroft Street, as more particularly described in the legal description, marked as Exhibit "A," and as shown on Drawing No. 20167-B, marked as Exhibit "B";

That the City Clerk shall cause a certified copy of this resolution, with exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on October 30, 2003, voted 5 - 1 to approve per staff recommendation and include condition prohibiting construction activity on Sundays; no opposition.

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

The Greater North Park Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The Saint Augustine Campus Master Plan proposes the phased redevelopment of an existing high school campus. The completed project would include two new classroom structures, a

multi-purpose gymnasium, a new athletic field and a subterranean parking structure. The project includes the proposed abandonment and relocation of existing water and sewer easements within a previously vacated portion of Bancroft Street. The abandonment of the utility easements requires that the proposed master plan be decided in accordance with a Process Five decision by the City Council. The project requires a Conditional Use Permit (CUP) to operate a school within a residential zone and a Planned Development Permit (PDP) to deviate from the development regulations of the RS-1-7 (single-family) Zone. The project is proposed to be developed in three phases in approximately 15 years.

Phase 1 of the master plan would generally include the demolition of the existing classrooms built in 1947 and 1953, the removal of all temporary classroom trailers, and the construction of new classroom facilities over the existing parking lot. The new classroom structures include a two-story building and a three-story building connected by an open pedestrian bridge. The proposed classrooms would exceed the 30 foot height limit and encroach into the required yard setbacks. Phase 1 temporary parking would include the enclosure of 57 existing parking spaces, the addition of 43 on-grade parking spaces, and the removal of 14 existing parking spaces for a net increase of 29 off-street parking spaces. This would increase the total number of off-street parking spaces from 71 to 100.

Phase 2 of the master plan generally includes the demolition of the existing gymnasium and construction of a multipurpose gymnasium near the center of the campus. The new structure would exceed the maximum 30-foot height limit. Phase 2 parking does not increase or decrease the total number of off-street parking spaces from Phase 1.

Phase 3 of the master plan generally includes the construction of a new athletic field and the development of a 88 space subterranean parking structure below the field, and the removal of the temporary parking lot, for a net increase of 45 off-street parking spaces. This increases the total number of off-street parking spaces to 145 underground.

The proposed development and use of the site is consistent with the Greater North Park Community Plan and the Planned Development Permit would allow for the requested deviations to the RS-1-7 development regulations.

Planning Commission Recommendation-On October 30, 2003, the Planning Commission voted 5-1 recommending the City Council approve of the project with the addition of a permit condition restricting construction activities on Sundays.

Community Planning Group Recommendation-On August 19, 2003, the Greater North Park Community Planning Committee voted 11-1-1 to recommend approval of the project with the statement encouraging the school to maintain a dialogue with the neighbors to address additional parking needs in the future.

Water Quality Impact 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. The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The majority of the site is currently drained by a series of area drains, which connect to the public storm drain system. The redevelopment of the site will retain the existing runoff characteristics. Building density has been increased. However, due to the use of underground parking, the total impervious surface area will be reduced. Inlets and area drains will incorporate catch baskets and filtration devices.

Housing Impact Statement-The proposed 7.5-acre site is designated for institutional use in the Greater North Park Community Plan. Although the community plan does not designate this site for residential development, the underlying zone of RS-1-7 does permit single-family residential development with a minimum lot size of 5,000 square feet. Based on the most compatible land use density in the community plan, Low-Residential development at 5 to 10 dwelling units per acre, the proposed site could potentially accommodate between 38 to 75 dwelling units.

FISCAL IMPACT:

None. The property owner shall bear all of the cost associated with the processing of this application.

LEGAL DESCRIPTION:

The 7.51-acre project site is bordered by 32nd, Palm, 33rd and Nutmeg Streets and is located in the Greater North Park Community Plan and is more particularly described as Blocks 5 and 6 of Map No. 1736.

FILE LOCATION:	Subitems A-B:	LUP-Saint Augustine High School Master Plans (65)
	Subitem C:	DEED-F-9631

COUNCIL ACTION: (Time duration: 2:36 p.m. – 4:42 p.m.)

Testimony in opposition by Blair Ripplinger, Charles Kaehler, Tracy Cline, Helene Hoffman, and Elaine Shankar.

Testimony in favor by Mike McDade, Tony Cutri, Father John Keller, Steve South, Doug Mayores, Bob Kevane, Cathy Perry, Phyllis Jhess, Lynn Silva, Frank Urtasun, Mary Valdes, and Coach Whittaker.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND C; AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT WITH THE FOLLOWING AMENDMENTS AND DIRECTIONS:

REDUCE THE HEIGHT OF THE STRUCTURES SHOWN ON THE PLANS BY TWO FEET, EXCEPT FOR THE GYMNASIUM/MULTI-PURPOSE BUILDING. INCREASE THE DISTANCE OF THE FRONT YARD SETBACK ON NUTMEG STREET SHOWN ON THE PLANS BY FIVE FEET. THIS WILL RESULT IN NEW FRONT YARD SETBACKS ON NUTMEG AS FOLLOWS: 1) ON THE TWO-STORY BUILDING CLOSEST TO 32ND STREET, THE PARKING STRUCTURE WILL BE SET BACK 11 FEET 4 INCHES FROM THE PROPERTY LINE. THE CLASSROOM BUILDING BUILT ON TOP OF THE PARKING STRUCTURE WILL BE SET BACK 21 FEET FROM THE PROPERTY LINE. 2) ON THE THREE-STORY BUILDING, THE PARKING STRUCTURE WILL BE SET BACK FIVE FEET. THE CLASSROOM BUILDING ON TOP OF THE PARKING STRUCTURE IS ANGLED AND WILL BE SET BACK 12 TO 28 FEET FROM THE PROPERTY LINE ON NUTMEG STREET.

AS A CONDITION OF THE PERMIT, THERE SHALL BE NO NIGHT LIGHTING AROUND THE FOOTBALL FIELD.

A PERMIT CONDITION WILL BE ADDED RESTRICTING CONSTRUCTION HOURS OF OPERATION FOR ALL THREE PHASES. NO CONSTRUCTION SHALL OCCUR ON SUNDAYS. SATURDAY CONSTRUCTION HOURS SHALL BE LIMITED TO 7:00 A.M. TO 1:00 P.M.

THE APPLICANT AGREES TO PUBLISH AN EVENTS CALENDAR IN ITS NEWSLETTER "SAINTS SCENE." ANY LARGE SPECIAL EVENTS OR SPECIAL SCHOOL FUNCTIONS THAT WILL IMPACT PARKING IN THE NEIGHBORHOOD MORE THAN NORMAL EVENTS WILL BE NOTED. NEIGHBORS LIVING WITHIN 1,000 FEET OF THE SCHOOL WILL BE MAILED A COPY OF THE NEWSLETTER. OTHER INTERESTED PARTIES CAN OBTAIN THE SAME INFORMATION FROM THE ST. AUGUSTINE HIGH SCHOOL WEBSITE.

ST. AUGUSTINE'S NEWSLETTER "SAINTS SCENE" SHALL CONTAIN SEMI-ANNUAL PROGRESS REPORTS ON THE CAPITAL PROGRAM TO RAISE FUNDS FOR THIS PROJECT. NEIGHBORS WITHIN 1,000 FEET OF THE SCHOOL SHALL BE MAILED A COPY OF THE NEWSLETTER. OTHER INTERESTED PARTIES MAY OBTRAIN THE SAME INFORMATION FROM THE SCHOOL'S WEBSITE.

THERE SHALL BE POSTED, ON THE EXTERIOR OF THE BUILDING ON THE SCHOOL PROPERTY TO BE IDENTIFIED, CONTACT INFORMATION FOR THE DURATION OF CONSTRUCTION. THIS WILL INCLUDE NAME AND PHONE NUMBER OF A RESPONSIBLE PERSON WHO CAN RESPOND TO CONCERNS AND ANSWER QUESTIONS ABOUT THE PROJECT.

APPLICANT SHALL HAVE AN IMPLEMENTATION PLAN FOR TRAFFIC AND PARKING DURING 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.

ITEM-S500: Acceptance of a Deed - San Diego River Park.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-561) ADOPTED AS RESOLUTION R-298738

Authorizing the City Manager to accept a deed executed by the H.G. Fenton Company conveying to the City of San Diego 2.5 acres being a portion of Lot 1 of Plat of Lot 32 Ex-Mission Rancho, for inclusion to the San Diego River Park.

CITY MANAGER SUPPORTING INFORMATION:

As a condition of the Streambed Alteration Agreement between H.G. Fenton and the State of California (Section 1603 Agreement), Fenton was required to mitigate certain impacts of grading activity as part of previous project approvals in the Mission Valley area. The Section 1603 Agreement allows for mitigation by way conveying the mitigation land, of 2.5 acres, to the City of San Diego, which the City desires to accept. The acceptance of the 2.5 acre parcel will complete the City's ownership of river property in the immediate area.

FISCAL IMPACT:

None.

Herring/Griffith/BLM

FILE LOCATION: DEED F-9633

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

MOTION BY FRYE 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-S501: Three actions related to Lillian Place Housing Project.

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

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-659) ADOPTED AS RESOLUTION R-298742

Authorizing the use of Housing Set-Aside funds from the Horton Plaza Redevelopment Project to be used outside the Horton Plaza Redevelopment Project, for the Lillian Place Housing Project within the Centre City Redevelopment Project Area;

Declaring that the City Council finds and determines that the use of Housing Set-Aside funds from the Horton Plaza Redevelopment Project for the Lillian Place Housing Project within the Centre City Redevelopment Project Area is of benefit to the Horton Plaza Redevelopment Project;

Adopting the Findings of Benefit to the Horton Plaza Redevelopment Project.

Subitem-B: (R-2004-645) ADOPTED AS RESOLUTION R-298743

Certifying that the Agency has reviewed and considered information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, 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 Centre City Development Permit No. 2003-39, for the development of the Lillian Place Housing Project; and making certain findings and determination regarding environmental impacts of the development.

Subitem-C: (R-2004-646) ADOPTED AS RESOLUTION R-298744

Approving the Centre Development Permit No. 2003-39 for the Lillian Place Apartment Project.

NOTE: See Redevelopment Agency Agenda of 12/9/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:34 a.m. – 11:58 a.m.
2:05 p.m. – 2:14 p.m.)

Testimony in opposition by Bruce Coons and Karen Huff.

Testimony in favor by Leslie Wade and Florence Hordge.

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

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:49 p.m. in honor of the memory of:

Jeanne Ann Lesar Fralich, as requested by Council Member Atkins;
Winfield Harry Johnson as requested by Council Member Lewis;
Lauretta Ledterman as requested by Council Member Frye;
Lillian Rodriguez Jogoleff as requested by Council Member Inzunza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:42 p.m. – 4:49 p.m.)