

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, JUNE 29, 2004
 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 10:16 a.m.

Mayor Murphy recognized and welcomed three new honorary consuls and their families to San Diego. Mayor Murphy introduced Robert Horowitz, Honorary Consul of Iceland; Gordon Kovtun, Honorary Consul of Norway; and Gladys Jones, Honorary Consul of Peru, and presented each of the new consuls with a key to the city.

Council Member Atkins presented the Excellence in Urban Economic Development Award to the Community and Economic Development Department for its ability to leverage three separate revolving loan funds designated to address the full spectrum of funding needs for small businesses.

The meeting was recessed by Mayor Murphy at 11:23 a.m. to convene the Housing Authority and the Redevelopment Agency thereafter. Mayor Murphy reconvened the regular meeting at 11:26 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:27 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:37 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:37 a.m. to reconvene the Housing Authority. Mayor Murphy reconvened the regular meeting at 11:38 a.m. with all Council Members present. Mayor Murphy reconvened the Redevelopment Agency to meet simultaneously with the City Council at 11:38 a.m. Mayor Murphy reconvened the regular meeting at 11:49 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with Council Member Zucchet and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 2:07 p.m. to reconvene the Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 2:08 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:34 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy with all Council Members present.

Council Member Madaffer wished to recognize and thank Don Stillwell on behalf of his District for Mr. Stillwell's diligence in removing the weeds off the embankments surrounding Friars Road. Council Member Madaffer presented Mr. Stillwell with a shovel, gloves, and a fluorescent safety vest to help keep his future endeavors safe when removing weeds.

Mayor Murphy recessed the meeting at 5:54 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:13 p.m. with Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 7:50 p.m. into Closed Session at 3:30 p.m. on Wednesday, June 30, 2004, in the twelfth floor conference room to discuss the selection process for the position of City Auditor and Comptroller.

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 (gs/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 commented on prayer, history, and the Fourth of July.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:34 a.m.)

PUBLIC COMMENT-2:

Bruce Henderson commented on an article about the Library Foundation in the “San Diego Reader”.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:37 a.m.)

PUBLIC COMMENT-3:

Al Strohlein commented on the Mission Beach Town Council and poll tax.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

PUBLIC COMMENT-4:

Kathryn Burton commented on construction near elementary schools and lawsuits against the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:43 a.m.)

PUBLIC COMMENT-5:

Jarvis Ross commented on light rail in San Diego, new buildings in Old Town, and conduct of Council Members.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Jim Varnadore commented on the operations of the City Heights Redevelopment Project Area Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:47 a.m.)

PUBLIC COMMENT-7:

Phil Hart commented on the Mount Soledad cross in La Jolla.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Sandy Summers commented on the action of a Council Member on the Right to Know Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:53 a.m.)

PUBLIC COMMENT-9:

Ron Boshun commented on the conduct of City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:57 a.m.)

PUBLIC COMMENT-10:

Joyceline Tarr commented on the trimming of palm trees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:00 a.m.)

PUBLIC COMMENT-11: REFERRED TO THE CITY MANAGER

Kathleen Blavatt requested information regarding the process for the selection of the North Bay Political Action Committee that deals with contracting master developers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:03 a.m.)

PUBLIC COMMENT-12:

Joseph Braverman commented on homelessness in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:06 a.m.)

PUBLIC COMMENT-13:

Frank Eaves requested an anti-resolution for Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:10 a.m.)

PUBLIC COMMENT-14:

Barbara MacKenzie and Steve McWilliams commented on litigation surrounding medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:13 a.m.)

PUBLIC COMMENT-15:

Muhammed Abdullah commented on security in the City Administration Building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:16 a.m.)

PUBLIC COMMENT-16:

Jon Kochik commented on an employee survey held in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:19 a.m.)

PUBLIC COMMENT-17:

Ken Perkal commented on petitions he submitted protesting the adoption of the Business Improvement District Budgets, specifically the Mission Hills BID.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 7:45 p.m. – 7:46 p.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye commented on the trash situation on the beaches and bays after the Fourth of July. Council Member Frye encouraged people to care and respect for our natural resources.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:22 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Four actions related to Submitting to the Voters a Ballot Proposition Relating to Changing the City Charter from a Council-Manager Form of Governance to a Mayor-Council Form of Governance for a Five Year Trial Basis.

(See memorandum from Mayor Murphy dated 6/10/2004; letters from Harry Mathis dated 6/16/2004 and David A. Potter dated 6/15/2004. The following were not available at Committee: City Attorney Report No. RC-2004-14 dated June 21, 2004 and City Clerk's Office Report No. 04-02;)

TODAY'S ACTIONS ARE:

Introduce and adopt the following ordinance in Subitem A, and consider Subitems B, C, and D:

Subitem-A: (O-2004-149) INTRODUCED AND ADOPTED AS ORDINANCE
O-19294 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 2, 2004, one proposition amending the City Charter by adding Article XV entitled "Strong Mayor Trial Form of Governance," and by adding Sections 250 through 295, all relating to modifying the existing City Manager Form of Governance for a trial period of time to test implementation of a new Form of Governance commonly known as a Strong Mayor Form of Government.

Subitem-B: DIRECTION GIVEN

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DIRECTION GIVEN

BALLOT ARGUMENT. TO ACCEPT THE THREE MINOR AMENDMENTS AS PROPOSED BY MAYOR MURPHY TO SECTION 265 OF THE STRONG MAYOR PROPOSAL AS OUTLINED IN HIS MEMORANDUM TO COUNCIL OF JUNE 28, 2004, AND AS FOLLOWS:

1. ADD THE FOLLOWING LANGUAGE TO SECTION 265 (b) (2): “NOTHING IN THIS SECTION SHALL BE INTERPRETED OR APPLIED TO ADD OR SUBTRACT FROM POWERS CONFERRED UPON THE CITY ATTORNEY IN CHARTER SECTION 40.”
2. SECTION 265 (b) (3) DELETE THE LANGUAGE: “TO FOSTER A SENSE OF COHESION AMONG COUNCIL MEMBERS AND TO EDUCATE THE PUBLIC ABOUT THE NEEDS AND PROSPECTS OF THE CITY.”
3. ADD THE FOLLOWING LANGUAGE IN RENUMBERED SECTION 265 (b) (6): “IF THE MAYOR ATTENDS THE CLOSED SESSION MEETING, HE/SHE WILL CHAIR THE MEETING. IF THE MAYOR IS ABSENT, THE COUNCIL’S PRESIDING OFFICER WILL CHAIR THE MEETING.

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

ITEM-331: Four actions related to Submitting to the Voters a Ballot Proposition Relating to Amending City Charter Sections 40 and 41(d) to Authorizing the Ethics Commission to Retain Legal Counsel Independent of the City Attorney.

TODAY’S ACTIONS ARE:

Introduce and adopt the following ordinance in Subitem A, and consider Subitems B, C, and D:

Subitem-A: (O-2004-150) INTRODUCED AND ADOPTED AS ORDINANCE
O-19293 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the California

State General Election to be held on November 2, 2004, one proposition relating to amending City Charter Sections 40 and 41(d) to authorize the Ethics Commission to retain legal counsel independent of the City Attorney.

Subitem-B: DISCUSSED

In the matter of Council direction regarding the City Attorney's impartial analysis of the ballot measure.

Subitem-C: DISCUSSED

In the matter of Council direction regarding the City Manager's fiscal analysis of the ballot measure.

Subitem-D: DIRECTION GIVEN

In the matter of Council direction regarding authorship of the ballot argument.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On June 16, 2004, RULES voted unanimously to support the draft proposal and to forward this item to the full Council. (Councilmembers Peters, Atkins, Maienschein, Madaffer, and Mayor Murphy voted yea.)

SUPPORTING INFORMATION:

This proposal, if approved by the voters, would amend Charter Section 40, regarding the City Attorney, to provide that the City Attorney is the chief legal advisor for all City departments and offices, "except in the case of the Ethics Commission, which shall have its own legal counsel independent of the City Attorney." This proposal would also amend Charter Section 41 to provide that "the Ethics Commission shall be authorized to retain its own legal counsel, independent of the City Attorney, for legal support and guidance in carrying out its responsibilities and duties." For additional information, please refer to the Memorandum from Ethics Commission Chair Dorothy Smith to the Rules Committee, dated June 16, 2004.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:49 a.m. – 11:53 a.m.)

MOTION BY INZUNZA TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE TO SUBMIT TO THE VOTERS AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2004, A BALLOT PROPOSITION AMENDING THE CITY CHARTER REGARDING INDEPENDENT LEGAL COUNSEL FOR THE CITY OF SAN DIEGO ETHICS COMMISSION; AND TO DESIGNATE THE ETHICS COMMISSION AS AUTHORS OF THE BALLOT ARGUMENT. 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-332: Naval Training Center Boat Channel.

(See City Manager Reports CMR-04-122; CMR-04-062 (not available at Committee); letter from Gabriel Solmer dated 5/25/2004; and memorandum from Maureen Ostrye dated 6/21/2004 (not available at Committee). Peninsula Community Planning Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-970 Cor. Copy) ADOPTED AS RESOLUTION R-299407

Authorizing the Mayor to submit a request to the Navy for conveyance of the NTC boat channel under an Early Transfer Authority.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/9/2004, NR&C voted 5 to 0 to approve the City Manager's recommendations and direct the City Manager to: (a) As part of the negotiation process, incorporate comments as outlined in the May 25, 2004 letter submitted by the San Diego Bay Council; (b) To the extent allowable and possible, ensure dialogue with the San Diego Bay Council and other stakeholders occurs throughout the negotiation process. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

FILE LOCATION: MEET (67)

COUNCIL ACTION: (Time duration: 7:18 p.m. – 7:43 p.m.)

Testimony in opposition by Kathleen Blavatt, and Mignon Scherer.

Testimony in favor by Marc Kasky, and Gabriel Solmer.

MOTION BY ZUCCHET TO ADOPT THE RESOLUTION, AND TO DIRECT THE CITY MANAGER AS PART OF THE NEGOTIATION PROCESS, INCORPORATE COMMENTS AS OUTLINED IN THE MAY 25, 2004, LETTER SUBMITTED BY THE SAN DIEGO BAY COUNCIL; AND TO THE EXTENT ALLOWABLE AND POSSIBLE, ENSURE THAT DIALOGUE WITH THE SAN DIEGO BAY COUNCIL AND OTHER STAKEHOLDERS OCCURS THROUGHOUT THE NEGOTIATION PROCESS. 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: Informational Report on Proposition 46 and Other Sources of Funding for Affordable Housing Programs.

(Continued from the meeting of June 15, 2004, Item S501, at the request of Councilmember Atkins, for further review.)

(See San Diego Housing Commission Report CCR04-002.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1039) RETURNED TO THE CITY MANAGER

Accepting San Diego Housing Commission Report No. CCR04-002 regarding the allocation of Proposition 46 revenues and other sources of funding for affordable housing programs.

FILE LOCATION: MEET

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

ITEM-334: Business Improvement District Budgets for Fiscal Year 2005.

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

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1304) ADOPTED AS RESOLUTION R-299401

Adoption of a Resolution levying an annual assessment within previously established Business Improvement Districts for July 1, 2004, through June 30, 2005 (FY 2005):

Business Improvement District:

Adams Avenue
City Heights
College Area
Diamond
Downtown
El Cajon Boulevard Central
El Cajon Boulevard Gateway
Gaslamp Quarter
Hillcrest
La Jolla
Little Italy
Midway
Mission Hills
North Park

Ocean Beach
Old Town
Pacific Beach
San Ysidro

Subitem-B: (R-2004-1305) ADOPTED AS RESOLUTION R-299402

Adoption of a Resolution authorizing and empowering the City Manager to execute, for and on behalf of said City, an agreement with these associations for the respective Business Improvement Districts under the terms and conditions set forth in the Agreements on file in the Office of the City Clerk for FY 2005 as follows:

Association:

Business Improvement District:

Adams Avenue Business Association	Adams Avenue
City Heights Business Association	City Heights
College Area Economic Development Corp.	College Area
Diamond Economic Development Corp.	Diamond-District
Downtown San Diego Partnership	Downtown Improvement Area
El Cajon Boulevard BIA	El Cajon Gateway
El Cajon Boulevard BIA	El Cajon Central
Gaslamp Quarter Association	Gaslamp
Hillcrest Association	Hillcrest
Little Italy Association	Little Italy
Mission Hills Business Improvement District	Mission Hills
North Bay Business Association	Midway
North Park Organization of Business	North Park
Ocean Beach Merchants' Association	Ocean Beach
Old Town San Diego Chamber of Commerce	Old Town
Discover Pacific Beach	Pacific Beach
Promote La Jolla, Inc.	La Jolla
San Ysidro Improvement Corporation	San Ysidro

CITY MANAGER SUPPORTING INFORMATION:

Business Improvement Districts (BIDS) are authorized by State law to assess businesses for the cost for certain activities that will benefit those businesses. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses

them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently 18 active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: accept the budget reports and set Tuesday, June 29, 2004 for the public hearing to levy the proposed assessment for each BID for FY 2005.

At the public hearing, the City Council may confirm the acceptance of the budget reports, adopt the resolution authorizing the assessments and authorize the City Manager to enter into agreements with the respective associations to manage the BIDs. Mission Hills has a new business association in place and the board members have participated in launching a new set of programs to better serve the Mission Hills business community.

FISCAL IMPACT:

Approximately \$1.3 million of BID assessments will be collected in FY 2005 by City on behalf of BIDs and disbursed back to the BIDs. There is no net fiscal impact.

Herring/Cunningham/MDB

FILE LOCATION: STRT-L-24 (32)

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:26 a.m.)

MOTION BY ATKINS 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-not present, Mayor Murphy-yea.

ITEM-335: Two actions related to North University City Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-102. Second Draft Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005; Friends of Rose Canyon 5/18/04, 5/19/04 letters. University Community Plan Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-1188) ADOPTED WITH DIRECTION AS RESOLUTION
R-299403

Designating an area of benefit in North University City 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 the levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of North University City Facilities Benefit Assessment Area.

Subitem-B: (R-2004-1189) ADOPTED WITH DIRECTION AS RESOLUTION
R-299404

Approving the Development Impact Fee schedule for properties within North University City.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/19/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation and direct the City Manager to continue to explore other ways to phase the projects within the facilities finance plan and still do all the projects. (Councilmembers Peters, Zucchet, Lewis, Frye, and Inzunza voted yea.)

FILE LOCATION: STRT-FB-1 (33)

COUNCIL ACTION: (Time duration: 11:53 a.m. – 11:57 a.m.)

Testimony in opposition by Kevin Wirsing.

MOTION BY PETERS TO ADOPT THIS ITEM WITH DIRECTION TO THE CITY MANAGER TO CONTINUE TO WORK WITH THE COMMUNITY ON THE TRIP GENERATION AND PARKING GENERATION RATES FOR DEVELOPMENT,

AND EXAMINE THE PHASING FLEXIBILITY THAT THE STAKEHOLDERS HAVE IDENTIFIED FOR THE NOBEL DRIVE PROJECT. 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-336: NTC Historic Buildings Relocation (No. 9735).

Matter of the appeal by McMillin-NTC, LLC from the decision of the Planning Commission in denying an application for Site Development Permit No. 57640 to allow the relocation of three (3) existing historic utility buildings from their current location within the NTC Historic District to a new location within the NTC Historic (Buildings Nos. 158, 159 and 207). The project is located easterly of Truxton Road, between Womble Road and Roosevelt Road, within the Mixed-Use Subarea of the NTC Precise Plan and Local Coastal Program, within the CR-1-1 zone, Airport Environs Overlay, Coastal Overlay Zone, within the Peninsula Community Plan area.

(See City Manager Report CMR-04-134. MND PTS No. 9735/MMRP/SDP No. 57640/PTS No. 9735. Peninsula Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the appeal and to overturn the decision of the Planning Commission and to grant the permit:

Subitem-A: (R-2005-38) ADOPTED AS RESOLUTION R-299408

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration PTS No. 9735 as modified June 2004, 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 CEQA Guidelines thereto (California Administration Code Section 15000 et seq.), that said MND reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council prior to approving the project;

That the Council of the City of San Diego finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code, Section 21081.6, this Council hereby adopts the Mitigation Monitoring and Reporting Program (MMRP), or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B: (R-2005-39) GRANTED APPEAL; GRANTED PERMIT
ADOPTED AS RESOLUTION R-299409

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit No. 57640, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 15, 2004, voted 4 – 1 to deny; was opposition.

Ayes: Chase, Brown, Lettieri, Garcia

Nays: Ontai

Recusing: Schultz, Steele

The Peninsula Community Planning Board on November 20, 2003, voted (4-2-3) to recommend denial of the project.

The Historical Resources Board on October 23, 2003, voted (9-1-1) to recommend approval of the project.

The State Office of Historic Preservation Officer (SHPO) on November 7, 2003, approved the historic building relocations.

The Keeper of the National Historic Register, National Park Service on May 20, 2004, took no issue with the SHPO action within the subsequent 45-day comment period and formally approved the historic building relocations.

CITY MANAGER SUPPORTING INFORMATION

The project site is located easterly of Truxton Road, between Womble Road and Roosevelt Road, within the Mixed-Use Subarea of the NTC Precise Plan, within the CR-1-1 zone and Airport Environs Overlay, Coastal Overlay Zone, within the NTC Precise Plan and Local Coastal Program area within the NTC Historic District and Peninsula Community Plan area. The project site is legally described as Parcel 5 or Parcel Map 18941. The proposed action is a request for a Site Development Permit to allow the relocation of three (3) existing accessory buildings from their current location within the NTC Historic District to a new location within the NTC Historic District to provide optimal space utilization for future adoptive reuse.

The area of potential effect is associated with Buildings 27, 28, and 29 which are part of the Naval Training Center Historic District which is a locally-designated historic district and also listed on the National Register of Historic Places. The subject buildings (Nos. 158, 159 and 207) are included on the National Register but are not locally designated.

FISCAL IMPACT:

None with this action.

Loveland/Christiansen/PJF

LEGAL DESCRIPTION:

The project site is located on Truxtun Road between Womble Road and Roosevelt Road, within the CR-1-1 zone and Mixed-Use Subarea of the NTC Precise Plan in the Peninsula Community Plan area, Airport Environs Overlay, Coastal Overlay Zone, Council District 2, and is more particularly described as Parcel 5 of Parcel Map 18941.

FILE LOCATION: LUP-NTC Historic Buildings Relocation
(No. 9735) 06/29/04/ (65)

COUNCIL ACTION: (Time duration: 6:13 p.m. – 7:10 p.m.)

Testimony in opposition by Mignon Scherer, Bruce Coons, and John McNab.

Testimony in favor by Kathleen Riser, Chris Neils, Craig Clark, Marc Kasky, Wayne Raffesberger, John Brand, David Helms, and Susan Hall.

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

ITEM-337: Increase in Loan and Bond Financing for the Beyer Courtyard Apartments.

(See San Diego Housing Commission Report HCR04-47. San Ysidro Community Area. District-8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1381) ADOPTED AS RESOLUTION R-299405

Approving the issuance of an increased principal amount of bonds by the Housing Authority of the City of San Diego, for the acquisition and construction of Beyer Boulevard Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:38 a.m. – 11:38 a.m.)

MOTION BY INZUNZA 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: Two actions related to Fourth Amendment to Development Agreement with Catellus Development Corporation.

(See Centre City Development Corporation Report CCDC-04-23/04-13. Columbia Subarea of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2004-146) INTRODUCED, TO BE ADOPTED ON MONDAY,
JULY 12, 2004

Introduction of an Ordinance approving the fourth amendment to Development Agreement between the City of San Diego and Catellus Development Corporation.

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

Subitem-B: (R-2004-1370) ADOPTED AS RESOLUTION R-299406

Approving the Replacement Agreement and Escrow Instructions between the City of San Diego, The Redevelopment Agency, Catellus Development Corporation, and the Museum of Contemporary Art.

NOTE: See the Redevelopment Agency Agenda of June 29, 2004 for a companion item.

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 11:38 a.m. – 11:49 a.m.)

Testimony in opposition by Barbara Winton.

MOTION BY ZUCCHET TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. 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.

NON-DOCKET ITEMS:

None.

