

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 27, 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 10:06 a.m. Mayor Murphy recessed the meeting at 10:55 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 10:58 a.m. with Deputy Mayor Atkins not present. Mayor Murphy recessed the meeting at 10:59 a.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting at 11:10 a.m. with Deputy Mayor Atkins not present. Mayor Murphy recessed the meeting at 11:11 a.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:33 a.m. with Deputy Mayor Atkins not present. Mayor Murphy recessed the meeting at 11:59 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy 2:15 p.m. with Deputy Mayor Atkins not present.

Council Member Frye welcomed and introduced the members of the Youth Advisory Council from Indio, California. The Youth Advisory Council is a program that advises the Indio City Council on issues related to youth.

Mayor Murphy recessed the meeting at 4:05 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:16 p.m. with Deputy Mayor Atkins not present. Mayor Murphy recessed the meeting at 5:42 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:58 p.m. with Council Members Zucchet, Deputy Mayor Atkins, Council Member Maisenschein, and Council Member Inzunza not present. Mayor Murphy adjourned the meeting at 8:00 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Deputy Mayor Atkins- Excused (By R-299339 to attend the Harvard School of Government)

- (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 (ek/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) Deputy Mayor Atkins-not 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: REFERRED TO THE CITY MANAGER

Reverend James Gilbert commented concerning condominium conversions and their impact on the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. – 10:08 a.m.)

PUBLIC COMMENT-2:

Sandy Summers made remarks regarding the service of the City Council to the City of San Diego.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Ian Trowbridge spoke on the cost of a dinner at Baci Ristorante Italiano.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:17 a.m.)

PUBLIC COMMENT-5:

Jarvis Ross commented on a City worthy of our affection.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:20 a.m.)

PUBLIC COMMENT-6:

Don Stillwell spoke on prayer, history, and testimony.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Ken Perkal spoke on people's different faiths and beliefs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:25 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Lewis announced that Tommy Hightower is leaving his Council staff to join the United States Army, where he has the opportunity to enter as an officer. Council Member Lewis wished to thank him for his dedicated service to the City of San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Loan of City Funds to the Redevelopment Agency for Grantville Survey Area.

(See memorandum from Councilmember Madaffer dated 6/15/2004. Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-89 Cor.Copy) ADOPTED AS RESOLUTION R-299494

Authorizing the transfer of \$150,000 from City Community Development Block Grant (CDBG) funds to the Redevelopment Agency for the Grantville Redevelopment Survey Area as an interest bearing loan to provide funds for appropriate plan adoption expenses in the Fiscal Year 2005 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the \$150,000 as interest bearing loans to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project area.

CITY MANAGER SUPPORTING INFORMATION:

On March 30, 2004, the Redevelopment Agency and the City Council approved the proposed Grantville Redevelopment Survey Area Boundaries and initiated the plan adoption process for the establishment of a new redevelopment project area. The study and plan adoption process is estimated to cost \$635,000 and is projected for completion by the end of calendar year 2005. Funding for these costs is anticipated to take the form of loans to the Redevelopment Agency from City sources. Funds in the amount of \$125,000 were previously authorized for initial Grantville plan adoption costs with funding coming from a short-term loan from the North Bay Redevelopment Project Area.

During the review of the Fiscal Year 2005 Redevelopment Agency budget on June 15, 2004, it was recommended that the Agency budget include the ability to accept up to \$400,000 in additional City funds during the fiscal year, for Grantville plan adoption activities, though specific funding sources had not yet been identified. Because the sources were unknown at the time, the Agency budget was adopted excluding this amount for Grantville.

Council District 7 has since identified \$150,000 from District 7 CDBG funds for allocation to the Grantville plan adoption process. It is requested that the Mayor and City Council authorize the allocation of these funds for this purpose, with this amount to be recorded as an interest-bearing loan from the City to the Redevelopment Agency. Loans from the City for these plan adoption costs will allow the Redevelopment Agency to incur sufficient debt to allow the collection of the tax increment generated within the project area, once it is adopted.

In addition, it is requested that the Redevelopment Agency Fiscal Year 2005 Budget be amended to increase appropriations and authorize expenditures in the amount of \$150,000 for appropriate plan adoption activities for the Grantville Survey Area.

Herring/Cunningham/EMD

Aud. Cert. 2500027.

NOTE: See Redevelopment Agency Agenda of 7/27/2004 for a companion item.

FILE LOCATION: MEET

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

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

ITEM-331: Transfer of Funds from the Redevelopment Agency for the 30th Street Mid-Block Lighting Project – North Park Redevelopment Project Area.

(See Redevelopment Agency Report RA-04-21/CMR-04-142. Greater North Park Community Planning Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-56) ADOPTED AS RESOLUTION R-299495

Making certain findings with respect to the payment for the 30th Street Mid-Block Lighting Project in the North Park Redevelopment Project Area, accepting the transfer of funds from the Redevelopment Agency in the amount of \$90,000, and amending Capital Improvement Program Budget No. 39-092.0 to include \$90,000.

NOTE: See the Redevelopment Agency Agenda of 7/27/2004 for a companion item.

FILE LOCATION: MEET

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

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

ITEM-332: Two actions related to Maintenance Assessment Districts Annual Levy Approvals

(Citywide. Districts-All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1351 Cor. Copy) ADOPTED AS RESOLUTION
R-299496

Resolution to levy and collect Fiscal Year 2005 annual assessments on various Maintenance Assessment Districts previously reviewed and approved in the City Budget review process:

1.	Bay Terraces	M-407-05 (34)
2.	Calle Cristobal	M-405-05 (34)
3.	Campus Point	M-392-05 (34)
4.	Carmel Mountain Ranch	M-361-05 (34)
5.	Carmel Valley	M-393-05 (34)
6.	Carmel Valley Neighborhood 10	M-414-05 (34)
7.	Coral Gate	M-412-05 (34)
8.	Coronado View	M-387-05 (34)
9.	Eastgate Technology Park	M-395-05 (34)
10.	Federal Boulevard/Webster	M-375-05 (34)
11.	First San Diego River Improvement Project	M-381-05 (34)
12.	Gateway Center East	M-380-05 (34)
13.	Kings Row	M-382-05 (34)
14.	La Jolla Village Drive	M-397-05 (34)
15.	Liberty Station	M-425-05 (34)
16.	Linda Vista Community	M-363-05 (34)
17.	a. Mid City Sub-Districts 1 & 2	M-388-05 (34)
	b. Mid City Sub-Districts 4, 12 & 13	M-420-05 (34)
18.	Mira Mesa	M-404-05 (34)
19.	Miramar Ranch North	M-385-05 (34)
20.	Mission Boulevard	M-398-05 (34)
21.	North Park	M-413-05 (34)
22.	Northwest Otay Mesa	M-416-05 (34)
23.	Otay International Center	M-399-05 (34)
24.	Park Village	M-384-05 (34)
25.	Penasquitos East	M-389-05 (34)
26.	Rancho Bernardo	M-400-05 (34)
27.	Sabre Springs	M-401-05 (34)
28.	Scripps-Miramar Ranch	M-356-05 (34)
29.	Stonecrest Village	M-411-05 (34)
30.	Street Light Districts No. 1	M-390-05 (34)
31.	Talmadge	M-419-05 (34)
32.	Tierrasanta	M-403-05 (34)
33.	Torrey Hills	M-408-05 (34)
34.	Washington Street	M-410-05 (34)

Subitem-B: (R-2004-1352 Cor. Copy)

ADOPTED AS RESOLUTION
R-299497

Resolution approving the Assessment Engineer's Reports submitted in connection with the Maintenance Assessment Districts for Fiscal Year 2005.

1. Bay Terraces M-407-05 (34)
2. Calle Cristobal M-405-05 (34)
3. Campus Point M-392-05 (34)
4. Carmel Mountain Ranch M-361-05 (34)
5. Carmel Valley M-393-05 (34)
6. Carmel Valley Neighborhood 10 M-414-05 (34)
7. Coral Gate M-412-05 (34)
8. Coronado View M-387-05 (34)
9. Eastgate Technology Park M-395-05 (34)
10. Federal Boulevard/Webster M-375-05 (34)
11. First San Diego River Improvement Project M-381-05 (34)
12. Gateway Center East M-380-05 (34)
13. Kings Row M-382-05 (34)
14. La Jolla Village Drive M-397-05 (34)
15. Liberty Station M-425-05 (34)
16. Linda Vista Community M-363-05 (34)
17. a. Mid City Sub-Districts 1 & 2 M-385-05 (34)
b. Mid City Sub-Districts 4, 12 & 13 M-420-05 (34)
18. Mira Mesa M-404-05 (34)
19. Miramar Ranch North M-385-05 (34)
20. Mission Boulevard M-398-05 (34)
21. North Park M-413-05 (34)
22. Northwest Otay Mesa M-416-05 (34)
23. Otay International Center M-399-05 (34)
24. Park Village M-384-05 (34)
25. Peñasquitos East M-389-05 (34)
26. Rancho Bernardo M-400-05 (34)
27. Sabre Springs M-401-05 (34)
28. Scripps-Miramar Ranch M-356-05 (34)
29. Stonecrest Village M-411-05 (34)
30. Street Light District No. 1 M-390-05 (34)
31. Talmadge M-419-05 (34)
32. Tierrasanta M-403-05 (34)
33. Torrey Hills M-408-05 (34)
34. Washington Street M-410-05 (34)

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2005 assessments for the City's Maintenance Assessment Districts (MADs) that are managed by the Park and Recreation Department. Maintenance Assessment Districts are authorized by law to assess benefiting property owners for maintenance and other service activities. These activities include maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, signage, banners, as well as cleaning of curbs and gutters, sweeping sidewalks, provisions of security services, and monitoring.

State law requires that the City Council annually approve each Maintenance Assessment District assessment levy and Assessment Engineer's Report. The action being taken today will allow the levy to be placed on the County Property Tax roll, and will meet the legal requirements necessary for each MAD to provide the maintenance and other services as described in the Assessment Engineer's Reports.

There are currently 41 active Maintenance Assessment Districts in the City of San Diego, of which 36 are managed by the Park and Recreation Department. One of these districts, Black Mountain Ranch South, was authorized for assessment levying in Fiscal Year 2005 by Resolution R-298882; this action authorizes the levying of assessments for the other 35 Park and Recreation districts. A separate action will request authorization for the districts managed by Community and Economic Development Department. The following is a list of Maintenance Assessment District levies included in the Proposed Fiscal Year 2005 Budget, as supported by the Assessment Engineers Reports for Fiscal Year 2005.

1. Bay Terrace	\$ 41,957	17a.Mid City 1 & 2	\$ 23,417
2. Calle Cristobal	\$ 171,223	17b.Mid City 4, 12 & 13	\$ 303,225
3. Campus Point	\$ 24,769	18. Mira Mesa	\$ 615,243
4. Carmel Mountain Ranch	\$ 282,960	19. Miramar Ranch	
5. Carmel Valley	\$1,561,218	North	\$1,073,517
6. Carmel Valley		20. Mission Blvd.	\$ 45,225
Neighborhood 10	\$ 129,547	21. North Park	\$ 319,349
7. Coral Gate	\$ 89,658	22. Northwest Otay Mesa	\$ 554,597
8. Coronado View	\$ 18,757	23. Otay International	
9. Eastgate Technology Park	\$ 123,297	Center	\$ 106,403
10. Federal Blvd/Webster	\$ 18,709	24. Park Village	\$ 245,223
11. First San Diego River		25. Peñasquitos East	\$ 198,338
Improvement Project	\$ 182,585	26. Rancho Bernardo	\$ 174,537
12. Gateway Center East	\$ 152,841	27. Sabre Springs	\$ 88,838

13. Kings Row	\$ 5,956	28. Scripps-Miramar	
14. La Jolla Village Dr.	\$ 28,149	Ranch	\$ 783,607
15. Liberty Station	\$ 63,844	29. Stonecrest Village	\$ 506,895
16. Linda Vista Community	\$ 125,964	30. Street Light District	
		No. 1	\$ 295,265
		31. Talmadge	\$ 128,262
		32. Tierrasanta	\$ 560,912
		33. Torrey Hills	\$ 681,117
		34. Washington Street	\$ 39,162

This action authorizes approval of the Fiscal Year 2005 Assessment Engineer's Report for the above Maintenance Assessment Districts.

Herring/Oppenheim/AWF

FILE LOCATION: M-501-05 (34)

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

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

ITEM-333: Four actions related to Maintenance Assessment Districts Annual Levy Approvals for Districts 2, 3 and 8.

(Downtown, Ocean Beach, North Park, Southeast, and Little Italy Community Plan Areas. Districts-2, 3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-91) ADOPTED AS RESOLUTION R-299498

Resolution to levy and collect Fiscal Year 2005 annual assessments on the Downtown property and Business Improvement District previously reviewed and approved in the City Budget review process.

Subitem-B: (R-2005-92) ADOPTED AS RESOLUTION R-299499

Resolution to levy and collect Fiscal Year 2005 annual assessments on various Maintenance Assessment Districts previously reviewed and approved in the City Budget review process on:

- | | | |
|-----|--------------------|----------------------|
| 18. | Adams Avenue | M-377-05 (34) |
| 19. | Central Commercial | M-421-05 (34) |
| 20. | Little Italy | M-422-05 (34) |
| 21. | Newport Avenue | M-496-05 (34) |

Subitem-C: (R-2005-93) ADOPTED AS RESOLUTION R-299500

Resolution approving the City Engineer's Report submitted in connection with the Downtown property and Business Improvement District for Fiscal Year 2005.

Subitem-D: (R-2005-94) ADOPTED AS RESOLUTION R-299501

Resolution approving the Assessment Engineer's Report and Management Plan submitted in connection with the Maintenance Assessment Districts for Fiscal Year 2005:

- | | | |
|----|--------------------|----------------------|
| 1. | Adams Avenue | M-377-05 (34) |
| 2. | Central Commercial | M-421-05 (34) |
| 3. | Little Italy | M-422-05 (34) |
| 4. | Newport Avenue | M-495-05 (34) |

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2005 assessments for the City's Maintenance Assessment Districts (MADs) and the Downtown PBID (PBID) that are managed by the Community and Economic Department. Maintenance Assessment Districts and the PBID are authorized by law to assess benefiting property owners for maintenance and other service activities. These activities include maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, signage, banners, as well as cleaning of curbs and gutters, sweeping sidewalks, provisions of security services, and monitoring.

State law requires that the City Council annually approve each Maintenance Assessment District assessment levy and Assessment Engineer's Report. The action being taken today will allow the levy to be placed on the County Property Tax roll, and will meet the legal requirements necessary for each MAD to provide the maintenance and other services as described in the Assessment Engineer's Reports. A separate action will request authorization for the other 36 districts managed by Park and Recreation Department.

The Economic Development Division currently manages four Maintenance Assessment Districts and also manages the Downtown PBID. In accordance with State Law, Staff is recommending that the updated Assessment Engineer's Reports and the associated annual levy of assessments be authorized.

The following is a list of Maintenance Assessment District levies included in the Proposed Fiscal Year 2005 Budget, as supported by the Assessment Engineer's Reports and Management Plan for Fiscal Year 2005.

1.	Adams Avenue	\$50,168.00
2.	Central Commercial	\$218,439.00
3.	Downtown PBID	\$2,910,990.00
4.	Little Italy	\$332,908.00
5.	Newport	\$50,263.20
	Total:	\$3,562,768.20

This action authorizes approval of the Fiscal Year 2005 Assessment Engineer's Reports, and authorizes the levy and collection of assessments for the above Maintenance Assessment Districts and for the Downtown PBID.

NOTE: This activity is exempt from California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

Herring/Cunningham/BH

FILE LOCATION: STRT-M-502-05 (34)

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

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

ITEM-334: Agreement with Central Commercial Revitalization Corporation for Administration of Maintenance Services for the Central Commercial Maintenance Assessment District.

(Southeastern San Diego Community Planning Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-84) ADOPTED AS RESOLUTION R-299502

Authorizing the City Manager to execute an agreement with the Central Commercial District Revitalization Corporation, for administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212;

That the effective date and term of the Agreement is July 1, 2004 through June 30, 2005;

Authorizing the expenditure of funds in an amount not to exceed \$32,765 from Fund 70260 to provide reimbursement to the Central Commercial District Revitalization Corporation for administration services from July 1, 2004 through June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 8, 2000, the property owners in the Central Commercial Maintenance Assessment District (District) requested that their contracts be administered by the "Central Commercial Revitalization Corporation" (Corporation). The Corporation has satisfactorily managed the contracts since the initial Agreement and wishes to continue the current Agreement with the City of San Diego from July 1, 2004 to June 30, 2005.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Corporation for a period of one year beginning on July 1, 2004 and ending on June 30, 2005.

1. The Corporation will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set-forth in the Assessment Engineer's Report for the Central Commercial Maintenance Assessment District.
2. The Corporation will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. The Corporation will be compensated for administration in an amount not to exceed 15% of the Approved FY05 assessments or \$32,765 from Fund No. 70260 is authorized for administrative services with the Central Commercial District Revitalization Corporation beginning July 1, 2004 through June 30, 2005.

FISCAL IMPACT:

Funds are available in the Central Commercial Maintenance Assessment District (Fund 70260) to reimburse the Corporation for maintenance services. Current funds available as per FY2005 approved budget are \$430,405.

Herring/Cunningham/Kawar

Aud. Cert. 2500034.

FILE LOCATION: MEET

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

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

ITEM-335: Agreement with Ocean Beach Main Street Association for Administration of Maintenance Services for the Newport Maintenance Assessment District.

(Ocean Beach Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-86) ADOPTED AS RESOLUTION R-299503

Authorizing the City Manager to execute an agreement with the Ocean Beach Main Street Association, for administration of Contracts for Goods and Contracts for Services for the Newport Avenue Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212;

That the effective date and term of the Agreement is July 1, 2004 through June 30, 2005;

Authorizing the expenditure of an amount not to exceed \$7,540 from Fund 70241 to provide reimbursement to the Ocean Beach Main Street Association for administration services from July 1, 2004 through June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. The re-engineered Newport Avenue district was approved August 1997, the property owners in the Newport Avenue Maintenance Assessment District (District) requested their contracts to be administered by the "Ocean Beach Main Street Association" (Association). The Association has managed the contracts satisfactorily since the initial Agreement and wishes to continue the current Agreement with the City of San Diego from July 1, 2004 through June 30, 2005.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of one year beginning on July 1, 2004 and ending on June 30, 2005.

1. The Association will administer Contracts for Goods and Contracts for Services and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Newport Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, Section B, referred to as Specific Requirements. The Association will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. The Association will be compensated for administration in an amount not to exceed 15% (\$7,540) of the approved annual FY05 assessments. Projected annual assessments are \$50,263.20.

FISCAL IMPACT:

Funds are available in the Newport Maintenance Assessment District (Fund 70241) to reimburse the Association for maintenance services. The approved budget total for FY05 is \$51,074.

Aud. Cert. 2500033.

Herring/Cunningham/Kawar

FILE LOCATION: MEET

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

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

ITEM-336: Agreement with Little Italy Association for Administration of Maintenance Services for the Little Italy Assessment District.

(Centre City Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-85) ADOPTED AS RESOLUTION R-299504

Authorizing the City Manager to execute an agreement with the Little Italy Association, for administration of Contracts for Goods and Contracts for Services for the Little Italy Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212;

That the effective date and term of the Agreement is July 1, 2004 through June 30, 2005;

Authorizing the expenditure of an amount not to exceed \$49,936 (\$19,975 from Fund 70261, Dept. 70261, Org 2000, Acct 4151, J.O. 2000 and \$29,961 from Fund 70261, Dept. 70261, Org 2050, Acct 4151, J.O. 2050), to provide reimbursement to the Little Italy Association for administration services from July 1, 2004 through June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 8, 2000, the property owners in the Little Italy Maintenance Assessment District (District) requested their contracts to be administered by the "Little Italy Association" (Association). The Association has managed the contracts satisfactorily since the initial Agreement and wishes to continue the current Agreement with the City of San Diego from July 1, 2004 through June 30, 2005.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Association for a period of one year beginning on July 1, 2004 and ending on June 30, 2005.

1. The Association will administer Contracts for Goods and Contracts for Services and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Little Italy Maintenance Assessment District.

2. The Association will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Association will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.
3. The Association will be compensated for administration in an amount not to exceed 15% (\$49,936) of the approved FY05 Assessments. Projected annual assessments are \$332,908 (Org. 2000/\$19,975) and (Org. 2050/ \$29,961).

FISCAL IMPACT:

Funds are available in the Little Italy Maintenance Assessment District (Fund 70261) to reimburse the Association for maintenance services. Funds will be available through assessments collected for FY05. The approved budget for FY05 is \$340,046. No fiscal impact to the General Fund.

Aud. Cert. 2500036.

Herring/Cunningham/Kawar

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:49 a.m.)

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

ITEM-337: Initiation of two Community Plan Amendments in the Southeastern San Diego Community Planning Area to allow for the development of a mixed-use project (Village Center at Euclid and Market) in the Encanto Neighborhoods Planning Area and a residential project in the Chollas View Neighborhood.

(Southeastern San Diego (Encanto Neighborhoods) Planning Area. District-4.)

COUNCILMEMBER LEWIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-88) ADOPTED AS RESOLUTION R-299505

Resolution initiating a Community Plan Amendment to allow for the development of a mixed-use project in the Encanto Neighborhood Area and a residential project in the Chollas View Neighborhood Area of the Southeastern Community Planning Area.

SUPPORTING INFORMATION:

In response to the shortage of housing supply and the increase in the cost of housing, the San Diego City Council (Council) voted on August 6, 2002 to declare a Housing State of Emergency in the City of San Diego. Subsequent City Council actions include the appointment of an Affordable Housing Task Force, the establishment of an expedite process for affordable housing and the adoption of the Inclusionary Housing Ordinance. In order to meet the ever increasing housing needs, many communities must undergo Community Plan Amendments to increase the density necessary to produce additional housing. One of these communities is the Southeastern San Diego community planning area where the two proposals associated with this request seek to increase the City's overall housing supply with much needed new and quality affordable as well as market rate housing. Both proposals are described in more detail further below.

As part of an effort to update the City's Progress Guide and General Plan, the City Council voted 6-3 on October 22, 2002 to adopt the Strategic Framework Element and Action Plan as the first step in this update process. The essence of the Strategic Framework Element is known as the City of Villages strategy which seeks to target growth in village areas. These areas are basically the core of a community where residential, commercial, employment and civic uses are integrated in a pedestrian-friendly atmosphere supported by transit service. In order to implement the City of Villages strategy, a Pilot Village program and a selection process were devised to identify sites that would best exhibit and support the features of the City of Villages concept. On March 14, 2003, a total of eight applications representing different geographic areas were received by the City in order to be considered for participation in the program.

One of these applications being the Village Center at Euclid and Market located in the Encanto Neighborhoods Planning Area. On February 10, 2004, the City Council unanimously approved five projects, including the Village Center at Euclid and Market, to become Pilot Village demonstration projects under the City of Villages strategy.

This pilot village site at Euclid and Market is located at the intersection of four neighborhoods (Chollas View, Emerald Hills, Lincoln Park, Valencia Park) in the Encanto Neighborhoods Planning Area of Southeastern San Diego Community Planning Area. The proposal embraces the concepts of mixed-use development and transit supporting density by including residential units that will exceed the goal of 20 percent affordable housing (as defined by the Housing Commission) under the Pilot Village Program; job training and youth-oriented employment opportunities; retail and office spaces; recreational facilities; and additional improvements associated with the Chollas Creek segment that traverses a main portion of the village site. Several bus routes and transit service are readily available and located within close proximity to this village site. A total of 839 residential units are being proposed and the village site is approximately 45 acres in size. Current land use designations within the boundaries of the village site are as follows: 1) approximately 2 acres of land under Neighborhood Commercial land use; 2) approximately 27 acres of land under General Commercial land use; 3) approximately 14 acres under Industrial land use; and 4) approximately 7 acres under Residential land use. It should be noted that the land use designations being proposed for the Village Center will require an amendment to the Central Imperial Redevelopment Plan.

The other proposal is a 9.43-acre site comprised of eight separate parcels. The parcels are located just west of Euclid Avenue and north of Hilltop Drive in the Central Imperial Redevelopment Project Area and in the Southeastern San Diego Community Planning Area; and more specifically in the Chollas View Neighborhood. The site is mostly vacant with a few one-story single-family residences scattered throughout the site; it is also currently surrounded by one-story single-family units to the east, west and south; Gompers Secondary School to the north; and a gas station and a realty office use to the east. The development as planned would produce 170 multi-family affordable rental units and moderate-income for-sale single-family attached units. The proposed amendment would also help complement ongoing and future proposals for additional employment opportunities, commercial and retail uses in this area, such as the Village Center at Euclid and Market.

Also, the San Diego Trolley station and bus routes are located within close proximity and walking distance of the subject site. The Southeastern San Diego Community Plan presently designates the subject site as Low Density Residential (5-10 DU/AC) and the site is currently zone SF-5000. Adjacent land uses include Low Density Residential (5-10 DU/AC) to the west and south, and Institutional/School to the north.

Smith/Hightower

FILE LOCATION: LAND-Community Plan Southeastern San Diego
Community Planning Area (10)

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:36 a.m.)

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

ITEM-338: Bankers Hill Town Homes.

RETURNED TO THE CITY MANAGER

Matter of approving, conditionally approving, modifying or denying Community Plan Amendment, Rezone, Site Development Permit and Tentative Map to demolish existing buildings and construct a 19-unit residential units as condominiums (5-stories above underground parking) on a 0.46-acre site in the NP-3 Zone (proposed NP-1) of the Mid-City Communities Planned District within the Uptown Community Planning Area located at 2561 First Avenue.

(CPA/Rezone/SDP/TM. Uptown Community Plan Area. District-2.)

(Continued from the meeting of June 8, 2004, Item 330, at the City Manager's request, for further review.)

NOTE: Hearing open. No testimony taken on 6/08/2004.

OTHER RECOMMENDATIONS:

Planning Commission on April 8, 2004, voted 7-0 to approve; was opposition.

Ayes: Garcia, Chase, Lettieri, Schultz, Ontai, Steele, Otsuji

The Uptown Planners Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The 0.46-acre project site is located at 2561 First Avenue between Laurel Street and Maple Street within the Uptown Community Planning Area. The property is currently designated for office and medium density residential development. The site is in the Mid-City Communities Planned District and is currently zoned NP-3. The neighborhood surrounding the project site is characterized by a variety of land uses including professional and medical office uses, senior housing facilities and multi-family development. The application is requesting a General and Community Plan Amendment, Rezone, Site Development Permit and Tentative Map in order to demolish three existing structures and develop the site with a five-story, 19-unit residential project above 42 subterranean parking spaces. The General/Community Plan Amendment is required to designate the site with a higher residential density than currently prescribed in the Uptown Community Plan. The Rezone is required to modify the underlying zone from NP-3 to NP-1 which is tailored more towards high intensity office and residential uses.

The Site Development Permit is required because the project is requesting minor deviations from the applicable development regulations. The Tentative Map is required to develop the project as condominium units.

The proposed General/Community Plan Amendment has been analyzed pursuant to the issues identified by the Planning Commission during the initiation phase of the project. The staff analysis has concluded that the proposed amendment implements the policies and recommendations embodied in the General Plan and Progress Guide and the Uptown Community Plan. Further, staff has determined that the proposed Rezone to replace the NP-3 Zone designation with the NP-1 Zone designation would be compatible with the existing neighborhood and consistent with the future development pattern prescribed in the Uptown Community Plan. Staff reviewed the proposed Site Development Permit including the requested deviations to encroach into the required yard setbacks and determined that the deviations were minor in scope and enhanced the overall appearance of the project design. Staff reviewed the proposed Tentative Map that would allow the residential units to be sold individually as condominiums and determined that the project would comply with the State Map Act and the Subdivision regulations of the Land Development Code. The project was considered by the Planning Commission during a public hearing on April 8, 2004, which recommended that the City Council approve the project as conditioned by a unanimous vote of 7-0-0.

FISCAL IMPACT:

All of the costs associated with processing this application are paid for by the applicant.

Loveland/Christiansen/JPH

LEGAL DESCRIPTION:

The project site is located at 2561 First Avenue in the Uptown Community Planning Area and is more particularly describes as Lots A, B, C, and D in Block 287 of Horton's Addition.

FILE LOCATION: LUP-Bankers Hill Town Homes 7/27/04 (65)

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

ITEM-339: Three actions related to City Heights Enhanced Maintenance Assessment District.

(City Heights Community Area. Districts-3 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1290) ADOPTED AS RESOLUTION R-299507

Considering the protests, approving Engineer's Report, confirming the Assessments, and ordering the proposed maintenance in the matter of the City Heights Enhanced Maintenance Assessment District.

Subitem-B: (R-2004-1291) ADOPTED AS RESOLUTION R-299508

Approving Fiscal Year 2005 Budget for the City Heights Enhanced Maintenance Assessment District.

Subitem-C: (R-2004-1292) ADOPTED AS RESOLUTION R-299509

Authorizing the City Auditor and Comptroller to establish the City Heights Enhanced Maintenance Assessment District fund.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes City Heights Enhanced Maintenance Assessment District (District) and authorizes the Fiscal Year 2005 assessments. The District is located along both sides of University Avenue generally beginning at Interstate 805 on the west end and ending at 50th Street on the east end. The purpose of the District is to fund regular maintenance of landscaping, provide sidewalk and gutter sweeping, sidewalk washing, daily security patrol, trash removal in alleys, and graffiti removal.

**CITY HEIGHTS ENHANCED MAINTENANCE ASSESSMENT DISTRICT
Estimated Expenses, Revenues & Reserves**

<u>EXPENDITURES</u>	<u>FY 2005</u>	<u>Maximum Authorized</u>
Public Right of way and Sidewalk Operations	\$187,045.00	\$190,343.00
Special Projects	\$16,000.00	\$26,000.00
Administration	\$42,890.00	\$42,890.00
Contingency Reserve	<u>\$40,000.00</u>	<u>\$46,702.00</u>
TOTAL EXPENDITURES	\$285,935.00	\$305,935.00
<u>REVENUES</u>		
Assessments-	\$285,935.00	\$285,935.00
City Contributions – Gas Tax *	\$0.00	\$0.00
City Contributions – Community Development	\$0.00	\$0.00
City Contributions – Other Sources	<u>\$0.00</u>	<u>\$20,000.00</u>
TOTAL REVENUES	\$285,935.00	\$305,935.00

*The Gas Tax Contribution is an 18.0-cent contribution on a landscaped median and a 1.3 cent contribution on a hard-scaped median. At this time, only a marginal amount of square footage of medians exists. If they are constructed, or increased to measurable sums, they will be incorporated into the Gas Tax transfer amount.

FISCAL IMPACT:

Approximately \$285,935 will be assessed and collected for the City Heights Enhanced Maintenance Assessment District in FY 2005. Total General Fund assessment is \$26,274.65. Upon formation of the District, and execution of the agreement, San Diego Revitalization Corporation will contribute \$20,000 per year for ten years to the City Heights Maintenance Assessment District.

Herring/Oppenheim/Kawar/BH

FILE LOCATION: STRT-M-500-05 (34)

COUNCIL ACTION: (Time duration: 11:33 a.m. – 11:49 a.m.;
2:21 p.m. – 2:24 p.m.)

Mayor Murphy opened the Hearing.

Testimony in opposition by Karl DeLooze, Reverend James Gilbert and Elena De Luca.

Testimony in favor by Enrique Gondarilla and William Perks.

MOTION BY MADAFFER TO CALL FOR AN ELECTION AMONG THE LANDOWNERS REGARDING ASSESSMENTS. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Mayor Murphy trailed the Hearing to 2:00 p.m. to allow the City Clerk to tabulate the ballots.

Clerk Maland announced that there were more ballots received in favor than in opposition of the Maintenance Assessment District.

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

ITEM-340: Two actions related to Little Italy Enhanced Maintenance Assessment District.
(Centre City Community Area. District-2).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1283) ADOPTED AS RESOLUTION R-299510

Considering the protests, approving Engineer's Report, confirming the Assessments, and ordering the proposed maintenance in the matter of the Little Italy Enhanced Maintenance Assessment District.

Subitem-B: (R-2004-1285) ADOPTED AS RESOLUTION R-299511

Approving Fiscal Year 2005 Budget for the Little Italy Enhanced Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

The current Little Italy Enhanced Maintenance Assessment District was formed in August 2000. This action establishes the Little Italy Enhanced Maintenance Assessment District (District), to replace the existing Little Italy Enhanced Maintenance Assessment District and authorizes a change in the apportioning methodology and an increase in the Fiscal Year 2005 assessments. The District is generally located south of Laurel Street, West of Interstate Five, North of Ash Street and east of Pacific Highway. The purpose of the District is to fund regular maintenance of landscaping, provide sidewalk and gutter sweeping, sidewalk washing, regular security patrol, trash and graffiti removal.

**LITTLE ITALY ENHANCED MAINTENANCE ASSESSMENT DISTRICT
Estimated Expenses, Revenues & Reserves**

<u>EXPENDITURES</u>	<u>FY 2005</u>	<u>Maximum Authorized</u>
Public Right of way and Sidewalk Operations	\$354,000.00	\$354,000.00
Special Projects	\$20,000.00	\$20,000.00
Administration	\$80,000.00	\$80,000.00
Contingency Reserve	<u>\$72,934.00</u>	<u>\$72,934.00</u>

TOTAL EXPENDITURES	\$526,934.00	\$526,934.00
 <u>REVENUES</u>		
Assessments:	\$526,934.00	\$526,934.00
City Contributions – Gas Tax *	\$0.00	\$0.00
City Contributions – Community Development	\$0.00	\$0.00
City Contributions – Other Sources	<u>\$0.00</u>	<u>\$20,000.00</u>
 TOTAL REVENUES	 \$526,934.00	 \$526,934.00

FISCAL IMPACT:

Approximately \$526,934 will be assessed and collected for the Little Italy Enhanced Maintenance Assessment District in FY 2005. Total General Fund assessment is \$2,964.00 and would increase under this proposed district by an additional \$1,490.00, for a total general fund assessment of \$4,454.00.

Herring/Oppenheim/Kawar/BH

FILE LOCATION: STRT-M-386-05 (34)

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:37 a.m.;
2:24 p.m. – 2:26 p.m.)

Mayor Murphy opened and closed the Hearing.

MOTION BY LEWIS TO CALL FOR AN ELECTION AMONG THE LANDOWNERS REGARDING ASSESSMENTS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Mayor Murphy trailed the Hearing to 2:00 p.m. to allow the City Clerk to tabulate the ballots.

Clerk Maland announced that there were more ballots received in favor than in opposition of the Maintenance Assessment District.

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

ITEM-341: Two actions related to Rancho Bernardo Maintenance Assessment District.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1174) CONTINUED TO MONDAY, AUGUST 2, 2004

Approving Fiscal Year 2005 Budget for the Rancho Bernardo Maintenance Assessment District.

Subitem-B: (R-2004-1176) CONTINUED TO MONDAY, AUGUST 2, 2004

Considering the protests, approving Engineer's Report, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2005 assessments for the Rancho Bernardo Maintenance Assessment District (District). The District is located in the Rancho Bernardo Community Planning Area. It was established in July 1983 and was last balloted in 1997. For the last several years the District has been over-spending its income, and is financing the maintenance of its current service level by spending down its reserve. In January 2004, the Rancho Bernardo Maintenance Assessment District Citizens Advisory Committee voted to initiate the balloting of the District property owners to: (1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$7.21 to \$15.00 in Fiscal Year 2005, (2) incorporate new areas into the district, and (3) authorize a cost indexing factor of an amount not to exceed the San Diego CPI-U plus 3%. The purpose is to increase income sufficiently to cover the current service level, maintain a minimum 10% operating reserve, and fund small planting projects and their future maintenance through the assessment of property owners. This district would provide maintenance for landscaped medians, hardscaped medians, landscaped rights-of-way, and hardscaped rights-of-way.

<u>EXPENSES:</u>	<u>FY 2005</u>	<u>Maximum Authorized</u>
Personnel	\$36,993	\$36,993
Contract	\$251,961	\$308,816
Incidentals	\$60,491	\$74,541
Energy and Utilities	\$21,943	29,094
TOTAL EXPENSES	\$371,388	449,444
 <u>REVENUES:</u>		
Assessments	\$364,420	\$449,494
City Contributions-Gas Tax	\$33,872	\$33,872
Interest	\$5,000	\$5,000
TOTAL REVENUES	\$403,292	\$488,366
 RESERVES	 \$31,904	 \$38,922

The proposed property owner assessment for Fiscal Year 2005 is \$15.00 per EBU. A maximum assessment authorized for the District is \$18.50 per EBU. The District contains a total of 14,895 EBUs.

FISCAL IMPACT:

It is proposed that the City will contribute \$33,872 from the Gas Tax Fund 302191 for the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to property owners in the District. The City owns 12 assessable parcels in the district, resulting in a General Fund assessment in Fiscal Year 2005 of \$1,933.

Herring/Oppenheim/AWF

FILE LOCATION: STRT-M-400-05 (34)

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:39 a.m.)

Mayor Murphy opened and closed the Hearing.

MOTION BY FRYE TO CONTINUE TO MONDAY, AUGUST 2, 2004 TO ALLOW THE CITY CLERK TO TABULATE THE BALLOTS. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-342: Three actions related to the Torrey Highlands Maintenance Assessment District.

(Torrey Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1192) CONTINUED TO MONDAY, AUGUST 2, 2004

Considering the protests, approving Assessment Engineer's Report, confirming the Assessments, and ordering the proposed maintenance, in the matter of the Torrey Highlands Maintenance Assessment District.

Subitem-B: (R-2004-1193) CONTINUED TO MONDAY, AUGUST 2, 2004

Approving Fiscal Year 2005 Budget for the Torrey Highlands Maintenance Assessment District.

Subitem-C: (R-2004-1194) CONTINUED TO MONDAY, AUGUST 2, 2004

Authorizing the City Auditor and Comptroller to establish the Torrey Highlands Maintenance Assessment District fund.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes Torrey Highlands Maintenance Assessment District (District) and authorizes the Fiscal Year 2005 assessment. The District, also referred to as "Subarea 4" of the North City Future Urbanizing Area, encompasses roughly 1,520 acres, and is generally located north of Los Peñasquitos Preserve and east of Rancho Peñasquitos. The purpose of the District is to fund maintenance of specified landscaped and hardscaped medians, landscaped rights-of-way, adjacent slopes, sidewalks, gutters, and brow ditches within the District. During February

and March 2004, the District was balloted. On March 30, 2004, the weighted votes were tabulated, and the District was not formed due to a majority protest of 59% opposed and 41% in favor. It was subsequently determined that this ballot failed primarily as a result of the protest of a single large property owner. However, after the votes were tabulated, the property owner indicated that he erroneously protested the formation, and he volunteered to fund another ballot and campaign to form the District. This action authorizes the second balloting of this District in accordance with the actions taken on March 30, 2004, in accordance with Resolution R-299036.

<u>EXPENSES</u>	<u>FY 2005⁽¹⁾</u>	<u>Maximum Authorized⁽²⁾</u>
Personnel	\$0	\$67,803
Contract	\$0	\$398,301
Incidentals (3)	\$80,000	\$92,546
Energy and Utilities	<u>\$0</u>	<u>\$56,741</u>
TOTAL EXPENSES	\$80,000	\$615,391
 <u>REVENUES</u>		
Assessments--- Zone 1	\$41,432	\$195,348
Assessments--- Zone 2	\$78,572	\$370,397
Assessments--- Zone 3	\$0	\$99,739
City Contributions—Gas Tax	<u>\$0</u>	<u>\$24,154</u>
TOTAL REVENUES	\$120,004	\$689,638
 RESERVES	 \$40,004	 \$74,247

- (1) FY 2005 is the City's Fiscal Year 2005, which begins July 1, 2004 and ends June 30, 2005.
- (2) Maximum authorized annual assessment subject to cost-indexing provisions contained in Assessment Engineer's Report.
- (3) Includes cost of formation, assessment enrollment, oversight, and original ballot process of February/March 2004.

Proposed annual assessments have been calculated by an independent assessment engineer for the parcels within Torrey Highlands MAD based on each parcels' Equivalent Benefit Unit (EBU). For benefit apportionment purposes, Torrey Highlands MAD has been divided into three zones. The zone locations and unit assessment rates are as follows:

- Zone 1 – Core Area - Consists of all parcels in the District, except those in Zones 2 & 3:
FY 2005 (proposed): \$23.64 per EBU; Maximum (proposed): \$111.46 per EBU;
- Zone 2 – Torrey Meadows and Torrey Santa Fe Area:
FY 2005 (proposed): \$43.51 per EBU; Maximum (proposed) \$205.12 per EBU;
- Zone 3 – Southern Development Area - Camino Del Sur to the South, portions of Rhodes Crossing development and other non-residential land uses:
FY 2005 (proposed): \$0.00; Maximum (proposed): \$111.46 per EBU.

FISCAL IMPACT:

Approximately \$120,004 will be assessed and collected in Torrey Highlands Maintenance Assessment District in FY 2005. Total General Fund assessment for parkland in FY 2005 is \$86.10.

Herring/Oppenheim/AWF

FILE LOCATION: STRT-M-497-05 (34)

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

Mayor Murphy opened and closed the Hearing.

MOTION BY MADAFFER TO CONTINUE TO MONDAY, AUGUST 2, 2004 TO ALLOW THE CITY CLERK TO TABULATE THE BALLOTS. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-343: Two actions related to Peñasquitos East Maintenance Assessment District.

(Rancho Peñasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1114) CONTINUED TO MONDAY, AUGUST 2, 2004

Considering the protests, approving Engineer's Report, confirming the assessments, and ordering the proposed maintenance, in the matter of the Peñasquitos East Maintenance Assessment District.

Subitem-B: (R-2004-1115) CONTINUED TO MONDAY, AUGUST 2, 2004

Approving Fiscal Year 2005 Budget for the Peñasquitos East Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will increase the Fiscal Year 2005 assessments for Peñasquitos Maintenance Assessment District (District) and bring this district into compliance with Proposition 218. The District is located in the Rancho Peñasquitos Community Planning Area. It was established in July 1983 and was last balloted in 1998. For the last several years the District has been over-spending its income, and financing the maintenance of its current service level by spending down its reserve. In November 2003, the Peñasquitos East Maintenance Assessment District Committee voted to initiate the balloting of the District property owners to: (1) raise the annual assessment per Equivalent Benefit Unit (EBU) from \$13.68 to \$28.07 in Fiscal Year 2005, (2) incorporate new areas into the district, and (3) authorize a cost indexing factor of an amount not to exceed the San Diego CPI-U plus 3%. The purpose is to increase income sufficiently to cover the current service level, maintain a minimum 10% operating service, and fund small planting projects and their future maintenance through the assessment of property owners. The new district would provide maintenance for landscaped medians, hardscaped medians, landscaped right-of-ways, and open space.

<u>EXPENSES</u>	<u>FY 2005</u>	<u>Maximum Authorized</u>
Personnel	\$41,908	\$73,342
Contract	\$256,870	\$449,544
Incidentals	\$66,024	\$116,311
Energy and Utilities	\$28,378	\$53,909
TOTAL EXPENSE	\$393,180	\$693,106

REVENUES:

Assessments	\$396,195	\$693,261
City Contributions -		
Environmental Growth Fund	\$2,317	\$2,317
City Contributions-Gas Tax	\$26,069	\$26,069
City Contributions-General Fund	\$4,982	\$4,982
Interest	<u>\$11,196</u>	<u>\$11,196</u>
TOTAL REVENUES	\$440,759	\$737,825
RESERVES	\$47,579	\$44,719

The proposed property owner assessment for Fiscal Year 2005 is \$28.07 per EBU. A maximum assessment authorized for the District is \$46.72 per EBU. The District contains a total of 14,107.19 EBUs.

FISCAL IMPACT:

It is proposed that the City will contribute \$26,069 from the Gas Tax Fund 302191 for the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. The City will also contribute \$2,317 from Environmental Growth Fund 10505 for open space maintenance. Finally, the City will contribute \$4,982 from the General Fund for grounds maintenance at the Peñasquitos Library. All other costs are assessed to property owners in the District. The City owns 14 assessable parcels in the district, including one fire station, one library, and several parks, resulting in a General Fund assessment in Fiscal Year 2005 of \$3,771.

Herring/Oppenheim/AWF

FILE LOCATION: MEET

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

Mayor Murphy opened and closed the Hearing.

MOTION BY PETERS TO CONTINUE TO MONDAY, AUGUST 2, 2004 TO ALLOW THE CITY CLERK TO TABULATE THE BALLOTS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-344: Wireless Communication Facility Policy Amendment and Associated Ordinance Revisions to the Land Development Code.

Matter of approving or denying draft City Council Policy 600-43 (Wireless Communication Antennas) and proposed revisions to the Land Development Code (Wireless Communication Facilities Section 141.0420-new section and various other sections relating to the subject).

The City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attn: Karen Lynch-Ashcraft, 1222 First Avenue, Mail Stop 501, San Diego, CA 92101, before the close of the City Council public hearing.

(See City Manager Report CMR-04-114 Rev. All Community Plan Areas. Districts-Citywide.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in subitem A; and adopt the resolution in subitem B:

Subitem-A: (O-2004-123 Cor. Copy) INTRODUCED AS AMENDED, TO BE
ADOPTED ON MONDAY, AUGUST 9,
2004

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 113.0103; Amending Chapter 12, Article 3, Division 4, by amending Sections 123.0402 and 123.0406; Article 6, Division 2, by amending Section 126.0203; Article 6, Division 3, by amending Section 126.0303; Amending Chapter 13, Division 2, by amending Section 131.0222; Division 3, by amending Section 131.0322; Division 4, by amending Section 131.0422; Division 5, by

amending Section 131.0522; Division 6, by amending Section 131.0622; Amending Chapter 14, Article 1, Division 4, by amending Section 141.0405; And by adding Section 141.0420 titled "Wireless Communication Facilities," all pertaining to Wireless Communication Facilities Regulations.

Subitem-B: (R-2004-1050 Cor. Copy) ADOPTED AS RESOLUTION R-299512

Adoption of a Resolution of the Council of the City of San Diego amending Council Policy No. 600-43 pertaining to Telecommunication Antenna Policy.

LAND USE AND HOUSING COMMITTEE RECOMMENDATION

On 10/09/02, LU&H voted 5 to 0 to adopt the City Manager's recommendations with changes to the draft policy's Guidelines for Placement of Wireless Communications Facilities. Councilmembers Wear (nay on B), Peters, Stevens, Maienschein, Frye, voted yea.

OTHER RECOMMENDATIONS:

Planning Commission on January 16, 2003, voted unanimously (6-0, Commissioner Brown absent) to recommend to the City Council, approval of draft Council Policy 600-43 and the associated Land Development Code revisions. Additional considerations were included in the motion to approve; was opposition.

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

The Community Planner's Committee reviewed the draft policy on March 26, 2002 and voted 13-5-2 to: **1)** Support the concerns of the community members of the reconstituted Telecommunication Issues Committee (TIC2); **2)** Recommend that Land Use and Housing (LU&H) approve a revised "draft" that restricts the placement of wireless communication facilities in Agricultural and Open Space zones, Public Right-of-Way adjacent to residential, Multi-Family and Single-Family Residential zones, premises within the MHPA and Coastal Overlay zones unless the applicant has provided justification clearly indicating that recommended high and limited preference locations were explored in good faith and found unacceptable, that a denial would be a violation of the Telecommunication Act of 1996 (TCA) or other federal, state or local regulation and that the proposed wireless facility constitutes the "least intrusive method" of satisfying the applicant's requirement; and **3)** Recommend that LU&H approve a site preference matrix that ensures appropriate accountability to elected representatives by providing for

a process three with extraordinary appeal to City Council (a procedure permitted under the old code) in cases of applications for wireless communications facilities within Agricultural and Open Space zones, City Parks and Open Space, Public Right-Of-Way adjacent to residential, Multi-Family and Single-Family Residential zones, premises containing designated historical resources, premises within the MHPA and Coastal Overlay zones.

CITY MANAGER SUPPORTING INFORMATION:

Background

At the direction of LU&H in September 2001, staff, in coordination with a committee comprised of citizens and industry members (the Telecommunication Issues Committee [TIC]) set out to prepare a draft Wireless Communication Facility policy. The resulting document was intended to comprehensively address the many issues that surround wireless communication facility installations within the City of San Diego. Over the course of a year, TIC met twelve times and developed a draft policy based on a land use hierarchy. LU&H met four times on the issue and based on recommendations from TIC, directed staff to make several key changes to the draft policy including direction to revise the existing regulations. Recommended revisions included modifying the draft policy to include stricter preference levels for residential zones and city parks, adding definitions related to the Telecommunication Act of 1996, adding language on maintenance and abandonment, revising the LDC sections related to wireless communication facilities to comprehensively address land use and visual impacts and increasing the decision process levels for residential zones and city parks.

On January 16, 2003, the Planning Commission voted unanimously to approve the draft revisions to the Land Development Code, including the higher decision process levels and the amended version of Council Policy 600-43. The following considerations were included in the motion: 1) Elevate Open Space from a Process Three to a Process Four; 2) Include a stipulation requiring providers to assist in updating facility location maps and ensure they are made available to the public; 3) Revise language related to installations on light standards to include flexibility to place antennas above the light source; 4) Develop language to permit flexibility in the time limits for temporary wireless facilities.

The resulting draft policy amends Council Policy 600-43, which outlines internal procedures, identifies preference categories (where commercial and industrial are a higher preference than residential and park sites) and provides comprehensive guidelines to reduce visual and land use impacts associated with wireless communication facilities.

Additionally, throughout the process of updating the Council Policy, staff has received substantial input from stakeholder groups which has led to the language contained in "Processing of Applications for Wireless Facilities on City Property," in the draft policy. In addition to the processing and siting issues, leasing issues including the allocation of revenues generated from telecommunication sites have been addressed. Revenues consist of market rate rent for use of the property and a one-time site access fee. The proposed fee is \$40,000 for all new leases and will be adjusted upward on an annual basis by the Consumer Price Index. Existing leases where a site access fee has not already been paid will be subject to a \$20,000 fee upon lease renewal. It is proposed that the site access fee be paid either as a one-time lump sum payment or prorated over a period not to exceed thirty-six months. Telecommunication installations within an existing right-of-way are exempt from the site access fee.

To facilitate the anticipated volume of lease activity, staff requests that the City Manager be given the authority to enter into leases for telecommunication sites for a term of up to ten years before Council approval is required. For general fund sites, staff is proposing that all of the site access fees and one-half of the rental revenue be deposited into a special fund used primarily to benefit the property or neighboring community where the site is located. For Telecommunication related sublease of City-owned property the City's lessee will be required to pay all of the site access fee and fifty percent of the revenue to the City as a condition of the consent to sublease. Processing fees will also be required to cover the administrative costs associated with the application.

The revised draft regulations provide comprehensive design requirements, higher process levels for sensitive land uses and locational criteria for all wireless facilities. The draft regulations utilize a process-based hierarchy, which encourages providers to go to commercial and industrial zones and right-of-way. The regulations also increase the decision process levels from Hearing Officer to Planning Commission for residential zones, park sites and open space and increases the decision process level from staff decision to Hearing Officer for projects located on non-residential uses within residential zones. Attachment 8 illustrates the comparison between the current regulations (Section 141.0405) and the proposed regulations (Section 141.0420).

FISCAL IMPACT:

Project review for compliance with the Wireless Communication Facility Policy and associated regulations is fully cost recoverable through deposit accounts provided by wireless communication facility applicants. With the increase in process levels for wireless communication facilities in residential areas, as recommended in this report, there will be an

increased number of discretionary projects requiring staff processing and review. Currently, the majority of projects are processed ministerially, but with the proposed revisions to the decision process levels, many of the projects will be processed at higher decision levels requiring Planning Commission decisions with potential appeals to the City Council.

The Park and Recreation Department has no budgeted positions available to manage the proposed new wireless communication facilities projects and cannot absorb the additional workload with present staff. It is requested that 1.00 cost recoverable Park Designer position and associated non-personnel expense at a cost of \$102,444 be added to the Park and Recreation Department/Park Planning Division's Fiscal Year ~~2004~~ 2005 Operating Budget in Fund no. 100, Department no. 446, Organization no. 2001 (General Fund) for this purpose. The position would be fully cost recoverable through deposit accounts provided by wireless communication facility applicants.

Loveland/Christiansen/KLA

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(1) (the activity is not a project as defined in Section 15378).

FILE LOCATION: SUBITEM A: NONE
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 6:12 p.m. – 7:58 p.m.)

Testimony in opposition by Cynthia Conger, Mac Strobl, Debbie Collins, Nathan Hamler, Ted Marioncelli, William Schwartz, Doug Sain, Jennie Starr, and Angelika Villagrana.

Testimony in favor by Mindy Pellissier and Mary Coakley.

Motion by Inzunza to continue this item to November 9, 2004, to allow the parties time to address the concerns. Second by Lewis. Failed by the following vote: Peters-yea, Zucchet-nay, Atkins-not present, Lewis-yea, Maienschein-nay; Frye-nay; Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

MOTION BY FRYE TO INTRODUCE THE ORDINANCE IN SUBITEM A AS AMENDED TO: 1) INCLUDE A PROVISION STATING "APPLICATIONS ARE DEEMED COMPLETE AT THE TIME THE ORDINANCE TAKES EFFECT"; 2) DIRECT STAFF TO ADDRESS THE CONCERNS RAISED BY THE SPEAKERS

DURING PUBLIC TESTIMONY WITHIN 60 DAYS WHICH ARE THE FOLLOWING: PREFER TRAFFIC SIGNALS FOR USE AS CELL SITE INSTALLATIONS OVER STREET LIGHTS AND RIGHT-OF-WAY; EVALUATE A 200 FOOT SET-BACK REQUIREMENT FROM RESIDENTIAL NEIGHBORHOOD PROPERTY LINES; ENCOURAGE CARRIERS TO SUBMIT A COMPREHENSIVE COMMUNITY PLAN FOR CELL SITE PLACEMENT THROUGHOUT A COMMUNITY; EVALUATE ENCOURAGING WIRELESS COMMUNITY FACILITY INSTALLATIONS IN CITY PARKS THROUGH ADJUSTED REVIEW PROCESS TO A PROCESS TWO. 3) COME BACK TO COUNCIL FOR REVIEW WITHIN 120 DAYS; AND 4) ADOPT THE RESOLUTION IN SUBITEM B. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

ITEM-S403: In the Matter of Information Report Update on FY 2004 – 2005 State Budget.

(See memorandums from Andrew Poat dated 7/8/2004 and 7/13/2004.)

(Continued from the meetings of July 13, 2004, Item S401, and July 19, 2004, Item S401, last continued at the request of Councilmember Frye, for further review.)

CONTINUED TO MONDAY, AUGUST 2, 2004

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:20 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, AUGUST 2, 2004, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-not present, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Issuance of a Multifamily Revenue Bonds for Hillside Gardens Apartments.

(Darnall Community Area. District-7.)

(Continued from the meeting of July 20, 2004, Item 332, at the request of Councilmember Peters, to allow Councilmember Madaffer to be present.)

NOTE: Hearing open. Testimony taken on July 20, 2004.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-24 REV.) ADOPTED AS RESOLUTION R-299506

Approving the issuance of bonds by the Housing Authority of the City of San Diego, for the acquisition and rehabilitation of Hillside Gardens Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

SUPPORTING INFORMATION:

The San Diego Housing Commission recommends that the City Council adopt a resolution approving the Housing Authority's official intent to issue multifamily housing revenue bonds for up to \$27 million for the Hillside Gardens Apartments. The Housing Commission also requests that the City Council hold a noticed, public hearing, in accordance with Section 147 (t) of the Internal Revenue Code of 1986. These actions are required by the Internal Revenue Code in order for the interest on the bonds to be tax-exempt.

Approval of the recommended items will in no way commit the Housing Authority to issue bonds for the project. The recommended actions do not represent any commitment by the Housing Authority or the applicant to proceed with the financing of the project. If bonds are eventually issued, the financial risks associated with the project will be minimal since repayment of the bonds will be guaranteed by a third party.

The Project

The Hillside Gardens Apartments are located at 5802 University Avenue in Council District 7. The project currently consists of 380 units, with 95 units restricted at 65% of the area median income (\$44,550 for a family of four). Without future involvement by the Housing Authority, the current restrictions on the property will expire in 2005, and the restricted units would convert to

market rents. The Housing Commission is currently working with the developer, to preserve the rental restrictions on a portion of the project's units. As part of a new financing, the Housing Commission is analyzing the feasibility of issuing multifamily housing revenue bonds for the project. A bond financing would require that at least 20% of the units (76) would be restricted at 50% AMI (\$34,250 for a family of four).

Prior Actions

On November 14, 2003, the Housing Commission approved the selection of bond counsel and a financial advisor to work on the project. In addition, the Housing Commission recommended that the Housing Authority and City Council take the initial steps to issue bonds for the project. On November 18, 2003, the Housing Authority adopted a resolution setting forth the official intent to issue bonds for the project. Due to a problem with docketing, the City Council resolution and the public hearing did not appear on the agenda at that time.

Future Actions

Approval of the recommended items would permit an application to be submitted to the State for an allocation of bond issuing authority. If the project receives a bond allocation, specific authorization to issue bonds for the project will be sought from the Housing Commission and Housing Authority at a future date. At that time, staff and its financing consultants will have completed all feasibility analysis for the project. Also, at that time, a set of substantially final bond documents will presented to the Housing Authority for approval.

ECM/CF/PGA

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:55 a.m.)

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

ITEM-S501: Four actions related to Submitting to the Voters a Ballot Proposition Relating to the Disposition of Mt. Soledad Natural Park and Disposition of the Case Paulson versus City of San Diego.

(See City Attorney Report dated 6/28/04. La Jolla Community Area. District – 1.)

TODAY'S ACTIONS ARE:

Consider introduction and adoption of the ordinance in Subitem A, and approval of related actions in Subitems B, C, and D. **NOTE:** As an alternative to adoption of the ordinance in Subitem A, and approval of Subitems B, C, and D, direct the City Attorney to take other action related to the disposition of Paulson versus City of San Diego.

Subitem-A: (O-2005-19 REV.) INTRODUCED AND ADOPTED AS AMENDED
AS ORDINANCE O-19306 (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 authorizing the City of San Diego to sell a portion of Mt. Soledad Natural Park, including land leased to the Mt. Soledad War Memorial Association for maintenance of its war memorial, for fair market value to a private owner, preserving the ability of the War Memorial Association to maintain existing improvements but giving the new owner the sole right to decide whether to keep or remove the cross, relocate the cross, or replace the cross with another landmark of similar size and scale. **remove from dedicated park status and sell to the highest bidder a portion of Mount Soledad Natural Park, subject to a lease to the Mount Soledad War Memorial Association to preserve and maintain the existing granite walls and plaques, and to transfer ownership of the cross to the new buyer who will determine whether to maintain, relocate, or remove the cross or to replace it with another appropriate monument.**

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

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.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:27 p.m. – 5:32 p.m.;
6:00 p.m. – 6:11 p.m.)

Motion by Frye not to consider introduction and adoption of the ordinance in Subitem A, and approval of related actions in Subitems B, C, and D. Second by Zucchet. Failed by the following vote: Peters-nay, Zucchet-yea, Atkins-not present, Lewis-nay, Maienschein-nay; Frye-yea; Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

Motion by Inzunza to continue to Tuesday, August 10, 2004, for further review. Second by Frye. Failed by the following vote: Peters-nay, Zucchet-yea, Atkins-not present, Lewis-nay, Maienschein-nay; Frye-yea; Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

MOTION BY PETERS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AS AMENDED TO: 1) EXCLUDE THE WORD “WAR” FROM THE MOUNT SOLEDAD MEMORIAL ASSOCIATION LANGUAGE; 2) PLACE THE PROPOSAL ON THE BALLOT; 3) REFRAIN FROM ANY RESCISSION OR ATTEMPT TO RESCIND THE DEED OF SALE PENDING THE OUTCOME OF THE VOTE; 4) DEFER ANY ATTEMPT TO GAIN A JUDICIAL DETERMINATION OF THE OWNERSHIP OF THE CROSS PENDING THE OUTCOME OF THE VOTE; 5) COOPERATE TO MAINTAIN EXISTING LEGAL POSITIONS OF ALL THE PARTIES, INCLUDING THE PRESERVATION OF ALL RIGHTS OF PLAINTIFFS AND MOUNT SOLEDAD MEMORIAL ASSOCIATION TO ANY CHALLENGES THAT COULD OR SHOULD HAVE BEEN RAISED PRIOR TO THE VOTE SO THAT THEY CAN BE RAISED THEREAFTER; 6) CITY ATTORNEY SHALL ENTER INTO A LONG TERM LEASE OF THE PLAQUE MEMORIAL TO MOUNT SOLEDAD MEMORIAL ASSOCIATION IN THE EVENT OF ANY FUTURE RESCISSION OF THE DEED; AND 7) SHOULD VOTERS REJECT THE PROPOSAL, CITY ATTORNEY SHALL ENTER INTO THE SETTLEMENT AGREEMENT NOW WITH MOUNT SOLEDAD MEMORIAL ASSOCIATION AND PLAINTIFFS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-not present, Lewis-yea, Maienschein-yea; Frye-nay; Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

MOTION BY PETERS TO: 1) DIRECT THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; 2) DIRECT THE CITY MANAGER TO PREPARE A FISCAL ANALYSIS; AND 3) DESIGNATE COUNCIL MEMBER MADAFFER TO BE IN CHARGE OF THE AUTHORSHIP OF THE BALLOT ARGUMENT WITH

THE STIPULATION IF CITY ATTORNEY CASEY GWINN WANTS TO BE A SIGNATOR, IT WOULD HAVE TO COME BACK TO COUNCIL FOR CONSIDERATION ON MONDAY, AUGUST 2, 2004. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-not present, Lewis-yea, Maienschein-yea; Frye-nay; Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 8:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:00 p.m.)