

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 30, 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 10:08 a.m.

Mayor Murphy announced that today was City Attorney Casey Gwinn's last City Council Meeting and that he wished to recognize Mr. Gwinn for his eight years of working for one of the largest law firms, and for his exemplary service as City Attorney for the City of San Diego. Mayor Murphy commented that over the last four turbulent years, Mr. Gwinn has earned a tremendous amount of respect for clearly focusing on the law despite the distractions, faithfully following the law, and always being willing to stand up for what he believes in. He has done his absolute best to serve the people of the City of San Diego. Mayor Murphy noted that Mr. Gwinn has taken on a number of major projects, but that he will mention only three of them. Mayor Murphy stated that when he took office four years ago, and established the ten goals for the City, Goal Number 1 was to create an Ethics Commission, and that he chose Mr. Gwinn to be his partner in working on that goal. It was the very first one they completed, and the Commission was formed in 2001. Together, they revamped the City ethics laws, and changed the Campaign Control Ordinance. Secondly of course, Mr. Gwinn working with Assistant City Attorney Les Girard has also worked very hard on Goal Number 6 to complete the downtown Ballpark. Mr. Gwinn and his team won every single lawsuit and every single appeal against the Ballpark, clearing the way for it to be completed. Finally, City Attorney Casey Gwinn took on a special project near and dear to his heart and has set a standard for the Nation with the Justice Center for Domestic Violence downtown. It will certainly be a legacy Mr. Gwinn will leave behind that will serve the people of San Diego for many years to come. On behalf of all the people of San Diego, Mayor Murphy presented City Attorney Casey Gwinn a plaque for his eight years of outstanding service to the City Attorney's Office and with their thanks and appreciation for that. Council Member Maienschein, Council Member Inzunza, Council Member Peters, Council Member Zucchet, Deputy Mayor Atkins, Council Member Frye, Council Member Madaffer, City Manager Lamont Ewell, and Assistant City Clerk Joyce Lane each expressed their appreciation and praise for his hard work, and dedication as a public servant for the City of San Diego.

City Attorney Casey Gwinn wished to thank the Mayor, Council, City Manager, and City Clerk for the opportunity to serve them for the last eight years. In 1985 when he became a Deputy City Attorney, he really didn't plan to stay with the City of San Diego for very long. He figured that he would be in the City Attorney's Criminal Division for maybe a year or two, and then go off to the Attorney General's Office, or the DA's Office, or the U. S. Attorney's Office, or somewhere else as a prosecutor, but fell in love with not an office, but a group of people that make up the City Attorney's Office, and that care deeply about public service. Mr. Gwinn stated that over the last 19 years he has been very honored to work with people that never show up in the newspaper, that usually you never hear about day to day. Most of the work of the City Attorney's Office is not done on the front pages of the newspaper, even in the midst of the storm the City faces, but day to day people come to work, 340 of them doing incredible legal work, not compensated at anywhere near the rate that they might be compensated in other fields. Mr. Gwinn also stated that he was honored to be part of that team for the last 19 years. Mr. Gwinn wished to recognize Executive Assistant City Attorney Leslie Devaney, Assistant City Attorney Rick Duvernay who has accepted a position in Redding, California as City Attorney, Deputy David James, Assistant City Attorney Leslie Girard, and Confidential Secretary Jean Emmons for their tremendous service, expertise, and hard work.

The meeting was recessed by Mayor Murphy at 11:30 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:36 a.m. with all Council Members present and District 4 vacant. The meeting was recessed at 11:40 a.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:48 a.m. with all Council Members present and District 4 vacant. The meeting was recessed and 12:01 p.m. by Mayor Murphy to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. Mayor Murphy recessed the meeting at 2:31 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 3:10 p.m. with all Council Members present and District 4 vacant. Mayor Murphy recessed the meeting at 3:50 p.m. to reconvene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 4:28 p.m. with all Council Members present and District 4 vacant. Mayor Murphy adjourned the meeting at 4:50 p.m.

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 District 4-vacant
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Maland/Lane (pr/er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) District 4-Vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding education, the Founding Fathers, and the Declaration of Independence.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2

Comment by Noel Neudeck regarding the upcoming Inauguration, and that he feels it is not an appropriate venue for wheelchair accessibility.

Assistant City Clerk Joyce Lane clarified for Mr. Neudeck that the Inauguration will be held in Golden Hall, and that building provides adequate accessibility.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.; 10:51 a.m. – 10:52 a.m.)

PUBLIC COMMENT-3

Comment by Margie Peary regarding the trees in De Anza Cove being cut down.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-4:

Comment by Sandy Summers regarding municipal bowling alleys.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:58 a.m.)

PUBLIC COMMENT-5:

Comment by Phil Hart regarding his feelings on the pension deficit and city finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:02 a.m.)

PUBLIC COMMENT-6:

Comment by Daniel Beeman regarding elections and “doing your job.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:04 a.m.)

PUBLIC COMMENT-7:

Comment by Ron Boshun regarding council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:07 a.m.)

PUBLIC COMMENT-8:

Comment by Maggie Valentine regarding problems with the re-design of Rosecrans Street.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Comment by Kathleen Blavit regarding public facilities and financing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. – 11:13 a.m.)

PUBLIC COMMENT-10:

Comment by John McNab regarding conclusions about this election from the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:16 a.m.)

PUBLIC COMMENT-11:

Comment by Arlene Freeman regarding the City of Yanti and Falun Gong.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. – 11:20 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Maienschein wishing to announce the birth of his second child, Brianna Kelly Maienschein, and that both mom and daughter are doing very well.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:26 a.m. – 11:27 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-201: Change Order No. 3 with Sverdrup Civil, Inc. for Final Design and Construction Support of the At-Grade Vehicular Railroad Crossing at Park Boulevard and Harbor Drive.

(See City Manager Report No. CMR-04-253. Centre City Community Area. Districts 2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-599) ADOPTED AS RESOLUTION R-299916

Finding and determining that the foregoing recitals are true and correct, as being in the best interests of the City;

Authorizing the City Manager to execute Change Order No. 3 with Sverdrup Civil, Inc., in the amount of \$525,000 for final design and construction support of the at-grade vehicular railroad crossing at Park Boulevard and Harbor Drive;

Authorizing and directing the City Manager and City Auditor and Comptroller to execute the necessary documentation, including, if necessary, an assignment of the Sverdrup Civil, Inc. contract, to cause the transfer of responsibility for future construction work for the at-grade crossing to the Redevelopment Agency, and to transfer the remaining available funding within the City's infrastructure budget of \$2,641,374 to the Redevelopment Agency for that purpose;

Authorizing and directing the City Manager and City Auditor and Comptroller, upon completion of the design and construction work on the at-grade crossing by Sverdrup Civil, Inc. pursuant to the existing contract with the City, to transfer any remaining funding to the Redevelopment Agency for future construction work on the at-grade crossing;

Authorizing and directing the City Manager and City Auditor and Comptroller to reimburse the Padres in the amount of \$769,545 for infrastructure work performed by the Padres on behalf of the City, and to execute a necessary or appropriate documentation for that purpose;

Authorizing and directing the City Manager and City Auditor and Comptroller to take such other and further actions, and negotiate, prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution, the Ordinance, the Memorandum of Understanding (MOU), the First Implementation Agreement, the Second Implementation Agreement, the Third Implementation Agreement or Fourth Implementation Agreement, consistent with the rights and obligations of the City pursuant to the Ordinance, MOU, Implementation Agreement, Second Implementation Agreement, Third Implementation Agreement, and Fourth Implementation Agreement, and their authorizing ordinances and resolutions.

Aud. Cert. 2500513.

FILE LOCATION: CONT – Sverdrup Civil, Inc. (64)

COUNCIL ACTION: (Time duration: 4:28 p.m. – 4:44 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Ratifying the 2004 Project Area Committee (PAC) Election Results for College Community, City Heights, and North Bay.

(See City Manager Report CMR-04-252. College Area, City Heights, Midway/Pacific Highway, Linda Vista, Peninsula, Clairemont Mesa, Uptown, Mission Valley, and Old Town Community Areas. Districts 2, 3, 4, 6, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-607) ADOPTED AS RESOLUTION R-299909

Ratifying the election results of October 5, 2004, for the College Community Redevelopment Project Area Committee.

Subitem-B: (R-2005-559) ADOPTED AS RESOLUTION R-299910

Ratifying the election results of November 9, 2004, for the City Heights Redevelopment Project Area Committee.

Subitem-C: (R-2005-608) ADOPTED AS RESOLUTION R-299911

Ratifying the election results of October 26, 2004, for the North Bay Redevelopment Project Area Committee.

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Time duration: 11:28 p.m. – 11:29 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS RATIFYING THE ELECTION RESULTS OF OCTOBER 5, 2004, NOVEMBER 9, 2004, AND OCTOBER 26, 2004. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Applying to HUD for a Brownfields Economic Development Initiative (BEDI) Grant and a Section 108 HUD Loan for the Development of Chollas Parkway Business Park.

(See Redevelopment Agency Report No. RA-04-42/CMR-04-262. Mid City and Eastern Area Community Areas. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-583) ADOPTED AS RESOLUTION R-299912

Authorizing the City Manager, or his designee, to apply to HUD for a Section 108 Loan of \$1.35 million for development of the Chollas Parkway Business Park and set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager, or his designee, to apply for HUD for a Brownfield Economic Development Initiative grant in an amount up to \$225,000 for the annual repayment of the HUD 108 loan and set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager, or his designee, to conduct all negotiations and to execute and submit all documents related to the processing of the HUD 108 loan and the BEDI grant, if said loan and grant are approved.

Authorizing the City Manager, or his designee, to accept and transfer the loan proceeds to the Redevelopment Agency for the development of the Chollas Parkway Business Park, if said grant and loan is approved and funded;

Authorizing the City Manager, or his designee, to pledge future District 7 CDBG entitlement funds as security should there be insufficient tax increment revenue to make the annual loan payments;

Authorizing the City Manager, or his designee, to utilize the BEDI grant for interest-only payments on the HUD 108 loan for 3 to 5 years, or until expended;

Authorizing the City Manager, or his designee, to amend the CDBG 2005 Action Plan to reflect the use of HUD 108 funds for the development of the Chollas Parkway Business Park;

Authorizing the City Manager, or his designee, to encumber the City's College/Rolando Service Center (4704 College Avenue) and the current College Heights Branch Library (4710 College Avenue) by issuing a deed of trust in HUD' s favor as collateral for the HUD 108 loan;

Authorizing the City Manager, or his designee, further collateralization of the loan with future CDBG entitlement funds, if required by HUD to supplement the real estate offered as collateral.

NOTE: See Redevelopment Agency Agenda of 11/30/2004 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:29 a.m. – 11:29 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Two actions related to Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-212; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft. Carmel Valley Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-391) ADOPTED AS RESOLUTION R-299913

Designating two areas of benefit in Carmel Valley 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 areas of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments,

and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of two Facilities Benefit Assessment areas in Carmel Valley.

Subitem-B: (R-2005-392) ADOPTED AS RESOLUTION R-299914

Approving the Development Impact Fee [DIF] schedule for properties within Carmel Valley.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Zucchet, Frye and Inzunza voted yea. District 4-vacant.)

FILE LOCATION: SUBITEMS A & B: STRT-FB-8 (33)

COUNCIL ACTION: (Time duration: 11:29 p.m. – 11:29 p.m.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Two actions related to Disposition & Development Agreement with East Village LLC for Ballpark Project East Village Square Right Field Development Diamond View Tower.

(See Centre City Development Corporation Report CCDC-04-36/CCDC-04-22. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-288) ADOPTED AS RESOLUTION R-299917

Approving the sale of certain property located generally at the block bounded by Ninth Avenue, Tenth Avenue, J Street, and K Street in the Centre City Redevelopment Project Area to East Village Square LLC; approving the Disposition and Development Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2005-287 Cor. Copy) ADOPTED AS RESOLUTION R-299918

Declaring the proposed Office and Building Identity Comprehensive Sign Plan establishes guidelines for signs on the exterior of the Diamond View Tower consistent with the City of San Diego Land Development Code and the East Village Square Master Plan;

Approving the Office and Building Identity Comprehensive Sign Plan, subject to the condition that all high-rise signs utilize the same lighting to provide uniformity in their appearance.

NOTE: See the Redevelopment Agency Agenda of 11/30/2004 for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Time duration: 3:10 p.m. – 3:50 p.m.)

Testimony in opposition by Daniel Beeman.

MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-nay, District 4-vacant, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Sea Breeze Carmel View.

Matter of approving, conditionally approving, or denying a proposal for a Site Development Permit; Coastal Development Permit; and Planned Development Permit; Multi-Habitat Planning Area Boundary Adjustment; and Height Deviation to allow the construction of one two-story and one three-story office building totaling 125,000 square feet and a four-level subterranean parking structure with 456 spaces. The project also includes an amendment to the Carmel Valley Neighborhood 8 Precise Plan and the City of San Diego Progress Guide and General Plan to redesignate 0.5 acres from Very-Low Residential (0-5 dwelling units/acre) and 4.0 acres of Open Space to Neighborhood Commercial. These land use changes constitute an amendment to the Carmel Valley Local Coastal Program/Land Use Plan. The site is currently zoned SF2 (single-family development with 4,500-square foot minimum lot size) and is proposing to rezone to NC (Neighborhood Commercial). The site is located just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley Neighborhood 8 Precise Plan.

(MND/MMRP/Amending Carmel Valley Neighborhood 8 Precise Plan, Carmel Valley Community Plan, PG&GP, LCP No. 7276/RZ No. 7274/SDP No. 7273/CDP No. 7272/PDP No. 7275/Multi-Habitat Plan Area Boundary Line Adjustment/Height Deviation/Project No. 4449. Carmel Valley Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem B to grant the permits, the Multi-Habitat Area Boundary Line Adjustment and Height Deviation; and introduce the ordinance in Subitem C:

Subitem-A: (R-2005-550) ADOPTED AS RESOLUTION R-299919

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 4449, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a Progress Guide and General Plan Amendment, Carmel Valley Community Plan Amendment, Neighborhood 8A Precise Plan, Rezone, MHPA Boundary Adjustment, Coastal Development Permit, Site Development Permit and Planned Development Permit for the Sea Breeze Carmel Valley Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Pubic Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2005-) ADOPTED AS RESOLUTION R-299920

Adoption of a Resolution granting or denying Site Development Permit No. 7273, Coastal Development Permit No. 7272, and Planned Development Permit No. 7275, and granting or denying Multi-Habitat Area Boundary Line Adjustment/Height Deviation, with appropriate findings to support Council action.

Subitem-C: (O-2005-68) INTRODUCED, TO BE ADOPTED ON
MONDAY, JANUARY 10, 2004

Introduction of an Ordinance of the Council of the City of San Diego changing 5.4 acres located at the south west corner of Shaw Ridge Road and Carmel Creek Road, within the Carmel Valley Community Plan area, in the City of San Diego, California, from the Carmel Valley Planned District SF2 and OS Zones into the Carmel Valley Planned District NC Zone, as defined by San Diego Municipal Code Sections 103.0610 and 103.0614, and repealing Ordinance No. O-16636 (New Series), adopted April 28, 1986 and Ordinance No. O-17016 (New Series), adopted January 25, 1988, of Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2005-551) ADOPTED AS RESOLUTION R-299921

Adoption of a Resolution amending the Carmel Valley Community Plan and Neighborhood 8 Precise Plan;

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

OTHER RECOMMENDATIONS:

Planning Commission voted 5 - 0 to approve; was opposition.

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

The Carmel Valley Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

The proposal is to allow the construction of one two-story and one three-story office building totaling 125,000 square feet and a four-level subterranean parking structure. The project requires amendments to the Carmel Valley Community Plan/Neighborhood 8 Precise Plan, the City of San Diego Progress Guide and General Plan and to the Local Coastal Program to redesignate 0.5 acres from Very-Low Residential (0-5 dwelling units/acre) and 4.0 acres of Open Space to Neighborhood Commercial. These land use changes constitute an amendment to the Local Coastal Program/Land Use Plan. The site is currently zoned SF2 (single family with 4,500-square foot minimum lot size) and is proposing to rezone to NC (Neighborhood Commercial). The site is located just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley Community Plan area. The project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this project will be with the California Coastal Commission.

Community Planning Group Recommendation – On September 14, 2004, the Carmel Valley Community Planning Group voted 13:0:0 in support of the project as proposed with no conditions.

Planning Commission Recommendation – On November 4, 2004, the Commission voted 5:0:1 to recommend that the City Council adopt City staff recommendations to approve the project as presented in Planning Report No. PC-04-177 and in preceding Item 11.

FISCAL IMPACT: None. All costs are paid by the applicant.

Ewell/Halbert/PXG

LEGAL DESCRIPTION:

The project site is located southeast of the intersection of Interstate 5 and State Route 56, just north of the existing San Diego Jewish Academy, at the southwest corner of Carmel Creek and Shaw Ridge Road, in the Carmel Valley Neighborhood 8 Precise Plan area and is more particularly known as Section 19 of Township 14 South, Range 3 West of the USGS 7.5' Del Mar Quadrangle.

FILE LOCATION: SUBITEMS A, B, & D: LUP-Sea Breeze Carmel View 11/30/04 (65)
SUBITEM C: NONE.

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:29 p.m.;
11:48 p.m.-11:57 a.m.)

Testimony in favor by Ann Harvey.

MOTION BY PETERS TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND D; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMITS, THE MULTI-HABITAT AREA BOUNDARY LINE ADJUSTMENT AND HEIGHT DEVIATION, WITH THE REQUIREMENT THAT ANY SUBSTANTIAL CONFORMANCE REVIEW TAKE PLACE UNDER PROCESS 2 WITH NOTIFICATION TO THE COMMUNITY; AND INTRODUCE THE ORDINANCE IN SUBITEM C WITH THE FOLLOWING DIRECTIONS: COLOR OF THE BUILDINGS IS IMPORTANT AND SHALL NOT BE CHANGED; PARKING SHALL BE CONFIGURED TO BE INVISIBLE FROM THE TRAIL; THE FOOD SERVICE IS A WAITING PLACE FOR THE TRAIL AND IS A VERY IMPORTANT TRAIL AMENITY WHICH NEEDS TO BE PRESERVED; THE LANDSCAPING SHIELDS THE BUILDING AND IS IMPORTANT; THE BUILDING SHALL BE SET BACK AS FAR AS POSSIBLE. CHANGES MAY NOT BE MADE BY STAFF UNDER THE ASSUMPTION THAT THEY ARE MINOR. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Awarding a Contract to HTA Engineering and Construction for the construction of Euclid Avenue Gateway (Project).

(Mid City and City Heights Community Areas. Districts 3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-578 Cor. Copy) ADOPTED AS RESOLUTION R-299915

Authorizing the City Manager to award the Project contract to HTA Engineering and Construction for the construction of Euclid Avenue Gateway, in an amount not to exceed \$557,481.30, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to accept an amount not to exceed \$60,000 into CIP-52-699.0, Euclid Avenue Gateway, Fund No. 10259, Contributions to CIP from Redevelopment Agency contributions;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$190,000 from Fund No. 79504, Mid City DIF, for the purpose of solely and exclusively providing funds for construction and other related administrative costs for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$12,210 from Fund No. 30300, TransNet funds, for the purpose of solely and exclusively providing funds for the construction and other related administrative costs for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Amending the Fiscal Year 2005 Capital Improvements Program (CIP) Budget for CIP-52-699.0, Euclid Avenue Gateway, by increasing the budget amount by \$262,210 (\$190,000 from Fund No. 79504, Mid City DIF; \$60,000 from Fund No. 10259, City Heights Project Area Committee Funds; and \$12,210 from Fund No. 30300, TransNet).

Authorizing City Auditor and Comptroller to expend \$262,210 from CIP-52-699.0, Euclid Avenue Gateway (\$190,000 from Fund No. 75904, Mid City DIF; \$60,000 from Fund No. 10259, City Heights Project Area Committee Funds; and \$12,210 from Fund No. 30300, TransNet), solely and exclusively for the purpose of providing funds for construction and other related Administrative Costs for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Declaring that funds not utilized on this phase of the Euclid Avenue Gateway Project are to remain in the CIP for use in future phases of the project.

CITY MANAGER SUPPORTING INFORMATION:

The Euclid Gateway Project provides for pedestrian and vehicular safety, as well as street improvements and area beautification for the Euclid Avenue community entryway. This work comprises the first phase of Euclid Avenue improvements planned under CIP-52-699.0. The proposed improvements include installation of curbs, gutters, sidewalks, landscaping and paving as recommended in the Euclid Avenue Revitalization Program. The proposed improvements will also include traffic calming modifications at the intersection of Home Avenue and Euclid Avenue.

On October 14, 2004, bids opened for project construction. Due to unanticipated construction cost increases, bids came in higher than the initial project cost estimate. In order to award this project, additional funds have been identified to cover this shortage from several funding sources: \$190,000 from Mid City DIF; \$60,000 from Redevelopment Agency contributions; \$12,210 (TransNet) from Fund 30300.

FISCAL IMPACT:

Upon appropriation of the above funds in the amount of \$262,210, funding for construction will be available from CIP-52-699.0. With this action, the total project cost will be \$857,029.55.

Funds not utilized in this phase of the Euclid Avenue Gateway Project, are to remain in the CIP for use in future phases of the project.

Mendes/Boekamp/MN

Aud. Cert. 2500537.

NOTE: See the Redevelopment Agency Agenda of 11/30/2004 for a companion item.

FILE LOCATION: CONT-HTA Engineering and Construction

COUNCIL ACTION: (Time duration: 11:31 a.m. – 11:38 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District 4-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

