

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 8, 2005
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 10:04 a.m. Mayor Murphy recessed the meeting at 10:05 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 10:09 a.m. with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 11:04 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:13 a.m. with all Council Members present. The meeting was recessed at 11:59 a.m. by Mayor Murphy to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:35 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:53 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:09 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 4:10 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 4:36 p.m. into Closed Session in the twelfth floor committee room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

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

(8) Council Member Inzunza-present

Clerk-Maland (gs/ek)

FILE LOCATION: MINUTES



ITEM-300: 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) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer before City Council meetings.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Al Strohlein commented on governments keeping secrets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:14 a.m.)

PUBLIC COMMENT-3:

Steven Ferguson commented on issues surrounding the Torrey Pines Golf Course.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:16 a.m.)

PUBLIC COMMENT-4:

Ron Boshun commented on actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

PUBLIC COMMENT-5:

Judy Italiano commented on the first Government & Efficiency Openness Committee meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

PUBLIC COMMENT-6:

Jarvis Ross commented on the “ticket guarantee” for the San Diego Chargers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

PUBLIC COMMENT-7:

Will Agee commented on cleaning the streets.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Phil Hart commented on the origin of the “ticket guarantee.”

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Sandy Summers commented on domestic terrorism in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

PUBLIC COMMENT-10:

Richard Pearson commented on the Development Services Department and environmental impacts.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-11:

Leo Giovinetti commented on the Mount Soledad Cross.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34a.m. – 10:37 a.m.)

PUBLIC COMMENT-12:

Muhammed Abdullah commented on President George Bush, terrorist attacks on “911”, and civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

PUBLIC COMMENT-13:

Teresa Mendoza commented on the transfer of the War Memorial.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-14:

Erica Mendelson commented on the budget crisis.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-15:

Lloyd Uber commented on procedures for halfway houses.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-16:

Bert Decker commented on the City's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

PUBLIC COMMENT-17:

Frank Eaves commented on the torture of "Falun Gong" followers in China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:57 a.m.)

PUBLIC COMMENT-18:

Daniel Coffey commented on disclosures not being made available.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-19:

Kevin Nash expressed concerns with the alienation of citizens in San Diego.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young announced a three-year initiative to help organizations keep young people out of gangs. Council Member Young acknowledged Mrs. George Bush as the leader of this nationwide effort.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:15 a.m.)

COUNCIL COMMENT-2:

Council Member Inzunza commented on a request from the Union Tribune for a calendar schedule of 2004. Council Member Inzunza inquired who would be the municipal expert to turn to in order to clarify public records requests.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:16 a.m. – 11:19 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-330:](#) Mission Boulevard Mixed Use.

Matter of the appeal by Richard Pearson of the Planning Commission decision approving the project with the denial of the undergrounding waiver. The proposed

project includes the construction of an 8-unit residential condominium project, with 1,300 square-feet of commercial space. The project site is located at 4287 Mission Boulevard within the Pacific Beach Community Planning area.

(See City Manager Report CMR-05-018. Pacific Beach Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal and uphold the decision of the Planning Commission; adopt the resolution in subitem B to certify the Mitigated Negative Declaration; adopt the resolution in subitem C to grant the permits; and adopt the resolution in subitem D to grant the map:

Subitem-A: (R-2005-943) DENIED APPEAL, ADOPTED AND INCORPORATED
IN RESOLUTION R-300119 (SUBITEM-C)

Adoption of a Resolution denying the appeal, and upholding the decision of the Planning Commission.

Subitem-B: (R-2005-916) ADOPTED AS RESOLUTION R-300118

Adoption of a resolution certifying that Mitigated Negative Declaration Number No. 9522 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 Administration Code Section 15000 *et seq.*), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

That pursuant to California Public Resources Code, Section 21081.6, the City Council hereby 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.

Subitem-C: (R-2005-943) GRANTED PERMITS, ADOPTED AS RESOLUTION
R-300119

Adoption of a Resolution granting Planned Development Permit No. 154089 and Coastal Development Permit No. 18169, with appropriate findings to support Council action.

Subitem-D: (R-2005-944) GRANTED MAP, ADOPTED AS RESOLUTION
R-300120

Adoption of a Resolution granting Tentative Map No. 159337, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 18, 2004 voted 5-2 to approve the project as proposed with Denial of the request to waive the requirement to underground existing overhead utilities; was opposition.

Ayes: Garcia, Steele, Chase, Otsuji, Ontai

Nays: Lettieri, Schultz

The Pacific Beach Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The project site is located at 4287 Mission Boulevard in the CV-1-2 (Visitor Serving Commercial allowing Residential) Zone, within the Pacific Beach Community Plan, Coastal Overlay Zone (Coastal Commission Non-Appealable Jurisdiction), Coastal Height Limit Overlay Zone, Transit Overlay Zone, and Parking Impact Overlay Zone (Beach Impact Area).

The project site currently contains an existing one-story, 5,192 square-foot commercial building, which would be retained. Adjacent land uses include restaurants to both the north and south, residential to the east, across the alley, and a hotel and parking lot to the west, across Mission Boulevard. The immediate neighborhood is developed with a mixture of commercial and residential development in a wide variety of architectural styles, colors, heights, bulk, and scale.

On November 4, 2004 the Planning Commission heard the subject project for the first of two times. At the November 4 hearing, a motion was made by Commissioner Garcia to approve staff's recommendation which was to Approve the Coastal Development Permit, the Planned Development Permit, and the Tentative Map; however the motion proposed to deny the request

to waive the requirement for undergrounding existing overhead utilities. With four Commissioners present, the motion failed by a vote of 3-1 with Commissioners Garcia, Chase and Otsuji voting in favor of the motion, and Chairman Lettieri voting against the motion. Since the motion failed, the item was trailed to the November 18, 2004 Planning Commission hearing. At the November 18 Planning Commission Hearing, the Commission voted 5-2 to approve staff's recommendation and to Deny the request to waive the requirement to underground the existing overhead utilities.

The Commission and opposition discussion at both hearings centered on the amount of density and the use proposed on the project site. It is staff's position that the density and use are appropriate for the subject site.

The proposed 10-unit condominium project (8 new residential condominiums, one new and one existing commercial condominium) would self-generate at least 50 percent of their electrical energy needs through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the "Affordable/In-Fill Housing and Sustainable Buildings Expedite Program."

FISCAL IMPACT:

Loveland/Halbert/DES

LEGAL DESCRIPTION:

The project site is located at 4287 Mission Boulevard in the CV-1-2 Zone within the Pacific Beach Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Transit Overlay Zone, Beach Parking Impact, Council District 2.

FILE LOCATION: LUP-Mission Boulevard Mixed Use, 2/8/05 (65)

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:56 a.m.)

Testimony in opposition by Marcie Beckett and Richard Pearson.

Testimony in favor by Paul Ross, Bernie Sosna, Scott Whitley, Ron Fletcher, and Mike Turk.

MOTION BY ZUCCHET TO ADOPT THE RESOLUTIONS, DENYING THE APPEAL; AND GRANTING THE PERMITS; AND MAP.

Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-331: Park Boulevard at Harbor Drive Pedestrian Bridge Project – Phases 2 and 3.

(See Centre City Development Corporation Report CCDC-05-04/CCDC-05-01. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-779) ADOPTED AS RESOLUTION R-300121,
WITH DIRECTION

Certifying that the Mitigated Negative Declaration of environmental impacts with respect to the proposed development of the pedestrian bridge has been prepared and completed in compliance with the California Environmental Quality Act of 1970 and State and local regulations and guidelines adopted pursuant thereto;

Certifying that the MEIR/SEIR for the Centre City Redevelopment Project, and the Mitigated Negative Declaration, were presented to the members of the City, and that the information contained in the Mitigated Negative Declaration, and MEIR/SEIR, has been reviewed and considered by City members;

Certifying that the Mitigated Negative Declaration (as with the MEIR/SEIR for the Redevelopment Project) represents the City's independent judgment and analysis;

Finding and determining that:

- a. No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Project is to be undertaken, as a result of the development of the pedestrian bridge, which will require major revisions in the MEIR/SEIR for the Project, due to the involvement of new significant environmental effects, or a

substantial increase in the severity of previously identified significant effects, not covered in the MEIR/SEIR; and

- b. No new information of substantial importance to the Project has become available which was not known or could not have been known with the exercise of reasonable diligence at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the MEIR/SEIR, or that any significant effects previously examined will be substantially more severe than shown in the MEIR/SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the Project on the environment; and
- c. No negative declaration, or subsequent environmental impact report, or supplement or addendum to the MEIR/SEIR is necessary or required; and
- d. The development of the pedestrian bridge will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Project;

Approving and adopting the activity specific Mitigation Monitoring and Reporting Program with respect to the development under the proposed Mitigated Negative Declaration.

NOTE: See the Redevelopment Agency Agenda of February 8, 2005 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 3:34 p.m.;
3:58 p.m. – 4:10 p.m.)

MOTION BY ZUCCHET TO ADOPT, WITH DIRECTION THAT CCDC CONTINUE NEGOTIATIONS WITH JMI, THE PADRES AND THE PORT DISTRICT REGARDING THEIR PARTICIPATION IN THIS PROJECT. Second by Young. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



[ITEM-332:](#) Accepting City Manager Report on Review and Analysis of Council Policy 000-20, and Amending Council Policy 000-20 Pertaining to Council Programming.

(See City Manager Report CMR-05-032.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-784) ADOPTED AS RESOLUTION R-300122

Accepting City Manager Report on Review and Analysis of Council Policy 000-20, and Amending Council Policy 000-20 Pertaining to Council Programming.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:10 p.m. – 4:34 p.m.)

MOTION BY FRYE TO ADOPT AS AMENDED TO APPROVE PROPOSED REVISIONS 1, 2, 4, AND 5 OF THE ANNUAL COUNCIL PROGRAMMING SCHEDULE BUT TO LEAVE NO. 3 AS IT IS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



[ITEM-S500:](#) Three actions related to Amending the San Diego Municipal Code Relating to Implementing the Right to Know Committee Recommendations.

TODAY'S ACTIONS ARE:

Introduce the following ordinances:

Subitem-A: (O-2005-95) INTRODUCED, TO BE ADOPTED
MONDAY, FEBRUARY 28, 2005

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 30 relating to Preparation of the Council

Agenda by adding new Rule 30.3, entitled “Noticing and Conduct of Closed Sessions.”

Subitem-B: (O-2005-96) INTRODUCED, TO BE ADOPTED
MONDAY, FEBRUARY 28, 2005

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, by amending Section 22.0101 by amending the Permanent Rules of the Council Rule 1, all relating to Hours of Meetings.

Subitem-C: (O-2005-98) INTRODUCED, TO BE ADOPTED
MONDAY, FEBRUARY 28, 2005

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled “Permanent Rules of the Council” by amending Rule 8 and Rule 8.1, all relating to Non-Agenda Public Comment.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:17 p.m.)

MOTION BY FRYE TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-S501: Amending the San Diego Municipal Code Relating to the Time for Hearing the Non-Agenda Public Comment.

TODAY’S ACTION’S ARE:

Introduce **either** Option 1 - Subitem A or Option 2 - Subitem B:

Option 1

Subitem-A: (O-2005-97A) INTRODUCED, TO BE ADOPTED
MONDAY, FEBRUARY 28, 2005

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 8, all relating to Non-Agenda Public Comment.

This alternative Ordinance would require subject to the exercise of the Mayor's discretion for a given agenda, Non-Agenda Public Comment shall be docketed for the end of the Tuesday portion of the agenda.

Option 2

Subitem-B: (O-2005-97B) NOTED AND FILED

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101, entitled "Permanent Rules of the Council" by amending Rule 8, all relating to Non-Agenda Public Comment.

This alternative Ordinance would require subject to the exercise of the Mayor's discretion for a given agenda, Non-Agenda Public Comment shall be docketed for the earlier of 4:00 p.m. on Tuesday or the end of the Tuesday portion of the agenda.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 3:11 p.m.)

Motion by Peters to introduce Subitem B. Second by Mayor Murphy. Failed. Yeas-1,M. Nays-2,3,4,5,6,7,8.

MOTION BY INZUNZA TO INTRODUCE SUBITEM A. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-nay, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:36 p.m. in honor of the memory of:

Eleni Exarhos as requested by Council Member Toni Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:34 p.m. – 4:36 p.m.)