

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 15, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING	3
ITEM-300: ROLL CALL.....	4
NON-AGENDA COMMENT	4
COUNCIL COMMENT	9
CITY MANAGER COMMENT.....	10
CITY ATTORNEY COMMENT	10
ITEM-330: Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project.....	11
ITEM-331: Balboa Theatre Selective Demolition and Abatement Phase	14
ITEM-332: Request to Bid for Gaslamp Quarter Streetscape Improvement Project.....	15
ITEM-333: Transfer of City Funds for the Construction of Kitchen, Dining Room, and Children’s Play Area for the Cortez Hill Family Center	16
ITEM-334: Bankers Hill Town Homes.....	17
ITEM-335: Authorizing Agreements with the Olivenhain Municipal Water District and Black Mountain Ranch LLC for Water and Fire Protection Service for Black Mountain Ranch Phase II Development Site	21
ITEM-336: University of San Diego School of Education.....	23
ITEM-337: Alpha Street Industrial Village	26
ITEM-338: Initiation-Community Plan Amendment-Serra Mesa-Quarry Falls.....	29
ITEM-339: NTC Resort Hotel	33

ITEM-S407: Retention of Outside Counsel in the Matter Related to De Anza Harbor and Resort	37
ITEM-S500: Three actions related to Disposition and Development Agreement (DDA) and Associated Actions for Gateway I Family Apartments Project	39
ITEM-S501: Two actions related to Issuance of Multifamily Revenue Bonds for Fairbanks Ridge Apartments located at the Northwest Intersection of Paseo del Sur and Babcock Street in the Black Mountain Ranch Planning Subarea	40
ITEM-S502: Issuance of Multifamily Revenue Bonds for Delta Village Apartments Located at 4316-4322, 4352-4368, and 4388 Delta Street	41
ITEM-S503: Oyster Shell.....	42
NON-DOCKET ITEMS	46
ADJOURNMENT.....	46

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:06 a.m. Mayor Murphy recessed the meeting at 11:09 a.m. for the purpose of a break. The regular meeting was reconvened by Mayor Murphy at 11:16 a.m. with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 11:17 a.m. to convene the Redevelopment Agency. The regular meeting was reconvened by Mayor Murphy at 11:21 a.m. with Council Member Inzunza not present. Mayor Murphy recessed the meeting at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:44 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:54 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:35 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:46 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:16 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 6:21 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:27 p.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 6:44 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:48 p.m. to reconvene the Housing Authority. Mayor Murphy reconvened the regular meeting at 6:49 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:50 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 Member Young-present
- (5) Council Member Maienschein-present

- (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-present
- Clerk-Abdelnour/Maland (mc/ek)

FILE LOCATION: MINUTES



ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding simplifying the wording of docket items and ballot proposals, referring specifically to having to fill out an "Opposition" speaker slip at the March 8, 2005 Council Meeting if you were in favor of keeping the cross on Mt. Soledad and having to vote "No" if you wanted to preserve the Mt. Soledad cross at the General Election in November.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:11 a.m.)

PUBLIC COMMENT-2: REFERRED TO THE PS&NS COMMITTEE

Comment by Reg Finch, representing the San Diego Flight Museum, requesting Council's assistance in acquiring two to five acres of Brown Field so that they can build permanent facilities for the San Diego Flight Museum and not be moved off the field.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:14 a.m.)

PUBLIC COMMENT-3:

Comment by Sheila Minick regarding the issue of youth violence in Emerald Hills, as well as throughout the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:17 a.m.)

PUBLIC COMMENT-4:

Comment by Frances Shaw regarding her opposition to the dredging of Casa Beach in La Jolla and the harassing of seals in any way.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-5: REFERRED TO CITY MANAGER

Comment by Robert Ard requesting that Council docket the Living Wage Ordinance for full Council discussion and debate.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:25 a.m.)

PUBLIC COMMENT-6:

Comment by Kathleen Blavatt stating that Marston & Marston Inc., along with NTC developer, McMillian Company, have launched an assault on the Peninsula Planning Board and others who opposed the NTC deal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-7:

Comment by City employee, Isabel Zavala, regarding the reduction of salary for Fiscal Year 2006 below the Fiscal Year 2005 proposal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:30 a.m.)

PUBLIC COMMENT-8:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:34 a.m.)

PUBLIC COMMENT-9:

Comment by Lupe Diaz and her daughter, regarding the Children's Museum being in jeopardy of losing their original location on Front and Market Street if funds are not raised by May 1, 2005.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:36 a.m.)

PUBLIC COMMENT-10:

Comment by Phil Hart regarding the lack of open government and further stated that he still has not received the proposal to resolve the pension deficit that he requested.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. 10:40 a.m.)

PUBLIC COMMENT-11: REFERRED TO CITY MANAGER

Comment by Richard Pearson requesting Council's assistance after suffering a stroke on the morning of March 3, when a private developer, with a grading permit, started digging up an old gas station site located next to his home.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-12:

Comment by Bert Decker regarding the issues of Mt. Soledad, the naming rights of the Sports Arena and keeping Diane Shipione on the Retirement Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:47 a.m.)

PUBLIC COMMENT-13:

Comment by Sergio Mayea requesting that Council adopt a resolution in solidarity for the Cuban people who have suffered under their government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:49 a.m.)

PUBLIC COMMENT-14:

Comment by Daniel Coffey regarding the City Attorney's recent vetting process of the Pension Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:54 a.m.)

PUBLIC COMMENT-15:

Comment by Mohammed Abdullah inviting the Council and the public to the Freedom of Speech Rally to protest the war in Iraq, on Saturday, March 19, in Balboa Park at the corner of 6th and Laurel beginning at 2:00 p.m.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-16:

Comment by Marvin Carpenter requesting that the City correct the problem of wrong information being given by the Planning Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 11:01 a.m.)

PUBLIC COMMENT-17:

Comment by Jim Ward regarding public safety. Mr. Ward invited Council to attend the "Hope Rally Against Violence" on Saturday, March 19, 2005, at 10:00 a.m. in Memorial Park and to attend the 2005 Multi-cultural Music and Art Extravaganza, also being held on March 19.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:05 a.m.)

PUBLIC COMMENT-18:

Comment by Jarvis Ross regarding the DeAnza Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:08 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Mayor Murphy announced that today marked Council Member Inzunza's 10th anniversary with the City Council. During that time, Mr. Inzunza served as Chief of Staff for former Council Member Juan Vargas, and then was elected to the City Council in February 2001. Among many other accomplishments, Mayor Murphy stated that he and Council Member Inzunza were a team on establishing parks and fire stations throughout the City. Mayor Murphy then presented Council Member Inzunza with a 10-year pin.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:11 p.m.)

COUNCIL COMMENT-2:

Council Member Atkins commented on the problem of mudslides that the residents in her district are experiencing on their properties. Miss Atkins expressed her concern regarding the effects of the recent heavy rains and emphasized that City resources are needed to assist in dealing with the resulting drainage problems. Miss Atkins wants the residents in her district to be assured that these problems will be addressed.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:13 p.m. - 2:14 p.m.)

COUNCIL COMMENT-3:

Regarding Item No. 406 of March 14, 2005, Council Member Young asked that the record reflect that he contacted the Office of the City Clerk to change his vote from “nay” to “yea” in support of the name change to the San Diego Sports Arena. Mr. Young also stated that the reason for his past week’s absence from the City Council meeting was due to his attending a conference in Washington, D.C., to lobby for funds for San Diego under the Transportation Equity Act, for which San Diego was granted \$80 million.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:17 p.m.)

COUNCIL COMMENT-4:

Council Member Peters thanked the City Council and City workers for their help and support in working on issues pertaining to the fire stations in his district.

FILE LOCATION: MINUTES

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

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Girard stated that City Attorney Aguirre requested that Mr. Girard further explain one of Mr. Aguirre’s points yesterday that was made during the Retirement Board selection. There was a discussion regarding Mr. Aguirre’s view with respect to the appointee for the City Manager where, come April 1, 2005, there will be a new Board, and, if the purpose and intent of yesterday’s action was to have a clean slate

for the purposes of City Council appointees, City Attorney Aguirre believed that the City Manager's appointee also should be new. Mr. Girard further stated that Mr. Aguirre understands that the current employee that sits in that position has not been there that long but, at the same time, he has been interacting with the current Board and that City Attorney Aguirre felt that it was time to bring somebody new across the board from the City.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:12 p.m. - 2:12 p.m.)



[ITEM-330:](#) Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project.

(Clairemont Community Area. District 6.)

(Continued from the meetings of January 31, 2005, Item 109, and February 15, 2005, Item 330, last continued at the request of Councilmember Frye, to allow the Open Space Canyons Advisory Committee time to place this issue on their agenda as an action item as opposed to an informational item.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-527) ADOPTED AS RESOLUTION R-300250

Authorizing the City Manager, or designee, to expend an amount not to exceed \$120,000 from Fund No. 41506, CIP-46-206.0, Annual Allocation-Accelerated Projects, for the acquisition, appraisal, title, escrow, city staff labor charges, and miscellaneous costs of the acquisition of property rights required for the Dakota Canyon Sewer Replacement project, provided that the City Auditor and Comptroller first furnishes a certificate certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager, or his designee, to execute, for and on behalf of the City of San Diego, quitclaim deeds, conveying all the City's right, title, and interest in the unneeded easements in those portions of Lot 7, Eureka Lemon

Tract, Map 753, filed May 19, 1953; Lots 1 and 2, Bowman's Terrace, Map 3295, filed September 7, 1955; and Lots 17 and 18, Padre Glen, Map 6977, filed July 8,

1977. Execution and recordation of the quitclaim deeds shall only occur following the filing of the Notice of Completion for the Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project, CIP-46-611.0;

Stating for the record that the final Mitigated Negative Declaration, Project No. 7055, has been reviewed and considered prior to approving the project; and that it directs the City Clerk to file a Notice of Determination.

CITY MANAGER SUPPORTING INFORMATION:

The Dakota Canyon Accelerated Sewer Replacement and Rehabilitation Project is a part of the City of San Diego's on-going program to rehabilitate, upgrade, and/or relocate sewers that are in canyons. The subject sewer is located in the bottom of a streambed in Dakota Canyon, and due to its location, it is difficult to access for maintenance. Also, due to severe erosion in the streambed, the pipe has been exposed and emergency repairs have been required by City crews to prevent sewage from entering the natural storm drain system. This project will relocate the pipe out of the streambed, and place it in a new alignment higher up the slope, thereby eliminating the hazards caused by the on-going erosion. In addition, it will solve the access problem by providing an 8-foot-wide access path for maintenance purposes, with ingress and egress to come from the Erie Street dedicated right-of-way. Project construction will consist of the installation of approximately 695 linear feet of new 8-inch sewer main, and the rehabilitation of 520 linear feet of existing 8-inch sewer main. Once the new sewer main is put into service, 1,310 linear feet of existing 51-year-old, 8-inch sewer main will be physically abandoned, with all piping, which is currently exposed to be completely removed from the canyon area. The easement rights related to this section of sewer line are to be abandoned and reconveyed by the City to the respective property owners, through the execution and recordation of quitclaim deeds.

This action will allow for the authorization of funds to acquire the easement rights necessary to complete the project, and it will authorize the quitclaiming and abandonment of the easement rights no longer necessary following project completion.

FISCAL IMPACT:

\$120,000 is available in Fund 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects.

Herring/Griffith/SLG

Aud. Cert. 2500574.

FILE LOCATION: DEED F-9883

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:22 a.m.)

MOTION BY FRYE TO ADOPT. Second by Young. 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: Balboa Theatre Selective Demolition and Abatement Phase.

(See Centre City Development Corporation Report No. CCDC-05-02/
CCDC-05-03. Horton Plaza Redevelopment Project Community Area.
District 2.)

(Continued from the meeting of 3/1/2005, Item 332, at the request of the City
Manager for further review.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-767) ADOPTED AS RESOLUTION R-300236

Finding that the selective demolition and abatement phase of the rehabilitation of the historical Balboa Theatre for which Centre City Development Corporation (Agency) proposes to pay is of benefit to the Horton Plaza Redevelopment Project; and determining that no other reasonable means for financing the Project are available to the community;

Declaring the Project will assist in eliminating one or more blighting conditions inside the Project Area;

Declaring the Project is consistent with Centre City and Horton Plaza Implementation Plans for July 2004-June 2009, on file in the office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490.

NOTE: See the Redevelopment Agency Agenda of March 1, 2005, for a companion item.

FILE LOCATION: MEET

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

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. 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: Request to Bid for Gaslamp Quarter Streetscape Improvement Project.

(See Centre City Development Corporation Report CCDC-05-07/CCDC-05-02. Gaslamp Quarter Sub Area of the Centre City Redevelopment Project Planning Area. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-882) ADOPTED AS RESOLUTION R-300237

Finding and determining that the installation of the Streetscape Improvements in the Gaslamp Quarter Sub Area of the Centre City Redevelopment District (within the area bounded by Broadway, Fourth Avenue, and Sixth Avenue) for which the Agency proposes to pay for are of benefit to the Centre City Redevelopment Project, finding and determining that no other reasonable means of financing the proposed improvements for which the Agency proposes to pay are available to the community, finding and determining that proposed improvements will assist in eliminating one or more blighting conditions inside the Project area, all as described in Attachment 1;

Finding and determining that the installation of the streetscape improvements is consistent with the Implementation Plan adopted for the Project pursuant to California Health and Safety Code Section 33490, as described in Attachment 1.

NOTE: See the Redevelopment Agency Agenda of 3/15/2005, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:23 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Maienschein. 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-333: Transfer of City Funds for the Construction of Kitchen, Dining Room, and Children's Play Area for the Cortez Hill Family Center.

(See Centre City Development Corporation Report CCDC-05-10/CCDC-05-04. 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-2005-890) ADOPTED AS RESOLUTION R-300238

Approving the transfer of \$556,723 from the City Community and Economic Development Department to the Redevelopment Agency Centre City Redevelopment Project Low and Moderate Income Housing Fund;

Authorizing the City Manager, or designee, to draft and execute an agreement between the Agency and the City of San Diego to facilitate the transfer of funds;

Authorizing the City Manager, or designee, to sign all documents necessary and appropriate to carry out and implement the transfer and agreement between the Agency and the City of San Diego and to administer the City's obligations, responsibilities, and duties to be performed thereunder.

NOTE: See the Redevelopment Agency Agenda of March 15, 2005 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:23 a.m.)

MOTION BY ZUCCHET TO ADOPT. 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-334: Bankers Hill Town Homes.

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. Approval of this project requires an affirmative two-thirds vote by the City Council to override the Airport Land Use Commission (ALUC) determination that the height of the proposed structure is not consistent with the San Diego International Airport Comprehensive Land Use Plan and the City of San Diego Municipal Code Airport Approach Overlay Zone.

(Uptown Community Plan Area. District 2.)

(Continued from the meeting of December 7, 2004, Item 332, and January 25, 2005, Item 336, at the request of the City Council, for further review and redesign of the project to comply with airport overlay zone.)

NOTE: Hearing open. Testimony taken on 1/25/2005. Hearing open. No testimony taken on 12/07/2004.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B and D; introduce the ordinance in subitem C; adopt the resolution in subitem E to grant the map; and adopt the resolution in subitem F to grant the permit:

Subitem-A: (R-2005-564) RETURNED TO CITY MANAGER

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 5606, 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 site development

permit, tentative map, rezone, and community plan amendment of the Banker's Hill Townhomes project;

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

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

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-2005-563) RETURNED TO CITY MANAGER

Adoption of a Resolution amending the Uptown Community Plan, a copy of which is on file in the office of the City Clerk;

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

Subitem-C: (O-2005-71) RETURNED TO CITY MANAGER

Introduction of an Ordinance changing the zoning designation for a property located at 2561 First Avenue, in the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone into the NP-1 Zone, as defined by San Diego Municipal Code Section 103.1510, and repealing Ordinance No. O-18487 (New Series), adopted April 7, 1998, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2005-565) THIS RESOLUTION WAS NOTED AND FILED BY COUNCIL ON JANUARY 25, 2005

Adoption of a Resolution pursuant to California Public Utilities Code section 21676(b) the Council adopts the following findings by a two-thirds vote with respect to said override;

That the City Council overrules the decision of the Airport Land Use Commission and determines that the proposed 60 foot, 5-story multi-family development project is consistent with the purposes stated in California Public Utilities Code section 21670.

Subitem-E: (R-2005-) RETURNED TO CITY MANAGER

Adoption of a Resolution granting or denying Tentative Map No. 10144, with appropriate findings to support Council action.

Subitem-F: (R-2005-) RETURNED TO CITY MANAGER

Adoption of a Resolution granting or denying Site Development Permit No. 10143, with appropriate findings to support Council action.

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 had 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 Plan 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 application is requesting a General and Community Plan Amendment, Rezone, Site Development Permit and Tentative Map in order to develop the site with a five-story, 19-unit residential project. The project is deviating from the 40-foot height limit of the Airport Approach Overlay Zone. On July 8, 2004, the Airport Land Use Commission determined the project is “not consistent” with the Airport Land Use Plan. On July 20, 2004 the Federal Aviation Administration (FAA) conducted an aeronautical study that concluded the project would not be a “Hazard to air navigation” and further determined that no additional lighting or making was required.

The Airport Authority determined not to appeal the FAA determination of no hazard to air navigation to the FAA National Headquarters Air Traffic Administrator. On August 12, 2004, the Planning Commission unanimously approved a motion recommending the City Council

approve the proposed project including the encroachment into the airport approach buffer. Development Services has provided the City Council with findings that required a two-thirds vote to override the Airport Land Use Commission determination and approve the project. Staff has concluded that the proposed 60-foot tall structure complies with the height limit in the underlying zone and is consistent with existing development in the immediate proximity. Several existing buildings ranging between 5 and 12-stories are located in the vicinity many of which are closer to the airport approach path. In general, the override findings conclude that the proposed development complies with the purpose and intent of all the applicable land use plans, policies and regulations for development in this location and meets the purpose and intent of the California Public Utilities Code Section 21670, in that the proposed development would not impact the orderly development of the San Diego International Airport, nor would the proposed development constitute any hazard to the airport operations, the public using the airport facilities or the area in the vicinity of the airport where the development would be located. Therefore, staff believes the findings to override the Airport Land Use Commission and approve the project can be affirmed.

FISCAL IMPACT:

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

Loveland/Halbert/JPH

LEGAL DESCRIPTION:

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

Staff: Patrick Hooper (619) 557-7992.

FILE LOCATION: Subitems A-F: LUP – Bankers Hill Townhomes
12/07/04 (65)

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:21 a.m.)



ITEM-335: Authorizing Agreements with the Olivenhain Municipal Water District and Black Mountain Ranch LLC for Water and Fire Protection Service for Black Mountain Ranch Phase II Development Site.

Matter of approving two agreement(s) to allow for the provision of a temporary secondary source of water and fire protection service to the Black Mountain Ranch LLC's development project which consists of residential, commercial, schools, parks, and landscape uses, for up to 4,500 equivalent dwelling units. The Developer is constructing a 24-inch waterline in Camino del Sur to provide a primary source of water and will be completing a waterline in Carmel Valley Road to complete the loop and provide a permanent secondary source of water. At the present time, there are no water pipelines or other water facilities in place to provide a feasible secondary source of water and fire protection service. However, the Olivenhain Municipal Water District has water in close proximity to the project and is agreeable to provide temporary secondary water service.

The two agreements under consideration are as follows:

- 1) Temporary Water and Fire Protection Service Agreement for the Black Mountain Ranch Phase II Development Site Between the City of San Diego and Olivenhain Municipal Water District - Authorizes OMWD to provide a temporary secondary source of water to this project until such time as the Phase II final loop is completed.
- 2) Temporary Water and Fire Protection Service Agreement for the Black Mountain Ranch Phase II Development Site Between the City of San Diego and Black Mountain Ranch, LLC – Outlines the developer's duties and obligations to the City to provide for payment to the City and OMWD, as well as the construction of temporary and permanent facilities.

(See memorandum from Frank Belock Jr. dated 1/19/2005. Black Mountain Ranch Community Plan Area. District 1.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2005-103) INTRODUCED, TO BE ADOPTED ON MONDAY,
APRIL 4, 2005

Introduction of an Ordinance authorizing the City Manager to execute a Temporary Water and Fire Protection Agreement with the Olivenhain Municipal Water District for water and fire protection services and a Temporary Water and

Fire Protection Agreement with Black Mountain Ranch, LLC for water and fire protection services.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/26/2005, NR&C voted 5 - 0 to approve. (Councilmembers Atkins, Young, Maienschein, Frye and Madaffer voted yea.)

SUPPORTING INFORMATION:

Background:

The City of San Diego has approved the Black Mountain Ranch LLC's (Developer) project consisting of residential, commercial, schools, parks, and landscape uses, for up to 4,500 equivalent dwelling units (EDUs), as a part of its Phase II development in Black Mountain Ranch. This includes 2,000 EDUs for the initial Phase IIA portion of this project. As a part of Phase IIA, the Developer is constructing a 24-inch waterline in Camino del Sur to provide a primary source of water to the area. In the subsequent Phase IIB portion, the Developer will be completing a waterline in Carmel Valley Road to complete the loop and consequently provide a permanent secondary source of water for Phases IIA and IIB.

At the present time, the Developer does not have water pipelines or other water facilities in place to provide a feasible secondary source of water and fire protection service. Until Phase IIB and the final loop are completed, the Olivenhain Municipal Water District (OMWD) has agreed to provide a temporary secondary source of water to the project; ensuring the fire protection requirements are appropriately satisfied.

The following agreements are proposed to allow for the projects to move forward:

- 1) Temporary Water and Fire Protection Service Agreement for the Black Mountain Ranch Phase II Development Site between the City of San Diego and Olivenhain Municipal Water District.
- 2) Temporary Water and Fire Protection Service Agreement for the Black Mountain Ranch Phase II Development Site between the City of San Diego and Black Mountain Ranch, LLC.

The environment impacts and mitigation measures associated with this project were addressed in an Environmental Impact Report (SCH #95041041) approved by City Council on October 31, 1995, by Resolution No. R-286501.

FISCAL IMPACT:

No fiscal impact is anticipated during the term of the agreements. All costs to construct and remove the necessary temporary water facilities that will provide for the delivery of water from OMWD to the project, will be borne by the Developer. Black Mountain Ranch, LLC agrees to provide the City with a bond in the amount of \$74,000 which constitutes security for the estimated cumulative price difference between the amount paid by the City of OMWD for fees or charges imposed by the Temporary Water Service Agreement.

Mendes/Belock/CNS

Staff: Cheryl Segawa – (619) 533-6687.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:24 a.m.)

MOTION BY PETERS TO INTRODUCE. Second by Maienschein. 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-336: University of San Diego School of Education.

Matter of approving, conditionally approving, modifying or denying an application to amend the University of San Diego Master Plan Conditional Use Permit No. 92-0568 to include a Site Development and Conditional Use Permit to accommodate grading and construction of an undeveloped site for the School of Education, consisting of two educational buildings and child care center at 5530 Marian Way in the RM-3-7, RM-4-10 and CC-1-3 Zone of the Linda Vista Community Plan, Campus Parking Impact Overlay Zone. The property is sited adjacent to and northerly of Marian Way, north of Linda Vista Road, west of Via Las Cumbres, east of Cushman Avenue and south of Tecolote Canyon Natural Park, legally described as Pueblo Lots 287, 288, 294-296; Portions of Pueblo Lots 267, 286, 292, 293, and 297; Blocks 22 and 23; Portions of Blocks 20 and 25; and Lots 1-3, Block “A”, Silver Terrace, Map No. 434; Parcels ‘A’ and ‘B’, Parcel Map No. 319; and Parcels 1 and 2, Parcel Map No. 7526. Process 5.

(See City Manager Report CMR-05-036. Mission Valley Community Plan Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the permits:

Subitem-A: (R-2005-876) CONTINUED TO TUESDAY, APRIL 5, 2005

Adoption of a Resolution certifying that Addendum to Environmental Impact Report No. 92-0568, in connection with the CUP No. 10325 and SDP No. 10326 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 Administrative 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 pursuant to California Administrative Code section 15093, the City Council hereby adopts the Statement of Overriding Considerations, with respect to the project;

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;

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

Subitem-B: (R-2005-) CONTINUED TO TUESDAY, APRIL 5, 2005

Adoption of a Resolution granting or denying Conditional Use Permit No. 10325, Site Development Permit No. 10326, and Amending the USD Master Plan CUP/RPO Permit No. 92-0568, with appropriate findings to support Council actions.

OTHER RECOMMENDATIONS:

Planning Commission on December 2, 2004, voted 7-0 to approve; no opposition.

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

The Linda Vista Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

In 1992, the University of San Diego submitted an application for Master Plan and Conditional Use and Resource Protection Ordinance (CUP/RPO) Permit No. 92-0568. This Permit was the implementing document for the Master Plan and Design Guidelines. The Master Plan included a total of twenty-six specific projects proposed for phased development on individual sites throughout the 180-acre campus, located within the Linda Vista community Plan Area. The campus is generally sited north of Linda Vista Road, south of Tecolote Canyon Natural Park, east of Cushman Avenue/Place, and west of Via Las Cumbres. University property is zoned RM-3-7 and RM-4-10 (Residential/Multi-Family) and CC-1-3 (Community Commercial), designated for Institutional "University" use in the adopted Linda Vista Community Plan and located within the Campus Parking Impact Overlay Zone. In 1996, twenty-three of the twenty-six proposed projects were approved for phased development on specific project sites.

One of these approved projects, Project No. 3, included the School of Education which was to be located on an easterly of the campus adjacent to Linda Vista Road near the easterly entrance. This three-story, 48,159 square-foot building would have replaced an 11,292 square-foot structure. Based on the needs of the University this site was ultimately developed with the Alumni Center in lieu of the School of Education. As allowed in the CUP/RPO Permit, plans for the Alumni Center were reviewed and approved pursuant to the substantial conformance review process.

In March 2003, the University submitted an application seeking to amend the Master Plan to accommodate the relocated School of Education. The School of Education project seeks to develop two buildings totaling 91,250 square-feet, on an approximate 3.3-acre site located on a westerly portion of the campus at the northwesterly corner of Marian Way and Camino Way (North Perimeter Road). For purpose of the current application and to incorporate the development proposal into the Master Plan, the proposed site was designated "Site No. 30". An easterly portion of Site No. 30 is currently used as a surface parking lot consisting of 231 parking spaces. Implementation of the project may replace these spaces with 207 parking spaces, for a net loss of 24 parking spaces. Upon build-out of the Master Plan, a total 4,683 off-street parking spaces will be provided on campus. The remaining westerly portion of Site No. 30 contains University owned undeveloped open space.

A "site specific" Conditional Use Permit is required for the project because development is proposed on a site which was to remain a surface parking lot and undeveloped University owned open space in the approved Master Plan.

A Site Development Permit for Environmentally Sensitive Lands is required because a portion of the project site, located westerly of the surface parking lot, contains biologically sensitive, steep slope, and/or potentially sensitive cultural resource areas located outside of defined Master Plan project boundaries. Portions of these areas will be impacted by the proposed development. As required by the Resource Protection Ordinance, these areas were preserved under a “Declaration of Restriction”. Pursuant to the “Declaration of Restriction” and as provided for by the approved Master Plan, proposed development within these areas requires City Council approval pursuant to Process 5. These areas are depicted on Figures 0.5 (Sensitive Resources), 0.6 (Areas with Potential for Cultural Resources) and 0.7 (Resource Preservation/Declaration of Restriction), and are included as attachments 11, 12 and 13 respectively.

FISCAL IMPACT:

Staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the Applicant.

Frazier/Halbert/WCT

LEGAL DESCRIPTION:

The site is located in the RM-3-7, RM-4-10 and CC-1-3 Zone of the Linda Vista Community Plan, Campus Parking Impact.

Staff: Bill Tripp (619) 446-5273

FILE LOCATION: Subitems A-B: LUP –University of San Diego School of Education 03/15/05 (65)

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

MOTION BY FRYE TO CONTINUE TO APRIL 5, 2005 FOR FURTHER REVIEW.
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-337: Alpha Street Industrial Village.

Matter of approving, conditionally approving, or denying a Public-Right-Of-Way Vacation (portion of an unnamed alley)/Public Utility Easement Vacation/Planned Development Permit and Site Development Permit to demolish an existing

residence and accessory structures, and construct four, one-story, industrial shell buildings. The development proposes deviations to the underlying zone setback and building modulations/offsetting plane requirements. The property is located at the terminus of Keeler Court, addressed as 1294 Keeler Court, on the northwest side of Alpha Street.

(ND Project No. 4805/Public R-O-W Vacation No. 16447/Public Utility Easement Vacation No. 16452/SDP No. 7888/PDP No. 16446/Project No. 4805. Southeastern San Diego Community Plan Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2005-909) ADOPTED AS RESOLUTION R-300239

Adoption of a Resolution certifying that the information contained in Negative Declaration Project No. 4805, 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 said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the public right of way vacation, public utility vacation, site development permit and planned development permit for the Alpha Street Industrial Village project;

That the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

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-2005-865) ADOPTED AS RESOLUTION R-300240

Adoption of a Resolution ordering vacated the portion of the unused alley, as described in the legal description marked as Exhibit A, and as more particularly

shown on Drawing 20293-B, on file in the office of the City Clerk, which is by this reference incorporated herein and made a part hereof; and reserving therefrom a general utility easement, together with ingress and egress for that purpose;

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

Subitem-C: (R-2005-866) ADOPTED AS RESOLUTION R-300241

Adoption of a Resolution ordering vacated the public utility easement located within a portion of Lot 24, Block 59, Caruther's Addition, Map No. 27 as described in the legal description marked as Exhibit A, and as more particularly shown on Drawing 20294-B, labeled Exhibit B, on file in the Office of the City Clerk, which is by this reference attached hereto and made a part hereof;

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

Subitem-D: (R-2005-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-300242

Adoption of a Resolution granting or denying Planned Development Permit No. 16446/Site Development Permit No. 7888, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 9, 2004, voted 7-0 to approve; no opposition.

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

The Southeastern San Diego Planning Committee, on September 13, 2004, voted 10-0-0 to recommend approval of the project with no conditions.

CITY MANAGER SUPPORTING INFORMATION:

The Alpha Street Industrial Village is a Public-Right-Of-Way Vacation No. 16447, a Public Utility Easement Vacation No. 16452, Planned Development Permit No. 16446 and a Site Development Permit No. 7888 to allow the demolition of three, single-family residences and

accessory structures, for the construction of four, one-story industrial shell buildings at 1284 Keeler Court on a 1.57-acre site.

FISCAL IMPACT:

All staff costs associated with the processing of this project are recovered from a separate deposit provided and maintained by the applicant.

Frazier/Halbert/SMT

LEGAL DESCRIPTION:

The proposed project is located on the west side of the terminus of Keeler Court and on the northwest side of Alpha Street, within the I-2 zone of the Southcrest Neighborhood of the Southeastern San Diego Community Planning Area and is more particularly described as a Portion of Lot 24, Block 59, Caruther's Addition, Map 27; Parcels A and B, Parcel Map 781; and that portion of 42nd Street as closed and vacated by City Council Resolution No. R-264193, recorded September 13, 1994.

Staff: Sandra Teasley – (619) 446-5271.

FILE LOCATION: Subitems A-D: LUP – Alpha Street Industrial Village,
03/15/05 (65)

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:26 a.m.)

MOTION BY INZUNZA TO ADOPT THE RESOLUTIONS, GRANTING THE PERMIT. 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-338: Initiation-Community Plan Amendment-Serra Mesa-Quarry Falls.

Matter of an appeal by Tom Sudberry of the decision by the Planning Commission in denying a proposal to initiate an amendment to the Serra Mesa Community Plan and the Progress Guide and General Plan. The applicant, Tom Sudberry, proposes to amend the Serra Mesa Community Plan to add a street connection between Phyllis Place and Friars Road. The street proposal is located west of the I-805 onramps on Phyllis Place.

The hearing will be limited to discussing whether the amendment should be initiated. If the plan amendment is initiated, staff will proceed with an analysis of the proposed plan amendment.

(City Manager Report CMR-05-059. Project No. 42-3334. Serra Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to grant the appeal and overturn the decision of the Planning Commission in denying the initiation:

(R-2005-) ADOPTED AS RESOLUTION R-300256, DENYING THE APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission in denying the initiation of an amendment to the Serra Mesa Community Plan and Progress Guide and General Plan to provide a street connection from Phyllis Place to Friars Road in Mission Valley.

OTHER RECOMMENDATIONS:

Planning Commission on December 9, 2004, voted 4 – 0 to deny the Initiation; was opposition.

Ayes: Chase, Ontai, Lettieri, Schultz

Recusing: Garcia, Steele, Otsuji

The Serra Mesa Community Planning Group has recommended denial of this project.

CITY MANAGER SUPPORTING INFORMATION:

Background

This item is an appeal of the Planning Commission's decision of December 9, 2004, to deny a Serra Mesa Community Plan amendment initiation request. The request is to add to the Circulation Element of the Serra Mesa Community Plan, a street connection between Phyllis Place in Serra Mesa and Friars Road in Mission Valley. The Mission Valley Community Plan

recommends adding the street connection while the Serra Mesa Community Plan does not mention a street connection. The Planning commission voted first 2-2-0 on a motion to approve the initiation, with the motion failing. The Planning Commission, at the request of the chair, revoted 4-0-0 to deny the initiation request so that the applicant could appeal the decision. An appeal of the denial was submitted on December 17, 2004 by Tom Sudberry. The applicant has appealed the Planning Commission decision to City Council to determine whether there is merit in pursuing the street connection and resolving the discrepancy between the two community plans.

The proposed street connection is associated with a proposed development project to the south, Quarry Falls. The Quarry Falls project is predominantly in Mission Valley (224 of the 230 acre site), located north of Friars Road between Mission Center Road and I-805. Of the total Quarry Falls acreage, six acres are in Serra Mesa. The Quarry Falls development project will include 230 acres of development and will include a variety of housing types, retail use and office space. The project will also include the creation of a park located at the northerly portion of the site (in Serra Mesa), public open space via a green belt, and a connection to Mission Valley through an interconnected system of streets that will provide access for pedestrians, cars and bicycles. The Quarry Falls project site is identified as a potential urban village in the Strategic Framework Element of the General Plan and will be subject to the Transit-Oriented Development Guidelines.

On May 6, 2004, the Serra Mesa Community Plan amendment initiation was brought before the Planning Commission as part of a joint initiation request for both the Serra Mesa and Mission Valley Community Plans. The Mission Valley Community Plan amendment initiation was required to process a specific plan for the Quarry Falls project. An amendment to the Serra Mesa Community Plan was requested to study a street connection between Phyllis Place (in Serra Mesa) and Friars Road (in Mission Valley) that would go through the Quarry Falls project. This street connection is not shown in the Serra Mesa Community Plan although the Mission Valley Community Plan recommends that there be a street connection from Friars Road to Phyllis Place upon development of the Quarry Falls site. At the May 6, 2004 hearing, the Planning Commission initiated only the Mission Valley Community Plan amendment. The Planning Commission denied the Serra Mesa Community Plan amendment initiation request but requested a field trip and a workshop.

A public workshop and field trip to the site and environs was subsequently scheduled for September 23, 2004. At the workshop, the Planning Commission asked for additional street intersection designs for the Phyllis Place connection, potential alternative locations for the street connection and to study Quarry Falls' traffic without a road connection as an option. The applicant resubmitted the request to initiate the Serra Mesa Community Plan amendment to include the street connection between Phyllis Place and Friars Road. On October 21, 2004, the applicant presented several street design concepts to the Serra Mesa Community Planning Group

as an informational item. As discussed earlier, the initiation request was resubmitted and denied by Planning Commission on December 9, 2004.

The criteria for meeting the Municipal Code requirements (Section 122.0104) for an initiation of an amendment to a land use plan was presented in the May 6, 2004 and December 9, 2004 Planning Commission reports. In both reports, it was discussed how the street connection proposal met the criteria for initiating a community plan amendment. The street connection proposal is consistent with the goals and objectives for the Serra Mesa and Mission Valley Community Plans, Progress Guide and General Plan, Strategic Framework Element, and Transit-Oriented Development Guidelines. To summarize briefly, the street proposal is consistent with the Serra Mesa Community Plan because it would provide vehicular, pedestrian and bicycle connections between Serra Mesa and Mission Valley to provide a more direct street linkage between the two communities and to I-805. The street proposal is consistent with the Mission Valley Community Plan because the plan recommends the inclusion of the street with the development of the Quarry Falls project site. This policy cannot be fulfilled without amending the Serra Mesa community Plan. The adjacent Quarry Falls project is identified as an urban village site in the Strategic Framework Element opportunities area map. As such, the street proposal would fulfill the goals and guidelines of the Strategic Framework Element by proposing an interconnected system of streets to retrofit existing neighborhoods to enhance walk-ability, bicycling, and distribution of traffic. Because the Quarry Falls project is identified as an urban village site, the Strategic Framework Element recommends applying the Transit-Oriented Development (TOD) Guidelines to the site. The street connection helps implement the TOD guidelines by creating a system of local streets that reduce the use of arterial streets and promotes the use of connector streets.

The Serra Mesa Community Plan amendment initiation is needed for Quarry Falls so that this option can be considered by the decision makers when the project comes forward for a hearing. For the City Council to approve the initiation it must be determined that the criteria in Section 122.0104 can be met. A detailed traffic analysis will determine the impacts to Serra Mesa and Mission Valley with and without the street connection; however, it is not complete at this time.

By initiating the Serra Mesa Community Plan amendment, the conflict between the two community plans regarding the street could be resolved in either direction, with or without the street connection. A denial of the initiation would require the applicant to submit a Specific Plan for Quarry Falls without the street connection, and concurrently delete the street connection language from the Mission Valley Community Plan.

FISCAL IMPACT:

Processing costs are paid by the applicant.

Frazier/Goldberg/LH/ah

NOTE: This activity is not a “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Lesley Henegar, (619) 235-5208 or John Wilhoit, (619) 236-6006.

FILE LOCATION: LAND-Progress Guide and General Plan, Serra Mesa (09)

COUNCIL ACTION: (Time duration: 11:32 a.m. – 12:01 p.m.;
2:19 p.m. – 4:30 p.m.)

Testimony in opposition by Cindy Moore, Everett Kankonen, Mildred Carney, William Graham, Mary Johnson, Tom Leech, Patrick Mendiola, Martin Nilsen, Jamres Sperbeck, John Ritz, Robert Valentine, Les Williamson and Lynn Mulholland.

Testimony in favor by Jim Schmidt, Gordon Carrier, Arnold Torma, Tom Sudberry, Chad Anderson, Laurie Barrons, Randy Dolph, Eve Hager, Andy Hamilton, Hank Hoxe, Greg Johnson, Linda Kaufman, Greg May, Jamie Moody, Matt Mowery and Andy Schlaefli.

MOTION BY FRYE TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION. Second by Atkins. Passed by the following vote: Peters-nay, Zuchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-nay.



[ITEM-339:](#) NTC Resort Hotel.

Matter of the appeal by the Peninsula Community Planning Board, of the decision by the Planning Commission approving an application for a Planned Development Permit to construct a 350 room resort hotel development on property in the CV-1-1 zone and Visitor Hotel subarea of the NTC Precise Plan and Local Coastal Program, within the Peninsula Community Plan, Airport Environs Overlay zone, Coastal Overlay zone (State Coastal jurisdiction), Council District 2. The property is located on NTC Unit 7, bounded by Laning Road, North Harbor Drive and Cushing Road, within the Liberty Station redevelopment area (former Naval Training Center).

(See City Manager Report CMR-05-062. Addendum to EIR No. 99-081140/
MMRP/Findings and Statement of Overriding Considerations/PDP No.
33123/Project No. 19139. Peninsula Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to deny the appeal and to grant the permit:

Subitem-A: (R-2005-) ADOPTED AS RESOLUTION R-300251

Adoption of a Resolution certifying that the information contained in LDR File No. 19139, addendum to EIR-99081140, has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines and that said Addendum reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the Addendum has been reviewed and considered prior to approving the project; and Adopting the Mitigation Monitoring and Reporting Program (MMRP).

Subitem-B: (R-2005-) DENY APPEAL; GRANT PERMIT, ADOPTED AS RESOLUTION R-300252, WITH DIRECTION

Adoption of a Resolution granting or denying the appeal and granting or denying Planned Development Permit No. 33123, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 16, 2004, voted 4-0 to approve; was opposition.

Ayes: Garcia, Ontai, Chase, Letteri

Recusing: Steele, Otsuji

Not present: Schultz

The Peninsula Community Planning Group has recommended denial of this project.

CITY MANAGER SUPPORTING INFORMATION:

The approximately 360-acre former Naval Training Center, now known as Liberty Station, is located along Rosecrans Street between Lytton Avenue and North Harbor Drive, west of the San

Diego International Airport (Lindbergh Field). In 1993, the Federal Base Closure and Realignment Commission recommended closure of NTC. The City of San Diego was designated the Local Redevelopment Authority responsible for the preparation of a reuse plan and on April 29, 1997, the City Council approved and adopted the NTC Redevelopment Project Area.

The Redevelopment EIR prepared for the NTC Redevelopment Project and certified by the Redevelopment Agency of the City of San Diego on February 1, 2000, indicated that direct significant impacts on the following issues would be substantially lessened or avoided if all the proposed mitigation measures recommended in the Final EIR were implemented: land use, transportation and circulation, cultural resources, biological resources, geology and soils, hydrology and water quality, air quality, public health and safety, visual resources, noise, and community services and facilities. Additionally, it was identified that significant cumulative impacts related to transportation and circulation would not be fully mitigated to below a level of significance. The City of San Diego contemplated these impacts of developing the project site and determined that specific overriding economic, legal, social, technological, and other benefits of the NTC Redevelopment Plan outweigh any and all significant effect that Redevelopment would have in the environment, and that on balance, the remaining significant effects were found acceptable based on the Statement of Overriding Considerations.

After a multi-year public planning effort, the California Coastal Commission and City Council approved planning and subdivision entitlements to facilitate redevelopment of the base including adoption of the NTC Precise Plan and Local Coastal Program (LCP), amendments to the Peninsula Community Plan and the Progress Guide and General Plan, application of zoning to the site, a Vesting Tentative Map (VTM), Master Planned Development and Coastal Development permits, including *NTC Urban Design Guidelines and NTC Guidelines for the Treatment of Historic Properties*.

The redevelopment of NTC is substantially underway, including construction of residential and office development, new construction and repair of site infrastructure and utilities, park development planning of the NTC waterfront park, and adaptive reuse of existing structures remaining at the site.

The 20.88 acre subject property is located west of the boat channel at the intersection of Laning Road and North Harbor Drive, west of San Diego International Airport (Lindbergh Field), in the CV-1-1 zone and Visitor Hotel Subarea of the Naval Training Center (NTC) Precise Plan, Airport Environs Overlay Zone, Airport Approach Overlay Zone, and Coastal Overlay (State Coastal jurisdiction) and is within the Peninsula Community Plan area (Attachments 1 and 2). The site is legally described as Lots 1 – 10 of NTC Unit 7, Map No. 14771. The relatively flat site is currently developed with existing Building 623 (Support Center), and existing Building 430 (*U.S.S. Recruit*) which is a contributing structure to the Naval Training Center Historic District as listed on the National Register of Historic Places.

The proposed project is located on a site within the Visitor Hotel subarea of the NTC Precise Plan and Local Coastal Program Land Use Plan, which is specifically designated for Visitor Hotel land use. The underlying CV-1-1 zone provides areas for a mix of large-scale, visitor-serving uses catering to the lodging, dining, and recreational needs of both tourists and the local population. The CV zones are intended for areas located near employment centers and areas with recreational resources or other visitor attractions (SDMC 131.0505).

FISCAL IMPACT:

Applicant bears all costs for project processing. The hotel property was conveyed from the Navy to the City through an Economic Development Conveyance (EDC), which stipulated that the property be used for long-term job creation and economic revitalization. The hotels were included in the Reuse Plan to provide visitor amenities in close proximity to the airport and San Diego Bay and to provide a source of revenue for the City. In 1998, when the Reuse Plan was approved, the transient occupancy tax estimated to be generated by the two hotels on NTC was approximately \$4 million annually.

Frazier/Halbert/PF

LEGAL DESCRIPTION:

The project site is a 20.88 acre site at the intersection of Laning Road and Harbor Drive within the CV-1-1 zone in the Peninsula Community Plan, Airport Environs Overlay Zone (AEOZ), State Coastal Zone, Council District 2.

Staff: PJ Fitzgerald (619) 446-5240

FILE LOCATION: Subitems A-B: LUP-NTC Resort Hotel 3/15/05 (65)

COUNCIL ACTION: (Time duration: 4:31 p.m. – 6:15 p.m.)

Testimony in opposition by John McNab, Maggie Valentine, Jarvis Ross, and Cynthia Conger.

Testimony in favor by Alan Ziter, Angelika Villagrana, Wayne Rafflesberger, Allen Haynie and John Calabotta.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND TO GRANT THE PERMIT WITH DIRECTION FROM COUNCIL MEMBER ATKINS

THAT, AS IT RELATES TO REDEVELOPMENT WITHIN THE GENERAL PLAN AND STRATEGIC FRAMEWORK AND THE ECONOMIC PROSPERITY ELEMENT, STAFF LOOK INTO FOLLOWING THE CONCEPT AND VISION OF IMPLEMENTING A LIVING WAGE AS IT RELATES TO THE NTC PLAN. REQUEST THAT THE ISSUE OF A LIVING WAGE BE DOCKETED IN THE FUTURE FOR DISCUSSION SO THAT THE COUNCIL CAN GIVE SUPPORT AND DIRECTION TO THE CITY MANAGER AND STAFF IN ORDER TO COMMUNICATE WITH ECONOMIC DEVELOPMENT AND HOTELS REGARDING CREATING JOBS THAT WILL PROVIDE A LIVING WAGE. DIRECT THAT RESERVES BE SET ASIDE AS A MAINTENANCE FUND FOR CAPITAL IMPROVEMENTS AT THE OUTSET OF THE PROJECT SO THAT THE RESOURCES GENERATED FROM THIS DEVELOPMENT CAN BE USED FOR THE LONG-TERM PROTECTION OF THE PROJECT THEREBY PRECLUDING STARTING AN EXTENDED DEFERRED-MAINTENANCE LIST. REQUEST THAT THE CITY MANAGER RETURN TO THE CITY COUNCIL WITH A PROPOSAL AS TO HOW THIS PROJECT WILL BE PROTECTED LONG-TERM BY HAVING RESERVES IN PLACE TO MAINTAIN THESE PROPERTIES, PARTICULARLY THE ONES THAT THE CITY WILL CONTINUE TO OWN, I.E., THE CULTURAL COMPLEX AND BUILDING 623, THUS ENABLING THE COUNCIL TO EARMARK FOR ONE TO FIVE YEARS TOT TAX FOR THOSE INSTITUTIONS.

ACCEPT COUNCIL MEMBER ZUCCHET'S RECOMMENDATION THAT WITHIN 30 DAYS THE MAYOR DOCKET A PUBLIC HEARING BEFORE THE CITY COUNCIL ON THE MATTER OF THE CITY ATTORNEY'S POSITION ON AUTHORIZING THE ISSUANCE OF BONDS FOR THE SECOND HOTEL ON THE SITE OF THIS PROJECT, BASED ON WHETHER OR NOT THE DEVELOPER IS IN COMPLIANCE WITH THE DDA.

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

ITEM-S407: Retention of Outside Counsel in the Matter Related to De Anza Harbor and Resort.

(Mission Bay Community Area. District 6.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-950) ADOPTED AS RESOLUTION R-300243

Authorizing and directing the City Attorney to execute the fee agreement with Duckor Spradling & Metzger (the Firm), for an additional amount not to exceed \$300,000, for additional services from the Firm now needed by the City in connection with the De Anza matter.

SUPPORTING INFORMATION:

On September 12, 2003, the City retained attorney Anna F. Roppo of Higgs, Fletcher & Mack for legal services in connection with the transition of De Anza Harbor Resort from a privately operated mobile home to City-operated park and recreation use, including defense of De Anza Homeowners Association, Inc. (De Anza HOA case) v. City of San Diego, San Diego Superior Court Case No. GIC 821191. The City spent \$200,709.89 of \$250,000 authorized for legal services under this original contract. Ms. Roppo joined the law firm of Duckor Spradling & Metzger (now, Duckor Spradling Metzger & Wynne) effective April 26, 2004. On September 7, 2004, the City Council authorized continued legal services from that firm in an amount not to exceed \$300,000.

In addition to the defense of the City and prosecution of the City's Counterclaim in the De Anza HOA case, the services provided by Duckor Spradling Metzger & Wynne include the processing and filing of unlawful detainer actions against residents delinquent in rent, processing and filing abandonment proceedings for abandoned mobile homes, coordinating settlement agreements with residents (resulting in 181 signed settlement agreements), addressing residents', opposing counsel's, and the court's concerns regarding the infrastructure issues (sewer, gas, and water lines and trees), and coordinating with the City Attorney's Office on the action filed by the City against the prior lessee, De Anza Harbor Resort & Golf. Approximately 51% of the total spent to date for legal expenses has been for the defense of the De Anza HOA case and approximately 49% has been spent on the other issues related to property management support. To date, all expenses have been funded out of the Public Liability Fund. The recommended split in costs between the public liability fund and the De Anza Operating Fund reflects the allocation outside counsel's time in the past. Moving forward, staff recommends that the funding source for the defense of De Anza HOA case continue to be the Public Liability Fund, but that the expenses related to property management support be billed separately and funded out of the De Anza Operating Fund. This action seeks an additional amount not to exceed \$300,000 for continued representation of the City by Duckor Spradling Metzger & Wynne, bringing the total amount of funds authorized for this contract to \$800,709.89.

Aguirre/Ewell

Aud. Cert. 2500814.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:27 a.m. – 11:32 a.m.)

MOTION BY FRYE TO ADOPT. Second by Atkins. 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 Disposition and Development Agreement (DDA) and
Associated Actions for Gateway I Family Apartments Project.

(See Redevelopment Agency Report RA-05-07/CMR-05-046. Barrio Logan
Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-930) ADOPTED AS RESOLUTION R-300244

Authorizing a finding of benefit for the use of housing set-aside funds outside the
Centre City Redevelopment Project Area and authorizing the allocation of
\$3,634,000 from the Centre City Redevelopment Project Area low and moderate
income housing funds for the development of Gateway I Family Apartments in
the Barrio Logan Redevelopment Project.

Subitem-B: (R-2005-931) ADOPTED AS RESOLUTION R-300245

Approving the Redevelopment Agency entering into a Disposition and
Development Agreement for the Gateway I Family Apartments Project in the
Barrio Logan Redevelopment Project Area; approving the sale of property in the
Barrio Logan Redevelopment Project Area pertaining thereto; and making certain
findings with respect to the Disposition and Development Agreement and sale.

Subitem-C: (R-2005-932) ADOPTED AS RESOLUTION R-300246

Certifying that the information contained in the LDR File No. 28813 for the Gateway I Family Apartments has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Addendum to Environmental Impact Report No. 90-0133 reflects the independent judgment of the City of San Diego as Lead Agency and stating for the record that the final Addendum has been reviewed and considered prior to approving the Project and adopting the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program.

Staff: Rudy Gonzalez – (619) 533-4254

NOTE: See the Redevelopment Agency Agenda of March 15, 2005, for a companion item.

FILE LOCATION: Subitems A-C: MEET

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:23 a.m.)

MOTION BY INZUNZA TO ADOPT. 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-S501: Two actions related to Issuance of Multifamily Revenue Bonds for Fairbanks Ridge Apartments located at the Northwest Intersection of Paseo del Sur and Babcock Street in the Black Mountain Ranch Planning Subarea.

(See San Diego Housing Commission Report HCR-05-19. Black Mountain Ranch Community Area. District 1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2005-870) ADOPTED AS RESOLUTION R-300253

Approving the issuance of not to exceed \$37,000,000 aggregate principal amount of multifamily housing revenue bonds by the Housing Authority of the City of

San Diego for the Fairbanks Ridge Apartments, to finance the acquisition and construction of approximately 204 units of multifamily rental housing located at the northwest intersection of Paseo del Sur and Babcock Street in the Black Mountain Ranch Planning subarea, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Subitem-B: (R-2005-862) ADOPTED AS RESOLUTION R-300254

Stating for the record that the information contained in the final Environmental Impact Report (EIR) and Addendum to EIR, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the issuance of multifamily revenue bonds for Fairbanks Ridge Apartments;

Directing the City Clerk 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.

FILE LOCATION: Subitems A-B: MEET

COUNCIL ACTION: (Time duration: 6:44 p.m. – 6:44 p.m.)

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

ITEM-S502: Issuance of Multifamily Revenue Bonds for Delta Village Apartments Located at 4316-4322, 4352-4368, and 4388 Delta Street.

(See San Diego Housing Commission Report HCR05-20. Southcrest Community Area. District 8.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-887) ADOPTED AS RESOLUTION R-300255, WITH DIRECTION

Approving the issuance of not to exceed \$20,000,000 aggregate principal amount of multifamily housing revenue bonds by the Housing Authority of the City of San Diego for the Delta Village Apartments to finance the acquisition and rehabilitation of approximately 137 units of multifamily rental housing located at 4316-4322, 4352-4368, and 4388 Delta Street, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:45 p.m. – 6:48 p.m.)

MOTION BY YOUNG TO ADOPT WITH DIRECTION THAT STAFF RETURN WITH MORE SPECIFICS REGARDING PROGRAMS FOR GANG-INTERVENTION AND HOW TO EMPOWER THE RESIDENTS IN THIS AREA OF THE CITY TO ORGANIZE THEMSELVES TO COMBAT THESE NEGATIVE INFLUENCES.

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

ITEM-S503: Oyster Shell.

Matter of approving, conditionally approving, modifying or denying of a Coastal Development Permit, Site Development Permit, Tentative Map, Rezone and Local Coastal Plan Amendment, to demolish two existing single family residences and existing commercial building and construct a 14,300 square-foot, three-story, six-unit condominium building with subterranean garage. The project also includes a proposed rezone to the eastern half of the project site from Zone 4 (Pearl Street-Neighborhood Commercial) to Zone 5 (Multi-Family), resulting in the entire property to be within Zone 5 of the La Jolla Planned District. The project site is located at 430, 432, and 440 Pearl Street, in Zones 4 and 5 of the La Jolla Planned District, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, and within the La Jolla Community Planning Area.

The Oyster Shell, condominium project, which includes a rezone, is located in the Coastal Zone, therefore the City Council's decision regarding the rezone requires amending the City's Local Coastal Program. As a result, the final decision on this Oyster shell, Condominium project, 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.

(See City Manager Report CMR-05-061. La Jolla Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the permits; adopt the resolution in subitem C to grant the map; and introduce the ordinance in subitem D:

Subitem-A: (R-2005-923) ADOPTED AS RESOLUTION R-300247

Adoption of a Resolution certifying Mitigated Negative Declaration No. 5397, 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 tentative map, coastal development permit, site development permit, local coastal plan amendment and rezone for the Oyster Shell project;

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

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

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-) GRANTED PERMIT, ADOPTED AS RESOLUTION R-300248

Adoption of a Resolution granting or denying Coastal Development Permit No. 10076, Site Development Permit No. 10078 and Local Coastal Program Amendment No. 10080, with appropriate findings to support Council action.

Subitem-C: (R-2005-) GRANTED MAP, ADOPTED AS RESOLUTION
R-300249

Adoption of a Resolution granting or denying Tentative Map No. 10079, with appropriate findings to support Council action.

Subitem-D: (O-2005-107) INTRODUCED, TO BE ADOPTED MONDAY,
APRIL 4, 2005

Introduction of an Ordinance changing 0.11 acres, located at 444 Pearl Street, in the La Jolla Community Plan Area, in the City of San Diego, California, from the Zone 4 of the La Jolla Planned District into the Zone 5 of the La Jolla Planned District, as defined by San Diego Municipal Code Section 103.1202; and repealing Ordinance No. O-16312 (New Series), adopted October 29, 1984, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

OTHER RECOMMENDATIONS:

Planning Commission on January 13, 2005, voted 5-0 to approve; no opposition.

Ayes: Schultz, Chase, Garcia, Ontai, Steele
Not present: Otsuji

The La Jolla Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The 9,982 square foot project site currently contains two single family residences and a commercial building. All three existing structures are more than 45 years old and were evaluated for historical significance. Based on the submitted Historical Assessment Report the three structures were determined not to have any historical significance. Surrounding the project site are predominately residential land uses with some commercial and mixed-use. The project site is located at 430,432 and 440 Pearl Street, on the north side of Pearl Street just west of La Jolla Boulevard between Olivetas Street and La Jolla Boulevard, within Zone 4 and 5 of the La Jolla Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limit Overlay Zone, and within the La Jolla Community Plan Area. The proposed grading, construction, and

subdivision all constitute, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Tentative Map is required, by the Land Development Code (Section 144.0202), for the proposed consolidation of the two existing lots into a one lot subdivision for six condominium units.

The Rezone is required, by the Land Development Code (Section 123.0102); in order unify the split zoned property under one zone, Zone 5 of the La Jolla Planned District. The property's land use designation became Medium Density Residential (15-30 DU per net acre) during the recent Community Plan update and the most appropriate zone to implement that land use designation is Zone 5 of the La Jolla Planned District, which would allow for the increased residential density of up to 26 dwelling units per acre.

FISCAL IMPACT:

None, all costs associated with the processing of the project are paid from a deposit account maintained by the applicant.

Frazier/Halbert/GRG

LEGAL DESCRIPTION:

The proposed project is located at 430, 432, and 440 Peal Street, between La Jolla Boulevard and Olivetas Avenue, within the Coastal Zone and the La Jolla Community Planning Area, and is more particularly described as Lot 1, Frisbee's Subdivision, Map 6324, along with the southerly 100 feet of Lot 4, Block 14, La Jolla Park, Map 352.

Staff: Glenn Gargas - (619) 446-5142

FILE LOCATION: Subitems A-D: LUP – Oyster Shell 03/15/05 (65)

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

MOTION BY PETERS TO ADOPT THE RESOLUTIONS AND INTRODUCE THE ORDINANCE, GRANTING THE PERMITS AND MAP. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:50 p.m. in honor of the memory of:

John McCusker as requested by Council Member Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:49 p.m. – 6:50 p.m.)