

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 17, 2005  
AT 9:00 A.M.  
AT GOLDEN HALL SAN DIEGO CONCOURSE  
202 "C" STREET, SAN DIEGO, CA 92101

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:06 a.m. The meeting was recessed at 10:58 a.m. by Mayor Murphy to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:11 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:40 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 5:53 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:24 p.m. with all Council Members present. Mayor Murphy simultaneously convened the Redevelopment Agency with the regular meeting at 6:30 p.m. Mayor Murphy recessed the meeting at 8:30 p.m. for the purpose of a break. Mayor Murphy reconvened the regular meeting at 8:42 p.m. with Council Member Inzunza not present. The meeting was adjourned by Mayor Murphy at 10:51 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-Lane (gs/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-not present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-not 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 being innocent until proven otherwise.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-2:**

Linda Smith commented on service fees.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-3:**

Lou Conde commented on consultant companies.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-4:**

Forrest Curo commented on citizens in support of homeless people.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:18 a.m.)

**PUBLIC COMMENT-5:**

Sandy Summers commented on domestic terrorism.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:21 a.m.)

**PUBLIC COMMENT-6:**

Phil Hart commented on the audit committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:25 a.m.)

**PUBLIC COMMENT-7:**

Joseph Braverman commented on fund raising and libraries.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-8:**

Connie Zuniga commented on keeping a neighborhood prosecutor position.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

**PUBLIC COMMENT-9:**

Ron Boshun commented on the actions of City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

**PUBLIC COMMENT-10:**

Kristina Blake commented on the recent resignations of Patricia Frazier, Cathy Lexin, and Mary Vattimo.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-11:**

Jarvis Ross commented on the budget process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

**PUBLIC COMMENT-12:**

Brina-Rae Schuchman commented on the mayoral election in July.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:41 a.m.)

**PUBLIC COMMENT-13:**

Robert Barto commented on service charges for trash and water.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-14:**

Muhammed Abdullah commented on the attacks of September 11.

FILE LOCATION: AGENDA

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

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Council Member Frye announced the “San Diego River Day” event at the Mission Valley Library on Saturday, May 21, 2005.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:48 a.m.)

**COUNCIL COMMENT-2:**

Council Member Madaffer announced the “Explore Mission Trails Day” activities at Mission Trails Regional Park on May 21, and May 22, 2005.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:49 a.m. – 10:50 a.m.)

**CITY MANAGER COMMENT:**

City Manager Lamont Ewell updated Council on the status of the tax anticipation notes.

FILE LOCATION: MINUTES

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

CITY ATTORNEY COMMENT:

None.



[ITEM-330](#): Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2005-2006.

**TODAY'S ACTIONS ARE:**

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

Subitem-A: (O-2005-129) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
JUNE 7, 2005

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2005-2006.

Subitem-B: (R-2005-1157) ADOPTED AS RESOLUTION R-300435

Establishing overtime eligibility of classification in the classified service.

Subitem-C: (R-2005-1158) ADOPTED AS RESOLUTION R-300436

Amending employee representation units to add new classifications and remove deleted classifications from existing appropriate units as established in the Fiscal Year 2004-2005 Salary Ordinance.

Subitem-D: (R-2005-1159) ADOPTED AS RESOLUTION R-300439

Authorizing classifications eligible for the Management Benefits Plan.

FILE LOCATION: Subitem A: NONE  
Subitems B – D: MEET

COUNCIL ACTION: (Time duration: 8:43 p.m. – 10:32 p.m.)

MOTION BY ZUCCHET INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTIONS IN SUBITEMS B, C, AND D. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-nay, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-331: Two actions related to San Diegans for the Mt. Soledad National War Memorial Referendary Petition.

(See City Clerk's Reports No. 05-01 Rev. and No. 05-03; City Attorney Report dated May 13, 2005.)

**TODAY'S ACTIONS ARE:**

Adopt one or more of the following resolutions; and introduce and adopt one or more of the following ordinances; **OR** take any other necessary or appropriate action in response to the referendary petition:

- 1) Granting the Referendary Petition to repeal Resolution No. R-300207.

Subitem-A: (R-2005-1172) ADOPTED AS RESOLUTION R-300437

Rescinding Resolution R-300207, in which the City Council declined the Offer of the United States Government to accept transfer of Title to the Mt. Soledad Memorial Property.

**Option – Either Subitem-B or Subitem-C:**

Subitem-B: (R-2005-1176) FAILED

Accepting the Offer of The United States Government to accept transfer of Title to the Mt. Soledad Memorial Property.

Subitem-C: (O-2005-130) INTRODUCED AND ADOPTED AS  
ORDINANCE O-19378 (New Series)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at a Special Municipal Election, one Proposition regarding whether or not the City shall donate to the United States all of the City's Rights, Title, and Interest in the Mt. Soledad Veterans Memorial Property.

**NOTE:** If Subitem C is adopted, Council may also adopt Subitems E, G, and H.

2) Denying the Referendary Petition to repeal Resolution No. R-300207.

Subitem-D: (R-2005-1173) NOTED AND FILED

Resolution of Intention to submit to the voters the question of whether or not to adopt Resolution R-300207 declining the Offer of The United States Government to accept transfer of Title to the Mt. Soledad Memorial Property at a Special Election or any other election at which all the voters of the City are entitled to vote, to be held within eleven months from the date of the adoption of the resolution of intention to submit the matter to the voters.

**NOTE:** If Subitem D is adopted, Council may also adopt Subitems E, F, G, and H.

Subitem-E: (O-2005-133) INTRODUCED AND ADOPTED AS ORDINANCE  
O-19379 (New Series)

Introduction and adoption of an Ordinance calling a Special Municipal Election in the City of San Diego for the purpose of submitting to the qualified voters of the City one or more ballot propositions.

Subitem-F: (O-2005-131) NOTED AND FILED

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at a Special Municipal Election, one proposition regarding whether or not the City shall adopt Resolution No. R-300207, which declined the Offer of the United States Government to accept Title to the Mt. Soledad Veteran's Memorial Property in order to use the property as a National Memorial honoring Veterans of the United States Armed Forces.

Subitem-G: (R-2005-1192) ADOPTED AS RESOLUTION R-300438

Requesting that the San Diego County Registrar of Voters conduct a Special Municipal Election to be held in the City of San Diego for the purpose of submitting to the qualified voters of the City one or more ballot propositions.

Subitem-H: (R-2005-1199) NOTED AND FILED

Directing the City Attorney to prepare a Ballot Title, Summary, and Impartial Analysis; directing the City Manager to prepare a Fiscal Analysis; and Assigning Authorship of the ballot argument, for the transfer of Title to the Mt. Soledad Veterans Memorial Property ballot measure.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:12 p.m. – 3:40 p.m.; 3:55 p.m. – 5:53 p.m.; 6:34 p.m. – 8:30 p.m.; 8:42 p.m. – 8:43 p.m.)

Motion by Madaffer to adopt the resolution in Subitem A rescinding Resolution R-300207, in which the City Council declined the Offer of the United States Government to accept transfer of Title to the Mt. Soledad Memorial Property. Introduce, dispense with the reading, and adopt Subitem C submitting to the voters on July 26, 2005, whether or not the City shall donate to the U.S. Government all of the City's rights, title, and interest in the Mt. Soledad Veterans Memorial Property. Second by Mayor Murphy. Motion withdrawn by Madaffer.

**MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A RESCINDING RESOLUTION R-300207, IN WHICH THE CITY COUNCIL DECLINED THE OFFER OF THE UNITED STATES GOVERNMENT TO ACCEPT TRANSFER OF TITLE TO MT. SOLEDAD MEMORIAL PROPERTY.** Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

Motion by Madaffer to Adopt Subitem B, accepting the offer of the U.S. Government to accept transfer of title to the Mt. Soledad Memorial Property. Second by Maienschein. Failed. Yea-4, 5, 7, M. Nay-1, 2, 3, 6, 8.

MOTION BY MADAFFER TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE IN SUBITEM C, SUBMITTING TO THE VOTERS ON JULY 26, 2005, WHETHER OR NOT THE CITY SHALL DONATE TO THE U.S. GOVERNMENT ALL OF THE CITY'S RIGHTS, TITLE AND INTEREST IN THE MT. SOLEDAD VETERANS MEMORIAL PROPERTY. INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE IN SUBITEM E; ADOPT THE RESOLUTION IN SUBITEM G, AND NOTE AND FILE SUBITEMS D, F, AND H. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY PETERS TO DIRECT THE CITY MANAGER TO ASSIGN BALLOT ARGUMENTS IN FAVOR TO CHARLES S. LI MANDRI AND IN OPPOSITION TO JAMES McELROY. Second by Mayor Murphy. 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-332: Community Facilities District No. 3 Liberty Station Issuance of Special Tax Bonds Series A.

(See City Manager Report No. CMR-05-112. Peninsula Community Planning Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1150) CONTINUED TO TUESDAY, MAY 24, 2005

Declaring the City of San Diego acting as the legislative body of Community Facilities District No. 3 (Liberty Station) authorizing the Issuance of its Special Tax Bonds Series A of 2005 in a principal amount not to exceed \$16,000,000 and approving certain documents and taking certain other actions in connection therewith.

Staff: Elizabeth Kelly – (619) 236-6932  
Mark D. Blake – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 6:30 p.m. – 6:30 p.m.)

MOTION BY ZUCCHET TO CONTINUE TO TUESDAY, MAY 24, 2005, DUE TO THE LACK OF TIME. Second by Inzunza. 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: 5253 Cardeno Drive.

Matter of approving, conditionally approving, modifying or denying an amendment to the Pacific Beach Community Plan to redesignate the property located at 5352 Cardeno Drive from Very Low Density Residential (0-2 dwelling units/acre) to Very Low Density Residential (2-5 dwelling units/acre); Tentative Parcel Map to allow the subdivision of the 0.832-acre lot into three single-family parcels; a Planned Infill Residential Development and Resource Protection Ordinance Permit to maintain the existing single-family residence at 5253 Cardeno Drive and to construct two new single-family residences.

(See City Manager Report CMR-05-111. Revised Negative Declaration/TPM No. 48820/PIRD No. 48816/RPO No. 48821/PG&GP & CPA No. 48819/Project No. 5395. Pacific Beach Community Plan Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (R-2005-1141) ADOPTED AS RESOLUTION R-300427

Adoption of a Resolution certifying that Negative Declaration No. 5395 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 an amendment to the Progress Guide and General Plan and the Pacific Beach Community Plan; a tentative parcel map; and a planned infill residential development permit/resource protection ordinance permit for 5253 Cardeno Drive 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-2005-1405) GRANTED MAP, ADOPTED AS RESOLUTION  
R-300428**

Adoption of a Resolution granting or denying Tentative Parcel Map No. 48820, with appropriate findings to support Council action.

**Subitem-C: (R-2005-1407) GRANTED PERMITS, ADOPTED AS RESOLUTION  
R-300429**

Adoption of a Resolution granting or denying Planned Infill Residential Development Permit No. 48816 and Resource Protection Ordinance Permit No. 48821, with appropriate findings to support Council action.

**Subitem-D: (R-2005-1142) ADOPTED AS RESOLUTION R-300430**

Adoption of a Resolution amending the Pacific Beach Community Plan; and

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

**OTHER RECOMMENDATIONS:**

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

Ayes: Schultz, Garcia, Steele, Chase, Ontai.

Not present: Otsuji

The Pacific Beach Community Planning Group voted on October 25, 2004, 18:1:0, in support of the project as proposed with no conditions.

**CITY MANAGER SUPPORTING INFORMATION:**

The subject property is located in the Pacific Beach Community Plan (PBCP) area. The site is a 0.832-acre parcel at 5253 Cardeno Drive, formerly Fanuel Street, between Archer Street and Agate Street in the R1-10,000 Zone. The site is not in the Coastal Zone. The property is currently developed with one single-family residence that will remain. The surrounding uses are single-family residences on lots of varying size. To the north, there is a single 35,800-square foot lot. Beyond that lot and to the east, the lots vary in size between 10,000 and 22,900 square feet. To the west, the lots vary between 3,100 and 3,500-square feet, and to the south, the lots vary between 6,900 and 10,800 square-feet.

The land use designation for the site is Very Low Residential Density (0-2 du/ac). This density typically corresponds with RS-1-2 (previously R1-20,000) zoning. However, the current zoning is RS-1-4 (previously R1-10,000). A Community Plan and Progress Guide and General Plan Amendment was initiated by the Planning Commission on May 12, 2000, to consider changing the PBCP land use designation for this property to be consistent with the current zoning by changing the density from Very Low (0-2 du/ac) to Very Low Residential (2-5 du/ac). This inconsistency between the zoning and the Land Use Plan designation exists for other properties to the north and east of the subject property. The project's development application was deemed complete prior to the year 2000, when the City's Land Development Code regulations came into effect. Therefore, the project is required to be in conformance with the City of San Diego Municipal Code (SDMC) standards and zoning regulations. A Planned Infill Resident Development (PIRD) Permit (SDMC, Section 101.0930) is requested to deviate from the minimum requirements of the R-10,000 Zone for frontage on a dedicated public street; direct access off a dedicated public street; and lot depth. A Tentative Parcel Map is requested to subdivide the property into three single-family Lots.

**FISCAL IMPACT:**

All costs are paid by the applicant.

Halbert/Frazier/Goldberg/PXG

**LEGAL DESCRIPTION:**

The project site is located at 5253 Cardeno Drive (formerly Fanuel Street) between Archer Street and Agate Street in the R1-10,000 (Residential) zone (old-code zoning) within the Pacific Beach Community planning area. A Community Plan Amendment (CPA) is required to allow the lot to be subdivided into three parcels when the underlying residential designation identified in the Pacific Beach Community Plan allows 0-2 dwelling units per acre for the project site. Council District 2.

Staff: Patricia Grabski – (619) 446-5277.

FILE LOCATION: LUP – 5253 Cardeno Drive, 05/17/05 (65)

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:56 a.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND D; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE MAP; AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMITS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-334: Logan Heights Family Health Center.

Matter of approving, conditionally approving, modifying or denying a Public Right of Way Vacation, Dedication, Parcel Map, Site Development Permit, Planned Development Permit, Conditional Use Permit and Coastal Development Permit to amend CDP 91-0606 for a 24,851-square-foot addition to the existing health care offices on a 48,794-square-foot site at 1809 National Avenue in the Redevelopment Subdistrict of the Barrio Logan Planned District within the Barrio Logan Community Plan, and Coastal Overlay Zone (non-appealable).

(MND/MMRP/Public Right-of-Way Vacation-Dedication No. 18559/Parcel Consolidation Map No. 83842/PDP No. 88466/SDP No. 18480/CDP No. 18479/Project No. 9811. Barrio Logan/Harbor 101 Community Plan Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (R-2005-1137) ADOPTED AS RESOLUTION R-300454

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 9811 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 public right-of-way vacation/dedication, planned development permit/site development permit, parcel map, amendment to Coastal Development Permit No. 91-0606 and release of Community Development Block Grants (CDBG) Section 108 Loan Guarantees for the Logan Heights Family Health Center;

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 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, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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

Subitem-B: (R-2005-1136) ADOPTED AS RESOLUTION R-300455

Adoption of a Resolution approving Parcel Consolidation Map No. 83842 and Public Right-of-Way Vacation/Dedication No. 18559;

That the City Clerk is directed to transmit the MAP to the County Recorder of the County of San Diego, California, for recordation.

Subitem-C: (R-2005-1223) GRANTED PERMITS, ADOPTED AS RESOLUTION R-300456

Adoption of a Resolution granting or denying Planned Development Permit No. 88466, Site Development Permit No. 18480, and Coastal Development Permit No. 18479, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 24, 2005, voted 6-0 to approve; no opposition.

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

The Barrio Logan Project Area Committee on October 15, 2003, voted 9:2:0 in support of the project with no conditions.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposal is to expand and modernize the existing Logan Heights Family Health Center at 1809 National Avenue to provide services to the health care needs of the immediate community. The proposal requires a Public Right-of-Way Vacation/Dedication to vacate a portion of the alley, a Planned Development Permit for deviations to parking requirements and a Parcel Map to consolidate the off-site parking with the project and an amendment to existing Coastal Development Permit No. 91-0606 for the construction of the building additions and associated site improvements to the existing health care center.

Community Planning Group Recommendation- The Barrio Logan Project Area Committee (PAC) on October 15, 2003, voted 9:2:0 in support of the project with no conditions.

Planning Commission Recommendation- On February 24, 2005, the Planning Commission voted 5:0:0 in support of the project with no conditions.

Staff Recommendation- Staff supports the project as proposed.

**FISCAL IMPACT:**

No cost to the City. All costs are recovered by a deposit account funded by the applicant.

Frazier/Halbert/PXG

**LEGAL DESCRIPTION:**

The proposed project site is located at 1809 National Avenue within the Redevelopment Sub-district of the Barrio Logan Planned District within the Barrio Logan/Harbor 101 Community Plan.

Staff: Patricia Grabski - (619) 446-5277.

FILE LOCATION: LUP – Logan Heights Family Health Center, 05/17/05 (65)

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:57 a.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B;  
AND ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMITS.  
Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-not present,  
Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present,  
Mayor Murphy-yea.

ITEM-335: Southgate Condominium Conversion.

Matter of the appeals by Dora E. Sanchez, Arlen L. Shire, and Dr. Valerie Shields from the decision of the Planning Commission in approving an application for Tentative Map No. 106415 to convert 188 apartments to condominiums on a 12.9 acre site at 850 Beyer Way in the RM-1-1 Zone south of Palm Avenue, west of Picador Boulevard, and north of Coronado Avenue.

Should the condominium conversion be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(See City Manager Report CMR-05-106. TM No. 106415/Project No. 32312. Otay Mesa-Nestor Community Plan Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to deny the appeal and uphold the decision of the Planning Commission and to grant the map:

(R-2005- ) CONTINUED TO TUESDAY, MAY 24, 2005

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision of the Planning Commission in granting the project and granting or denying Tentative Map No. 106415, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 3, 2005, voted 4 – 1 to approve staff's recommendations as outlined in Report to the Planning Commission No. PC-04-154, along with staff's memorandum dated February 3, 2005; was opposition.

Ayes: Garcia, Steele, Schultz, Otsuji

Nays: Chase

Not Present: Ontai

Chairperson: vacant

The Otay Mesa-Nestor Community Planning Board on July 14, 2004, voted 8-6-0 to recommend approval of the project with no conditions.

**CITY MANAGER SUPPORTING INFORMATION:**

This item is an appeal of the Planning Commission's February 3, 2005, decision to approve the Southgate Condominium Conversion, a Tentative Map to convert 188 existing apartment units to condominium units. This item was originally heard by the Planning Commission on September 30, 2004 continued to December 9, 2004 and continued again to the February 3, 2005 public hearing. During public testimony, numerous citizens spoke in opposition to the project citing issues including the lack and loss of affordable rental units in the area; that the conversion could potentially create a decrease in the number of students at a nearby school; that condominium conversions in general were impacting the housing stock in the City of San Diego; and, concerns about the distribution and clarity of the required public notices. In addition, public testimony raised concerns related to how condominium conversions throughout the City of San Diego are potentially impacting the Residential Element of the Progress Guide and General Plan. The Planning Commission approved the item 4-1-0 with no additional conditions. Subsequent to the February 3, 2005 hearing, two appeals were filed against the project.

**Project Description**

The site is currently developed with 188 residential units (94 one-bedrooms, 93 two-bedrooms and one three bedroom) located in twelve (12) detached buildings. The development was designed and constructed for condominium or for sale units in 1978 in conformance with required codes at the time.

The 12.9-acre site is located at 850 Beyer Way in the RM-1-1 zone within the Otay Mesa-Nestor Community Planning area. The surrounding area is developed with a variety of mixed uses including single-family dwellings to the west and south, commercial uses to the north, mixed commercial establishments, multi-family units and the Howard Pence Elementary School to the east. The Otay Mesa-Nestor Community Plan land use designation for the site is residential. There is an existing pool and green belt area within the perimeter and between the twelve structures. The owner plans to convert the apartments to condominiums in six phases over a period of 24 months in order to minimize tenant displacement. In addition, the units will be upgraded to include the following improvements: stacked, interior washer/dryer hook-ups, new kitchens and bathrooms, natural maple wood cabinetry, new kitchen appliances, plumbing fixtures, lighting fixtures, heating, flooring and carpet. The acoustical ceilings will be removed and each unit will be painted. The exterior trim will also be painted and the landscaping upgraded.

**FISCAL IMPACT:**

All costs associated with the processing of this application are paid for by a deposit account maintained by the applicant.

Frazier/Halbert/WJZ

**LEGAL DESCRIPTION:**

The project site is located westerly of Beyer Way and southerly of Coronado Avenue at 850-940 Beyer Way, and described as lot 255 of Pacifica Hills, Unit No. 6, Map No. 7008, in the RM-1-1 zone.

**NOTE:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301(k), Existing Facilities.

Staff: William Zounes – (619) 687-5942.

**FILE LOCATION:** LUP – Southgate Condominium Conversion, 05/17/05 (65)

**COUNCIL ACTION:** (Time duration: 6:30 p.m. – 6:34 p.m.)

MOTION BY INZUNZA TO CONTINUE TO TUESDAY, MAY 24, 2005, DUE TO THE LACK OF TIME. Second by Zucchet. 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:** Grantville Redevelopment Project.

(Navajo, Tierrasanta, and College Community Areas. District 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/3/2005, Item 334, Subitem A. (Council voted 7-1. Councilmember Frye voted nay. Councilmember Zucchet not present.):

(O-2005-116) ADOPTED AS ORDINANCE O-19380 (New Series)

Approving and adopting the Redevelopment Plan for the Grantville  
Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:32 p.m. – 10:51 p.m.)

Testimony in opposition by Moses Abiola, Ray Behlman, and Charles Little.

Testimony in favor by Mike Neal, Gary DeBusshere, Daniel Smith, and Arnold  
Veldkamp.

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

ITEM-S500: First Amendment to NTC Park Improvement Agreement.

(See Redevelopment Agency Report RA-05-16/CMR-05-108. Peninsula  
Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1146) CONTINUED TO TUESDAY, MAY 24, 2005

Approving the First Amendment to the NTC Park Improvement Agreement;

Authorizing the City Manager and/or his designee to execute the First  
Amendment to the NTC Park Improvement Agreement among the  
Redevelopment Agency (Agency), the City of San Diego (City) and  
McMillin-NTC, LLC the (Master Developer), which is on file in the office of the  
secretary to the Agency.

Staff: Maureen Ostrye – (619) 533-5428  
Donald F. Shanahan – Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of 5/17/2005, for a companion.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 6:27 p.m. – 6:30 p.m.)

MOTION BY ZUCCHET TO CONTINUE TO TUESDAY, MAY 24, 2005, DUE TO THE LACK OF TIME. Second by Inzunza. 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 10:51 p.m.

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Time duration: 10:51 p.m.)