

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 27, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Atkins at 10:14 a.m. Mayor Pro Tem Madaffer recessed the meeting at 10:20 a.m. to convene the Housing Authority and thereafter reconvened the regular meeting with all Council Members present and District 2, District 8, and Mayor vacant. Mayor Pro Tem Madaffer recessed the meeting at 11:04 a.m. for the purpose of a break. Mayor Pro Tem Madaffer reconvened the meeting at 11:12 a.m. with all Council Members present and District 2, District 8, and Mayor vacant. Mayor Pro Tem Madaffer recessed the regular meeting at 11:54 to reconvene the Housing Authority. The meeting was recessed by Mayor Pro Tem Madaffer at 12:00 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Pro Tem Madaffer at 2:01 p.m. The meeting was recessed by Mayor Pro Tem Madaffer at 3:04 p.m. for the purpose of a break. Mayor Pro Tem Madaffer reconvened the meeting at 3:10 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Mayor Pro Tem Madaffer recessed the meeting at 5:14 p.m. for the purpose of a break. Mayor Pro Tem Madaffer reconvened the meeting at 5:27 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Mayor Pro Tem Madaffer adjourned the meeting at 5:57 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (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 District 8-vacant
- Clerk-Maland (gs/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (M) Mayor-vacant
- (1) Council Member Peters-present
- (2) Council District 2-vacant
- (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 District 8-vacant

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the responsibilities of legislators surrounding religion.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. – 10:19 a.m.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Ted Kozminski commented on the traffic on Euclid Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:23 a.m.)

PUBLIC COMMENT-3:

Sandy Summers commented on political persecution.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Alfred Ilginis commented on the sidewalk conditions on Euclid Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-5:

Alan Fink commented on an article regarding the Brown Field Airport.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:32 a.m.)

PUBLIC COMMENT-6:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:36 a.m.)

PUBLIC COMMENT-7:

Tony Grizich commented on city government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:39 a.m.)

PUBLIC COMMENT-8:

Pam Barratt commented on the homeless people in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:44 a.m.)

PUBLIC COMMENT-9:

Robert Robinson commented on buried veterans at Mount Hope Cemetery.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:47 a.m.)

PUBLIC COMMENT-10:

Patricia Deck commented on a street vacation on Plum Street in Council District 2.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-11: REFERRED TO THE CITY MANAGER

Nick Moffit commented on spending and street signs.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-12:

Bruce Sims commented on the City Charter and election codes.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-13:

Milly Strodman commented on Centre City Development Corporation's role in connection with the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:03 a.m.)

PUBLIC COMMENT-14:

Jarvis Ross commented on an action by the Strategic Planning Committee and the retirement of the Real Estate Assets Director.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:47 a.m. – 11:48 a.m.)

PUBLIC COMMENT-15:

Muhammed Abdullah commented on a rally overseen by the San Diego Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:49 a.m. – 11:53 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Peters recognized Jeannie Barnes from Carmel Valley who was recognized as one of the outstanding park volunteers of the year and won an award on Saturday at the Tenth Annual Park and Recreation Recognition event at Balboa Park. Mr. Peters commended the efforts of the San Diego Urban Search and Rescue Task Force for their work in New Orleans.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:22 p.m.)

COUNCIL COMMENT-2:

Deputy Mayor Atkins also commended the efforts of the San Diego Urban Search and Rescue Task Force and announced that in the near future an event will be planned to acknowledge their work and efforts.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:23 p.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Karen Heumann reported the action on Item No. 1 in Closed Session that authorized the City Attorney to file a notice of appeal in the Valerie O' Sullivan v. City of San Diego case. The case involves the "Children's Pool". The motion was made by Council Member Frye and seconded by Deputy Mayor Atkins. The vote was 5 to 1 with Council Member Peters voting no on the appeal.

FILE LOCATION: MINUTES

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



ITEM-330: Lease Agreement with KenCal Ownership, LLC, for the Hyatt Regency Islandia Hotel and Marina, located in the Quivira Basin Area of Mission Bay Park.

(See City Manager Reports CMR-05-151 and CMR-05-195; memorandum from William T. Griffith dated 9/19/2005; and letter from Jim Austin dated 9/21/2005. Mission Bay Park Community Area. District 2.)

(Continued from the meeting of June 27, 2005, Item S403, at the request of Councilmember Zucchet, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-1387) ADOPTED WITH DIRECTION AS RESOLUTION
R-300863

Authorizing the City Manager to execute a fifty-year lease agreement with KenCal Ownership, LLC, a California limited liability company, for the Hyatt Regency Islandia Hotel and Marina on 9.73 acres of land and 9.119 acres of water of City-owned property in the Quivira Basin area of Mission Bay Park at an annual rental of \$1.9 million after a one-year construction period rental of \$1 million, under the terms and conditions set forth in that lease agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/21/2005, NR&C voted 4 to 0 to move the item forward to the full Council with direction to the City Manager to provide the following to Council:

- 1) A specific analysis, in table format, comparing the numbers from the proponent, opponent, the City Manager, and the City Attorney; and the difference in value to the City if this lease is bringing increased revenue through transient occupancy tax, sales tax, increased rent revenue, and/or property tax reassessment.
- 2) A comparison between the old and new lease language relating to the maintenance of the property.
- 3) Information as to what would happen if the City denied the lease, what the City's options would be, and how it would affect us.
- 4) Information as to when the most opportune time for negotiations of the lease might be; and
- 5) A clear understanding of the proposed renovations and the consequences if they were denied.

(Councilmembers Young, Maienschein, Frye, and Madaffer voted yea.)

Staff: Will Griffith – (619) 236-6144
Elisa A. Cusato – Deputy City Attorney

Testimony in opposition by Bob Otilie, Phil Hart, Jarvis Ross, Ian Trowbridge, Al Strohlein, and Joe Graham.

Testimony in favor by Jeff VanHartesvelt, David Rodriguez, Charles Yipp, Bill Evans, Ted Jardine, Angelika Villagrana, Lisa Briggs, Grace Cherashor, Molly Rhodes, Jerry Butkiewicz, Maurice Slatton, Norma LaBadie, John Intrabartdo, and Mort McCarthy.

FILE LOCATION: LEAS – KenCal Ownership, LLC

COUNCIL ACTION: (Time duration: 2:23 p.m. – 5:07p.m.)

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION WITH DIRECTIONS TO THE CITY MANAGER AS FOLLOWS:

1. PREPARE DRAFT RECOMMENDATIONS THAT ENSURE THE CITY IS NEGOTIATING LEASES THAT REFLECT THE "BEST PRACTICES" IN THE NATION AND REPORT BACK TO COUNCIL.
2. DETERMINE IF IT WOULD BE BENEFICIAL TO THE CITY TO RECONSTITUTE A REAL ESTATE ADVISORY COMMITTEE WHICH CONSISTS OF PRIVATE SECTOR EXPERTS IN VARIOUS FIELDS OF REAL ESTATE
3. INCREASE THE AMOUNT OF HARD CONSTRUCTION COSTS IN THE LEASE FROM \$28 MILLION TO \$36 MILLION.

Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-331: Use of Inclusionary In-Lieu Fees Collected to Make a Residual Receipts Loan to Santaluz Family Apartments, LLP for Rancho Del Norte Apartments.

(See San Diego Housing Commission Report HCR05-86. Black Mountain Ranch Community Area. District 1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-242) ADOPTED AS RESOLUTION R-300878

Approving the use of up to \$150,000, in Inclusionary Fees from the Carmel Valley Community Planning Area, for the purpose of financing a 119-unit multi-family rental housing development for low-income families called Rancho del Norte Apartments (Project), located within Subarea I of the North City Future Urbanizing Area, pursuant to the terms and conditions outlined in Housing Commission Report HCR05-86.

NOTE: See the San Diego Housing Commission Agenda of 9/27/2005 for companion items.

FILE LOCATION: MEET

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

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-332: Madera.

Matter of approving, conditionally approving, modifying, or denying an application for an amendment to the Clairemont Mesa Community Plan and the Progress Guide and General Plan (to redesignate the site from Community Center Commercial to Medium Residential at 15-30 dwelling units per acre), a Rezone (from CC-1-3 to RM-3-7), a Planned Development Permit, Site Development Permit, and Vesting Tentative Map to demolish an existing Bowling Center and construct 77 residential condominium units in 17, 3-story buildings on an approximately 3.7 acre site. The property is located at 3093 Clairemont Drive within the Clairemont Mesa Community Plan, the Clairemont Mesa Height Limit Overlay Zone, and the Clairemont Mesa Community Plan Implementation Overlay Zone (Type B).

(Revised Final ND/PG&GP-CPA No. 174254/RZ No. 224754/SDP No. 174389/PDP No. 169110/VTM No. 189901/Project No. 57744. Clairemont Mesa Community Plan Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitem C; grant the permits in Subitem D; and grant the map in Subitem E:

Subitem-A: (R-2006-187) ADOPTED AS RESOLUTION R-300879

Adoption of a Resolution certifying that the information contained in Revised Final Negative Declaration No. 57744, 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 Progress Guide and General Plan and Community Plan Amendment, rezone, planned development permit, site development permit, and vesting tentative map for the Madera 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-2006-188) ADOPTED AS RESOLUTION R-300880

Adoption of a Resolution amending the Clairemont Mesa Community Plan;

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

Subitem-C: (O-2006-30) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 10, 2005

Introduction of an Ordinance of the Council of the City of San Diego changing 4.15 acres, located at 3093 Clairemont Drive, in the Clairemont Mesa Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (previously referred to as the CA-S Zone) into the RM-3-7 Zone (previously referred to as the R-1000 Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-11216 (New Series), adopted January 17, 1974, of the Ordinances of The City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006- 345 COR. COPY) GRANTED PERMITS, ADOPTED AS RESOLUTION
R-300881

Adoption of a Resolution granting or denying Site Development Permit No. 174389 and Planned Development Permit No. 169110, with appropriate findings to support Council action.

Subitem-E: (R-2006-346) GRANTED MAP, ADOPTED AS RESOLUTION
R-300882

Adoption of a Resolution granting or denying Vesting Tentative Map No. 189901, with appropriate finding to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 25, 2005, voted 4-0 to approve; was opposition.

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

The Clairemont Mesa Community Planning Committee has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Madera residential project would include the demolition of an existing bowling center (Sunset Bowl) and the construction of a 77-unit, multi-family (Sustainable) development (for sale) on an approximately 3.7-acre infill site located at 3093 Clairemont Drive within the Clairemont Mesa Community Planning Area. The development would meet City of San Diego Sustainable Buildings Policy, Council Policy 900-14.

The Madera project would also include 173 off-street parking spaces, over 12,700 square-feet of usable open space, a swimming pool, and a recreation area. The proposed 77-unit condominium development would consist of 17 three-story town house buildings.

This project requires amendments to the Progress Guide and General Plan and the Clairemont Mesa Community Plan to redesignate the project site from “Community Center Commercial” to “Medium Density Residential (15-30 Dwelling Units per Acre)”; a Rezone from CC-1-3 to RM-3-7; a Vesting Tentative Map, Site Development Permit, and Planned Development Permit.

Planning Commission Recommendation: On August 25, 2005, the Planning Commission voted unanimously (4-0) to recommend approval of the Madera project, as presented in Planning Commission Report No. PC-05-254, with the addition of the following condition (No. 52) which was added to the draft permit.

52. Prior to occupancy of the first residential unit, the applicant shall install a pedestrian connection (e.g. landscaping, enhanced paving, etc.) along Lot 2, between the project and Clairemont Drive, to the satisfaction of the City Manager.

Community Planning Group Recommendation: On July 19, 2005, the Clairemont Mesa Community Planning Committee voted 8-3-1 to approve the project as proposed.

FISCAL IMPACT:

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

Water Quality Impact Statement: During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system. The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long-term maintenance of all private drainage facilities.

Oppenheim/Halbert/DES

LEGAL DESCRIPTION:

The project site is located in the Clairemont Mesa Height Limit Overlay Zone, the Community Plan Implementation Overlay Zone "B," and is within Council District 6. Parcel 1 of Parcel Map No. 10896.

Staff: Dan Stricker – (619) 446-5251.

FILE LOCATION: LUP – Madera, 9/27/05 (65)

COUNCIL ACTION: (Time duration: 2:02 p.m. – 2:19 p.m.)

Testimony in opposition by Billy Paul.

Testimony in favor by David Cohn, Dave Potter, and John Vance.

MOTION BY FRYE TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B; INTRODUCE THE ORDINANCE IN SUBITEM C; GRANT THE PERMITS IN SUBITEM D; AND GRANT THE MAP IN SUBITEM E. Second by Atkins. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-333: Hillel of San Diego.

Matter of approving, conditionally approving, modifying or denying a Planned Development Permit, Site Development Permit, Street Vacation, Easement Abandonment, Lot-Line Adjustment Parcel Map and Public Right-of-Way Dedications to develop a two-level student center for religious purposes within the triangular area bounded by La Jolla Village Drive, La Jolla Scenic Way and La Jolla Scenic Drive North to consist of a 12,100 square-foot student center floor area and 17,000 square-feet of lower level garage for 40 off-street parking spaces on a usable 25,069 square-foot site with an additional 10,000 square-feet of area reserved for open landscaping as required by the City Council with the additional continued use of an adjacent single-family residence at 8976 Cliffridge Avenue for temporary religious office and student use in the SF (Single-Family) zone of the La Jolla Shores Planned District Ordinance, the Coastal Height Limit Overlay, and Parking Impact Overlay Zone (Campus Impact area), all within the boundaries of the La Jolla Shores Planned District and the La Jolla Community Plan Area.

(See City Manager Report CMR-05-193. Project No. La Jolla Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and D; adopt the resolution in Subitem B to grant the permits; and adopt the resolution in Subitem C to grant the map:

Subitem-A: (R-2006-211) CONTINUED WITHOUT DATE CERTAIN

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 6098, on file in the Office of the City Clerk, had 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 planned development permit, a site development permit, a public-of-way vacation and a right-of-way dedication for the Hillel of San Diego 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, 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-2006-) CONTINUED WITHOUT DATE CERTAIN

Adoption of a Resolution granting or denying Planned Development Permit No. 158095, Site Development Permit No. 158094, with appropriate findings to support Council action.

Subitem-C: (R-2006-) CONTINUED WITHOUT DATE CERTAIN

Adoption of a Resolution granting or denying Lot-Line Adjustment Parcel Map No. 188004, with appropriate findings to support Council action.

Subitem-D: (R-2006-226) CONTINUED WITHOUT DATE CERTAIN

Adoption of a Resolution vacating a Portion of La Jolla Scenic Drive North, a Portion of La Jolla Scenic Drive and a Portion of Torrey Pines Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20461 & 20462, marked as Exhibit "B," and on file in the office of the City Clerk;

That said street vacation is conditioned upon the dedication of General Utility Easements over portions of the vacated public right-of-way, satisfactory to the City Engineer. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force of effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on March 3, 2005, voted 5-0 to deny; was opposition.

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

The LJSPDAB, on their agenda of Tuesday, January 18, 2005, passed three motions in recommending denial of the proposed project. Motion No. 1, stated that the Advisory Board believed that the project was not providing sufficient parking, did not comply with the 'distinctive residential character' as defined by the purpose and intent of the PDO, and stated concern over the loss of 12 on-street parking spaces and loss of a bike lane. Motion No. 2, stated that the 'Findings' for the street vacation could not be made and that the right-of-way should be reserved for future traffic mitigation. Motion No. 3, stated that the use of the residence in Phase I is illegal.

The CPG considered this project on Thursday, February 3, 2005, and voted 10-2-0 to recommend denial of the proposed project on the basis of issues with parking, illegal use, loss of on-street parking, bikeway issues and other concerns not communicated.

CITY MANAGER SUPPORTING INFORMATION:

The 'Hillel' project site consists of a total area of 42,400 square-feet of area which includes a 8,882 square-foot single-family residential lot used for religious offices at 8976 Cliffridge Avenue and a 33,518 square-foot City owned site commonly referred to as 'Site 653'. The project site is located in a triangular shaped area bounded on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way, and on the south by La Jolla Scenic Drive North. The site includes areas proposed for street vacation, easement abandonment, and street right-of-way dedication. A City Council requirement that 10,000 square-feet of area at the intersection of La Jolla Scenic Drive North/Torrey Pines Road be landscaped as a neighborhood amenity, leaves an area of 23,518 square-feet for the proposed development. The property is zoned SF (Single-family residential) within the La Jolla Shores Planned District Ordinance and is within the boundaries of the La Jolla Community Plan. The campus of the University of California at San Diego (UCSD) lies to the north, vacant land and youth athletic fields are to the west, a detached single-family residential neighborhood is located to the south, and a Planned Residential Development to the east. Site 653 is currently vacant and is relatively level with the street grade of the residences on the south side of La Jolla Scenic Drive North. La Jolla Village Drive descends to the east from the intersection with Torrey Pines Road and La Jolla Scenic Way descends to the north from La Jolla Scenic Drive North to its intersection with La Jolla Village Drive making the low point of the project site the southwest corner of this intersection.

Site 653 is City owned property which, until 1995, was designated as residential land use in the La Jolla Community Plan and La Jolla Shores Precise Plan. In 1995, the land use designation for Site 653 was changed to open space and remained that way until February, 2004 when the La Jolla Community Plan was amended and the site was redesignated to residential use. The City Council approved the entering into an exclusive agreement (letter issued by the Real Estate Assets Department on January 27, 2003) with Hillel for development of the site and possible acquisition.

Separate from decisions in regard to Site 653, Hillel received permission from the owner of the single-family residence at 8976 Cliffridge Avenue to use it for religious offices. Subsequent complaints to the City's Neighborhood Code Enforcement Office led to the City issuing a violation notice to the owner and Hillel for changing the use without City approvals. The City determined that the religious use is permitted in the zone but the change of from single-family to

religious use requires a Site Development Permit as required by the La Jolla Shores Planned District Ordinance (LJSPDO). Environmental staff, for CEQA compliance, determined that the residence and Site 653 proposal should be considered as a single project. Staff directed the applicant to combine the projects into one consolidated project application.

FISCAL IMPACT:

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

Halbert/Oppenheim/RMK

LEGAL DESCRIPTION:

The project site is located within the Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone and the La Jolla Community Planning Area and is more particularly described as Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego.

Staff: Robert Korch - (619) 446-5229.

FILE LOCATION: LUP – Hillel of San Diego, 9/27/05 (65)

COUNCIL ACTION: (Time duration: 5:07 p.m. – 5:54 p.m.)

MOTION BY PETERS TO CONTINUE THIS ITEM WITHOUT A DATE CERTAIN WITH FULL RE-NOTICING. THE COUNCIL MEETING INVOLVING THIS ISSUE SHALL BE HELD IN THE LA JOLLA COMMUNITY OR NORTH UNIVERSITY CITY IN THE EVENING. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

ITEM-S500: Two actions related to Authorizing the Sale of the City-Owned Parcel Known as Site 653 to Hillel of San Diego.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-265) CONTINUED WITHOUT DATE CERTAIN

Authorizing the City Manager, or designee, to execute, for and on behalf of the City of San Diego, a Real Estate Sales Agreement;

Authorizing the City Manager, or designee to execute, for and on behalf of the City of San Diego, a grant deed, conveying the approximately 15,341 square foot parcel located at the intersections of La Jolla Village Drive, La Jolla Scenic Drive North, and La Jolla Scenic Way, south of the University of California at San Diego campus, known as Site 653, APN 334-120-26;

Authorizing the City Manager to make any non-material changes to the grant deed, if necessary;

Authorizing the City Auditor and Comptroller to accept \$780,000 and to deposit this amount into the General Fund 100, and authorizing to use this amount for one-time expenses in Fiscal Year 2006.

Subitem-B: (R-2006-266) CONTINUED WITHOUT DATE CERTAIN

Certifying that Mitigated Negative Declaration No. 6098 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 proposed sale of Site 653 to Hillel of San Diego;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6, and adopting a finding of conformance with Section 15074.1(b)(2) of the State of California CEQA Guidelines that the new and revised mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects and that, in themselves, they will not cause any potentially significant effects on the environment;

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.

CITY MANAGER SUPPORTING INFORMATION:

Site 653 is a vacant triangular shaped 15,341 square-foot City-owned parcel located at the intersections of La Jolla Village Drive, La Jolla Scenic Drive North, and La Jolla Scenic Way, south of the University of California at San Diego (UCSD) campus. An adjoining partial paper street is located along La Jolla Scenic Drive North. If the paper street is vacated, an additional 17,923 square feet can be added to Site 653 to assemble a contiguous parcel totaling 33,264 square feet. The property is a portion of Pueblo Lot 1299 and was acquired by U.S. patent in 1872.

On April 12, 2000, the Land Use and Housing Committee authorized Real Estate Assets Department staff to issue a request for proposals ("RFP") for the potential sale or lease of the site with a higher priority to be given to student organizations based at UCSD. Staff circulated the RFP and received responses from 1) Hillel of San Diego, who proposed to develop and operate a facility serving the UCSD Jewish student community, and 2) the La Jolla Highlands Homeowners, who proposed to maintain the property as an undeveloped landscaped area. A four member ad hoc committee made up of two City staff members and two members of the La Jolla community reviewed the proposals and subsequently voted (3-1) to recommend entering into negotiations with Hillel of San Diego. Hillel of San Diego provides educational resources, religious services, student programs, and facilities to the local Jewish college community including UCSD and San Diego State University. Nationally, the Hillel organization has similar facilities at locations such as Duke University and University of California at Los Angeles. On November 20, 2000, the City Council authorized the Real Estate Assets Department to enter into exclusive negotiations with Hillel of San Diego. City Council Resolution 294224 states: "for the ground lease of Site 653," but transcripts of the session clearly indicate either a lease or sale was acceptable and intended. Staff recommends selling the parcel to Hillel.

VALUE: An independent fee appraisal of Site 653 dated June 8, 2005 estimated the sale value at \$780,000.

FISCAL IMPACT:

The City will receive \$780,000 upon close of escrow. Proceeds of the sale will be deposited into the City's General Fund 100. Proceeds will be used for onetime expenses in Fiscal Year 2006.

Mendes/Griffith/JPA

Staff: Craig Gibson – (619) 236-6727
Elisa A. Cusato – Deputy City Attorney

NOTE: See Item 333 of today's docket for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:07 p.m. – 5:54 p.m.)

MOTION BY PETERS TO CONTINUE THIS ITEM WITHOUT A DATE CERTAIN WITH FULL RE-NOTICING. THE COUNCIL MEETING INVOLVING THIS ISSUE SHALL BE HELD IN THE LA JOLLA COMMUNITY OR NORTH UNIVERSITY CITY IN THE EVENING. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

