

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 18, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	2
ATTENDANCE DURING THE MEETING	2
ITEM-300: ROLL CALL.....	3
NON-AGENDA COMMENT	3
COUNCIL COMMENT	7
CITY MANAGER COMMENT.....	8
CITY ATTORNEY COMMENT	8
ITEM-330: River View Village Residential	8
ITEM-S500: Esperanza Townhomes	12
ITEM-S501: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City’s Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels “C” and “D” East of Petco Park.....	17
NON-DOCKET ITEMS	21
ADJOURNMENT.....	22

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Atkins at 10:13 a.m. Deputy Mayor Atkins recessed the meeting at 11:07 a.m. to convene the Redevelopment Agency. Deputy Mayor Atkins reconvened the regular meeting at 11:13 a.m. with Council Member Peters not present and District 2, District 8 and Mayor vacant. Deputy Mayor Atkins adjourned the meeting at 11:25 a.m. into Closed Session in the twelfth floor Committee Room to discuss existing and pending litigation matters, and thereafter to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Atkins at 2:04 p.m. with Council Member Frye not present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 2:52 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 3:00 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins reconvened the regular meeting simultaneously with the Redevelopment Agency at 3:01 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 4:13 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the regular meeting simultaneously with the Redevelopment Agency at 4:22 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 5:52 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the regular meeting simultaneously with the Redevelopment Agency at 6:06 p.m. with all Council Members present and District 2, District 8, and Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 8:06 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 (ek/gS)

FILE LOCATION: MINUTES



ITEM-300:

ROLL CALL

Clerk Maland called the roll:

(M) Mayor-vacant

(1) Council Member Peters-not 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:

Hud Collins commented on the pension crisis in the City of San Diego, and also commented on the actions of the City Attorney.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Don Stillwell commented on the legislator's responsibility regarding prayer and reciting the Pledge of Allegiance preceding Council Meetings.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Sandy Summers commented on political persecution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

PUBLIC COMMENT-4:

Jose Lopez spoke on the subject of the Ontario Avenue petition.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-5: **REFERRED TO DEVELOPMENT SERVICES**

Katheryn Rhodes commented regarding the site at 3252 Lucinda Street.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:35 a.m.)

PUBLIC COMMENT-6:

Scott Andrews spoke on the use of public land in the City of San Diego

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:37 a.m.)

PUBLIC COMMENT-7: **REFERRED TO THE CITY MANAGER**

Sherri Lightner commented regarding the 653 Hellil project and the timeline for completing the project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:41 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

PUBLIC COMMENT-9: **REFERRED TO THE CITY MANAGER**

James Justus commented on the subject of truck weight limits in his neighborhood.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:48 a.m.)

PUBLIC COMMENT-10:

Phil Hart spoke on the subject of City finances.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-11:

Bonnie Russell commented regarding the inability to get items docketed before the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:53 a.m.)

PUBLIC COMMENT-12:

Daniel Beeman commented on the closing of Hurricane Katrina help-homeless facilities and creating safe-zone shelters.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-13: **REFERRED TO THE CITY ATTORNEY
AND THE CITY MANAGER**

James Hartline commented on the subject of child abuse in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

PUBLIC COMMENT-14:

Millie Strodtman read a poem by Rudyard Kipling.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-15:

John McNab spoke on the subject of land transfers in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:06 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Madaffer stated that there is not one residential unit within the Grantville Redevelopment Area and that there has never been any condemnation within the Grantville Redevelopment Area.

FILE LOCATION: MINUTES

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

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Karen Heumann reported that in the matter of McGuigan v. City of San Diego, the City Council voted unanimously to reject the settlement offer, with a 5 to 0 vote; Council Member Maienschein was absent; Council Member Peters made the motion, with a second by Council Member Frye.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:42 a.m.)



[ITEM-330](#): River View Village Residential.

Matter of approving, conditionally approving, modifying or denying an application to/for — 1. Amend the Navajo Community Plan and the Progress Guide and General Plan for the City of San Diego to designate approximately 6.4-acres from light industrial use to single-family residential use; 2. Rezone approximately 6.4-acres from AR-1-2 (Agricultural-Residential) to RX-1-1 (Single-Family Residential – Small Lot); 3. A Tentative Map to subdivide an approximate 6.4-acre undeveloped parcel into 16 single-family residential lots and one open space lot; 4. A Planned Development Permit to allow development of 16 single-family residences incorporating limited deviations from Land Development Code regulations; and 5. A Site Development Permit to allow the subdivision of a premise containing environmentally sensitive lands. The property is located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, legally described as Lots 3, 4 and 5 of the Subdivision of Lots 61, 62 and the easterly Portion of Lot 63 of the Rancho Mission of San Diego, according to Map No. 1550.

(Continued from the meetings of August 9, 2005, Item 335 and September 13, 2005, Item 332; last continued at Councilmember Madaffer's request, for further review of additional access route to the subdivision.)

NOTE: Hearing open. No public testimony taken on September 13, 2005.
Hearing open. No public testimony taken on August 9, 2005.

(See City Manager Report CMR-05-168. MND/MMRP/CPA No. 7687/RZ No. 7686/TM No. 7685/PDP No. 7688/SDP No. 7689/Project No. 3938. Navajo Community Plan Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2006-84) ADOPTED AS RESOLUTION R-300948

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 3938 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

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, 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 with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-83) ADOPTED AS RESOLUTION R-300949

Adoption of a Resolution amending the Navajo Community Plan;

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

Subitem-C: (R-2006-494) GRANTED MAP, ADOPTED AS RESOLUTION
R-300950

Adoption of a Resolution granting or denying Tentative Map No. 7685, with appropriate findings to support Council action.

Subitem-D: (R-2006-495 Cor.Copy) GRANTED PERMITS, ADOPTED AS
RESOLUTION R-300951

Adoption of a Resolution granting or denying Planned Development Permit No. 7688 and Site Development Permit No. 7689, with appropriate findings to support Council action.

Subitem-E: (O-2006-10) INTRODUCED, TO BE ADOPTED ON MONDAY,
OCTOBER 31, 2005

Introduction of an Ordinance changing 6.362 acres, located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the AR-1-2 (Agricultural-Residential) Zone (previously referred to as the A-1-1 Zone) into the RX-1-1 (Single-Family Residential) Zone, as defined by San Diego Municipal Code Section 131.0404; and repealing Ordinance No. O-18248 (New Series) adopted January 8, 1996, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on December 16, 2004, voted 6-0 to approve; was opposition.

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

Not present: Schultz

The Navajo Community Planning Group on April 21, 2003, voted 13-2-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City Council approved Planned Industrial Development, Hillside Review and Resource Protection Overlay Zone (PID/HRP/RPOZ) Permit No. 88-0794, the Mission Trails Industrial Park Project. This approval allowed the subdivision of a 48-acre site for development as a light-industrial park, located on the south side of Mission Gorge Road between Princess View Drive and Old Cliffs Road.

A copy of the recorded Permit No. 88-0794 is included as Attachment 16. This development resulted in a 6.36-acre remainder parcel located at a southerly corner of the development, which was not a part of the PID/HRP/RPOZ Permit No. 88-0794. This parcel has remained undeveloped and is the subject of the current development application. The parcel has remained designated for light-industrial use in the Navajo Community Plan. However, the site is zoned AR-1-2, which would allow for a maximum of six dwelling units. The project proposal includes a request to amend the Navajo Community Plan to designate the site from light industrial to single-family residential land use, and to rezone the property to RX-1-1, which would allow residential development of a maximum of 16 units.

The subject property is located at the terminus of Wembley Street, south of Mission Gorge Road and west of Princess View Drive, and north of Fontaine Street, within the Allied Gardens neighborhood. The proposed residential development is located in the southwest corner of the site and would occupy approximately 3.4-acres (one-half) of the property area. The remaining northwest portion of the parcel will remain undeveloped as a privately owned and maintained open space easement.

Surrounding land uses consist of commercial and warehouse development to the north and northwest (Mission Trails Industrial Park); commercial, undeveloped, and an elementary school uses to the east; and the Allied Gardens residential neighborhood located to the south and east of the site. The project site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA).

FISCAL IMPACT:

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

Oppenheim/Halbert/WCT

LEGAL DESCRIPTION:

The project is located at the northerly terminus of Wembley Street in the Navajo Community Planning Area (Assessors Parcel Number 455-030-23, Lots 3, 4, and 5 of the subdivision of Lots 61, 62 and the easterly portion of Lot 63 of the Rancho Mission of San Diego, in the City of San Diego, State of California, according to Map No. 1550.

Staff: Bill Tripp - (619) 446-5273.

FILE LOCATION: LUP-River View Village Residential, 10/18/05 (65)

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:24 a.m.;
2:05 p.m. – 2:51 p.m.)

Testimony in opposition by Kathy Wainright, Mary Dobyys, and Daniel Beeman.

Testimony in favor by Paul Robinson, Jeff Howard, and John Pilch.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B; ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE MAP; ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE PERMITS; AND INTRODUCE THE ORDINANCE IN SUBITEM E. 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-S500:](#) Esperanza Townhomes.

Matter of approving, conditionally approving, modifying or denying Progress Guide and General Plan Amendment/Community Plan Amendment No. 181902; Rezone No. 181901; Vesting Tentative Map No. 249328 and waiver to the requirement for the undergrounding of the existing overhead utilities, and Site

Development Permit No. 181907 to allow for the demolish of an existing single-family residence and associated structures, and consolidate three parcels into one lot, to construct a 29 unit multi-family condominium project (includes 3 affordable housing units) known as the Esperanza Townhomes, located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street within the Southeastern San Diego Planned District, and the Encanto neighborhoods of the Southeastern San Diego Community Planning Area.

(Continued from the meeting of October 11, 2005, Item 331, at Councilmember Young's request, for further review.)

(Project No. 60959. PG&GPA/CPA/RZ/VTM/SDP. Encanto Neighborhoods of the Southeastern San Diego Community Plan Area. District 4.)

NOTE: Hearing open. Testimony taken on 10/11/2005.

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2006-243) ADOPTED AS RESOLUTION R-300943

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 60959, 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 Esperanza Townhomes-Project No. 60959;

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-2006-244) ADOPTED AS RESOLUTION R-300944

Adoption of a Resolution amending the Southeastern San Diego Community Plan, attached hereto, 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-2006-36) INTRODUCED, TO BE ADOPTED
MONDAY, OCTOBER 31, 2005

Introduction of an Ordinance changing 1.35 Acres located on the northwest corner of Akins Avenue and 62nd Street, within the Southeastern San Diego Planned District and the Encanto Neighborhoods of the Southeastern San Diego Community Plan Area, in the City of San Diego, California, from the SF-6000 and the MF-3000 Zones into the MF-1500 Zone, as defined by San Diego Municipal Code Sections 103.1706; and repealing Ordinance No. 16921 (New Series), Adopted August 3, 1987, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-410 Cor.Copy) GRANTED PERMIT, ADOPTED
AS RESOLUTION R-300945

Adoption of a Resolution granting or denying Site Development Permit No. 181907, with appropriate findings to support Council action.

Subitem-E: (R-2006-411) GRANTED MAP, ADOPTED
AS RESOLUTION R-300946

Adoption of a Resolution granting or denying Vesting Tentative Map No. 249328, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on August 25, 2005, voted 5-0 to approve; no opposition.

Ayes: Garcia, Otsuji, Steele, Ontai, Schultz

Not present: Chase, Griswold

On February 22, 2005, the Encanto Neighborhoods Community Planning Group voted 7-3-0 to recommend approval of with four conditions. All four conditions have been incorporated within the proposed project as recommended by the community group.

CITY MANAGER SUPPORTING INFORMATION:

This is an Affordable/In-Fill Housing Expedite Project. The project proposes to demolish an existing single-family residence and associated structures, and consolidate three parcels into one lot to construct a 29 unit multi-family condominium development consisting of 6 detached, three-story, residential structures on a 1.02 acre site. Each of the proposed condominium units would contain three-bedrooms and approximately 1,105 square-feet of living area with an attached 456 square-foot, two car garage. The project site is located at 502 62nd Street on the northwest corner of Akins Avenue and 62nd Street. The project site is also located within the Central Imperial Redevelopment Project Area; however, the proposed project is not a City of San Diego Redevelopment Agency (Southeastern Economic Development Corporation) project.

This project requires amendments to the Progress Guide and General Plan and the Southeastern San Diego Community Plan; Rezone; Vesting Tentative Map and waiver to the requirement for the undergrounding of the existing overhead utilities; and a Site Development Permit. The project site consists of two different community plan designations and two different zoning designations. An amendment to the Progress Guide and General Plan, and the Southeastern San Diego Community Plan will redesignate the project site from Residential- Low Density (5-10 du/ac) and Residential-Low Medium Density (10-15 du/ac) to Residential-Medium-High Density (15-30 du/ac). The proposed amendment will allow a range of 15 to 30 units on the subject site where a range of 8 to 13 units is currently allowed.

The Rezone action will rezone the project site from SF-6000 and MF-3000 to MF-1500, a multi-family residential zone which allows a maximum 29 du/ac with a minimum 1,500 square feet of land area per dwelling unit. The Site Development Permit is required for multi-family residential developments of four or more units within the Southeastern San Diego Planned Districts, to deviate from development regulations, and for encroachment within Environmentally Sensitive Lands (floodplain).

The proposed project will conform to the Inclusionary Affordable Housing Requirements and Council Policy 600-27(A) criteria by setting aside at least 10 percent (3 units) of the total for sale-dwelling units on-site for households with an income at or below 100 percent Area Median Income (AMI).

FISCAL IMPACT:

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

Oppenheim/Halbert/JAP

LEGAL DESCRIPTION:

The proposed project is located on the northwest corner of Akins Avenue and 62nd Street, within the Southeastern San Diego Planned District and the Encanto Neighborhood of the Southeastern San Diego Community Planning Area and is more particularly described as Lots 35-37, Garden Acres, Map 1797.

Staff: Jeffrey A. Peterson (619) 446-5237.

FILE LOCATION: LUP-Esperanza Townhomes, 10/18/05 (65)

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:19 a.m.)

Testimony in favor by Marc Perlman.

MOTION BY YOUNG TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B, INTRODUCE THE ORDINANCE IN SUBITEM C, ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE PERMIT, AND ADOPT THE RESOLUTION IN SUBITEM E TO GRANT THE MAP. Second by Frye. Passed by the following vote: Peters-not present, District 2-vacant, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S501: Three actions related to Proposed Owner Participation Agreement (Including Master Plan and Affordable Housing Agreement) with Ballpark Village LLC and Proposed Variance to the City's Inclusionary Housing Ordinance in the Form of the Proposed Affordable Housing Agreement Affecting Parcels of a Combined 7.1 Acres Known as Parcels "C" and "D" East of Petco Park.

(See Centre City Development Corporation Report No. CCDC-05-25/CCDC-05-11 and memorandum from Centre City Development Corporation dated 9/15/2005. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Community Area. Districts 2 and 8.)

(Continued from the meetings of September 20, 2005, Item S501, and October 11, 2005, Item 332, last continued at the request of Mayor Pro Tem Madaffer, for further review.)

NOTE: Hearing Open. No testimony taken on 10/11/2005. Hearing Open. Testimony taken on 9/20/2005.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-219 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-300952

Approving the sale of certain property generally located to the immediate south of the intersection of Park Boulevard and the 12th Avenue trolley right-of-way (east of Petco Park) in the Centre City Redevelopment Project Area (Agency Sale Parcel) to Ballpark Village LLC, and approving the Owner Participation Agreement, The Master Plan and the Affordable Housing Agreement pertaining to parcels C and D (including the Agency Sales Parcel), and making certain findings with respect to such sale.

Subitem-B: (R-2006-218 Rev.) ADOPTED AS AMENDED AS RESOLUTION R-300953

Approving a variance to the City's Inclusionary Housing Ordinance in the form of an Affordable Housing Agreement by and between the Redevelopment Agency of the City of San Diego, Ballpark Village LLC, and the San Diego Housing Commission.

Subitem-C: (R-2006-217) ADOPTED AS RESOLUTION R-300954

Certifying the final addendum to the final subsequent Environmental Impact Report to the final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed ballpark and ancillary development projects, and associated plan amendments, making certain findings of fact and adopting a statement of overriding considerations (Ballpark Village).

SUPPORTING INFORMATION:

ENVIRONMENT IMPACT: The City and Agency certified the Final Subsequent Environmental Impact Report to the Final Master Environmental Impact Report for the Centre City Redevelopment Project and addressing the Centre City Community Plan and related documents for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments on October 26, 1999 (The "SEIR"). On October 30, 2003, the City and Agency certified a Final Addendum to the SEIR for the East Village Square Development. In order to evaluate the Ballpark Village Phase II Ancillary Development Proposal, a Final Addendum has been prepared for the development proposed by the Master Plan and OPA.

The Draft Addendum was circulated for public review from April 21 to May 6, 2005.

Comments received on the draft addendum, and appropriate responses to those comments, have been incorporated into the final addendum to the SEIR dated August 8, 2005. The conclusion of the final addendum is that neither the Ballpark Village Development nor the circumstances under which it is being undertaken would result in any new significant impacts not discussed in the SEIR, or any substantial increase in the severity of impacts identified by the SEIR. In addition, no new information of substantial importance has become available since the SEIR was prepared regarding new significant impacts, or the feasibility of mitigation measures or alternatives.

Attachment A to the proposed Council and Agency resolutions certifying the final addendum includes specific findings of fact briefly summarizing the basis for the conclusions contained in the addendum regarding each environmental topic that was considered and explaining why preparation of a subsequent or supplemental EIR was not required. Attachment A also includes a statement of overriding considerations because there are certain impacts of the project, which, despite adoption of all feasible mitigation measures, cannot be fully mitigated to a level that is less than significant.

These impacts -- Air Quality (long-term cumulative impacts of the Centre City Redevelopment Project); Land Use/Planning (displacement of homeless) populations in Ballpark and ancillary development projects area were previously analyzed in the SEIR and a statement of overriding considerations was adopted when the ballpark and ancillary development project was approved in 1999. While these impacts are not more severe for the Ballpark Village Project (and, in fact, are in some cases actually lessened), because the impact conclusion remains significant, a new statement of overriding considerations for the Ballpark Village project is recommended.

Hall/Hamilton/LY

NOTE: This is a Special Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of October 18, 2005, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:01 p.m. – 8:06 p.m.)

Testimony in opposition by Daniel Beeman, Nick Lawlis, Diane Takvorian, Alexander Quinn, Marco Gonzalez, Maria De Jesus Martinez, Georgette Gomez, Paula Forbis, Robert McDonough, Richard Romero, Donald Seddon, Sherry Yarbrough, Tad Buscho, Kimberly Young, Robert Shaw, Terry Broyles, Steve Friar, Brad Barnum, George Hawkins, Eric Christen, Terry Arnold, Alex Barron, Pilar Arballo, Larry Clemens, Tom Scott, Nikki Clay, Rabbi Laurie Coskey, Jerry Butkeiwitz, Donald Cohen, Connie Ojeda Hernandez, Sharon Cloward, Linc Ward, Jim Schmidt, Colleen Boretto, Gary Smith, Joyce Summer, Arlen Shire, Caryl Iseman, Bob Castaneda, Rachael Ortiz, Tracey Sturgis, Kevin Casey, and Allen Haynie.

Testimony in favor by Charles Black, Scott Johnson, John Harder, Sue Reynolds, Richard Lawrence, Father Joe Carroll, Sherm Harmer, Leslie Wade, Vivian Toscano, Virginia Gomez, Kris Hartnett, Jim Peugh, Pastor Victor Ramsey, Ellen Shively, Genoveva Aguilar, Andrew Berg, Robert Buck, Gregg Robinson, and Gloria Cooper.

Motion by Madaffer to: 1) move the Centre City Development Corporation's staff recommendation that the City Council and Agency certify the final addendum to the subsequent Environmental Impact Report and approve the Owner Participation Agreement dated August 31, 2005, and the Master Plan and Affordable Housing Agreement which are attachments to the Owner Participation Agreement; 2) Council approve a variance to the City's Inclusionary Housing Ordinance in the form of the Affordable Housing Agreement which is part of the Owner

Participation Agreement; 3) Council and Agency adopt as a condition of approval of the Owner Participation Agreement the proposed disclosure condition contained on page 3 of Centre City Development Corporation's memorandum dated September 15, 2005, which is that the seller of the residential units at Ballpark Village LLC, provide a disclosure to buyers regarding conditions related to the proximity of the site to railroad, marine terminal, and other industrial operations. Second by Maienschein. Failed. Yeas-5,7. Nays-1,3,4,6. Vacant-2,8,M.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS AS AMENDED AND STATED IN THE PRIOR MOTION AS FOLLOWS:

1) MOVE THE CENTRE CITY DEVELOPMENT CORPORATION'S STAFF RECOMMENDATION THAT THE CITY COUNCIL AND AGENCY CERTIFY THE FINAL ADDENDUM TO THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND APPROVE THE OWNER PARTICIPATION AGREEMENT DATED AUGUST 31, 2005, AND THE MASTER PLAN AND AFFORDABLE HOUSING AGREEMENT WHICH ARE ATTACHMENTS TO THE OWNER PARTICIPATION AGREEMENT; 2) COUNCIL APPROVE A VARIANCE TO THE CITY'S INCLUSIONARY HOUSING ORDINANCE IN THE FORM OF THE AFFORDABLE HOUSING AGREEMENT WHICH IS PART OF THE OWNER PARTICIPATION AGREEMENT; 3) COUNCIL AND AGENCY ADOPT AS A CONDITION OF APPROVAL OF THE OWNER PARTICIPATION AGREEMENT THE PROPOSED DISCLOSURE CONDITION CONTAINED ON PAGE 3 OF CENTRE CITY DEVELOPMENT CORPORATION'S MEMORANDUM DATED SEPTEMBER 15, 2005, WHICH IS THAT THE SELLER OF THE RESIDENTIAL UNITS AT BALLPARK VILLAGE LLC, PROVIDE A DISCLOSURE TO BUYERS REGARDING CONDITIONS RELATED TO THE PROXIMITY OF THE SITE TO RAILROAD, MARINE TERMINAL, AND OTHER INDUSTRIAL OPERATIONS.

AND;

1) COUNCIL APPROVE THE PROPOSED OWNER PARTICIPATION AGREEMENT INCLUDING THE MASTER PLAN AND AFFORDABLE HOUSING AGREEMENT WITH BALLPARK VILLAGE LLC, WITH THE FOLLOWING CONDITIONS; 2) COUNCIL AMENDS THE AFFORDABLE HOUSING PROGRAM TO PROVIDE COMPLIANCE WITH THE AFFORDABLE HOUSING ORDINANCE AND SHALL BE ACCOMPLISHED BY A COMBINATION OF THE FOLLOWING THINGS: A) REQUIRE THE

DEVELOPER TO CONSTRUCT 35,000 GROSS SQUARE FEET OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE AFFORDABLE HOUSING AGREEMENT ATTACHED TO THE OWNER PARTICIPATION AGREEMENT AS ATTACHMENT 10 AND CHANGING ALL REFERENCES IN THE OWNER PARTICIPATION AGREEMENT FROM 100,000 GROSS SQUARE FEET OF ON-SITE AFFORDABLE HOUSING TO 35,000 GROSS SQUARE FEET OF ON-SITE AFFORDABLE HOUSING; B) REQUIRE THE DEVELOPER TO CONSTRUCT THE BALANCE OF THE AFFORDABLE HOUSING REQUIRED BY THE AFFORDABLE HOUSING ORDINANCE, OFF-SITE IN ACCORDANCE WITH THE BALLPARK VILLAGE RENTAL HOUSING PROJECT RECOMMENDATIONS AS SET FORTH IN ATTACHMENT A OF THE STAFF REPORT; AND 3) REVISE THE MASTER PLAN BY DELETING THE WORDS, "AFFORDABLE HOUSING: NO LESS THAN 100,000 GROSS SQUARE FEET OF AFFORDABLE HOUSING SHALL BE DEVELOPED AND SHALL BE INTEGRATED WITHIN THE MASTER PLAN AREA" ON PAGE 9 OF THE MASTER PLAN, AND SUBSTITUTE THE WORDS "AFFORDABLE HOUSING: NO LESS THAN 35,000 GROSS SQUARE FEET OF AFFORDABLE HOUSING SHALL BE DEVELOPED AND SHALL BE INTEGRATED WITHIN THE MASTER PLAN" IN THEIR PLACE.

Second by Young. 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.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 8:06 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:06 p.m.)