

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 29, 2005  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING.....	4
ITEM-1: ROLL CALL.....	5
NON-AGENDA COMMENT.....	5
COUNCIL COMMENT .....	8
CITY MANAGER COMMENT.....	8
CITY ATTORNEY COMMENT.....	8
* ITEM-50: Restructuring of Sewer System Interim Financing and Approval of Related Documents.....	8
* ITEM-51: Second Amendment to Consultant Agreement with MWH Americas, Inc. for the Otay Water Treatment Plant Upgrade.....	9
* ITEM-52: Awarding Contracts to American Eurocopter, FLIR Systems, Incorporated, and JetSource Avionics for the Acquisition and Equipping of Law Enforcement Helicopters .....	10
* ITEM-54: Awarding Contract and Agreement with Community Recycling and Resource Recovery, Inc. (Community), to Design, Construct, and Operate a Construction, Demolition, and Inert Materials Recovery Facility at Miramar Landfill.....	12
ITEM-330: Extending the North Park Project Area Committee (PAC) by One Year and To Notice and Conduct PAC Elections for 2006 .....	14
ITEM-331: Ratify the 2005 Project Area Committee Election Results for the College Community Redevelopment Project Area .....	15
ITEM-332: Stella-Project No. 65484.....	16
ITEM-333: Bankers Hill Townhomes.....	21

ITEM-334: State Street Tentative Map.....26

ITEM-S500: Appointment of a City Manager.....29

NON-DOCKET ITEMS.....29

ADJOURNMENT.....29

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Deputy Mayor Atkins at 10:11 a.m.

Council Member Peters and Council Member Madaffer requested a Special Presentation to honor Deputy Mayor Atkins for her great service as Mayor Pro Tem and Deputy Mayor from July 15, 2005, to December 5, 2005, as well as her excellent hard work, and dedication. Council Member Peters called forward speakers in honor of Deputy Mayor Atkins' service beginning with speakers from Balboa Park who wished to express their thanks. Nancy Rodriguez with the Balboa Park Committee began speaking on behalf of the members wishing to thank Deputy Mayor Atkins for her support on the Balboa Park Partnership; the Balboa Park Committee; the individual centers and museums; the flowers, the plants, the trees; all the park plans and proposals; and the ribbon cuttings. Ms. Rodriguez wished Deputy Mayor Atkins all of the good energy that she has given to come back to her ten-fold. Council Member Madaffer called forward Jessie Knight and Joan Raymond who wished to thank Ms. Atkins on behalf of the business community, stating that she had been extraordinary during these very tough times, and graceful under fire.

Council Member Madaffer expressed his thanks to Ms. Atkins for taking on a very tough job and doing it so very well. Council Member Young expressed his thanks for the work Deputy Mayor Atkins has done, and for doing a great job. Council Member Frye stated that the good news was Ms. Atkins would be back with the Council, and expressed her gratitude for Ms. Atkins' hard work, and the way she ran the meetings.

Deputy Mayor Atkins stated that she has always thought the job is not about her, but about what they can do together. Ms. Atkins stated that she was so incredibly proud of her District, that she felt honored and privileged to get to serve, and that not many people get to do what she has been able to do. Ms. Atkins further expressed that she only wished her mother were still alive to be able to enjoy the fruits of her labor and the work ethic that she and her father, despite all of the challenges, taught her.

The meeting was recessed by Deputy Mayor Atkins at 11:23 a.m. to convene the Redevelopment Agency. Deputy Mayor Atkins reconvened the regular meeting at 11:29 a.m. with Council Member Maienschein not present, and District 2, District 8, and Mayor vacant. The meeting was recessed by Deputy Mayor Atkins at 11:35 a.m. to reconvene the Redevelopment Agency. Deputy Mayor Atkins reconvened the regular meeting at 11:36 a.m. with Council Member Maienschein not present, and District 2, District 8, and Mayor vacant. The meeting was adjourned by Deputy Mayor Atkins at 12:07 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Atkins at 2:06 p.m. with Council Member Maienschein not present and District 2, District 8, and Mayor vacant. Deputy Mayor Atkins recessed the meeting at 4:04 p.m. for the purpose of a break. Deputy Mayor Atkins reconvened the meeting at 4:13 p.m. with Council Member Maienschein not present and District 2, District 8 and Mayor vacant. The meeting was recessed by Deputy Mayor Atkins at 4:38 p.m. to reconvene the Redevelopment Agency. Deputy Mayor Atkins reconvened the meeting at 4:59 p.m. with Council Member Maienschein not present and District 2, District 8 and Mayor vacant. Deputy Mayor Atkins adjourned the meeting at 5:02 p.m. into Closed Session to discuss pending and potential litigation and meet and confer matters.

**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-not present-Excused by R-3011815;due to illness
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council District 8-vacant
- Clerk-Maland (pr/er)

FILE LOCATION: MINUTES

ITEM-1: 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-not present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council District 8-vacant

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Henry Olivas regarding Balboa Park and that he would like to do painting there.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:55 a.m.)

PUBLIC COMMENT-2:

Comment by Hud Collins regarding his “8 Point Plan” for the City’s pension and benefits.

FILE LOCATION: AGENDA

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

**PUBLIC COMMENT-3:**

Comment by Al Strohlein regarding Pacific Beach and the abundance of liquor licenses there.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:02 a.m.)

**PUBLIC COMMENT-4:**

Comment by Don Stillwell regarding bus transportation and passenger safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:05 a.m.)

**PUBLIC COMMENT-5:**

Comment by Linda Smith regarding the Sports Arena and taxes they pay.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:07 a.m.)

**PUBLIC COMMENT-6:**

Comment by Ron Boshun regarding Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:10 a.m.)

PUBLIC COMMENT-7:

Comment by James Hartline regarding an organizational presentation on the Hillcrest Youth Center

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. – 11:13 a.m.)

PUBLIC COMMENT-8:

Comment by Phil Hart regarding the Sports Arena property and the number of leases over the year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:16 a.m.)

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

Comment by Donna Jones regarding Volunteers of America, the Environmental Impact Report and permits for the project.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Comment by Lorena Gonzales wishing to thank Deputy Mayor Atkins for pulling an item from the docket.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:21 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Deputy Mayor Atkins invited everyone to attend December Nights celebration at Balboa Park which will be held on December 2<sup>nd</sup> and 3<sup>rd</sup>.

CITY MANAGER COMMENT:

NONE.

CITY ATTORNEY COMMENT:

NONE.

\* ITEM-50: Restructuring of Sewer System Interim Financing and Approval of Related Documents.

(See City Manager Report CMR-05-199 and memorandum from the City Attorney dated 11/2/05.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was previously re-introduced as amended on 11/14/2005, Item 202. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-54) CONTINUED TO MONDAY, DECEMBER 5, 2005

Approving the Form and authorizing the execution and delivery of a First Supplemental Subordinated Indenture and a First Amendment to 2004 Supplement to Master Installment Purchase Agreement and approving certain other agreements and actions in connection therewith, pursuant to Section 99 of the Charter of the City of San Diego.

**Note:** 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)



MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, DECEMBER 5, 2005, TO ALLOW COUNCIL MEMBER MAIENSCHIN TO BE PRESENT TO VOTE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-51: Second Amendment to Consultant Agreement with MWH Americas, Inc. for the Otay Water Treatment Plant Upgrade.

(Unincorporated Area of San Diego County.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/14/2005, Item 56. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-53) CONTINUED TO MONDAY, DECEMBER 5, 2005

Authorizing the City Manager, or duly authorized representative, to execute a Second Amendment to Agreement between the City of San Diego and MWH Americas, Inc. for Consulting Services for the Otay Water Treatment Plant Upgrade (Second Amendment), together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of the agreement;

Authorizing the City Auditor and Comptroller to transfer \$65,000 from Water Fund 41500, CIP-73-250.0, Otay Water Treatment Plant Clearwell Storage Project, to Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade Phase 2;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,605,023 from Water Fund 41500, CIP-73-285.0, Otay Water Treatment Plant Upgrade Phase 2, for the purpose of funding the Second Amendment and related in-house engineering costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering Department, to transfer any excess budgeted funds to the appropriate reserves;

Declaring that this activity is not a project subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c) because it is a subsequent discretionary approval related to the project approved by Resolution No. R-294237 and within the scope of Mitigated Negative Declaration LDR No. 40-0932 (Project No. 96004551).

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 10:11 a.m. – 10:13 a.m.)

MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, DECEMBER 5, 2005, TO ALLOW COUNCIL MEMBER MAIENSCHIN TO BE PRESENT TO VOTE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-52: Awarding Contracts to American Eurocopter, FLIR Systems, Incorporated, and JetSource Avionics for the Acquisition and Equipping of Law Enforcement Helicopters.

(See City Manager Report CMR-05-180; and CMR-05-220, not available at Committee.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/14/2005, Item 151, Subitem A. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-57) CONTINUED TO MONDAY, DECEMBER 5, 2005

Authorizing and directing the City Manager, or designee, to award a contract to American Eurocopter for the purchase of four AS350B3 "Astar" law enforcement helicopter frames, on such terms as identified in the Department's Helicopter Request for Proposals;

Authorizing and directing the City Manager, or designee, to award a contract to FLIR Systems, Incorporated, for the purchase of two Forward Looking Infrared Systems to be installed on the new helicopters, on such terms as identified in the Department's Specialized Equipment Request for Proposals;

Authorizing and directing the City Manager, or designee, to award a contract to JetSource Avionics to FLIR Systems, Incorporated, such firm to provide for the equipping and outfitting of the helicopters, on such terms as identified in the Department's Special Services Request for Proposals;

Authorizing and directing the City Manager, or designee, to declare his intent to cause the sale of the Police Department's existing helicopters in accordance with the terms of the Charter and existing Council Policy;

Authorizing and directing the City Manager, or designee, to proceed with the financing of the helicopters utilizing the City's Equipment & Vehicle Financing Program, and to cause the execution and delivery of the First Amendment of the Master Lease Agreement, dated as of its dated date, together with the Appendix thereto, including that certain Aircraft Supplement to the Master Lease, with Bank of America Leasing & Capital, LLC, the forms of which have been presented to this Council, with such changes therein and modifications thereof as the City Manager, the Deputy City Manager, or designee, in consultation with the City Attorney, shall determine are necessary or desirable to effectuate the purposes of this Ordinance, such approval to be conclusively evidenced by the execution and delivery thereof;

Declaring all actions heretofore taken by any officers, employees, or agents of the City with respect to purchase of the helicopters or related to any documents referenced herein, or the financing of said helicopters, including the execution and delivery of the First Amendment to the Master Lease Agreement, together with the Appendices thereto, are hereby approved, confirmed and ratified; and any the City Manager, the Deputy City Manager and any such other officers, employees or agents of the City as may be authorized by the City Manager or the Deputy City Manager are hereby authorized and directed, for and in the name of and on behalf of the City, to do all things and take any and all actions and execute and deliver any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable to consummate the transactions evidenced by the documents referenced herein in accordance with this Ordinance.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, DECEMBER 5, 2005, TO ALLOW COUNCIL MEMBER MAIENSCHIN TO BE PRESENT TO VOTE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.

- \* ITEM-54: Awarding Contract and Agreement with Community Recycling and Resource Recovery, Inc. (Community), to Design, Construct, and Operate a Construction, Demolition, and Inert Materials Recovery Facility at Miramar Landfill.

(See City Manager Report CMR-05-222, not available at the Committee; and City Manager Report CMR-05-205.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2006-60) CONTINUED TO MONDAY, DECEMBER 5, 2005

Introduction of an Ordinance authorizing the City Manager to award and execute, for and on behalf of the City, an agreement with Community Recycling and Resource Recovery, Inc. (Community), to design, construct, and operate a construction, demolition, and inert materials recovery facility at Miramar Landfill, contingent on the future environmental review of the project, approval of a permit, and approval and execution of a site sublease with Community, under the terms and conditions set forth in the agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend the following estimated amounts for the operation of the facility and provision of the services in connection with the agreement described above, contingent upon the inclusion of the following estimated amounts in the City Council approved budget for the respective fiscal years, and provided that the City Auditor and Comptroller issues certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer:

Fiscal Year 2007	\$4,800,000
Fiscal Year 2008	\$6,800,000
Fiscal Year 2009	\$7,000,000
Fiscal Year 2010	\$7,100,000
Fiscal Year 2011	\$7,300,000
Fiscal Year 2012	\$7,400,000
Fiscal Year 2013	\$7,600,000
Fiscal Year 2014	\$7,800,000
Fiscal Year 2015	\$8,000,000
Fiscal Year 2016	\$8,100,000
Fiscal Year 2017	\$8,300,000
Fiscal Year 2018	\$8,500,000
Fiscal Year 2019	\$8,700,000

Declaring this activity is not subject to CEQA pursuant to CEQA Guideline Section 15060(c)(2) because contingent approval of the agreement described in Section 1 above will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

Informational report. No action taken.

Aud. Cert. 2600391.

Staff: Kip Sturdevan – (858) 573-1214  
Grace C. Lowenberg – Deputy City Attorney

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 10:11 a.m. – 10:13 a.m.)

MOTION BY PETERS TO CONTINUE THIS ITEM TO MONDAY, DECEMBER 5, 2005, TO ALLOW COUNCIL MEMBER MAIENSCHIN TO BE PRESENT TO VOTE. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-330: Extending the North Park Project Area Committee (PAC) by One Year and To Notice and Conduct PAC Elections for 2006.

(North Park Community Area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-462) ADOPTED AS RESOLUTION R-301085

Extending the North Park Redevelopment Project Area Committee for one year from March 2006 to March 2007;

Requesting that an election be held to fill seats on the North Park PAC which will become vacant at the conclusion of the 2005/2006 term in March 2006;

Declaring these actions do not constitute a "project" and are therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

**CITY MANAGER SUPPORTING INFORMATION:**

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a Project Area Committee ("PAC") if there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property, by eminent domain, on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents. Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council. The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership and set procedures for conducting elections.

The North Park PAC was formed on January 15, 1991 and has been in continuous service to the Redevelopment Agency since that date. The statutory three-year term of the PAC expired on January 15, 1994. In each year since the expiration of the initial three-year term, the City Council of the City of San Diego has adopted a resolution extending the PAC for one year and directing staff to notice and conduct an election of PAC members.

In accordance with the PAC Formation Procedures for the North Park PAC, elections to the PAC are held in the month of February and subject to ratification by the City Council as soon thereafter as feasible.

**FISCAL IMPACT:**

None with this action.

Oppenheim/Fischle-Faulk/TR

Staff: Tom Romstad – (619) 533-5284  
Susan Y. Cola – Deputy City Attorney

FILE LOCATION: MEET

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

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-331: Ratify the 2005 Project Area Committee Election Results for the College Community Redevelopment Project Area.

(See City Manager Report CMR-05-227. College Community Area. District 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-521) ADOPTED AS RESOLUTION R-301086

Ratifying the election results of October 4, 2005, for the College Community Redevelopment Project Area Committee;

Declaring this activity is not a “project” and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

Staff: Michael Fortney (619) 533-5403  
Eunice C. Chan – Deputy City Attorney

FILE LOCATION: MEET

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

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-332: Stella-Project No. 65484.

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Progress Guide and Community Plan and the Midway/Pacific Highway Corridor Community Plan to redesignate the site from Light Industrial to Very High Residential at 75-110 dwelling units per acre, a Rezone (from IS-1-1, an Industrial Small Lot Zone, to RM-4-10, a Multi-Family Residential Zone), an Easement Abandonment, Vesting Tentative Map (including a request to waive the requirement to underground existing overhead utilities), and Site Development Permit to demolish an existing, vacant warehouse and to construct an 86-unit, multi-family development (for sale condominiums) on an infill site. The development would exceed the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the AMI. The project site is located at 2015 Hancock Street in the Midway/Pacific Highway Community.



(Revised MND Project No. 65484/PG&GP-CPA No. 200813/RZ No. 196639/EA No. 272689/SDP No. 240731/VTM No. 240730/Project No. 65484. Midway/Pacific Highway Corridor Community Plan Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

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

Subitem-A: (R-2006-467) CONTINUED TO JANUARY 2006

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 65484, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a community plan amendment, site development permit, vesting tentative map, easement abandonment and rezone for the Stella 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, 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-2006-468) CONTINUED TO JANUARY 2006

Adoption of a Resolution amending the Midway/Pacific Highway Corridor Community Plan;

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

Subitem-C: (O-2006-62) CONTINUED TO JANUARY 2006

Introduction of an Ordinance of the Council of the City of San Diego changing a 0.89 acre site, located at 2015 Hancock Street, in the Midway/Pacific Highway Corridor Community Plan Area, in the City of San Diego, California, from the IS-1-1 Zone (previously referred to as the M-SI Zone), into the RM-4-10 Zone (previously referred to as the R-400 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-17654 (New Series), adopted June 10, 1991, which was changed (Zone name only, from M-SI Zone to IS-1-1 Zone) by Ordinance No. 18691, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006- ) CONTINUED TO JANUARY 2006

Adoption of a Resolution granting or denying Site Development Permit No. 240731, with appropriate findings to support Council action.

Subitem-E: (R-2006-469) CONTINUED TO JANUARY 2006

Adoption of a Resolution adopting findings with respect to Vesting Tentative Map No. 240730 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That pursuant to California Government Code Section 66434(g), the public service easement shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 240730 is granted to Constellation Property Group (Hancock), a Delaware Limited Partnership, Applicant/Subdivider and Feyzi Design Group, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

**OTHER RECOMMENDATIONS:**

Planning Commission on October 27, 2005, voted 4-1 to recommend approval of the Stella project, with denial of the request for a waiver of the requirement to underground existing overhead utilities. Staff continues to support, and the project includes, the undergrounding waiver with conditions; was opposition.

Ayes: Chase, Ontai, Otsuji, Steele

Nays: Griswold

Recusing: Schultz

Not present: Garcia

The Midway Community Planning Advisory Committee, on August 10, 2005, voted 7-0-1 to approve the Stella project design and entitlement as proposed.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed Stella residential project would include the demolition of an existing and vacant warehouse and the construction of an 86-unit, multi-family development (for sale condominiums) on an approximately 0.89-acre infill site located at 2015 Hancock Street within the Midway/Pacific Highway Corridor Planning Area. The development would exceed the requirements of the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the Area Median Income.

The 86 units would consist of 12 single story one-bedroom units and 74 two-story two-bedroom town home units. The project would also include 145 off-street vehicle parking spaces, an approximately 8,000 square-foot landscaped courtyard including a water feature, paved seating area with BBQ facilities, security entry gates, and decorative lighting. This project requires amendments to the Progress Guide and General Plan and the Midway Community Plan to redesignate the project site from "Light Industrial" to "Very High Density Residential (75-110 Dwelling Units per Acre)"; a Rezone from IS-1-1 to RM-4-10; an Easement Abandonment; a Site Development Permit; and a Vesting Tentative Map, including a waiver to the requirement to underground existing overhead utilities.

**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 Water Pollution Control Plan (WPCP) in conjunction with the grading plans. The WPCP 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 consist 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 at 2015 Hancock Street within the Midway-Pacific Highway Corridor Community Plan, North Bay Redevelopment Project Area, Airport Approach Overlay Zone, and Coastal Height Limit Overlay Zone in Council District 2 (APN 450-613-08).

Staff: Dan Stricker – (619) 446-5251

FILE LOCATION: SUBITEMS: A, B, D, E: LUP-Stella-Project No. 65484,  
11/29/05 (65)

SUBITEM C: NONE

COUNCIL ACTION: (Time duration: 11:36 a.m. – 12:06 p.m.; 2:27 p.m. –  
4:04 p.m.)

Testimony in opposition by Robert Vacki, Tim Golba, Chris Lockridge, Leslie Randolph, Randy Sinclair, Brad Schwartz, Glen Vall, Russell Hoffman, and Ross Lopez.

Testimony in favor by Jeff Stoke, Matthew Cumming, Joe Mannino, Paul McNeil, Alan Kalkstein, and Thomas Traver.

Motion by Madaffer to adopt. Second by Peters. No vote taken.

MOTION BY YOUNG TO CONTINUE TO LATE JANUARY 2006, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-333: Bankers Hill Townhomes.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Rezone, Site Development Permit, and Tentative Map to demolish existing buildings and construct a 16-unit residential units as condominiums (5-stories above underground parking) on a 0.46-acre site in the NP-3 Zone (proposed NP-1) of the Mid-City Communities Planned District within the Uptown Community Planning Area located at 2561 First Avenue.

(See City Manager Report CMR-05-221. MND Project No. 5606/MMRP/CPA No. 10141/RZ No. 10142/SDP No. 10143/TM No. 10144/Project No. 5606. Uptown Community Plan Area. District 2.)

**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-2006-445) ADOPTED AS RESOLUTION R-301087

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR No. 5606, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit, tentative map, rezone, and community plan amendment for the Banker's Hill Townhomes project;

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

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is on file in the Office of the City Clerk and incorporated 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-2006-444) ADOPTED AS RESOLUTION R-301088

Adoption of a Resolution amending the Uptown Community Plan;

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

Subitem-C: (O-2006-58) INTRODUCED, TO BE ADOPTED ON MONDAY,  
JANUARY 9, 2006

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

Subitem-D: (R-2006-551) GRANTED PERMIT, ADOPTED AS RESOLUTION R-301089  
Adoption of a Resolution granting or denying Site Development Permit No. 10143, with appropriate findings to support Council action.

Subitem-E: (R-2006-552) GRANTED MAP, ADPOTED AS RESOLUTION R-301090  
Adoption of a Resolution granting or denying Tentative Map No. 10144, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on April 8, 2004, voted 7-0 to recommend approval; was opposition.

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

The Uptown Planners on July 15, 2003, voted 13-1-0 to recommend approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The 0.46-acre project site is located at 2561 First Avenue between Laurel Street and Maple Street within the Uptown Community Planning Area. The property is currently designated for office and medium density residential development. The site is in the NP-3 Zone of the Mid-City Communities Planned District and included in the Airport Approach Overlay Zone. The property was developed in the early part of the 20<sup>th</sup> Century from 1904 through 1939 with four residential structures including a single-family home that has been converted to office use, a single-story unit and two, Two-story multi-family buildings for a total of 11 existing dwelling units. The neighborhood surrounding the project site is characterized by a variety of land uses including professional and medical office uses, senior housing facilities and multi-family development. Two historically designated Victorian structures are located within close proximity of the project site including the Long-Waterman House and the Timkin House. Additionally, the surrounding Uptown community in general includes several new office and residential projects that have recently been completed or are currently under construction.

On February 21, 2002, the Planning Commission initiated a General/Community Plan Amendment to redesignate the project site from Office and Residential use at 15 to 29 dwelling units per acre. The proposed increase in residential density to medium-high at 29 to 44 dwelling units per acre and would allow for a maximum of 20 dwelling units to be built on the site, whereas the current medium density designation would allow for 13 units. A comprehensive community plan analysis including the issues identified during the initiation process is provided further in this report.

On April 8, 2004, the Planning Commission considered the project at a publicly noticed hearing, and after hearing the staff presentation and public testimony, the Commission voted 7-0-0 approving a motion to recommend that the City Council approve the project.

However, while preparing the project for a City Council hearing, the City Attorney's Office determined that the project should have appropriately been reviewed by the San Diego Regional Airport Authority and should have received a determination regarding the project's consistency with the San Diego International Airport (SDIA) Comprehensive Land Use Plan (CLUP) from the Airport Land Use Commission (ALUC).

On July 8, 2004, the ALUC determined that the project was "Not Consistent" with the SDIA CLUP based on the height of the structure. On July 20, 2004, the Federal Aviation Administration conducted an Aeronautical Study and made a determination of "No Hazard to Air Navigation" (Attachment 18). The Aeronautical Study revealed that while the structure does exceed the obstruction standards, the 60-foot structure would not be a hazard to air navigation. The FAA further determined that no lighting or marking would be required.

Based on the ALUC determination that the height of the structure was not consistent with the SDIA CLUP, approval of the proposed project required a two-thirds override vote by the City Council.

On December 9, 2004, the project (as originally proposed) was before the City Council requesting an override vote and subsequently seeking approval of the General/Community Plan Amendment, Rezone, Planned Development Permit and Tentative Map. After the staff presentation and public testimony, a motion to override the Airport Authority determination failed to garner the required two-thirds vote and therefore the development project was not considered.

The project has since been redesigned to avoid any encroachment into the airport approach path buffer by reducing the number of units from 19 to 16 and incrementally stepping the building back from the buffer zone. The revised plans have been reviewed by the City staff and on September 8, 2005, the Airport Land Use Commission found the redesigned project to be "consistent" with the San Diego International Airport (SDIA) Comprehensive Land Use Plan.

## DISCUSSION

### Project Description

This application is requesting a General and Community Plan Amendment, Rezone, Site Development Permit and Tentative Map in order to demolish the existing structures and develop the 20,100 square-foot project site with a five-story, 16-unit residential project above 42 subterranean parking spaces.



The General/Community Plan Amendment is required to designate the site with a higher residential density than currently prescribed in the Uptown Community Plan. The Rezone is required to modify the underlying zone from NP-3 to NP-1 which is tailored more towards high intensity office and residential uses. The Site Development Permit is required because the project is requesting deviations from the applicable development regulations of the NP-1 Zone. The Tentative Map is required to develop the project as condominium units. The project is within the Airport Approach Overlay Zone and subject to the supplemental development regulations of the Land Development Code (Section 132.0205).

**FISCAL IMPACT:**

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

Oppenheim/Goldberg/Halbert/Strohmingner/JPH

**LEGAL DESCRIPTION:**

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

Staff: Patrick Hooper – (619) 557-7992

FILE LOCATION: SUBITEMS A, B, D, E: LUP-Bankers Hill  
Townhomes, 11/29/05 (65)

SUBITEM C: NONE

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

MOTION BY PETERS TO INTRODUCE THE ORDINANCE, AND TO ADOPT THE RESOLUTIONS TO GRANT THE PERMIT AND TO GRANT THE MAP. Second by Young. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-334: State Street Tentative Map.

Matter of approving, conditionally approving, modifying or denying a Right-of-Way Vacation, Easement Abandonment, and a Tentative Map to convert a total of 27 existing residential units to condominiums, including 11 existing residential units on a 0.23-acre site at 3606 State Street and 16 existing residential units on a 0.43-acre site at 3603 and 3613 State Street, and a request to waive the requirement to underground existing overhead utilities. The site is located in the MR-1500 Zone of the Mid-City Communities Planned District, and the Airport Approach Overlay Zone, within the Uptown Community Plan Area.

(Uptown Community Plan Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-463) ADOPTED AS RESOLUTION R-301091

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 92651;

That pursuant to California Government Code Section 66445(j), portions of State Street, located within the project boundaries as shown in Tentative Map No. 92651, shall be vacated, contingent upon the recordation of the approved final map for the project, as it is no longer needed for public purpose for which it was granted and the City Council finds that:

- a. There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the action through improved use of the land made available by the vacation;
- c. The vacation does not adversely affect any applicable land use plan; and
- d. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation;

That pursuant to California Government Code Section 66445(j), the existing sewer easement granted to the City of San Diego per Book 1647, Page 161, recorded June 5, 1929, within the project boundaries as shown in Tentative Map No. 92651, shall be vacated contingent upon the recordation of the approved Final map for the project, and the City Council finds that:

- a. There is no present or prospective public use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- b. The public will benefit from the action through improved utilization of the land made available by the abandonment;
- c. The abandonment is consistent with any applicable land use plan; and
- d. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

That Tentative Map No. 92651 is granted to Dan Floint and State 27, LLC, Applicant/Subdivider and Anthony-Taylor Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

**OTHER RECOMMENDATIONS:**

Planning Commission on July 28, 2005, trailed the project to their August 4, 2005, agenda due to the lack of a quorum. On August 4, 2005, the Planning Commission voted 5-1 to recommend approval of the project as presented in the Planning Commission Report No. PC-05-227 on their consent agenda; no opposition.

Ayes: Shultz, Garcia, Grisworld, Ontai, Steele  
Nays: Chase  
Recusing: Otsuji

On September 7, 2004, the Uptown Planners voted 14-0-0 to recommend approval of the project with recommended conditions as presented in the Planning Commission Report No. PC-05-227.

**CITY MANAGER SUPPORTING INFORMATION:**

The State Street Tentative Map project proposes a Tentative Map, Easement Abandonment and Public Right-of-Way Vacation for the conversion of 27 existing residential units into condominiums and includes a request to waive the requirement to underground existing overhead utilities on the site located at 3603, 3606, and 3613 State Street.

Manager's Recommendation: Approve Tentative Map No. 92651, Easement Abandonment No. 232831, and Public Right-of-Way Vacation No. 232833.

**FISCAL IMPACT:**

All costs associated with the project are recovered from a deposit provided by the applicant.

Oppenheim/Halbert/MAS

Staff: Michelle Sokolowski – (619) 446-5278

FILE LOCATION: LUP-State Street Tentative Map, 11/29/05 (65)

COUNCIL ACTION: (Time duration: 4:13 p.m. – 4:38 p.m.)

Testimony in opposition by Cory Briggs.

Testimony in favor by Cameron Scott.

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present Frye-yea, Madaffer-yea, District 8-vacant, Mayor-vacant.



ITEM-S500: Appointment of a City Manager.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) ADOPTED AS RESOLUTION R-301092

Appointing a City Manager and affirming the City Manager's salary;

Directing the City Attorney to prepare a Resolution.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:22 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Peters. Passed by the following vote:  
Peters-yea, District 2-vacant, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea,  
Madaffer-yea, District 8-vacant, Mayor-vacant.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Atkins at 5:02 p.m. in honor of the  
memory of:

Hughes L Potiker at the request of Deputy Mayor Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:59 p.m. – 5:02 p.m.)