THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 24, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING 3

ATTENDANCE DURING THE MEETING 3

ITEM-300: ROLL CALL 4

NON-AGENDA COMMENT 4

COUNCIL COMMENT 7

CITY ATTORNEY COMMENT 8

INDEPENDENT BUDGET ANALYST COMMENT 8

ITEM-330: North Bay Redevelopment Project Area Committee (PAC) 2005 Election Ratification 9

ITEM-331: Central Avenue Mini Park Acquisition Caltrans Excess Lands 9

ITEM-332: Two actions related to Request to Bid Balboa Renovation/Budget Amendment for the Rehabilitation of the Historic Balboa Theatre 11

ITEM-333: Two actions related to Intermodal Transit Improvements – Broadway to Imperial Avenue (Park-to-Bay Link Project) 13

ITEM-334: 1519 Missouri Street Map Waiver 14

ITEM-335: 1988 Chalcedony Street Map Waiver 16

ITEM-336: 363 Playa Del Sur Tentative Map 18

ITEM-337: Archstone at Mission Valley TM 21

ITEM-338: Chollas Creek Villas 24

ITEM-339: Milazzo Condominiums 28

ITEM-340: Condominium Conversion Regulations of the Land Development Code 30

NON-DOCKET ITEMS 33

ADJOURNMENT 34

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:07 a.m. Council President Peters recessed the meeting at 11:10 a.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 11:11 a.m. with all Council Members present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 11:12 a.m. with all Council Members present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 11:13 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:38 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:41 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:08 p.m. The meeting was recessed at 2:38 p.m. to reconvene the Redevelopment Agency and thereafter a break. Council President Peters reconvened the meeting at 3:02 p.m. with all Council Members present. Council President Peters adjourned the meeting at 4:31 p.m.

ATTENDANCE DURING THE MEETING:

(1) Council Member Peters-present

(2) Council Member Faulconer-present

(3) Council Member Atkins-present

(4) Council Member Young-present

(5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (ek/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

(1) Council Member Peters-present
(2) Council Member Faulconer-present
(3) Council Member Atkins-present
(4) Council Member Young-present
(5) Council Member Maienschein-present
(6) Council Member Frye-present
(7) Council Member Madaffer-present
(8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the City Council's past approval of resolutions, and the City's audit report.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Ellen Shively and Gema Olivarria commented on the need to protect and save the seals at La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. – 10:14 a.m.)

PUBLIC COMMENT-3: **REFERRED TO THE CITY ATTORNEY**

Dr. John Steel commented on the legal status of the Children's Pool in La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:17 a.m.)

PUBLIC COMMENT-4:

Don Stillwell commented on public transportation and the ADA requirements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:20 a.m.)

PUBLIC COMMENT-5:

Linda Smith commented on the San Diego Chargers and the location of a new stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:23 a.m.)

PUBLIC COMMENT-6:

Sandy Summers commented on political persecution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

PUBLIC COMMENT-7:

Muhammed Abdullah commented on the 9/11 attack.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:29 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Phil Hart commented on the City's pension issues.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Jarvis Ross commented on the function of the City Auditor.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-11: **REFERRED TO THE INDEPENDENT BUDGET ANALYST**

Sam Calvano commented on the traffic conditions in Del Cerro at the intersection Norman and Madra.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

PUBLIC COMMENT-12:

Milly Strodtman commented on possible solutions to the City's problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:43 a.m.)

PUBLIC COMMENT-13:

James Hudnall commented on wildlife protection in La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:46 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins wished Council Member Frye a Happy Birthday. Miss Atkins also acknowledged January 29, 2006 as the Vietnamese Lunar New Year.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:49 a.m.)

COUNCIL COMMENT-2:

Council Member Frye commented on the benefits of the new fire station in Del Cerro and how the response time to fires is now reduced. Miss Frye wished to thank her colleagues for their support on this project with additional revenues. Council Member Frye also stated that she is looking forward to having a permanent fire station in Mission Valley.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:52 a.m.)

COUNCIL COMMENT-3:

Council President Pro Tem Young commented on the press conference regarding the shooting at the Bay Vista Apartments complex and wished to thank the Bay Vista Council for their work.

FILE LOCATION: MINUTES

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

CITY ATTORNEY COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

ITEM-330: North Bay Redevelopment Project Area Committee (PAC) 2005 Election Ratification.

(See Report to the City Council No. 06-004. Midway/Pacific Highway, Linda Vista, Peninsula, Clairemont Mesa, Mission Valley, Old Town, and Uptown Community Areas. Districts 2 and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-600 Cor. Copy) ADOPTED AS RESOLUTION R-301190

Ratifying the North Bay Redevelopment Project Area Committee election results of December 15, 2005.

Staff: Lara Gates - (619) 533-5458
Carol A. Leone - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:07 a.m.)

MOTION BY FRYE TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: Central Avenue Mini Park Acquisition Caltrans Excess Lands.

(See memorandum from Maureen Ostrye dated 12/19/2005. Mid-City/City Heights Community Planning Areas. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-500 Cor. Copy) ADOPTED AS RESOLUTION R-301191

Making the necessary findings that the contribution of $150,000, from the City Heights Redevelopment Project Area to the Central Avenue Mini Park Acquisition Project is necessary and of benefit to the City Heights Redevelopment Project Area, that no other reasonable means of financing the public facility are available to the community and that the payment of funds for the acquisition of land will assist in eliminating blight under California Community Redevelopment Law (California Health and Safety Code Section 33445);

Amending the Fiscal Year 2006 CIP Budget to increase the Central Avenue Mini Park Acquisition Project (CIP-29-002.0) by $150,000 and accepts the Redevelopment Agency fund transfer, increases appropriations and authorizes expenditures in the amount of $150,000, for the Central Avenue Mini Park Acquisition Project;

Entering into and approving the Cooperation Agreement between the Redevelopment Agency and the City for the acquisition of the property for the development of a park;

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

STAFF SUPPORTING INFORMATION:

The State of California Department of Transportation (Caltrans) has designated certain excess State lands for sale, one being Disposal Parcel No. 13909-01-01 totaling 16,096 square feet or 0.37 acres, located at 3648 Central Avenue east of I-15 and just south of the pedestrian bridge over I-15, at an offering price of $492,000, as described in the Caltrans Director's Deed and shown on Director's Deed Map DD13909-01-01 (Right of Way Map No. 55519).

The City Park and Recreation Department desiring to acquire land to develop as a park to service the urban, park-deficient Mid-City community, requested an appraisal of the 0.37 acre parcel, which was prepared by Ted Hendrickson, dated April 28, 2005. On May 27, 2005, the City made an offer to purchase the parcel for the appraised value of $405,000, and on August 23, 2005, a Proposal prepared by Caltrans was executed by the City to purchase the 0.37 acre parcel for purchase price of $405,000. The $150,000, of City Heights Redevelopment Tax Increment funds will be used to complete the funding sources for the purchase. The funding sources to purchase the excess parcel include $199,000, from Mid-City Special Park Fee, $56,000, of Proposition 40 per Capital Funding, and $150,000, of City Heights Redevelopment Project Area Tax Increment.

The closing on the purchase of the 0.37 acre parcel is subject to both City Council approval and approval of the City's Purchase Proposal by the California Transportation Commission in February 2006. Final purchase approval of the Central Avenue Mini Park will return to the City Council in March 2006, after the California Transportation Commission approves the purchase price.

On June 13, 2005, the City Heights PAC voted to recommend allocation of City Heights Redevelopment Tax Increment funds in the amount of $150,000, for use in acquiring the Central Avenue Mini Park site.

FISCAL IMPACT:

Adequate funds are available in the City Heights Redevelopment Project Area Tax Increment Fund No. 98200 for the proposed transfer of $150,000, to the City for use in acquiring the Central Avenue Mini Park site.

Oppenheim/Fischle-Faulk/KG

Staff: Bob Kennedy - (619) 533-4276
Eunice C. Chan - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of 1/24/2006 for a companion item.

FILE LOCATION: MEET

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

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Two actions related to Request to Bid Balboa Renovation/Budget Amendment for the Rehabilitation of the Historic Balboa Theatre.

(See Centre City Development Corporation Report CCDC-06-02. Horton Plaza Redevelopment Project Planning Area. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-502 Cor. Copy) ADOPTED AS RESOLUTION R-301192

Finding and determining that the renovation phase of the rehabilitation of the historical Balboa Theatre for which the Agency proposes to pay is of benefit to the Horton Plaza Redevelopment Project; that the Agency finds and determines that no other reasonable means for financing the Project are available to the community and that the Project will assist in eliminating one or more blighting conditions inside the Project Area, and that the Project is consistent with the Centre City and Horton Plaza Implementation Plans for July 2004 – June 2009, on file in the office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490.

Subitem-B: (R-2006-525 Cor. Copy) ADOPTED AS RESOLUTION R-301193

Stating for the record that the Council has previously reviewed and considered information contained in the Master Environmental Impact Report and the Secondary Study with Respect to the Proposed Renovation Phase of the Rehabilitation of the Historic Balboa Theatre;

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.

NOTE: See the Redevelopment Agency Agenda of 1/24/2006 for a companion item.

FILE LOCATION: MEET

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

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Two actions related to Intermodal Transit Improvements – Broadway to Imperial Avenue (Park-to-Bay Link Project).

(See Centre City Development Corporation Report CCDC-06-01. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-568 Cor. Copy) ADOPTED AS RESOLUTION R-301194

Making certain findings with respect to the payments for the Phase II – East Village Intermodal Transit Improvements, Broadway to Imperial Avenue (Phase II – Park-to-Bay Link).

Subitem-B: (R-2006-567 Cor. Copy) ADOPTED AS RESOLUTION R-301195

Stating for the record that the City Council has reviewed and considered information contained in the Master Environmental Impact Report, the Subsequent Environmental Impact Report, and the Secondary Study with respect to the Proposed Construction of East Village Intermodal Transit Improvements, Broadway to Imperial Avenue (Park-to-Bay Link);

Directing the Centre City Development Corporation (CCDC) to file a Notice of Determination (NOD) with the Clerk of the Recorders Office at the County of San Diego regarding the above project.

NOTE: See the Redevelopment Agency Agenda of 1/24/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:12 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

NOTE: This appeal has been withdrawn and the item will not be discussed.

ITEM-334: 1519 Missouri Street Map Waiver.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation concerning the determination by City staff, that the request to convert three existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA).

(See City Manager Report CMR-05-233. Project No. 80557. Pacific Beach Community Plan Area. District 2.)

(Continued from the meeting of December 6, 2005, Item 332, at the request of City staff for further review.)

NOTE: Public testimony is open. There was no testimony taken on December 6, 2005.

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-) APPEAL WITHDRAWN, ITEM NOT DISCUSSED

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of exemption for this project, with appropriate findings to support Council action.

STAFF SUPPORTING INFORMATION:

The proposed project is a Map Waiver to waive the requirements of a Tentative Map to convert three existing residential units to condominiums on a 0.14-acre site located at 1519 Missouri Street in the RM-1-1 Zone within the Pacific Beach Community Planning area.

Staff conducted the initial review of the proposed Map Waiver in accordance with the process set forth in Sections 15060 and 15061 of the State's California Environmental Quality Act (CEQA) Guidelines. Several issues were considered during this review, including traffic, parking, and visual quality.

Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions; however, this issue was determined to be speculative. Staff determined that the subject project would not result in a direct or reasonably foreseeable indirect physical change in the environment. On September 6, 2005, City of San Diego staff determined that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and this determination was appealed to the City Council on September 12, 2005, by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation.

While this Process 3 activity has not yet been to a public hearing for the purpose of deciding whether to approve or deny the project, this appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, Mr. Cory Briggs filed an appeal (Attachment No. 2) of the City of San Diego staff's determination of environmental exemption for project. <u>This appeal applies only to the environmental determination.</u>

<u>FISCAL IMPACT</u>:

None with this action. All cost associated with the processing of this project are paid by the applicant.

Oppenheim/Halbert/RM

<u>LEGAL DESCRIPTION</u>:

1519-1521 Missouri Street, San Diego, California Lots 5 and 6 of Block 146 of Pacific Beach, City and County of San Diego.

Staff: Bob Manis - (619) 446-5354

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

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

NOTE: This appeal has been withdrawn and the item will not be discussed.

ITEM-335: 1988 Chalcedony Street Map Waiver.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation from the decision dated August 26, 2005, by City of San Diego City Staff in the Environmental Determination that the request to convert three existing residential dwelling units to condominium ownership is exempt pursuant to the California Environmental Quality Act 15301(k) with Statement Supporting Reason For Environmental Determination: This is a tentative map with no proposed physical changes to the project site. The proposed project site is located at 1988 Chalcedony Street, San Diego, California Lot 23 of Lamont Terrace, City and County of San Diego.

(Continued from the meeting of December 6, 2005, Item 333, at the request of City staff for further review.)

NOTE: Hearing Open. No testimony taken on December 6, 2005.

(See City Manager Report CMR-05-234. Project No. 76792. Pacific Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-) APPEAL WITHDRAWN, ITEM NOT DISCUSSED

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of exemption for this project, with appropriate findings to support Council Action.

STAFF SUPPORTING INFORMATION:

The proposed project is a Map Waiver to waive the requirements of a Tentative Map to convert three existing residential units to condominiums on a 0.137-acre site located at 1988 Chalcedony Street, in the RM-1-1 Zone, within the Pacific Beach Community Plan.

Staff conducted the initial review of the proposed Map Waiver in accordance with the process set forth in Sections 15060 and 15061 of the State's California Environmental Quality Act (CEQA) Guidelines.

Several issues were considered during this review, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing, was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions; however, this issue was determined to be speculative. Staff determined that the subject project would not result in a direct or reasonably foreseeable indirect physical change in the environment. On September 6, 2005, City of San Diego staff determined that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and this determination was appealed to the City Council on September 12, 2005, by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation.

While this Process 3 activity has not yet been to a public hearing for the purpose of deciding whether to approve or deny the project, this appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, Mr. Cory Briggs filed an appeal (Attachment No. 2) of the City of San Diego staff's determination of environmental exemption for project. <u>This appeal applies only to the environmental determination</u>.

FISCAL IMPACT:

None with this action. All cost associated with the processing of this project are paid by the applicant.

Oppenheim/Halbert/RM

LEGAL DESCRIPTION:

1988 Chalcedony Street, San Diego, California Lot 23 Lamont Terrace, City and County of San Diego.

Staff: Robert Manis – (619) 446-5354

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

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

NOTE: This appeal has been withdrawn and the item will not be discussed.

ITEM-336: 363 Playa Del Sur Tentative Map.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation concerning the determination by City staff, that the request to convert sixteen existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA).

(See City Manager Report CMR-05-232. Project No. 78405. La Jolla Community Plan Area. District 1.)

(Continued from the meeting of December 6, 2005, Item 334, at the request of City staff for further review.)

NOTE: Public testimony is open. There was no testimony taken on December 6, 2005.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-) APPEAL WITHDRAWN, ITEM NOT DISCUSSED

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of exemption for this project, with appropriate findings to support Council action.

STAFF SUPPORTING INFORMATION:

The proposed project is a Map Waiver to waive the requirements of a Tentative Map to convert 18 existing residential units to condominiums on a 0.14-acre site located at 363 Playa del Sur in Zone 4 of the La Jolla Planned District, within the La Jolla Community Plan area.

Staff conducted the initial review of the proposed Map Waiver in accordance with the process set forth in Sections 15060 and 15061 of the State's California Environmental Quality Act (CEQA) Guidelines. Several issues were considered during this review, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions; however, this issue was determined to be speculative.

Staff determined that the subject project would not result in a direct or reasonably foreseeable indirect physical change in the environment. On September 6, 2005, City of San Diego staff determined that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and this determination was appealed to the City Council on September 12, 2005, by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation.

While this Process 3 activity has not yet been to a public hearing for the purpose of deciding whether to approve or deny the project, this appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, Mr. Cory Briggs filed an appeal (Attachment No. 2) of the City of San Diego staff's determination of environmental exemption for project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

None with this action. All cost associated with the processing of this project are paid by the applicant.

Oppenheim/Halbert/RM

LEGAL DESCRIPTION:

The proposed project is located at 363 Playa Del Sur Street, at the southwest corner of Playa Del Sur Street and La Jolla Boulevard, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Lots 26 and 27, Block 5, La Jolla Strand.

Staff: Bob Manis - (619) 446-5354

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

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

ITEM-337: Archstone at Mission Valley TM.

Matter of approving, conditionally approving, modifying or denying a Tentative Map with Easement Vacation to convert 736 existing residential units to condominiums on a 29.45 acre site at 2116-2464 Fenton Parkway in the CC-3-5 Zone within the Mission Valley Community Plan Area and the Mission City Specific Plan.

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

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: http://www.sdhc.net/haotherprog1h.shtml

(TM No. 178423/Easement Vacation No. 262289/Project No. 60359. Mission Valley Community Plan Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-565 Cor. Copy 2) ADOPTED AS RESOLUTION R-301196

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, with respect to Tentative Map No. 178423/Easement Vacation No. 262289;

That pursuant to California Government Code Sections 66499 and 66343, the sewer easement granted to the City of San Diego per Book 6544 recorded April 19, 1957, located within the project boundaries as shown on Tentative Map No. 178423 shall be vacated, contingent upon the recordation of the approved final map for the project;

That Tentative Map No. 178423/Easement Vacation No. 262289 is granted to Archstone Communities Trust, Applicant/Subdivider and Rick Engineering, Engineer, subject to conditions.

OTHER RECOMMENDATIONS:

Planning Commission on September 29, 2005, voted 6-0 to recommend approval of the Manager's Recommendation with the condition that the applicant meet with the Housing Commission to explore options for providing some affordable housing on site; no opposition.

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

The Mission Valley Unified Planning Committee on April 6, 2005, voted 14-1-0 to recommend approval of this project.

STAFF SUPPORTING INFORMATION:

The proposed Archstone at Mission Valley TM would consist of a Tentative Map with an easement vacation for the conversion of 736 existing residential apartment units into condominiums on a 29.45 acre site at 2116-2464 Fenton Parkway in the CC-3-5 zone within the Mission Valley Community Plan Area and the Mission City Specific Plan.

The existing development was constructed in 1999-2001 and consists of eighteen (18) three-story multi-unit structures, containing a total of 736 units, including 360 one-bedroom units, 348 two-bedroom units and 28 three-bedroom units. The complex also contains a recreation center and a pool. Parking for the complex consists of 1284 parking spaces, including 394 garage spaces, 342 open/carport parking spaces, and 548 surface parking spaces.

Planning Commission Recommendation: On September 29, 2005, the Planning Commission voted unanimously (6-0) to recommend approval of the Archstone at Mission Valley TM project, as presented in Planning Commission Report No. PC-05-286, with the condition that the applicant meet with the Housing Commission to explore alternative ways to provide some inclusionary housing on site.

The applicant met with the Housing Commission on October 28, 2005, and agreed to use their payment of the in-lieu fee of $1,608,873, to provide sixteen (16) 1-bedroom, and two (2) 2-bedroom units to be sold at 120% AMI to provide some affordable housing on site.

Community Planning Group Recommendation: On April 6, 2005, the Mission Valley Unified Planning Committee voted 14-1-0 to recommend approval of the project with no conditions.

FISCAL IMPACT:

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

Oppenheim/Halbert/JCT

LEGAL DESCRIPTION:

The project site is located at 2288 Fenton Parkway, San Diego, California Parcel A & B Lots 34 and 36 of Rancho Mission, City and County of San Diego.

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301(k) Existing Facilities.

Staff: Jeannette Temple – (619) 557-7908.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:38 a.m.)

Testimony in opposition by Cory Briggs.

Testimony in favor by Matt Winsryg.

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-338: Chollas Creek Villas.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit, Tentative Map and Public Right-of-Way Vacation for construction of a 31 unit detached residential condominium development on a 2.51-acre site. The property is located north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 Zone of the Southeastern San Diego Planned District, and within the Encanto Neighborhoods planning area of the Southeastern San Diego Community Plan. This project was reviewed in the Affordable Housing Expedite Program and will provide 5 affordable housing units as defined by Council Policy 600-27.

(See City Manager Report CMR-06-001. Project No. 6896. Encanto Neighborhoods Community Plan Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-585 Cor. Copy) ADOPTED AS RESOLUTION R-301197

Adoption of a Resolution certifying that Mitigated Negative Declaration LDR No. 6896, 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, and right-of-way vacation for the Chollas Creek Villas 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-2006-588 Cor. Copy) ADOPTED AS RESOLUTION R-301198

Adoption of a Resolution adopting the findings with respect to Site Development Permit No. 11820;

That Site Development Permit No. 11820 is granted to Distinctive Homes Chollas Creek LP, a California Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2006-586 Cor. Copy) ADOPTED AS RESOLUTION R-301199

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 203245;

That pursuant to California Government Code Section 66434(g), portions of Castana Street and the unnamed Alley, located within the project boundaries as shown in Tentative Map No. 203245, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Tentative Map No. 203245 is granted to Distinctive Homes Chollas Creek, LP, A California Limited Partnership, Applicant/Subdivider and R.E.C. Consultants, Inc., Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-D: (R-2006-587 Cor. Copy) ADOPTED AS RESOLUTION R-301200

Adoption of a Resolution vacating portions of the street easement and alleys as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20381-B, marked as Exhibit "B," and on file in the Office of the City Clerk, which are by this reference incorporated herein and made a part hereof, is ordered vacated;

That said street and alley vacations are conditioned upon the implementation of the terms and conditions of Tentative Map No. 203245 satisfactorily to the City Engineer. In the event this condition is not completed, then this resolution shall become void and be of no further force or 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 November 17, 2005, voted 6-0 to approve; no opposition.

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

The Planning Commission placed the project on the consent agenda and voted to recommend the City Council approve staff's recommendations.

The Encanto Neighborhoods Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The 2.51-acre project site is located north of Nogal Street, west of 49th Street, and south of Castana Street in the MF-2500 Zone of Southeastern San Diego Planned District within the Encanto Neighborhoods planning area of the Southeastern San Diego Community Plan. The MF zones are multiple-family zones primarily intended to provide for multiple-family residential development at varying densities ranging up to 45 dwelling units per net residential acre. The MF-2500 Zone requires a maximum of 17.42 dwelling units per net acre (du/ac) with 2,500 square feet of land area per dwelling unit.

The project area consists of vacant previously graded lands along the south side of Chollas Creek, which created a benched topography. Elevations on-site range from approximately 130-feet at the southeastern corner of the property to 82-feet along the northern property boundary. Adjacent land uses consist of a trailer park to the north across Chollas Creek, and residential land use to the west, south and east.

The property abuts Chollas Creek on the north, 49th Street to the east, and a portion of Nogal Street to the south. The dead end portion of Castana Street exists at the northwest corner of the property. Existing unimproved unnamed alleys are located along the properties western and southern boundaries. An unimproved portion of Castana Street abuts the northern property boundary. The development of this vacant property is constrained by Chollas Creek and the numerous existing unimproved public easements.

The project site is part of the Chollas Creek Enhancement Program area adopted by the City Council in May of 2002. This development abuts the southern portion of Chollas Creek, therefore it is required to provide public access to Chollas Creek. This project is being processed through the Affordable/In-Fill Housing and Sustainable Building Expedite Program. The project would provide affordable housing per Council Policy 600-27. The project would exceed the minimum requirements for supplying Affordable Housing. The project would also allow improvement of a challenging and constrained parcel to provide residential use and affordable housing for the Community and the City.

FISCAL IMPACT:

None. All staff costs associated with processing this project is recovered from a separate deposit account provided by the applicant.

Oppenheim/Halbert/DM

LEGAL DESCRIPTION:

The project site is located east of existing Castana Street, north of Nogal Street, and south of Chollas Creek in the Encanto Neighborhood of the Southeastern San Diego Community Plan area and is more particularly described as lots 157-167 and 169-191 of "Sunshine Gardens" Map 1804.

Staff: Diane Murbach – (619) 446-5042

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

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

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-339: Milazzo Condominiums.

Matter of the appeal by Karen Grube of the decision of the Planning Commission in approving an application for a Vesting Tentative Map to convert 250 residential units to condominiums on a 10.16-acre site located at 10024 Paseo Montril between Rancho Peñasquitos Boulevard and Cijon Street.

(See City Manager Report CMR-06-002. Vesting Tentative Map No. 128329/Project No. 43646. Rancho Peñasquitos Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

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

(R-2006-669) DENIED THE APPEAL, GRANTED MAP, ADOPTED AS RESOLUTION R-301201

Adoption of a Resolution granting or denying the appeal, granting or denying Vesting Tentative Map No. 128329 and upholding or overturning the decision of the Planning Commission.

OTHER RECOMMENDATIONS:

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

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

The Rancho Peñasquitos Community Planning Board met October 6, 2004, and voted 9-2-1 to unconditionally recommend approval of this project.

STAFF SUPPORTING INFORMATION:

The property is located at the northwest corner of Rancho Peñasquitos Boulevard and Paseo Montril in the CV-1-1 zone of the Rancho Peñasquitos Community Plan Area. The site is developed with 250 residential units in eight buildings. There are 160 one-bedroom and 90 two-bedroom units in the project. There are a total of 436 parking spaces on site within three (3) parking garages, open parking and truck-under parking to support the project. Current criteria require only 420 on-site spaces.

The project proposes a Vesting Tentative Map for the subdivision of a 10.16-acre site to convert 250 residential apartment units into condominiums on one existing lot. Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, *Findings for Tentative Maps for Condominium Conversion*, the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. San Diego Municipal Code Section 125.0130 provides that a Vesting Tentative Map may be filed instead as provided by the Subdivision Map Act (Section 66498.1). Staff reviewed the proposed condominium conversion, and determined it complies with both the Subdivision Map Act and the San Diego Municipal Code.

On September 15, 2005, the Planning Commission conducted a Process 4, public hearing to consider Vista Court, Ltd. and Michael Knapton's application for a Vesting Tentative Map to convert the existing 250-unit apartment complex to condominiums. The Planning Commission voted to continue the public hearing of this project to October 13, 2005, in order that the Owner's representative, Fairfield Residential, LLC, might reconsider their decision to meet the requirements of the City's Inclusionary Housing Ordinance by payment of the in-lieu alone, which was calculated at $334,555. On October 13, 2005, the Planning Commission, after public testimony, voted unanimously, with Chairman Schultz and Commissioner Steele recusing, to approve the project, with a modification to Condition No. 10 to reduce the proposed in-lieu fee by approximately 40 percent to $200,819 as well as provide ten (10) units of housing for sale to, and at prices affordable to, households earning no more than 100 percent of the Average Median Income (AMI).

On October 27, 2005, Ms. Karen Grube, resident of Milazzo Apartments, filed an appeal of the Planning Commission's decision to approve the Vesting Tentative Map based upon new information and City-wide significance.

FISCAL IMPACT:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Oppenheim/Halbert/RPT

Staff: Robert P. Tucker - (619) 557-7919

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: (10:54 a.m. – 10:57 a.m.;
11:42 a.m. – 11:55 a.m.;
2:08 p.m. – 2:38 p.m.)

Testimony in opposition by Karen Grube, Cory Briggs and Ann Menasche.

Testimony in favor by Jim Dawe.

MOTION BY ATKINS TO ADOPT THE RESOLUTION TO DENY THE APPEAL, GRANT THE MAP, AND UPHOLD THE DECISION OF THE PLANNING COMMISSION. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-340: Condominium Conversion Regulations of the Land Development Code.

To consider ordinances amending the Land Development Code regulations in Articles 5 and 6 of Chapter 12, and Articles 3 and 4 of Chapter 14 regarding condominium conversions; and the Land Development Manual regarding submittal requirements for condominium conversions. The decision to approve, conditionally approve, modify or deny the ordinances and the amendment to the Local Coastal Program will be made by the City Council at a future public hearing.

(See City Manager Report CMR-05-163. Citywide.)

STAFF'S RECOMMENDATION:

Introduce the following ordinances in Subitems A and B:

Subitem-A: (O-2006-82) INTRODUCED, TO BE ADOPTED ON MONDAY, FEBRUARY 6, 2006

Introduction of an Ordinance amending Articles 5 and 6 of Chapter 12, and Articles 3 and 4 of Chapter 14 of the San Diego Municipal Code as they pertain to condominium conversions and the processing of condominium conversions.

Subitem-B: (O-2006-83) INTRODUCED, TO BE ADOPTED ON MONDAY, FEBRUARY 6, 2006

Introduction of an Ordinance amending the Land Development Manual to include submittal requirements for condominium conversions.

OTHER RECOMMENDATIONS:

The Planning Commission made 13 recommendations to the Land Use & Housing Committee (see Commission minutes for further detail):

(1) Provide a tiered system for providing relocation assistance. Vote: 5-1-1.
(2) Do not tie approval of condominium conversions to vacancy rate for low and moderate cost units. Vote: 6-0-1
(3) Require a building conditions report with the exception of parking. Vote: 6-0-1.
(4) Projects built before 1992 should meet parking standards in Planning Commission Report 05-151, those built after 1992 should meet current standards, and develop a process for deviations. Vote: 5-1-1.
(5) Require undergrounding of utilities only from the power source to building. Vote: 5-1-1.
(6) Require condominium conversions of ten or more units to satisfy the inclusionary housing requirement onsite. Vote: 5-1-1.
(7) A new condominium conversion ordinance should only apply to application for conversions received on of after the date a new ordinance is approved. Vote: 6-0-1.
(8) Do not require relocation fees for "off-the-shelf condominium conversions. Vote: 6-0-1.
(9) Staff should address and bring to LU&H a method to address projects that did not pay park fees when developed. Vote: 5-1-1.

(10) There should be no minimum project size requirement for converting to condominium. Vote: 6-0-1.
(11) Economic hardship should not be used as a finding for deviating from standards. Vote: 4-2-1.
(12) Do not restrict purchasers from selling their units for a specified time period. Vote: 6-0-1.
(13) Develop a one page or one page two-sided notice of tenant rights to be provided with the first notice. Vote: 6-0-1.

Recommend that the City Council approve the proposed amendments to the Condominium Conversion Regulations and associated regulations within Chapters 12 and 14 of the San Diego Municipal Code.

This is a matter of City-wide effect.

STAFF SUPPORTING INFORMATION:

On September 14, 2005, the Land Use and Housing Committee held a workshop to discuss potential amendments to the City's regulations for condominium conversions. City Manager Report (No. 05-163) provided thirteen City Manager policy recommendations, some with sub-items, to be considered for inclusion in an amended condominium conversion ordinance. The Committee discussed the City Manager recommendations and generally supported recommendation numbers 1, 3B-31, 5-7, 9 and 10. Staff was directed to perform additional research, vetting, and/or seek City Attorney opinions on the remaining recommendations (2, 3A, 4, 12A, 12B, and 13). The Committee also recognized that resolution on controversial issues would require additional time and that it would better serve the public to immediately bring forward an ordinance that included items in which the Committee and the stakeholders were in general agreement. The remaining more controversial issues would be further researched, vetted and brought forward in a subsequent amending ordinance.

The ordinance brought forward in this action represents those policies, which the Land Use and Housing Committee and the stakeholders found to be non-controversial and generally accepted. The thrust of the ordinance currently proposed to be amended relates to new regulations that would implement those policies designed to make a condominium conversion a "good neighbor." They include: requiring condominium conversions to include requirements for specified upgrades to current standards, preparation of a Building Conditions Report; replacement of integral components of a building with a useful life of 5 or fewer years; processing requirements and findings for deviations to the development regulations; specific timing requirements for the applicant to provide the summary of tenant benefits; and amendment to the Land Development Manual to include submittal requirements for the Building Conditions Report for Condominium Conversion.

It is the intent to return to City Council at a future date with amendments associated with the Condominium Conversion Regulations. Specifically, those amendments would address the remaining items identified in City Manager Report 05-163, which include: criteria for relocation fees; increased parking ratios; on-site inclusionary housing; payment of park fees; compliance with ADA requirements; and limitations on resale of condominium conversions.

FISCAL IMPACT:

Not yet determined. Conversions are processed under deposit accounts, which are fully cost recoverable. Additional fees for condominium conversion applicants may be necessary for administration and to implement the recommended policies. Condominium conversions generally result in increased property revenues to the City. Restrictions on condominium conversions could reduce this increase.

Oppenheim/Halbert/DPJ

Staff: Dan Joyce – (619) 446-5388

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:03 p.m. – 4:28 p.m.)

Testimony in opposition by Mike Pazder, Theresa Quiroz, Jarvis Ross, Chris Christensen, and Franklin Spees.

Testimony in favor by Jeremy Cowan, Cory Briggs, Caryle Iseman, Keith Mullin, Ann Menasche, Richard Lawrence, and Arlen Shire.

MOTION BY ATKINS TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters in honor of the memory of:

Dr. James Madaffer as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:28 p.m. – 4:31 p.m.)