

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 26, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:02 p.m. Council President Peters recessed the meeting at 3:38 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:46 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:50 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:56 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 6:16 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 (gs)

FILE LOCATION: MINUTES

ITEM-1: 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

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Pastor Wilbert Miller of First Lutheran Church.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-1 *Paul Lopez, et al. v. City of San Diego, et al.*
San Diego Superior Court GIC 861792

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 27, 2007

DCA assigned: J. Riley

On June 27, 2005, a car accident happened at the intersection of 10th Avenue and Broadway. Plaintiffs allege the police officer negligently drove his police car, ran a red light and crashed into their family minivan. Plaintiffs seek damages for medical expenses, loss of income, disability and general damages. The City Attorney requests that the City Council consider a possible settlement of the case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:46 p.m. – 3:46 p.m.)

Council President Peters closed the hearing.

CS-2 *Fairway Views L.L.C. and La Jolla Country Club, a Mutual Benefit Nonprofit Corporation, et al. vs. City of San Diego*
City Files # LP06-0705-2355 & 0182

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 27, 2007

DCA assigned: R. Palmucci

This is a water main break which caused flood damage to the real and personal property of Fairway Views L.L.C. and La Jolla Country Club. The failure occurred near the 6900 block of Fairway Road and Nautilus Street. The City Attorney requests that the City Council consider a possible settlement of the case in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:46 p.m. – 3:46 p.m.)

Council President Peters closed the hearing.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-3 *Citizens for Responsible Equitable Environmental Development v. City of San Diego*
San Diego Superior Court Case No. GIC871259

Affordable Housing Coalition of San Diego County v. City of San Diego, et al.
Appeal Case No. D049665 San Diego Superior Court Case No. GIC 857723

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego, et al.
Court of Appeal Case No. D049637; San Diego Superior Court Case No. GIC 858098

Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego
San Diego Superior Court Case No. GIC876017

These matters involve California Environmental Quality Act challenges to the City Council's approvals of condominium conversions. The City Attorney requests the City Council consider a possible settlement of these matters in closed session.

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 27, 2007

DCA assigned: M. Dickenson

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:46 p.m. – 3:46 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-4 Agency negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli, William Gersten, and Debora Buljat

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 27, 2007

DCA assigned: W. Gersten/D. Buljat

Discuss with Council pending substantive negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:46 p.m. – 3:46 p.m.)

Council President Peters closed the hearing.



[ITEM-200:](#) Rady Children's Hospital and Health Center.

Matter of the appeal by SEIU United Healthcare Workers c/o Weinberg, Roger and Rosenfeld from the decision by the Planning Commission approving an application for a Conditional Use Permit (CUP), Planned Development Permit (PDP), and Site Development Permit (SDP) to amend CUP No. 87-1096 to construct a new 272,274 square-foot, six-level hospital building with deviations to the front setback and height requirements for the underlying CO-1-2 zone; a new 3,400 square-foot emergency generator facility; and an additional 12-guest units to the previously approved Ronald McDonald House (RMH) residential facility on top of the parking structure currently under construction (Project No. 2784).

A Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment would be required to accommodate a new emergency generator facility located within environmentally sensitive lands. The 26.98 acres Children's Hospital Campus is located at 3020 Children's Way, between Birmingham Way and Frost Street, within the Serra Mesa Community.

(Mitigated Negative Declaration No. 84791/Planned Development Permit No. 268049/ Conditional Use Permit (CPU) No. 268050/Site Development Permit (SDP) No. 413591 to amend previously approved CUP/Hillside Review/Resource Protection Overlay Zone Permit No. 87-1096/CUP No. 4741/PDP No. 267321/Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment No. 414363/ Project No. 84791. Serra Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) DENIED APPEAL AND UPHELD THE DECISION OF THE PLANNING COMMISSION TO CERTIFY THE MITIGATED NEGATIVE DECLARATION, ADOPTED AS RESOLUTION R-302474

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 84791, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 84791, 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 Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

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

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto 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;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-B: (R-2007-) DENIED APPEAL AND GRANTED PLANNED DEVELOPMENT PERMIT, ADOPTED AS RESOLUTION R-302475

Adoption of a Resolution granting or denying the appeal and granting or denying Planned Development Permit (PDP) No. 268049, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-C: (R-2007-) DENIED APPEAL AND GRANTED CONDITIONAL USE PERMIT, ADOPTED AS RESOLUTION R-302476

Adoption of a Resolution granting or denying the appeal and granting or denying Conditional Use Permit (CUP) No. 268050, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-D: (R-2007-) DENIED APPEAL AND GRANTED SITE
DEVELOPMENT PERMIT, ADOPTED AS
RESOLUTION 302477

Adoption of a Resolution granting or denying the appeal and granting or denying
Site Development Permit (SDP) No. 413591, with appropriate findings to support
Council action;

Directing the City Attorney to prepare the appropriate resolutions according to
Section 40 of the City Charter.

Subitem-E: (R-2007-) DENIED APPEAL AND GRANTED MULTI-HABITAT
PLANNING AREA BOUNDARY LINE ADJUSTMENT,
ADOPTED AS RESOLUTION R-302478

Adoption of a Resolution granting or denying the appeal and granting or denying
Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment No. 414363,
with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to
Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on February 15, 2007, voted 5-0-2 to approve; with opposition.

Ayes: Garcia, Griswold, Ontai, Otsuji, Naslund

Not present: Schultz

(One vacancy)

The Serra Mesa Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Uphold the Planning Commission's decision to certify Mitigated Negative Declaration (MND) and adopt Mitigation, Monitoring, and Reporting Program (MMRP); approve Planned Development Permit (PDP); Conditional Use Permit (CUP), and Site Development Permit (SDP) to amend previously approved permits; and approve Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment (BLA) to develop an expansion project for the Rady Children's Hospital and Health Center within the Serra Mesa Community.

STAFF RECOMMENDATION:

Deny the appeal and uphold the Planning Commission's decision to approve the Rady Children's Hospital and Health Center, Project No. 84791.

EXECUTIVE SUMMARY:

This is an Appeal of a Process 4 (Planning Commission) decision that approved the Rady Children's Hospital and Health Center (CHHC). SEIU United Health Care Workers, represented by Weinberg, Roger, and Rosenfeld, has filed the appeal on the basis that 1) *statements relied upon by Rady CHHC and consultants about the lack of significant impacts from the project were factually and legally inaccurate*; 2) *the findings to approve the MND were not supported by evidence in the record*; and 3) *there is substantial evidence in the record to support a fair argument that the project may have significant impacts under CEQA and therefore an EIR must be prepared*. Although this is an appeal of a Process 4 decision, the appeal application itself only addresses California Environmental Quality Act (CEQA) environmental issues.

The City, as Lead Agency, has prepared a Mitigated Negative Declaration (MND) in accordance with CEQA that adequately discloses potentially significant impacts as a result of the proposed development. Implementation of specific conditions, as described in the associated Mitigation, Monitoring, and Reporting Program (MMRP), would appropriately mitigate identified significant impacts to biological resources, land use (Multiple Species Conservation Program (MSCP)), paleontological resources, and transportation/circulation to a level below significance. Therefore staff has completed an Initial Study for the project and based on the substantial evidence in the public record, the project, as revised, now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an EIR will not be required.

To note, the appellant has not provided environmental staff nor the Planning Commissioners at the February 15, 2007, hearing any substantial evidence in the public record to support a fair argument (CEQA Section 15064-Determining the Significance of the Environmental Effects Caused by a Project) to require an EIR. (Attachment 1)

The proposed project would construct a new 272,274 square-foot, six-level hospital building; a new 3,400 square-foot emergency generator facility; and an additional 12-guest units to the previously approved Ronald McDonald House (RMH) residential facility on top of the parking structure (Project No. 2784), located within the Children's Hospital Campus. The applicant requests two deviations (through the PDP process) that would allow the new hospital building (expansion) to observe a 96-foot height limit, where 60 feet is the minimum and an encroachment into the front yard setback at two locations, where 10-feet is the minimum. A Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment, which was approved by MSCP staff with concurrence with the Wildlife Agencies, would remove approximately 1.04 acres identified within the MHPA and be appropriately compensated for on-site through a conservation easement and off-site by acquisition of MHPA land within East Elliot (City's Habitat Acquisition Fund), to accommodate the proposed emergency generator facility.

As alternative actions for consideration, the Council can either grant the appeal or modify the decision being appealed.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On February 15, 2007, the Planning Commission voted 5-0 to certify the MND and approve SDP/PDP/CUP/MHPA BLA, Project No. 84791.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 16, 2006, the Serra Mesa Planning Group voted 7-0-1 to recommend approval of the project, with no conditions.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Rady Children's Hospital and Health Center (Applicant)

Waring/Escobar-Eck/ABJ

LEGAL DESCRIPTION:

The project site is zoned CO-1-2 and lies within the Serra Mesa Community Plan Area, Lots 1 and 3, Children's Hospital and Health Center, Map No. 12901.

Staff: Anne B. Jarque – (619) 687-5961

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 3:38 p.m.)

Testimony in favor by Nicole Phillips and Greg Gilbert.

Testimony in opposition by John Davies, Lucy Killea, Marilyn Tobin, Don Kearns, Kathleen Sellick, Dennis Hayes, Nicole Kennelly, Tami Denney, Matt Peterson, Tim Jacoby, Nicole Holiday, and Larry Donofrio.

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION CERTIFYING THE MITIGATED NEGATIVE DECLARATION; ADOPT THE RESOLUTION IN SUBITEM B TO DENY THE APPEAL AND GRANT THE PLANNED DEVELOPMENT PERMIT; ADOPT THE RESOLUTION IN SUBITEM C TO DENY THE APPEAL AND GRANT THE CONDITIONAL USE PERMIT; ADOPT THE RESOLUTION IN SUBITEM D TO DENY THE APPEAL AND GRANT THE SITE DEVELOPMENT PERMIT; AND ADOPT THE RESOLUTION IN SUBITEM E TO DENY THE APPEAL AND GRANT THE MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT. Second by Maienschein. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-201: Grand Avenue Mixed Use.

Matter of approving, conditionally approving, modifying or denying the Community Plan Amendment, Local Coastal Plan Amendment, Rezone, Coastal Development Permit, Variance, Map Waiver and Waiver of Undergrounding to demolish an existing one-story, 787 square-foot single family residence and a 200 square-foot detached garage and construct a three-story, mixed use building on a 4,688 square foot property located at 1042 Grand Avenue in the RM-2-5 and CC-4-2, Coastal Overlay (non-appealable), Coastal Height Limit Overlay Zones within the Pacific Beach Community Plan.

The project is located within the Coastal Zone; therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this project and associated Local Coastal Program amendment will be with the California Coastal Commission. In accordance with the California Coastal Act and Guidelines, if you wish to review this project and associated Local Coastal Program amendment, you can contact the City Project Manager listed above.

(Negative Declaration No. 59006/Community Plan Amendment and Local Coastal Program Amendment No. 391242/Rezone No. 391244/Variance No. 348219/Coastal Development Permit No. 173574/Map Waiver No. 348218/Project No. 59006/Waiver of Undergrounding existing overhead utilities. Pacific Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

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

Subitem-A: (O-2007-103) CONTINUED TO TUESDAY, APRIL 9, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing a 0.11-acre site, located at 1042 Grand Avenue, north of Grand Avenue, east of Cass Street, west of Dawes Street and south of Hornblend Street, in the Pacific Beach Community Plan Area, in the City of San Diego, California, from the CC-4-2 and RM-2-5 zones into the CC-4-2 zone, as defined by San Diego

Municipal Code Sections 131.0406 and 131.0507, and repealing Ordinance No. O-10864 (New Series) , adopted June 29, 1972 and Ordinance No. O-15150 (New Series), adopted January 7, 1980, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (R-2007-814) CONTINUED TO TUESDAY, APRIL 9, 2007

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 59006, 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 rezone, community plan amendment, coastal development permit, variance, map waiver and waiver of the requirement to underground existing overhead utilities for the Grand Avenue Mixed Use Project;

That the City Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

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

Subitem-C: (R-2007-815) CONTINUED TO TUESDAY, APRIL 9, 2007

Adoption of a Resolution amending the Progress Guide and General Plan, Pacific Beach Community Plan and Local Coastal Program to redesignate approximately 0.36 acres from medium density residential to community commercial.

Subitem-D: (R-2007-816) CONTINUED TO TUESDAY, APRIL 9, 2007

Adoption of a Resolution certifying findings supported by minutes, maps and exhibits, all of which are incorporated herein by this reference with respect to Coastal Development Permit No. 173574 and Variance No. 348219;

That Coastal Development Permit No. 173574 and Variance No. 348219 are granted to Stanley R. Simpson, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2007-817) CONTINUED TO TUESDAY, APRIL 9, 2007

Adoption of a Resolution certifying findings supported by minutes, maps and exhibits, all of which are incorporated herein by this reference with respect to Map Waiver No. 348218;

That Map Waiver and Waiver of Undergrounding No. 348218 is granted to Stanley R. Simpson, Applicant/Subdivider and Brisendine Land Services, Surveyor, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on December 7, 2006, voted 5-0-2 to recommend approval; no opposition.

Ayes: Garcia, Griswold, Ontai, Otsuji, Naslund
Not present: Schultz
(One vacancy)

The Pacific Beach Community Planning Group has recommended denial of this project.
The Pacific Beach Community Planning Group has recommended approval of the proposed community plan amendment.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a Community Plan Amendment and Local Coastal Program Amendment, Rezone, Variance, Coastal Development Permit, Map Waiver and Waiver of Undergrounding to demolish an existing one-story, 787 square-foot single family residence and 200 square-foot detached garage, and to construct a three-story, mixed use building on a 4,688 square foot property.

STAFF RECOMMENDATION:

Approve Community Plan Amendment and Local Coastal Program Amendment No. 391242.

Approve Rezone No. 391244.

Approve Variance No. 348219.

Approve Coastal Development Permit No. 173574.

Approve Map Waiver No. 348218.

Approve waiver of the requirement to underground the existing overhead utilities.

EXECUTIVE SUMMARY:

As described in the attached Planning Commission Report, approval of this project would allow demolition of an existing one-story, 787 square-foot single family residence and 200 square-foot detached garage, and to construct a three-story, mixed use building on a 4,688 square foot property located at 1042 Grand Avenue.

The mixed use property would consist of one commercial space on the ground floor, with three residential condominium units on the second and third floor, with 1,915 square feet of covered parking on the ground floor, for a total building of 7,744 square feet. The project requests a rezone of the site from RM-2-5/CC-4-2 to CC-4-2 and amending the Pacific Beach Community Plan (PBCP) and Local Coastal Program to change the land use designation on three properties located at 1033, 1036 and 1042 Grand Avenue.

The project site is not located with the Tandem Parking Overlay Zone; however, a variance is being processed to allow tandem parking to be counted as two parking spaces, when normally counted as one space outside the Tandem Parking Overlay Zone, and to allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 Zone. Staff has determined that the proposed development is designed in a sensitive manner to the surrounding properties and the proposed variances related to the parking on site can be supported.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On December 7, 2006, the Planning Commission voted 5-0-2 to recommend approval of the project as presented within Report No. PC-06-279, with a vacancy and Chairperson Schultz not present, with Commissioners Otsuji, Ontai, Naslund, Griswold and Garcia voting in favor of the project.

On May 24, 2006, the Pacific Beach Community Planning Committee voted 15-2-0 to recommend denial of the project based on parking concerns. The Pacific Beach Community Planning Committee made an additional motion to approve the proposed community plan amendment associated with the project. The group voted 17-0 to approve the community plan amendment.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Stanley R. Simpson, Owner

Waring/Escobar-Eck/LB

LEGAL DESCRIPTION:

The project site is located at 1042 Grand Avenue in the Pacific Beach Community Planning Area, Coastal Overlay Zone (non-appealable), Parking Impact Overlay Zone, Coastal Height Limitation Overlay Zone and the Local Coastal Program Area. Lot 30 and the easterly half of Lot 31 of Block 230.

Staff: Laura C. Black - (619) 446-5112
Andrea Contreras Dixon - Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:06 p.m.)

MOTION BY FAULCONER TO CONTINUE TO MONDAY, APRIL 9, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-202: Robinson Condominiums.

Matter of approving, conditionally approving, modifying or denying an application of a Map Waiver and Sewer Easement Abandonment project to convert two detached dwellings units into condominium units and waive the requirement to underground existing overhead utilities on a .084 acre site located at 1501 and 1505 Robinson Avenue in the MR-3000 Zone of the Mid-City Communities Planned District.

Should the condominium conversion project should 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 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.

(Map Waiver No. 305268/Sewer Easement Vacation No. 398804/Project No. 2906. Uptown Community Plan Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-864) ADOPTED AS RESOLUTION R-302479

Adoption of a Resolution approving Map Waiver No. 305268 to allow the conversion of two existing residential units to condominiums and waiver of the requirement to underground the existing overhead utilities for the Robinson Condominiums project.

Subitem-B: (R-2007-865) ADOPTED AS RESOLUTION R-302480

Adoption of a Resolution approving Sewer Easement Abandonment No. 398804 within the Robinson Condominiums project.

OTHER RECOMMENDATIONS:

Planning Commission on December 7, 2006, voted 5-1-1 to approve; was opposition.

Ayes: Schultz, Garcia, Ontai, Otsuji, Naslund

Nays: Griswold

(One vacancy)

The Uptown Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The project is seeking approval of a Map Waiver allowing for the conversion of two existing detached dwelling units into condominiums, a waiver of the requirement to underground the existing overhead utilities and an Easement Abandonment action to remove a deactivated sewer easement from the property.

STAFF RECOMMENDATION:

The staff recommendation is to approve the Map Waiver and Easement Abandonment as conditioned.

EXECUTIVE SUMMARY:

The project is requesting a Map Waiver to waive the requirements of a tentative map for the subdivision of a 0.084-acre site into one lot for a two-unit residential condominium development located at 1501 and 1505 Robinson Avenue (Attachment 1). The project also requires the abandonment of an existing three-foot wide sewer easement that is located beneath the dwelling unit addressed as 1505 Robinson Avenue. Development Services has determined that the sewer line is not part of an active system and the easement is no longer required. The project has been consolidated into a Process Five decision as required for the abandonment of the easement.

The project includes a request to waive the requirement to underground existing overhead utilities. San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirements to relocate the existing overhead utilities to an underground position within the boundary of the subdivision or within the abutting public rights of way.

City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25 (Underground Conversion of Utility Lines at the Developers Expense) in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the project is a condominium conversion with no proposed construction.

The Uptown Community Plan designates the 0.084-acre site for multi-family residential development (Attachment 2). Prior to 1989, the property was within the R-2 Zone which was applied to the general vicinity in 1930. The R-2 Zone allowed two residential units on the 3,660 square-foot lot, however there were no off-street parking requirements in 1960 and 1962 therefore the one off-street parking space would have been permitted. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property. The project site does not comply with current density regulations but has previously conforming rights to maintain the two units and the land use would be consistent with the community plan.

FISCAL CONSIDERATIONS:

There are no fiscal considerations with this action. All of the costs associated with processing this application are paid for by the applicant.

PLANNING COMMISSION RECOMMENDATION:

On December 7, 2006, the Planning Commission recommended the City Council approve the Map Waiver and Easement Vacation actions pursuant to the staff recommendation with Commissioners Schultz, Otsuji, Ontai, Naslund and Garcia voting in favor of the project and Commissioner Griswold voting in opposition to the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 4, 2002, The Uptown Planning Committee voted 11-2-0 to approve the proposed project with no additional comments or conditions.

KEY STAKEHOLDERS:

Louise and Joseph Quinn

Waring/Escobar-Eck/PH

NOTE: This activity is exempt from CEQA pursuant to Section 15301(k) (existing facilities) of the State CEQA Guidelines.

Staff: Patrick Hooper – (619) 557-7992
Nina M. Fain – Deputy City Attorney

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

FILE LOCATION: SUBITEM A: MEET
SUBITEM B: F-10051

COUNCIL ACTION: (Time duration: 3:47 p.m. – 3:54 p.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-203: Los Vientos.

Matter of approving, conditionally approving, modifying or denying a Community Plan Amendment, Local Coastal Program Amendment, Site Development Permit, Coastal Development Permit, Planned Development Permit and Rezone from the Redevelopment Subdistrict of Barrio Logan Planned District to RM-3-9 to construct a total of 89 for-rent all affordable units. 43 for-rent units proposed on a 0.48 acre site at 1629 National Avenue and 46 for-rent units proposed on a 0.56 acre site at 1668 National Avenue. The properties are within the Barrio Logan/Harbor 101 Community Planning Area.

The proposed project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on this project will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: Farah Mahzari, Development Project Manager, 1222 First Avenue,

MS 501, San Diego, CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(MND No. 103439/MMRP/Amendments to PG&GP; Barrio Logan-Harbor 101 Community Plan; Barrio Logan PDO; LCP No. 341661/Rezone No. 341660/Easement Abandonment No. 417546/SDP No. 341663/CDP No. 341662/PDP No. 417547. Project No. 103439. Barrio Logan/Harbor Community Plan Area. District 8.)

STAFF'S RECOMMENDATION:

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

Subitem-A: (R-2007-851) ADOPTED AS RESOLUTION R-302481

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 103439, 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, Local Coastal Program Amendment, Barrio Logan Planned District Ordinance Amendment, a rezone, sewer abandonment, and site development permit/planned development permit/coastal development permit for the Los Vientos Affordable Housing 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-2007-852) ADOPTED AS RESOLUTION R-302482

Adoption of a Resolution amending the Barrio Logan/Harbor 101 Community Plan, Local Coastal Program, and Progress Guide and General Plan for the Los Vientos Affordable Housing Project.

Subitem-C: (O-2007-106 Cor. Copy) INTRODUCED, TO BE ADOPTED
TUESDAY, APRIL 10, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing 1.04 acres located within the Barrio Logan Community Plan Area, in the City of San Diego, California, from the Barrio Logan Planned District Redevelopment Subdistrict Light Industry/Commercial Use Zone into the RM-3-9 Zone, as defined by San Diego Municipal Code Section 131.0415, and repealing Ordinance No. O-17746 (New Series), adopted March 2, 1992, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2007-853) ADOPTED AS RESOLUTION R-302483

Adoption of a Resolution certifying findings for Easement Abandonment No. 417546 and ordering vacated the sewer easement located within Lot 40, Block 132, Map 209, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20639-B, marked as Exhibit "B," and on file in the Office of the City Clerk;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

Subitem-E: (R-2007-854 Cor. Copy) ADOPTED AS RESOLUTION R-302484

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference with respect to Site Development Permit No. 341663/Coastal Development Permit No. 341662/Planned Development Permit No. 417547;

That Site Development Permit No. 341663/Coastal Development Permit No. 341662/Planned Development Permit No. 417547 is granted to AMCAL Los Vientos Fund, L.P., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2007, voted 5-0-2 to recommend approval; no opposition.

Ayes: Garcia, Ontai, Otsuji, Griswold, Naslund
Recused: Schultz
(one vacancy)

There is no officially recognized community planning group for this area.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a Community Plan Amendment (CPA), Local Coastal Program Amendment, Rezone, Barrio Logan Planned District Ordinance Amendment, Sewer Easement Abandonment, site Development Permit (SDP), Planned Development Permit (PDP) and Coastal Development Permit (CDP) to allow for the demolition of a single-family residence and the construction of an 89-unit multi-family project (with at least 16 affordable units) at 1629 and 1668 National Avenue within the Barrio Logan/Harbor 101 Community Planning Area.

STAFF RECOMMENDATION:

1. **Certify** Mitigated Negative Declaration No. 103439, and Adopt the MMRP;
2. **Approve** Progress Guide and General Plan Amendment/Community Plan Amendment, the Barrio Logan Planned District Ordinance Amendment, and Amendment to Local Coastal Program No. 341661;

3. **Approve** Rezone No. 341660;
4. **Approve** Easement Abandonment No. 417546 to vacate the sewer crossing 1629 National Avenue;
5. **Approve** Site Development Permit No. 341663, Coastal development Permit No. 341662, and Planned Development Permit No. 417547.

EXECUTIVE SUMMARY:

As described in the attached Planning Commission Report, approval of this project would allow the construction of an 89-unit affordable housing project. The site is located on two separate properties across the street from each other at 1629 and 1668 National Avenue within the Coastal Overlay zone, Barrio Logan Planned District-Redevelopment Subdistrict, Barrio Logan Redevelopment Project Area, Transit Overlay zone, Residential Overlay Zone.

The 1629 National Avenue site includes four parcels, and previously consisted of an auto dismantling yard, which has since been removed and the site is now vacant except for a dilapidated single family structure that will be demolished as part of the proposed construction. The 1668 National Avenue site includes four parcels and is currently being used for parking automobiles.

The proposed project requires a Rezone, General/Community Planned Amendment (CPA), Barrio Logan Planned District Ordinance Amendment, Local coastal Program Amendment, Sewer Easement Abandonment, Site Development Permit (SDP), Planned Development Permit (PDP) and a Coastal Development Permit (CDP).

The proposed zone allows 45 to 74 dwelling units per net acre for the development of one unit per every 600 square feet of land area. The properties are nearly equal in size and combined total 1.04 acres (45,500 square feet) allowing for the development of 76 dwelling units. In exchange for reserving at least 20% pre-density bonus units (16 units) for occupancy by, and at rents affordable to households earning no more than 60% Area Median Income, the project is granted a 17% density bonus, bringing the total number of allowed units to 89 units.

The 1668 National Avenue site will provide 26 two-bedroom and 20 three-bedroom for a total of 46 units, and two levels of subterranean parking that provides 98 standard spaces, 10 tandem spaces, and two accessible spaces for a total of 110 parking spaces. The 1629 National Avenue site will provide 24 two-bedroom, 15 three-bedroom and 4 four-bedroom units for a total of 43 units and one level of subterranean parking that provides 27 standard spaces, 24 tandem spaces, and two accessible spaces for a total of 53 spaces. Access to both subterranean parking structures would be from the alleys behind each site.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 1, 2007, the Planning Commission voted 5-0-1 to recommend Approval of the project as presented within Report No. PC-07-034, with commissioners Garcia, Ontai, Otsuji, Griswold and Naslund voting in favor and Chairman Schultz Recused.

There is no recognized community planning group for the Barrio Logan/Harbor 101 community. However, on January 29, 2007, the Barrio Logan Redevelopment Project Area committee voted 8-0-2 to approve the Los Vientos project as proposed.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

AMCAL Multi Housing, Owners/Applicants.

Waring/Escobar-Eck/FMM

LEGAL DESCRIPTION:

The project site is located at 1629 National Avenue and 1668 National Avenue within the Coastal Overlay Zone, Barrio Logan Planned District-Redevelopment Subdistrict, Barrio Logan Redevelopment Project Area, Transit Overlay Zone, Residential Tandem Parking Overlay Zone and Council District 8 and is more particularly described as Lots 36 through 41, Block 132 and Lots 13 through 19, Block 138 of subdivision of Pueblo Lot 1157.

Staff: Farah M. Mahzari– (619) 446-5360
Shirley R. Edwards– Deputy City Attorney

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

FILE LOCATION: SUBITEMS A, B, & E: MEET
SUBITEM D: F-10052
SUBITEM C: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:07 p.m.)

MOTION BY HUESO TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, D, AND E; AND INTRODUCE THE ORDINANCE IN SUBITEM C. 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-204: Informational Report on Activities of the City-County Reinvestment Task Force and Summary Report on Community Reinvestment Act.

(See Summary Report on Community Reinvestment Act Lender Performance 2005.)

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-881) ADOPTED AS RESOLUTION R-302485

Receiving the report of the City-County Reinvestment Task Force, including the Summary Report on Community Reinvestment Act Lender Performance (2005).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:54 p.m. – 4:50 p.m.)

MOTION BY COMMON CONSENT TO RECEIVE THE REPORT. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-205: Fiscal Year 2007 Mid-Year Budget Adjustments.

(See Report to the City Council No. 07-052 and Councilmember Atkins memorandum dated 3/8/2007.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2007-105) INTRODUCED AND ADOPTED AS AMENDED,
O-19604 (New Series)

An Ordinance amending Ordinance No. O-19522 (New Series) entitled “An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year,” by authorizing the City Auditor and Comptroller to appropriate and to transfer funds from the City’s General Fund Unallocated Reserve to fund the Fiscal Year 2007 Mid-Year Budget Adjustments, approving the Fiscal Year 2007 Mid-Year Budget Adjustments and accepting the Mayor’s Report on Fiscal Year 2007 Mid-Year Budget Adjustments.

BUDGET AND FINANCE COMMITTEE’S RECOMMENDATION:

On 2/28/2007, Budget voted 4 to 0 to approve. (Council President Peters, Councilmembers Faulconer, Atkins, and Frye voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

Budget adjustments are requested for several purposes: to provide funding for new needs and projects; correct errors and make structural changes to the budget; implement BPR results; increase the General Fund revenue budget based on revised projections; and fund the repayments to the Recycling, Refuse Disposal, Sewer, and Water Funds. These changes result in a net reduction of 10.00 FTE, a net increase of \$11.6 million in expenditure appropriations, and a \$6.2 million increase in the revenue budget of the General Fund. In order to balance the General Fund to accommodate all the adjustments requested in this report, an allocation of \$5.4 million is needed from the General Fund Unallocated Reserves.

At this time, net expenditure savings and surplus revenues are projected to be \$12.2 million at year-end; of this amount, staff request that \$5.1 million in expected salary savings be transferred to a salary reserve account. These savings, if realized, will be allocated to the General Fund reserves at the end of Fiscal Year 2007, and will more than offset the funds being requested from the Unallocated Reserves for the new expenditure appropriations outlined in this report.

Budget adjustments are also requested for other funds for the same purposes as outlined above. The requested adjustments result in the total citywide budget reduction of 16.00 FTE, and increases of \$21.9 million in expenditure appropriations and \$13.4 million in revenue budgets. Adjustments to other funds do not require additional appropriations from reserves.

FISCAL CONSIDERATIONS:

General Fund budget adjustments require \$5.4 million of appropriations from General Fund reserves.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This report will be presented to the Budget and Finance Committee on February 28, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

None.

Lewis/Goldstone

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

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 202 on the docket of Monday, March 19, 2007, for the first public hearing.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:57 p.m. – 6:12 p.m.)

MOTION BY MADAFFER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE AS AMENDED AND RECOMMENDED BY THE MAYOR IN THE DOCUMENT ENTITLED, "RECOMMENDED CHANGES TO REQUESTED BUDGET ADJUSTMENTS" TO: 1) TRANSFER \$1.4 MILLION OF POLICE SALARY TO SAN DIEGO FIRE-RESCUE INSTEAD OF TRANSFER TO SALARY RESERVE ACCOUNT; 2) ADD 1.00 COMMITTEE CONSULTANT TO COUNCIL ADMINISTRATION FOR AUDIT COMMITTEE, TRANSFER \$100,000 SALARIES FROM AUDITOR AND COMPTROLLER; 3) CORRECT BUSINESS PROCESS REENGINEERING ADJUSTMENTS TO REDUCE \$63 FROM SPECIAL PROJECTS INSTEAD OF ETHICS COMMISSION; 4) ADD \$1.3 MILLION TO PUBLIC LIABILITY FUND FOR LEGAL SETTLEMENT COSTS FOR PENDING

CASES; 5) REVISE APPROPRIATION FROM GENERAL FUND RESERVES TO \$5.3 MILLION; 6) INCLUDE AN ADDITIONAL POSITION OF HIGHER LEVEL ANALYST FOR THE AUDIT COMMITTEE; AND 7) SPECIFY THE DATE AND NUMBER OR ATTACH THE MAYOR'S REPORT TO THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY HUESO TO ADD LANGUAGE TO SECTION 15 OF THE FISCAL YEAR 2007 APPROPRIATIONS ORDINANCE WHICH READS, "THE CITY AUDITOR AND COMPTROLLER IS NOT AUTHORIZED TO ALLOW EXPENDITURES TO BE MADE FOR ANY LITIGATION WHERE THE CITY IS THE PLAINTIFF WITHOUT AUTHORIZATION BY AN AFFIRMATIVE VOTE OF THE CITY COUNCIL," AND "NOTHING IN THIS SECTION SHALL PREVENT THE CITY AUDITOR FROM ACTING TO COMPLY WITH ANY STATUTE OF LIMITATIONS; PROVIDED, HOWEVER, THAT THE CITY COUNCIL RATIFY ANY SUCH ACTIONS WITHIN 60 DAYS." Second by Peters. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice of Pending Final Map Approval – 4157 Menlo Avenue.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "4157 Menlo Avenue" (T.M. No. 236265/PTS No. 98364), located on the east side of Menlo Avenue south of Orange Avenue in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval - Bridgeview.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Bridgeview" (T.M. No. 204939/PTS No. 108429), located on the northeast corner of University Avenue and Georgia Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: **Notice** of Pending Final Map Approval – Black Mountain Ranch North Village East Unit No. 14.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Black Mountain Ranch North Village East Unit No. 14” (V.T.M. No. 40-0528/PTS No. 94485), located southwesterly of Paseo Del Sur and Babcock Street in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City

