

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 9, 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 Pro Tem Young at 2:04 p.m. Council President Peters recessed the meeting at 3:16 p.m. for the purpose of a break. The meeting was reconvened by Council President Pro Tem Young at 3:25 p.m. with Council Member Madaffer and Council President Peters not present. The meeting was adjourned by Council President Pro Tem Young at 4:19 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-excused by R-302520;no reason given
  - (8) Council Member Hueso-present
- Clerk-Maland (mz)

FILE LOCATION:            MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-not 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-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Alan Thompson from the First Baptist Church of Clairemont.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

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 *T.C. Construction Company***

**REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 10, 2007**

DCA Assigned: F. Ortlieb

This item seeks approval of a settlement with T.C. Construction Company (T.C.) of City claims arising from T.C.'s work on the Fiesta Island Replacement Project Sludge Pipeline Phase 2, Construction Packages B, C, and D. The City Attorney requests that the City Council consider a proposed settlement of the case in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 p.m.)

**Council President Peters closed the hearing.**

**CS-2 *Hawthorne Power Systems***

**REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 10, 2007**

DCA Assigned: F. Ortlieb

This item seeks approval of a settlement with Hawthorne Power Systems, Inc., (HPS) of City claims arising from the City's contract with HPS for the overhaul of the Point Loma Wastewater Treatment Plant – Gas Utilization Facility, Engine Contract No. 2. The City Attorney requests that the City Council consider a proposed settlement of the case in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 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 *Philip K. Paulson v. City of San Diego, et al.*  
United States District Court Case No. 89cv820 GT (POR)**

**REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 10, 2007**

DCA Assigned: D. Karlin

In 1989, Philip K. Paulson initiated the above-entitled action against the City of San Diego relating to the presence of a Latin memorial cross within the Mt. Soledad Veterans Memorial. In Closed Session, the City Attorney will update the City Council on the litigation's status and discuss a recently filed motion for attorney's fees and costs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 p.m.)

**Council President Peters closed the hearing.**

**CS-4 *De Anza Cove Homeowners Association, Inc. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 821191**

***Ernest Abbitt, et al. v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 865536**

**REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 10, 2007**

CDCA Assigned: M. Severson

The *De Anza Cove Homeowners Association, Inc. v. City of San Diego, et al.* matter is an action filed by the De Anza Cove Homeowners Association for damages and declaratory relief. The *Ernest Abbitt, et al. v. City of San Diego, et al.* matter is an action filed by individual residents at De Anza Cove for damages. The Court has coordinated these two cases. In Closed Session, the City Attorney will brief the City Council on the status of these related matters.

**Council President Peters closed the hearing.**

**CS-5** *Estate of Beatrice Maidson, et al. v. City of San Diego*  
San Diego Superior Court Case No. GIC 857262

**REFERRED TO CLOSED SESSION OF TUESDAY, APRIL 10, 2007**

CDCA Assigned: M. Severson and DCA: R. Walters

The *Estate of Beatrice Maidson, et al. v. City of San Diego* lawsuit arose out a traffic accident, which occurred at the intersection of Pershing Drive and Jacaranda Place. Plaintiffs seek damages, alleging that the intersection was a dangerous condition and the cause of the accident.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 p.m.)

**Council President Peters closed the hearing.**

**Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:**

**CS-6 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, APRIL 10, 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). Discussion of potential disclosure of confidential information acquired during an authorized legislative session pursuant to California Government Code Section 54963.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:17 p.m.)

**Council President Peters closed the hearing.**



ITEM-200: Fourth Amendment to the Agreement with David Taussig & Associates for Special Tax Administration Services, Community Facilities District (CFD) No. 2.

(Black Mountain Ranch Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2007-111) INTRODUCED, TO BE ADOPTED  
MONDAY, APRIL 23, 2007

Introduction of an Ordinance approving the Fourth Amendment to the Agreement between the City of San Diego and Taussig & Associates for special tax administration services for Improvement Areas No. 1, 3, and 4 within Community Facilities District (CFD) No. 2.

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

**STAFF SUPPORTING INFORMATION:**

On September 21, 2001, the City of San Diego ("City") entered into an agreement ("Agreement") with David Taussig & Associates, Inc. ("Special Tax Consultant") to calculate, apportion and enroll annual special taxes, prepare annual reports, assist with disclosure documents, determine Backup Special Tax payments, calculate any Special Tax Prepayments, and perform other functions associated with the administration of Community Facilities District No. 2 (Santaluz), ("CFD No. 2"), Improvement Areas No. 1 and No. 3.

On December 16, 2002, the City approved the First Amendment to the Agreement, thereby extending the term of the Agreement for two years. On July 24, 2003, the City approved the Second Amendment to the Agreement, incorporating services for the newly annexed Improvement Area No. 4 within CFD No. 2. On October 21, 2005, the City approved the Third Amendment to the Agreement, thereby extending the term of the Agreement for an additional two years.

The firm of David Taussig & Associates was initially selected from, and is currently on, the City's As-Needed List of special tax consultants, which is developed and updated every two years pursuant to a Request for Proposals process. Taussig has provided the above referenced services from the inception of CFD No. 2 through Fiscal Year 2006. During this period, the firm has been extremely responsive and has provided an excellent work product in all phases of the scope of services, which include compiling and updating detailed databases containing extensive Assessor's Parcel information used in preparing the annual special tax enrollment, calculating special tax prepayments, monitoring development status, and assisting with Continuing Disclosure requirements under Securities and Exchange Commission regulations. Since Taussig has the history of all previous enrollment, prepayment, development, and disclosure activity, and has the processes in place to update and report on the data as necessary, amending the Agreement to continue on with them would likely be more cost effective and efficient, and potentially minimize the likelihood of errors.

This City Council action would extend the term of the Agreement for an additional two years, covering special tax administration services for Improvement Areas No. 1, No. 3 and No. 4 within CFD No. 2 for Fiscal Years 2007 and 2008. Total compensation under this proposed Amendment is not to exceed \$52,000 for services and \$6,500 for expenses. Total compensation under the Agreement and all Amendments is not to exceed \$193,500 for services and \$27,500 for expenses.

**FISCAL CONSIDERATIONS:**

There is no fiscal impact to the City associated with this action. All costs to administer CFD No. 2 are borne by the District and recovered through the annual special tax levy.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Managerial Actions: Approval of Agreement, September 18, 2001 (C-10951); approval of First Amendment, December 16, 2002, (C-11821); approval of Second Amendment, July 24, 2003, (C-12123); and approval of Third Amendment, October 21, 2005 (C-13444).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** None required.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** David Taussig & Associates

Kommi/Goldstone

Aud. Cert. 2700009.

Staff: Chuck Wilcox - (619) 533-4519  
Mark Blake - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:22 p.m.)

MOTION BY YOUNG TO INTRODUCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-201: Recommendations of the Salary Setting Commission Regarding Salaries for the Mayor and Council for Fiscal Year 2008.

**PERSONNEL DIRECTOR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-824 REV.)                      ADOPTED AS AMENDED AS RESOLUTION  
R-302500

Declaring that the Salary Setting Commission recommended no increase in annual compensation for the Mayor and City Council members, effective July 1, 2006, and an approximate 25 percent increase established and incorporated in the Fiscal Year 2008 Salary Ordinance;

Directing the City Attorney, pursuant to Section 41.1 of the Charter, to incorporate the following amounts in the annual salary ordinance for Fiscal Year 2008, to be effective July 1, 2007, pursuant to the Commission's recommendations:

Mayor	<u>\$100,464</u>
Councilmember	<u>\$75,386</u>

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:22 p.m. – 3:17 p.m.)

MOTION BY YOUNG TO REFER ITEM TO THE COUNCIL RULES COMMITTEE AND THE 2007 CHARTER REVIEW COMMITTEE AND TO REJECT THE SALARY INCREASE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

MOTION BY FRYE TO RECONSIDER THE PREVIOUS MOTION. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-nay.

MOTION BY YOUNG TO REJECT THE SALARY SETTING COMMISSION'S RECOMMENDATION. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

MOTION BY YOUNG TO REFER THE ITEM TO THE COUNCIL RULES COMMITTEE AND THE 2007 CHARTER REVIEW COMMITTEE. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-202: Wastewater System Financing.

(See Reports to the City Council No. 07-056 and 07-057; and memorandum from Lakshmi Kommi dated 3/20/2007. Citywide.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-902.COR.Copy)

ADOPTED AS RESOLUTION R-302501

Approving the form and authorizing the execution and delivery of a Subordinate Installment Purchase Agreement and a Note Purchase Agreement; approving and authorizing the execution and delivery by the Public Facilities Financing Authority of a Subordinate Indenture and the issuance and sale by the Public Facilities Financing Authority of its Subordinate Sewer Revenue Notes in a principal amount not to exceed \$225,000,000 to refinance existing Subordinate Debt and finance new facilities; authorizing the City Attorney to appoint co-bond counsel for the Subordinate Sewer Revenue Notes; and approving certain other agreements and actions in connection therewith.

**STAFF SUPPORTING INFORMATION:**

The Wastewater Department has fully drawn down the bond proceeds from the 2004 Private Placement of \$152M Non-Transferable Subordinated Revenue Bonds through Bank of America, N.A. issued in June, 2004 and needs additional financing to continue system improvements consistent with consent decree funding required by the Environmental Protection Agency and other regulatory agencies.

Since the current Bank of America bond documents prohibit the Wastewater Department from incurring any additional wastewater system debt (other than State Revolving Loan) without paying off the Series 2004 Bonds, the department is requesting authorization to issue 2-year Subordinated Sewer Revenue Notes, Series 2007(Payable Solely from Subordinated Installment Payments Secured by Wastewater Net System Revenues of the Wastewater Utility Fund). In addition to retiring the Series 2004 Bonds, the proposed financing would also reimburse the department for previously expended "pay go" funds used for Capital Improvement Projects and provide new money to fund the Wastewater Department's current Capital Improvement needs until mid calendar year 2008 as detailed in the companion Wastewater System improvement report.

On February 26, 2007, the Wastewater Department received Council approval to increase Sewer rates for four years starting May 1, 2007 which will allow the department to sign a final EPA consent decree by June 30, 2007. The current rates are sufficient to fund the department's Capital Improvement needs through May 2011. The Disclosure Practices Working Group reviewed the proposed financing and related documents on March 19, 2007. If the requested actions are approved, the 2007 Note closing would occur in or about the week of April 30, 2007.

FISCAL CONSIDERATIONS:

The amortization period will be interest only until maturity or prior redemption; interest payable semi-annually, on May 15 and November 15 of each year; principal due at maturity. The interest rate will be fixed for the term of the Notes and will be set upon signing the Note Purchase Agreement (after City Council approval of financing) and will be based on a spread above the two-year, natural AAA Municipal Market Data Index ("MMD"). The spread will be determined prior to submitting the financing documents to the City Council for approval. The City intends to refund the 2007 Notes prior to the maturity date by issuing long term or short term obligations ("the takeout Obligations") payable from Net System Revenues of the Wastewater Utility. The City shall have the right to prepay the Notes, without premium or penalty, in whole or in part at any time after the one year anniversary of the issuance of the Notes. The estimated coupon on the 2007 Notes is estimated at 5% with annual interest payments of approximately \$10.5M.

PREVIOUS COUNCIL COMMITTEE ACTION:

There has been no previous committee action on this item.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Wastewater Department held several town hall meetings in late November and early December 2006 regarding proposed rate increases and additional financing.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Business entities involved in this transaction are: Citigroup Global Markets Inc. (Purchaser), Nixon Peabody, LLP (co-bond counsel), Robinson and Pearman, LLP (co-bond counsel), Wells Fargo Bank, National Association (Bond Trustee) and Montague DeRose and Associates (financial advisor).

Kommi/Goldstone

Aud. Cert. 2700628.

Staff: Barry Gamboa - (619) 533-4531  
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:26 p.m. – 4:18 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-not present, Hueso-yea.



ITEM-203: 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.)

(Continued from the meeting of March 26, 2007, Item 201, at the request of Councilmember Faulconer, for further review.)

**NOTE:** Hearing open. No public testimony taken on 3/26/2007.

**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) INTRODUCED, TO BE ADOPTED  
MONDAY, APRIL 23, 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) ADOPTED AS RESOLUTION R-302502

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) ADOPTED AS RESOLUTION R-302503

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) ADOPTED AS RESOLUTION R-302504

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) ADOPTED AS RESOLUTION R-302505

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.

Testimony in favor by David Barber.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:18 p.m.)

MOTION BY FAULCONER TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTIONS IN SUBITEMS B, C, D, AND E. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-250: **Notice** of Pending Final Map Approval - The Village in University Heights.

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 "The Village in University Heights" (T.M. No. 199698/PTS No. 96583), located on the southeast corner of Madison Avenue and Campus Avenue in the Uptown 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 City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-251: **Notice** of Pending Final Map Approval – 2833 Cadiz Street.

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 “2833 Cadiz Street” (T.M. No. 153662/PTS No. 88167), located on the south side of Cadiz Street westerly of St. Charles Street in the Midway-Pacific Highway Community Plan Area in Council District 2, 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 City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-252: **Notice** of Pending Final Map Approval – Riviera Drive Townhomes.

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 “Riviera Drive Townhomes” (T.M. No. 231311/PTS No. 99345), located on the east side of Riviera Drive between Fortuna Avenue and Roosevelt Avenue in the Pacific Beach Community Plan Area in Council District 2, 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 City Council meeting 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 map approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

REPORT OUT OF CLOSED SESSION:

None.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:26 p.m. – 3:26 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 4:19 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:19 p.m. – 4:19 p.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego