

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JUNE 4, 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 2:04 p.m. Council President Peters recessed the meeting at 3:09 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:17 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:10 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:18 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 5:14 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 (dlc)

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 John Gill of Metropolitan Community Church.

FILE LOCATION:

MINUTES



ITEM-20:

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Atkins.

FILE LOCATION:

MINUTES

CLOSED SESSION ITEMS:

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

**CS-1 *Liaghat v. City of San Diego*  
San Diego Superior Court Case No. GIC 863896**

**REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 5, 2007**

DCA Assigned: J. Cordileone

This case involves water damage to property adjacent to a City street allegedly caused by clogged storm drain. In closed session, the City Attorney will brief the City Council on the status of the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:21 p.m.)

**Council President Peters closed the hearing.**

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

**CS-2 *Potential Amicus Brief: County of San Diego, et al. v. San Diego NORML, et al.*  
San Diego Superior Court Case No. GIC 860665**

**REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 5, 2007**

DCA Assigned: M. Nuesca

The County of San Diego has sued the State of California and others, arguing state medical marijuana laws are preempted by federal law. The trial court issued a ruling in the State's favor. The County appealed to the Fourth District Court of Appeal. Councilmember Atkins has expressed an interest in having the City Attorney on behalf of the City, file an amicus brief in support of the State of California.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:21 p.m.)

**Council President Peters closed the hearing.**

**CS-3 *City of San Diego v. Lexington Insurance*  
San Diego Superior Court Case No. GIC 875707  
United States District Court Case No. 07cv475 DMS (NLS)**

**REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 5, 2007**

CDCA Assigned: S. von Kalinowski

This matter involves litigation against a City insurance carrier for breach of contract and the covenant of good faith. The City Attorney requests that the Mayor and City Council authorize the expenditure of funds for costs for the litigation and to ratify an agreement to retain outside counsel to represent the City in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:21 p.m.)

**Council President Peters closed the hearing.**

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

**CS-4 Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**REFERRED TO CLOSED SESSION OF TUESDAY, JUNE 5, 2007**

**Agency Negotiators:** Elizabeth Morris and Carrol Vaughan/Terry Whitesides for the San Diego Housing Commission

**Employee Organizations:** Social Services Union, Local 535, SEIU, AFL-CIO

In closed session, the Housing Authority and its negotiators will review with the Authority its position with respect to the salary and fringe benefits of the represented employees, and request instructions from the Housing Authority as to those matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:21 p.m. – 2:21 p.m.)

**Council President Peters closed the hearing.**



[ITEM-200:](#) Fiscal Year 2007-08 Tax Revenue Anticipation Note.

(See Report to the City Council No. 07-095.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1177 Rev.)                      ADOPTED AS AMENDED AS RESOLUTION  
R-302672

Authorizing the issuance of Tax and Revenue Anticipation Notes in a single series (Notes) of the City of San Diego (City) for Fiscal Year 2007-08, pursuant to Section 92 of the City Charter, together with Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the Authorizing Law), and in accordance with the declarations, conditions and terms set forth in those certain documents. (Note Purchase Agreement), including exhibits thereto, each completed and executed as set forth herein, in an aggregate principal amount not to exceed the lesser of \$130,000,000 or the maximum amount permitted under the Authorizing Law and approval by the Chief Financial Officer;

Authorizing the resolution pursuant to California Government Code Sections 53856 and 53857, the issuance of the Notes shall specify what taxes, income, revenue, cash receipts or other moneys are pledged for the payment of the Notes, and the Notes and the interest thereon shall be a first lien and charge against, and

shall be payable from the first moneys received by the City from, such pledged moneys, and any Note not paid from the taxes, income, revenue, cash receipts or other moneys of the City shall be paid from any other moneys of the City lawfully available therefore;

Declaring that (1) the City pledges Available Revenues (as defined below) and Available Property Taxes (as defined below) as security for the payment of the principal of and interest on the Notes, and (2) the City agrees and covenants to deposit in trust into a special fund to be held by the City for the benefit of the owner of the Notes, designated as the "2007-08 Tax and Revenue Anticipation Notes Set Aside Account" (the "Set Aside Account"), sufficient moneys to enable the City to pay in full such principal and interest as it becomes due from Property Taxes (as defined below) and other Revenues (as defined herein), and (3) the City agrees and covenants to further establish a special fund to be held by the City for the benefit of the owner of the Notes designated as the 2007-08 Tax and Revenue Anticipation Notes Segregation Account (the "Segregation Account") for interim deposit of Property Taxes, all in the manner set forth in and otherwise in accordance with the Accompanying Document and the Note Purchase Agreement. If, by the date or dates specified in the Accompanying Document and the Note Purchase Agreement, the amount on deposit in the Set Aside Account is not sufficient to pay the portion of the principal and interest on the Notes required to be on deposit therein on such date or dates, appropriate officers of the City shall thereafter transfer and deposit Revenues to the Set Aside Account so that the amounts in the Set Aside Account are at least equal to the amounts required to pay the principal of and interest on the Notes as they become due. In the manner set forth in and in accordance with the Accompanying Document and the Note Purchase Agreement, (1) the Set Aside Account and all amounts held therein, Available Property Taxes and Available Revenues are hereby pledged and irrevocably set aside to the payment of the Notes, (2) amounts deposited in the Set Aside Account may not be used for any purpose other than payment of the Notes and may be invested in legal investments which are permitted by the California Government Code and which mature not later than the latest maturity date of the Notes; provided that the earnings on any such investment shall be transferred by the City to the City's General Fund, (3) the Segregation Account shall be created and held in trust for the payment of the Notes, and shall be funded, applied, invested and disbursed, and (4) the Notes shall be a first lien and charge against, and shall be payable from the first moneys received by the City from, Available Property Taxes and Available Revenues;

Declaring for purposes of this Resolution, "Revenues", "Available Revenues", "Property Taxes" and "Available Property Taxes" shall have the following meanings. "Revenues" means all legally available taxes, income, revenue, cash receipts and other moneys of the City attributable to the City's 2007-08 Fiscal Year, and chargeable to the City's General Fund, and excluding moneys which, when received by the City will be encumbered for a special purpose. "Available Revenues" means (1) with respect to any Set Aside Period (as defined in the Accompanying Document), that portion of Revenues existing on and after the date specified with respect to such Set Aside Period which are required to be deposited in the Set Aside Fund, or (2) on and after May 31, 2008 or any Event of Default, the Revenues, in each case in accordance with the Accompanying Document and the Note Purchase Agreement. "Property Taxes" means that portion of Revenues consisting of ad valorem property taxes payable to, or for the benefit of the City in respect of its 2007-08 Fiscal Year, but excluding ad valorem property taxes payable to the City pursuant to the "triple flip" adjustment provisions of California law, including California Revenue and Taxation Code Section 97.68. "Available Property Taxes" means (1) with respect to any Set Aside Period (as defined in the Accompanying Document), that portion of Property Taxes on deposit in the Segregation Account or otherwise held by the City existing on and after the beginning of such Set Aside Period, in amounts which are required to be deposited in the Set Aside Fund, or (2) on and after any Event of Default, the Property Taxes, in each case in accordance with the Accompanying Document and the Note Purchase Agreement;

Authorizing the Chief Financial Officer, or his designee, to sell the Notes on a private placement basis, without provision of an official statement or other offering document, to Bank of America, N.A. pursuant to the terms and procedures set forth in the Accompanying Document and in the Note Purchase Agreement; provided the Notes shall bear interest at the rate established prior to delivery of the Notes pursuant to the Note Purchase Agreement (subject to adjustment as may be provided in the Note Purchase Agreement), and in no event to exceed the maximum rate permitted by law, and the aggregate principal amount of the Notes shall be disbursed to the City on the date of delivery of the Notes in accordance with the Note Purchase Agreement and shall not exceed in the aggregate the lesser of \$130,000,000 or the maximum amount permitted under the Authorizing Law, as certified by the City Treasurer and the Chief Financial Officer pursuant to the completed Accompanying Document and as further approved by the Chief Financial Officer, or his designee, his execution of the Accompanying Document to be conclusive evidence thereof;

Authorizing the Chief Financial Officer, or his designee, to execute and deliver the Accompanying Document and the Note Purchase Agreement, for and on behalf of the City, each such document to be modified with the approval of the Chief Financial Officer, or his designee, to reflect the final terms described herein, and, as further modified upon the advice of the City Attorney in such manner as facilitates the purchase by Bank of America, N.A. of the Notes in a manner consistent with the Authorizing Law (including modifications related to the portion of Revenues which shall constitute Available Revenues or Available Property Taxes, or the Set Aside Periods, and the funds and accounts established with respect to the Notes), such approval to be conclusively evidenced by such officer's execution thereof;

Authorizing each of the Chief Financial Officer, and the City Treasurer, or any designee thereof, to execute and deliver a Tax Certificate prepared by Bond Counsel obligating the City to comply with certain covenants in order to maintain the exclusion of interest on the Notes from the gross income of the owners thereof for federal income tax purposes;

Authorizing the Mayor, the Chief Financial Officer, the City Treasurer and the City Clerk, and their designees, upon advice of the City Attorney and Bond Counsel, jointly and severally, to do any and all things and to execute, modify and deliver any and all documents, agreements and certificates which they may deem necessary or advisable in order to effect the issuance, sale and delivery of the Notes, and otherwise to carry out the purposes of this Resolution;

Authorizing the City Attorney to execute an agreement with Stradling Yocca Carlson & Rauth, a Professional Corporation to provide bond counsel services in connection with the issuance of the Notes in a fixed amount equal to \$30,000, inclusive of expenses;

Authorizing the Financial Advisory Services Agreement by and between the City and Montague, DeRose and Assoc., LLC (MDA) to provide financial advisory services for the Fiscal Year 2008 Tax and Revenue Anticipation Notes for an amount not to exceed \$40,000 and for any applicable out of pocket expenses for an amount not to exceed \$5,000 is hereby approved and authorized officers of the City are hereby authorized and directed to execute said agreement.

**STAFF SUPPORTING INFORMATION:**

Tax and Revenue Anticipation Notes ("TRANs") borrowing is a standard tool accessed by state and local governments to address temporary shortfalls arising from the fluctuations in annual tax or revenue receipts that the General Fund is dependent on to meet monthly cash flow needs during the fiscal year. The California Government Code (Article 7.6, Chapter 4, Part 1, Division 2, Title 5) and City Charter Section 92 specifically authorize the City to issue short-term notes in any fiscal year in anticipation of the collection of taxes and revenues of such fiscal year. TRANs are general obligations of the issuer, payable from unrestricted taxes, income, revenue, cash receipts, and other monies of the entity attributable to the upcoming fiscal year. The issuer is not authorized to levy or collect any additional tax for the repayment of the TRANs.

The City has issued TRANs every year since Fiscal Year 1968 (except Fiscal Year 1979) to finance the General Fund cash flow needs of the City in anticipation of the receipt of property tax revenues in December and April of each year.

TRANs are generally sold in late June so that funds are available for General Fund disbursements that must be made commencing on July 1. A TRANs issuance is typically structured as a 12 month or 13 month obligation on a tax exempt basis, either as a public or private offering, in either a variable or fixed rate mode. The borrowing amount is based on the General Fund's projected cash flow deficit in the upcoming fiscal year. The funds are borrowed upfront and repaid at maturity. Pursuant to IRS regulations, any funds not immediately spent by the City, as well as any revenues required to be set aside to pay off the TRANs (the "Set Aside Amounts"), may be invested in taxable securities which generally yield a higher interest rate than the tax exempt borrowing rate on the TRANs.

For Fiscal Year 2008 (as has been the case for Fiscal Years 2005 through 2007), due to the unavailability of current audited financial statements, the proposed TRAN borrowing has been structured as a private placement. Under the proposed structure, the TRAN offering would be privately placed with Bank of America N.A, a subsidiary of Bank of America Corporation. No disclosure document, or official statement, would be required or provided. BofA would be required to make certain representations, including that it has sufficient knowledge and experience in financial and business matters and that it is capable of evaluating the merits and risks of its prospective investment in the FY 2008 TRAN.

**FISCAL CONSIDERATIONS:**

Under the proposed financing, the City would enter into a Note Purchase Agreement ("NPA") with BofA, pursuant to which BofA would agree to purchase the FY08 TRAN from the City. The loan would be structured on a fixed rate basis and would have a maturity of 13 months (August 1, 2008), which would enable the City to maximize its earnings capacity on the

borrowed funds that would off-set the FY 2008 TRAN borrowing cost. The NPA specifies that the City could select one of two pricing options. The first option is based on BofA's 13 Month Cost of Funds Rate, which is the bank's cost of borrowing for a 13 month period. Because the bank borrows in the LIBOR market, BofA's 13 Month Cost of Funds Rate would be very close to the 1-Year LIBOR rate. If the City chooses this option, the pricing would equate to 62.347% of the 13-Month Cost of Funds Rate plus 50 basis points (0.50%). The second option is based on the Bond Buyer One Year Note Index (this index reflects a one-year note issue based on an unweighted average of estimated yields from ten major state and local issuers across the country.) Under this option, the pricing would equate to the Bond Buyer One-Year Note Index plus 45 basis points (0.45%). Both LIBOR and the Bond Buyer One-Year Note Index are commonly used indices for short term borrowings. The City will monitor the two indices and price the FY 2008 TRAN based on the formula that is expected to result in the lower interest rate at the time the NPA is executed.

The Set Aside Amounts for the FY 2008 TRAN would be invested by the City's Investments Division staff until final maturity of the note. Based on interest rates as of May 7, 2007, the borrowing rate for the FY 2008 TRAN under the 13 Month Cost of Funds pricing option is expected to be 3.83%, while the expected investment earnings rate on projected Set Aside Amounts is 4.75%. The City currently expects to borrow \$116.0 million on July 2, 2007. This is based on the maximum deficit projected for Fiscal Year 2008 as indicated by the projected monthly cash flow schedule (the cash flow schedule is included as Attachment 1 to the full staff report). The \$130.0 million not-to-exceed amount included in the resolution is higher than the expected borrowing amount to provide a cushion in the event the need for additional borrowing is identified between the date of this report and the date the financing is executed (July 2, 2007).

Based on the estimated effective rate of borrowing of 3.83%, the gross interest payments on the loan are estimated to be approximately \$4.89 million. The Set Aside Amounts will be invested until the final maturity of the FY 2008 TRAN (August 1, 2008); these interest earnings are estimated to total approximately \$2.56 million (based on an assumed rate of return of 4.75%). The net interest cost of this borrowing (net of investment earnings) is expected to be approximately \$2.33 million.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City has annually issued TRANs to fund the General Fund seasonal cash flow deficit.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Business entities involved in this transaction include Bank of America, N.A., a subsidiary of Bank of America Corporation (Purchaser/Lender); White & Case, LLP. (BofA's counsel); Stradling Yocca Carlson & Rauth (bond counsel); and Montague DeRose and Associates, LLC (financial advisor).

<sup>1</sup> Including estimated costs of issuance of \$105,000 (see full staff report), the estimated net borrowing cost is \$2.44 million.

Kommi/Goldstone

Aud. Cert. 2700752.

Staff: Elizabeth Kelly - (619) 236-6932  
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:18 p.m. – 5:14 p.m.)

MOTION BY COUNCIL MEMBER MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO STATE THAT THE INTEREST RATE ON THE NOTE CANNOT EXCEED A MAXIMUM RATE OF SIX PERCENT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-201: Regulation of Large Retail Establishments and Prohibition of Superstores.

Regulations for large retail establishments and the prohibition of superstores amending the Land Development Code (LDC) and Local Coastal Program (LCP) as detailed below. The proposed Large Retail Ordinance (O-2007-29-Version B Revised) would amend: Chapter 11, Article 3, Division 1; Chapter 12, Article 6, Divisions 4 and 5; Chapter 12, Article 7, Division 1; Chapter 13, Article 1, Divisions 5 and 6; Chapter 14, Article 2, Division 4; and Chapter 14, Article 3, Division 3 to require: (1) discretionary review of large retail establishments (50,000 square feet or greater gross floor area) through either a Process 2

Neighborhood Development Permit (NDP) or a Process 4 Site Development Permit (SDP) for stores of 100,000 square feet or greater gross floor area; and (2) new large retail establishment design and landscape regulations.

The Ordinance Prohibiting Superstores (O-2007-41) would amend the following Code provisions: Chapter 11, Article 3, Division 1; Chapter 12, Article 7, Division 1; Chapter 13, Article 1, Divisions 5 and 6; Chapter 14, Article 1, Divisions 1 and 5; Chapter 14, Article 3, Division 3; and Chapter 15, Article 5, Division 2; thereby prohibiting the establishment of “Superstores” citywide. “Superstores” are defined as retail establishments that exceed 90,000 square feet gross floor area, sell a wide range of consumer goods, and sell items not subject to California sales tax from more than 10% of the sales floor area. This definition excludes discount warehouse stores and discount retail stores that sell more than half of their items in large quantities or in bulk, and charge a membership fee.

**The proposed amendments to the Land Development Code constitute an amendment to City of San Diego’s Local Coastal Program (LCP) and must be certified by the Coastal Commission to be effective in the Coastal Overlay Zone. If the City Council approves the proposed amendments to the Land Development Code, some of the regulations will be effective outside the Coastal Overlay Zone thirty days from final Council action, and the associated LCP amendment will be submitted to the California Coastal Commission for review and adoption of all remaining provisions. The LCP amendment will not become effective within the Coastal Overlay Zone until unconditionally certified by the California Coastal Commission. If you wish to be noticed of the Coastal Commission hearing on this issue, prior to the close of the City Council public hearing, you must submit a request in writing to City of San Diego, Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101, Attention: Amanda Lee.**

(See Report to Council No. 06-149. Citywide.)

**STAFF’S RECOMMENDATION:**

Adopt the ordinance in Subitem A (O-2007-29 Version B-Revised Copy 1) and do not adopt the ordinance in Subitem B (O-2007-41 Revised Copy):

Subitem-A: (O-2007-29) VERSION B-REVISED COPY 1

ADOPTED AS ORDINANCE O-19624 (New Series)

Amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; Amending Chapter 12, Article 6, Division 4 by adding Section 126.0402(1); Amending Chapter 12, Article 6, Division 5 by adding Section 126.0502(d)(8); Amending Chapter 12, Article 7, Division 1 by amending Section 127.0103(a), Table 127-01A; Amending Chapter 12, Article 7, Division 1 by adding Section 127.0106(e); Amending Chapter 13, Article 1, Division 5, by amending Section 131.0522, Table 131-05-B; Amending Chapter 13, Article 1, Division 6, by amending Section 131.0622, Table 131-06B; Amending Chapter 14, Article 2, Division 4, by amending Section 142.0404; Amending Chapter 14, Article 2, Division 4, by adding Section 142.0405(c)(4); Amending Chapter 14, Article 2, Division 4, by amending Section 142.0405(d); Amending Chapter 14, Article 2, Division 4, by amending Section 142.0406(c)(3); Amending Chapter 14, Article 2, Division 4, by amending Section 142.0412; Amending Chapter 14, Article 3, Division 3, by amending Section 143.0302, Table 143-03A; And amending Chapter 14, Article 3, Division 3, by adding Section 143.0355; All pertaining to Large Retail Establishments.

Subitem-B: (O-2007-41 Revised Copy)

VETOED BY MAYOR ON  
JUNE 15, 2007; TO BE REDOCKETED  
WITHIN 30 DAYS

Amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; Amending Chapter 12, Article 7, Division 1 by amending Sections 127.0103(a), Table 127-01A, 127.0103(c), Table 127.01C, amending Section 127.0106(e), and adding Sections 127.0106(f) and 127.0109(c); Amending Chapter 13, Article 1, Division 5, by amending Table 131-05B; Amending Chapter 13, Article 1, Division 6, by amending Table 131-06B; Amending Chapter 14, Article 1, Division 1, by amending Sections 141.0101 and 141.0102(a), and adding Section 141.0102(e); Amending Chapter 14, Article 1, Division 5, by adding Section 141.0505; Amending Chapter 14, Article 3, Division 3, by amending Section 143.0302, Table 143-03A; And amending Chapter 15, Article 5, Division 2, by amending Table 151-02C; All pertaining to the Prohibition of Superstores.

**OTHER RECOMMENDATIONS:**

The Planning Commission on December 16, 2004, voted 6-0 to recommend approval of staff's recommendation except for Item 2 (150,000 sq. ft. size cap). The Planning Commission also recommended inclusion of design requirements such as structured parking, eating areas and green building requirements for structures over 150,000 square feet and that the economic impact report not be included in the ordinance; was opposition.

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

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Adopt the Large Retail Ordinance to require discretionary permit review and new landscape and design standards for large retail establishments. Determine through future discretionary review whether the size, location, and content of retail stores are appropriate for a particular location instead of an outright prohibition of certain retail formats as proposed under O-2007-41.

**STAFF RECOMMENDATION:**

Adopt Large Retail Ordinance (O-2007-29 Version B-Revised). Do not adopt the Ordinance Prohibiting Superstores (O-2007-41).

**EXECUTIVE SUMMARY:**

On November 28, 2006, the City Council introduced the following ordinances, which are subject to a second reading. The ordinances described below would take effect outside the coastal zone 30 days after passage, but are subject to unconditional certification by the Coastal Commission to become effective in the coastal zone:

- Large Retail Ordinance (Version B-Revised). The draft ordinance requires discretionary permit review at 50,000 and 100,000 square foot thresholds, and new design and landscape standards for all large retail establishments. (Passed unanimously)
- Ordinance Prohibiting Superstores. Drafted pursuant to Council direction to prohibit the establishment of superstores citywide. (Passed by a vote of 5-3)

**FISCAL CONSIDERATIONS:**

The Large Retail Ordinance would not likely have any fiscal impact (positive or negative) on the City. The fiscal impact of large retail establishments is almost entirely dependent on the location of these stores.

The fiscal impact of one or more superstores coming into San Diego is uncertain. Positive fiscal impacts (net new revenues) could be realized if the proposed Superstore were to be located in San Diego, close to City limits and away from small locally-owned retailers, which are predominantly congregated in the central part of the City, especially in adopted Redevelopment Areas, Enterprise Zones, and Business Improvement Districts (BID's). Conversely, superstores locating just outside the boundaries of the City would result in a negative fiscal impact. A

provision to require large retail applicants (for stores larger than 120,000 square feet) to provide a market impact analysis during the discretionary process would provide decision makers with site-specific fiscal impact information. This requirement is currently proposed as part of the City's Draft General Plan- Economic Prosperity Element.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On June 29, 2005, LU&H voted to recommend approval of development permit requirements and design/landscape standards and to refer issues relating to size limitations and incentives to Council without recommendation. The Committee referred the SKU Ordinance to the City Attorney and asked for a legal review to be prepared prior to City Council consideration. The legality of the SKU Ordinance was thereafter addressed in Closed Session.

On September 18, 2006, the City Council approved two motions. The first motion, approved unanimously, directed the Office of the City Attorney, with the cooperation of the Mayor's staff and the Office of the Independent Budget Analyst, to prepare an ordinance regulating large retail establishments in accordance with the Mayor's recommendations in Report to Council No. 06-124. The second motion, passed on a 5-3 vote, directed the Office of the City Attorney, with the cooperation of the Mayor's staff and the Office of the Independent Budget Analyst to prepare an ordinance similar to the SKU Ordinance which would preclude the construction of Superstores within the City, except for membership stores which exceed these thresholds but which sell products in bulk quantities.

On November 28, 2006, the Council voted unanimously to note and file Large Retail Ordinance (Version A), and to pass Large Retail Ordinance (Version B) as revised per the staff recommendation to clarify the applicability of previously conforming regulations. The Council also passed the Ordinance Prohibiting Superstores by a vote of 5-3 with Council members Faulconer, Maienschein, and Madaffer voting nay.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the two-year period from 2003-2005, these issues elicited public testimony from a wide range of interest groups at three Planning Commission workshops, two Planning Commission meetings, two LU&H public hearings, and meetings with CPC, TAC, and CMT.

The project was heard by the City Council on September 18, 2006 and again on November 28, 2006, where 268 speakers participated during the public hearing. Since the second reading did not occur two weeks after ordinance introduction in accordance with the typical process, additional public outreach was conducted to share information about the June 4 second reading hearing including an eighth page advertisement in the Daily Transcript, mailed notice to the planning group and local coastal program lists, mailed notice to interested persons that

participated in the November 2006 hearing, as well as announcements at Code Monitoring Team, Community Planners Committee, and Planning Commission meetings.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Small businesses, chain grocery stores, and their trade organizations are in favor of placing restrictions on Superstores, while several large corporate retailers, the San Diego Regional Chamber of Commerce and development organizations have opposed the prohibition ordinance.

Waring/Escobar-Eck

**NOTE:** This activity is exempt from pursuant to State CEQA Guidelines Section 15060(c)(3). This determination is predicated on Section 15004 of the Guidelines which provides direction to Lead Agencies on the appropriate timing for the environmental review. Construction activities related to the proposed regulations will require further review under the provisions of CEQA.

Staff: Amanda Lee – (619) 446-5367  
Jana Garmo – (619) 533-6430, Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:21 p.m. – 4:10 p.m.)

Testimony in opposition by Aaron Rios, John Milch, Herman Collins, Francis Tepedino, Joel Harrison, Phil Hart, Erik Bruvold, Pat San Miguel, Ed Cramer, Scott Alevy, Eric Christen, Joseph Braverman, T. J. Zane, Linda Bilansky, and Ron Boshun.

Testimony in favor by John Hartley, Diana Spyridonidis, Jim Schmidt, Gloria Johnson, Jeff Snyder, Sherry Star, Harriet Baber, David Wheeler, Ron Boshun, and Tommy Watson.

MOTION BY COUNCIL MEMBER ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM A. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer- ye, Hueso-yea.

MOTION BY COUNCIL MEMBER ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE IN SUBITEM B. Second by Young. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Hueso-yea.

NOTE: THIS ITEM WAS VETOED BY MAYOR ON JUNE 15, 2007.



ITEM-202: Aztec Budget Inn Redevelopment, Project No. 83705.

Matter of approving, conditionally approving, modifying or denying an application for a Rezone of a portion of a 0.94-acre site from RM-3-8 to RM-3-9, an Easement Abandonment for the abandonment of an onsite sewer easement, a Site Development Permit for multiple unit development of more than 20 units in the RM-3-9 zone and for Affordable development which deviates from the regulations of the underlying zone, and a Vesting Tentative Map for condominium purposes. The 0.94 acre site is located at 6050 El Cajon Boulevard in the CU-2-4 & RM-3-8 (proposed to be rezoned to RM-3-9) Zones within the Central Urbanized Planned District, the Crossroads Redevelopment Project Area, the College Area Community, and City Council District 7. The requested approvals are to allow for the demolition of an existing vacant one-story 45-unit motel and two-story 10-unit apartment building; construction of a four-story mixed-use structure containing a combined total of 65 one-, two-, and three-bedroom units (to include 7 affordable units) and 3,000 square-feet of commercial retail space; and 127 vehicle parking spaces in a 16-space street-level covered parking garage and a 111-space subterranean parking structure.

(College Community Plan Area. District 7.)

**STAFF'S RECOMMENDATION:**

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

Subitem-A: (R-2007-1060) ADOPTED AS RESOLUTION R-302673

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 83705, 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, Vesting Tentative Map/Sewer Easement Abandonment, and Rezone;

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-2007-1061)                      ADOPTED AS RESOLUTION R-302674

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. 265960;

That Site Development Permit No. 265960 is granted to 6050 El Cajon Boulevard, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2007-1062)                      ADOPTED AS RESOLUTION R-302675

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference with respect to Vesting Tentative Map No. 285780 and Easement Abandonment No. 265140, with appropriate findings to support Council action;

That the public service easement is vacated and that this abandonment shall be listed as such on the Map, pursuant to California Government Code Section 66434(g), portions of the two sewer easements, located within the project boundaries as shown in Vested Tentative Map No. 285780, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 285790 and Easement Abandonment No. 265140 are granted to 6050 El Cajon Boulevard, LLC, Applicant/Subdivider and Graves Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-D: (O-2007-133)                      INTRODUCED, TO BE ADOPTED ON  
TUESDAY, JUNE 19, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing a 0.75-acre site, located at 6050 El Cajon Boulevard, in the College Area Community Plan Area, in the City of San Diego, California, from the RM-3-8 Zone into the RM-3-9 Zone, as defined by San Diego Municipal Code Section 131.0406, and repealing Resolution No. R-301263, adopted February 28, 2006, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 29, 2007, voted 4–0-3 to approve; was opposition.

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

The College Area Community Council has recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of a new mixed-use project consisting of 65 for-sale residential units, including 7 affordable units, and 3,000 square-feet of retail space at 6050 El Cajon Boulevard within the College Area Community Planning Area.

**STAFF RECOMMENDATION:**

Recommend that the City Council: **Certify** Mitigated Negative Declaration No. 83705 and Adopt the Mitigation and Monitoring Program (MMRP); **Approve** Site Development Permit No. 265960; **Approve** Vesting Tentative Map No. 285780; **Approve** Easement Abandonment No. 265140; and **Approve** Rezone Action No. 265139.

EXECUTIVE SUMMARY:

The project site is located at 6050 El Cajon Boulevard within the College Area Community Planning area (Attachment 2). The 0.94-acre site has street frontages on both El Cajon Boulevard and Soria Drive, near the northwest corner of those two streets.

The Aztec Budget Inn site is designated General Commercial (45-110 dwelling units per acre) and High Density Residential (45-75 dwelling units per acre) in the College Area Community Plan, and is zoned CU-2-4 and RM-3-8 (proposed to be rezoned to RM-3-9), and is also located within the Central Urbanized Planned District and the Crossroads Redevelopment Project Area. The property is currently developed with a vacant, one-story 45-unit motel, constructed in 1945 and a vacant, two-story 10-unit apartment building, added to the site in 1968.

The proposed Aztec Budget Inn project would include the demolition of an existing and vacant motel building and apartment building, and the construction of a maximum of 65 for-sale residential dwelling units and 3,000 square feet of commercial space, in a single, four-story structure. The 65 dwelling units would consist of 58 market-rate units and seven units affordable to persons or families earning not more than 100% of the Area Median Income (AMI), thereby meeting the requirements of the City of San Diego Inclusionary Affordable Housing regulations.

The current design is deviating from the San Diego Municipal Code regulations governing side- and front-yard setbacks, residential unit storage space, and tandem parking. Each of the deviations requested is needed to ensure the number of affordable units and the feasibility of the project. For further discussion of the requested deviations, please see the Project Related Issues section of the attached Planning Commission report. Other than proposed deviations described, the proposed development would comply with the applicable regulations of the San Diego Municipal Code.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant. The Developer has requested Agency assistance regarding the funding gap for the affordable housing as well as assistance in acquiring adjoining property.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On April 25, 2006, the City of San Diego Redevelopment Agency (Agency) entered into an Exclusive Negotiating Agreement (ENA) with the applicant, AMCAL Multi-Housing, Inc., and the ENA was executed on May 10, 2006. The ENA has since expired; however, the Agency continues to negotiate with AMCAL on the property under the ownership control of AMCAL, which is the site of subject project before Council.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On March 29, 2007, the Planning Commission Recommended Approval of two alternatives (Scenario 1 and Scenario 2) with conditions. For further detail, please see Attachment 4.

Scenario 1 consisted of the demolition of the existing structures and construction of 63 for-sale residential units, including 7 affordable units, and 3,000 square feet of retail space. For the 63-unit scenario, the Planning Commission conditioned its recommendation on a change in the layout of the units which would result in a greater step back away from the single-family homes to the west. The applicant has determined that meeting this Planning Commission condition would render the project financially infeasible, due to the loss of 3 bedrooms, 3 bathrooms, and 3 walk-in closets.

Scenario 2 consisted of the demolition of the existing structures and construction of 65 for-sale residential units, including 7 affordable units, and 3,000 square feet of retail space. The Planning Commission recommendation supports the applicant's 65 unit proposal (Scenario 2) provided the additional two units were not placed adjacent to the single family homes. The applicant's 65-unit design meets the Planning Commission's recommendation.

The Planning Commission conditioned Scenario 2 to ensure agreement from the adjacent property owner of lots 10 and 11 to relocate their sewer lateral from the rear of the lot, where it currently exists, to the front of the lot, facing El Cajon Boulevard. Condition No. 32(i) has been added to the Vesting Tentative Map Resolution to address the Commission concern.

On December 13, 2006, the College Area Community Council (CACC) voted 9-2-2 to approve the project with conditions.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

The owner and applicant is 6050 El Cajon Boulevard, LLC. See Attachment 15 of the Report to the Planning Commission (Attachment 4) for further information.

Waring/Escobar-Eck/DS

**LEGAL DESCRIPTION:**

The project site is located at 6050 El Cajon Boulevard and 4620 Soria Drive, between 60<sup>th</sup> Street and College Avenue, in the CU-2-4 and RM-3-8 zones within the Central Urbanized Planned District, within the College Area Community Planning Area, and in the Crossroads Redevelopment area (Lots 5, 6, 12, 13 and portions of Lot 7 in Block of El Retiro, Map No 1996).

Staff: Daniel Stricker – (619) 446-5251  
Roopal Shah – Deputy City Attorney

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

<u>FILE LOCATION:</u>	SUBITEMS A & B: MEET
	SUBITEM C: F-10099
	SUBITEM D: NONE

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:19 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B AND C AND INTRODUCE THE ORDINANCE IN SUBITEM D. 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-203: Peñasquitos Views Trunk Sewer, Project No. 6624.

Matter of approving, conditionally approving, modifying or denying an application for the construction of approximately 146 linear feet of a 12-inch diameter sewer line and 1,344 linear feet of an 18-inch diameter sewer line within a proposed set-aside of public right-of-way and in City of San Diego-owned open space and the abandonment of approximately 5,765 linear feet of 12-inch and 15-inch sewer line and associated manholes. The project is located in La Tortola Street, Black Mountain Road, Ridgewood Park, and Los Peñasquitos Canyon Preserve.

(Rancho Peñasquitos Community Plan Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-1145) ADOPTED AS RESOLUTION R-302676

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 6624, 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 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 and an Easement Abandonment for the Peñasquitos Views Trunk Sewer 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-2007-1146) ADOPTED AS RESOLUTION R-302677

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

That the Site Development Permit No. 10859 is granted to the City of San Diego, Engineering and Capital Project Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2007-1147) ADOPTED AS RESOLUTION R-302678

Adoption of a Resolution vacating the sewer easement located within a portion of Lot 171, Map 9828; a portion of Rancho Los Peñasquitos, Patent Book 2,

Page 385; a portion of Lot 992, Map 10044; and a portion of Lot 1, Map 10043, in connection with Site Development Permit No. 10859, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 00111-C, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

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

**OTHER RECOMMENDATIONS:**

Planning Commission, on April 5, 2007, voted 5-0-2 to approve; was no opposition.

Ayes: Garcia, Griswold, Schultz, Ontai, Otsuji

Not present: Naslund

(One vacancy)

The Rancho Peñasquitos Planning Board has recommended approval of this project.

**SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of a Site Development Permit and an Easement Vacation to abandon and replace portions of a sewer line within La Tortola Street, Black Mountain Road, Ridgewood Park and Los Peñasquitos Canyon Preserve within the Rancho Peñasquitos Community Plan area.

**STAFF RECOMMENDATIONS:**

**CERTIFY** Mitigated Negative Declaration (MND) No. 6624 and **ADOPT** the Mitigation, Monitoring and Reporting Program (MMRP);

**APPROVE** Site Development Permit No. 10859 and Easement Abandonment No. 349797.

**EXECUTIVE SUMMARY:**

The project area is located in La Tortola Street, Black Mountain Road, Ridgewood Park and Los Peñasquitos Canyon Preserve. The project area is zoned AR-1-1 (Agricultural) and is located within the Rancho Peñasquitos Community Planning area, and the sewer alignment and abandonment area is designated Park, Open Space and Residential within the Rancho Peñasquitos Community Plan area.

The proposed project is a utility improvement identified in the City's Capital Improvement Program that will support existing and future growth consistent with the Rancho Peñasquitos Community Plan. While the proposed project traverses an area designated as Open Space in the Rancho Peñasquitos Community Plan, replacement of sewer lines and utilities are allowed uses within open space.

The project is also located within and adjacent to the Multi-Habitat Planning Area (MHPA), as well as, Los Peñasquitos Canyon Preserve. The majority of the existing sewer alignment, which is to be abandoned, is located on public lands owned by the City of San Diego. Currently there are three dirt sewer access roads ranging from six to twelve feet in width within the existing sewer alignment. Two of the dirt access roads extend across city owned open space parallel to the Los Peñasquitos Creek, one on the northern slope and the other on the southern slope. Both of these roads were constructed to provide access to the existing trunk sewer and would be utilized to perform the abandonment portion of this project. The third dirt access road runs northeast to southwest, beginning at La Tortola Street and ends at Mercy Road.

The project requires approvals for a Site Development Permit (SDP) due to impacts to environmentally sensitive lands. The easement abandonment is required to remove approximately 5,640 feet of sewer line and 17 manholes from the Ridgewood Community Park and Los Peñasquitos Canyon Preserve.

Based on the City's sewer modeling flow monitoring program, trunk sewers are classified as critical, semi-critical or non-critical. In a 2001 planning report, the existing Peñasquitos Views Trunk Sewer was classified as critical. Council Policy 400-14, which incorporates the recommendations of the Citywide Canyon Sewer Maintenance Task Force, maintains that sewer facilities in environmentally sensitive lands should be relocated out of the canyons and into more accessible locations, when economically feasible.

Per Council Policy 400-14, a cost benefit analysis was performed to determine if redirection of flow out of the canyon was feasible (cost to redirect does not exceed 35%). For this project, Metropolitan Wastewater Department evaluated three alternatives, which were: 1) leave in place; 2) partial redirection, and 3) total redirection. The cost benefit analysis determined that the partial redirection met the criteria for the economic feasibility and provides for redirection of sewer mains out of the canyon.

Council Policy 400-13 identifies the need to provide maintenance access to all existing sewer lines in order to reduce the potential for spills. This project minimizes the construction of new sewer access paths by using existing access paths in the canyon. The proposed project would be implemented in accordance with the adopted City Council Policies 400-13 and 400-14, and the

certified Program Environmental Impact Report (PEIR) for the Canyon Sewer Cleaning Program and Long-Term Sewer Maintenance Program.

**FISCAL CONSIDERATIONS:**

This is a City project funded via CIP 461967.

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

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On April 5, 2007, the Planning Commission voted 5-0-2 to recommend the City Council approve the project. On June 2, 2003, the Rancho Peñasquitos Planning Board voted 14-0-0 to approve the project as proposed with no conditions. On February 15, 2003, the Los Peñasquitos Canyon Preserve Citizens Advisory Committee voted unanimously to approve the project as proposed with no conditions.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

City of San Diego, Engineering and Capital Projects Department.

Waring/Escobar-Eck/PG

**LEGAL DESCRIPTION:**

Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, and Los Peñasquitos Canyon Preserve, all within the Rancho Peñasquitos Community Planning area of the City and County of San Diego.

Staff: Patricia Grabski – (619) 446-5277  
Roopal Shah – Deputy City Attorney

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

**FILE LOCATION:** SUBITEMS A & B: MEET  
SUBITEM C: F-10104

**COUNCIL ACTION:** (Time duration: 2:20 p.m. – 2:21 p.m.)

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

ITEM-250: **Notice of Pending Final Map Approval – Vista Colina.**

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 “Vista Colina” (T.M. No. 116036/PTS No. 91195), located on the east side of 54<sup>th</sup> Street between El Cajon Boulevard and University Avenue in the Mid-City: Eastern Area Community Plan Area in Council District 7, 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 Anne Hoppe at (619) 446-5290.

ITEM-251: **Notice** of Pending Final Map Approval – 4410 Utah 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 “4410 Utah Street” (T.M. No. 292486/PTS No. 120185), located on the east side of Utah Street between Monroe Avenue and Meade Avenue 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 Anne Hoppe at (619) 446-5290.

ITEM-252: **Notice** of Pending Final Map Approval – 4058 51<sup>st</sup> 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 “4058 51<sup>st</sup> Street” (T.M. No. 263329/PTS No. 110282), located on the west side of 51<sup>st</sup> Street south of Polk Avenue in the Mid City: City Heights Community Plan Area in Council District 7, 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 Anne Hoppe at (619) 446-5290.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:14 p.m. in honor of the memory of:

Gregory N. Millard as requested by Council President Peters.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 5:14 p.m. – 5:14 p.m.)