

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, JULY 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 Peters at 2:07 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 4:30 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:37 p.m. with Council President Pro Tem Young and Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 5:39 p.m. to convene into a Special Redevelopment Agency Closed Session Meeting.

**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 (mz)

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- not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Jim Gilbert of Fairmount Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young welcomed three Girl Scouts and their chaperone to the Council meeting.

FILE LOCATION: MINUTES

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

CLOSED SESSION ITEMS:

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

**CS-1 *County of San Diego v. Redevelopment Agency of the City of San Diego, et al.*  
San Diego County Superior Court Case No. GIC 850455  
(Consolidated with San Diego County Superior Court Case No. GIC 850829)**

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

DCA Assigned: G. Spitzer

This litigation regards the validity of the City Council's adoption of the Grantville Redevelopment Plan, Ordinance No. O-19380. City Council will confer with the City Attorney regarding settlement and the status of litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

**Council President Peters closed the hearing.**

**CS-2 *San Diego Police Officers' Association v. Michael Aguirre, et al.* [POA1]  
United States District Court Case No. 05 CV 1481 H**

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

EACA Assigned: D. McGrath

In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

**Council President Peters closed the hearing.**

**CS-3 *Marcus Abbe, et al. [190<sup>+</sup> Individual Police Officers] v. City of San Diego* [POA2]  
United States District Court Case No. 05 CV 1629 DMS**

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

EACA Assigned: D. McGrath

In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

**Council President Peters closed the hearing.**

**CS-4 *Erica Aaron, et al. v. Michael Aguirre, et al.* [POA3]  
United States District Court Case No. 06 CV 1451 H**

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

EACA Assigned: D. McGrath

In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

**Council President Peters closed the hearing.**

**CS-5 *McGuigan v. City of San Diego*  
San Diego Superior Court Case No. GIC 849883**

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

EACA Assigned: D. McGrath

In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

**Council President Peters closed the hearing.**

**CS-6 *Border Business Park v. City*  
San Diego Superior Court Case No. 692794**

*National Enterprises, Inc. v. City*  
San Diego Superior Court Case No. 730011

*Otay Acquisitions LLC v. City of San Diego*  
San Diego Superior Court Case No. GIC 753247

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

EACA Assigned: D. McGrath

In closed session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:20 p.m.)

**Council President Peters closed the hearing.**



ITEM-150: Two actions related to Rancho Bernardo FY 2008 Public Facilities Financing Plan.

(See Report to the City Council No. 07-108 and Draft of FY 2008 Rancho Bernardo Public Facilities Financing Plan. Rancho Bernardo Community Area. District 5.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2007-1244) ADOPTED AS RESOLUTION R-302791

Approving the document titled, "Rancho Bernardo Public Facilities Financing Plan, Fiscal Year 2008";

Declaring that this activity is not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

Subitem-B: (R-2007-1245) ADOPTED AS RESOLUTION R-302792

Approving the Rancho Bernardo Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the Rancho Bernardo Community and establishing new Development Impact Fees for all property within the Rancho Bernardo Community.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 6/13/2007, LU&H voted 3 to 0 to approve. (Councilmembers Atkins, Young, and Madaffer voted yea. Councilmember Hueso not present.)

**SUPPORTING INFORMATION:**

Development Impact Fees (DIF) was established in 1987 by the City Council to mitigate the impact of new development in urbanized communities. Fees were based on the facility needs of each community. This plan updates the existing Public Facilities Financing Plan, adopted June 1990 (R-276010).

A significant change in the financing strategy for Rancho Bernardo is taking place with this financing plan update. The financing and cash flow methodology for the Planned Urbanizing community of Rancho Bernardo is changing due to the elimination of the Rancho Bernardo Special Park Fee (SPF). Park projects were funded primarily through the Special Park Fee. The authority to collect the separate SPF is no longer in the Municipal Code, and therefore, all new park projects, or cost increases to existing park projects, will now be included in the DIF. Any new residential projects will now pay an all inclusive DIF, instead of a DIF and a separate SPF.

The draft FY 2008 Rancho Bernardo Public Facilities Financing Plan describes the public facilities that will be needed for the Rancho Bernardo Community as it develops according to the existing Community Plan. Rancho Bernardo is a planned urbanizing community, with most of the community facilities and infrastructure already in place. The remaining needed facilities are in the categories of transportation, park improvements, library and fire. The proposed fees reflect the current costs of the facilities identified in the Rancho Bernardo Community Plan and are necessary to maintain existing levels of service in the community. A summary of the proposed impact fees for Rancho Bernardo is as follows:

<u>Residential Units</u>		<u>Commercial and Industrial</u>	
Transportation	\$1,379 per unit	Transportation	\$197 per trip
Park & Recreation	\$747 per unit	Fire	\$12 per 1,000 SF
Library	\$579 per unit		of gross bldg. area
Fire	\$12 per unit		
TOTAL FEE	\$2,717 per unit		

The total impact fee for residential development will increase from \$1,255 to \$2,717 per dwelling unit, primarily due to the adjusted scope changes and new project needs and increased costs for transportation and park and recreation facilities. Projected cost for all projects is \$111,358,353. Eligible project costs in the amount of \$84,532,643 will serve as the basis for the development impact fees, which will be collected at the time building permits are issued.

Alternative: Do not approve the proposed Financing Plan and Development Impact Fee Schedule. This is not recommended because the new fees will ensure that new development continues to contribute its fair share for facilities identified in the Community Plan. In the absence of these fees, alternative funding sources would have to be identified to fund new development's share of identified facilities.

**FISCAL CONSIDERATION:**

Adoption of this financing plan will continue to provide new development's share of funding for the required public facilities.

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

The Rancho Bernardo Public Facilities Financing Plan is scheduled for the Land Use & Housing Committee meeting on June 13, 2007.

**COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:**

The Rancho Bernardo Community Planning Group unanimously approved the Rancho Bernardo Public Facilities Financing Plan on May 17, 2007, by a vote of 19-0-0, with the condition that a 10-acre park be included in the Financing Plan at the current Avenida Venusto School site, owned and under control of the Poway Unified School District. The park project is currently excluded from the Plan because a Community Plan amendment is required for use as such.

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

Developers of new projects or redevelopment to intensify the use on existing sites will be subject to proposed higher impact fees.

Anderson/Waring

**FILE LOCATION:** MEET

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

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



ITEM-200: Amendments to Address “Mini Dorms” and Preserve Character of RS Zones.

The project includes amendments to the Land Development Code (Chapter 13, Articles 1 and 2; and Chapter 14, Article 2) and Local Coastal Program. Some of the proposed amendments would be applicable to RS (single dwelling unit) zones citywide, while others would specifically apply to the campus impact area of the parking impact overlay zone.

Amendments that would apply citywide:

1. A 6-bedroom maximum limitation on lots less than 10,000 square feet in size in single dwelling unit-residential (RS) zones.
2. A limitation on hardscape areas in the front yard to a maximum of 60 percent coverage.
3. A limitation on hardscape for vehicular use to accommodate a maximum of 4 vehicles on the premises (outside of a garage) on lots less than 10,000 square feet in size in RS zones.
4. Minimum parking design regulations for single dwelling unit developments.

Amendments that would apply to the campus impact area of the parking impact overlay zone:

5. A modified parking requirement for single dwelling units with 5 bedrooms or more to require one parking space per bedroom (instead of one space per added bedroom).
6. A new limitation on garage conversions to require a minimum of 2 enclosed parking spaces for each single dwelling unit with 5 bedrooms or more.
7. A reduced driveway width for single dwelling units to 12 feet for consistency with the beach impact area.

The code amendments to address mini dorms and preserve the character of RS zones constitute an amendment to the City’s Local Coastal Program. As a result, **the final decision on this project will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

Additional information is available online at [www.sandiego.gov/development-services/industry/minidorm.shtml](http://www.sandiego.gov/development-services/industry/minidorm.shtml) or you can contact the City Project Manager listed above.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: Amanda Lee, Senior Planner, 1222 First Avenue, MS 501, San Diego, CA 92101 before the close of the City Council public hearing.

(See Report to the City Council No. 07-115. Citywide.)

**TODAY'S ACTIONS ARE:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2007-160) INTRODUCED, TO BE ADOPTED ON  
TUESDAY, JULY 24, 2007

Introduction of an Ordinance of the Council of the City of San Diego amending San Diego Municipal Code, by amending Chapter 13, Article 1, Division 4, by amending Table 131.04D and Section 131.0447; By amending Chapter 13, Article 2, Division 8, by amending Section 132.0802 and Table 132-08A; And, by amending Chapter 14, Article 2, Division 5, by amending Section 142.0520, by adding Section 142.0521, and by amending Section 142.0560; All related to the regulation of the physical development of single dwelling units Residential-Single Unit Zones.

Subitem-B: (R-2007-1260 Cor. Copy) ADOPTED AS RESOLUTION R-302793

Adoption of a Resolution certifying Addendum No. 129501 to Land Development Code Environmental Impact Report No. 96-0333, for amendments to the Land Development Code Chapter 13, Articles 1 and 2; And Chapter 14, Article 2, relating to an ordinance to regulate the physical development of single dwelling units in Residential-Single Unit Zones;

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.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/29/2006, LU&H voted 4-0 to 1) Direct staff to prepare an ordinance with the recommendations from the Staff Report to help enforce Mini Dorm issues; 2) incorporate Councilmember Madaffer's comments as part of the motion; and 3) come back to the Land Use and Housing Committee in February 2007 with language for the proposed changes, including the following:

- A) Amend the Campus Impact Overlay Zone and Land Development Code to include: 1) reduce the campus impact parking threshold to four bedrooms to further restrict bedroom additions in existing structures; 2) require a minimum of two enclosed parking spaces; 3) modify the minimum parking design requirements to ensure proposed spaces are functional and minimize negative impacts on adjacent developments; 4) reduce the amount of hardscape permitted within the front yard.
- B) Draft options to further restrict parking in the Residential Parking Permit District by reducing the number of permits allowed per home in Parking Permit Area B.
- C) Encourage the community to meet monthly with other partners (San Diego Police Department, San Diego State University, and College Area Community Council) to discuss ongoing issues and solutions.
- D) Enforce the Community Assisted Party Plan program, and provide: 1) legal analysis for changes to the Municipal Code to allow San Diego Police officers the authority to issue violation fines directly to offenders; 2) legal analysis of the Community Assisted Party Plan program with respect to the following:
- Can a fee be charged by the City to a new Community Assisted Party Plan program house?
  - Would the City need to codify the Community Assisted Party program and establish a fine schedule in order to charge a fee once a new house comes under this program?
  - Can this be done administratively?
- E) Options to provide for a greater role for the Redevelopment Agency to work with Neighborhood Code Compliance, possibly to hire additional persons to work specifically on Mini Dorm issues.
- F) Direct staff and Independent Budget Analyst to identify funding for the proposed changes or by creating a cost recovery system in order to hire two additional staff positions (a Land Development Investigator and Combination Dwelling Inspector, as outlined in the staff report) to work proactively in the Campus Impact Overlay Zone area to fully enforce existing codes.
- G) Direct staff to draft a plan, based on cost recovery, to require owners of rental properties within the Campus Impact Overlay Zone to register their property to record responsible party information for each change in lease.

The Land Use and Housing Committee referred the following to the Mayor and City Attorney for follow-up:

1. Clarification from the Mayor's Office regarding the nine current vacancies in the Neighborhood Code Compliance Department, to see if any of those positions have been identified for removal from the Fiscal Year 2008 Budget, or if they were removed from the City's budget in the Mayor's Five Year Plan. The Committee members also request confirmation from the Mayor that the vacant positions are not targeted for absorption by the department thus eliminating additional field positions for Neighborhood Code compliance from future budgets;
2. Request for more information from San Diego State University regarding the number of Police officers on their staff, and , if the University is increasing this number, what the adjusted staff levels are for weekend nights for the San Diego State University Police Department; and
3. Request for data on the Community Assisted Party Plan program's annual revenue generation. How much revenue is generated from fines collected through the Second Response Ordinance? How many students have been disciplined by San Diego State University as part of the required Student Code of Conduct?

(Councilmembers Madaffer, Faulconer, Atkins, and Hueso voted yea.)

**OTHER RECOMMENDATIONS:**

This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

On June 4, 2007, the City Heights Area Planning Committee voted to recommend adoption of the proposed regulations, except for the proposed bedroom limitation.

On June 13, 2007, the College Area Community Council voted unanimously to recommend the proposed amendments to the Land Development Code. A particular concern was expressed regarding the proposed 12-foot driveway width in the Campus Impact Area and whether a 12-foot driveway width would conflict with access to a two car garage on the premises. They recommended that driveways on all lots be the width of the garage not to exceed 25 feet.

**SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Amend the land development code to limit lots less than 10,000 square feet in single dwelling unit-residential (RS) zones to a maximum of 6 bedrooms, with surface parking for a maximum of 4 vehicles; require one parking space per bedroom and limit garage conversions for units with 5 bedrooms or more in campus impact areas; reduce the driveway width to 12 feet in campus impact areas; and create minimum single dwelling unit parking design regulations citywide, in an effort to maintain the character of single dwelling unit neighborhoods.

**STAFF RECOMMENDATION:**

Introduce and adopt ordinance amending the Land Development Code and Local Coastal Program and adopt Resolution certifying Addendum to EIR No. 96-0333.

**EXECUTIVE SUMMARY:**

“Mini dorms” are single dwelling units occupied by multiple adult tenants, which are difficult to regulate due to state and federal laws. Disturbance issues have been the main problems associated with mini dorms. In response, fines were recently increased in an effort to recover costs for repeat disturbance violations through a more aggressive code compliance program, a trial police administrative citation program was started, and an improved Community Assisted Party Program (CAPP) was created to address chronic party houses.

More recently, new development has contributed to the mini dorm problem by increasing the number of bedrooms within existing dwelling units to create more than six bedrooms in a unit with accessory parking that resembles a parking lot. To prevent this type of inconsistent development in single family areas, amendments are proposed to limit the number of bedrooms on smaller lots; limit hardscape areas for vehicular use; require additional parking per bedroom and limit garage conversions in campus impact areas; and modify single dwelling unit parking regulations. The amendments are expected to reduce the prevalence of problem mini dorms, while still allowing for property owners to develop single dwelling units consistent with the character of the RS zones. In addition to City efforts, cooperative participation by responsible tenants, landlords, property owners, and local colleges and universities will be necessary to enforce reasonable tenant occupancy per dwelling unit, reduce the number of disturbance incidents, and hold violators accountable. Future policy discussion is expected to occur via the Land Use and Housing Committee to evaluate the effectiveness of the enforcement programs and code amendments, and determine whether additional solutions are necessary.

**FISCAL CONSIDERATIONS:**

Some of the alternative solutions suggested such as a boarding house ordinance would have increased City labor costs for administration and enforcement without any mechanism for cost recovery. The processing of amendments to the Land Development Code is funded as an overhead expense of the Development Services Department (DSD) budget (enterprise fund). In consideration of LU&H input, the Mayor will continue to search for opportunities to recover costs imposed on the general fund by inconsiderate occupants and absentee landlords in violation of the code. The Administrative Remedies Ordinance (O-19579) approved in February 2007 is an important enforcement tool to gain compliance with the Municipal Code and achieve greater cost recovery.

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

Staff presented information to the Land Use and Housing Committee on November 29, 2006, and March 7, 2007, with proposed solutions to help alleviate the problems associated with mini dorms. On March 7, LU&H voted to amend the Land Development Code, encourage monthly stakeholder meetings with SDSU, support SDPD administrative citation pilot program and encourage identification of mechanisms for cost recovery to fund NCC staff positions.

The Land Use and Housing Committee specifically requested the code be amended to reduce the amount of hardscape permitted within the front yard, reduce the campus impact area parking threshold to four bedrooms to further restrict bedroom additions in existing structures, require a minimum of two enclosed parking spaces in campus impact areas, and modify the minimum parking design requirements to ensure proposed spaces are functional and minimize negative impacts on adjacent developments.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

A significant amount of media coverage has occurred on the topic of mini dorms in recent months to solicit community participation including multiple press conferences and local television and newspaper coverage. On September 19, 2006, staff attended the "Mini Dorm Community Forum" and fielded a variety of questions from the community. The Forum was well attended by the College Area community (approximately 330 residents), and was broadcast live on City Channel 24. Staff now regularly meets with CACC and SDSU. Other opportunities for community participation included the November 29, 2006, and March 7, 2007, LU&H Committee hearings, the Code Monitoring Team meeting on April 11, 2007, and a second Mini Dorm Forum on May 10, 2007. Draft language and other related informational sources were publicized and posted on the DSD website three months prior to the Council hearing for public review and comment.

A 6-week notice of availability was distributed and published in the Daily Transcript. Announcements were made at the Code Monitoring Team, Technical Advisory Committee, Community Planners Committee, and Planning Commission meetings.

Waring/Escobar-Eck/AL

**LEGAL DESCRIPTION:**

The proposed regulations are intended to apply citywide; but would not become effective in the coastal zone, until certified by the Coastal Commission.

Staff: Amanda Lee – (619) 446-5367  
Marianne Greene– Deputy City Attorney

Testimony in favor by Doug Case, Tyler Sherer, John Mullen, Alan Pentico, and Rosary Nepi.

Testimony in opposition by Cathleen Kenny, James Krokee, Diane Milber, Edward Milber, Paul Hastie, Andy Beauparlant, Keefe Baker, Mitch Younker, Leona Pfeifer, Joy DeLarem, Paul Martin, Erin Faranaes, and Maxine Sherard.

**FILE LOCATION:** SUBITEM A: NONE  
SUBITEM B: MEET

**COUNCIL ACTION:** (Time duration: 2:20 p.m. – 4:29 p.m.  
5:39 p.m. – 5:39 p.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B WITH THE REQUEST FOR 1) INTERGOVERNMENTAL AFFAIRS TO INVESTIGATE CHANGES THAT CAN BE MADE IN STATE LAWS THAT WILL LIMIT MINI DORMS; 2) THE MAYOR, CHIEF FINANCIAL OFFICER AND INDEPENDENT BUDGET ANALYST TO REPORT TO COUNCIL ON HIRING SIX ADDITIONAL CODE ENFORCEMENT OFFICERS TO SPECIFICALLY WORK ON NEIGHBORHOOD CODE ENFORCEMENT ISSUES REGARDING MINI DORMS AS PART OF THE MID-YEAR BUDGET PROCESS IN JANUARY 2008; 3) THE CITY ATTORNEY TO INVESTIGATE CREATING A HIGH OCCUPANCY/SPECIAL USE PERMIT SIMILAR TO SAN LUIS OBISPO’S; AND 4) THE ROOMING HOUSE ORDINANCE TO BE HEARD AT COUNCIL IN SEPTEMBER 2007. 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: Informational Item Only - Rooming House Ordinance to Establish a New Separately Regulated Land Use.

(Citywide.)

**CITY ATTORNEY'S RECOMMENDATION:**

Informational Item only.

(O-2007-158 Draft) HEARING HELD/TO RETURN IN SEPTEMBER 2007

An Ordinance regarding the regulation of Rooming Houses amending the San Diego Municipal Code by amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; amending Chapter 12, Article 6, Division 2, by amending Section 126.0203; amending Chapter 12, Article 7, Division 1, by amending Section 127.0103; amending Chapter 13, Article 1, Division 4, by amending Section 131.0422; amending Chapter 13, Article 1, Division 5, by amending Section 131.0522; amending Chapter 13, Article 1, Division 6, by amending Section 131.0622; amending Chapter 14, Article 1, Division 3, by adding a new Section 141.0313, by Renumbering current Section 141.0313 to Section 141.0314 and by Renumbering current Section 141.0314 to Section 141.0315; amending Chapter 14, Article 2, Division 5, by amending Section 142.0525; amending Chapter 10, Article 3, Division 1, of the San Diego Municipal Code, by amending Section 151.0301 by Renumbering Section 141.0313 appearing within the text of this Section to read Section 141.0314, and by Renumbering Section 141.0314 appearing within the text of this Section to read Section 141.0315; amending Chapter 14, Article 1, Division 7 by amending Section 141.0702 by Renumbering Section 141.0313 appearing within the text of that Section to read Section 141.0314.

**SUPPORTING INFORMATION:**

The proposed ordinance includes amendments to the Land Development Code (Chapter 10, Article 3, Chapter 11, Article 3, Chapter 12, Articles 6 and 7, Chapter 13, Article 1, Chapter 14, Articles 1 and 2 and the Local Coastal Program, including amendments that would be applicable to zones citywide, to establish a rooming house ordinance, by creating a new separately regulated land use category for rooming houses, to ameliorate increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, and thereby preserve neighborhood quality,

character, and livability, and compatibility with the purpose of residential-single (RS) unit zones, and to more appropriately locate rooming houses in neighborhoods with similar densities and characteristics, compatible with residential-multiple (RM) unit zones.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 19, 2006, Council District 7 hosted a public workshop on the issue of increasing commercial overuse of single dwelling units in residential-single (RS) unit zones, and then on October 11, 2006 issued a memorandum to the Mayor and City Attorney, requesting analysis of possible changes that City Council could make to the San Diego Municipal Code. On November 20, 2006, the City Attorney issued a report (RC 2006-30) to the Land Use and Housing Committee analyzing the said issue and options for City Council action. On November 29, 2006 and March 7, 2007, the Land Use and Housing Committee conducted public hearings on the said issue and unanimously approved action items to amend the Land Development Code imposing development controls on rooming houses. On December 11, 2006, Council District 1 wrote a memorandum to the Mayor requesting that any action the City takes be applied citywide. On May 10, 2007, the City Attorney, along with Council Districts 2 and 7, hosted a public forum on the said issue where testimony was uniformly in support of adopting a rooming house ordinance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: See above.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are residents of San Diego. The ordinance rezones the commercial overuse of single dwelling units in residential single dwelling (RS) unit zones to residential-multiple (RM) dwelling unit zones. The ordinance does not affect current densities in any base zone, does not affect current parking requirements, does not facilitate physical development in any manner, and is otherwise consistent with the City's Progress Guide and General Plan. The impact of the ordinance will be to accommodate rooming houses in areas with dwelling types and developments with similar densities, characteristics, and locational issues regarding adjacent land uses.

Greene

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:38 p.m. – 5:39 p.m.)



ITEM-202: Lansdale.

Matter of approving, conditionally approving, modifying or denying an application to vacate a portion of Lansdale Drive, demolish two existing single family residences, and subdivide the 1.91 acre site into six lots to grade and construct six single family residences. The project is located at 4660 and 4676 Lansdale Drive in the SF zone of the Carmel Valley Planned District within Carmel Valley Community Plan area.

(Project No. 101623/MDN Project No. 101623/MMRP/TM & Public Right-of-Way Vacation No. 334087/SDP No. 427982. Carmel Valley Community Plan Area. District 1.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2007-1256) GRANTED THE MITIGATED NEGATIVE DECLARATION, ADOPTED AS RESOLUTION R-302794

Adoption of a Resolution granting or denying Mitigated Negative Declaration (MND) No. 101623, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 101623, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

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

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

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

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

Subitem-B: (R-2007-1267) GRANTED TENTATIVE MAP AND PUBLIC  
RIGHT-OF-WAY VACATION, ADOPTED AS  
RESOLUTION R-302795

Adoption of a Resolution granting or denying Tentative Map and Public Right-of-Way Vacation No. 334087, with appropriate findings to support Council action;

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

Subitem-C: (R-2007-1268) GRANTED SITE DEVELOPMENT PERMIT AS  
AMENDED, ADOPTED AS RESOLUTION  
R-302796

Adoption of a Resolution granting or denying Site Development Permit No. 427982, with appropriate findings to support Council action;

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

**OTHER RECOMMENDATIONS:**

Planning Commission on May 10, 2007, voted 6-0-1 to approve; in opposition.

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

The Carmel Valley Community Planning Group has recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of a Public Right-of-Way Vacation, Tentative Map and Site Development Permit to vacate a portion of Lansdale Drive, demolish two single family residences, subdivide a 1.91 acre site into six single family residential lots and develop six single family dwelling units, located at 4660 and 4676 Lansdale Drive, in the SF zone of the Carmel Valley Planned District in the Carmel Valley Community Plan area.

**STAFF RECOMMENDATIONS:**

**CERTIFY** Mitigated Negative Declaration (MND) No. 101623 and **ADOPT** the Mitigation, Monitoring and Reporting Program;

**APPROVE** Tentative Map and Public Right-of-Way Vacation No. 334087 and Site Development Permit No. 427982.

**EXECUTIVE SUMMARY:**

The project site is currently developed with two single family residences on two parcels built in the 1970s, located at 4660 and 4676 Lansdale Drive. The project is located in Carmel Valley Neighborhood 7 Precise Plan and designated for detached residential development. The site is zoned SF (Single-Family) within the Carmel Valley Planned District. No biological resources or sensitive habitats exist on the properties. The project is not located within or adjacent to the City of San Diego's Multiple Habitat Planning Area.

The proposed project requires approval of a Public Right-of-Way Vacation, Tentative Map and Site Development Permit. The project proposes a Public Right-of-Way Vacation to vacate 0.093-acres of Lansdale Drive not utilized by the City for public right-of-way purposes. A Tentative Map is proposed to subdivide the two adjoining parcels into six single family residential lots. A Site Development Permit is required for development in the Carmel Valley Planned District. The project proposes to demolish the two existing single family residences, and grade and construct six single family residences.

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On May 10, 2007, the Planning Commission voted 6-0-1 to recommend City Council approval of the project with the following: 1) no grading would occur within the drip line of any trees off the property, which are trees on the adjacent property to the west, and 2) no grading will be allowed in the City's open space. In response, conditions 36 and 49 have been added to the Site Development Permit (please refer to Attachment 1). The Commission also had a concern with the 6-foot high retaining wall adjacent to the open space located at the edge of the rear property line of lots 4, 5, and 6. The applicant has removed the 6-foot high retaining wall from the edge of the rear property line and has provided two smaller retaining walls, with one at a minimum of 5 feet from the rear property line. For revised plans demonstrating these changes, please see Attachments 2 through 5. Staff has reviewed these changes. There are no changes or new environmental impacts and all the issues are adequately addressed.

The Carmel Valley Community Planning Board voted, on November 14, 2006, to recommend approval of the project, with four conditions. The first two conditions are in regard to fencing and design. The applicant has implemented these two items. The third condition was an issue raised by a neighbor, who wanted screening and buffer from his home. The City does not protect or screen views into adjacent properties. The fourth condition required that landscaping along Lansdale be maintained by a Homeowners' Association. The City does not regulate or require Homeowners' Associations to be responsible for landscape maintenance.

**KEY STAKEHOLDERS:**

Owners: Jeff Fargo, Dean Fargo, and David Fargo.

Applicant: Jorge Palacios of JP Engineering, Inc.

Waring/Escobar-Eck/CC

**LEGAL DESCRIPTION:**

The project site is located within the SF (Single-Family) zone of the Carmel Valley Planned District Ordinance within the Carmel Valley Neighborhood 7 Precise Plan and is more particularly described as parcels 1 and 2, according to Parcel Map thereof No. 4244.

Staff: Cherlyn Cac – (619) 446-5226

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:19 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE MITIGATED NEGATIVE DECLARATION; ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE TENTATIVE MAP AND PUBLIC RIGHT-OF-WAY VACATION; AND TO ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE SITE DEVELOPMENT PERMIT AS AMENDED TO INCLUDE AS FOLLOWS: 1) APPLICANT SHALL DEDICATE AN IMPROVED STREET “A” WITH 34-FOOT PAVEMENT WITHIN 54-FOOT RIGHT-OF-WAY TO THE SATISFACTION OF THE CITY ENGINEER; 2) APPLICANT SHALL DEDICATE AN IMPROVED STREET “A” CUL-DE-SAC WITH A 35-FOOT RADIUS OF PAVEMENT WITHIN A 45-FOOT RADIUS RIGHT-OF-WAY TO THE SATISFACTION OF THE CITY ENGINEER; 3) THE OWNER/PERMITTEE IS REQUIRED TO INSTALL ALL LANDSCAPING; 4) ON PAGE 1, A OF THE SITE DEVELOPMENT PERMIT, TO REPLACE THE WORDS “DEMOLITION OF” WITH “CONDITIONS FOR DEMOLITION”; 5) ON PAGE 1, B OF THE SITE DEVELOPMENT PERMIT, TO REPLACE THE WORDS “CONSTRUCTION OF” WITH “CONDITIONS FOR CONSTRUCTION OF”; 6) UNDER ENVIRONMENTAL/MITIGATION REQUIREMENTS ON PAGE 3 OF THE SITE DEVELOPMENT PERMIT, INSERT “DEMOLITION REQUIREMENTS”; 7) OWNER/PERMITTEE SHALL COMPLY WITH ALL DEMOLITION REMOVAL REQUIREMENTS CONTAINED IN SAN DIEGO MUNICIPAL CODE, SECTION 129.0501 AND APPLICABLE LAW; 8) OWNER/PERMITTEE SHALL COMPLY WITH ALL REQUIREMENTS IN RELATION TO LEAD HAZARDS CONTAINED IN SAN DIEGO MUNICIPAL CODE, SECTION 54.1006 AND APPLICABLE LAW; 9) AND OWNER/PERMITTEE SHALL COMPLY WITH ALL CONDITIONS RELATING TO THE REMOVAL OF HAZARDOUS MATERIALS CONTAINED IN SAN DIEGO MUNICIPAL CODE, SECTION 66.0101. 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-250: **Notice** of Pending Final Map Approval – 4024 Georgia 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 “4024 Georgia Street” (T.M. No. 285443/PTS No. 117979), located on the west side of Georgia Street between Polk Avenue and Lincoln 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-251: **Notice of Pending Final Map Approval – 4368 Ohio 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 “4368 Ohio Street” (T.M. No. 275812/PTS No. 129191), located on the west side of Ohio Street between Meade Avenue and El Cajon Boulevard 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 – 4504 Illinois 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 “4504 Illinois Street” (T.M. No. 137420/PTS No. 74674), located on the west side of Illinois Street between Meade Avenue and Madison 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-253: **Notice of Pending Final Map Approval – 7440 Mesa College Drive.**

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 “7440 Mesa College Drive” (T.M. No. 228592/PTS No. 123444), located on the north side of Mesa College Drive between Armstrong Street and Ashford Street in the Clairemont Mesa Community Plan Area in Council District 6, 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-254: **Notice** of Pending Final Map Approval – Paseo De Mission Hills Unit No. 2.

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 “Paseo De Mission Hills Unit No. 2” (T.M. No. 11-3679/PTS No. 14564), located on the south side of Fort Stockton Drive between Falcon Street and Goldfinch Street in the Uptown 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 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-255: **Notice of Pending Final Map Approval – Thorn Street Condominiums.**

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 “Thorn Street Condominiums” (T.M. No. 33396/PTS No. 121062), located on the southeast corner of Thorn Street and First Avenue in the Uptown 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 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-256: **Notice** of Pending Final Map Approval – 4219 35<sup>th</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 “4219 35<sup>th</sup> Street” (T.M. No. 229392/PTS No. 122932), located on the east side of 35<sup>th</sup> Street between El Cajon Boulevard and Orange 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.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President at 5:39 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:39 p.m. – 5:39 p.m.)