

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 20, 2009
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Hueso at 10:02 a.m. The meeting was recessed by Council President Peters at 11:00 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Hueso at 2:03 p.m. with Council Member Young and Council Member Frye not present. Council President Hueso recessed the regular meeting at 2:31 p.m. to convene the Housing Authority. Council President Hueso reconvened the regular meeting at 3:45 p.m. with Council Member Young and Council Member Frye not present. The meeting was adjourned by Council President Hueso at 3:48 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-not present-Excused by R-304647
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-not present-Excused by R-304648
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc/mz)

~~FILE LOCATION:~~ MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-not present-Excused by R-304647
- (5) Council Member Maienschein-present
- (6) Council Member Frye-not present-Excused by R-304648
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present



ITEM-10: INVOCATION

Invocation was given by City Clerk Elizabeth Maland.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member DeMaio.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:22 a.m.)

PUBLIC COMMENT-2:

Hud Collins commented on the City and the war.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. - 10:25 a.m.)

PUBLIC COMMENT-3:

Al Strohlein commented on fiscal responsibility.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:29 a.m.)

PUBLIC COMMENT-4:

Jarvis Ross commented on water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:32 a.m.)

PUBLIC COMMENT-5:

Reginald Jerome Carroll commented on the San Diego HIV Planning Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:34 a.m.)

PUBLIC COMMENT-6:

Phil Hart commented on the Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

PUBLIC COMMENT-7:

Joy Sunyata commented on her vision.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

PUBLIC COMMENT-8:

Marvin Allen commented on a smoking ban.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:41 a.m.)

PUBLIC COMMENT-9:

Crickett Bradburn commented on her concerns.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:46 a.m.)

PUBLIC COMMENT-11:

Gary Hill commented on a party.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:49 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Gloria thanked all for the Neighborhood Community Clean-up event this past weekend.

COUNCIL COMMENT-2:

Council Member Emerald plans to docket the issues raised by David Ross during the Non-Agenda Public Comment.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) One Book, One San Diego Month.

MAYOR SANDERS' AND COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-766) ADOPTED AS RESOLUTION R-304598

Recognizing the San Diego Public Library and KPBS for their efforts to promote literacy, a love of reading, and deeper understanding about the issues that affect our community;

Proclaiming the month of January 2009, to be “One Book, One San Diego Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:22 a.m.)

MOTION BY DEMAIO TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

- * ITEM-50: Second Amendment to the Agreement with Cornerstone Engineering Corporation for La Jolla Village Drive-Torrey Pines Road to Villa La Jolla. (University City Community Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/6/2009, Item 50. (Council voted 8-0):

(O-2009-44) ADOPTED AS ORDINANCE O-19828 (New Series)

Authorizing the Mayor to execute, for and on behalf of the City, an Agreement with Cornerstone Engineering Corporation, for professional engineering services, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the expenditure of an amount not to exceed \$1,500 from Fund 79001, North University City Facilities Benefit Assessment (FBA), CIP-52-452.0, La Jolla Village Drive - Torrey Pines Road to Villa La Jolla, for the purpose of providing funds for the above referenced Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity was covered under a previously certified Mitigated Negative Declaration, LDR No. 42-0823, PTS No. 5264 by Resolution No. R-298807 dated January 26, 2004.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.



ITEM-51: Continued Retention of Hawkins Delafield & Wood LLP as City General Disclosure Counsel.

(See Independent Budget Analyst Report No. 08-125.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 1/6/2009, Item 330. (Council voted 8-0):

(O-2009-80 Rev. Cor. Copy)

ADOPTED AS ORDINANCE O-19829
(New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, an Agreement with Hawkins Delafield and Wood LLP for continued retention as City General Disclosure Counsel;

Authorizing the City Comptroller to expend up to an additional \$180,000 for General Disclosure Counsel Services allocated on an FTE basis only to the extent that work may not be appropriately allocated specifically to the General Fund, one of the Enterprise Funds or to a particular bond finance project;

Authorizing and directing the City Comptroller to reallocate the funding sources among appropriate bond finance projects, as may be required based upon actual billings.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

* ITEM-100: Settlement of the Property Damage Claim of John Trunkey and Greg Bishop.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-703) ADOPTED AS RESOLUTION R-304599

Authorizing the Mayor, or his designee, to pay the total sum of \$835,000 in full and final settlement of each and every claim against the City of San Diego, its agents and employees, resulting from Claim No. LP07-0705-1147 by John Trunkey and Greg Bishop, for property damage along with related damages and expenses which occurred on or about December 17, 2006, and thereafter;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$550,000 in the current Fiscal Year following City Council and Mayoral approval of this action, and one check in the amount of \$285,000 in Fiscal Year 2010 by August 31, 2009, both made payable to BRYAN M. GARRIE, APC CLIENT TRUST ACCOUNT FBO JOHN TRUNKEY AND GREG BISHOP, in settlement of said claims, with said funds to be payable from the Water Utility Fund 41500;

Declaring that this activity is not a project and is therefore exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by John Trunkey and Greg Bishop for flood damage to their house, including allegations of structural instability, expenses for temporary substitute residence during repairs and contents damage.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Water Utility fund.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On November 18, 2008, the City Council voted in Closed Session on Item CS-4, John Trunkey, et al. v. City of San Diego, Claim No. LP07-0705-1147, to approve a settlement agreement. The agreement requires the City to pay \$835,000 to resolve the claim for a total settlement of \$977,475.83. The motion was made by Council President Peters and seconded by Councilmember Atkins. The motion passed unanimously 8-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Lewis

Aud. Cert. 2900494.

Staff: James Coldren - (619) 236-5598
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT THE RESOLUTION. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

* ITEM-101: Appointment to the Community Forest Advisory Board.

(See memorandum from Mayor Sanders dated 12/17/2008, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-746) ADOPTED AS RESOLUTION R-304600

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Community Forest Advisory Board, for a term ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Fausto Palafox (Downtown San Diego, District 2) (Replacing William Tall, who is not seeking reappointment)	Horticulture/Nursery Industry Representative	December 31, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT THE RESOLUTION. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

* ITEM-102: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-431) ADOPTED AS RESOLUTION R-304601

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

FILE LOCATION: GEN'L – State of Emergency Regarding the Wildfires

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT THE RESOLUTION. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

* ITEM-103: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-607) ADOPTED AS RESOLUTION R-304602

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: GEN'L – State of Emergency Regarding the Landslide on Mount Soledad

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT THE RESOLUTION. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

* ITEM-104: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-583) ADOPTED AS RESOLUTION R-304603

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT THE RESOLUTION. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.



ITEM-105: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-615) ADOPTED AS RESOLUTION R-304604

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – State of Emergency Due to Severe Shortage of Affordable Housing in the City

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:20 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT THE RESOLUTION. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.



ITEM-330: Playa del Sol, Project No. 4925. An application for a Planned Development Permit to construct 16 multi-story condominium structures consisting of 1,578 multi-family units and for deviations to the height and setback requirements; a Vesting Tentative Map and Easement Vacations to subdivide the 45.97 acre site into three (3) lots for a residential condominium development and one Homeowners Association lot. (Otay Mesa Community Plan Area. District 8.)

Matter of approving, conditionally approving, modifying or denying an application for a Planned Development Permit to construct 16 multi-story condominium structures consisting of 1,578 multi-family units and for deviations to the height and setback requirements of the RM-3-7 Zone; a Vesting Tentative Map and Easement Vacations to subdivide the 45.97 acre site into three (3) lots for a residential condominium development and one Homeowners Association lot. The project site is located south of Ocean View Hills Parkway, north of State Route 905, and west of A Street in the RM-3-7 zone in California Terraces Precise Plan (Planning Area 6) and within the Otay Mesa Community Plan Area.

STAFF'S RECOMMENDATIONS:

Adopt the following resolutions:

Subitem-A: (R-2009-641) CONTINUED TO TUESDAY,
FEBRUARY 17, 2009,
2:00 P.M. TIME CERTAIN

Adoption of a resolution certifying that Addendum No. 4925 to Environmental Impact Report No. 86-1032, 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 Sections 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 this Council in connection with the approval of a vesting tentative map, an easement abandonment, and a planned development permit for the Playa Del Sol Project;

Declaring project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approve the Addendum to Environmental Impact Report, a copy of which is on file in the Office of the City Clerk;

Adopting 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, pursuant to California Public Resources Code Section 21081.6, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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

Subitem-B: (R-2009-642 Cor. Copy) CONTINUED TO TUESDAY,
FEBRUARY 17, 2009,
2:00 P.M. TIME CERTAIN

Adoption of a resolution certifying findings with respect to Planned Development Permit No. 8075, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 8075 to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2009-643 Cor. Copy) CONTINUED TO TUESDAY,
FEBRUARY 17, 2009,
2:00 P.M. TIME CERTAIN

Adoption of a resolution certifying findings with respect to Vesting Tentative Map No. 551809, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Declaring that pursuant to California Government Code Section 66434(g), retention basin easement granted per document No. 1999-0400948, recorded June 9, 1999, page 2517, City Drawing 27980-4, 22-D and temporary construction area easement granted per document No. 1999-0400948, page 2518, recorded June 9, 1999, City Drawing 27980-4, 22-D, located within the project boundaries as shown in Vesting Tentative Map No. 551809T, shall be vacated, contingent upon the recordation of the approved map for the project;

Granting Vesting Tentative Map No. 551809 and Easement Vacation No. 580203 to Pardee Homes, Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

On November 13, 2008, the Planning Commission voted 4-2-0 to approve the project with two suggestions: 1) use solar photovoltaic for the common areas, and 2) switch Buildings 8 and 9 (4-stories) with Buildings 12 and 13 (3-stories) to place the shorter buildings adjacent to the single-family homes to the north of the site. The applicant is investigating the use of photovoltaic for the common areas and has agreed to a permit condition that requires Buildings 8 and 9 to be 3-stories and Buildings 12 and 13 to be 4-stories.

Ayes: Golba, Otsuji, Naslund, Ontai
Nays: Schultz, Griswold
Abstaining: None
Not present: Smiley

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTIONS:

Vesting Tentative Map; Easement Vacations; and a Planned Development Permit to construct 16 multi-story condominium structures consisting of 1,578 multi-family units on a previously graded 45.97 acre site in Planning Area 6 of the California Terraces Precise Plan (CTPP) within the Otay Mesa Community Plan area.

STAFF RECOMMENDATIONS:

1. **Certify** Addendum No. 4925 to Final Environmental Impact Report No. 86-1032; and **adopt** the Mitigation, Monitoring and Reporting Program.
2. **Approve** Vesting Tentative Map No. 551809; Easement Vacation No. 580203; and Planned Development Permit No. 8075.

EXECUTIVE SUMMARY:

The 45.97 acre project site is located south of Ocean View Hills Parkway, north of State Route 905 and west of A Street within the CTPP, Planning Area 6 area and the Otay Mesa Community Plan area. The land use designation is medium-high residential and the zoning is RS-1-14 and RM-3-7, which allows for multi-family residential development.

In 1994, the City of San Diego certified the Final Environmental Impact Report (FEIR) for the California Terraces Precise Plan. Currently, the majority of the CTPP area has been either mass graded or is developed, including the subject site. The site is not adjacent to the Multiple Habitat Planning Area (MHPA).

The proposed project consists of 1,578 multi-family units within 16 multi-story condominium structures. The 16 residential buildings would consist of 10 four-story buildings and 6 three-story building. The units would range in size from one to four bedrooms (1,050 square feet to 1,400 square feet). Two levels of underground parking would be provided within each of the residential buildings. The project would also include three 9,600 square-foot recreational buildings and associated common open space. Access to the site would be provided from two locations along the future Old Otay Mesa Road/proposed public Street A and Del Sol Boulevard.

A Vesting Tentative Map is requested to subdivide the site into three lots for residential condominium development and one for a Home Owner's Association lot. There is also a request to vacate a retention basin and a temporary construction easement. The easements were necessary for the widening of Otay Mesa Road, however now that the road widening has been completed the easements are no longer necessary.

A Planned Development Permit is required to grant deviations from the RM-3-7 height limit of 40 feet to a maximum of 58 feet. The increase in height is necessary to accommodate the density envisioned by the California Terraces Precise Plan. The height deviation will allow more units to be built on the site than if the 40-foot height limit were strictly applied.

Deviations from the RM-3-7 zone setback requirements are requested for street side yards and side yard setbacks. The setback deviations are supported. The density envisioned in the California Terraces Precise Plan would not be achieved if the setback was strictly applied and the proposed setbacks are consistent with the surrounding development pattern.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In 1994, the City of San Diego certified Final Environmental Impact Report No. 86-1032 for the California Terraces Precise Plan.

PLANNING COMMISSION ACTION:

On November 13, 2008, the Planning Commission voted 4:2:0 to approve the project with two suggestions: 1) use solar photovoltaic for the common areas, and 2) switch Buildings 8 and 9 (4-stories) with Buildings 12 and 13 (3-stories) to place the shorter buildings adjacent to the single-family homes to the north of the site. The applicant is investigating the use of photovoltaic for the common areas and has agreed to a permit condition that requires Buildings 8 and 9 to be 3-stories and Buildings 12 and 13 to be 4-stories.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 16, 2006, the Otay Mesa Planning Group voted 14-2-0 to support the project with the following conditions: 1) consider noise attenuation for the residents; 2) analyze traffic calming measures on Ocean View Hills Parkway; and 3) examine the inclusion of bus transit in the community. These issues were analyzed, but were not implemented. For a discussion see attached report (PC-08-151), Community Planning Group Recommendation Section.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Pardee Homes

Broughton/PG

LEGAL DESCRIPTION:

The site is located within the Otay Mesa Community Planning Area in the RM-3-7 Zone and California Terraces Precise Plan (Planning Area 6). (Northwest quarter of section 25, township 18 south, range 2 west, San Bernardino meridian).

Staff: Patricia Grabski – (619) 446-5277
Keith Bauerle – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:07 p.m.)

MOTION BY EMERALD TO CONTINUE TO TUESDAY, FEBRUARY 17, 2009, 2:00 P.M. TIME CERTAIN, AT THE REQUEST OF STAFF FOR FURTHER REVIEW OF ENVIRONMENTAL DOCUMENTS. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.



ITEM-331: Approving Centre City Conditional Use/Planned Development Permit 2008-25 for the 14th and Commercial Temporary Transitional Housing Project within the Downtown Community Plan Area. (District 2.)

(See Centre City Development Corporation Report No. CCDC-09-02.)

CENTRE CITY DEVELOPMENT CORPORATION’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-652) ADOPTED AS RESOLUTION R-304605

Adopting the following findings with respect to Centre City Conditional Use/Planned Development Permit No. 2008-25:

A. CONDITIONAL USE PERMIT

- 1. The proposed use or development will not adversely affect the applicable land use plan.** The existing transitional housing facility has operated in downtown San Diego for thirty years, providing valuable services critical to

the needy members of our community, including the homeless and those at-risk of becoming homeless. The proposed temporary transitional housing facility will allow continued services to those enrolled in the program while the construction of a new building that improves the living conditions of the transitional housing residents. The short-term operation of the temporary transitional housing facility will not adversely affect the applicable land use plan as the Planned District Ordinance (PDO) and Land Development Code (LDC) require the review and approval of a CUP/PDP to address the proposed use and any issues that may conflict with the surrounding neighborhood.

2. **The proposed use or development will not be detrimental to the public health, safety, and welfare.** The proposed use will not be detrimental to, but rather contribute to, public health, safety, and welfare by continuing to provide members of the community with needed services and living facilities during construction of the new facility.

The proposed conditions of approval will ensure that the use is not a detriment to the public health, safety, and welfare of the surrounding neighborhood by providing all services on-site with appropriate security. The new facility will greatly improve the surrounding area as it will consolidate uses, provide a more attractive building and greatly improve the quality of life for the residents.

3. **The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed facility is designed, and will continue to operate, in conformance with the regulations of the City's LDC, the Downtown Community Plan, and the Centre City PDO to the maximum extent feasible. Due to the temporary nature of the facility, it is appropriate to allow flexibility from the development standards of the PDO and LDC for transitional housing facilities. The LDC allows for facilities such as this to exist within certain areas of the city with reasonable conditions of approval and provides the ability to grant exceptions through the PDP process provided certain findings can be made.
4. **The proposed use is appropriate at the proposed location.** The proposed temporary transitional housing facility site is located within the Mixed Commercial District which allows the proposed use with the approval of a CUP. The facility will be located on a vacant site and conditions of approval will require that the site be properly screened and maintained so as not to create a nuisance to the surrounding neighborhood. The facility would be

located at this site only during construction of the new facility (no more than thirty months).

B. PLANNED DEVELOPMENT PERMIT FINDINGS:

- 1. The proposed development will not adversely affect the applicable land use plan.** The project site is within the Mixed Commercial land use district which accommodates a wide variety of uses, including residential, commercial services, transportation, retail, and the separately regulated uses proposed in the project. Under this land use classification, a CUP is required for Transitional Housing Facilities. The granting of the CUP/PDP for a temporary facility would only provide relief from strict application of the development standards and transitional housing requirements in order to allow the relocation of an existing facility for a limited period of time.

This accommodates the construction of a more attractive and functional project for the neighborhood, which would not negatively affect the applicable land use plan.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed use will not be detrimental to, but rather contribute to public health, safety, and welfare by providing members of our community with needed services and living facilities. When the new 15th & Commercial project is complete, it will significantly improve the transitional housing and day care facilities currently located on-site and add much-needed affordable housing in an attractive new building. The project is consistent with the Downtown Community Plan and complies with all requirements of the Centre City PDO and LDC. The project will provide an attractive building for this site that is compatible in scale and materials with the redeveloping neighborhood.
- 3. The proposed development will comply with the regulations of the Land Development Code.** The proposed project will not meet many of the requirements of the LDC and Centre City PDO as described above. However, deviations are allowed with the approval of the PDP and the project will meet such regulations of the LDC and PDO as needed to ensure the temporary facility is compatible with surrounding land uses. Three deviations to the Transitional Housing Requirements listed in Section 141.0313 of the LDC with this project as follows: Approximately 3.3 square-feet of living area per

bed, not including sleeping space, dining areas, and kitchen areas shall be allowed where five square-feet of living areas is usually required; 20 square-feet of sleeping space for each resident shall be allowed where 70 square-feet is required; no off-street parking requirements per bed will be required and six off-street parking spaces for employees allowed where at least one off-street parking space for each employee and one off-street parking space for every seven beds would be required.

4. **The proposed development, when considered as a whole, will be beneficial to the community.** When considered as a whole, the proposed project would be beneficial to the community by allowing the existing services to relocate for a short period of time to facilitate the construction of the new project as discussed earlier.
5. **Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed deviations are appropriate for this location given the temporary nature of the facility. The deviations will not result in any negative adverse impacts on the surrounding land uses as the use will only be at the proposed location for a defined period of time. The development standards in the PDO are intended to apply to structures that will exist for significant periods of time, not temporary structures such as the proposed facility.

The above findings are supported by the minutes, plans and exhibits, all of which are incorporated herein by this reference;

Declaring that this activity is covered under the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, the Redevelopment Plan for the Centre City Project Area, which was certified by the Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006, and the Addendum to the FEIR for the 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Redevelopment Plan for the Centre City Project Area certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007. The activity is adequately

addressed in the environmental documents noted above and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for the purposes of the California Environmental Quality Act (CEQA) review per CEQA Guidelines Sections 15060(c)(3) and 15378(c);

Declaring that the Centre City Conditional Use/Planned Development Permit No. 2008-25 is granted to S.V.D.P. Management, Inc., Owner/Permittee, under the terms and conditions set forth in the permit which is made a part of this Resolution.

SUPPORTING INFORMATION:

S.V.D.P. Management, Inc. ("SVDP") has submitted a request for a CUP/PDP to allow the operation of a temporary transitional housing facility at 1402 Commercial Street. The temporary facility would accommodate the relocation of an existing 150 bed transitional housing facility during the construction of the 15th & Commercial Project to be located on the north side of Commercial Street between 15th & 16th Streets. This proposal includes a request for deviations to the development regulations of the Centre City PDO, as well as deviations to three transitional housing requirements of the LDC.

FISCAL CONSIDERATIONS: None.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

The Centre City Development Corporation ("Corporation") this item was heard on September 24, 2008. An oral report will be made with their recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 17, 2008, the Centre City Advisory Committee (CCAC) voted 21-0 with 3 recusals, and the Project Area Committee (PAC) voted 19-0 with 3 recusals, to recommend that the facility be permitted at this location no longer than 30 months or 30 days after a Certificate of Occupancy has been issued for the new 15th and Commercial Project, whichever is sooner.

Contreras/Kaiser/Richter

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:31 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Emerald. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-not present, DeMaio-yea, Frye-not present, Emerald-yea, Hueso-yea.

ITEM-350: **Notice of Pending Final Map Approval – 4666 Utah 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 “4666 Utah Street Condominiums” (T.M. No. 65412/PTS No. 149681), located on Utah Street between Adams Avenue and Madison Avenue in the Mid-City: 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 Hueso at 3:48 p.m. in honor of the memory of:

Dr. Raul Contreras as requested by Council Member Gloria; and
Richard Ives as requested by Council Member Faulconer.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 3:45 p.m. – 3:48 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego