

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, DECEMBER 6, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

A Special Joint Meeting of the **CITY COUNCIL/REDEVELOPMENT AGENCY** has also been scheduled to meet today. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-330: Ratify City Heights Redevelopment Project Area Committee Election of November 16, 2005. (City Heights Community Area. Districts 3, 4, and 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

- ITEM-331: Establishing Short-Term Automated Refuse Container Fee Schedule Effective December 1, 2005.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 10/26/2005, NR&C voted 3 to 1 to approve the City Manager's recommendations.

Noticed Hearings, Discussion

- ITEM-332: 1519 Missouri Street Map Waiver. (Pacific Beach Community Plan Area. District 2.)

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation concerning the determination by City staff, that the request to convert three existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA).
CITY MANAGER'S RECOMMENDATION: Adopt the resolution to deny the appeal and uphold the Environmental Determination.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

- ITEM-333: 1988 Chalcedony Street Map Waiver. (Pacific Beach Community Plan Area. District 2.)
- Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation from the decision dated August 26, 2005, by City of San Diego City Staff in the Environmental Determination that the request to convert three existing residential dwelling units to condominium ownership is exempt pursuant to the California Environmental Quality Act 15301(k) with Statement Supporting Reason For Environmental Determination: This is a tentative map with no proposed physical changes to the project site. The proposed project site is located at 1988 Chalcedony Street, San Diego, California Lot 23 of Lamont Terrace, City and County of San Diego.
- CITY MANAGER'S RECOMMENDATION: Adopt the resolution to deny the appeal and uphold the Environmental Determination.
- ITEM-334: 363 Playa Del Sur Tentative Map. (La Jolla Community Plan Area. District 1.)
- Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation concerning the determination by City staff, that the request to convert sixteen existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA).
- CITY MANAGER'S RECOMMENDATION: Adopt the resolution.
- ITEM-335: Two actions related to the Black Mountain Ranch FY 2006 Public Facilities Financing Plan and Facilities Benefit Assessment. (Black Mountain Ranch Community Plan Area. District 1.)
- LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION: On 10/19/2005, LU&H voted 3-0 to approve the City Manager's recommendation.
- ITEM-336: Vacation - Portion of Goshen Street and Friars Road. (Mission Valley Community Plan Area. District 6.)
- CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

- ITEM-337: Three actions related to the Rancho Encantanda/Stonebridge Estates Maintenance Assessment District Formation. (Rancho Encantada Community Area. District 7.)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-338: Two actions related to the Del Mar Mesa FY 2006 Public Facilities Financing Plan and Facilities Benefit Assessment. (Del Mar Mesa Community Area. District 1)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION: On 10/19/2005, LU&H voted 3-0 to approve the City Manager's recommendation.
- ITEM-339: Two actions related to the Rancho Penasquitos FY 2006 Public Facilities Financing Plan and Facilities Benefit Assessment. (Rancho Penasquitos Community Area. District 1.)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION: On 10/19/2005, LU&H voted 3-0 to approve the City Manager's recommendation.
- ITEM-340: Second Consideration of Sunset Pointe. (Mira Mesa Community Plan Area. District 5.)

Matter of approving, conditionally approving, modifying or denying changes to an approved Community Plan Amendment and Rezone by the California Coastal Commission which if approved by the City Council and then certified by the California Coastal Commission would allow a Vesting Tentative Map, Easement Abandonment, Coastal Development Permit, Planned Development Permit and Site Development Permit (CPA/LCPA/RZ/VTM/EA/CDP/PDP/SDP) to create a 20 lot subdivision for 20 single family homes on 8.36 acres of a 37.32 acre site at the southern terminus of Sunny Mesa Road in the Mira Mesa Community in the AR-1-1 Zone, Coastal Overlay Zone, Airport Environs Overlay Zone of the Mira Mesa Community Plan area. The Local Coastal Plan Amendment includes the community plan amendment and rezone. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential) to RS-1-14 (single family residential) and OC-1-1 (Open Space-Conservation).
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B and C.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

ITEM-341: Two actions related to Proposed Development Agreement with East Village Square, LLC and Basic Concept/Schematic Drawings – East Village Redevelopment District. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)
CENTRE CITY DEVELOPMENT CORPORATION'S
RECOMMENDATION: Adopt the resolutions.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: Ratify City Heights Redevelopment Project Area Committee Election of November 16, 2005.

(See City Manager Report CMR-05-231. City Heights Community Area. Districts 3, 4, and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-505)

Ratifying the election results of November 16, 2005 PAC Election for the City Heights Redevelopment Project Area Committee.

Staff: Sam Johnson – (619) 533-5425
Carol A. Leone – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

ITEM-331: Establishing Short-Term Automated Refuse Container Fee Schedule Effective December 1, 2005.

(See City Manager Report CMR-05-191; and City Attorney Report dated 6/13/2005, not available at the Committee.)

(Continued from the meeting of November 22, 2005, Item 331, at the request of Councilmember Frye, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-454 Cor. Copy)

Authorizing and directing the City Manager as follows:

1. To establish and impose a short-term fee for automated refuse containers of \$50 per container, for new service requests, replacement of non-serviceable containers no longer under warranty, and replacement of lost or stolen containers, effective December 1, 2005 and until a long-term replacement plan for automated containers is implemented, as set forth in City Manager Report No. 05-191;
2. To establish and impose a short-term fee for non-warranty automated refuse container field repairs of \$30 per repair trip plus cost of parts and labor, effective December 1, 2005 and until a long-term replacement plan for automated containers is implemented, as set forth in City Manager Report No. 05-191;
3. To establish and impose a fee for both refuse and recycling automated container delivery services of \$30 per delivery, effective December 1, 2005, as set forth in City Manager Report No. 05-191;
4. To issue a Waste Management Regulation revising the existing automated container program to provide for the above fees;
5. To review the above short-term fees and make adjustments in accordance with Council Policy 100-05 and Administrative Regulation 95.25, to ensure that all reasonable costs of goods and services incurred in connection with the provision of these automated containers are being recovered; and

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

ITEM-331: (Continued)

6. To deposit all automated container program fees into the Automated Container Fund No. 10509, to be used solely for purposes of the automated container program.

Directing the City Clerk to amend the Ratebook of City Fees and Charges to include the automated container program fees described above;

Declaring this activity is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273 because this activity pertains to the establishment, modification, structuring, restructuring, or approval of rates, fares, tolls, or other charges by a public agency, which the City Council finds are for the purpose of meeting operating expenses and purchasing supplies, equipment or materials.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/26/2005, NR&C voted 3 to 1 to approve the City Manager's recommendations. (Councilmembers Young, Frye, and Madaffer voted yea. Councilmember Maienschein voted nay.)

SUPPORTING INFORMATION:

The People's Ordinance of 1919, codified as Section 66.0127 of the San Diego Municipal Code, provides that "Residential Refuse shall be collected, transported and disposed of by the City at least once a week and there shall be no City fee imposed or charged for this service by City forces." Historically, from 1919 through 1994, it was the responsibility of residents and small businesses receiving City collection services to provide, maintain, repair and replace the containers used for storage and collection of refuse. In 1995, to ease the transition to automated refuse and recycling collection from manual collection, the City provided uniform automated collection containers to residences and small businesses without charge. This was done to ensure all containers would be fully compatible with new automated and semi-automated collection systems and be able to withstand the heavy industrial use.

A significant portion of the City's automated collection container inventory is now approaching the end of its expected life span and warranty period. In an attempt to keep up with growing demand and the anticipated increase in container failure rates, \$220,000 was requested but not funded in the FY 2006 General Fund budget.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS: (Continued)

ITEM-331: (Continued)

SUPPORTING INFORMATION: (Continued)

To mitigate the unbudgeted expenditures to the General Fund that occur as additional and replacement containers are required, it is recommended that effective December 1, 2005 a cost-recovery fee of \$50 per refuse container be established for all new service requests, lost or stolen containers, and non-warranty replacements. Additionally, a fee of \$30 (plus parts and labor) is proposed for non-warranty repairs on automated refuse containers and a \$30 fee is proposed to recover the cost associated with delivery of recycling and refuse automated containers. Recycling containers are provided free of charge and currently have a \$25 delivery fee. This action does not alter the free recycling container policy but brings the delivery fee in line with the current estimated cost of \$30 per container.

FISCAL IMPACT:

It is anticipated the proposed refuse container fees will generate approximately \$110,000 in revenue for FY 2006 allowing the City to continue to provide this service to residents until other options are evaluated. This approach allows the City to bridge short-term automated refuse container replacement issues with the longer-term need for citywide replacement of over 500,000 10-year-old automated refuse and recyclables containers reaching the end of their life. Ten-year lease purchase cost estimates for citywide replacement of all automated refuse and recyclables containers total \$24 to \$30 million.

Gardner/Heap/Monroe

Staff: Chuck Woolever - (858) 526-2355
Grace C. Lowenberg – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-332: 1519 Missouri Street Map Waiver.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation concerning the determination by City staff, that the request to convert three existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA).

(See City Manager Report CMR-05-233. Project No. 80557. Pacific Beach Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-)

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of exemption for this project, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project is a Map Waiver to waive the requirements of a Tentative Map to convert three existing residential units to condominiums on a 0.14-acre site located at 1519 Missouri Street in the RM-1-1 Zone within the Pacific Beach Community Planning area.

Staff conducted the initial review of the proposed Map Waiver in accordance with the process set forth in Sections 15060 and 15061 of the State's California Environmental Quality Act (CEQA) Guidelines. Several issues were considered during this review, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions; however, this issue was determined to be speculative. Staff determined that the subject project would not result in a direct or reasonably foreseeable indirect physical change in the environment. On September 6, 2005, City of San Diego staff determined that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and this determination was appealed to the City Council on September 12, 2005, by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

While this Process 3 activity has not yet been to a public hearing for the purpose of deciding whether to approve or deny the project, this appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, Mr. Cory Briggs filed an appeal (Attachment No. 2) of the City of San Diego staff's determination of environmental exemption for project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

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

Oppenheim/Halbert/RM

LEGAL DESCRIPTION:

1519-1521 Missouri Street, San Diego, California Lots 5 and 6 of Block 146 of Pacific Beach, City and County of San Diego.

Staff: Bob Manis - (619) 446-5354

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: 1988 Chalcedony Street Map Waiver.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation from the decision dated August 26, 2005, by City of San Diego City Staff in the Environmental Determination that the request to convert three existing residential dwelling units to condominium ownership is exempt pursuant to the California Environmental Quality Act 15301(k) with Statement Supporting Reason For Environmental Determination: This is a tentative map with no proposed physical changes to the project site. The proposed project site is located at 1988 Chalcedony Street, San Diego, California Lot 23 of Lamont Terrace, City and County of San Diego.

(See City Manager Report CMR-05-234. Project No. 76792. Pacific Beach Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-)

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of exemption for this project, with appropriate findings to support Council Action.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project is a Map Waiver to waive the requirements of a Tentative Map to convert three existing residential units to condominiums on a 0.137-acre site located at 1988 Chalcedony Street, in the RM-1-1 Zone, within the Pacific Beach Community Plan.

Staff conducted the initial review of the proposed Map Waiver in accordance with the process set forth in Sections 15060 and 15061 of the State's California Environmental Quality Act (CEQA) Guidelines. Several issues were considered during this review, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing, was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions; however, this issue was determined to be speculative. Staff determined that the subject project would not result in a direct or reasonably foreseeable indirect physical change in the environment.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

On September 6, 2005, City of San Diego staff determined that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and this determination was appealed to the City Council on September 12, 2005, by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation.

While this Process 3 activity has not yet been to a public hearing for the purpose of deciding whether to approve or deny the project, this appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.

Pursuant to this amended legislation, Mr. Cory Briggs filed an appeal (Attachment No. 2) of the City of San Diego staff's determination of environmental exemption for project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

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

Oppenheim/Halbert/RM

LEGAL DESCRIPTION:

1988 Chalcedony Street, San Diego, California Lot 23 Lamont Terrace, City and County of San Diego.

Staff: Robert Manis – (619) 446-5354

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: 363 Playa Del Sur Tentative Map.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development c/o Cory J. Briggs, Briggs Law Corporation concerning the determination by City staff, that the request to convert sixteen existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA).

(See City Manager Report CMR-05-232. Project No. 78405. La Jolla Community Plan Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-)

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of exemption for this project, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project is a Map Waiver to waive the requirements of a Tentative Map to convert 18 existing residential units to condominiums on a 0.14-acre site located at 363 Playa Del Sur in Zone 4 of the La Jolla Planned District, within the La Jolla Community Plan area.

Staff conducted the initial review of the proposed Map Waiver in accordance with the process set forth in Sections 15060 and 15061 of the State's California Environmental Quality Act (CEQA) Guidelines. Several issues were considered during this review, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions; however, this issue was determined to be speculative. Staff determined that the subject project would not result in a direct or reasonably foreseeable indirect physical change in the environment. On September 6, 2005, City of San Diego staff determined that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and this determination was appealed to the City Council on September 12, 2005, by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

While this Process 3 activity has not yet been to a public hearing for the purpose of deciding whether to approve or deny the project, this appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, Mr. Cory Briggs filed an appeal (Attachment No. 2) of the City of San Diego staff's determination of environmental exemption for project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

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

Oppenheim/Halbert/RM

LEGAL DESCRIPTION:

The proposed project is located at 363 Playa Del Sur Street, at the southwest corner of Playa Del Sur Street and La Jolla Boulevard, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Lots 26 and 27, Block 5, La Jolla Strand.

Staff: Bob Manis - (619) 446-5354

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: Two actions related to the Black Mountain Ranch FY 2006 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-05-207; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006 Draft. Black Mountain Ranch Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2006-392)

Designating two areas of benefit in Black Mountain Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the areas of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Black Mountain Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2006-393)

Approving the Development Impact Fee (DIF) schedule for properties within Black Mountain Ranch.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/19/2005, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Peters, Young, and Frye voted yea. Councilmember Atkins not present.)

Staff: Angela Abeyta – (619) 533-3674

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: Vacation - Portion of Goshen Street and Friars Road.

(Mission Valley Community Plan Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-422)

Vacating a portion of Goshen Street, reserving out a general utility and access easement, and a portion of Friars Road, reserving out a water easement, under the procedure for the summary vacation of public street easements, Section 8330 et seq. of the California and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Goshen Street and Friars Road, located in the Mission Valley Community Area in Council District 6. The area to be vacated is an unimproved strip of land lying south of Friars Road adjoining the Riverwalk Golf Club. There are no plans to construct a street at this location. The applicant wishes to landscape the vacated area and incorporate it into the golf course. A general utility and access easement will be reserved over a portion of the area to be vacated. On October 5, 2005, the Mission Valley Unified Planning Organization recommended approval of the street vacation by a vote of 18 to support, 0 Against, 1 Abstention. City staff recommends approval of the street vacation.

FINDINGS: Staff review has indicated that the right-of-way to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The street is a dead end and it is unlikely that a street would be built or widened at this location.
- b. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability.
- c. That the vacation is not inconsistent with the General Plan and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the community plan transportation element and land would revert to a MVPD-MV-M/SP zone, which is consistent with the community plan land use designation. The Mission Valley Unified Organization recommends approval of the street vacation.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

- d. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation. This street has no use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

FISCAL IMPACT:

All costs have been paid by the applicant.

NOTE: This action is exempt from California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

Oppenheim/Halbert/GRB

Staff: Adolfo Aguilar – (619) 446-5316

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: Three actions related to the Rancho Encantada/Stonebridge Estates Maintenance Assessment District Formation.

(Rancho Encantada Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-267)

Authorizing the City Auditor and Comptroller to establish the Rancho Encantada/Stonebridge Estates Maintenance Assessment District Fund.

Subitem-B: (R-2006-268)

Approving Fiscal Year 2007 Budget for the Rancho Encantada/Stonebridge Estates Maintenance Assessment District.

Subitem-C: (R-2006-269)

Considering the protests, approving Assessment Engineer's Report, confirming the assessments, and ordering the improvements, maintenance and/or services, in the matter of the Rancho Encantada/Stonebridge Estates Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action authorizes the ballot proceedings to form the Rancho Encantada/Stonebridge Estates Maintenance Assessment District (District). The District is located in the Rancho Encantada Community Planning Area and is bounded by the City of Poway to the North, Marine Corps Air Station Miramar to the south, the communities of Scripps-Miramar Ranch and Miramar Ranch North to the west, and Sycamore Canyon County Open Space to the east. Two parks are proposed to be constructed as part of this development: Stonebridge Estates Park and Sycamore Canyon Park.

The purpose of the District is to fund the maintenance of improvements associated with the second park, Sycamore Canyon Park, which has six useable acres. Sycamore Canyon Park, former known as Rancho Encantada Park #2, will provide for a multi-use sports field, ballfield, comfort station, turf area, walking path, tot lots, and other park amenities.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Since Rancho Encantada and surrounding communities have a surplus of useable park acreage, it is proposed that this District be formed to maintain this special benefit to the community. On July 21, 2005, the Park and Recreation Board approved funding the park as a new Maintenance Assessment District. The park is schedule to open in February 2007 and the District will take over maintenance of improvements in May 2007 or upon acceptance by the City.

	<u>FY 2007</u>	<u>Maximum Authorized</u>
EXPENSES		
Personnel	\$3072	\$18,430
Contract	\$14,412	\$86,475
Incidentals	\$55,817	\$34,900
Energy and Utilities	<u>\$5,230</u>	<u>\$31,380</u>
TOTAL EXPENSES	\$78,531	\$171,185
 REVENUES		
Assessments	\$187,057	\$187,057
Interest	<u>\$0</u>	<u>\$10,000</u>
TOTAL REVENUES	\$187,057	\$197,057
RESERVES	\$108,526	\$25,872

The proposed annual assessments were calculated by an assessment engineer for parcels within the District and are based on each parcel's equivalent benefit unit (EBU), which is equivalent to one single family dwelling unit. The proposed rate would be \$204 per EBU.

FISCAL IMPACT:

Approximately \$187,057 will be assessed to the property owners within the District in FY 2007. The proposed Fiscal Year 2007 assessments and maximum authorized assessments are permitted to increase annually at a rate equivalent to the San Diego Consumer Price Index – Urban (SDCPI-U) plus 3%. Since there are no medians to be maintained, there is no impact to the Gas Tax Fund. The two proposed parks within Stonebridge Estates consist of three parcels that are owned by the City and will be assessed \$150 in Fiscal Year 2007. This assessment will be paid from the General Fund, Citywide Program Expenditures.

Oppenheim/Medina/AWF

Staff: Andrew Field – (619) 533-6778

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: Two actions related to the Del Mar Mesa FY 2006 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-05-206 Rev; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006 Draft. Del Mar Mesa Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2006-425)

Designating two areas of benefit in Del Mar Mesa and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the areas of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Del Mar Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2006-426)

Approving the Development Impact Fee (DIF) schedule for properties within Del Mar Mesa.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/19/2005, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Peters, Young, and Frye voted yea. Councilmember Atkins not present.)

Staff: Cheryl Robinson – (619) 533-3679

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-339: Two actions related to the Rancho Penasquitos FY 2006 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-05-209 Rev; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2006 Draft. Rancho Penasquitos Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2006-352)

Designating two areas of benefit in Rancho Penasquitos and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Rancho Penasquitos Facilities Benefit Assessment Area.

Subitem-B: (R-2006-353)

Approving the Development Impact Fee (DIF) schedule for properties within Rancho Penasquitos Community Planning Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/19/2005, LU&H voted 3-0 to approve the City Manager's recommendation. (Councilmembers Peters, Young, and Frye voted yea. Councilmember Atkins not present.)

Staff: Jennifer Carroll – (619) 533-3673

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-340: Second Consideration of Sunset Pointe.

Matter of approving, conditionally approving, modifying or denying changes to an approved Community Plan Amendment and Rezone by the California Coastal Commission which if approved by the City Council and then certified by the California Coastal Commission would allow a Vesting Tentative Map, Easement Abandonment, Coastal Development Permit, Planned Development Permit and Site Development Permit (CPA/LCPA/RZ/VTM/EA/CDP/PDP/SDP) to create a 20 lot subdivision for 20 single family homes on 8.36 acres of a 37.32 acre site at the southern terminus of Sunny Mesa Road in the Mira Mesa Community in the AR-1-1 Zone, Coastal Overlay Zone, Airport Environs Overlay Zone of the Mira Mesa Community Plan area. The Local Coastal Plan Amendment includes the community plan amendment and rezone. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential) to RS-1-14 (single family residential) and OC-1-1 (Open Space-Conservation).

(RZ No. 11757/EIR LDR No. 99-0639/CPA-LCPA No. 11752/Project No. 3179. Mira Mesa Community Plan Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2006-64)

Introduction of an Ordinance of the Council of the City of San Diego changing 37.32 acres, located at the southern terminus of Sunny Mesa Road, in the Mira Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (previously referred to as A-1-10) into the RS-1-14 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0403 and 131.0203, and repealing Ordinance No. O-18451 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2006-489)

Adoption of a Resolution certifying that the information contained in the final Environmental Impact Report, LDR No. 99-0639, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of Sunset Pointe;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-340: (Continued)

Subitem-B: (Continued)

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

Subitem-C: (R-2006-490)

Adoption of a Resolution amending the Mira Mesa Community Plan, the Local Coastal Program Land Use Plan and the Progress Guide and General Plan;

That this amendment is not effective until unconditionally certified by the California Coastal Commission.

OTHER RECOMMENDATIONS:

Planning Commission on May 29, 2003, voted 5-0 when considering the previous amendments and rezone, to recommend approval of the staff recommendation; no opposition.

Ayes: Ontai, Steele, Lettieri, Chase, Garcia

Not present: Schultz

Recusing: Brown

The Mira Mesa Community Planning Group on March 17, 2003, voted 14-0-1 when considering the previous amendments and rezone, to approve the earlier design of the project.

CITY MANAGER SUPPORTING INFORMATION:

On July 1, 2003, the City Council by a unanimous vote of 9:0:0 approved item 333, the Sunset Pointe project, which included certifying the Environmental Impact Report LDR No. 99-0639 and all other related subitems. The project included a rezone from AR-1-1 to the proposed RS-1-14 and OC-1-1 zones, a community plan and local coastal plan amendment, a vesting tentative map, easement vacation, a planned development permit and coastal development permit, site development permit and MHPA Boundary Line Adjustment to allow a single family development on 8.36 acres of a 37.32 acre site at the southern terminus of Sunny Mesa Road in the Mira Mesa Community. The Local Coastal Plan Amendment included the community plan amendment and rezone.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-340: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

On August 10, 2005, the California Coastal Commission acted on the Local Coastal Plan Amendment for the Sunset Pointe project. The Commission significantly modified the Local Coastal Plan Amendment thus requiring the City Council to consider the modified Rezone and Mira Mesa Community Plan Amendment/Local Coastal Program Amendment. The Coastal Commission reduced the area to be zoned for development resulting in a loss of 10 dwelling units from the original 30 and increased the area to be zoned as open space. The Sunset Pointe project would build 20 single-family homes. The Commission also modified the community plan amendment consistent with the new zoning boundaries. It is requested the City Council consider the revised zoning and changes to the community plan amendment.

When considering the previous amendments and rezone, the Mira Mesa Group voted 14-0-1 to approve the earlier design of the project on March 17, 2003.

When considering the previous amendments and rezone, the Planning Commission, on May 29, 2003, voted unanimously 5:0:0 to recommend approval of the staff recommendation, with the addition to the plan amendment to address visibility of structures from Lopez Canyon. This modification has been included in the plan amendment.

City staff recommends adoption of rezone No. 11757 and approval of the community plan and local coastal program amendment No. 11752.

FISCAL IMPACT:

No cost to the City, all costs are recovered by a deposit account funded by the applicant.

Oppenheim/Halbert/JSF

LEGAL DESCRIPTION:

The project site is located between Sorrento Valley Boulevard to the north, Camino Santa Fe to the east and Lopez Canyon to the south in the Mira Mesa Community Plan area, City of San Diego, County of San Diego.

Staff: John S. Fisher – (619) 446-5231

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-341: Two actions related to Proposed Development Agreement with East Village Square, LLC and Basic Concept/Schematic Drawings – East Village Redevelopment District.

(See Centre City Development Corporation Report CCDC-05-43/CCDC-05-16; and memorandum from Keyser Marston Associates, Inc. dated 10/24/2005. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-437)

Approving the sale of certain property located generally south of J Street between Seventh and Tenth Avenues in the Centre City Redevelopment Project area (The Schieffer & Sons Warehouse and Showley Brothers Candy Factory) to East Village Square, LLC; approving the Disposition and Development Agreement pertaining thereto; and making certain findings with respect to such sale.

Subitem-B: (R-2006-485)

Stating for the record that information contained in the Master Environmental Impact Report for the Centre City Redevelopment Project, the Subsequent Environmental Impact Report to the MEIR for the proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments, and the Final Addendum to the Final Subsequent Environmental Impact Report for the East Village Square Master Plan with respect to the Disposition and Development Agreement between the Redevelopment Agency of the City of San Diego and East Village Square, LLC for the Schieffer Building and Candy Factory Building; and making certain findings and determination regarding environmental impacts of the development.

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of 12/6/2005 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT