

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, NOVEMBER 27, 2001
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 Mayor Murphy at 10:08 a.m. Mayor Murphy recessed the meeting at 10:30 a.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Mayor Murphy reconvened the regular meeting at 10:38 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 11:59 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. with Council Member Stevens and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 3:31 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 3:44 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:55 p.m. for purposes of a break. Mayor Murphy reconvened the meeting at 5:05 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:40 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Fishkin (pr/er)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding the City issuing bonds before Christmas and the downtown redevelopment project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A024-053.)

PUBLIC COMMENT-2:

Comment by Jarvis Ross regarding City policies, planning, and the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A053-082.)

PUBLIC COMMENT-3:

Comment by Scott McLachlan regarding living above the ballpark and that he understands the problems and issues surrounding that.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A083-121.)

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Comment by Joyceline Tarr regarding Palm Trees on Newport Avenue, and the urgent need to have them trimmed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A123-150.)

PUBLIC COMMENT-5: **REFERRED TO THE CITY MANAGER**

Comment by Eric Berry regarding his problem with a dog barking in his neighborhood. Mr. Berry stated that Neighborhood Code Compliance was closed when he tried to make a report.

Council Member Atkins stated that her staff would be scheduling the issue of dogs in Committee soon and noted that if someone calls the police on a noise issue after 5 p.m., Neighborhood Code Compliance could not respond.

Council Member Stevens stated that the law is not being enforced regarding barking dogs due to the issue being so low on the priority list.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A154-191; A192-206; A207-225.)

COUNCIL COMMENT:

None.

CITY MANAGER COMMENT:

Comment by City Manager Uberuaga regarding wishing to address Don Stillwell's previous question whether bonds for the ballpark redevelopment project were being considered to be sold before the end of the year. The City Manager stated that it is the intent of the City to sale the bonds before the end of the year.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A224-235.)

CITY ATTORNEY COMMENT:

None.

ITEM-330: Vacation of a portion of Kate Sessions Way.

(Pacific Beach Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-501) CONTINUED TO TUESDAY, DECEMBER 11, 2001

Vacating a portion of Kate Sessions Way, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 19348-B marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Kate Sessions Way located in the Pacific Beach Community area within Council District 6. The part of the street proposed to be vacated is unimproved and there are no plans to widen the street in that area. The applicant has plans for residential improvements and the current set back does not allow for these improvements. The vacation of the unused portion of the street will enable the owner to use the new right-of-way line for adjusting the required set back, allowing for their planned improvements. The applicant

will widen the existing roadway with asphalt paving and construct a berm as required by the City Engineer. The Pacific Beach Community Planning Committee recommended approval of the street vacation by a vote of 11-2-0, on January 24, 2000. The street to be vacated was acquired at no cost to the City. 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 has limited use and a narrower width is allowable.
- b) That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land value will lead to higher property tax revenues, and the applicant will benefit by the ability to further improve their property.
- c) That the vacation is not inconsistent with the General Plan, an approved Community Plan or the Local Coastal Program. The Pacific Beach Community Planning Committee recommends approval of the street vacation.
- 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 limited use and will not be extended. There are no present or future plans to widen the street.

FISCAL IMPACT:

None. All costs have been paid by the applicant.

Loveland/Haase/AA

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

FILE LOCATION: STRT-J-2932 (39)

COUNCIL ACTION: (Tape location: A238-244.)

MOTION BY WEAR TO CONTINUE THIS ITEM TO TUESDAY, DECEMBER 11, 2001 AT THE REQUEST OF THE CITY MANAGER DUE TO NOTICING PROBLEMS. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Sprint PCS: Church On The Move.

Matter of the appeal by Georgia Bankston from the decision by the Planning Commission approving with design modifications an application for a Conditional Use Permit and Planned Development Permit to construct and operate a wireless communication antenna facility. The proposed facility includes the addition of a new pedestal element at the base of the existing 65 foot steeple. The new pedestal at the base of the steeple would house nine communication antennas as part of the Sprint network. Associated electronic equipment would be located inside the church. The approximate 0.7 acre site is located at 4481 Estrella Avenue between El Cajon Boulevard and Monroe Avenue in the Kensington/Talmadge Community Plan area.

(CUP/PDP-41-0213-01. Kensington/Talmadge Community Plan Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and grant the permit:

(R-2002-) DENIED APPEAL, GRANTED PERMIT, ADOPTED AS RESOLUTION R-295796

Adoption of a Resolution granting or denying the appeal and granting or denying CUP/PDP No. 41-0213-01, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on September 20, 2001, voted 6 - 1 to approve; was opposition.

Ayes: Anderson, Butler, Garcia, Brown, Lettieri, Schultz

Nays: Stryker

The Kensington/Talmadge Community Planning Group has recommended approval of this project.

SUPPORTING INFORMATION:

BACKGROUND

The project site is located at 4481 Estrella Avenue in the Talmadge neighborhood of the Mid-City Communities Plan area. The Community Plan designates the site for medium to high density residential land use. The property is zoned RM-1-2. The site is surrounded by some single-family homes and a mix of apartments and condominiums. The approximate 0.7 acre site is developed with a church sanctuary and associated assembly and office uses. There is no day care facility or school activities associated with the church on the site.

The Church On The Move CUP was before the Planning Commission on July 19, 2001. A motion was approved to continue the project in order for staff to provide the Commission with additional information in response to issues raised during public testimony. The Commission had significant issues with the proposed demolition of the existing church steeple and the historical significance (if any) of the church itself. Additionally, the Commissioners requested information that would substantiate the applicants claim that this particular site was better suited for their coverage requirements than the neighboring commercial zones along Adams Avenue (north) and El Cajon Boulevard (south). The issue of proper noticing was raised by some surrounding property owners. And lastly, Commissioner Butler commented that the existing steeple was more attractive in relation to the urban setting than the design modification proposed by Sprint. In response to these issues Sprint has modified the previous submittal and provided additional information to further assist in the analysis of the site.

On September 20, 2001, the revised project was approved by the Planning Commission and subsequently appealed to the City Council.

PROJECT DESCRIPTION

The project consists of nine panel antennas (three arrays of three antennas each) mounted on the church roof at the base of the steeple, and associated electronic equipment which is located inside the church. The antennas would be totally concealed behind a new screening element at the base of the steeple. The screening element is designed as a pedestal that attempts to meld the post-war modern architecture of the church and the gothic style of the steeple.

The electronic equipment is entirely enclosed within the church sanctuary. An air conditioning unit used to cool the equipment is the only system component located outside of the church.

In addition to the CUP, the project includes a Planned Development Permit (PDP) for the requested height deviation above the 30 foot height limit established by the underlying zone. The proposed antennas and the screening element at the base of the steeple would be approximately 42 feet above grade.

FISCAL IMPACT:

None.

LEGAL DESCRIPTION:

The 0.7 acre site is located at 4481 Estrella Avenue in the RM-1-2 Zone of the Mid-City Communities Plan area and is more particularly described as Lots 1 through 10, Block C, Belmont Subdivision, Map No. 1476.

Loveland/Christiansen/KB/PH

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303(e).

FILE LOCATION: PERM-41-0213-01 (65)

COUNCIL ACTION: (Tape location: C012-371; D010-E630.)

Hearing began at 11:30 a.m. and recessed at 11:58 a.m.

Hearing resumed at 2:05 p.m. and halted at 3:31 p.m.

Testimony in opposition by Mary Coakley, Bruce Weber, and Georgia Bankston.

Testimony in favor by Greg Stephens, Larry Doherty, Shelly Kilborn, and Karen Zobel.

Motion by Atkins to continue for two weeks to draw up findings to support approval of the appeal and denial of the permit. Second by Frye. Failed. Yeas-3, 5, 6; Nays-1, 2, 4, 7, 8, M.

MOTION BY MADAFFER TO DENY THE APPEAL AND GRANT THE PERMIT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-nay, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Hacienda Hotel.

Matter of approving, conditionally approving, modifying or denying an Old Town San Diego Community Plan Amendment/Rezone/Site Development Permit No. 40-0973 to construct a three-story, 28 unit hotel with parking at the street level. The site is located at 4045 Harney in the Old Town San Diego Community Plan area.

(CPA/RZ/SDP No.40-0973. Old Town Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; and adopt the resolution in subitem C to grant the permit; and adopt the resolution in subitem D to grant the amendment; and introduce the ordinance in subitem B:

Subitem-A: (R-2002-671) ADOPTED AS RESOLUTION R-295788

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 40-0973 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Hacienda Hotel Project;

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

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

Subitem-B: (O-2002-58) INTRODUCED, TO BE ADOPTED MONDAY,
DECEMBER 10, 2001

Introduction of an Ordinance changing a 3.52- acre site located at 4045 Harney Street, within the Old Town Community Plan area, from the Old Town San Diego Planned District Multi-Family and Public Zones into the Old Town San Diego Planned District Rosecrans Zone, as defined by San Diego Municipal Code Section 103.0200; and repealing Ordinance No. O-16906 (New Series), adopted August 20, 1987, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2002-) GRANTED PERMIT, ADOPTED AS RESOLUTION

