

**THE COMMITTEE ON LAND USE AND HOUSING
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**Councilmember Lorie Zapf, Chair
Councilmember Sherri S. Lightner, Vice Chair
Councilmember Todd Gloria
Councilmember David Alvarez**

**ACTIONS FOR
THURSDAY, SEPTEMBER 13, 2012**

**COUNCIL COMMITTEE ROOM (12TH FLOOR),
CITY ADMINISTRATION BUILDING
202 C STREET, SAN DIEGO, CALIFORNIA**

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Committee members present: Zapf, Gloria and Alvarez

Committee members absent: Lightner

NON-AGENDA PUBLIC COMMENT: Councilmember Gloria acknowledged the work by city staff on the improvements made to the Committee room.

COMMITTEE COMMENT: None

CITY ATTORNEY, IBA, AND MAYORAL STAFF COMMENT: None

ADOPTION AGENDA

Approval of the Record of Action Items for August 1, 2012

ACTION: Motion by Councilmember Alvarez, second by Councilmember Gloria, to approve.

VOTE: 3-0; Zapf-yea, Lightner- absent, Gloria-yea, Alvarez-yea

CONSENT ITEMS

ITEM-1: Report from Real Estate Assets Department on HARBOR DRIVE EASEMENT CONVEYANCE

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ACTION: Motion by Councilmember Gloria, second by Councilmember Alvarez, to approve.

VOTE: 3-0; Zapf-yea, Lightner- absent, Gloria-yea, Alvarez-yea

ACTION ITEMS

ITEM-2: Report from Transportation and Storm Water Department Regarding Proposed Draft Amendments to Municipal Code relating to EXCAVATING WITHIN THE PUBLIC RIGHT-OF-WAY and EXCAVATION FEES

ACTION: Motion by Councilmember Alvarez, second by Councilmember Zapf, to approve with the following language changes as outlined in Chair Zapf's Memo:

- Implement 50% of the new Street Damage Fee as proposed on Attachment IV fee chart of staff's report. The increase to the existing fee will initially be phased in over 2 years with 25% of the proposed increase effective July 2013, and an additional 25% of the proposed increase effective July 2014. There will be an opportunity to get to full cost recovery after that two year period based on an updated study conducted by the city which will take into account new technologies for smaller cuts.

- During the 2-year phased fee increase period, the City and interested stakeholders, including the utility industry, would collaborate on an evaluation of new technologies that seek to mitigate excavation impacts within the public right-of-way with the goal of developing a recommendation on refining the fee methodology as it moves toward full cost recovery. Results of this study will be reported to Council for their determination if further

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fee adjustments are needed. Any upward adjustments would be effective no sooner than one year after Council's action on new fees. Again, the point of this study would be to take into account stakeholders concerns and new technologies.

·Request the City Attorney to explore the concept of and legal issues surrounding exempting trenching activities related to underground districts or any other new state-mandated and federal-mandated or other government-mandated or government-reimbursable projects imposed upon dry utilities that require trenching, including, but not limited to, exempt City projects 20A, 20B, 20C and 20D. Also, building in reimbursement options should the City instigate trenching in an effort to widen roads, etc. Such projects are beyond the control of the communications industry and the Street Damage Fee should not apply in any instances where trenching is mandated or reimbursed by the City or other governmental or quasi-governmental entity.

·In addition, the City requests the Auditor to conduct an audit of the Street Damage Fee program within 3 years of the initial 25% fee increase being put into effect.

·Include under "Moratorium Waivers" Section 62.1207 b(2) additional language that allows for when a large conduit package is being installed so that the exceptions to the moratorium remain the same as under current law.

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·Amend language to differentiate a 10-year warranty period for dry utility trenching work and a 15-year warranty period for wet utility trenching work.

·Ensure that the ordinance requires the City to not disclose any confidential and proprietary information on proposed future utility projects as allowed under the Public Records Act.

·Include a requirement that the City share its 24-month street work plans with the utilities.

·City Attorney to amend and review the ordinance based on these recommendations working directly with Mayor's Office for additional policy input. It is the Committee's intent to forward the amended ordinance directly to Council for consideration.

VOTE: 3-0; Zapf-yea, Lightner- absent, Gloria-yea, Alvarez-yea

ITEM-3: Report from Transportation and Storm Water Department regarding SATURN BLVD ROADWAY IMPROVEMENTS

ACTION: Motion by Councilmember Alvarez, second by Councilmember Gloria, to approve with the request for staff to provide in writing the timeframe for construction of the project and notification process for school and community surrounding the project location.

VOTE: 3-0; Zapf-yea, Lightner- absent, Gloria-yea, Alvarez-yea


Lorie Zapf
Chair