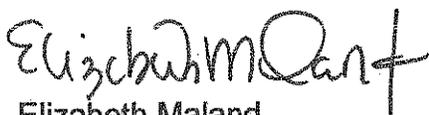


CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000

DATE: June 11, 2010
TO: Whitney Benzian, Rules Committee Consultant
FROM: Elizabeth Maland, City Clerk
SUBJECT: Ballot Proposals for Rules Committee Review

Attached are the 10 ballot proposals filed in my office pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Rules Committee for possible placement on the ballot.

The Clerk's Office has established June 11, 2010 deadline for submitting such ballot proposals for the November 2, 2010 ballot, and anticipates that the Rules Committee will review such proposals at its June 16, 2010 meeting. Ballot proposals which are referred to the full City Council after Rules committee will be listed under Public Notice on the Council Docket of June 21, 2010, and docketed for consideration by Council on June 28, 2010.



Elizabeth Maland
City Clerk

Attachments

cc: Diana JuradoSainz, Legislative Coordinator

RECEIVED
CITY CLERK'S OFFICE

10 JUN 11 AM 9:53

MEMORANDUM

DATE: June 11, 2010
TO: Whitney Benzian, Rules Committee, City of San Diego
CC: Elizabeth Maland, City Clerk, City of San Diego
FROM: Jason Everitt, San Diego Middle Class Taxpayer's Association
SUBJECT: Submission of Ballot Measures for the November 2, 2010 Ballot

Please hereby accept three ballot measures for consideration of the Rules Committee in order for the City Council to place to the City of San Diego electorate for vote on November 2, 2010. The ballot titles and questions are below:

(1) Taxpayer Right-to-Know – Private Contracting:

Shall the city charter be amended with to require contractors receiving public funds to the same public disclosure rules as government entities?

(see attachment 1)

(2) Reforming Managed Competition to Require Fair and Open Competition:

Shall the city charter be amended to define Managed Competition as the competition between city departments and independent contractors, and to require Managed Competition on all contracts over \$250,000 annually, with city forces being required to compete with independent contractors on public works contracts?

(see attachment 2)

(3) People's Right to Vote – Development Subsidies

Shall the city charter be amended to require that the use of City funds to assist commercial development projects ~~of more than~~ be disclosed to the public, and approved by voters for financial assistance over \$500,000.

(see attachment 3)

I request that the Rules Committee support this measure and ask the City Attorney to prepare a City of San Diego Charter Amendment. Please direct the language of the each of the Charter amendments to ensure that if there are any conflicting measures on the ballot, and each is approved by a majority of voters, then as to the conflicting subject matter, the highest affirmative vote shall prevail.

Sincerely,



Jason Everitt

Attachments:

1. Taxpayer Right-to-Know – Private Contracting
2. Reforming Managed Competition to Require Fair and Open Competition:
3. People's Right to Vote – Development Subsidies

ATTACHMENT 1

The Taxpayers' Right to Know - Private Contracting

The public may request and receive copies of records and documents from the City of San Diego and its government entities under the California Public Records Act, California Government Code Sections 6250 *et seq.*

Currently, there is no requirement for private entities who receive taxpayer-funded contracts to provide the same information to the public because they are not required to comply with the California Public Records Act.

The **Taxpayers' Right to Know Charter Amendment** would require contractors receiving public funds to follow the same public disclosure rules as the City of San Diego and its governmental entities. Specifically, it would require them to comply with the California Public Records Act.

In enacting this Charter Amendment, the voters, mindful of the right of individuals to privacy, find and declare that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the City of San Diego. The City of San Diego spends hundreds of million of taxpayer dollars on private contracts. Currently, there is no requirement for private entities who receive taxpayer-funded contracts to provide the same information, as does g to the public. This measure will ensure that the public knows how all their taxpayer dollars are being spent, and that private entities are held to the same disclosure requirements as government entities.

The **Taxpayers' Right to Know Charter Amendment**, if approved, would allow the public to obtain the same information from a private entity (individual, firm, limited liability company, partnership, joint venture, corporation, association or any other private legal entity) as they do from the City of San Diego and its governmental entities.

Amend San Diego City Charter Section 2. Article XIV to add Section 215.1 that would make City contractors subject to the same public disclosure requirements that would apply if they were government entities. This would apply to public works contracts and contracts for personal services, goods, and consultants. Contractors' disclosure requirements pursuant to this Charter amendment would be the same as those applicable to a local agency as that term is defined in the California Public Records Act California Government Code Sections 6250 *et seq.* The same exemptions that apply to government agencies, as set forth in the Public Records Act and in case law thereunder, would apply to City contractors. The Charter amendment would explicitly state that it would pertain only to documents related to the City contract and would not include a private entity to make any materials public that do not relate to the receipt of public moneys for the performance of the contract with the City of San Diego government entity.

ATTACHMENT 2

MEASURE REFORMING MANAGED COMPETITION TO REQUIRE FAIR AND OPEN COMPETITION

Section 1. PURPOSE:

The purpose of this measure is to clarify the intent of Section 117(c) in regards to Managed Competition, enable the city departments to compete on all contracts, and to subject all contracts valued at \$250,000 or more to Managed Competition.

Section 2. Article VIII of the Charter is hereby amended to read:

Section 117 (c): Managed Competition

Managed Competition is the competition between city departments and independent contractors, regardless of the current provider. Every contract valued at \$250,000 or more annually is subject to Managed Competition, which must be competed every 5 years, with an extension of 2 years with City Council approval.

The City may employ any independent contractor or city department when the City Manager determines, subject to City Council approval, City services can be provided more economically and efficiently ~~by an independent contractor than by persons employed in the Classified Service~~ while maintaining service quality and protecting the public interest.

The City Council shall by ordinance provide for appropriate policies and procedures to implement this subsection. Such ordinance shall include minimum contract standards and other measures to protect the quality and reliability of public services. A City department shall be provided with an opportunity and resources to develop efficiency and effectiveness improvements in their operations as part of the department's proposal. The core public safety services provided by police officers, firefighters, and lifeguards who participate in the City's Safety Retirement System shall not be subject to Managed Competition. The City Manager shall establish the Managed Competition Independent Review Board to advise the City Manager whether City department's proposal or an independent contractor's proposal will provide the services to the City most economically and efficiently while maintaining service quality and protecting the public interest. The City Manager will appoint seven (7) members to the Board. Four (4) shall be private citizens whose appointments shall be subject to City Council confirmation. Each shall have professional experience in one or more of the following areas: finance, law, public administration, business management or the service areas under consideration by the City Manager. Three (3) shall be City staff including a City Manager staff designee, a City Council staff designee and the City Auditor and Comptroller or staff designee. Such appointees shall not have any personal or financial interests which would create conflict of interests with the duties of a Board member. Members of the Board shall be prohibited from entering into a contract or accepting employment from an organization which secures a City contract through the managed competition process for the duration of the contract. The City Council shall have the authority to accept or reject in its entirety any

proposed agreement with an independent contractor submitted by the City Manager upon recommendation of the Managed Competition Independent Review Board. The City Manager shall have the sole responsibility for administering and monitoring any agreements with contractors. The City Manager shall be required to produce annual performance audits for contracted services, the cost of which must be accounted for and considered during the bidding process. In addition, the City Manager shall seek an independent audit every five (5) years to evaluate the City's experience and performance audits. During the period of time that the City operates under the Strong Mayor form of governance pursuant to Article XV, the reference herein to City Manager shall be deemed to refer to the Mayor.

Section 3. Article VII is amended to read:

Section 94: Contracts

In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, when the expenditure therefore shall exceed the sum established by ordinance of the City Council, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated. If the cost of said public contract work is of a lesser amount than the figure established by ordinance of the City Council, the Manager may let said contract without advertising for bids, but not until the Purchasing Agent of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration before said contract is let. The Council may, however, establish by ordinance an amount below which the Manager may order the performance of any construction, reconstruction or repair work by appropriate City forces without approval by Council. When such Council approval is required, the Manager's recommendation shall indicate justification for the use of City forces and shall indicate whether the work can be done by City forces more economically than if let by contract. City departments shall submit competitive bids under Managed Competition Section 117(c), and the city shall award bids to either an independent contractor or to the city forces, neither of which shall be subject to limitations under any type of contract in this Article.

ATTACHMENT 3

PEOPLE'S RIGHT-TO-VOTE BALLOT MEASURE

SECTION I. Intent and Purpose

Private, for-profit developers sometimes receive millions of dollars in financial assistance from the City for the development, construction, renovation, or expansion of Major Commercial Development Projects. The City often fails to provide members of the public with adequate information about how their tax dollars are being used to assist and finance such projects. Moreover, taxpayers are almost never given the opportunity to decide for themselves whether or not they believe the use of City Financial Assistance for a particular Major Commercial Development Project is justified.

PURPOSE:

- (a) To ensure fair and open government by requiring that all Documents relevant to any proposed City Financial Assistance for a Major Commercial Development Project be made known and available to all interested residents of the City of San Diego. Before the city provides Financial Assistance for any major for-profit commercial development project such as hotel, conference center, office building, retail store, entertainment center, warehouse, or industrial plant, all documents relevant to the project should be disclosed to the public and the voters should have a right to vote on whether or not they wish to provide such assistance.
- (b) To prevent the fiscal health of the City or its residents from being threatened in any way by any unnecessary or improper expenditures, disposition of public assets, undertaking of indebtedness, tax increases, or cuts in vital services in connection with providing assistance to any Major Commercial Development Project.
- (c) For these reasons, to require that any proposed use of City Financial Assistance for a Major Commercial Development Project be submitted for approval by the voters of the City of San Diego, and that an election regarding the same be held only after all relevant Documents have been disclosed.

SECTION 2. Proposed Ballot Measure

The ballot measure will add the following ordinance to the City Charter:

Section 229. PRIVATE DEVELOPMENT/PUBLIC EXPENSE: THE PEOPLE'S RIGHT TO VOTE ORDINANCE

(a) Guarantee of a Popular Vote on City Financial Assistance for Major Commercial Development Projects:

- 1) Notwithstanding any other provision of the Municipal Code, a majority of voters must approve in a regular election or in a special election called by the City

Council any proposed use of City Financial Assistance in connection with any Major Commercial Development Project in the City prior to the awarding of such assistance. If the use of City Financial Assistance is not approved by a majority of voters casting ballots in the election, the City shall be prohibited from providing such assistance.

- 2) At least 88 days prior to any election held pursuant to Section 4(a), the City shall cause to be made available in every library in the City, and directly to any member of the public requesting copies, all Documents pertaining to the Major Commercial Development Project to be considered in the election.
- 3) The following definitions shall apply for the purposes of this Ordinance:
 - (1) "City" shall mean the City of San Diego and, to the extent permitted under state law, all awarding authorities thereof, all City commissions, departments, boards, agencies and for-profit operating companies under the jurisdiction of the City Council, including all semi-autonomous commissions, departments and agencies that derive funding or authority from the City of San Diego, including those City departments which exercise independent control over their expenditure of funds.
 - (2) "Major Commercial Development Project" shall mean the development, construction, renovation, or expansion of any building or structure of which a principal use shall be by a for-profit, private business, provided that the project has a total value, including public and private expenditures, of more than \$4,000,000.
 - (3) "City Financial Assistance" shall mean:
 - (i) the direct or indirect expenditure of more than \$500,000 of City funds;
 - (ii) the issuing of, or application of the proceeds from, City obligations or City indebtedness, including revenue bonds or any other bonds including those pursuant to Government Code Sections 70701 *et. seq.*, 54300 *et. seq.*, and 43600 *et seq.*, or tax increment revenue bonds to the extent permitted by state law, in an amount in excess of \$500,000;
 - (iii) the sale, lease or granting to any entity or person (including a public agency) of city land or fixtures, for less than fair market value, for which a Major Commercial Development Project is intended, provided that such land or fixtures together have a fair market value of over \$500,000;
 - (iv) the waiver, abatement, or deferral of City fees, charges, or taxes worth more than \$500,000, or the provision of City services of that value at reduced or no charge when such services are not offered on the same basis to all other businesses.
 - (v) The construction of, or the funding of the construction of, public improvements including but not limited to sidewalks, roadways, landscaping, parking facilities, piers, restrooms, or other structures worth in total more than \$500,000, one of the principal beneficiaries of which may be a Major Commercial Development Project. A Major Commercial Development Project will be deemed one of the principal beneficiaries of improvements if there is a significant possibility that these improvements will be used or enjoyed at least as often by persons connected to the

development as by the general public. Persons connected to the development include, but are not limited to, customers, visitors, employees, tenants, guests, suppliers, owners, agents, contractors, lessees, and persons having a similar relationship with any of the aforementioned persons (for example, employees of tenants). The City shall not refuse to put improvements before voters on the ground that a commercial development will not be one of the principal beneficiaries unless the City has first obtained a report from experts independent of the City and of persons connected to the development showing the lack of significant possibility described above.

- (vi) The provision of any form of assistance worth more than \$500,000 pursuant to the San Diego Municipal Code Title II, Chapter 7 (Marina & Park Area Development Revenue Bond Law) or Chapter 8 (Economic Development Revenue Bond Law).

City Financial Assistance shall not include, and voter approval shall not be required for, the use of City funds or personnel for the processing of applications and potential entitlements, staff reports or related analyses related thereto, or other similar work or documents which are reasonably necessary to enable the City to determine whether to approve requested entitlements for a particular Major Commercial Development Project, or the recommended conditions or mitigation measures therefor; or to negotiate the potential terms of agreements governing the use of City Financial Assistance.

- (4) "Documents" shall mean all papers and records in the City's possession or control.

SECTION 3. Legal Effect

- (a) This Ordinance shall apply, to the fullest extent permitted by law, to any proposed use of City Financial Assistance for a Major Commercial Development Project under consideration by the City or not yet binding at the time the measure is approved.
- (b) This Ordinance may be amended only by the vote of the electorate.
- (c) If this Ordinance conflicts with any existing ordinance of the City of San Diego, the people hereby amend said ordinance in order to conform to this Ordinance, which shall supersede any conflicting Ordinance.
- (d) The provisions of this Ordinance shall be liberally construed to effectuate its purposes and intent.
- (e) Should a court of competent jurisdiction find any provision or application of this Ordinance in conflict with any provision of law, the remaining provisions and applications shall not be affected but shall remain in full force and effect, and to this end the provisions of this Ordinance are severable.
- (f) Any resident of San Diego shall have standing to bring an action to enforce this Ordinance and shall be entitled to recover attorney's and expert witness fees if he or she prevails.

J. W. STUMP
Brown Building
4133 Poplar
City Heights, California 92105

RECEIVED
CITY CLERK'S OFFICE
10 JUN 11 AM 9:35
SAN DIEGO, CALIF.

Friday, June 11, 2010

Ms. Elizabeth Maland, City Clerk
City of San Diego
202 C Street, Second Floor
San Diego California 92101

RE: Charter Changes - Board of Education Dignity and Proportional Representation &
Support for Balboa Park

Dear Ms. Maland,

I am submitting, for City Council review and consideration, proposals for amendment of the San Diego City Charter. In substance, these proposals would provide for the phased increase in the size of the San Diego Board of Education and funding for increased maintenance of Balboa Park.

School Board Equal Dignity And Proportionally Representation

The proposed charter change would phase in an increase in the number of School board members over the next two nation census and re-districting cycles. Compensation for School Board members would be made by the San Diego Salary Setting Commission.

The number of San Diego School board members was established in the early part of the 20th Century when San Diego had a population of less than one quarter of million persons. Today the School District has nearly a million residents and a budget that makes it the third largest government in the County of San Diego.

Recently, in response to the need for better performance and educational needs, the School Board has reorganized its schools into nine (9) area superintendent clusters. Several of these sub areas are actively engaged in plans to effectively gain autonomy and a degree of independence from the overall central district management.

I am requesting that the San Diego City Council consult with the San Diego Board of Education when it considers this proposed Charter change.

Support for Balboa Park

During the early part of the last century, the people of San Diego elected to support the establishment of Zoological exhibits in Balboa Park. The first ballot measure began the collection of property taxes to support generic zoological exhibits and a second subsequent measure allowed the City Council to contract out for this zoological exhibit support. Overtime the amount of taxes collected for this support has significantly increased in dollar amount and percentage. Charter section 77a provides as follows:

Passage of this amendment would allow the City Council to preserve the quality and character of Balboa Park and to support priority needs in Balboa Park, on a performance basis. The Zoo would not be precluded from some funding based on Balboa Park needs and priorities, as established by the City Council.

Please keep me informed of the hearing schedule on these matters.

All the best

John Stump:

Please forward these Charter Changes for consideration by Council

1. The School Board should be have equal dignity, importance, and proportionally representation as the Council

The San Diego City Charter controls the election process for San Diego City schools. Currently the San Diego School Board has five (5) members elected in the same manner as the Board of Supervisors. School board members receive a minor stipend for services as a part-time board. City schools are the third largest local government in the region yet it has a part-time board with less proportional representation than the City Council. The San Diego School District has a budget approaching \$2 billion dollars, nearly 10,000 employees, 133,000 students, and some 166 facility sites.

San Diego City council was formerly elected city wide and compensated on a part time basis. The voters changed the election method to district elections, made the job full-time and increased compensation, because they wanted a more responsive and better quality of elected officials focused solely on City business. Our children and our future deserve as much time and commitment...

The section of the San Diego City charter that controls City schools should be amended to accomplish the following:

The Board of Education would be elected in the same manner as City Council members. The number and terms of the members of the Board shall be the same as City Council. The transition to a larger and proportionally representative could be phased, so that two (2) new seats are added following the current census re-districting and additional seats could be added following the next census and re-districting. School Board compensation could be established as part of the recommendations from the City's Salary Setting Commission.

The Charter would be amended, by adding the language, as follows:

Following the 2010 national census, the election districts for the San Diego Unified School District shall be increased to seven (7) election districts. Thereafter, elections of School Board members shall occur in the same manner as San Diego City Council members. Election of two (2) additional School Board members shall occur at the time of the next regular municipal election, in 2012. Following the 2020 national census, the number of School Board members and districts shall be increased to the same number as the San Diego City Council. The San Diego Salary Setting Commission shall make recommendations concerning the compensation of School Board members.

The current city charter provides:

Section 66: Board of Education

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time as the election of Council members. At the municipal primary election

there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which he seeks to be nominated for thirty (30) days immediately preceding filing of a nominating petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided. Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

(Amendment voted 03-28-1939; effective 04-24-1939.) (Amendment voted 04-21-1953; effective 05-29-1953.) (Amendment voted 11-04-1958; effective 02-19-1959.) (Amendment voted 11-06-1962; effective 01-21-1963.) (Amendment voted 11-03-1964; effective 01-21-1965.) (Amendment voted 11-04-1969; effective 01-29-1970.) (Amendment voted 11-06-1979; effective 12-17-1979.)

Section 67: Powers and Duties

The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon such boards by the laws of the State of California.

2. Support Balboa Park

The ballot proposal would amend Charter section 77A to permit the support of all of Balboa Park rather than just the Zoo. The amendment would only delete specific reference to the Zoo. All exhibits and gardens and organizations in Balboa Park would be eligible for future city funding including the Zoo. Currently the Zoo receives some \$8-10 million dollars every year that would become available for all Balboa Park. The most currently available IRS tax filing of the Zoo shows that it had **\$28,352,350** in income over expenses! **Zoo assets were over \$280 Million.** Source: <http://www.guidestar.org/FinDocuments/2007/951648/2007-951648219-049697b5-9.pdf>

The Charter would be amended as follows:

“Section 77a: Provisions for ~~Zoological~~ Exhibits

The Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than two cents (\$0.02) on each one hundred dollars (\$100.00) of the assessed valuation of the real and personal property within the City, to be used exclusively for the maintenance in Balboa Park ~~of zoological exhibits.~~

Whenever the Council deems it to be for the best interests of the City, the Council may enter into a contract, upon such terms and conditions as the Council may prescribe, for the maintenance in Balboa Park ~~of zoological exhibits~~, with any organization formed primarily for the purposes of maintaining ~~zoological~~ gardens and ~~zoological~~ exhibits and conducting general ~~zoological~~ work; and may make available to such organization the proceeds of the special tax levy provided for in this section.”

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000

DATE: May 28, 2010
TO: Hon. Councilmember Lightner
FROM: Elizabeth Maland, City Clerk
SUBJECT: Ballot Proposal for Rules Committee Review

I am in receipt of the ballot proposal you submitted for possible placement on the ballot for the November 2, 2010 general election. The proposal has been forwarded to the Rules Committee consultant, and will be docketed pursuant to Council Policy 000-21 for the Committee meeting of June 16, 2010. The meeting is scheduled for 9:00 a.m. and will be held in the Committee Room on the 12th floor of the City Administration Building at 202 C Street.

Should you have any questions, please do not hesitate to call.



Elizabeth Maland
City Clerk

Attachment

cc: Whitney Benzian, Rules Committee Consultant

**CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000**

DATE: May 28, 2010
TO: Whitney Benzian, Rules Committee Consultant
FROM: Elizabeth Maland, City Clerk
SUBJECT: Ballot Proposal for Rules Committee Review

Attached is a ballot proposal to amend Proposition M of 1998, filed in my office by Councilmember Sherri Lightner, pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Rules Committee for possible placement on the ballot.

The Clerk's Office has established June 11, 2010 deadline for submitting such ballot proposals for the November 2, 2010 ballot, and anticipates that the Rules Committee will review such proposals at its June 16, 2010 meeting. Ballot proposals which are referred to the full City Council after Rules Committee review will be listed under Public Notice on the Council Docket of June 21, 2010, and docketed for consideration by Council on June 28, 2010.

My office will keep a copy of the ballot proposal and re-submit it to you after the June 11 deadline has passed, but prior to the June 16 Rules Committee meeting.



Elizabeth Maland
City Clerk

Attachment

cc: Councilmember Sherri Lightner
Diane JuradoSainz, Legislative Coordinator



RECEIVED
CITY CLERK'S OFFICE
10 MAY 28 AM 10:27
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
COUNCILMEMBER SHERRI S. LIGHTNER
DISTRICT ONE

MEMORANDUM

DATE: May 27, 2010 DTID: SL 1005-12
TO: Elizabeth Maland, City Clerk
FROM: Councilmember Sherri S. Lightner
SUBJECT: Ballot Measure to Amend Proposition M of 1998

Background

The communities of Carmel Valley, Torrey Pines, and Pacific Highlands Ranch have been harmed by the Proposition M ballot measure that was passed by voters in 1998. Proposition M requires the construction of certain freeway ramps between SR-56 and I-5 before the community of Pacific Highlands Ranch can be completed.

It has become clear that these freeway ramps may never be built. If they are ever built, it will not be for at least a decade. Meanwhile, Pacific Highlands Ranch residents do not have basic amenities (grocery stores, schools, parks) because their growth is artificially capped by Proposition M. Pacific Highlands Ranch residents are forced to share Carmel Valley's amenities, which adds to Carmel Valley's traffic woes.

At the same time, Torrey Pines residents oppose new freeway on-ramps because they will be noisy and will intrude onto their property. This pits Torrey Pines residents against their Carmel Valley and Pacific Highlands Ranch neighbors, who regard the construction of freeway ramps as their only hope for ever building amenities in Pacific Highlands Ranch. The communities of Carmel Valley, Torrey Pines, and Pacific Highlands Ranch have united and would like to see Proposition M amended, so that basic amenities can be built in Pacific Highlands Ranch, regardless of whether or not the SR-56/I-5 freeway ramps are built.

The Carmel Valley Community Planning Board and the Torrey Pines Community Planning Board have requested the City Council sponsor a ballot measure to amend Proposition M to allow the completion of the Pacific Highlands Ranch community, which is represented by the Carmel Valley Community Planning Board.

Per Council Policy 0-21, I submit this proposal on behalf and at the request of the community, and I respectfully request that this item be docketed at the June 16 meeting of the Rules, Open Government and Intergovernmental Relations Committee.

Action

The Pacific Highlands Ranch Sub-area Plan was approved by the City Council in 1998 and ratified by the voters as Proposition M in November 1998. In approving Proposition M, the voters of the City of San Diego directed a phase shift of urban reserve lands from Future Urbanizing to Planned Urbanizing, permitting development in the phase-shifted area of Pacific Highlands Ranch to proceed, subject to numerous conditions.

The action for this ballot measure, as found in the Carmel Valley Community Planning Board Prop M Exploratory Committee Report (See Attachment 1) is as follows:

1. Amend Proposition M, approved by voters in November, 1998, to delete the following language: "Development within the phased-shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 are constructed and operational." (See Attachment 2: *strikeout version of the original ballot ordinance O-18568.*)
2. The measure should "become effective upon, but not until, the occurrence of the following events:" The City Council acts on:
 - 1) A Phased Development Program with permit issuance for new housing tied to providing facilities per threshold requirements, and
 - 2) A revised Public Facilities Plan for Pacific Highlands Ranch.

Discussion

According to the Community, the amendment to Proposition M is needed for the following reasons:

1. Pacific Highlands Ranch is approaching the 1,900 du development cap, while the required SR-56 and I-5 direct connectors project remains under environmental study and many years from construction. The interchange project is currently planned to occur in 2020 in SANDAG's Regional Transportation Plan.
2. The community of Pacific Highlands Ranch will remain incomplete if this restriction remains in place. This situation places burdens on its residents and those of surrounding communities, which support the needs of Pacific Highlands Ranch residents.
3. SR-56 and I-5 are major regional freeways that accommodate (and in the future, are projected to accommodate) more traffic than can be attributed to development in Pacific Highlands Ranch. Traffic studies by Caltrans for the I-5/SR-56 connector project show that less than 10% of the future traffic will be from the fully built-out community of Pacific Highlands Ranch.
4. The City's General Plan requires public amenities based on population. The community's population will remain insufficient to trigger the additional planned public facilities and schools in Pacific Highlands Ranch, because the 1,900 du threshold condition is dependent upon I-5/SR56 connectors. Residents of Pacific Highlands Ranch pay a substantial Community Facilities District assessment (Mello-Roos tax) for these future schools that may not be built until after 2020.
5. Residents of Pacific Highlands Ranch must drive outside of the community to shop, attend public schools (except one high school and one elementary school serving only a portion of Pacific Highlands Ranch) and recreate. The nearest of these facilities and amenities are located within Carmel Valley, causing traffic and facilities impacts on Carmel Valley. The Pacific Highlands Ranch community has made clear that its first retail need is for a grocery store. However, retail development is limited to 50,000 square feet with the 1,900 du threshold. A population of approximately 5,000 living in the 1,900 du is unlikely to support retail development.
6. The 1,900 du restriction in Prop M has created an unintended impact to the Torrey Pines community, immediately west of I-5, between Carmel Valley Road and Del Mar Heights Road. The specific language of the restriction makes clear that only direct connector ramps will meet the threshold condition. The Torrey Pines community, through its Community Planning Board and individuals, strongly opposes this option in the ongoing I-5/SR-56 connectors planning process.

The Carmel Valley and Torrey Pines communities strongly believe that the 1,900 du restriction was a mistake. The prudent development of Pacific Highlands Ranch can be guided by existing tools, such as the Community Plan and the Public Facilities Financing Plan.

If my office can be of further assistance, please contact us immediately.

SL:mm

Cc: Council President Ben Hueso
Whitney Benzian, Rules Committee Consultant



CARMEL VALLEY COMMUNITY PLANNING BOARD

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PROP M EXPLORATORY SUBCOMMITTEE

4 May 2010

(As Amended by the Board, 11 May 2010)

THRU: Carmel Valley Community Planning Board

TO: The Hon. Sherri S. Lightner, Council District 1
City of San Diego
202 C Street, M.S. 10A
San Diego, CA 92101

**Report of the Prop M Exploratory Subcommittee – Measures and
Recommendations to Address the Orderly Development and Timely
Availability of Public & Private Amenities in the Pacific Highlands
Ranch Community**

FINDINGS AND RECOMMENDATIONS:

1. The 1,900 dwelling unit development restriction imposed on the Pacific Highlands Ranch community (PHR) by Proposition M of 1998 should be removed by means of an amending measure submitted to City voters by the City Council at the next General Election on November 2, 2010. This restriction has resulted in unintended consequences detrimental to communities in the area, in particular, PHR, Carmel Valley and Torrey Pines.¹ (Please see Attachment #1 for Clerk's timeline to place a measure on the ballot. Action by the Rules Committee is required by 6/16/10. Please see Attachment #2 for a copy of Ordinance O-18568 (7 Aug 98) (Proposition M) for the yellow highlighted language to be removed.)
2. The orderly and timely development of PHR would be enhanced by incorporating certain concepts and changes into the policy and funding

¹ This 1,900 du restriction is also embedded in other PHR documents such as the PFFP/FBA. They will need to be updated by the City to remove this reference in the event the ballot measure is approved.

documents that control development in PHR. A key concept is to mandate the provision of public facilities concurrent with need; and condition the issuance of new residential building permits on having met the threshold requirements for providing these facilities.

3. Impacts to the roadway network, public facilities and neighborhood shopping centers in the surrounding communities would be reduced if PHR could proceed to develop per its approved plan. This would permit PHR to achieve the critical mass and balance to create the necessary funding and population that would allow these facilities and services to be built in PHR. These facilities would also provide additional opportunities for nearby communities.

Authority: Responding to community concerns, the Carmel Valley Community Planning Board (the Board) formed the Prop M Exploratory Subcommittee in November, 2009, to examine the issues, develop the underlying supporting information, explore a full range of approaches and make its findings and recommendations to the Board for consideration.

BACKGROUND:

1. The Pacific Highlands Ranch Sub-area Plan was approved by the City Council in 1998 and ratified by the voters as Proposition M of November 1998. In approving Proposition M, the voters of the City of San Diego directed a phase shift of urban reserve lands from Future Urbanizing to Planned Urbanizing, permitting development in the phase-shifted area of Pacific Highlands Ranch to proceed, subject to numerous conditions. All the conditions imposed by Proposition M on the developer, Pardee Homes, were met.
2. A further condition, a traffic control threshold requirement, in Proposition M states, "Development within the phased-shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 are constructed and operational."
3. The public benefits and design features of the PHR Plan include:
 - a. Highly walkable community
 - b. Housing density in exchange for walkability and quality of life amenities

- c. Shopping, services and amenities to meet most basic needs provided within the community and accessible to many residents by walking and bicycling
- d. Much more sustainable development model
- e. Compact, denser development
- f. Energy efficiency and reduced carbon emissions
- g. Habitat preservation through substantial preservation and restoration of open space (Open space designated Multi-habitat Planning Area of the City's Multiple Species Conservation Program constitutes 1,275 acres, or 48% of the PHR community.)
- h. Equitable access to housing and a variety of housing types. 20 percent of the housing in PHR is to be affordable at 65% of the area median income (AMI)
- i. Ready access to basic daily needs from within the community
- j. Employment centers
- k. Capacity for future transit
- l. Water conserving landscapes
- m. Planned, future service for reclaimed water

DISCUSSION OF SUBCOMMITTEE REVIEW CONCLUSIONS:

1. Pacific Highlands Ranch is approaching the 1,900 dwelling unit (du) development cap, while the SR-56 and I-5 north-facing connectors project remains under environmental study. A preferred project design has not been selected. The interchange project is currently planned in SANDAG's Regional Transportation Plan to occur in 2020 (please see Attachment #3 SANDAG 2007 RTP, revenue constrained scenario).
 - a. Unless and until this traffic control threshold requirement is satisfied, the community of Pacific Highlands Ranch will remain substantially and unnecessarily incomplete and imbalanced. This curtailed development situation creates undue burdens on its residents and the residents of surrounding communities, which have to support the needs of Pacific Highlands Ranch residents, absent allowing the community's growth and development necessary to support these needs within Pacific Highlands Ranch as set forth in the Subarea/Community Plan.
 - b. SR-56 and I-5 are major regional freeways that currently accommodate (and in the future, are projected to accommodate) far greater traffic than can be fairly and reasonably attributed to growth and development in Pacific Highlands Ranch.

- i. In late 2009, a Caltrans representative stated via email (please see Attachment #4):

Approximately 4,600 average daily traffic (ADT) is projected to be a result of the Pacific Highlands Ranch community. This is approximately 10 percent of the total Year 2030 ADT of the two missing direct connectors for the Interstate 5/State Route 56 Interchange project.

The two connectors that are currently missing from the I-5/SR 56 Interchange project serve the I-5 north of SR 56 movements. In the I-5/SR 56 traffic study by LLG Engineers, the total Year 2030 ADT of the two missing direct connectors is 42,220 (19,220 ADT for S-E connector + 23,000 ADT for W-N connector).

In the Pacific Highlands Ranch traffic study by Urban Systems Associates, 4,600 ADT has been assigned to I-5 north of SR 56. This ADT is approximately 10 percent of the missing direct connectors' traffic volume (4,600/42,220).

- ii. In early 2010, a Caltrans representative further stated via email (please see Attachment #5):

The Carmel Valley community planning area will account for 18% of the forecasted 2030 daily traffic volumes on both the proposed westbound SR 56 to northbound I-5 connector, and the proposed southbound I-5 to eastbound SR 56 connector, as follows:

- 4,140 of the 23,000 daily trips (18%) that would use the westbound SR-56 to northbound I-5 connector would come from the Carmel Valley Community Planning area.
- 3,460 of the 19,220 daily trips (18%) that would use the southbound I-5 to eastbound SR56 connector would come from the Carmel Valley Community Planning area.

- b. Caltrans' ADT projections in 2030 for Del Mar Heights Road (which is the primary surface street link to PHR) show the majority of trips added to the road come from Carmel Valley, not from PHR (please see Attachment #6).²

- c. Based on this information, the concerns about PHR traffic "overwhelming" the still missing I-5/SR56 connections (a principal

² For example, the Del Mar Heights segment between Carmel Valley Rd. and Carmel Canyon Rd. will have 28,010 ADT in 2030 (Direct Connector alternative). As traffic moves west to the Freeway, it has 42,770 ADT just west of El Camino Real, a 14,660 ADT increase, more than three times the total 4,600 ADT generated by PHR at buildout.

reason for including the 1,900 du restriction in Prop M) and potentially resulting in traffic seeking alternative freeway access via the surface street network in Carmel Valley, are not supported by the current available data.

2. Provision of Public Amenities:

- a. Only a fire station, a public high school and a Del Mar Union School District elementary school are operational in Pacific Highlands Ranch.³ A neighborhood park is funded, but unconstructed. Under the City's General Plan, public amenities are programmed on the basis of population. Because the 1,900 du threshold condition is dependent upon I-5/SR56 Connectors, the community's population will remain insufficient to trigger the additional planned facilities or for the servicing school districts to build the planned schools in PHR.
- b. As of 26 February 2010, 240 PHR elementary-age students were enrolled in Solana Beach School District elementary schools (please see Attachment #7).⁴ Two new District schools are planned for PHR: Elementary School #7 and potentially a School #8. School #7 is planned to accommodate 650 K-6 students. Only 37 percent of the future School #7 student capacity is currently generated by PHR. Compounded with the available capacity in other District schools within Carmel Valley, School #7 will almost certainly not be warranted until after the current 1,900 du threshold. Residents of PHR within the Solana Beach School District pay a substantial Community Facilities District assessment (Mello-Roos tax) for these future schools that may not be built until after 2020, if Proposition M remains unchanged.
- c. There is also a problem in how the timing of facilities is described in the PHR planning documents because of the different threshold metrics. For example, the Transportation Phasing Plan (TPP) uses dwelling unit counts as its measure of phasing thresholds. On the other hand, park and library requirements are linked to population. This table summarizes the PHR TPP:

³ A second DMUSD school site is reserved, as is an optional Jr. HS site near the Community Park.

⁴ Areas of PHR south of Del Mar Heights and Carmel Valley Roads are within the Del Mar Union School District; the San Dieguito Union High School District serves the entire community.

Table 1 - Summary of PHR Transportation Phasing Plan

<u>PHR Transportation Phasing Plan Threshold</u>	<u>Phase Neigh</u>		<u>Cumulative EDUs</u>	<u>Cumulative Comm (SF)</u>	<u>Other</u>
	<u>Phase EDUs</u>	<u>Comm (SF)</u>			
Phase One: Startup Phase	650	--	650	--	--
Phase Two: Dual Fwy/SR-56	1,250	50,000	1,900	50,000	Private H.S.
Phase Three: I-5/SR-56 Connectors	1,500	100,000	3,400	150,000	
Phase Four: Build out of PHR	1,600	150,000	5,000	300,000	+ Comm Ofc
Community Res. Build Out	SFR (3,197) + MFR (1,813) + DMH Estates (172) = 5,182 DU				
Community Other Land Uses	Village – 34.0 ac Emp. Ctr – 19.01 ac Inst. – 48.92				

- d. Where public amenities should come in PHR's phased development plan is only made clear when a common metric is used, as seen in this table:

Table 2 - DU Requirement Projection for Community Amenities

<u>Amenity</u>	<u>Population</u>	<u>Pop/ Hshld</u>		<u>PHR</u>		<u>TPP Phase</u>
		<u>DUs</u>	<u>Share</u>	<u>Share x DUs</u>		
Neighborhood Park 1	5,000	2.62	1,908	100.0%	1,908	P2
Neighborhood Park 2	10,000	2.62	3,817	100.0%	3,817	P3/4
Community Park**	25,000	2.62	9,542	88.3%	8,426	P4/Build.
Community Rec Ctr**	25,000	2.62	9,542	88.3%	8,426	P4/Build.
Swimming Pool in BMR*	50,000	2.62	19,084	37.4%	7,137	P4/Build.
Library*	25,000	2.62	9,542	37.4%	3,569	P3/4

* Library in PHR and Swimming Pool in BMR serve PHR, DMM, BMR, and TH

** Community Park and Rec Center serve PHR and DMM

Note - 2.62 Persons per Household is assumed in PFFP

3. Provision of Retail & Commercial:

- a. Residents of Pacific Highlands Ranch must drive outside of the community to do basic shopping, attend schools (except high school) and recreate. The nearest of these facilities and amenities are located within Carmel Valley, placing traffic and facilities impacts on Carmel Valley.
- b. The PHR community has made clear that its first retail need is for a grocery store. However, retail development is limited to 50,000 square feet under the 1,900 du threshold restriction. A population of

approximately 5,000 living in the 1,900 dwelling units is likely insufficient to support much if any retail critical mass.

- c. Timing of commercial retail development in the PHR Village Center is driven by a combination of trade area population, favorable market conditions, and major tenant interest. Eliminating artificial impediments to reaching "critical mass" (i.e., sufficient local population to stimulate retail center development) is apparently the most viable approach.
- d. A grocery store and other retail in the Village Center may desire a "critical mass" of between 3,833 to 5,000 dus in the PHR planning area to be viable. Advance planning and initial development steps might begin when the du count exceeds 3,000. This would coincide with Phase 3 to 4 of the du thresholds outlined in the current PHR Transportation Phasing Plan:

Table 3 - DU Requirement Projection for Supermarket/Shopping Center

	<u>Gross Sales per week</u>	<u>Assumed PP Spend</u>	<u>Pop</u>	<u>Capture Ratio</u>	<u>Trade Area Pop Req</u>	<u>Pop Den per DU</u>	<u>DU Threshold</u>	<u>TPP Phase</u>
	\$450,000	\$50/week	9,000	40%	22,500	3.0 - 2.3	7,500 - 9782	N/A
Assumed to BMR	(\$95,000)							
Assumed to CV	(\$125,000)							
Needed in PHR	\$230,000	\$50/week	4,600	40%	11,500	3.0 - 2.3	3,833 - 5,000	P3/4

Source: Courtesy of Michael J. Morris (Morris and Campbell) & David Santistevan (Colliers) - 8 March 2010

- e. Under the 1,900 du restriction, the Village Center, a core feature of the transit-oriented, walkable community design, will remain unbuilt until after the interchange ramps are built in 2020 or later. Therefore, residents of Pacific Highlands Ranch will continue to have to drive outside the community for shopping and retail services.

4. Adjacent Community Impacts:

- a. In addition to the impacts on surrounding communities from lack of services and amenities in PHR, the 1,900 du restriction in Prop M has created an unintended, but very real, impact to the Torrey Pines (TP) community, immediately west of I-5, between Carmel Valley Road and Del Mar Heights Road.
- b. The very specific language of the restriction makes almost certain that only direct connector, flyover-style ramps will meet the threshold condition. The Torrey Pines community, through its Community

Planning Board and individuals, has made it clear they will oppose this option in the ongoing I-5/SR56 Connectors planning process.

- c. Because PHR cannot develop beyond 1,900 du, many residents in both PHR and TP see their own interests pitted against each other. In this dichotomy, PHR can only move forward in its development at significant expense and impact to TP. TP can only prevail in preventing the direct connector ramps option by precluding PHR's further development.

RECOMMENDATIONS:

5. Contingent Approval - City Council Action on Development and Funding Issues Required:⁵ If the ballot measure to delete the 1,900 du restriction is approved by the voters, the measure should "become effective upon, but not until, the occurrence of the following events"⁶: The City Council acts on (1) a Phased Development Program (para. 5a); and (2) a revised Public Facilities program (para. 5b). Additional issues for consideration in revising and updating the PHR documents are set out in para. 5c, but are not intended as conditions precedent or subsequent to the ballot measure.
 - a. Phased Development Program
 - i. The City Council takes action on the creation of a Phased Development Program for Pacific Highlands Ranch.
 1. The Mayor shall prepare a phased development plan for incorporation into the Community Plan of Pacific Highlands Ranch, and submit the phasing plan to the City Council for review and approval at public hearings.
 - a. The phasing plan must demonstrate the orderly, phased development of the community, together with concurrent provision of City public amenities and facilities, such as planned parks and library, and transportation facilities, such as major streets and infrastructure. The current Public Facilities Financing Plan and Transportation Phasing Plan must be enhanced and integrated to serve as part of a comprehensive, phased development program.

⁵ The voters will need to know that the development restriction will be replaced by revisions to the PHR development and funding plans. The PHR residents want to address weaknesses in the planning and funding documents, and to better assure the timely and orderly development of the PHR community.

⁶ This language is drawn from Prop M, which made its final effectiveness conditional on future actions by Pardee Construction.

b. Until such time as this community Phased Development Program is finally approved, development within the phase-shifted area of Pacific Highlands Ranch shall not exceed the 1,900 du/50,000 sq. ft. limits found in Phase 2 of the current PHR Transportation Phasing Plan.

b. Public Facilities

- i. The City Council takes action on amendments to facility financing documents:
 1. Public facilities (*e.g.* parks, library and others ultimately operated by the City) and the TPP are integrated such that it is clearer when these facilities will come on line in the community's development schedule. (See Table 2 on page 6.)
 2. City public facilities required in phases beyond Phase 2 (1,900 du) shall be fully operational when the midpoint of the development phase range is achieved. In other words, a facility must be assured at the start of the phase and operational by the midpoint of the phase.
 3. Should any threshold requirement for providing a City public facility set forth in the phased development program not be met, no further new residential housing permits shall be issued until the deficiency is fully remedied.

c. Additional Issues for Consideration:

- i. The Mayor shall prepare and present a report to the City Council on or before 30 June annually describing the progress of the community phased development program. Projections for future activity shall also be included.
- ii. Population-based thresholds for public facilities as found in the City's General Plan (the Pacific Highlands Ranch Subarea Plan is a part of the General Plan) shall be used in preparing the community phased development program.
- iii. The City of San Diego continues to strongly support the planned transit-oriented, walkable Village Center for the PHR community to minimize traffic impacts to surrounding communities.
- iv. The City of San Diego will support the creation of a community shuttle or jitney bus program to serve the PHR community, with consideration for linkages to other adjacent communities.

- v. Public transit planners and operators will examine a route that connects the major activity/development nodes running west to east between Del Mar on the coast and the I-15 corridor using major surface street arteries like Del Mar Heights Road and Carmel Valley Road.
- vi. Extension of the currently planned reclaimed water program (a.k.a. "purple pipe") to PHR should become a priority as an essential public facility.
- vii. The Public Facilities Financing Plan and Facilities Benefit Assessment (PFFP/FBA) are part of the community phased development program. The Mayor shall biennially or more frequently review the adequacy of the PFFP/FBA to assure capital funding of required City public facilities per the thresholds and projected, reasonable development absorption rates. The PFFP/FBA shall be updated as necessary to conform to the community phased development plan.
- viii. To insure the availability of permits, Pardee Homes or other developers may elect to design (with substantial local community input) and construct any or all City public facilities that are located within Pacific Highlands Ranch and deliver to the City as "turnkey," ready to occupy/use. Developers advancing public facilities and the City will enter into appropriate reimbursement agreements for these public facilities.
- ix. In no case shall more than 1,900 residential building permits be issued within the phase-shifted area of Pacific Highlands Ranch until the five-acre Gonzales Canyon Neighborhood Park is constructed and operational.
- x. A community goal to be incorporated into the Community Plan documents is for all public facilities to achieve LEED certification, or similar, to the extent applicable and practicable.
- xi. This administrative cost for the Phased Development Program and updates to the PFFP shall be borne by the PHR facilities benefit assessment (FBA) fund.
- xii. Additional CEQA clearance, if any, following voter approval of a Proposition to remove the 1,900 du threshold associated with the I-5/SR-56 connection, may be provided with funding from the PHR FBA.
- xiii. The City of San Diego continues to strongly support the construction of improved connections between SR-56 and I-5. The City will aggressively lobby SANDAG, State and Federal

agencies to pursue funding and the fastest feasible construction timeline for the project, while simultaneously seeking a project that has the least possible impact on the surrounding communities.

SUMMARY:

1. The 1,900 dwelling unit development restriction in Proposition M of 1998 was a mistake. It does not provide any meaningful protection and its unintended consequences are too severe.
2. The orderly and timely development of PHR can be guided by existing tools like the Community Plan and the PFFP/FBA. These tools can be enhanced by incorporating certain concepts and recommended changes.

FOR THE SUBCOMMITTEE:



Scott E. Tillson
Member, CVCPB



Manjeet Ranu, AICP
Vice-Chair, CVCPB

Enclosures:

1. Timeline for Submission of Ballot Proposals for the November 2, 2010 Ballot
2. Ordinance O-18568 (7 Aug 98) (Proposition M) - removal language marked
3. SANDAG 2007 Adopted Regional Transportation Plan: I-5/SR-56 connection project information from Appendix A
4. Caltrans representative email #1
5. Caltrans representative email #2
6. Caltrans I-5/SR-56 ADT Projections 2030
7. Solana Beach School District attendance information for PHR

ORDINANCE NUMBER O-18568 (NEW SERIES)

ADOPTED ON AUGUST 7, 1998

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 1998, ONE PROPOSITION CONDITIONALLY AMENDING THE OFFICIAL PHASED DEVELOPMENT MAP IN THE CITY'S PROGRESS GUIDE AND GENERAL PLAN WITHIN SUBAREA III OF THE NORTH CITY FUTURE URBANIZING AREA TO CHANGE THE DESIGNATION OF THE 2,102 ACRES KNOWN AS PACIFIC HIGHLANDS RANCH FROM "FUTURE URBANIZING" TO "PLANNED URBANIZING."

WHEREAS, in 1985, the voters of the City adopted the Managed Growth Initiative, known as "Proposition A," which amended the Guidelines for the Future Development Section of the Progress Guide and General Plan of the City of San Diego by requiring approval of the voters before changing the designation of lands from "Future Urbanizing" to "Planned Urbanizing"; and

WHEREAS, a 2,652 acre area is located in Subarea III of the North City Future Urbanizing Area and is currently designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan; and

WHEREAS, the Subarea III Plan for that 2,652 acres was prepared and is titled the "Pacific Highlands Ranch Subarea Plan"; and

WHEREAS, approximately 550 acres of the 2,652 acres in Subarea III has been approved for development at rural densities while preserving 384 of the 550 acres as natural open space; and

WHEREAS, the designation of the remaining 2,102 acres in Subarea III is proposed to be changed from "Future Urbanizing" to "Planned Urbanizing" while preserving an additional 889 of the 2,102 acres as natural open space; and

WHEREAS, in accordance with the Pacific Highlands Ranch Subarea Plan an additional 143 acres of the 2,102 acres is planned for State Route 56 right-of-way, approximately 90 acres of which will be conveyed by Pardee Construction Company to the City for a price substantially below market value; and

~~WHEREAS, the terms of the Transportation Phasing Plan for the Pacific Highlands Ranch Subarea Plan provides that no more than 1,900 dwelling units shall be permitted within the phase shifted area of Subarea III until such time that ramps for westbound SR 56 connecting with I-5 North and I-5 South connecting with eastbound SR 56 are constructed and operational;~~
and

~~WHEREAS, the City Council strongly supports the construction of ramps for westbound SR 56 connecting with I-5 North and I-5 South connecting with eastbound SR 56 and intends to aggressively lobby for this project to be a top priority in the year 2,000 State Transportation Improvement Plan (STIP); and~~

WHEREAS, the Pacific Highlands Ranch Subarea Plan provides for designation of at least 1,274 acres of open space, including a wildlife corridor connecting Gonzales and McGonigle Canyons within the regional open space system known as the Multiple Habitat Planning Area [MHPA]; and

WHEREAS, in accordance with this ballot measure, the Pacific Highlands Ranch Subarea Plan, and a certain Development Agreement on file in the office of the City Clerk of the

City of San Diego as Document OO-18571, title to additional property known as Parcels A and B within Neighborhood 8A of Carmel Valley will be conveyed to the City as a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing"; and

WHEREAS, as another condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing," absent voter approval the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan-Option 1 approved by the City Council by Resolution No. R-290506, on July 28, 1998; and

WHEREAS, Pacific Highlands Ranch is located on the eastern boundary of Carmel Valley and is identified in Exhibit 1-1 in the Pacific Highlands Ranch Subarea Plan on file in the office of the City Clerk as Document No. RR-290521, adopted by Resolution No. R-290521, of the City Council on July 28, 1998; and

WHEREAS, implementation of the Pacific Highlands Ranch Subarea Plan requires that the designation of 2,102 acres within Pacific Highlands Ranch, as depicted on Exhibit 1-1 of said Plan, be changed from "Future Urbanizing" to "Planned Urbanizing"; and

WHEREAS, approval of this change of designation in no way permits any other portion of the North City Future Urbanizing Area to have a change of designation without a separate vote of the people; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. One proposition amending the Official Phased Development Map in the City's

Progress Guide and General Plan to conditionally change the designation of the 2,102 acres known as Pacific Highlands Ranch within Subarea III of the North City Future Urbanizing Area from "Future Urbanizing" to "Planned Urbanizing" and to conditionally apply related development restrictions upon land within Neighborhoods 8A and 8C of Carmel Valley is hereby submitted to the qualified voters of the City at the Municipal Election to be held November 3, 1998.

The proposition is to read as follows:

In 1985, the voters of the City adopted the Managed Growth Initiative, known as "Proposition A," which amended the Guidelines for the Future Development Section of the Progress Guide and General Plan of the City of San Diego by requiring approval of the voters before changing the designation of lands from "Future Urbanizing" to "Planned Urbanizing."

A 2,652 acre area is located in Subarea III of the North City Future Urbanizing Area and is currently designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan.

The Subarea III Plan for that 2,652 acres was prepared and is titled the "Pacific Highlands Ranch Subarea Plan."

Approximately 550 acres of the 2,652 acres in Subarea III has been approved for development at rural densities while preserving 384 of the 550 acres as natural open space.

The designation of the remaining 2,102 acres in Subarea III is proposed to be changed from "Future Urbanizing" to "Planned Urbanizing" while preserving an additional 889 of the 2,102 acres as natural open space.

In accordance with the Pacific Highlands Ranch Subarea Plan an additional 143 acres of the 2,102 acres is planned for State Route 56 right-of-way, approximately 90 acres of which will be conveyed by Pardee Construction Company to the City for a price substantially below market value.

~~The terms of the Transportation Phasing Plan for the Pacific Highlands Ranch Subarea Plan provides that no more than 1,900 dwelling units shall be permitted within the phase shifted area of Subarea III until such time that State Route 56 westbound/Interstate 5 northbound connection ramps are in place and operational.~~

~~The City Council strongly supports the construction of State Route 56 westbound/Interstate 5 northbound connection ramps and intends to aggressively lobby for this project to be a top priority in the year 2,000 State Transportation Improvement Plan (STIP).~~

The Pacific Highlands Ranch Subarea Plan provides for designation of at least 1,274 acres of open space, including a

wildlife corridor connecting Gonzales and McGonigle Canyons within the regional open space system known as the Multiple Habitat Planning Area [MHPA].

In accordance with this ballot measure, the Pacific Highlands Ranch Subarea Plan, and a certain Development Agreement on file in the office of the City Clerk of the City of San Diego as Document OO-18571, title to additional property known as Parcels A and B within Neighborhood 8A of Carmel Valley will be conveyed to the City as a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing."

As a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing," absent voter approval the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan-Option One, approved by the City Council by Resolution No. R-290506, on July 28, 1998.

Pacific Highlands Ranch is located on the eastern boundary of Carmel Valley and is identified in Exhibit 1-1 in the Pacific Highlands Ranch Subarea Plan on file in the office of the City

Clerk as Document No. RR-290521, adopted by Resolution No. R-290521, of the City Council on July 28, 1998.

Implementation of the Pacific Highlands Ranch Subarea Plan requires that 2,102 acres within Pacific Highlands Ranch Subarea Plan, as depicted on Exhibit 1-1 of said Plan, be changed from "Future Urbanizing" to "Planned Urbanizing."

Approval of this change of designation in no way permits any other portion of the North City Future Urbanizing Area to have a change of designation without a separate vote of the people.

NOW, THEREFORE, the People of the City of San Diego do hereby resolve to conditionally amend the City's Progress Guide and General Plan, specifically by conditionally amending the Official Phased Development Map, on file in the office of the City Clerk as Document No. RR-267565-1, to change the designation of 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the amendment to become effective upon, but not until, the occurrence of the following events:

1. Pardee Construction Company offers to dedicate to the City fee title to 126 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley and offers to dedicate a conservation easement for an additional 24 acres on Parcel A to

establish a mitigation bank; and

2. Pardee Construction Company has made a legally binding offer to sell to the City approximately 90 acres of land currently under Pardee Construction Company ownership within Subarea III for use as State Route 56 right-of-way at a price which is substantially below market value.

The People of the City of San Diego do hereby further resolve that upon the occurrence of events described above, thereby triggering an amendment of the Official Phased Development Map, on file in the office of the City Clerk as Document No.

RR-267565-1 to change the designation of 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the following development restrictions shall apply to the land which is the subject of this ballot measure:

1. Upon the 150 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley, no fewer than 135 acres shall be maintained as natural open space (no residential or commercial development or improved roadways), and no more than 15 acres may be used for a community park site at the specific location shown upon Figure 2.11 of the Neighborhood 8A Specific Plan

approved by the City Council by Ordinance No. O-18572
on September 8, 1998; and

2. Absent voter approval, the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan, approved by the City Council by Resolution No. R-290506 on July 28, 1998; and
3. Absent voter approval, the Council of The City of San Diego shall not amend the Pacific Highlands Ranch Subarea Plan to designate any fewer than 1,274 acres of open space or reduce or eliminate the wildlife corridor which connects Gonzales Canyon and McGonigle Canyon; and
4. ~~Development within the phase shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 are constructed and operational; and~~
5. Within Pacific Highlands Ranch Subarea Plan, Del Mar Heights Road shall not be accessible to through traffic from east of Camino Santa Fe until that portion of State Route 56

(or a comparable roadway extension in the State Route 56 corridor) is in place from its present terminus at Carmel Valley Road to Camino Santa Fe.

Section 2. On the ballot to be used at this Municipal Election consolidated with the Statewide General Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION__.</p> <p>Shall the City of San Diego's General Plan be amended to change the designation of 2,102 acres in Subarea III from "Future Urbanizing" to "Planned Urbanizing" to allow development of a transit-oriented community, provided that 889 acres remains open space, and an additional 150 acres of extremely rare habitat on Carmel Mountain is dedicated to the City, and approximately 90 acres within Subarea III needed for completion of SR-56 is sold to the City at substantially below market value?</p>	<p>YES</p>	
	<p>NO</p>	

Section 3. An appropriate mark placed in the voting square after the word "YES" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "NO" shall be counted against the adoption of the proposition.

Section 4. The City Clerk shall cause this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of the election on this proposition need be given.

Section 5. Pursuant to California Elections Code section 9295, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for

printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice in his office the specific dates that the examination period will run.

Section 6. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on August 7, 1998, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By

Richard A. Duvernay
Deputy City Attorney

RAD:lc

07/17/99

08/04/98 COR.COPY

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Or.Dept:Comm.&Eco.Dev.

O-99-4

Form=o&t.frm



THE CITY OF SAN DIEGO

May 6, 2010

Mr. George Schaefer
Deputy City Attorney's Association
MS 59

Dear Mr. Schaefer:

You have submitted a proposal for possible placement on the ballot for the November 2, 2010 general election. The proposal has been forwarded to the Rules Committee consultant, and will be docketed pursuant to Council Policy 000-21.

It is my understanding that you have been in contact with the Rules Committee consultant and he has tentatively scheduled your item to be heard at the May 19, 2010 Rules Committee meeting. The meeting is scheduled for 9:00 a.m. and will be held in the Committee Room on the 12th floor of the City Administration Building at 202 C Street.

If you wish to address the Committee, please be sure to complete a speaker's request form and give it to the Committee staff person at the beginning of the meeting.

Should you have any questions, please do not hesitate to call.

Sincerely,

Elizabeth Maland
City Clerk

cc: Whitney Benzian, Rules Committee Consultant



**CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000**

DATE: May 6, 2010

TO: Whitney Benzian, Rules Committee Consultant

FROM: Elizabeth Maland, City Clerk

SUBJECT: Ballot Proposal for Rules Committee Review

Attached is a ballot proposal regarding Charter amendments to Charter sections 30, 40 and 117, filed in my office by George Schaefer with the Deputy City Attorney's Association, pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Rules Committee for possible placement on the ballot.

The Clerk's Office has established June 11, 2010 deadline for submitting such ballot proposals for the November 2, 2010 ballot, and anticipates that the Rules Committee will review such proposals at its June 16, 2010 meeting. Ballot proposals which are referred to the full City Council after Rules committee will be listed under Public Notice on the Council Docket of June 21, 2010, and docketed for consideration by Council on June 28, 2010.

My office will keep a copy of the Deputy City Attorney's Association amended ballot proposal and re-submit it to you after the June 11 deadline has passed, but prior to the June 16 Rules Committee meeting.



Elizabeth Maland
City Clerk

Attachment

cc: Diane JuradoSainz, Legislative Coordinator
George Schaefer, Deputy City Attorney's Association

RECEIVED
CITY CLERK'S OFFICE

10 MAY -6 AM 11:25

SAN DIEGO, CALIF.

Amends SD charter section 30 (Removal of Unclassified Officers and Employees)

Section 30: Removal of Unclassified Officers and Employees

Officers and employees in the unclassified service appointed by the Manager or other appointing authority not under control of the Manager, with the exception of Deputy City Attorneys, may be removed by such appointing authority at any time.

Appropriate rules and regulations shall be promulgated to establish procedures as may be necessary by which the dismissal provided for in this article shall be processed and effectuated. Procedures relating to the termination, suspension, salary reduction, and layoffs of Deputy City Attorneys as provided in Section 40 shall be established in compliance with the Meyers-Miliias-Brown Act.

With the exception of Deputy City Attorneys, ~~Nothing~~ contained herein shall be construed as in any way limiting the authority and power of the Manager or such other appointing authority not under the control of the Manager to remove any such unclassified officer or employee appointed or employed by them and any order effecting said removal shall be final and conclusive.

Amends SD Charter section 40 (City Attorney)

Section 40: City Attorney

At the municipal primary and general election in 1977, a City Attorney shall be elected by the people for a term of seven (7) years. A City Attorney shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter.

Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve more than two (2) consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision. Persons holding the office of City Attorney prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term limit provision to future elections.

The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties, except in the case of the Ethics Commission, which shall have its own legal counsel independent of the City Attorney. The attorney and his or her deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him or her, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter. The City Attorney may appoint no more than six Assistant City Attorneys and four other assistants, who shall serve at the pleasure of the City Attorney and may be removed by the City Attorney at any time.

No Deputy City Attorney, who has served continuously as a Deputy City Attorney in the Office of the City Attorney for two years or more shall be terminated, suspended or have his or her salary reduced without good cause, except that any Deputy City Attorney may be subject to layoff due to lack of work or lack of funds.

To ensure that Deputy City Attorneys conduct their legal work with the highest level of integrity, honesty, and professionalism, good cause for purposes of termination, suspension or reductions in pay includes, but is not limited to, failure to comply with the California Rules of Professional Conduct.

It shall be the City Attorney's duty, either personally or by such assistants as he or she may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of the City Attorney by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each approval of the form or correctness thereof; to preserve in the City Attorney's office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in the City Attorney's office copies of all written opinions he or she has furnished to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his or her successor in office.

The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of the office.

The City Attorney shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption.

The City Attorney shall apply, upon order of the Council, to a court of competent jurisdiction for writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, provided that the salary of the City Attorney may not be decreased during a term of office, but in no event shall said salary be less than \$15,000.00 per year.

In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve the unexpired term. Said appointee shall remain in office until a successor is elected and qualified.

Amends SD Charter section 117 (Civil Service)

Section 117: Unclassified and Classified Services

Employment in the City shall be divided into the Unclassified and Classified Service.

****(a) The Unclassified Service shall include:

[[subsections (1) through (9) no change in text]

(10) Not more than six All-Assistant and Deputy City Attorneys and four other assistants in the Office of the City Attorney. All Deputy City Attorneys, except as provided in Sections 30 and 40.

[subsections (11) through (17) no changes to text]

[subsections (b) and (c) no change in text]

RECEIVED
CLERK'S OFFICE

10 MAY -6 AM 11:24

Amends SD charter section 30 (Removal of Unclassified Officers and Employees)
SAN DIEGO, CALIF.

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[subsections (11) through (17) no changes to text]

[subsections (b) and (c) no change in text]

**CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000**

DATE: February 26, 2010

TO: Whitney Benzian, Rules Committee Consultant

FROM: Elizabeth Maland, City Clerk

SUBJECT: Amended Ballot Proposal for Rules Committee Review

Attached is an amended ballot proposal regarding a new downtown Chargers stadium and redevelopment of the City-owned Mission Valley site, filed in my office by Katheryn Rhodes and Conrad Hartsell, pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Rules Committee for possible placement on the ballot.

The Clerk's Office has established June 11, 2010 deadline for submitting such ballot proposals for the November 2, 2010 ballot, and anticipates that the Rules Committee will review such proposals at its June 16, 2010 meeting. Ballot proposals which are referred to the full City Council after Rules committee will be listed under Public Notice on the Council Docket of June 21, 2010, and docketed for consideration by Council on June 28, 2010.

My office will keep a copy of Ms. Rhodes and Dr. Hartsell's amended ballot proposal and re-submit it to you after the June 11 deadline has passed, but prior to the June 16 Rules Committee meeting.


Elizabeth Maland
City Clerk

Attachment

cc: Diane JuradoSainz, Legislative Coordinator
Katheryn Rhodes
Conrad Hartsell MD

Jenkins, Denise

From: CLK City Clerk
Sent: Friday, February 26, 2010 2:38 PM
To: DeMaio, Carl; Emerald, Councilmember Marti; Faulconer, Council Member Kevin; Frye, Donna; Gloria, Todd; Hueso, Council President Ben; Lightner, Councilmember Sherri; Sanders, Jerry; Young, Anthony
Cc: Jenkins, Denise
Subject: FW: Amended Chargers Stadium Ballot Proposal for November 2, 2010 Election.
Attachments: 20100226_Chargers_Stadium.pdf

Importance: High

The attached email received in the City Clerk's general email account has been addressed to the Mayor and/or City Council. It is being forwarded to your office as part of the Clerk's standard procedure for such emails.

Thank you.

Ms. Tyshar Turner
Office of the City Clerk
Deputy City Clerk II
Information Services Supervisor
619-533-4006

Committed to providing accurate information and maximizing access to municipal government.

-----Original Message-----

From: rhodes@laplayaheritage.com [mailto:rhodes@laplayaheritage.com]
Sent: Friday, February 26, 2010 12:36 PM
To: Sanders, Jerry; Frye, Donna; DeMaio, Councilmember Carl; DeMaio, Carl; Lightner, Councilmember Sherri; Emerald, Councilmember Marti; Faulconer, Council Member Kevin; Hueso, Council President Ben; Councilmember Todd Gloria; Young, Anthony; SDAT City Attorney; Goldsmith, Jan; Tevlin, Andrea; CLK City Clerk; emalan@sandiego.gov; Braun, Gerry; danziger@ccdc.com; alessi@ccdc.com; jgraham@ccdc.com
Cc: mdf@markfabiani.com
Subject: Amended Chargers Stadium Ballot Proposal for November 2, 2010 Election.
Importance: High

Hi All,

Attached please find our Amended Chargers Stadium Ballot Proposal for the November 2, 2010 Election. We are still looking for buy-in from both Council Persons Kevin Faulconer and Donna Frye before the June 16, 2010 Rules Committee hearing.

Regards,

Katheryn Rhodes and Conrad Hartsell MD
371 San Fernando Street
San Diego, California 92106
619-523-4350
rhodes@laplayaheritage.com

February 26, 2010

Mayor Sanders and City Council
City of San Diego
202 C Street, San Diego, California
www.sandiego.gov

National Football League (NFL) Chargers
c/o Mr. Mark Fabiani – Special Counsel
P.O. Box 609609, San Diego, California 92160-9609
<http://www.chargers.com/>

**Subject: Amended Ballot Measure for a new Multi-Purpose Chargers Stadium and Event Center
California General Election of Tuesday, November 2, 2010
East Village Neighborhood of Downtown, San Diego, California.**

Reference: www.tinyurl.com/sdstadium

Dear City of San Diego and NFL Chargers:

After meetings with many San Diegans we have amended our proposed Ballot Measure for a new Multi-Purpose Chargers Stadium and Event Center in the East Village neighborhood of downtown, San Diego, to be put on the California General Election Ballot by the City Council for a public vote on Tuesday, November 2, 2010. Hopefully, the new draft wording will be amended by both Council Persons Kevin Faulconer and Donna Frye in the next 100 days to gain broad public support while eliminating and minimizing financial risks to City taxpayers. A sense of urgency needs to be established before June 16, 2010 in order to keep the San Diego Chargers from moving to Los Angeles. The draft wording is as follows:

“Shall the Citizens of San Diego authorize Redevelopment Funds be used to invest up to a maximum of \$200 million dollars to prepare the downtown Metropolitan Transit Service (MTS) site for a possible Multi-Purpose Chargers Stadium and Event Center; resolve the downtown homeless problem before the Chargers are allowed to occupy the new Stadium, by in part building the Permanent Homeless Shelter in downtown; and direct Redevelopment Funds for public improvements including park land and open space along the San Diego River in Mission Valley without increasing taxes and fees, or lowering service levels for police, fire, street repairs, and/or city services?”

Our proposed Ballot Language would include three separate parts that would be contingent upon all three measures passing a majority vote of City of San Diego taxpayers. The proposed agreement between the public taxpayers, the City of San Diego, CCDC, the San Diego Convention Center Corporation (SDCCC), the San Diego Housing Commission, and the NFL Chargers should be a win for all involved. This proposal and investment would not require any new taxes or public money from the City of San Diego taxpayers to be given directly to the private Chargers organization, but instead would allow the Chargers access to public land in the East Village neighborhood of downtown San Diego instead of Mission Valley.

The three measures to be funded with Redevelopment Agency dollars include:

- Preparing Land for a New Stadium and Event Center in East Village.
- Resolving the Homeless problem by building the Permanent Homeless Shelter in downtown before the Chargers are allowed to occupy their stadium, with a deadline of resolving the homeless problem city-wide by 2015.
- Improvements to the San Diego River Park within City limits, specifically in Mission Valley.

After reviewing our proposal, we would like to meet with City officials to discuss solutions and strategy in time for a public vote on November 2, 2010. If you have any questions, please do not hesitate to contact us.

Regards,
Katheryn Rhodes and Conrad Hartsell, MD
371 San Fernando Street, San Diego, California 92106
619-523-4350 rhodes@laplayaheritage.com

JUNE 16, 2010 DEADLINE FOR INCORPORATION INTO NOVEMBER 2, 2010 BALLOT.

Based upon correspondence from the City of San Diego, our draft Ballot proposal will be heard by the City Council's Rules, Open Government, and Intergovernmental Relations Committee on June 16, 2010, and if passed, forwarded to the full City Council for a public hearing on June 21, 2010, in time for the November 2, 2010 California General Election. That leaves the City Council and San Diego taxpayers over 100 days to analyze the cost and benefits of a 2010 Ballot Proposition to keep the Chargers in San Diego before the Chargers notify the City of San Diego and the 32 NFL owners that they are moving to Los Angeles. The Chargers organization would have the potential to make even more money by moving to Los Angeles. However, the decision if the Chargers and the NFL move out of San Diego would not be made by the Chargers, but instead by the 32 NFL team owners who specifically want an NFL team in beautiful San Diego.

A Sense of Urgency needs to be established in the next 100 days to keep the NFL Chargers in San Diego past February 1, 2011 when the Chargers can again opt out of their lease with the City of San Diego using a trigger clause, and announce their move to Los Angeles County as the second NFL team for Mr. Roski's new Stadium in the City of Industry, California. Although the Chargers could announce their move in 2011, they could still play at Qualcomm Stadium until their new shared home in the City of Industry is built and ready for occupancy between the 2012-14 seasons.

Two NFL teams per stadium is the newest trend in the National Football League, and may play into the Chargers decision to move to Los Angeles on February 1, 2011. The new Meadowlands Stadium will open this spring in 2010 will be the new home for both the New York Giants and the New York Jets NFL teams. In Santa Clara, California there is a June 2010 ballot initiative for a new NFL Stadium for the San Francisco 49ers, which may also be the new home for the Oakland Raiders. Many believe that two NFL teams will move into Mr. Roski's City of Industry planned football stadium and split the space based on the new shared arrangement between the New York NFL teams.

Since Mr. Roski requires majority ownership of a team, a smaller NFL team such as Jacksonville Jaguars, Buffalo Bills, or Minnesota Vikings will be sold to Mr. Roski in 2010 so that construction can start on the shovel-ready project. Then, the Chargers can announce their move up to Los Angeles on February 1, 2011 and be the second team using the new NFL stadium on alternative weekends without Mr. Spanos giving up ownership of the Chargers team. Based upon the decrease in the Chargers Termination Fee, waiting to announce their move to Los Angeles on February 1, 2011 before a 2012 public vote can take place, will save the Chargers organization approximately \$29 million dollars.

<http://www.sandiego.gov/auditor/pdf/qualcommauditreport.pdf>. Table 1 from the 2009 Audit of Qualcomm Stadium linked above shows the breakdown to pay off the balance of the 1997 Stadium Renovation Bonds issued in the amount of \$68 million dollars. If the Chargers left in 2010, the Chargers would be 100% responsible for the outstanding bond balance of \$54,670,000. From 2011 to 2020, the Chargers Termination Fees decreases from \$25,820,000 [49%] to \$3,490,000 [11%] of the total outstanding debt obligation.

Table 1 - Stadium Renovation Bond Obligation Analysis.

Date	Principle Balance (Estimated) *	Chargers Termination Fee	City Obligation
February 1, 2010	\$54,670,000	\$54,670,000 [100%]	\$ 0.00 [0%]
February 1, 2011	\$52,950,000	\$25,820,000 [49%]	\$27,130,000 [51%]
February 1, 2012	\$51,110,000	\$23,980,000 [47%]	\$27,130,000 [53%]
February 1, 2013	\$49,145,000	\$22,015,000 [45%]	\$27,130,000 [55%]
February 1, 2014	\$47,030,000	\$19,900,000 [42%]	\$27,130,000 [58%]
February 1, 2015	\$44,760,000	\$17,630,000 [39%]	\$27,130,000 [61%]
February 1, 2016	\$42,325,000	\$15,195,000 [36%]	\$27,130,000 [64%]
February 1, 2017	\$39,705,000	\$12,575,000 [32%]	\$27,130,000 [68%]
February 1, 2018	\$36,890,000	\$ 9,760,000 [26%]	\$27,130,000 [74%]
February 1, 2019	\$33,870,000	\$ 6,740,000 [20%]	\$27,130,000 [80%]
February 1, 2020	\$30,620,000	\$ 3,490,000 [11%]	\$27,130,000 [89%]

* The estimate assumes that the entire Chargers Termination Fee payment will be used to pay down the balance of the Stadium Renovation Bond principle. The amount does not consider the disposition of the Stadium Renovation Bond Debt Reserve Account which has a balance of \$5.8 million as of January 2009. The City taxpayers' obligation to fund \$27,130,000 in debt service for the 1997 improvements to the existing Qualcomm Stadium should be part of any cost analysis for a new stadium.

MINIMIZING CITY OF SAN DIEGO TAXPAYER RISKS TO A MAXIMUM OF \$200 MILLION DOLLARS OF CCDC REDEVELOPMENT FUNDS, THE MAJORITY OF DEBT WOULD HAVE TO BE PAID ANYWAY TO CLEAN UP OUR CONTAMINATED PUBLICALLY-OWNED SITE.

Redevelopment funds are borrowed against future property tax revenues and do not influence the General Fund revenue that pay for police, fire, street repairs, and City services. No new taxes are required to fund Redevelopment projects such as a new Stadium, homeless facilities, and San Diego River park improvements. Redevelopment laws were made specifically to help the poor in blighted neighborhoods, and clean up areas to safe levels.

City of San Diego taxpayers have taken on too much risk in comparison to the rest of the County. Our proposal to invest up to a maximum of \$200 million dollars of CCDC Redevelopment Funds would not be used to give the Chargers any money or to build a Stadium structure, but would only be used specifically to prepare the land under the publically owned Metropolitan Transit System (MTS) Bus Maintenance yard, build a subterranean foundation, and acquire enough publically owned land from private interests for a new Multi-Purpose Stadium and Event Center in the East Village neighborhood of downtown San Diego. We estimate this site preparation work will cost closer to \$100 million in Redevelopment Funds [Phase 1 - MTS site \$50 million; and Phase 2 - Wonder Bread, Printing Shop, and portion of Tailgate Park \$50 million]. However, the \$200 million figure is used just in case there are cost overruns.

Private businesses that may have to be taken by eminent domain include the Historically Designated Wonder Bread Building, the adjacent printing warehouse, and a liquor store. Figures 1 and 2 show the proposed site in the East Village neighborhood of downtown San Diego including the MTS Maintenance Yard, the active faults, and the active fault buffer zone parallel to 13th Street and 16th Street. Figure 3 are photographs of the Historically Designated Wonder Bread building and floor plans.

Any proposed project on this publically-owned site would require CCDC redevelopment funds to pay to relocated the MTS Bus Maintenance Yard, clean up the contaminated waste created by the historical uses of the City of San Diego public trolley yard and Transit District, build a subterranean water-proof basement with a bathtub foundation founded on formational soils, pay for the Historically Designated Wonder Bread building, adaptive reuse features, and historical artifacts, and resolve the homeless problem by building the already funded Permanent Homeless Shelter in downtown as promised five years ago before the Chargers are allowed to occupy our new stadium. Supportive Housing for the Homeless population also includes programs for Mental Health issues, and Drug and Alcohol Rehabilitation.

The Chargers current price tag for a new stadium is approximately \$800 million. Based on the current plans of CCDC and the Chargers organization, a total of \$500 million dollars plus in public debt in the form of Redevelopment Funds is required of the City of San Diego and CCDC, with the Chargers kicking in \$200 million, and the NFL financing the last \$100 million.

At the Catfish Club meeting, Mr. Fabiani stated that the Chargers would not think of moving out of San Diego County until after the 2012 election. Now Mr. Fabiani is saying that the Chargers may decide to move in 2011, before the 2012 vote can happen. If the Chargers happen to stay until the 2012 vote, and if Mr. Fabiani puts the Chargers current plan to the voters creating massive CCDC debt on the order of \$500 million without any public benefits, the citizens (including us) will reject the offer, and the Chargers can say their tried, but did not succeed.

State laws caps how much money CCDC can collect and spend over its lifetime. Currently, the CCDC Redevelopment Agency estimates it has \$386 million in discretionary dollars remaining. Capping the maximum allowable public debt to \$200 million to prepare land for a new Multi-Purpose Chargers Stadium would not require the two to three year time frame for CCDC to possibly up their lifetime budgetary limits. Increasing CCDC time and funding limits are not guaranteed by the State of California.

The amount of CCDC Redevelopment Funds would be capped at \$200 million, and may be substantially less (up to \$100 million) to prepare the land and build the basement level foundation. The remaining \$300 million dollar plus cost over rides in public financing to build the Multi-Purpose structure in 2012 will have to be financed County-wide. Financing would have to be approved by the Regional SANDAG Board and the County of San Diego Board of Supervisors through Federal Build America Construction Bonds, Grants, State and Federal Stimulus Funding, a \$2 surcharge on all tickets sold to all events, new Taxes, new Fees, and/or NFL fees such as club seat waivers.

Federal Build America Bonds could provide millions of dollars per year to pay 35 percent of the debt interest payments on construction of a new NFL Stadium and Event Center. Building America Bonds (BABs) are a new financial tool for state and local governments which allow a new direct federal payment subsidy, are taxable bonds, and would give state and local governments access to the convention corporate debt markets. As a result of this federal subsidy payment, state and local governments will have lower net borrowing costs and be able to reach more sources of borrowing than with more traditional tax-exempt or tax credit bonds. <http://www.treas.gov/press/releases/tg538.htm>
<http://www.investopedia.com/articles/bonds/09/babs-are-born.asp>

If the Chargers are still in town next year, according to the team, a public vote will be required in 2012 to publically fund the actual Multi-Purpose stadium building for the San Diego County region. This same type of Regional financing plan was used to build the original Qualcomm Stadium in 1967 on City of San Diego-owned land in Mission Valley.

Our goal for November 2, 2010 is not to find a total solution to keeping the Chargers and full financing of an NFL stadium, but only for CCDC to pay to prepare the land, and to show the NFL and the Chargers that: Yes! The Chargers organization is wanted in San Diego and there are possible solutions to keeping an NFL team in San Diego County. Our plan is only Step 1 of the public dialogue which is not binding on San Diego taxpayers unless full financing for the whole Stadium and Event Center project can be found in 2012 as stated by Mayor Sanders in his State of the City speech. In order to share the risk, Step 2 would include the full County of San Diego deciding in 2012 if taxpayers want to actually pay to build the new structure on City-owned land, or let the NFL Chargers move to Los Angeles.

The current low density MTS Bus Maintenance Yard and parking lot is not being used to its full capacity and the contaminated area can be cleaned up and put to a better, denser use for the benefit of the general public, irrespective of a new stadium. The proposed site is located within the Centre City Planned District and is subject to the Center City PDO Municipal Code Section 156.03. According to the City of San Diego Municipal Code the Floor-Area Ratio (FAR) for the project site is a minimum of 2.0 to a maximum of 3.0.

If funding for the whole Stadium and Event Center project is not found in 2012 by the San Diego County Region, then the City of San Diego taxpayers will be left with a cleaned up and decontaminated MTS site with a basement founded on formational soils that could be used as the foundation for any other development project including a new parking structure near Interstate 5, mixed-use housing, and/or affordable housing at a higher density than can be used by office space, bus maintenance bays, and a large asphalt parking lot. Therefore, there will not be any financial risk for City of San Diego taxpayers, because the public site can be used for a greater public benefit than an overnight parking lot for large buses.

The preparation of the land for a new Stadium footprint would be separated into two phases.

Phase 1 could start on November 3, 2010 and would consist of preparing only the MTS land by relocating the Bus Maintenance Yard and parking lot, constructing slurry trench walls for the basement level, and removing all the contaminated soils off the property. We estimate that Phase 1 will cost approximately \$50 to \$100 million dollars of Redevelopment Funds.

Phase 2 of the Stadium project footprint would consist of the private Wonder Bread building, the print shop, and portions of Tailgate Park. We estimate that Phase 2 will also cost approximately \$50 to \$100 million dollars.

Phase 2 would not start until full funding is found in 2012 for the whole stadium project. This way if full funding for the Stadium project and Event Center is not found, and the Chargers do not move to the East Village neighborhood, then there would be no need to Eminent Domain private property and destroy the Historically Designated Wonder Bread building, the Print Shop, and the eastern portion of Tailgate Park. Construction of only Phase 1 may save taxpayers up to \$100 to \$150 million in Redevelopment Funds of the \$200 million maximum limit that would not need to be paid to prepare the land for the full Stadium footprint.

However, through this investment the Homeless problem will be resolved, and public improvements would still be made to the San Diego River for the benefit of all taxpayers. All San Diegans will benefit from this investment, and no one will get rich out of this Ballot measure to prepare the MTS site for a possible NFL Stadium and Event Center, resolve the homeless problem, and improvements to the San Diego River park. Instead of more luxury condominiums, Redevelopment Funds can be spent for the greatest public good.

CALIFORNIA REDEVELOPMENT LAW

Excerpts from the California Redevelopment Law are shown below. As stated in the law, Redevelopment Funds can be used for construction of public structures specifically for recreational uses. A new public Stadium and Event Center in downtown would provide for public and private recreational areas and will also become a public space to gather. In addition to recreational uses being a reason to build a stadium in a Redevelopment Area, the stadium could also be used to aid displaced persons during natural disasters and emergencies for the whole San Diego County Region. The City of San Diego's Qualcomm Stadium acted as an Emergency Shelter during the 2003 and 2007 wildfires.

Redevelopment law also allows Redevelopment funds to be used anywhere inside or outside a Redevelopment Area to provide housing for the homeless including Supportive Housing and programs specifically for Mental Health issues, Drug and Alcohol Rehabilitation, and homeless Veterans

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=33001-34000&file=33020-33022>

HEALTH AND SAFETY CODE SECTION 33020-33022

33020. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a survey area, and the provision of those residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them .

33021. Redevelopment includes: (a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in a project area.

(b) Provision for open-space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.

33021.1. In a city and county, redevelopment includes improving, increasing, or preserving **emergency shelters for homeless persons or households. These shelters may be located within or outside of established redevelopment project areas.** Notwithstanding any other provision of law, only redevelopment funds other than those available pursuant to Section 33334.3 may be used to finance these activities.

34050. The Legislature finds that natural disasters result in the destruction and damage of housing and related infrastructure, homelessness, and economic dislocation. It is the intent of the Legislature in enacting this chapter to assist in the rehabilitation and reconstruction of housing, aid displaced persons, and aid economic recovery in jurisdictions subject to a state of emergency proclaimed by the Governor.

PUBLIC BENEFITS FIRST

As a stand-alone project, San Diego voters would never agree to build a new NFL Stadium in downtown solely for the private Chargers NFL football team, when there is nothing wrong with the newly renovated Qualcomm Stadium in Mission Valley. In addition to relocating the MTS Maintenance Yard and the newer mechanical Service Bays for the fleet of buses; which costs millions of taxpayer dollars to build; pay to clean up the contaminated soils and hazardous waste spills at the MTS site in this economy; create a basement level on formational soils; use the Redevelopment Agency's Eminent Domain power to take 2.34 acres of private land to hand over to the private Chargers organization; while destroying the Historically Designated Wonder Bread building. Therefore in order to keep the Chargers in San Diego public benefits are required to be tied with the stadium deal including solving the Homeless problem in San Diego and San Diego River Park improvements.

Environmentalists would vote for public improvements along the San Diego River Park and path. Charger fans would vote for a new stadium. And homeless advocates would vote for the Permanent Homeless Shelter to be built in downtown, with a deadline to resolve the city-wide homeless problem by 2015. The year 2015 is also in line with Congressman Bob Filner's proposal to end homelessness among Veterans by 2015. When all three parts of this proposal are put on the ballot, contingent on all three passing with a 50 + 1 percent majority, a large coalition could be formed in order to pass this proposal that gives San Diego taxpayers multiple reasons to vote for all three civic issues that will need to be resolved. The City of San Diego is responsible for operating, maintaining, and improving Qualcomm Stadium in Mission Valley. For the new downtown Stadium and Event Center, the NFL Chargers organization will take over operating and maintenance duties at a cost of zero dollars to the taxpayers. In addition, the Chargers envision street level restaurants and bars that could be opened all 365 days a year, creating a reason to visit and spend money in the East Village neighborhood.

RESOLVE THE HOMELESS ISSUE IN THE CITY OF SAN DIEGO BY 2015.

The Federal Court ruled that the issuing of illegal lodging tickets by the police was cruel and unusual punishment and unconstitutional when homeless shelters had too few beds. In 2007, the City Council agreed to a legal settlement where *"police officers will not issue illegal lodging tickets to homeless people between 9:00 p.m. and 6:00 a.m. sleeping on public property, if the act of sleeping outdoors is their only offense."*
<http://www.voicesofsandiego.com/articles/2007/03/02/survival/840settlement.txt>

Tickets can only be issued by Police if the City of San Diego had the required number of warm beds to support the homeless population. The Multi-Purpose NFL Stadium and Event Center should be built only if CCDC and the Redevelopment Agency guarantee that enough beds will be created for the chronically homeless, so the San Diego Police can again ticket persons who refuse treatment. City-wide, a minimum 1,869 warm beds would need to be constructed. Living on the street of the East Village should not be an option or a lifestyle choice available to the homeless. Solving the dire homeless problem in the East Village is in the best interest of all including residents, businesses, visitors, the City of San Diego, the Convention Center, CCDC, the NFL Chargers, and the homeless.

Current facilities in the project area, such as those run by St. Vincent DePaul's Father Joe, and the Alpha Project, deserve support and expansion as an inherent feature of this project. This kind of active partnership with the community is vital for winning over a skeptical public which has seen previous promises broken.

**Table 2 – 2009 Homeless Statistics Point In Time (PIT) Count Summary
 from the Regional Task Force on the Homeless – San Diego.**

Geographical Area	Living on the Streets with no Shelter	Living in an Emergency Shelter	Transitional Housing (Off the streets)	Total	Percent of Total (%)	US Census Population 2006/2008	Population Percentage Homeless
City of San Diego	1,868	656	1,814	4,338	55%	1,256,951	0.3%
County of San Diego	4,014	965	2,913	7,892	100%	3,001,072	0.1%

<http://rtfhdsd.org/pdf/PITC09.pdf> <http://quickfacts.census.gov/qfd/states/06/0666000.html>

When asked the reason why a homeless individual did not stay in an emergency shelter, safe house or transitional shelter the previous night, 43 percent (127/302) stated they “*Did not want to.*” According to residents of the Downtown San Diego Partnership, “*Responding to homeless complaints and homeless-related concerns is the number one issue facing our Clean & Safe safety ambassadors, has become a significant concern for our maintenance crews and is far and away the number one complaint of downtown residents and business owners... With an estimated 7,582 homeless throughout the San Diego region, approximately 4,082 within the City of San Diego, and close to 600 downtown, the only humane thing to do is get them off the streets*”
<http://downtownsandiego.org/newsDesk/downloads/July%202009.pdf>

This is the City of San Diego taxpayer’s opportunity to do the right thing by both the new condominium residents and business owners in the East Village neighborhood, and the displaced homeless population. Homeless San Diegans are citizens and deserve to be protected. Supportive Housing, Mental Health issues, and Drug and Alcohol Rehabilitation are other facets of the homeless population that needs to be addressed. Many great ideas exist to end the plight of the Chronically Homeless used successively in other American cities. CCDC and Redevelopment created increased density by the removal of the Single-Room Occupancy (SRO) apartments and hotels in downtown San Diego. Former apartments for the very low income singles are now mostly empty luxury condominiums. The misplaced homeless have nowhere safe to sleep. According to State of California Redevelopment law, the persons displaced by redevelopment should have been relocated by CCDC to housing before being kicked out onto our public streets.

In addition to shelter, there is a lack of restroom and water fountains available for public use in downtown San Diego. We believe the stadium should provide restroom facilities for their homeless neighbors, visitors, and the general public as part of any civic decision.

“The NFL and United Way Partnership is the most visible and longest running charitable collaboration in history. For more than 35 years, the partnership has been a shining example of the tangible good that can come when America’s favorite sports league joins forces with the largest nonprofit to create real change in communities. United Way thanks the National Football League—owners, coaches, players and staff—for 35+ years of living united.” -- <http://www.liveunited.org/nfl/>

Former City of San Diego Council Member Brian Maienschein is the Commissioner of United Way of San Diego County’s Plan to End Chronic Homelessness. Collaboration between the Chargers, the NFL, the United Way, CCDC, the SDCCC, the San Diego Housing Commission, the City of San Diego, Father Joe, and other homeless advocates could solve the problem on Chronic Homelessness in San Diego and would be a reason for taxpayers to vote for the Chargers’ new Stadium and create a higher quality of life for all residents. After the homeless problem is resolved and the police can again ticket those who refuse help and treatment, the City of San Diego should also ban panhandling on public property and intersections.

Beside the Permanent Homeless Shelter in downtown San Diego, this investment would require Redevelopment Funds to be targeted to solve the City-wide homeless problem by 2015. The Centennial Celebration of the 1915 Panama-California Exposition in Balboa Park would be a perfect time to announce that our homeless problems are solved, so that taxpayer and visitors can again reclaim our public parks, beaches, intersections, and sidewalks.

Resolving the homeless issue should be a priority of the Redevelopment Agency, and any shovel-ready project with 100 percent affordable housing that would help resolve the homeless problem in any neighborhood in the City of San Diego would be first in line and prioritized for Redevelopment funding before a project with only 20 percent affordable housing. Redevelopment law also allows Redevelopment funds to be used anywhere inside or outside a Redevelopment area to provide housing for the homeless.

Examples of shovel ready projects include Phase 3 of the Veterans Village Expansion in the Midway area that is planned and approved, but not funded. Veterans Village Phase 3 includes the addition of 96 traditional beds, to the existing 224 early treatment bed for Veterans. <http://www.vvvd.net/vrcenter.htm>

SAN DIEGO RIVER PARK PUBLIC IMPROVEMENTS.

In addition to resolving the homeless problem in San Diego, the third prong of the deal to create a broad coalition for a new Chargers Stadium would include directing Redevelopment Funds for public improvements including park land and open space along the San Diego River within the City limits. This could be accomplished by adding the San Diego River Master Plan area to be part of the existing North Bay Redevelopment Project Area. The boundary for the San Diego River Master Plan start at Dog Beach in Ocean Beach to the west, and ends east of Mission Trails Regional Park, at the City of San Diego boundary line with the City of Santee

Figure 4 shows the existing North Bay Redevelopment Area and portions of the proposed addition to include the length of the San Diego River within City limits. The area of the San Diego River Master Plan (see Figures 5a and 5b) could be added to the North Bay Redevelopment Area so Redevelopment Funds can be used to remove blight and remove the homeless living along the length of the San Diego River bed, specifically in Mission Valley. Redevelopment dollars can also fund public improvements to include a \$6.9 million dollar Fire Station in Mission Valley, and a 75-acre River Front park at Qualcomm Stadium on city-owned land; plus complete the Environmental Impact Report (EIR) for the San Diego River Park Master Plan to include \$540,000 to fund the San Diego River Park Pedestrian and Bike Pathways, and \$500,000 for construction of the Sefton Field Ballpark, among other projects.

No private development can take place on our 82 acres of public Water Department land which make up the existing 166 acre Qualcomm Stadium site in Mission Valley. Therefore, 75 of the 82 non-developable Water Department-owned acres can be turned into a public San Diego River front park to connect to Dog Beach in Ocean Beach and be part of the San Diego River Conservancy which has both Donna Frye (District 6 Mission Valley) and Kevin Faulconer (District 2 East Village of downtown San Diego) as leaders.

<http://sdrc.ca.gov/>

HAZARDOUS MATERIAL CLEAN UP AND A WATERPROOF BASEMENT LEVEL.

As early as 1992, CCDC indentified that City of San Diego taxpayers would have to clean up the hazardous waste and contaminated soils at MTS site eventually in order to appease the RWQCB laws. CCDC and the City of San Diego taxpayers are ultimately responsible for the cost of the hazardous materials cleanup which will have to be dealt with during redevelopment of the bus overnight parking lot in the middle of downtown, into a higher density use which would increase benefits and profits for the general public. While building new MTS improvements elsewhere

Remediating the contaminated soils at the MTS site is a non-issue. Most of the contaminated soils have already been discarded concurrently when the leaking Underground Storage Tanks (UST) were removed and replaced starting in 1986. All environmental and hazardous waste disposal concerns can be mitigated without much additional money that would be required to build a basement level.

On July 1, 1985, the City and CCDC gave the MTS the 8.21-acres site for \$1 based on the understanding that the publically owned site would promote public transportation. Since the City, CCDC, and MTS have been the owners, they always have been responsible for any eventual cleanup on the MTS site. Almost every site in downtown San Diego has contaminated soils. The majority of the contaminated soils in downtown are usually taken out of the ground and mitigated during excavation for subterranean parking below buildings.

The historic Sanborn Fire Maps of 1921 and 1940 show that the City of San Diego used the MTS site to maintain public trolley cars until the City of San Diego gave the contaminated land to MTS for \$1 in 1985 (see Figure 6).

Less than one year later, in 1986 the Regional Water Quality Control Board (RWQCB) started their investigation into leaking Underground Storage Tanks (UST) at the MTS site. The random disturbance of the formational soils under the MTS site created by the removal of several USTs over the years requires a basement level to be constructed instead of the expensive alternative of founding any proposed structure on drilled pier foundations of varying depths.

Below are the projects documented by the California Regional Water Quality Control Board's (RWQCB) Geotracker website which documents all leaking underground storage Tanks (UST), contaminated soils, and hazardous waste spills in California

<http://geotracker.waterboards.ca.gov/search.asp> <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=san+diego%2C+ca>

The RWQCB Geotracker website documents the following open projects at the proposed site:

- Geotracker ID T0607301350 and T0607301954. Two Open Remediation projects on-site at the Metropolitan Transit Development Board, 100 16th Street, San Diego.

The Hazardous Material Technical Document for CCDDC's Downtown Community Plan Update and MEIR, dated September 13, 2002 linked below includes the following statements:

http://www.envirolawyer.com/4219005_MEIR_hazmat_update2_pdf_only.pdf

"The other problem area discussed in the 1992 ERCE report involves portion of the East Village Redevelopment Area... Many of the environmental concerns in this area either have been or will be mitigated by redevelopment activities."

The Polanco Redevelopment Act states that *"upon completion of remediation... the statute provides eligible parties with immunity from environmental liability for issues addressed in the cleanup plan."*

The other main environmental document for downtown San Diego is the *Final Subsequent EIR (SEIR) for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments* certified by the City Council on October 26, 1999.

Figure 7 shows the construction method for Slurry Waterproof Bathtub Foundation which should be analyzed as an option for construction of the foundation. There are two separate engineering issues that need to be analyzed: the large amount of undocumented fill created during the removal and replacement of several underground storage tanks on the site which cannot support a structure, and the relatively low water table (10 to 20 below adjacent grade) subject to tidal influences from San Diego Bay.

A waterproof Bathtub foundation was used as a basement under the World Trade Center buildings in New York City. In comparison, the San Diego Convention Center does not have a waterproof Bathtub foundation. Harbor Drive was lowered in relationship to San Diego Bay in order to build the eastern driveway entrance to the subterranean parking garage. At most the Convention Center has a partial Bathtub Foundation, which is not waterproof, and which requires constant pumping as to not flood the parking garage that was partially built below sea level.

MULTI-PURPOSE STADIUM WITH A NON-STRUCTURAL AND RETRACTABLE FABRIC ROOF.

The new Chargers stadium in downtown should be designed as a Multi-Purpose NFL Stadium and Event Center with a retractable roof to accommodate Indoor/Outdoor exhibitions in coordination with the Convention Center, International Soccer matches, music concerts, Street Scene, the ESPN X-Games, Evangelical Conventions, motor sports, public celebrations, and NFL Super Bowls in February. In addition, the City of San Diego is backing a bid to bring the World Cup of Soccer to the United States in 2018 or 2022. Design features for a new stadium should include movable seating to allow for a change of the playing surface shape, like an oval shape for Rugby matches. Street level bars and restaurant are also planned by the Chargers making the area a walkable community.

Instead of finding funding for two large projects on publically owned land, the large flat football field of the proposed NFL Stadium and Event Center founded on formational soils could be used as exhibition space for the San Diego Convention Center when not in use during the football season. Figures 8a and 8b show the proposed Street Level site layout and Basement Level for the full 14.14 acre footprint of the Multi-Purpose Stadium and Event Center in the East Village of downtown San Diego, which is bounded to the west by the 50 foot fault buffer setback from the active Silver Strand Fault of the active Rose Canyon Fault Zone (RCFZ) that limits the maximum project size.

Figure 9 shows the Arizona Cardinal's Multi-Purpose NFL Stadium and Event Center that has much public support and which cost \$395 million dollars for the structure. Although it rains less in Arizona than San Diego, the Cardinal's NFL Stadium has a retractable fabric roof. Figures 10 and 11 are photographs and seating chart configurations for the Multi-Purpose NFL Colt's Lucas Oil Stadium and Event Center which also has a retractable roof.

Comic-Con International is San Diego's largest convention and is held in the Chargers' off-season during the month of July. Comic-Con International will not guarantee to stay in San Diego if the Convention Center Expansion Phase 3 is built. San Diego could spend \$800 million visitor dollars specifically to retain Comic-Con International, who already have publically stated that they might still move to Anaheim irrespective of a San Diego Convention Center Expansion. If Comic-Con leaves San Diego for Anaheim, there are many fans and fanatics in San Diego who could start a rival convention here, as they did in 1970. The new name could be San Diego Comic-Con instead of Comic-Con International. If July's Comic-Con International moved to Anaheim, they will have competition with the existing Wizard World Convention scheduled in Anaheim for mid-April.

If the proposed Multi-Purpose Charger Stadium and Event Center in the East Village had a retractable roof, then the Comic Book Section could be moved to the stadium floor and the Hollywood crowd would be satisfied with their additional space, if that is all they really wanted. The Hollywood crowd wants to move the Comic Book Section out of the main Convention Center Ground Level Exhibit Hall to make more room for their big budget Movie Premieres. The proposed Multi-Purpose Charger Stadium and Event Center could be accessed by Conventioneers using the new Harbor Drive Pedestrian Bridge.

The new NFL Stadium and Event Center can also be used as an alternative venue for Comic-Con's Saturday night Masquerade contest which is always sold out instead of the smaller 4,150 seat (to maximum of 5,000 seat) Ballroom 20ABCD on the Upper Level. Based on the 2007 capacity of 125,000 attendees, only 3 percent (4,150/125,000) of the Conventioneers get to see the Masquerade contest, while the other 97 percent go home early.

The width of the proposed site from K Street to Imperial Street is 680 feet. The east boundary of the proposed site is 16th Street, which is approximately 80 feet from another active fault that parallels 16th Street in a North to South direction.

Table 3 shows the three differing scenarios for the western boundary for the proposed Stadium and Event Center footprint that should be decided, not only by the NFL Chargers organization, but by the taxpayers since we will be publically financing the majority of the costs. The larger the proposed site footprint, the more seats the potential Stadium and Event Center can accommodate, with a potential for growth into in the future.

Table 3 – Differing Possible Areas based on the chosen Western Boundary.

Scenario	Acres	Property	Western Boundary
1	8.27	MTS (8.21 Acres) and Liquor Store (0.06 Acres)	MTS property line
2	10.55	Scenario 1 Plus Wonder Bread & Print Shop (2.28 Acres)	14 th Street
3	14.14	Scenario 2 Plus portion of Tailgate Park (3.59 Acres)	Near 13 th Street 50 feet from active fault

Retractable roofs on NFL Stadiums are the latest requirements to host NFL Super Bowls. NFL Commissioner Roger Goodell, and the 32 NFL owners should be asked to verify that the NFL requires retractable roofs for any city they pick to host an NFL Super Bowl game during the rainy month of February. For the proposed retractable roof on the Stadium and Event Center we are proposing a non-structural roof, made from fabric comparable to the existing Convention Center Sails Pavilion. The retractable roof would act like more like an awning, then a structural roof, thus lowering the overall construction cost substantially.

The Miami Sun Life Stadium that just hosted the 2009-2010 Super Bowl game is in the process of adding a roof to the facility so that the NFL will consider Florida for future Super Bowls due to the potential for rainy weather in February. Excerpts from new stories discussing the new NFL requirement for a retractable roof include the following:

"A gray week of rain, which started with an annoying cool drizzle for Sunday's Pro Bowl, is exactly what South Florida doesn't need for our Super Bowl close-up. Not with the NFL making noise about a roof-less stadium being unfit to host future Super Bowls."

"Last month, the team unveiled renderings of a renovated stadium that include a partial roof over the seating bowl, but open over the field, and seats closer to the action. The roof would protect fans from the elements and prevent a repeat of Super Bowl XLI in 2007, when fans were drenched by torrential rains throughout the game."

"The renovation has three phases, the first has been completed but the second and third phases of renovation will take place after the Marlins move out of the stadium. These remaining phases include the addition of a roof to shield fans from the rain, as well as remodeling the sidelines of the lower bowl to narrow the field and bring seats closer, ending its convertibility to baseball."

"MIAMI GARDENS - Who needs a roof? Dolphins' owner Stephen M. Ross has to be asking the same thing, even though the NFL is expecting him to come up with a hundred million or so to put a lid on Sun Life Stadium - and based on the current plans, a pretty ugly one. Without a roof, among other renovations, Ross is going to have hard time convincing Commissioner Roger Goodell to bring another Super Bowl to South Florida."

CURRENT CITY OF SAN DIEGO SUBSIDIZES FOR PROFESSIONAL SPORTS TEAMS.

Stadium operations are not self-sustaining. Currently Qualcomm Stadium has a yearly Operating Deficit of \$13.6 million in 2008, and \$12.5 million in 2009. Going forward to 2020, a \$15 million dollar yearly taxpayer subsidy to operate the stadium and pay down the debt has been assumed by the City of San Diego with \$10.9 million of the Subsidy coming from the General Fund through the Transient Occupancy Tax (TOT). This \$15 million dollar yearly subsidy by the General Fund could instead be used for police, fire, streets, and other City services.

Beside professional football, \$11 million dollars a year is subsidized by City of San Diego taxpayers to pay down the debt on the new Petco Park stadium used by the San Diego Padres Major League Baseball team.

In total, San Diego taxpayers subsidize profession sports teams in the City of San Diego with approximately \$26 million dollars per year. City of San Diego taxpayers have shouldered all the financial risks for professional sports teams without any help from the rest of the San Diego County Region.

NFL CHARGERS FINANCIAL SITUATION.

http://www.forbes.com/lists/2009/30/football-values-09_San-Diego-Chargers_308205.html

The Forbes magazine article of September 2, 2009 linked above includes the following yearly financial analysis for the Chargers organization and the Spanos family:

- The Chargers organization worth increased to \$917 million in 2009, compared to \$70 million when Mr. Spanos bought the team in 1984. Mr. Spanos' family based in Stockton, California, has a net worth estimated at \$1 billion, making the Spanos' the 701 richest billionaires in the world.
- Yearly Revenue for the Chargers is \$224 million dollars, with expenses of \$127 million for players' payroll, with a balance of \$55 million in Gate Receipts, and \$41.6 million in Operating Income.
- The \$41.6 million balance makes the Chargers rank 9th of the 32 NFL teams in yearly Net Income.

No additional City of San Diego Redevelopment Funds would be used over the amount that is needed pay to relocate the MTS Bus Maintenance Yard and parking lot site, acquire private property, dispose of the contaminated soils, and build a water-proof Bathtub foundation. All these steps using Redevelopment Funds would be required of any project in downtown San Diego with contaminated soils and a low water table. The Chargers organization would not be getting any special consideration or profits for a new Stadium project that is not required to be paid by taxpayers sometime in the future anyways.

The city can help in many ways, but funding and hand outs for the actual stadium building should not be expected from public sources. As taxpayers, San Diegans requires the homeless issues in downtown be resolved, and the San Diego River Master Plan improvements to be completed to increase every San Diegans' quality of life. With education and the support of the historical, environmental, affordable housing, and military community, we believe that the issue of a new Multi-Purpose Stadium and Event Center in downtown should be put on the November 2, 2010 ballot.

In conclusion, the Chargers organization and the Spanos family are rich, and the City of San Diego is poor and cannot afford to subsidize the private Chargers or Padres sports teams. This investment will reduce the financial risk to the City of San Diego taxpayers to what is already required by law.

TAILGATING IN DOWNTOWN.

There will be many Tailgating opportunities if the Chargers move to downtown San Diego, and the City of San Diego allows alcohol drinking in Tailgate Park, and specific areas around Petco Park from 9:00 am to 1 pm before the football game start at 1:15 pm.

For the Padres Baseball Team the public 2.7-acre PARK AT THE PARK is just beyond the outfield fence. During non-event hours, the PARK AT THE PARK serves as a free and public neighborhood park from sun up to sun down. For Chargers Football games, the public PARK AT THE PARK could be utilized for Tailgating, BBQ, special functions, etc, for free.

Public alcohol drinking could be stopped 15 minutes before the start of the football game in the designated Tailgating areas, so that people who want to drink either move into the stadium to watch the NFL game, or go to nearby bars and restaurants thus making money for the General Fund through sales taxes. This would create a nice family atmosphere for watching the Football game at the PARK AT THE PARK, including a sandbox area where children can play.

During the football games, the television screen at the Park at the Park could be turned on to the Chargers game for those who cannot afford the Chargers ticket prices, and our public restrooms should be opened to the public.

Beside the PARK AT THE PARK, other areas to Tailgate could include the very wide sidewalks at the east side of Petco Park. Embarcadero Park behind the Convention Center could be used for corporate parties. After the initial parking areas west of the Chargers stadium are occupied, the City could also shut down the nearby public streets from the Omni Hotel (southern end of Tony Gwinn Drive) to traffic, creating a Pedestrian walkway bounded by K Street to the North, the Train Tracks to the South, 13th Street to the east, and Tony Gwinn Drive to the west. Figure 12 shows the potential areas for Tailgating in the East Village neighborhood of downtown San Diego.

AVAILABLE REDEVELOPMENT OPPORTUNITIES IF THE CHARGERS LEAVE MISSION VALLEY AND THE NEW STADIUM AND EVENT CENTER HAS A RETRACTABLE ROOF.

In order to gain public support, the civic decision for a new Stadium and Event Center should be made by the voters after an educational campaign, with buy-in from the skeptics who do not trust City Hall and CCDC. All contract negotiation should be simple and recorded online so the public is aware of the particulars and has a chance to weigh in before and after voting. No new taxes or fee or General Fund money for police, fire and city services would be required. CCDC should finance Redevelopment projects with the most positive impacts that will significantly benefit the community near the proposed stadium site in downtown San Diego, California.

New revenue streams for the City of San Diego taxpayers would be created by the Redevelopment of publically owned City of San Diego land including:

- The 166-acre Mission Valley Site with a 75-acre park, a new Fire Station, and Student and Faculty housing for the nearby San Diego State University (SDU), and
- The 67-acre Sports Arena property in the Midway area for mixed-use and affordable housing when the lease expires in 2017.

San Diego City Charter Section 221: Sale of Real Property states the following:

“Real property owned by The City of San Diego consisting of eighty (80) contiguous acres or more, whether or not in separate parcels, shall not be sold or exchanged unless such sale or exchange shall have first been authorized by ordinance of the Council and thereafter ratified by the electors of The City of San Diego.” <http://docs.sandiego.gov/citycharter/Article%20XIV.pdf>

Qualcomm Stadium site in Mission Valley cannot be sold without a public vote. The 82-acre Water Department-owned land can be turned into a public 75 acre park instead of an asphalt parking lot.

San Diego State University (SDSU) has publically declared that they are interested in the 84 acres of developable land at Qualcomm Stadium in Mission Valley for student and facility housing, near SDSU, and near the San Diego Trolley. Figure 13 shows the location of the existing Qualcomm Stadium, the San Diego Trolley, the outpatient Veterans Administration clinics, and SDSU.

Currently many music concerts use the Cricket Wireless Amphitheatre in Chula Vista and Cox [Viejas] Arena at SDSU which does not provide City of San Diego taxpayer's revenue. With a retractable roof the new Multi-Purpose Stadium and Event Center can also replace the Sports Arena, be used year round, and be able to pay off the financing debt in a shorter period of time.

We support the concept of building a new Chargers NFL Stadium in downtown San Diego. The difficulties this project faces will require broad support, that can be achieved by giving the public incentives to vote on the project without raising taxes and spending General Funds money for police, fire, roads, and other City services. San Diego faces many problems today, exacerbated by the current economic crisis. Hopefully we have recognized the challenges, addressed the underlying issues, and presented some solutions for further consideration.

We want to participate in the discussion so answers can be found for the benefit of all San Diegans. The final Ballot Language should be structured for adherence to the law and guaranteed deliverable to the taxpayers, without incurring public debt for private interests.

Let's get this party started. Why wait until a 2012 vote, when construction can start as soon as November 3, 2010, on relocated the MTS Bus Maintenance Yard, and cleaning up the City-owned contaminated soils on site? A public vote in 2010 would send a clear message to the Chargers and the NFL that the City of San Diego is willing to limit their financial risk to a maximum of \$200 million Redevelopment Dollars, and the remainder of the funding for the building the actual structure would have to come from cooperation between the San Diego County Region, the Chargers organization, and the NFL Team Owners. The public taxpayers will also get direct benefits from this proposal and investment including resolving the homeless problem so that the homeless can again be ticketed if there is enough warm beds to shelter them. Other city-wide benefits include public improvement along the San Diego River within City boundaries. Figure 14 from John Kotter's Change Management shows that if a Sense of Urgency is not establish by City leaders by June 16, 2010 deadline, nothing will change, the Chargers will leave, the homeless situation will not improve, and funding will not be found for the San Diego River Park improvements.

All San Diegans will benefit from investing in ourselves. No one will get rich out of this Ballot measure to prepare the MTS site for a possible NFL Stadium and Convention Center, resolve the homeless problem by 2015, and construct San Diego River Park improvements.

“Make everything as simple as possible, but not simpler.” Albert Einstein.

Figure 1 – Aerial Photograph of the proposed site for the Multi-Purpose Chargers Stadium and Event Center in the East Village neighborhood of downtown San Diego, California.

MTS – 8.21 Acres.

Liquor Store – 0.06 Acres.

Wonder Bread and Print Shop – 2.28 Acres.

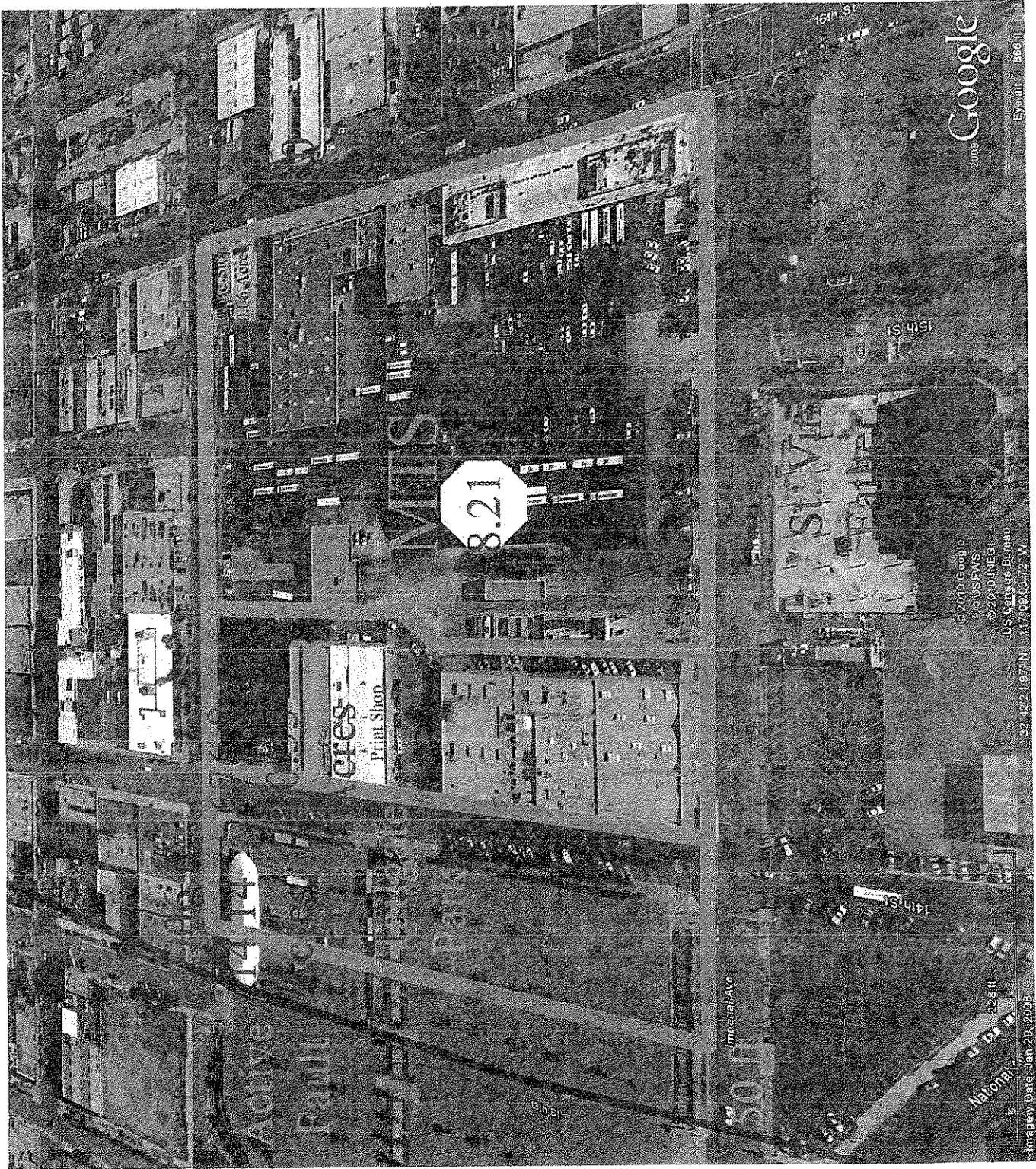
Portions of Tailgate Park on the east side of 13th Street 50 feet from the active fault – 3.59 Acres.

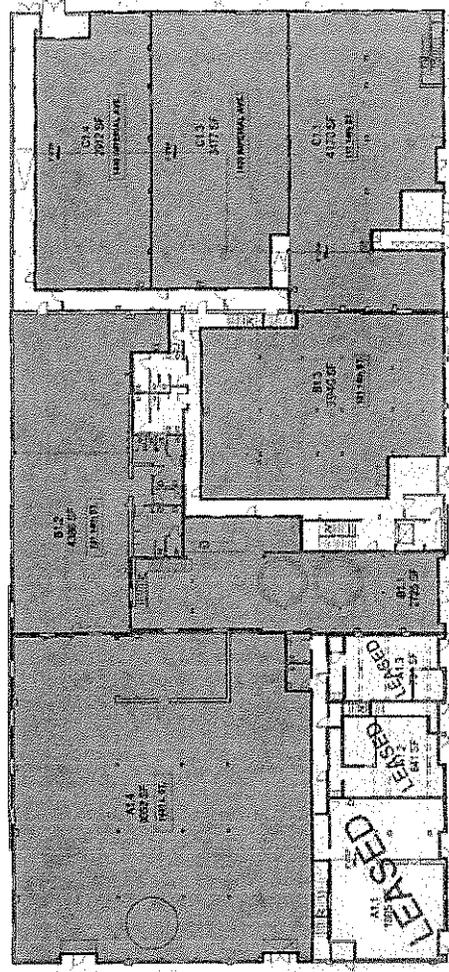
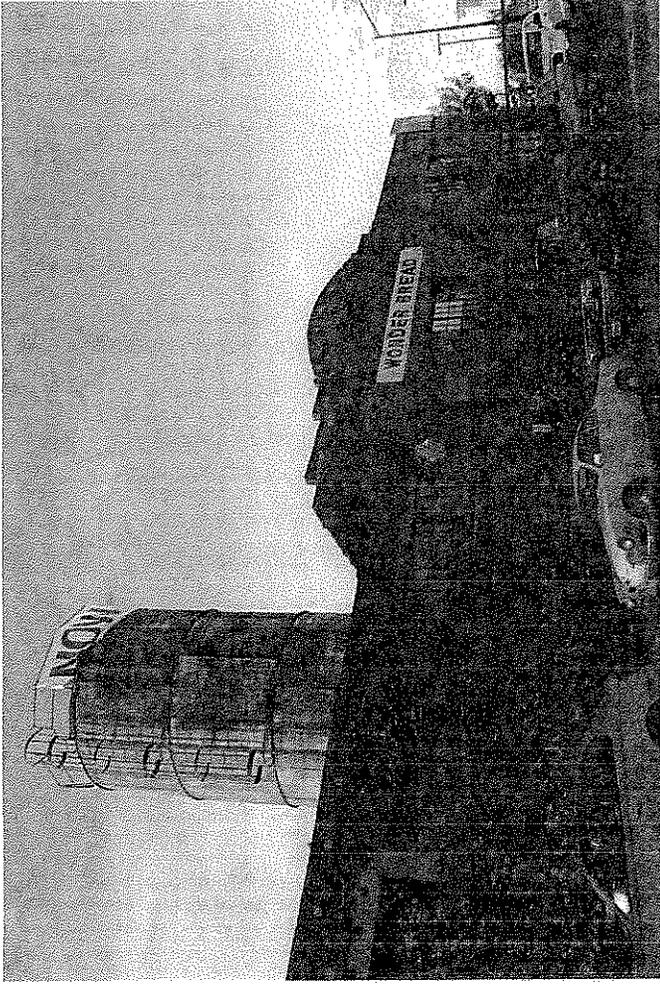
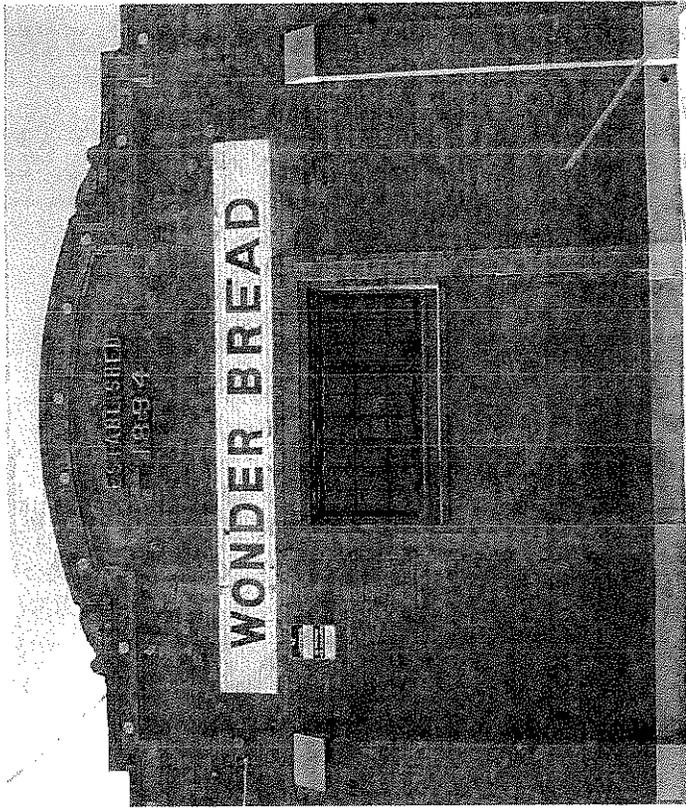
Width from K Street to Imperial Avenue is 680 feet.

Length from 16th Street to the east side of 13th Street 50 feet from the active fault is 906 feet.

Length from 16th Street to 14th Street is 676 feet.

Father Joe's St. Vincent de Paul Village is located directly south of the proposed site on the other side of Imperial Avenue





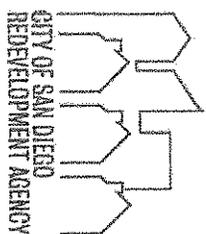
Current Ground Floor Plan.

Figure 3 – Photographs and Floor Plan of the Historically Designated Wonder Bread building.

Redevelopment Project Area North Bay

Project Area Contact: Lydia Goularte-Ruiz Assistant Project Manager
 E-mail: LGoularte@sandiego.gov

Tel: (619) 236-6539
Website: www.sandiego.gov/redevelopment-agency/northbay



Project Area Committee (PAC)*

Meetings:
First Wednesday of select months
 7:30 AM

County Health Services Complex,
 San Diego Room
 3851 Rosecrans Street
 * Held Quarterly -- April, June,
 Sept and Dec.

LEGEND

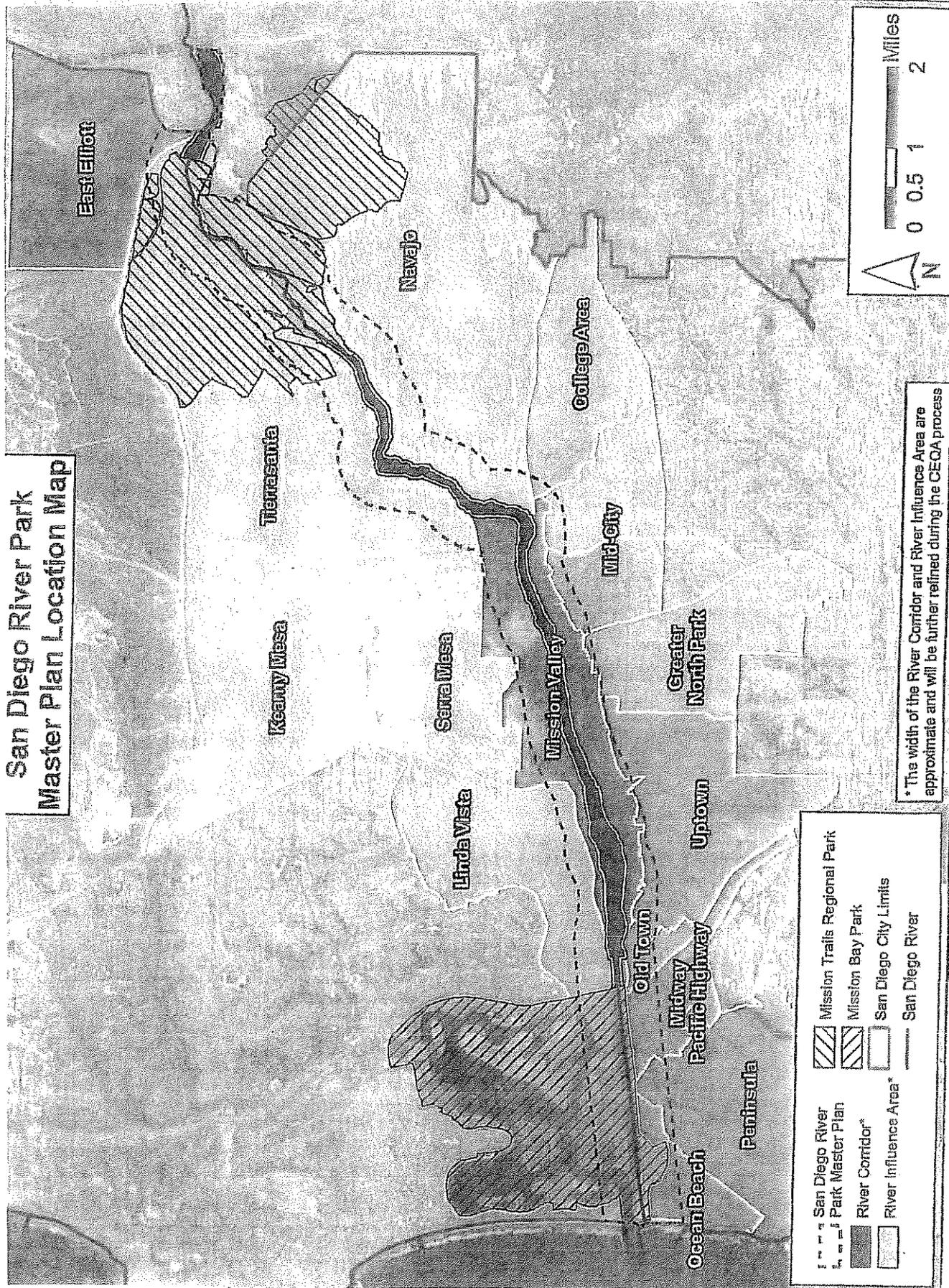
-  North Bay
-  Freeway
-  Highway



Map made exclusively for our client by the San Diego Geographic Information Source
 5469 Kearny Villa Road, Suite 102
 San Diego, CA 92123
 (619) 874-7000
www.sandiego.gov
 For reports, mapping or information please contact SanGIS.

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San Diego River Park Master Plan Location Map



* The width of the River Corridor and River Influence Area are approximate and will be further refined during the CEQA process



San Diego River Park Master Plan Project No. 121886
City of San Diego – Development Services Department

FIGURE
No. 1

(R-85-2396)

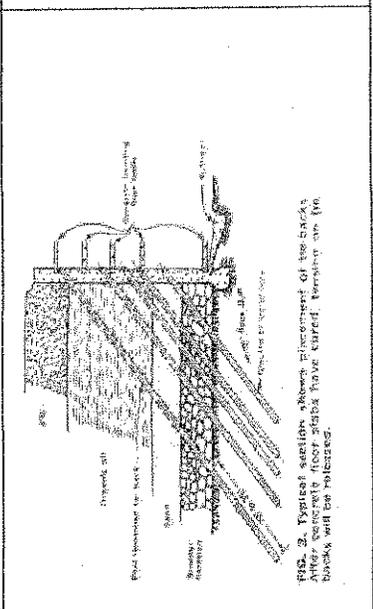
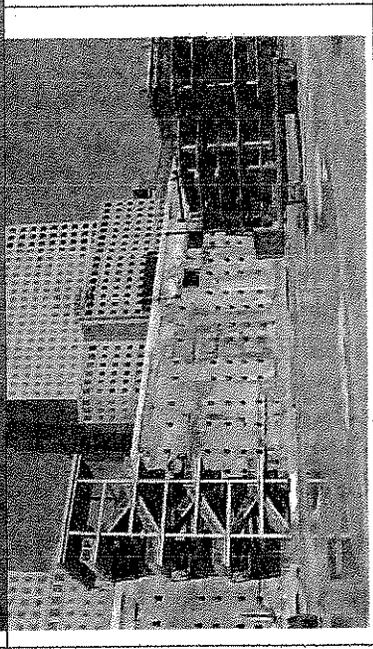
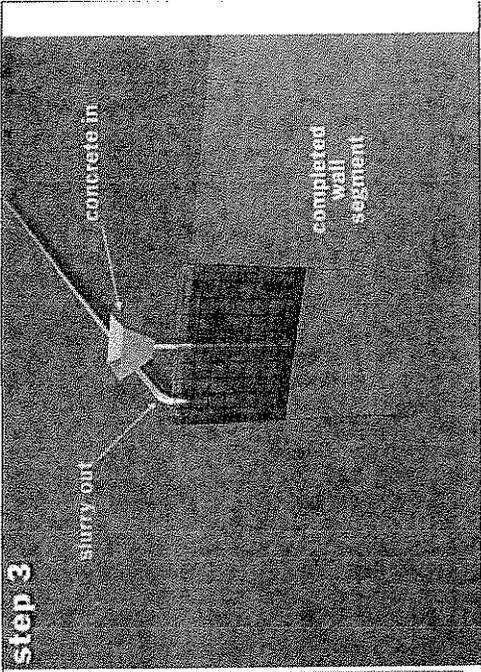
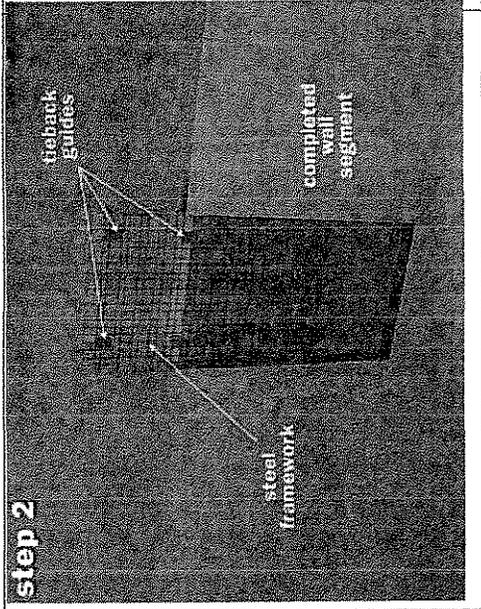
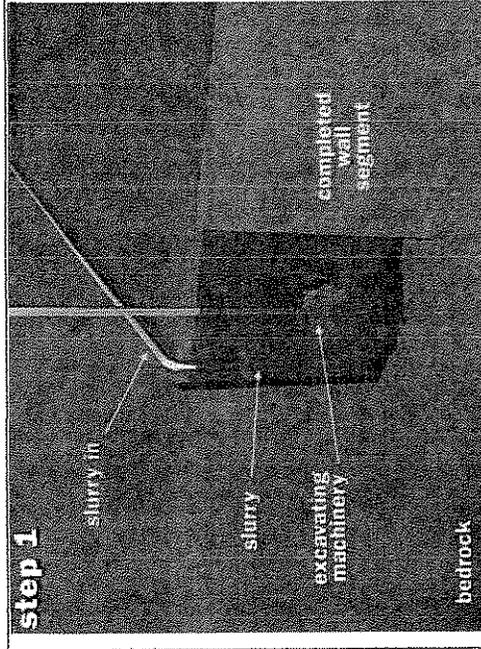
RESOLUTION NUMBER R-263517

ADOPTED ON JUNE 24, 1985

BE IT RESOLVED, by the Council of The City of San Diego, that the Mayor and City Clerk be and they are hereby authorized and empowered to execute, for and on behalf of said City, a Quitclaim Deed conveying Blocks 37, 53 and 54 of Sherman's Addition, Map 856; Lots 1-20 of N. Sherman's Resubdivision of Block 38 of Sherman's Addition, Map 1; portions of Lots G through L, Block 170 of Horton's Addition and a portion of Parcel 2, Parcel Map 8396 recorded February 2, 1979 to the SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD, for the purpose of transferring the San Diego Transit Corporation's operating facilities in downtown San Diego and Kearny Mesa to the Metropolitan Transit Development Board, under the terms and conditions set forth in the Quitclaim Deed on file in the office of the City Clerk as Document No. RR-263517.

APPROVED: John W. Witt, City Attorney

By



The above illustrations show a cross-Section of a typical Waterproof, bathtub wall foundation.

The adjacent illustration shows the diagonal lines represent the post-tensioned tie-backs cables that resist pressure pushing inward on the bathtub.

Far Left-Bathtub wall after most of the rubble from the 09/11/01 attack was removed. Portions of basement floors of the World Trade Center are visible

Figure 7 - Bath tub Foundation Basement constructed with Slurry Trench Walls used in projects with a low water table. "The Bath tub Foundation design was used at the World Trade Center in New York City. Before the Port Authority could build up, to erect the massive towers, they had to excavate down to establish the buildings' foundations. Massive skyscrapers need to rest on undisturbed and competent formation soils and/ or bedrock, or they won't be able to stand. To get to this level, the crew has to dig up a huge mass of dirt as the first stage in construction. At the WTC site, the bedrock is between 55 feet and 80 feet (17-24 m) down. Digging to this level is no simple task, obviously, but its par for the course in skyscraper construction. The WTC crew faced an additional, atypical challenge, however. The build site was immediately adjacent to the Hudson River, and only a few feet down, the soil was completely saturated -- if the crew started digging, the excavation site would be flooded. Draining the Hudson River would have been a logistical nightmare. Among other things, it would have compromised the stability of other buildings along the shore. Instead, the Port Authority decided to use the unconventional "slurry trench method," previously employed mainly in subway construction. The process was pretty simple, at least conceptually. The crew used excavating machinery to dig 3-foot-wide trenches down to bedrock level. As they dug, they piped in a slurry made of water and an expansive clay called bentonite. The bentonite slurry material would expand along the sides of the trench, blocking the groundwater. Once they finished a 22-foot (6.7-m) section of trench, the crew lowered a narrow, seven-story steel framework into the hole. Then they poured in concrete from the bottom of the trench while pumping the slurry out through the top. In this way, they built solid, steel-reinforced concrete walls underground. This box, commonly referred to as a "bathtub," formed a water-tight perimeter wall for the two towers' foundation structure. With the bathtub in place, the construction crew could start digging down to the bedrock to lay the buildings' foundation support. To keep the walls in place while they built up the foundation, the crew had to run underground tiebacks, cables extending from the perimeter walls to rock surrounding the bathtub." <http://science.howstuffworks.com/wtc3.htm>

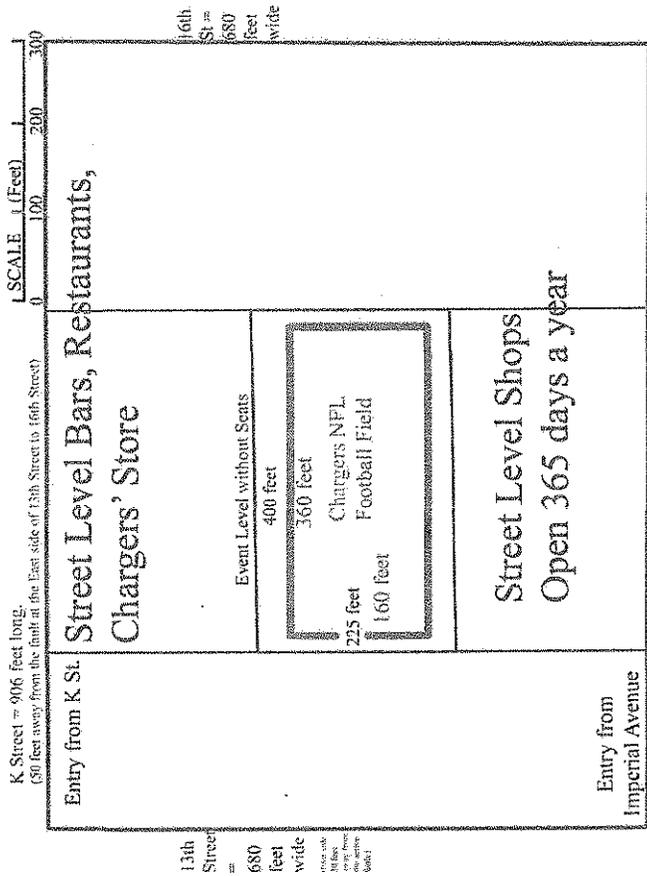


Figure 8a - Potential Floor Plan for the Street Level of the Multi-Purpose Chargers Stadium and Event Center.

Street Level Bars, Restaurants and Shops would be opened to the public 365 days a year.

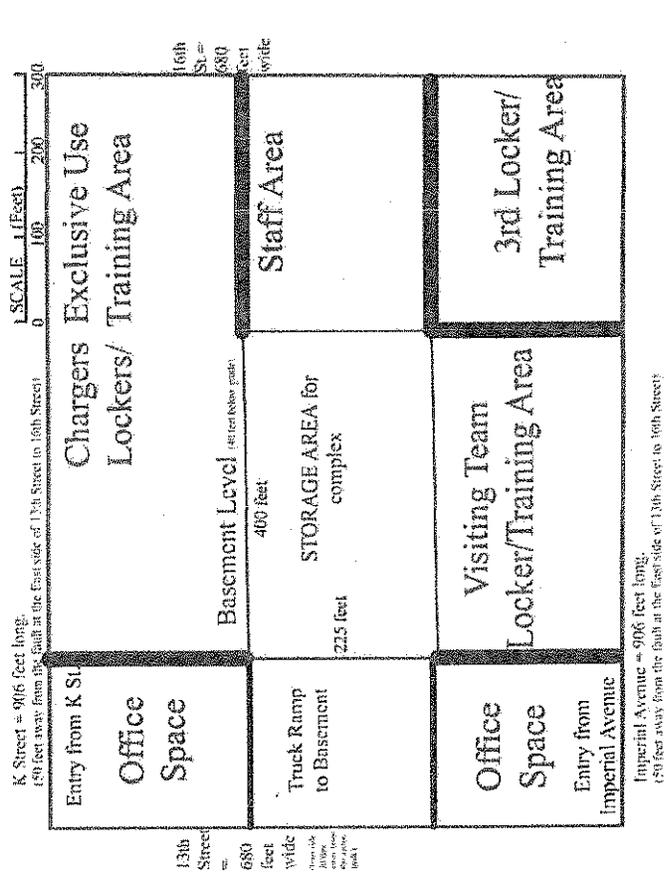
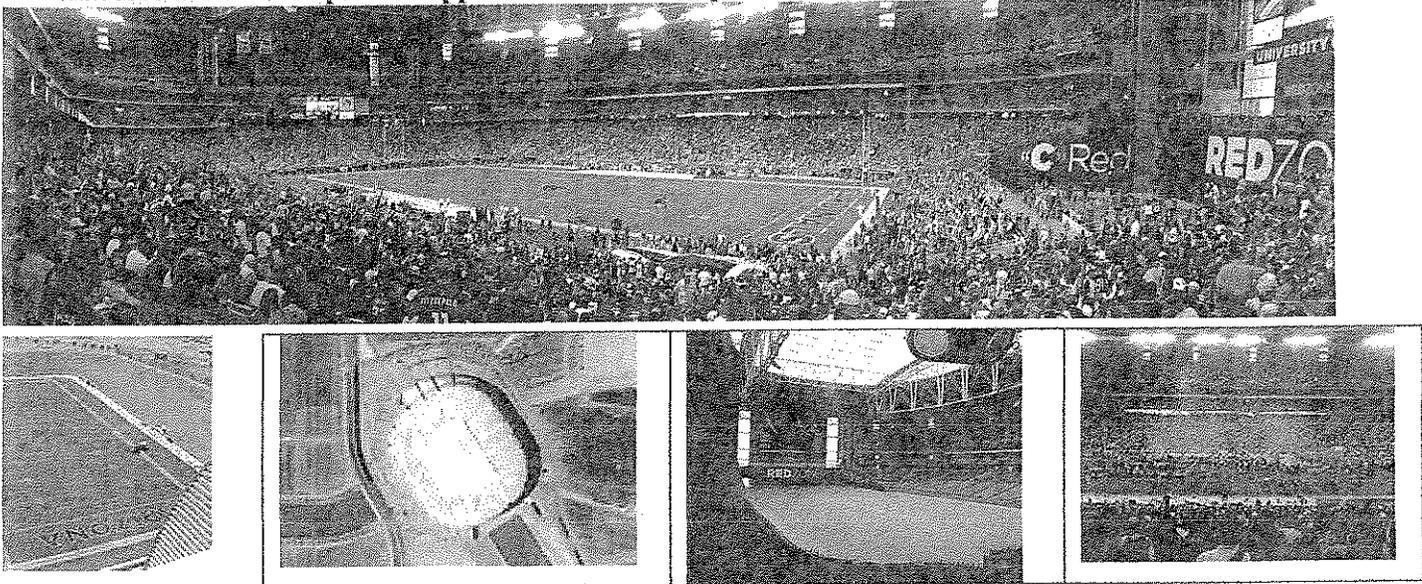


Figure 8b - Potential Floor Plan for the Basement Level of the Multi-Purpose Chargers Stadium and Event Center.

A basement is required due to the presence of undocumented fill disturbed during the replacement of leaking Underground Storage Tanks (UST) starting in 1986.

Figure 9 - An Example of a Multi-Purpose NFL Stadium and Event Center with a Retractable Fabric Roof that also at has local public support in Arizona. http://en.wikipedia.org/wiki/University_of_Phoenix_Stadium



University of Phoenix Stadium is a multipurpose football stadium located in Glendale, Arizona. It is the home of the Arizona Cardinals of the National Football League (NFL) and the annual Fiesta Bowl. The new stadium is located next door to the Jobing.com Arena, where the NHL's Phoenix Coyotes play, and it has the first fully retractable natural grass playing surface built in the United States. An opening on one side of the stadium allows the playing field to move to the exterior of the building, allowing the entire natural turf playing surface to be exposed to daylight when it is not in use and also allowing the floor to be used for other purposes without damaging the playing surface. University of Phoenix Stadium hosted Super Bowl XLII and the 2007 BCS National Championship Game, a game that it hosts quadrennially. Facility information. The 63,500-seat stadium (expandable to 72,800) opened on August 1, 2006 after three years of construction. It is considered an architectural icon for the region and was named by Business Week as one of the 10 "most impressive" sports facilities on the globe due to the combination of its retractable roof... and roll-in natural grass field^[2]. It is the only American facility on the list. The ceremonial groundbreaking for the new stadium was held on April 12, 2003. The cost of the project was \$455 million. That total included \$395.4 million for the stadium, \$41.7 million for site improvements, and \$17.8 million for the land. Contributors to the stadium included the Arizona Sports and Tourism Authority (\$302.3 million), the Arizona Cardinals (\$143.2 million), and the City of Glendale (\$9.5 million). The first preseason football game was played August 12, 2006 when the Cardinals defeated the Pittsburgh Steelers... The stadium hosted the highest attended soccer match in the state of Arizona on February 7, 2007 when 62,462 fans watched the United States men's national soccer team defeat Mexico, 2–0. The multipurpose nature of the facility has allowed it to host 91 events representing 110 event days between the dates of August 4, 2006 through the BCS National Championship January 8, 2007. [Including Arizona Cardinals games; public grand opening tours, various shows, expositions, tradeshow and motor sport events; the Rolling Stones concert, the AIA 4A and 5A state championship football games, international soccer exhibition match; the 2007 and 2008 Fiesta Bowl game and National Band Championship, High School Marching Band competition, the BCS National Championship January 8, 2007 between the No. 1 Ohio State Buckeyes and the No. 2 University of Florida Gators... The stadium also hosted the 2008-09 NFC Championship Game between the Cardinals and Philadelphia Eagles on Jan. 18, 2009, which the Cardinals won 32-25 in front of 70,650 fans in attendance. The stadium has 88 luxury suites called luxury lofts with space for 16 future suites as the stadium matures. The 25 acres (100,000 m²) surrounding the stadium is called Sportsman's Park. Included within the Park is an 8-acre (32,000 m²) landscaped tailgating area called the Great Lawn. There are no obstructed view seats in the stadium. There are visible areas in the upper deck of the end zone where seats could have been put in but were not due to the giant super columns supporting the roof structure. The stadium seating capacity can be expanded by 9,600 for "mega-events" such as college bowls, NFL Super Bowls, and the 2008-09 NFC Championship Game^[3] by adding risers and ganged, portable "X-frame" folding seats. The endzone area on the side of the facility where the mobile turf moves in and out of the facility can be expanded to accommodate the additional ticketholders. ... University of Phoenix Stadium hosted Super Bowl XLII on February 3, 2008 in which the New York Giants defeated the previously undefeated New England Patriots ... with a paid attendance crowd of 71,101.

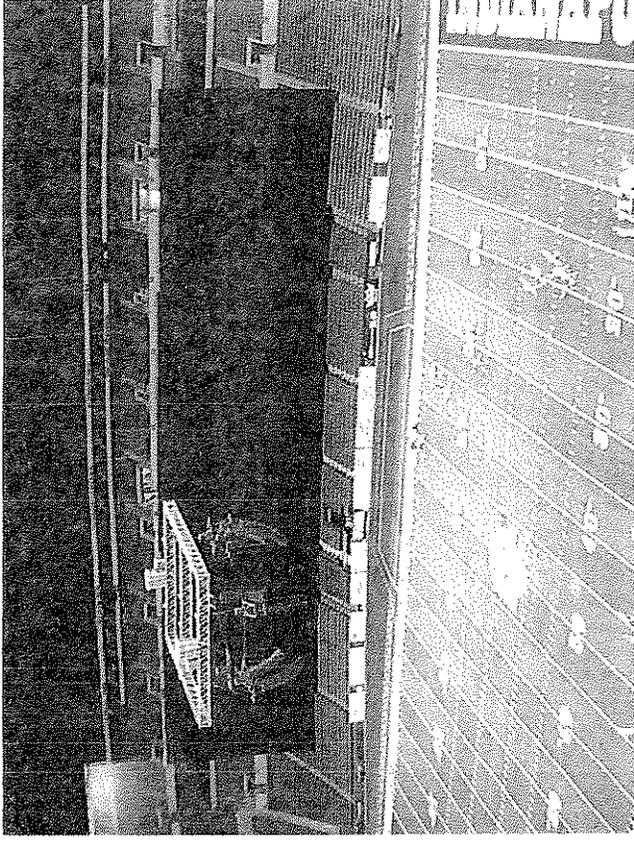
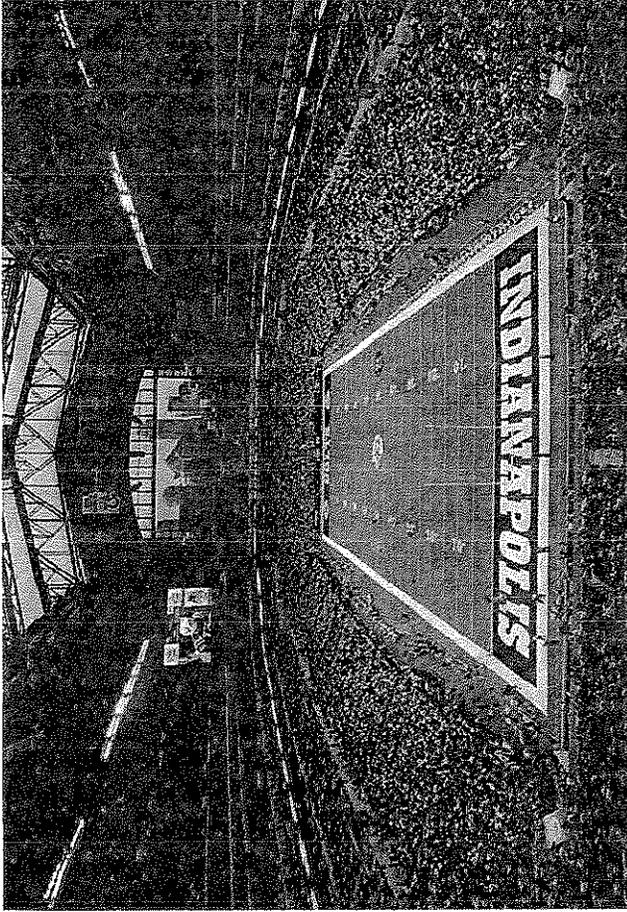


Figure 10 – Indianapolis Colt's Multi-Purpose NFL Stadium and Event Center.

Top Left – Photographs during an Colt's Football Game.

Top Right – Curtains can be used to change the Stadium Configuration to make the space intimate for smaller events.

Bottom Left – Seating configuration for the Final 4 College Basketball Tournament.

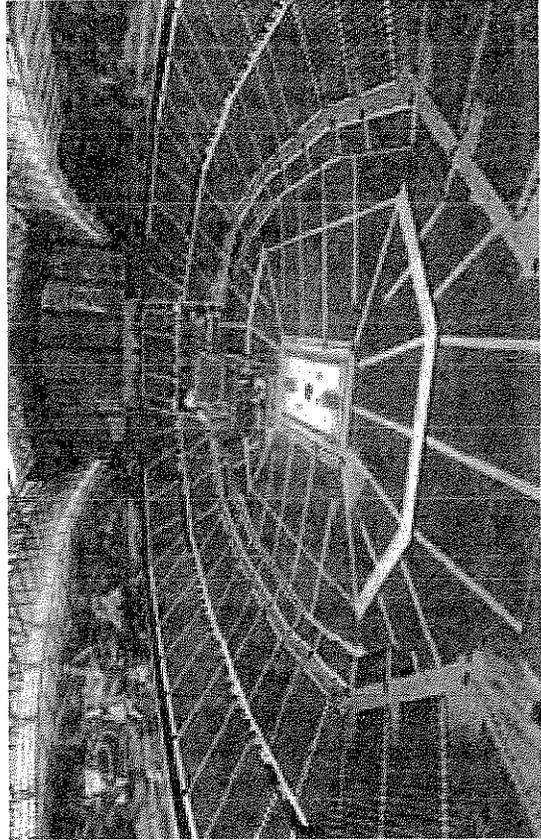
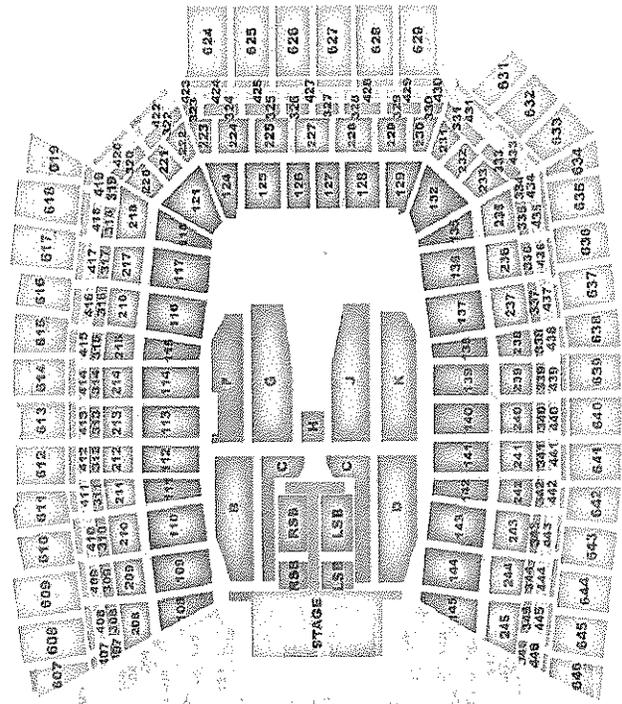
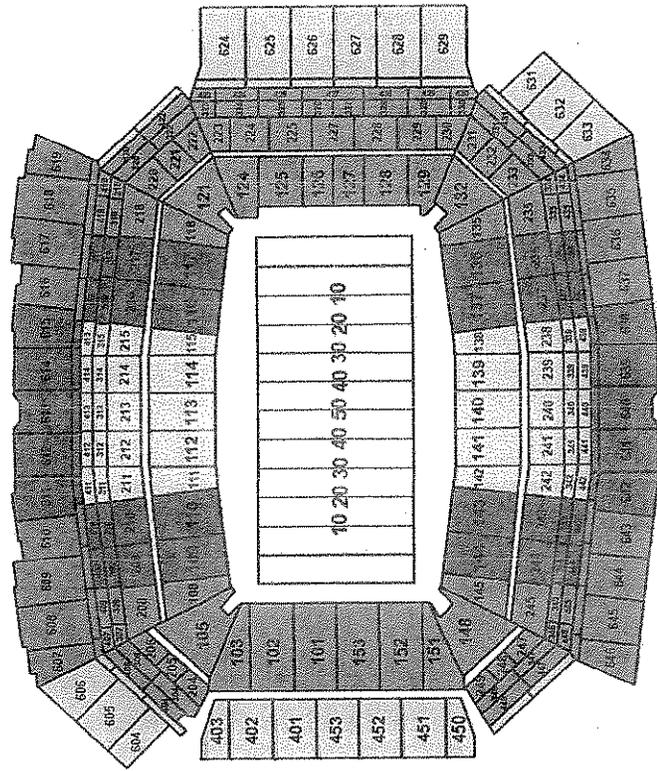
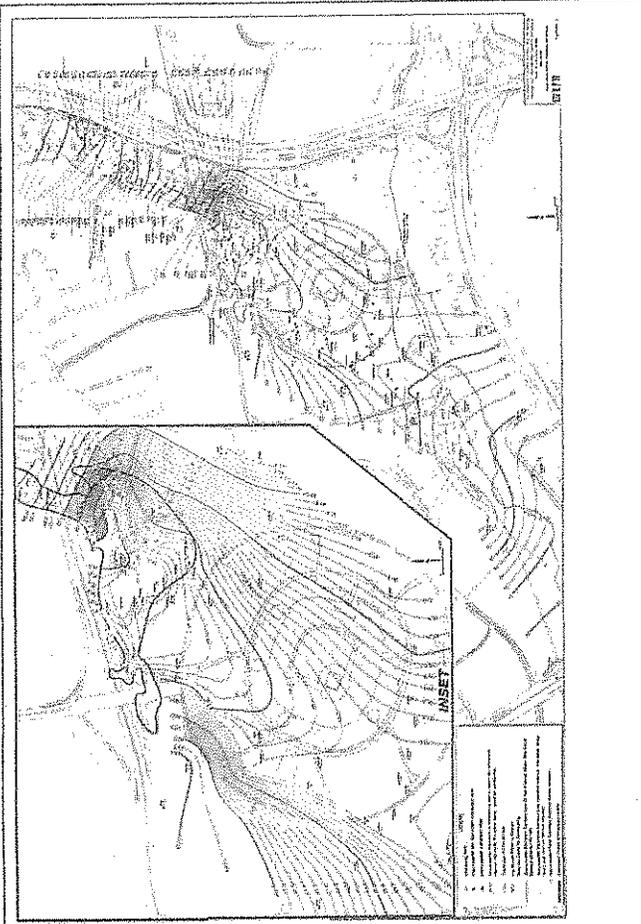


Figure 11 -- Seating Charts for the Indianapolis Colts' Multi-Purpose NFL Stadium and Event Center.

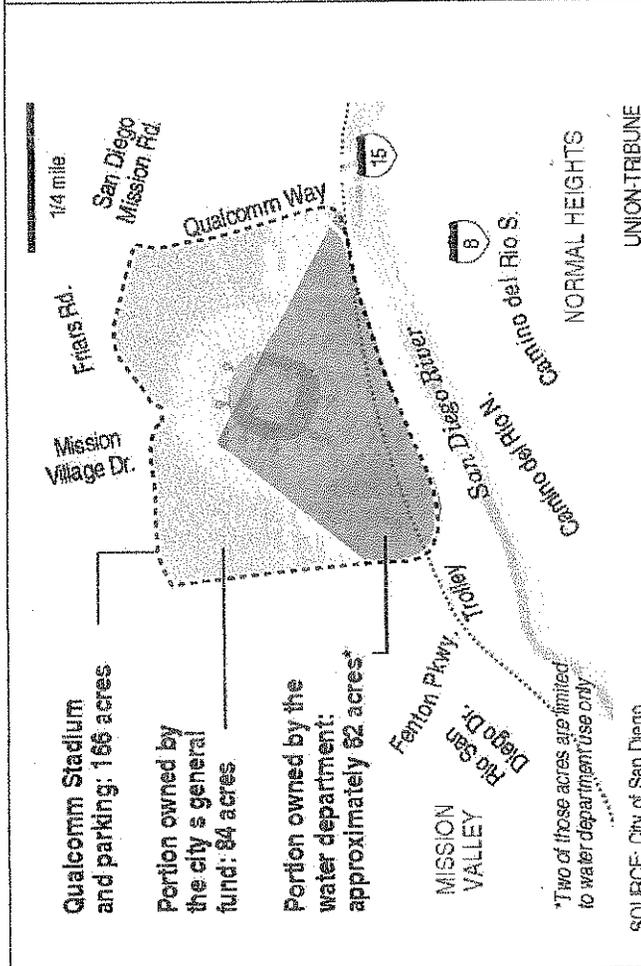
NFL Football Seating Chart.



Music Concert Seating Chart if a Retractable Roof is built so that the city-owned Sports Arena site in the Midway District could be redeveloped.



2009 Area of Contaminated Soils from the Kinder Morgan fuel tanks.



Above. The 166 acres Qualcomm site divided into the 82 acres of Water Department owned land, and the remaining 84 acres of developable land



Figure 13 – Existing Qualcomm Stadium Site in Mission Valley.

San Diego Trolley Line (green) through the Qualcomm Stadium site.

Also shown are SDSU and Veterans' Administration Out-Patient Clinics nearby with Trolley stops.

STEPS FOR SUCCESSFUL MAJOR CHANGE

From John P. Kotter

1. **Establish a Sense of Urgency**
Why is it important to do this NOW? What calls us into engagement with issues, supports risk-taking?
2. **Create the Guiding Coalition**
Identify allies with both power to create change and potential for strong teamwork.
3. **Develop a Vision and Strategy**
Clarify Mission and engage congregation in Visioning and Discernment of Goals.
4. **Communicate the Change Vision**
Sunday services, newsletter, websites, focus group meetings — engage and motivate.
5. **Empower Broad-Based Action**
Encourage broad participation in participation in vision formation and making it happen.
6. **Generate Short-Term Wins**
Make a difference early on — let people know this isn't an endless discussion with no action. And celebrate the wins!
7. **Consolidate Gains and Produce More Change**
Build on the success of completion of early goals and keep the momentum going.
8. **Anchor New Approaches in the Culture**
Ensure that new leadership is oriented to the vision. Affirm the new ways of being.

Why Change Fails

1. Sense of urgency not created or sustained.
2. Leaders are not equipped with the tools they need to make the changes.
3. First major change comes too slowly.
4. Change is celebrated too soon and the urgency is diminished.
5. Communications are not sustained, either noting progress or inviting increased participation.
6. Leaders don't "walk the talk."
7. Coalition is not fully empowered-task forces, steering committees.

Kotter, John P. Leading Change. Boston: Harvard Business School Press, 1996.

The Heart of Change, with Dan S. Cohen. Boston: Harvard Business School Press, 2002.

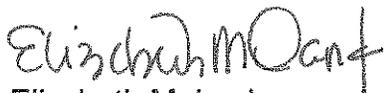
**CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000**

DATE: February 2, 2010
TO: Whitney Benzian, Rules Committee Consultant
FROM: Elizabeth Maland, City Clerk
SUBJECT: Ballot Proposal for Rules Committee Review

Attached is a ballot proposal regarding a new downtown Chargers stadium and redevelopment of the City-owned Mission Valley site, filed in my office by Katheryn Rhodes and Conrad Hartsell, pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Rules Committee for possible placement on the ballot.

The Clerk's Office has established June 11, 2010 deadline for submitting such ballot proposals for the November 2, 2010 ballot, and anticipates that the Rules Committee will review such proposals at its June 16, 2010 meeting. Ballot proposals which are referred to the full City Council after Rules committee will be listed under Public Notice on the Council Docket of June 21, 2010, and docketed for consideration by Council on June 28, 2010.

My office will keep a copy of Ms. Rhodes and Dr. Hartsell's ballot proposal and re-submit it to you after the June 11 deadline has passed, but prior to the June 16 Rules Committee meeting.



Elizabeth Maland
City Clerk

Attachment

cc: Diane JuradoSainz, Legislative Coordinator
Katheryn Rhodes
Conrad Hartsell MD



THE CITY OF SAN DIEGO

February 2, 2010

Katheryn Rhodes
Conrad Hartsell MD
371 San Fernando Street
San Diego, CA 92106

Dear Ms. Rhodes and Dr. Hatsell:

You have submitted a proposal for possible placement on the ballot for the November 2, 2010 general election. The proposals have been forwarded to the Rules Committee consultant, and will be docketed pursuant to Council Policy 000-21 for the Committee meeting of June 16, 2010. The meeting is scheduled for 9:00 a.m. and will be held in the Committee Room on the 12th floor of the City Administration Building at 202 C Street.

If you wish to address the Committee, please be sure to complete a speaker's request form and give it to the Committee staff person at the beginning of the meeting.

Should you have any questions, please do not hesitate to call.

Sincerely,

Elizabeth Maland
City Clerk

cc: Whitney Benzian, Rules Committee Consultant



FW Proposed Ballot Language for a new Chargers Stadium and Redevelopment of Mission Valley..bt

RECEIVED
CITY CLERK'S OFFICE
10 FEB -1 PM 3:44
SAN DIEGO, CALIF.

From: rhodes@laplayaheritage.com [rhodes@laplayaheritage.com]
Sent: Sunday, January 31, 2010 11:35 AM
To: CLK City Clerk; Maland, Elizabeth
Subject: Proposed Ballot Language for a new Chargers Stadium and Redevelopment of Mission Valley.

----- Forwarded message from -----

Date: Sat, 23 Jan 2010 16:57:41 -0500
From: rhodes@laplayaheritage.com
Reply-To: rhodes@laplayaheritage.com
Subject: Proposed Ballot Language for a new Chargers Stadium and Redevelopment of Mission Valley.

To: jerrysanders@sandiego.gov, donnafrye@sandiego.gov, carldemaio@sandiego.gov, cdemaio@sandiego.gov, sherrilightner@sandiego.gov, martiemerald@sandiego.gov, kevinfaulconer@sandiego.gov, benhueso@sandiego.gov, toddgloria@sandiego.gov, anthonyyoung@sandiego.gov, Cityattorney@sandiego.gov, jgoldsmith@sandiego.gov, atevlin@sandiego.gov, gbraun@sandiego.gov, danziger@ccdc.com, alessi@ccdc.com, jgraham@ccdc.com

Dear City of San Diego.

The following is proposed Ballot Language for a new downtown San Diego Chargers Stadium and Redevelopment of the City-owned Mission Valley site.

Ballot Question for November 2, 2010 Public Vote: Shall the People of the City of San Diego prepare land in the East Village area of downtown San Diego for a new multi-purpose Chargers NFL Stadium/Convention and Event Center and Build the Permanent Homeless Shelter using CCDC Redevelopment Funds; Create a Intergovernmental Structure with the County of San Diego Association of Governments (SANDAG) to finance construction of the building as a Regional asset; and Redevelop the City-owned 166-acre Mission Valley site into a 75-acre River Front park, a Fire Station, and Housing specifically for College Students, Staff, and Faculty; Veterans; and Seniors displaced from the closing of Mobile Home Parks?

Preparation of public land in the East Village to be financed using City of San Diego taxpayers' CCDC Redevelopment Funds:

- Relocate the MTS Maintenance Yard to other City of San Diego vehicle facilities yards.
- Buy 2.5 acres of private land needed for the project footprint.
- Remove the contaminated soils created by the City of San Diego from under the proposed site.
- Construct the Basement Level for a new multi-purpose structure.
- Incorporate adaptive reuse of the Historically Designated Wonder Bread building into the new design and require all archaeological artifacts recovered to be properly cared for at the San Diego Archaeological Center at San Pasqual.
- Incorporate public restrooms and drinking fountains accessible from the street for public use.
- Resolve the Homeless problem in downtown San Diego, by in part, building the Permanent Homeless Shelter before a stadium is occupied.

FW Proposed Ballot Language for a new Chargers Stadium and Redevelopment of Mission Valley..txt

Create a Intergovernmental structure with the County of San Diego Association of Governments (SANDAG) to finance the public's cost of building the Stadium/Convention and Event Center structure, in cooperation with the Chargers organization and the NFL.

- Chargers have pledge \$200 million and the NFL has pledge \$100 million for construction of a new NFL Stadium.
- The balance of construction costs for the new building would come from the County of San Diego Association of Governments (SANDAG) who have access to State and Federal Stimulus Fund for construction of regional assets.

Redevelop the City-owned 166-acre Mission Valley site.

- Create a Redevelopment Project Area.
- Create a 75-acre public park along the San Diego River and build a new Mission Valley Fire Station on the 82-acres of City of San Diego Water Department owned land.
- Sell a portion of the 84 acres of developable land to San Diego State University (SDSU) for student, staff, and faculty housing with proceeds from the sale of the public land used to finance the 75-acre public park, fire station, and affordable housing for seniors and Veterans.
- Set aside a portion of the 84 acres of developable land for the creation of Veterans Housing for returning Veterans, disabled Veterans, and Veterans attending college on the GI Bill.
- Construct very low affordable housing for seniors displaced by the closing of mobile home parks on the remaining portion of the 84 acres of developable land.

New revenue streams for the City of San Diego taxpayers would be created by the Redevelopment of publically owned City of San Diego land including:

- The 166-acre Mission Valley Site with a 75-acre park, a new Fire Station, and housing.
- The 67-acre Sports Arena property in the Midway area for mixed-use and affordable housing when the lease expires in 2017.
- A new planned hotel on the 76-acre site of the De Anza Mobile Home Park in Mission Bay.

Regards,

Katheryn Rhodes and Conrad Hartsell MD
371 San Fernando Street
San Diego, California 92106
rhodes@laplayaheritage.com
619-523-4350.

----- End forwarded message -----

Proposition – New downtown Chargers stadium and redevelopment of the City-owned Mission Valley site. January 23, 2010, <http://tinyurl.com/SDStadium>, <http://bit.ly/SDStadium> by Katheryn Rhodes and Conrad Hartsell MD, rhodes@laplayaheritage.com 619-523-4350.

Ballot Question for November 2, 2010 Public Vote: Shall the People of the City of San Diego prepare land in the East Village area of downtown San Diego for a new multi-purpose Chargers NFL Stadium/Convention and Event Center and Build the Permanent Homeless Shelter using CCDC Redevelopment Funds; create a intergovernmental structure with the County of San Diego Association of Governments (SANDAG) to finance construction of the Regional asset; and Redevelop the City-owned 166-acre Mission Valley site into a 75-acre River Front park, a Fire Station, and housing specifically for college students, staff, and faculty; Veterans; and seniors displaced from the closing of mobile home parks?

Preparation of public land in the East Village to be financed using City of San Diego taxpayers' CCDC Redevelopment Funds:

- Relocate the MTS Maintenance Yard to other City of San Diego vehicle facilities yards.
- Buy 2.5 acres of private land needed for the project footprint.
- Remove the contaminated soils created by the City of San Diego from under the proposed site.
- Construct the Basement Level for a new multi-purpose structure.
- Incorporate adaptive reuse of the Historically Designated Wonder Bread building into the new design and require all archaeological artifacts recovered to be properly cared for at the San Diego Archaeological Center at San Pasqual.
- Incorporate public restrooms and drinking fountains accessible from the street for public use.
- Resolve the Homeless problem in downtown San Diego, by in part, building the Permanent Homeless Shelter before a stadium is occupied.

Create a Intergovernmental structure with the County of San Diego Association of Governments (SANDAG) to finance the public's cost of building the Stadium/Convention and Event Center structure, in cooperation with the Chargers organization and the NFL.

- Chargers have pledge \$200 million and the NFL has pledge \$100 million for construction of a new NFL Stadium.
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New revenue streams for the City of San Diego taxpayers would be created by the Redevelopment of publically owned City of San Diego land including:

- The 166-acre Mission Valley Site with a 75-acre park, a new Fire Station, and housing.
- The 67-acre Sports Arena property in the Midway area for mixed-use and affordable housing when the lease expires in 2017.
- A new planned hotel on the 76-acre site of the De Anza Mobile Home Park in Mission Bay.

January 19, 2010

Subject: Preliminary Schematics, Photographs, and Drawings for a Proposed New Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion East Village Neighborhood of Downtown San Diego, California.

Reference: Challenges, Issues, and Solutions for a Proposed Redevelopment Agreement (PRA) for a New Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion, East Village Neighborhood of Downtown San Diego (44 Pages)
http://docs.google.com/fileview?id=0B_fHftxFXFhyYTM3OWNhMjgtYzNmYy00NTY2LWE3MzMtZDBjMDQ0NjcxMGY3&hl=en

Hi All,

Any multi-purpose Stadium/Convention Center/Event Space requires a retractable roof to protect electronic equipment and potential conventioners from the elements. Multi-purpose venues are the new standard for Sport Stadiums around the world including Wembley Stadium in London, Cardinals Stadium in Arizona, Cowboys Stadium in Texas, the Rogers Centre/SkyDome in Toronto, Canada, and the Colts' Stadium in Indianapolis, Indiana. Although it rains less in Glendale, Arizona (average rainfall of 7.64 per year) than in San Diego, the NFL Cardinals' new stadium built in 2006 has a light retractable fabric roof similar to the San Diego Convention Center Expansion, so the venue can be used for multiple purposes all year long. The new 2009 NFL Cowboys stadium has a heavy and expensive retractable roof to withstand hurricanes and tornados.

The size of the downtown San Diego site is limited by a north-south trending active fault on the east side of 13th Street, making the maximum dimension for a Multi-Purpose Chargers Stadium and Convention Center Phase III Expansion approximately 906 feet long by 680 feet wide, for a total possible footprint of 14.1 acres (616,080 square feet).

As an example for our proposed NFL Stadium/Convention Center/Event Space, the 13-acre Indianapolis Colts' Lucas Oil Stadium built in 2008 for a cost of \$720 million dollars is used as a base for comparison.

<http://www.lucasoilstadium.com/>

Pages 3 and 4 show a possible configuration for the downtown Chargers Stadium/Convention Center/Event Space on the 14-acre site in the East Village neighborhood of downtown San Diego, California. The Event Level consists of space for the Football Field, Large Exhibit Halls, and Meeting Rooms. The Basement Level includes a Truck Ramp for entrance to the Basement, Storage Area, a Chargers Exclusive Use Lockers/ Training Area, Visiting Teams and Extra Lockers/Training Areas, Staff Area, and Office Space.

Page 5 shows Photographs of the interior of the Colts' stadium. Page 6 shows Construction Drawings of the rectangular-shaped Colt's stadium during and after construction. Pages 7 and 8 shows the differing seating charts for different events such as Football, Music Concerts,

Basketball, and Convention Center space. Besides just Conventions, the Event Space is also used for the College Football Combine, the College Basketball Final Four Tournament, Monster Truck Jams, Marching Bands Finals, Birthdays, Bar Mitzvah, High School Proms, and Graduation Ceremonies.

Lucas Oil Stadium (LOS) is the new multi-purpose facility that replaces the former RCA Dome and opens as the home of the NFL's Indianapolis Colts for the 2008 NFL season.

LOS is a state-of-the-art, retractable roof, multi-purpose stadium featuring spectacular views of the Indianapolis skyline. In addition, the stadium has an infill playing surface, 7 locker rooms, exhibit space, meeting rooms, operable north window, dual two-level club lounges, 137 suites, retractable sideline seating, house reduction curtains, two large video boards, ribbon boards, spacious concourses, interior and exterior plaza space, 11 indoor docks and two vehicle ramps to the event level. Tradeshows can take advantage of an indoor 30,000 square foot loading dock with 11 bays, retractable seating and operable walls to utilize up to 183,000 contiguous square feet of space. Football games can be played indoors or outdoors using the retractable roof and operable north window. The house reduction curtain system covers the entire Terrace Level seating, reducing capacity from 63,000 to approximately 41,000. Basketball and other mini-dome events have the option of playing in the round for up to 70,000 fans or in a much smaller configuration with a house reduction curtain system. Concerts may be played indoors or outdoors in a full stadium or reduced house configurations. Seating configurations range in size from 15,000 to 65,000. Basketball and other half-house events have the option of playing in the round for up to 70,000 fans or in a much smaller configuration with a house reduction curtain system unlike any other stadium. Conventions may use the stadium for general sessions in a variety of configurations. The twelve backstage meeting rooms plus the 25,000 square foot Exhibition Hall 1 and 18,000 square foot Exhibition Hall 2 may be utilized for additional convention space. Concerts may be played indoors or outdoors in full stadium or reduced house configurations. Seating configurations range in size from 15,000-65,000.

According to the San Diego Convention Center Expansion Task Force Report, contiguous space is preferable to two separate Convention Center locations near each other for the large conventions San Diego cannot currently handle. However, non-contiguous space for the Convention Center Phase III Expansion, though not contiguous, would allow for separate large Conferences simultaneously at a new state-of-art venue . What is needed is a specific poll of potential Trade Shows and Convention Event Coordinators asking them they would use a non-contiguous space of the proposed Multi-Purpose NFL Stadium/ Convention Center/ Event Space in the East Village of downtown San Diego, California. Or if the non-contiguous space would be a deal breaker for potential convention customers.

Regards,

Katheryn Rhodes and Conrad Hartsell, MD
371 San Fernando Street, San Diego, California 92106
619-523-4350

K Street = 906 feet long.

(50 feet away from the fault at the East side of 13th Street to 16th Street)

SCALE (Feet)



Entry from K St.

Meeting Rooms

Large Exhibit Hall

13th Street = 680 feet wide

(East side, 50 feet away from the active fault.)

16th St = 680 feet wide

Event Level without Seats

400 feet

360 feet

Chargers NFL Football Field

225 feet

160 feet

Meeting Rooms

Entry from

Imperial Avenue

Imperial Avenue = 906 feet long.

(50 feet away from the fault at the East side of 13th Street to 16th Street)

K Street = 906 feet long.

(50 feet away from the fault at the East side of 13th Street to 16th Street)

SCALE (Feet)



Entry from K St.

Office

Space

Chargers
Lockers/
Exclusive Use
Training Area

Basement Level (40 feet below grade)

400 feet

Truck Ramp
to Basement

STORAGE AREA for
complex

225 feet

Staff Area

Office

Space

Entry from

Imperial Avenue

Visiting Team
Locker/Training Area

3rd Locker/
Training Area

13th
Street
=

680

feet
wide

(East side,
50 feet
away from
the active
fault.)

16th

St =

680

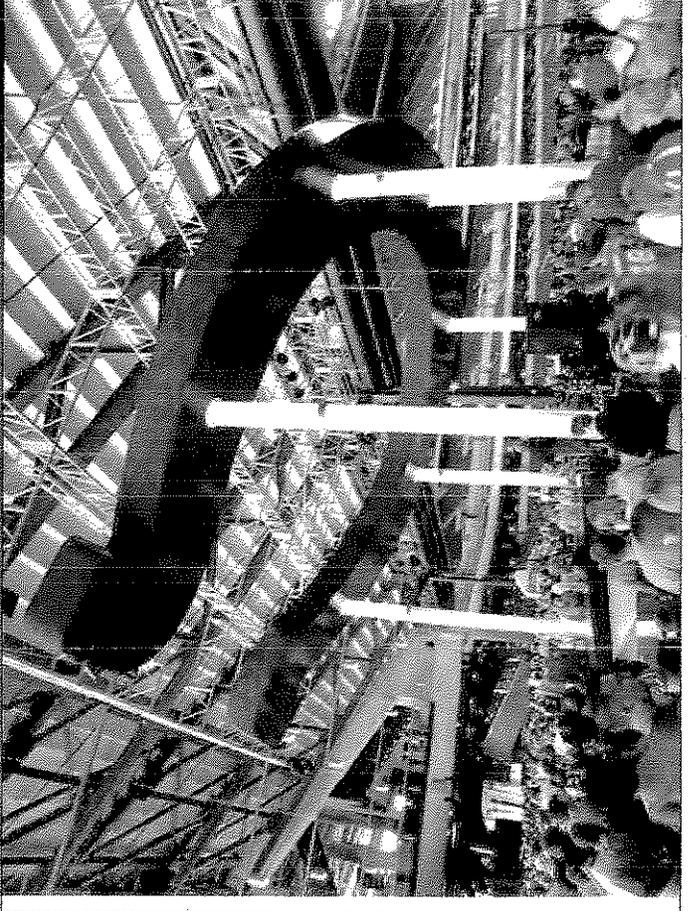
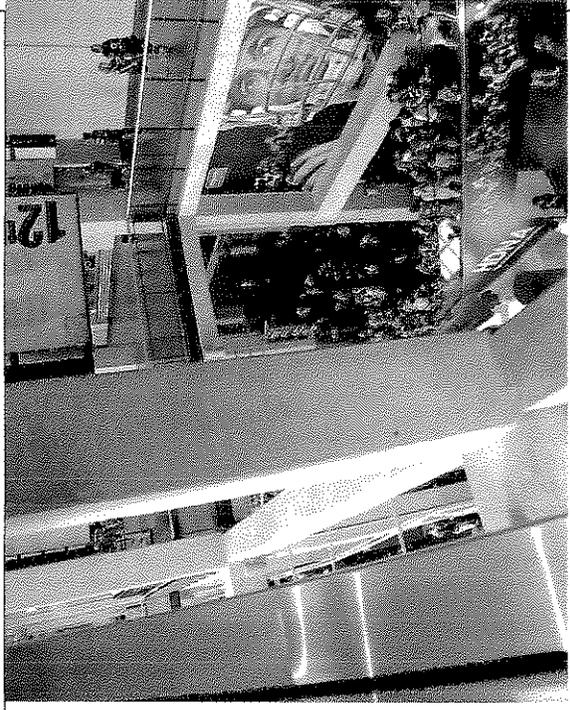
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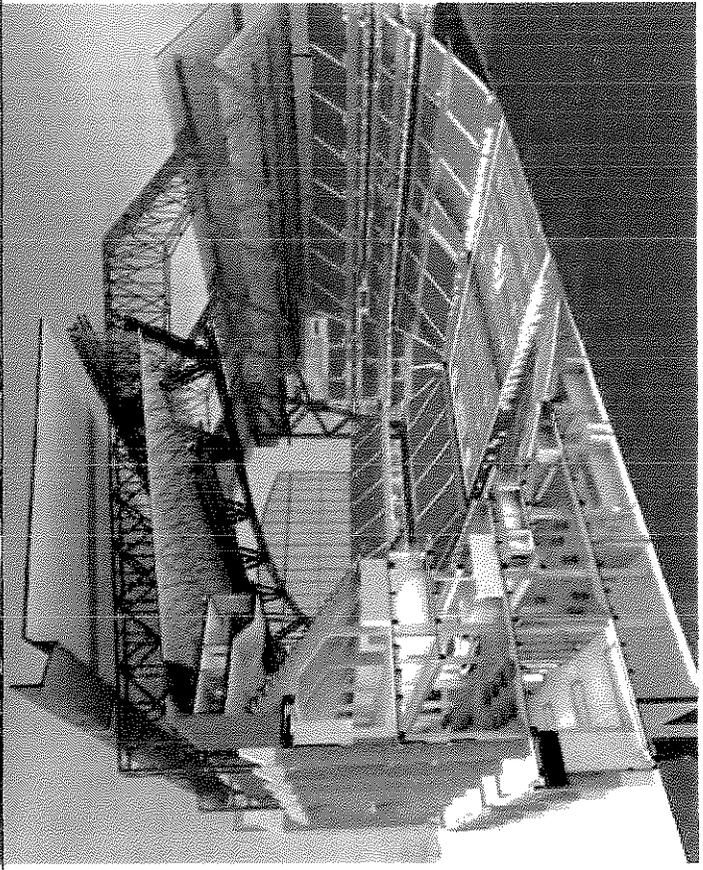
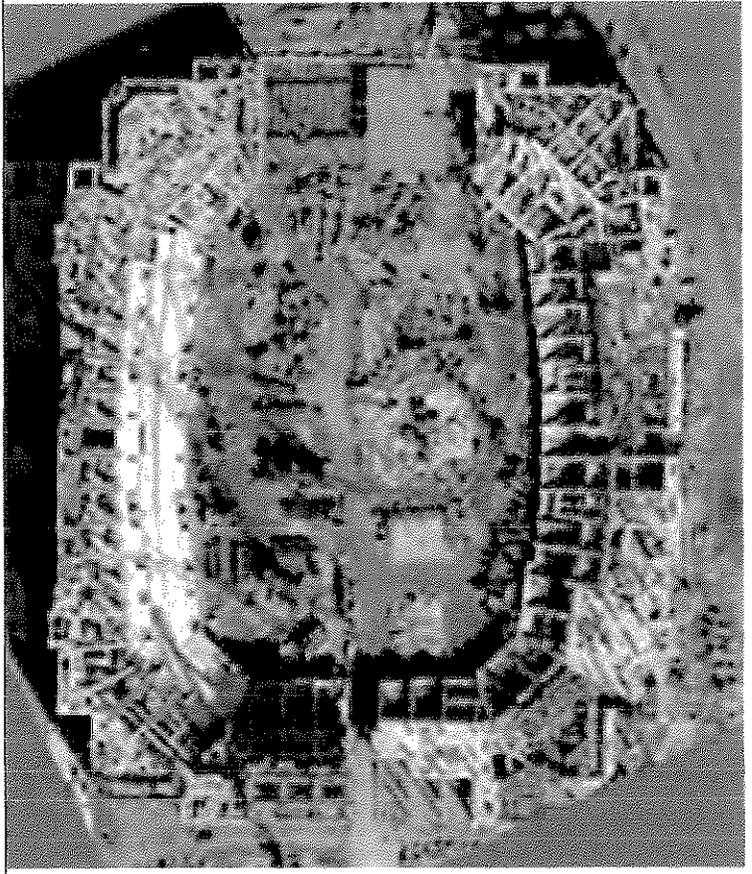
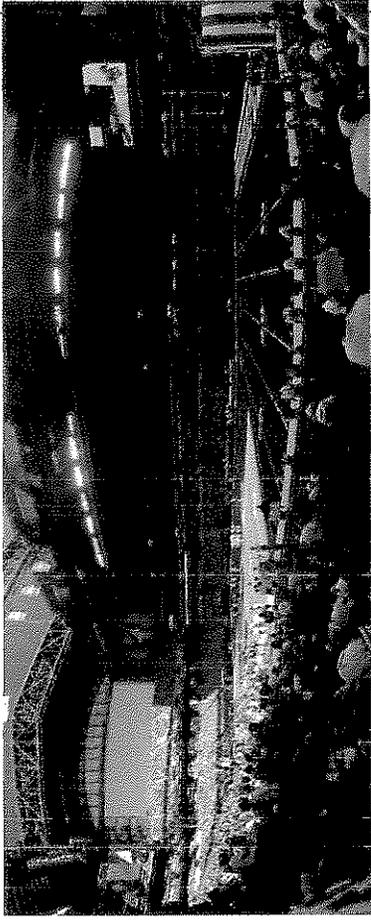
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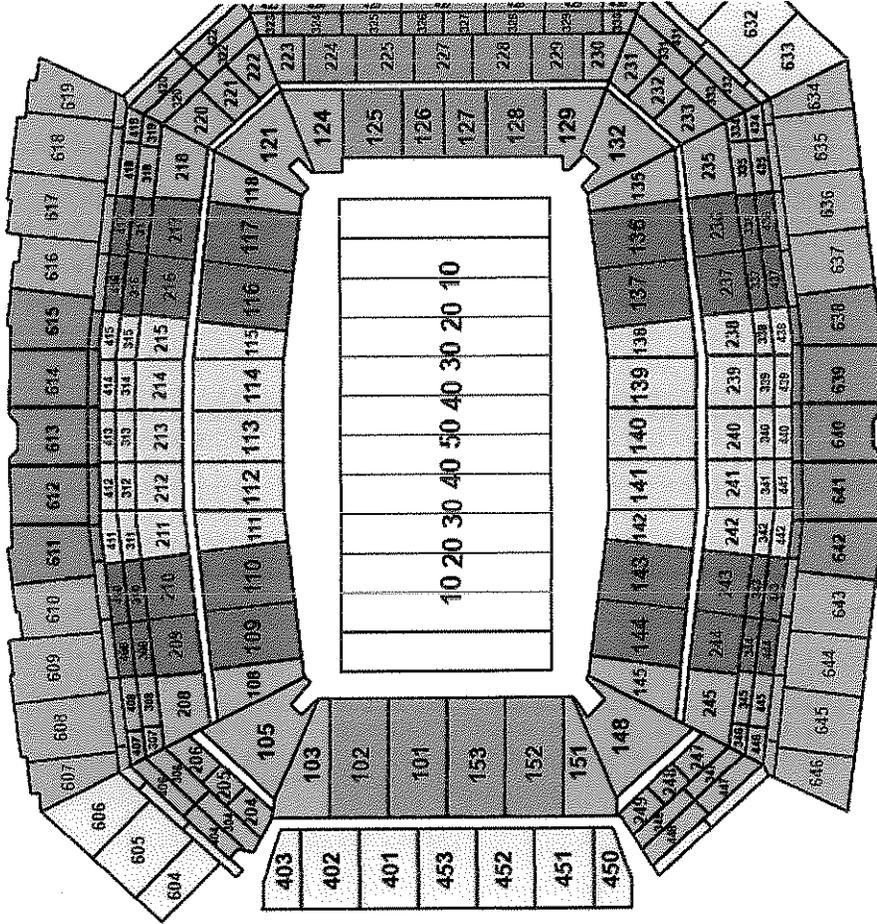
Imperial Avenue = 906 feet long.

(50 feet away from the fault at the East side of 13th Street to 16th Street)

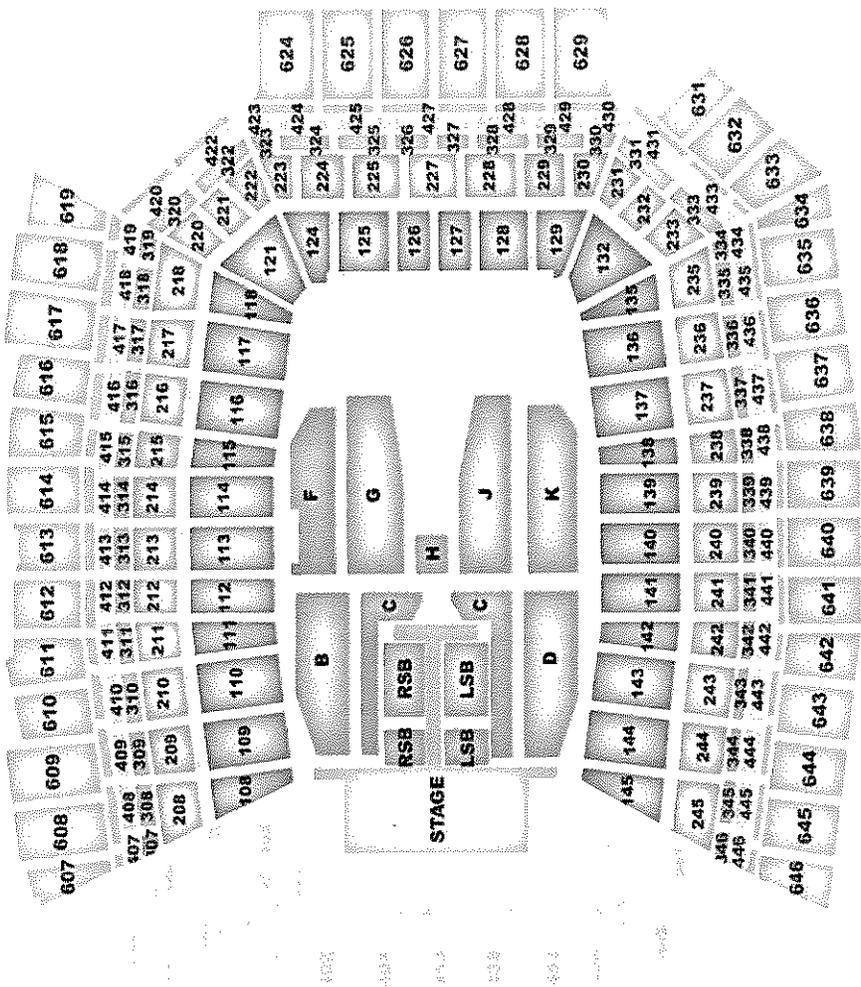
PHOTOGRAPHS OF THE
MULTI-PURPOSE
LUCAS OIL STADIUM AND
CONVENTION CENTER



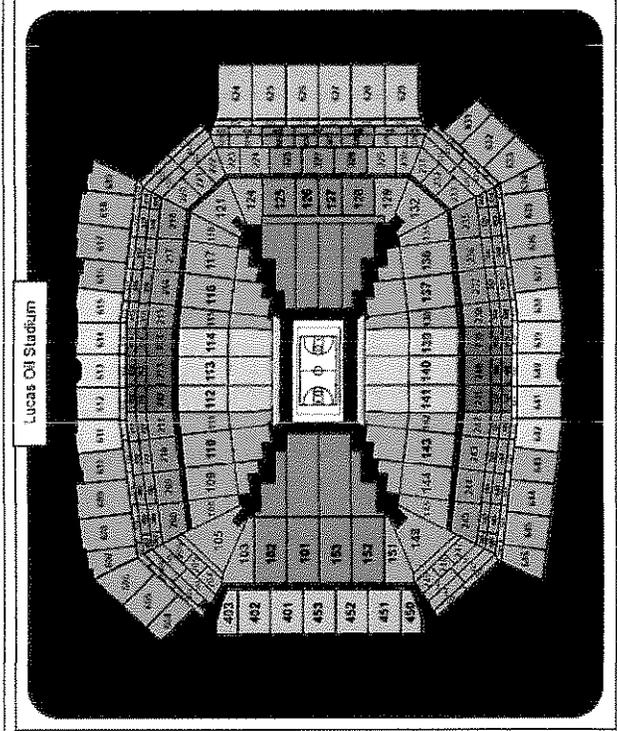




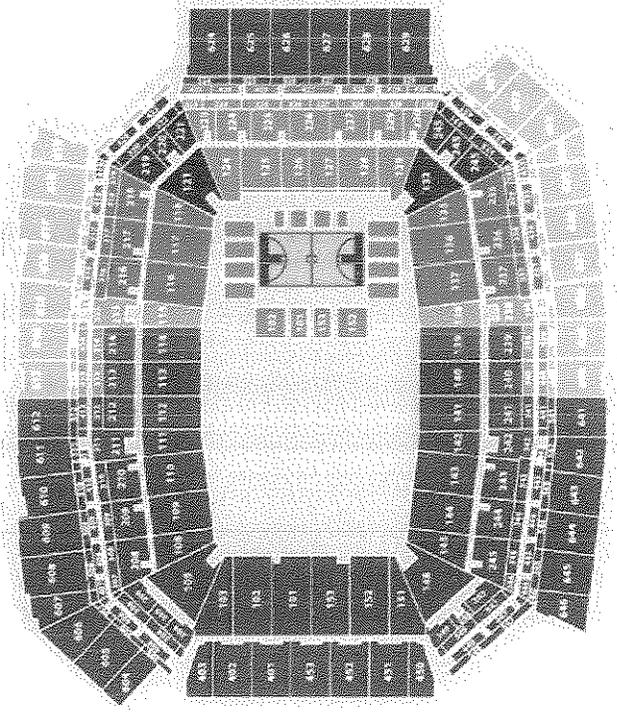
FOOTBALL SEATING CHART



MUSIC CONCERT SEATING CHART.



LUCAS OIL STADIUM
Indianapolis, Indiana



BASKETBALL SEATING CHART FOR FULL STADIUM OR HALF STADIUM.

The 2010 NCAA FINAL FOUR College Basketball Tournament will be played in the multi-purpose Stadium/Convention Center.

<http://www.ncaa.com/graphics/champpage/2010-General-Public.pdf>

November 30, 2009

Mr. Mark Fabiani – Special Counsel
 National Football League (NFL) Chargers
 P.O. Box 609609, San Diego, California 92160-9609
<http://www.chargers.com/>

Subject: Challenges, Issues, and Solutions for a Proposed Redevelopment Agreement (PRA) for a New Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion East Village Neighborhood of Downtown, San Diego, California.

Dear Mr. Fabiani:

We support the concept of building a new Chargers NFL Stadium in downtown San Diego. The difficulties this project faces will require broad support, and we want to offer you our perspectives on how this might be achieved. San Diego faces many problems today, exacerbated by the current economic crisis. Our goal is to recognize the challenges, address underlying issues, and present some solutions for further consideration. We want to participate in the discussion so answers can be found for the benefit of all. The Proposed Redevelopment Agreement (PRA) should be structured for adherence to the law and guaranteed deliverable to the taxpayers, without incurring public debt for private interests.

Challenges

1. The Proposed Redevelopment Agreement (PRA) should be structured in such a way that the taxpayers and citizens of San Diego benefit with tangible and visible civic improvements.
2. A New Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion.
3. Addressing Seismic related Safety and Legal Requirements in the Downtown Special Fault Zone.

Issues

1. Public Parking in downtown San Diego.
2. Homeless Services in the East Village neighborhood of downtown San Diego.
3. Preserving Historic Structures and Archeological Findings.
4. Addressing Public Land Ownership and Eminent Domain of Private Property.
5. Incorporating Affordable, Student, Veterans, and Senior Housing in Mission Valley, into the overall Proposed Redevelopment Agreement (PRA).

Solutions

1. Use a Horseshoe Configuration with Retractable Roof to Maximize Flexibility and Capacity for the Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion.
2. Convert the Existing Mission Valley Stadium Site into Targeted 100 percent (100%) Affordable Housing for SDSU Students, Returning Veterans, Assisted Living for Handicapped Veterans, and Displaced Seniors from Defunct Mobile Home Parks, along with a Public 75-acre Park along the San Diego River.
3. Relocate and Upgrade the Metropolitan Transit System (MTS) Infrastructure.

San Diego City Charter Section 221: Sale of Real Property states the following:

“Real property owned by The City of San Diego consisting of eighty (80) contiguous acres or more, whether or not in separate parcels, shall not be sold or exchanged unless such sale or exchange shall have first been authorized by ordinance of the Council and thereafter ratified by the electors of The City of San Diego.”

<http://docs.sandiego.gov/citycharter/Article%20XIV.pdf>

After reviewing our report, we would like to meet with you to discuss solutions and strategy in time for a public vote on November 2, 2010. If you have any questions, please do not hesitate to contact us.

Regards,

Katheryn Rhodes, PE and Conrad Hartsell, MD
 371 San Fernando Street, San Diego, California 92106, 619-523-4350 rhodes@laplayaheritage.com

Challenges

1. The Proposed Redevelopment Agreement (PRA) should be structured in such a way that the taxpayers and citizens of San Diego benefit with tangible and visible civic improvements.

The City of San Diego taxpayers have two physical assets that are not being used to their full potential: six city blocks in the East Village of downtown San Diego, and the 166-acre Qualcomm Stadium site in Mission Valley. These two publically owned physical assets can be leveraged to resolve ongoing civic problems and allow the NFL Chargers to have a new home in downtown San Diego, California.

The Proposed Development Agreement (PRA) between the public taxpayers, the City of San Diego, CCDC, the San Diego Convention Center Corporation (SDCCC), and the NFL Chargers should be a win for all involved. Professional sports team owners have received substantial public investment in the last two decades. Too often, the citizens and taxpayers are promised economic benefits that never materialize. On the contrary, these projects sometimes become perennial money losers, arousing the anger of those who have to pay the debt. Any proposal that requires public money from the City of San Diego given directly to the private Chargers organization will be highly unpopular in today's political and economic climate.

The city can help in many ways, but funding for the stadium building should not be expected from public sources. As taxpayers, San Diegans requires two issues to be resolved in downtown: the lack of parking, and the homeless sleeping in the public streets. With education and the support of the historical, environmental, affordable housing, and military communities, we believe that the issue of a new multi-purpose stadium in the East Village neighborhood of downtown San Diego should be put on the November 2, 2010 ballot. A public vote will finalize the controversial issue if taxpayers want to keep the Chargers in San Diego, or if taxpayers are fine with the NFL organization leaving the area.

In order to gain public support, the civic decision should be made by the voters after an educational campaign, with buy-in from the skeptics who do not trust City Hall and CCDC. All contract negotiation should be simple and recorded online so the public is aware of the particulars and has a chance to weigh in before and after voting. Without using General Fund money for police, fire and city services, CCDC should finance Redevelopment projects with the most positive impacts that will significantly benefit the East Village community near the proposed stadium site in downtown San Diego, California

As a stand alone project, San Diego voters would never agree to build a new NFL Stadium in downtown solely for the private Chargers NFL football team when there is nothing wrong with the newly renovated Qualcomm Stadium in Mission Valley. Additional taxpayer funds would be required to relocating the MTS Maintenance Yard and the newer mechanical Service Bays for the fleet of buses which cost millions of taxpayer dollars to build; pay to clean up the contaminated soils and hazardous waste spills at the MTS site; create two levels of subterranean parking to replace and increase the public parking lost by a new NFL stadium in the East Village; use the Redevelopment Agency's Eminent Domain power to take 2.5 acres of private land to give to the private Chargers organization, while at the same time destroy the historically designated Wonder Bread building.

Since the Qualcomm Stadium site in Mission Valley cannot be sold or redeveloped without a public vote, our Proposed Redevelopment Agreement (PRA) would include incentives for the taxpaying public to approve the NFL project and design a redevelopment plan for Mission Valley that benefits taxpayers including a new public 75 acre park along the San Diego River, 100 percent affordable housing for students, returning veterans, and seniors displaced by mobile home parks shutting down, requiring the Permanent Homeless shelter to start construction in the East Village, and resolve the outstanding seismic concerns in the Downtown Special Fault Zone.

2. A New Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion.

Critics of football oriented stadiums are quick to point out that there are very few games to be played each year. When the stadium sits empty, everyone loses. So we are proposing a year-round design that will optimize the facility's usage, and provide a benefit to the entire region. In addition, in a region prone to drought and facing environmental challenges from a growing population, incorporating environmental technology into the design is a challenge that must be met with open arms. Using artificial playing turf, taking advantage of San Diego's weather and wind patterns, and minimizing waste should all be considered as additional public benefits in putting together this project.

The Chargers schedule for 2009 includes 11 home games. The San Diego State University Aztecs schedule for 2009 includes six home games. To end the college football season, there are usually two Bowl Games; the Poinsettia Bowl before Christmas, and the Holiday Bowl before New Year's Eve. Qualcomm Stadium also hosts the Monster Jam for off-road vehicles, and the Monster Energy Supercross for motorcycle racing. Therefore, any large stadium in San Diego would host at the least 21 events per year. To be generous we could assume 30 events per year. That leaves 335 days or 92 percent of the time when the stadium is sitting idle, not in use, and not generating revenue for taxpayers.

Currently with the 2001 expansion, the San Diego Convention Center has approximately 615,701 square feet in exhibition space. In order to retain large conventions as it said San Diego needs 800,000 square feet of exhibit space. The cost estimate to add an additional 184,300 square foot of exhibition space for the Convention Center Phase III Expansion is estimate at \$1 billion taxpayer dollars. Part of the high cost is due to the massive foundation required to build on reclaimed tideland subject to liquefiable soils.

Instead of two large projects on publically owned land, the large flat football field of the proposed NFL Stadium founded on formational soils could be used as exhibition space for the San Diego Convention Center when not in use during the football season. Figures 1a and 1b show the proposed location of the multi-purpose stadium and convention center expansion in the East Village of downtown San Diego, along with the approximate location of the active fault bisecting the project.

Comic Con is San Diego largest convention and is held in the Chargers off season during the month of July. Since this is an initial proposal, we do not know the exact amount of exhibition space that would be provided by the playing field, but it should be close to meeting San Diego Convention Center's goal of 800,000 square feet total. Then the planned location of the Convention Center Expansion on public reclaimed Port of San Diego tidelands, can be built in the future as the Phase IV Expansion if additional exhibition space is required.

The new Charger stadium in downtown should be designed as a multi-purpose NFL Stadium and Event Center with a retractable roof to accommodate Indoor/Outdoor exhibitions in coordination with the Convention Center, International Soccer matches, music concerts, Street Scene, Track and Field meets, the ESPN X-Games, shows, motor sports, and NFL Super Bowls in February. In addition, the City of San Diego is backing a bid to bring the World Cup of Soccer to the United States in 2018 or 2022. Design features for a new stadium should include movable seating to allow for a change of the playing surface shape, like an oval shape for Rugby matches.

A year-round, all-weather stadium requires a retractable roof and would highlight the beautiful San Diego weather. Walter P. Moore Engineers and Consultants of Houston, Texas are best known for their work on Sports Stadiums with retractable roofs. <http://www.walterpmoore.com/projects/sports/> Major NFL stadium projects designed by Walter P. Moore include: the Horseshoe-shaped 2001 Denver Bronco's INVESCO Field at Mile High in Colorado [\$364 Million], the 2006 Arizona Cardinals University of Phoenix Stadium in Glendale, Arizona [\$395 Million], and the 2009 Dallas Cowboys Stadium in Arlington Texas [\$1.15 Billion].

Appendix A documents the new Multi-Purpose Stadiums and Event Spaces with retractable roofs that has become the world-wide standard for generating revenue year-round and has broad public support. In 2006 the multi-purpose University of Phoenix Stadium and Event Center was opened in Glendale, Arizona. Arizona has received world-wide praise and international exposure for their \$395 million dollar state-of-the-art stadium, with a retractable roof including luxury suites and room to grow. In addition, the 63,500 seat stadium can be expanded to a capacity of 72,800 using risers and ganged, portable folding seats. In 2007 the multi-use Wembley Stadium in London, England opened as both a Stadium with a sports field and a Convention Center space for conferences and banquets (see Appendix A).

The only free item the Chargers would get from the public would be the use of the public land in the East Village area of downtown San Diego instead of use of public lands in Mission Valley. The Chargers organization would have to come up with financing by themselves to construct the actual stadium building. A dual NFL Stadium and Convention Center Phase III Expansion would lower the cost to the Chargers, the San Diego Convention Center Corporation (SDCCC), CCDC, and the City of San Diego taxpayers, while maximizing revenue generated on our public lands. The liability for contaminated soils cleanup belongs to the City of San Diego, CCDC, and the Metropolitan Transit System (MTS). CCDC may use Redevelopment funds to pay for the contaminated soils and hazardous waste cleanup and a two level subterranean parking garage under a portion of the downtown NFL stadium.

Putting the proposed stadium in downtown San Diego next to Petco Park would save taxpayers money by not duplicating infrastructures cost, parking, and trolley services. Again the Arizona stadium only cost \$395 million dollars and included a retractable grass field, retractable roof, and massive air conditioning for the hot Arizona temperatures. The Arizona stadium was built in 3.3 years (40 months) by breaking ground in April 2003 and hosted their first event in August 2006. Using the lessons learned from Arizona, the Chargers and the City of San Diego should be able to build a stadium without the retractable field, and air conditioning units for a comparable price of \$395 million instead of the Chargers' estimate which is now projected to cost in excess of \$1 billion dollars. We believe this estimated monetary figure is exaggerated in light of the economic conditions for contractors and developers.

Chargers Running Back LaDainian Tomlinson promotes artificial turf (EasyTurf) to conserve outdoor water in our hot desert like Mediterranean climate. In addition Mr. Tomlinson commented on FieldTurf used by NFL teams. *"That's a fast track," Tomlinson said. "That's my type of field. I love to play on fields like that. I think I have the advantage when I'm able to play on that surface."* Since we live in a desert and cannot afford to waste water, FieldTurf is an environmentally friendly, water conscious solution instead of grass.

3. Addressing Seismic related Safety and Legal Requirements in the Downtown Special Fault Zone.

Earthquake fault buffer setbacks are mandated by California law in areas of known seismic hazards. The proposed downtown San Diego NFL stadium site in the East Village is bounded by Imperial to the south, 12th Street to the west, K Street to the north, and 16th Street to the east, contains branches of the active Silver Strand Fault of the active Rose Canyon Fault Zone (RCFZ) and is shown in Figures 2a, 2b, and 2c. The active fault traverses the east side of 13th Street in a north/south direction bisecting Tailgate Park. Another active branch of the Rose Canyon Fault Zone (RCFZ) is thought to be located on the east side of 16th Street, offsite and adjacent to the proposed Chargers NFL Stadium and Convention Center Phase III Expansion in the East Village neighborhood of downtown, San Diego, California. Figure 2a taken from the San Diego Convention Center's (SDCC) Presentation to the Mayor's Task Force, dated June 2, 2009 shows the active fault traversing Tailgate park in a north/south direction parallel to 13th Street within the proposed NFL Stadium site.

California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, Article 3, Section 3603 states *"the area within fifty (50) feet of such active faults shall be presumed to be underlain by active branches of that fault unless proven otherwise by an appropriate geologic investigation and report prepared as specific in Section 3603(d) of this subchapter, no such structure shall be permitted in this area."* The full Section of the Code is shown in Figure 3.

The challenges of meeting the legal and safety requirements in the proposed downtown location require the involvement of State of California Seismic Safety Commission, the State Mining and Geology Board, public officials, civil engineers, and geologists. The overriding goal is to maintain the safety of those who will use the facility while keeping the overall cost affordable.

Prior to 2007, all CCDC and City of San Diego environmental and planning documents ignored the need for a fault investigation in the Downtown Special Studies Zone during preliminary planning stages for CEQA. CCDC and the City of San Diego have not always followed normal Alquist-Priolo laws and are still approving projects without valid fault investigations in the Downtown Special Fault Zone. This lack of following normal everyday engineering practices had the State Geologist declaring *"San Diego is playing loose with the law."*

CCDC and the City of San Diego finally acknowledged the requirement for due diligence studies by developers during planning stages when sometime after July 2008, the active fault was verified traversing 13th Street in a north/south direction bisecting Tailgate Park and spoiling Redevelopment plans for a convention center expansion and high-rise hotels.

Mitigation for active faults includes establishing a 100 foot fault buffer setback (50 feet on each side) from the exposed trace of the fault. Only non-habitable structures like bathrooms, open space, and park land are allowed within the 100 foot fault buffer setback zone. According to State law, all fault investigation reports and agreed reduced setback requirements should have been sent to the State Geologist for review and approval. The law says 50 feet on each side; however, CCDC has allowed shorter setbacks of only 12 to 25 feet on each side of an active fault without the required approval from the State Geologist and backup scientific evidence. The fault buffer setback distances may be shortened from 50 feet on each side, if proven to the State Geologist and a Technical Advisory Panel (TAP) and backed up by scientific evidence.

Due diligence was performed and active faulting was acknowledged on liquefiable soils at the Old Police Headquarters in the North Embarcadero and the Sunroad leasehold on Harbor Island during fault investigations submitted to government agencies. Mitigation included establishment of fault buffer

setbacks and a redesign of architectural plans to conform to the law. In addition, presumed active faulting on liquefiable soils was acknowledged at the 10th Avenue Marine Terminal (TAMT) which was a potential site for a Charger stadium in 2008.

In order to get skeptics, such as ourselves to vote on PRA and an NFL Stadium deal, CCDC, the City of San Diego, and the Port of San Diego has to regain the trust of the weary public. These government agencies can regain our trust by requiring all seismic laws be followed for all projects in the San Diego Downtown Special Fault Zone including the Navy Broadway Complex (NBC) site and the North Embarcadero Visionary Plan (NEVP). This good faith gesture would be accomplished by requiring the United States Navy, Manchester Financial, CCDC, the City of San Diego, and the Port of San Diego to turn in valid fault investigations for all projects within the Downtown Special Fault Zone for review by all, and approval by the City and State Geologists. Supposedly the Port of San Diego will acknowledge the active faults on liquefiable soils in the downtown area as part of the upcoming Environmental Impact Report (EIR) for the North Embarcadero Visionary Plan (NEVP) currently being written. However, until the evidence is shown in writing, no assumptions should be made that San Diego officials will start enforcing and following State seismic laws for Health and Safety.

The subject is seismicity is very technical. The City of Coronado and the State of California both had independent, appointed review boards to assess the 2006 fault investigation report prepared by Kleinfelder, Inc. for the Coronado tunnel project. The City of Coronado had its own review board consisting of its citizens, some of which were engineers. The State of California appointed experts in seismology and geotechnical earthquake engineering to a Coronado tunnel Technical Advisory Panel (TAP) to evaluate the Kleinfelder report. Kleinfelder was required to submit their draft fault investigation report to the City of Coronado and the State of California for comments and input. They were required to conduct meetings with the TAP to review the plan for their fault investigation and to present their fault investigation report to the Panel. The comments and input from the TAP were incorporated into the final fault investigation report for the Coronado tunnel project, which is still in its preliminary planning stage with an EIR to be issued in the next few years. This type of open, transparent, independent, thorough review of the fault investigation report conducted by the City of Coronado is an example that the City of San Diego, CCDC, and the Port of San Diego should follow to regain the trust of regular San Diegans and to conform to State law.

In order to regain the public's trust and approval on the PRA and the NFL Chargers stadium in the Downtown Special Fault Zone, the City of San Diego and CCDC should following the lead from the City of Coronado and reconvene the Technical Advisory Panel (TAP) used for the 2006 Coronado Tunnel study in coordination with the California Seismic Safety Commission and the State Mining and Geology Board. The technical experts would provide seismic guidance, review, and approval to direct CCDC, the City of San Diego, and the Port of San Diego on following State Seismic laws. At the request of the City of San Diego, the state agencies would oversee fault investigation practices and provide seismic guidance to quell our public safety and Homeland Security concerns. The panel should consist of geologic and seismic experts, and concerned citizens such as ourselves. Dr. Hartsell attending Caltech and Berkeley and Ms. Rhodes is a Civil Engineering registered in the State of California, with over 20 years of construction experience. We are willing to work for free and volunteer our time. As the regional experts already know the magnitude and direction of the Rose Canyon Fault Zone (RCFZ), the membership of the new TAP can be the same as for the 2006 Coronado Tunnel project. After addressing the proposed new Navy Buildings, the TAP may come up with guidelines for fault investigations in the North Embarcadero area including the rest of the Navy Broadway Complex, and the proposed Chargers NFL Stadium and Convention Center Phase III Expansion in the East Village neighborhood of downtown, San Diego, California. With the approval of the TAP and the California Seismic Safety Commission, the required 100 foot fault buffer setbacks (50 feet on each side) for the stadium project may be reduced based on scientific evidence.

Issues

1. Public Parking in downtown San Diego.

The lack of public parking in downtown San Diego is a concern to visitors and residents alike. An option to resolve the public parking problem would be for CCDC to finance a two level subterranean parking garage under a portion of the proposed stadium site east of the known active fault that bisecting the project. The publically owned 8-acre MTS Maintenance Yard is known to be contaminated with benzene from leaking Underground Storage Tanks (UST), diesel fuel, gasoline, and oil. As historical owners of the site CCDC, the City of San Diego, and MTS are financially responsible for hazardous material cleanup during redevelopment of the area. Most contaminated soils in downtown San Diego are removed during excavation for subterranean parking structures. Voter may be open to CCDC financing the underground parking structure beneath the proposed stadium as part of the remediation to remove the contaminated soils and hazardous waste onsite that would have to be cleaned up off our public property eventually, using Redevelopment dollars. Appendix B is a Preliminary Environmental Study for the proposed Chargers NFL Stadium and Convention Center Phase III Expansion in the East Village neighborhood of downtown San Diego, California. The California Regional Water Quality Control Board (RWQCB) has documented the known contaminated soils and hazardous waste spills which are required to be mitigate and taken off site as part of any Redevelopment project by CCDC in downtown San Diego, California.

Creation of a subterranean parking garage would create approximately 24 acres of public parking (12 acres each on two levels) to be used for the new multi-purpose NFL Stadium and Convention Center Phase III Expansion, Petco Park, the Gaslamp area, and downtown San Diego in general. The subterranean parking structure would be bounded by 16th Street to the east to almost 13th Street to the west (to avoid the active fault), K Street to the north, and Imperial to the south. The creation of an underground garage would double the amount of public parking lost to construction for a new stadium in the East Village.

2. Homeless Services in the East Village neighborhood of downtown San Diego.

We would like to give you our support for a new NFL Chargers stadium in downtown San Diego and at the same time fix the downtown San Diego homeless problem. **The Federal Court ruled that the issuing of illegal lodging tickets by the police was cruel and unusual punishment and unconstitutional when homeless shelters had too few beds.** In 2007, the City Council agreed to a legal settlement where *“police officers will not issue illegal lodging tickets to homeless people between 9:00 p.m. and 6:00 a.m. sleeping on public property, if the act of sleeping outdoors is their only offense.”*
<http://www.voicesofsandiego.com/articles/2007/03/02/survival/840settlement.txt>

Tickets can only be issued by Police if the City of San Diego had the required number of warm beds to support the homeless population. Not much has improved for the chronically homeless in the East Village area of downtown San Diego and many hundreds of citizens sleep on the public streets every night creating public hazards and unsafe conditions for all. The multi-purpose NFL Stadium and Convention Center Phase III Expansion should be built only if CCDC guarantees that enough beds will be created for the chronically homeless, so the San Diego Police can again ticket persons who refuse treatment. Living on the street of the East Village should not be an option or a lifestyle choice available to the homeless. Solving the dire homeless problem in the East Village is in the best interest of all including residents, businesses, the City of San Diego, the Convention Center, CCDC, and the homeless.

The lack of civic leadership has stalled the creation of a Permanent Homeless Shelter in the East Village of downtown San Diego and has created unsafe living conditions for many homeless citizens. Between now and the November 2, 2010 vote, at the urging and with the leadership of the NFL Chargers organization, the City and CCDC should build the planned shelter in the East Village then the public can decide if they trust the government to follow through on their other civic agreements. The City and CCDC should deliver on their promises to taxpayer to create a Permanent Homeless Shelter in the East Village and create enough beds so outdoor lodging will again become illegal on public downtown San Diego streets.

Current facilities in the project area, such as those run by St. Vincent de Paul Village and Father Joe, deserve support and expansion as an inherent feature of this project. This kind of active partnership with the community is vital for winning over a skeptical public which has seen previous promises broken.

The East Village neighborhood of downtown has the highest concentration of homeless people, and has many services specifically for the homeless community. In order to show good faith and create good will that promises will be kept, between now and the November 2, 2010 election, the Permanent Homeless Shelter in the East Village should start construction with the \$10 million dollars CCDC already set aside for the project. The Permanent Homeless Shelter would incorporate the current homeless day center and the annual winter shelter programs. If taxpayers saw the City and CCDC have the will and leadership to resolve the homeless problem in the East Village, they may be more willing to vote for a new NFL Stadium downtown. Another shovel-ready project CCDC approved with no funding is the proposed multi-purpose building at St. Vincent de Paul Village at 15th Street and Commercial Street near the proposed stadium site. As a show of good faith to the neighborhood, CCDC and the City should fund this needed Redevelopment project to help the poor and improve the neighborhood as part of the PRA. As part of the public benefit for voting for a new stadium and to improve the East Village neighborhood, CCDC could finance and build the Permanent Homeless Shelter and the St. Vincent de Paul Village 15th and Commercial Street projects without delay.

According to the Downtown San Diego Partnership, *“Responding to homeless complaints and homeless-related concerns is the number one issue facing our Clean & Safe safety ambassadors, has become a significant concern for our maintenance crews and is far and away the number one complaint of downtown residents and business owners... With an estimated 7,582 homeless throughout the San Diego region, approximately 4,082 within the City of San Diego, and close to 600 downtown, the only humane thing to do is get them off the streets”*
<http://downtownsandiego.org/newsDesk/downloads/July%202009.pdf>

This is the taxpayer's opportunity to do the right thing by the new condominium residents and business owners in the East Village, and the displaced homeless population in downtown. Homeless San Diegans are citizens and deserve to be protected. Many great ideas exist to end the plight of the Chronically Homeless used successively in other American cities. CCDC and downtown Redevelopment helped increase the downtown homeless problem when CCDC increased density by the removal of the Single-Room Occupancy (SRO) apartments and hotels in downtown San Diego. Former apartments for the very low income singles are now mostly empty luxury high rise condominiums. The misplaced homeless have nowhere safe to sleep. According to State of California Redevelopment law, the persons displaced by redevelopment should have been relocated by CCDC to housing before being kicked out onto public streets. This important component of Redevelopment law was not followed in San Diego and has exasperated the homeless problem. In addition to shelter, there is a lack of restroom and water fountains available for public use in downtown San Diego. We believe the stadium should provide restroom for their homeless neighbors, visitors, and the general public as part of any civic decision.

“The NFL and United Way Partnership is the most visible and longest running charitable collaboration in history. For more than 35 years, the partnership has been a shining example of the tangible good that can come when America’s favorite sports league joins forces with the largest nonprofit to create real change in communities. United Way thanks the National Football League—owners, coaches, players and staff—for 35+ years of living united.” --
<http://www.liveunited.org/nfl/>

Former City of San Diego Council Member Brian Maienschein is the Commissioner of United Way of San Diego County’s Plan to End Chronic Homelessness. Collaboration between the Chargers, the NFL, the United Way, CCDC, the SDCCC, the City of San Diego, St. Vincent de Paul Villages, Father Joe, and other homeless advocates could solve the problem of Chronic Homelessness in San Diego and would be a reason for taxpayers to vote for the new stadium project and see the NFL Chargers organization in a new, favorable and charitable light.

3. Preserving Historic Structures and Archeological Findings.

Both above and below the ground, the downtown project area is a record of noteworthy San Diego history. Preserving historic structures is the aim of a number of San Diegans who have grown in numbers and influence. Any proposal that ignores these concerns faces likely defeat either through public pressure or the courts. Buried artifacts, the known and unknown that are expected to be found in this historic place, must be carefully uncovered, documented and preserved. Again, this kind of visible effort to respect and maintain the history of our home may be key to winning and keeping public support. The entire area proposed for the stadium in the East Village is one of the richest historic archaeological treasures in the City of San Diego. When the Petco Park baseball stadium was built next door, CCDC allowed the artifacts recovered as mitigation for the destructive impacts from construction to be thrown in the dumpsters. As a critical part of the public vote in November 2, 2010, in accordance with CEQA, it should be required that any archaeological artifact recovered needs to be properly cared for in the San Diego Archaeological Center at San Pasqual with all costs paid for by the developer.

Historic Preservation is an important issue for many San Diegans. A certain percentage of citizens in San Diego admire and vote for civic projects which include adaptive reuse into their initial designs as a given. Example of adaptive reuse of historical structures in design within the City of San Diego includes the incorporation of the Western Metal Supply Company brick building in Petco Park, the many historically protected buildings at Liberty Station/Naval Training Complex (NTC) in Point Loma, and the downtown San Diego Gaslamp Quarter.

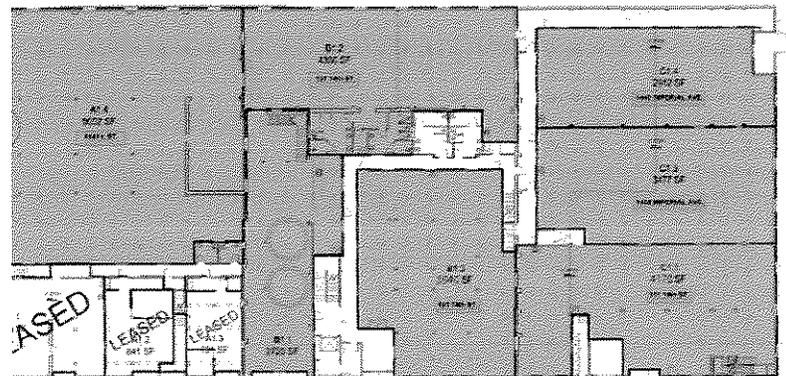
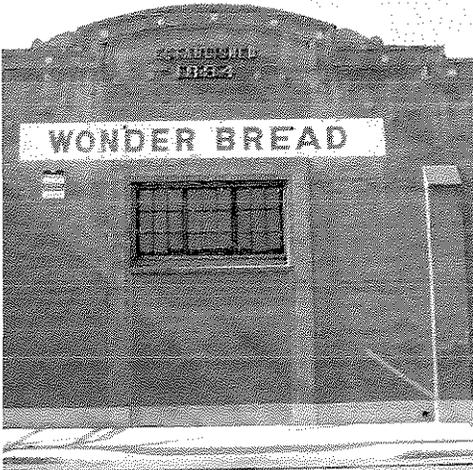
In 2001 the brick bakery and warehouse built by Trepte and Sons in 1924 was approved for historic designation by the Historical Resources Board (HRB) for Criteria C (Architecture) and Criteria D (Master Architect Eugene Hoffman). The former Wonder Bread factory and warehouse buildings were seismically retrofitted to withstand earthquakes. For the Assessor Parcel Number (APN) 535-603-01 two differing addresses are used: 147 14th Street and 171 14th Street and is known as the WonderHaus building along with the adjacent structure is located on 2.5-acres of privately owned land.

Under state law and the California Environmental Quality Act (CEQA), the City’s HRB would have to approve plans to modify the historic WonderHaus building which recently won an Orchid award in Historic Preservation from the San Diego Architectural Foundation as a fine example of adaptive reuse. <http://www.orchidsandonions.org/2009/09/16/wonderhaus-0>

The most historical portion of the building is located at the southeast corner of 14 and L Streets, which is located directly in the middle of the proposed football field. This includes the 16-foot-diameter, 40-foot-tall steel silo where flour was siphoned from trucks to the rooftop of the silo. Therefore, it does not seem that preservation of the historic integrity of the complete building would be possible. Other options used by historic preservationists may include reusing the historic bricks into a new façade within the proposed stadium, and reconstruction of the bricks out of the way of the Chargers' playing field but within the stadium site.

A collaborative process with Mr. Bruce Coons of Save Our Heritage Organization (SOHO) and historic consultants such as Heritage Architecture & Planning would analyze the differing options that would be in the best interest of both the historical San Diego community and the Chargers. The Historic community is very reasonable and is always willing to work with developers and the City for a mutually beneficial outcome to be decided by the City's Historical Resources Board (HRB). <http://www.sohosandiego.org> <http://www.heritagearchitecture.com/mainpages/projects.html>

WonderHaus by Blokhaus. <http://www.wonderbreadhaus.com/press/WHAUS-eventPackage.pdf>
"WonderHaus is a redevelopment project for multi-tenant retail and office use and located in the Ballpark District of Downtown San Diego, California. Built in 1924, the iconic Wonder Bread factory buildings comprise spaces varying in size... totaling 56,000 sf across two floors. Renovations include new storefronts, full utility upgrades and demising of spaces, some of which feature ceiling heights of 25 ft, wood bow trusses, concrete floors, brick walls and industrial details. "



Current Ground Floor Plan.

4. Addressing Public Land Ownership and Eminent Domain of Private Property.

Since the Kelo vs. City of New London decision in 2005, many states have changed their eminent domain laws to preclude its use for projects such as this. It's possible that such a law could come into place before this proposal becomes legally valid. So any effort that relies on eminent domain to acquire private properties is likely to generate controversy.

The ownership of the project area is mixed. Private as well as public entities must come together and negotiate in good faith to ensure success. In order to construct a stadium in the East Village, CCDC has to buy 2.5-acres of privately owned land including the Historically designated WonderHaus building.

An open letter to Mayor Sanders, Dean Spanos and others. Welcome to the neighborhood! We have been property owners in this vicinity since way before the ballpark. We are currently the owners of the Wonder Bread building. Imagine our surprise to find out the plans for our property in the newspaper! We also own other parcels most likely in the possible footprint of the new stadium. While we believe this would be a great site for the stadium, we are not like Lindbergh Field which has been under study for the past many years. It is happily doing business as it is the only airport in town and flyers have no choice. Because tenants have many choices it is difficult for us to do the business of leasing while there is discussion of the disruption of condemnation looming in the future. We ask that this site be quickly evaluated and moved on or left alone. - Bob and Gay Sinclair

Eminent domain may have to be used to take 2.5-acres of private land from private owners (Bob and Gay Sinclair) and give it to another private owner (the Chargers) to develop an NFL stadium. The voting public frowns on this type of eminent domain power for private gain.

However if the San Diego Convention Center Corporation (SDCCC) agreed to Co-Location of the Convention Center Phase III Expansion with the proposed NFL stadium to create a public multi-purpose structure that generates revenue for taxpayers, then eminent domain of private land for public/private owners would have a better chance of garnering community support at the November 2, 2010 election.

The MTS maintenance yard would have to be relocated as part of this proposal. This 8 acre parcel was given to MTS by the City and CCDC on July 1, 1985 for \$1 based on the understanding that it will be used to promote public transportation in San Diego County. Therefore, any project using this space must make a substantial investment in public transit infrastructure, such as upgrading the city-owned Rose Canyon Maintenance Yard, the Chollas Operations yard, or the City's Central Equipment Repair yard south of Balboa Park.

The joint Board of Directors for the Metropolitan Transit System (MTS), San Diego Transit Corporation, and San Diego Trolley, Inc. consists of 15 Board members including four (4) City of San Diego Council Members (Sherri Lightner-District 1, Kevin Faulconer-District 2, Todd Gloria-District 3, and Tony Young-District 4). The eleven other MTS Board Members include Harry Mathis the Chairman of MTSB, Ron Roberts of the County Board of Supervisors, and nine (9) City Council Members from the Cities of National City, Coronado, Santee, Poway, Lemon Grove, El Cajon, Chula Vista, La Mesa, and Imperial Beach.

The argument for a new Charger stadium should be separated from the City of San Diego's on-going unsustainable General Fund budget for police, fire, and general services. Therefore, a November 2, 2010 ballot initiative would not interfere with structural budget decisions from City Hall due on June 30, 2010.

5. Incorporating Affordable, Student, Veterans, and Senior Housing in Mission Valley, into the overall Proposed Redevelopment Agreement (PRA).

Qualcomm Stadium in Mission Valley is a 166-acre site consisting of two irregular shaped parcels adjacent the San Diego Trolley, and near the Veterans' Administration Outpatient Clinics (see Figure 4). The first parcel consists of 84-acres owned by the City of San Diego's General Fund. The second parcel consists 82 acres owned by the City of San Diego's Water Department (2 acre are limited to Water Department use only). The Green line of the San Diego Trolley connects the Mission Valley stadium site to the Veterans Administration Outpatient Clinics, San Diego State University (SDSU), City College, the University of San Diego (USD), and downtown San Diego, California.
<http://www.sandiego.va.gov/visitors/missionvalley.asp>

San Diego City Charter Section 221: Sale of Real Property states the following:

"Real property owned by The City of San Diego consisting of eighty (80) contiguous acres or more, whether or not in separate parcels, shall not be sold or exchanged unless such sale or exchange shall have first been authorized by ordinance of the Council and thereafter ratified by the electors of The City of San Diego." <http://docs.sandiego.gov/citycharter/Article%20XIV.pdf>

Due to its large size, the City of San Diego is not allowed to sell the Qualcomm Stadium site in Mission Valley without a vote by the public. The City Council is entrusted to administer publically-owned lands in a manner most suitable to the needs of the citizens of San Diego. Although we believe Qualcomm Stadium is good enough for NFL football and nothing is wrong with the stadium, the City of San Diego is operating the public asset at a loss of millions of taxpayer dollars every year. We believe the assets of land that is the 166-acre Qualcomm Stadium site could be leveraged and put to better use for all. Before any development is started in Mission Valley, Kinder Morgan has to clean up their fuel plume under City-owned land. Figure 4 is an aerial photograph of the Mission Valley area, showing the Qualcomm Stadium site, two Veterans Administration (VA) Outpatient Clinics, San Diego State University, and the Green Line of the San Diego Trolley linking all sites together.

Affordable housing and urban renewal were the original reasons for redevelopment laws. Sadly, too many projects which ought to be providing this affordable housing in San Diego have not kept their promises, leaving us with a deficit of places for low income residents to live. Students, veterans, and senior mobile home residents seem especially hard hit.

Taxpayers are skeptic. There is history of bait and switch deals between private developers and the taxpaying public, with the public losing every time. Currently all over the City and in Redevelopment areas, the City of San Diego allows developers to knowingly break State CEQA law by pretending to build affordable housing using the ministerial process, then changing the affordable housing projects to luxury condominiums through the separate Condominium Conversion process. Taxpayers are left with no affordable housing, and a lack of required infrastructure for the massive increase in density.

Half of the remaining 84 acres of Qualcomm Stadium could be sold to San Diego State University (SDSU) for student housing. The profits from the sale of public land could then be used to build affordable housing for returning war veterans and seniors displaced from their mobile homes, while at the same time developing the 75 acre public park and trail along the San Diego River to connect Mission Valley to the Pacific Ocean.

The City of San Diego would be able to finance construction of the planned public 75-acre park along the San Diego River within the Water Department owned land. Since two acres are limited to Water Department use only, this leaves the Water Department with 5 additional acres where a water recycling

plant can be built specifically to recycling the water from the development of the remaining 84 acres of underutilized land owned by the General Fund.

The remaining 84 acres of developable publically owned land in Mission Valley adjacent the trolley tracks could then be leverage for 100 percent affordable housing for students, veterans attending college on the new GI Bill, returning veterans with war related injuries, at-risk veterans who have graduated from Veterans Village, and displaced senior mobile home park residents. The public 75-acre park and the 100 percent (100 %) affordable housing for veterans and displaced seniors could be financed by the City of San Diego Housing Commission using funds from the sale of a portion of the 84-acres to San Diego State University (SDSU) for their own student housing.

The full 84-acre, 100 percent affordable housing project for students, veterans, and seniors would be handicapped assessable and built over one level of parking for residents, trolley users, and so the public can access the new 75-acre San Diego River park on Water Department owned land. On top of the parking level would be the plaza area for the 84-acre walkable neighborhood built jointly with the City of San Diego, SDSU, the United Way, Veterans Groups, and affordable housing advocates.

A project of this magnitude can leverage public resources and will power to finally address our chronic affordable housing shortages. The owners of the Chargers have a long history in the financing and development of housing in California, and we propose that the project include significant housing for students, returning veterans, and displaced seniors at the current stadium site in Mission Valley.

Affordable housing for seniors exists at mobile home parks within the City of San Diego. The senior mobile home park in the Grantville area is being shut down to build luxury condominiums and the seniors are being displaced. The developer agreed to fund the moving expenses and costs for the senior mobile home park residents during a City Council meeting in 2008, but has since reneged on the agreement with the City Council to provide relocation funds for each senior occupant. Both Qualcomm Stadium and the De Anza Cove/Harbor Resort for seniors are owned by the City of San Diego and are in District 6. De Anza senior mobile home residents require \$48 million dollars from taxpayers for relocation to move out of their mobile home park so the public area along San Diego Bay can be redeveloped with hotels. The displaced senior mobile home residents from both the Grantville and De Anza Cove mobile home parks could be relocated to city-owned land in Mission Valley during the redevelopment of Qualcomm stadium into a walkable community near the trolley tracks.

The Mission Valley Redevelopment project would include environmentally sustainable design features and be submitted for certification as a Leadership in Energy and Environmental Design (LEEDTM) certified building based on the Green Building Rating System for New Construction & Major Renovations Version 2.2 (LEED for New Construction Version 2.2) established by the U.S. Green Building Council. Each of the specific design features that would be incorporated into the proposed project to achieve LEEDTM certification are not known at this time. However, the proposed project would be designed to achieve at least two points under Energy and Atmosphere Credit 1, which requires at least a 14% improvement in building energy performance compared to the baseline energy performance required by Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings (2005).

In addition, consideration should be given to install solar panels, and a water recycling plants for both the downtown and Mission Valley development projects. The recycling water could also be used to water vegetable gardens to create a self-sustaining community. All concrete from the destruction of the city owned stadium and MTS facility should be recycling into the new structures.

Solutions

In the early 2000s, Ms. Rhodes worked on the MTS Bus Maintenance yard site as the Civil Engineer for approximately two months to document and observe drilled caissons in the area of the new Service Bays for the fleet of MTS Buses. Caissons are a deep foundation support that is constructed by placing fresh concrete and reinforcing steel into a drilled shaft. These reinforced concrete piles are cast in holes of predetermined diameters and depths drilled through soil and rock to the desired bearing stratum. The Caissons were required due to the disturbed soil conditions on site and the former location of UST which created settling in the asphalt pavement. The existing ground surface elevation of the project site is expected to vary and should be approximately 20 feet +/- 5 feet above mean sea level (MSL). A shallow groundwater table is also expected from approximately 10 to 20 feet below existing ground surface. All Geotechnical and Fault Investigations along with any plans for the project site should be reviewed at the City of San Diego's Development Services Department (DSD).

1. Use a Horseshoe Configuration with Retractable Roof to Maximize Flexibility and Capacity for the Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion.

In order to accommodate the active fault parallel to 13th Street, instead of building a smaller stadium, the stadium can be built using a horseshoe shape. Figure 5 are images of the Horseshoe-shaped Ohio State University stadium that has a total capacity of 102,392 seats. The Ohio State University double-deck football stadium is approximately 1,000 feet long by 720 feet wide with a capacity of 90,000 fans. Ohio's stadium is built in a horseshoe configuration with wide open access at the ends, and a separate structure for the base of the horseshoe.

A Multi-Purpose, Horseshoe-shaped Stadium with separate Base for fault setbacks, available for multiple functions year round, with artificial turf playing surface to conserve water, and a publically oriented Civic contract in the taxpayer's best interests.

The Denver Bronco's INVESCO Field at Mile High in Colorado was also built using the same Horseshoe shape. Walter P. Moore Engineers and Consultants of Houston, Texas design the \$364 million dollar NFL Stadium which was built in 26 months.

<http://www.walterpmoore.com/projects/sports/projectsSportsInvesco.php>

In downtown San Diego the distance from 12th Street to 16th Street is approximately 1,295 feet long, and the distance from K Street to Imperial Avenue is approximately 769 feet wide. We are proposing a Horseshoe configuration with the end of the horseshoe straddling the 100 foot wide fault buffer setback (50 feet on each side) and a separate building section at the base of the horseshoe to provide vehicle and big rig access to the center of the stadium and give fans a view of San Diego. Decision on capacity of the stadium or a decision to substantially increase the planned 64,000 seat capacity should be made by taxpayers who understand the active fault requires special design considerations. Any additional capacity should be paid by CCDC or the SDCCC.

According to the June 2, 2009 San Diego Convention Center Corporation (SDCCC) Presentation to the Mayor's Task Force on the San Diego Convention Center Phase III Expansion, at Tailgate Park a large Box Culvert runs from K Street west of 13th Street in a southwest direction to Imperial Avenue and Park Boulevard (12th Street) on the Tailgate Park site. This Box Culvert should be relocated to run parallel to the west side of 13th Street within the 50 foot fault buffer setback of the active fault parallel to the east side of 13th Street. The City of San Diego Building Standards includes flexible connection for underground utilities in active fault zones *"between equipment components to allow for rotational and/or translational movement without degradation of performance."* Using flexible connection will improve the performance of underground utilities, roads, and intersections near active faults.

2. Convert the Existing Mission Valley Stadium Site into Targeted 100 percent (100%) Affordable Housing for SDSU Students, Returning Veterans, Assisted Living for Handicapped Veterans, and Displaced Seniors from Defunct Mobile Home Parks, along with a Public 75-acre Park along the San Diego River.

As part of this PRA, homeless facilities would not be located in the redevelopment of the city owned Mission Valley site. Housing would only be provided for student, veterans, and seniors. Our District 6 Council Person Donna Frye requires a 75-acre public park along the San Diego River as part of any redevelopment for the Mission Valley area. With the new GI Bill, our Congressman Bob Filner being the Chairman of the House Committee on Veterans' Affairs, and the amount of retired Navy in San Diego, we may be able to get Federal funds to house Veterans returning to school. In addition, more taxpayer would likely vote for a project which incorporates Veterans. The publically owned Mission Valley site is close to SDSU, USD, Mesa College, City College, and Alliant International University. <http://veterans.house.gov/>

Instead of a portion of the housing is Mission Valley being affordable, because San Diego has not followed Redevelopment law all over San Diego, the full Qualcomm Stadium site in Mission Valley should be all affordable housing and apartments for generation to come with no private luxury condominiums, plus the housing should be high quality.

Many developers have eyed the city owned land in Mission Valley for their private gain. The Environmental community of San Diego wants to create a 75 acre park along the San Diego River to join with other river side developments to provide a scenic trail all the way to Pacific Ocean at Dog Beach.

The August 1, 2009 Union Tribune article entitled "*Qualcomm Stadium site in SDSU's sight. Research facilities, housing considered in parking lot,*" is linked below and discusses the Kinder Morgan Energy Partner fuel plume under the city-owned Qualcomm Stadium parking lot.

<http://www3.signonsandiego.com/stories/2009/aug/01/1n1qualcomm22273-sdsu-might-expand-campus-stadium/>

After our public park land and affordable housing is secured, then a portion of our public land can be sold to San Diego State University (SDSU) for student housing or to others specifically for affordable housing for returning war veterans.

The United States Department of Veterans Affairs provides assistance for returning war veterans for housing and continuing education. The GI Bill is a Federal program that encourages veterans to go back to school to develop marketable skills. <http://www.gibill.va.gov/>

Figure 6a shows the Veterans' Administration (VA) main out-patient clinics in Mission Valley and off Mission Gorge Road adjacent the San Diego Trolley. The Mission Valley VA Out-patient Clinic is located along the same Green Line trolley two stops from Qualcomm stadium at the Rio Vista trolley station. <http://www.sandiego.va.gov/visitors/missionvalley.asp>

Figures 6b and 6c are facts sheets from the current Veterans Village in the Midway area of San Diego, east of the Marine Corp Recruit Depot (MCRD) along Pacific Highway. Creating housing in the line of Veterans Village for military students in Mission Valley would allow returning Military personnel close access to the VA Outpatients Clinics to tend to any injuries cause by the war. In addition, San Diego could apply for Federal homes to take care of our returning veterans.

In the Del Cerro neighborhood of San Diego north of the SDSU campus, development plans include 350 new units for faculty and staff housing in the Adobe Falls-area. Many neighbors, including the Del Cerro Action Council, object to dense housing for SDSU in their single family neighborhood.

The 2007 SDSU Master Plan says that 5,000 students and 14 faculty/staff are housed in campus-owned or managed housing. According to literature on their website, SDSU has an enrollment of 30,000, yet campus housing serves only 9 to 16 percent of the student body. To address the housing shortage and accommodate continued growth, SDSU Foundation launched a smart growth initiative to transform SDSU into a more residential campus, as a hinge connecting the university and the community that hosts it. Projects on college owned land have not received support or approval from neighbors in San Diego. In Mission Valley, with the Qualcomm stadium site, SDSU can be designed as a dense, walkable urban village that connects to public transportation and can be used as a model for future urban redevelopment.

With the money from the sale of Qualcomm stadium many public concerns would be solved. Options to leverage public funds for the general public include solving the affordable housing for student, veterans, and senior, the homeless problem in downtown, historic preservation, seismic integrity, quality of life issues, and infrastructure improvements.

On the remaining developable 84 acres of the Mission Valley site, after the 75 acres are set aside and a public San Diego River side park is created, one to two levels of underground parking could be constructed under the affordable housing development. A single large parking structure would take care of all parking concerns for the massive increase in residential density in Mission Valley, and allow parking for the trolley and the 75-acre public park.

Without using General Fund money for police, fire, and administration, the City and County of San Diego can finance their fair share for improvement for the stadium using only Redevelopment money from CCDC that can only be spent downtown. Many would vote for solving the homeless problem, the lack of student and veterans housing, while building a new stadium to maximize public assets in favor of the San Diego taxpayer.

The Chargers can ask CCDC, the City Council and the voters to finance the subterranean parking structure for a new downtown NFL football stadium and cleanup the contaminated soils. We believe that the issues could be framed and overcome with education in time for a public vote for the November 2, 2010 election.

Due to the ongoing wars, many homeless military veterans live on the public streets and sidewalks of San Diego and require mental counseling after being discharge from the Armed Services. The Fact Sheet for Veterans Village of San Diego located at 4141 Pacific Highway and funded by the City of San Diego Redevelopment Agency is included below.

We do not know how many luxury condominiums were built in CCDC jurisdiction, or how many affordable units were built over the amount of displaced SRO persons. Redevelopment law requires that certain percentages (maybe 20 percent) of newly constructed units are set aside for existing low income downtown residents. As stated in the City documents, the permanent, year-round facility and services to address the downtown homeless problem will be located in the East Village area of downtown San Diego. Funds for the homeless facilities are to come from CCDC's redevelopment budget.

To gain Union support and public votes for a new NFL Stadium in the East Village, the Chargers should analyze the costs and benefit of negotiating a Project Labor Agreement (PLA) for civic projects on public land like the proposed multi-purpose stadium.

3. Relocate and Upgrade the Metropolitan Transit System (MTS) Infrastructure.

The same Board of Directors meet for the Metropolitan Transit System (MTS), San Diego Transit Corporation and San Diego Trolley, Inc at MTS Headquarters, James R. Mills Building, Board Meeting Room, 10th floor on Thursdays at 9:00 am. The San Diego Metropolitan Transit Service (SDMTS) along with the San Diego Transit Corporation and the San Diego Trolley provide public transportation options by bus and trolley through San Diego County. The Metropolitan Transit System (MTS) Headquarters is located at 1255 Imperial Avenue. The San Diego Trolley enters the mid-rise structure on Park Boulevard. The distinctive MTS Headquarters complex includes a parking structure with a large clock.

MTS Headquarters at Imperial and Park Boulevard (12th Street) should be differentiated from the 8-acre MTS Maintenance Yard that houses the fleet of public buses at Imperial and 16th Street which is the majority of the proposed stadium site. Currently the Maintenance Yard for the MTS Buses consist of four large city Blocks totalling 8-acres located at 100 16th Street in downtown San Diego, California (619- 238-0100).

The 15 member Metropolitan Transit System Board are shown on the following page. The Metropolitan Transit System's Board of Directors is comprised of 15 members who meet twice a month. The members are representatives from San Diego County. Four of the members are selected by the San Diego City Council; nine are appointed from the city councils of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee; one is appointed from the San Diego County Board of Supervisors; and one San Diego resident is selected by the Board members to serve as chairman.

Taxpayers and voters should be given a history of ownership of public MTS land in the East Village of downtown San Diego. On July 1, 1985, the City of San Diego and CCDC gave MTS 8 acres for \$1 for their Maintenance Yard to promote public transportation County wide. Therefore MTS and the County of San Diego are only given back public city land they receive for free.

We have not analyzed the historic Sanborn Maps for the bus maintenance yard yet. An Environmental Site Assessment (ESA) should be completed to analyze the risks of construction on a former bus maintenance yard and to detect and mitigate any leaking gas and/or Hazardous wastes. Appendix B includes information from the RWQCB Geotracker website for projects in downtown San Diego, California.

Currently the Public Works Maintenance Yard for the Metropolitan Transit Service (MTS) fleet of buses consist of four large city Blocks (8-acres) located at 100 16th Street in the East Village area of downtown San Diego, California (619- 238-0100). The MTS Bus Maintenance Yard is bounded by K Street to the north, Imperial Avenue to the south, 16th Street to the east, and 14th Street to the west.

MTS Bus Maintenance Yard would need to be relocated from downtown San Diego to the city-owned Rose Canyon Maintenance Yard (RCMY) used for Public Works projects. Figures 7a, 7b, and 7c show the location of the RCMY in relation to San-Diego Bay and the active fault zone. The MTS buses start out every morning from the maintenance yard and do not pick up people until the start of their routes where ever they start in San Diego County. It does not matter where the buses are parked overnight.

Instead of using valuable public space to park buses for central San Diego County in the East Village of downtown San Diego, a great alternative to put the land to better public use would be to relocate the MTS Bus Maintenance Yard to the existing Rose Canyon Maintenance Yard northwest of Morena Boulevard and Balboa Avenue near the train tracks and Interstate 5 North.

The Rose Canyon Maintenance Yard (RCMY) is the Public Works parking lot where city construction vehicle such as backhoes are stored. We believe the RCMY already supplies gas to the City's construction fleet and maintains city equipment for Public Works use. On March 19, 2009 Mayor Sanders used the RCMY along with Police Headquarters, Scripps Ranch Library, and the Malcolm X Library as collateral to privately borrow \$103 million dollars from the Banc of America for deferred maintenance of our potholed streets.

<http://www.sandiego.gov/mayor/pdf/090319bond.pdf>

As seen in the maps below, the RCMY is located on the active Rose Canyon Fault Zone (RCFZ). Therefore no habitable structures are allowed to be built on the public land according to State of California Alquist-Priolo law. However, a MTS Bus Maintenance Yard can be combined with the existing city Public Works parking lot and Maintenance Yard. An active fault zone is the perfect place to park, store, and maintain the fleet of public MTS buses in central San Diego County, California on existing public land.

The Public Works Department of the City of San Diego has three repair locations. All of which could be used to park buses overnight with one yard being the actual repair and maintenance yard.

1. The Rose Canyon Maintenance Yard (RCMY) Equipment Repair, 3755 Morena Boulevard, San Diego, California 92117.
2. Chollas Operations, 2740 Caminito Chollas, San Diego, California 92105.
3. Central Equipment Repair, 1210 Caminito Centro, San Diego, California 92102 southeast of Interstate 5 and Pershing Street (south of Balboa Park).

PRELIMINARY PROPOSED REDEVELOPMENT AGREEMENT (PRA).

East Village Site

- A Technical Advisory Panel (TAP) will be reconvened to guide San Diego on seismic issues and laws.
- The Permanent Homeless Shelter will be started before the public vote in November 2010, and completed in the East Village area of downtown before the Chargers occupy the stadium site.
- CCDC provides funding for the 15th Street and Commercial site to help the poor in the East Village.
- Public restrooms accessible from the street and water fountains will be provided to the public.
- The San Diego Convention Center Corporation (SDCCC) would have to approve a new Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion in the East Village neighborhood of Downtown, San Diego, California.
- San Diego and CCDC would pay for the hazardous waste cleanup in at the publically owned MTS site, and construct two levels of public underground parking for use by all.
- The NFL Chargers would pay for the stadium building and all cost overruns.
- The San Diego Convention Center Corporation (SDCCC) would pay for the increase in the stadium capacity and for the flexibility to design a Multi-Purpose Event Space.

Mission Valley Site

- 100 percent (100%) affordable housing for students, returning veterans and displaced seniors.
- Construction of a 75-acre public park along the San Diego River before the Chargers are allowed to occupy the East Village site.



FIGURE 1a -- Aerial photographs showing the proposed downtown San Diego NFL stadium site in the East Village, bounded by Imperial to the south, 12th to the west, K Street to the north, and 16th Street to the east, and contain the Silver Strand Branch of the Rose Canyon Fault Zone (RCFZ). <http://maps.google.com/> Enter: "14th and L Street, San Diego, California 92101"

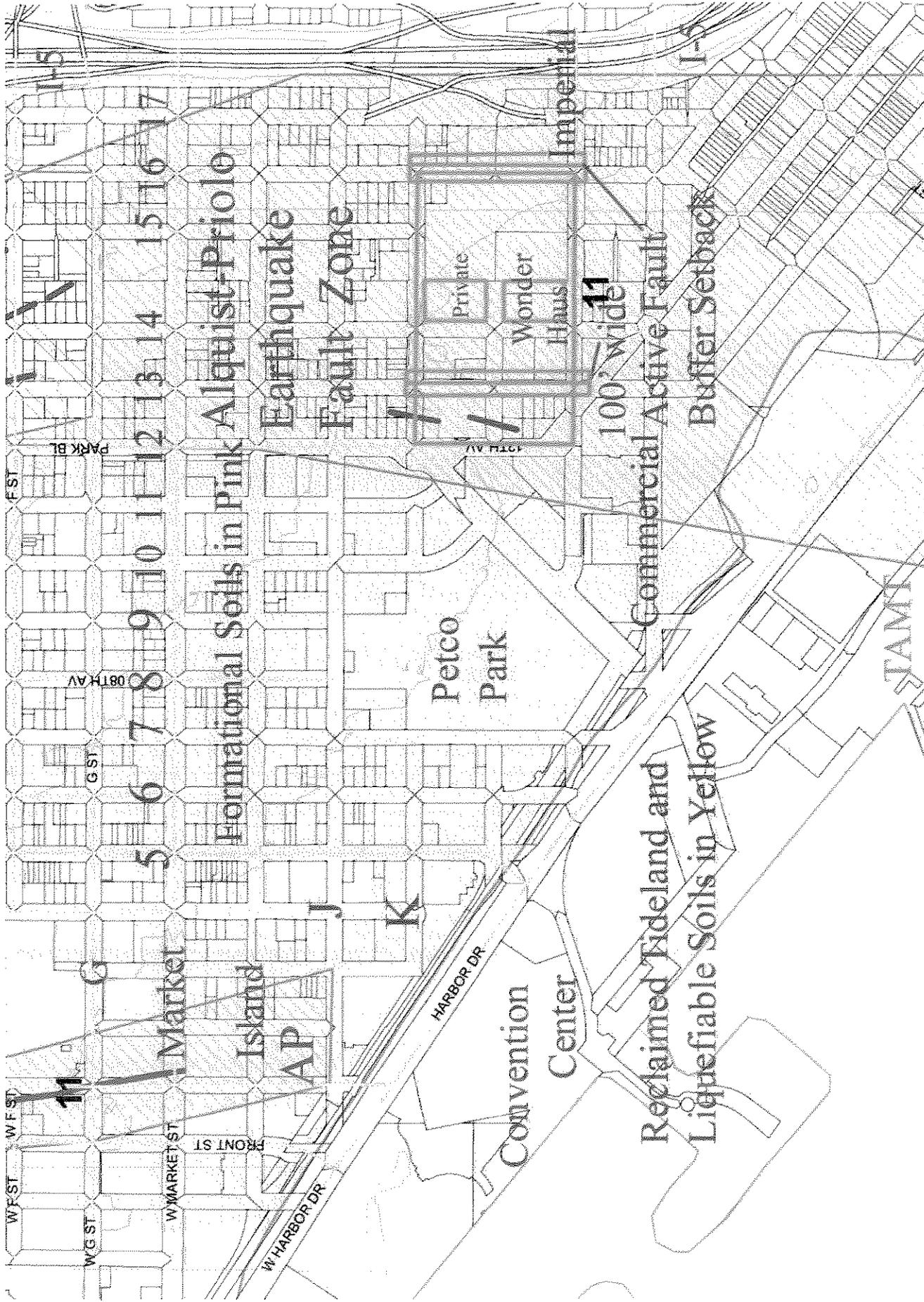
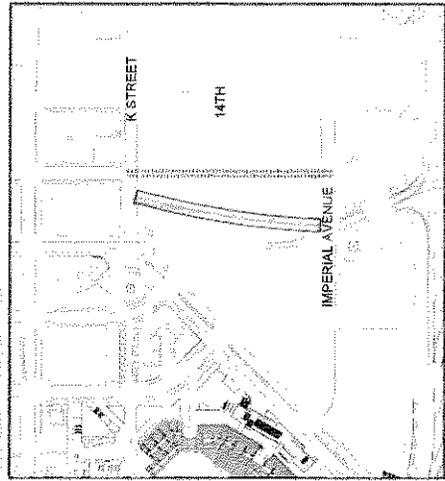
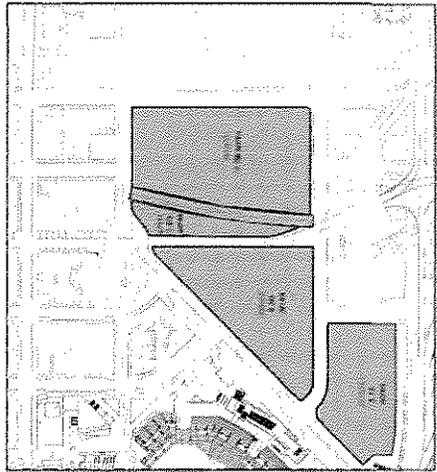


FIGURE 1b – San Diego Seismic Safety Study showing the 100 foot wide active fault buffer setback, with the whole of the site within the Alquist-Priolo Earthquake Fault Zone founded on Formational Soils (in Pink). Also shown is the location of the 2.5 acres of privately owned land including the WonderHaus and the lot to the north. Note that the existing Convention Centers and the planned Convention Center Phase III Expansion is founded on reclaimed tidelands with a low water table and prone to liquefaction (in Yellow). <http://www.sandiego.gov/development-services/hazards/pdf/gco17.pdf>

Tailgate Site: Urban Design Issues and Opportunities



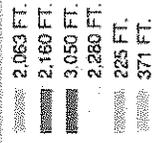
FAULT LINE, AREA OF INFLUENCE & EXISTING BOX CULVERT



SITE AREAS



DISTANCES TO EXISTING CONVENTION CENTER



San Diego Convention Center Corporation
San Diego Convention Center Phase III



TUCKER SADLER



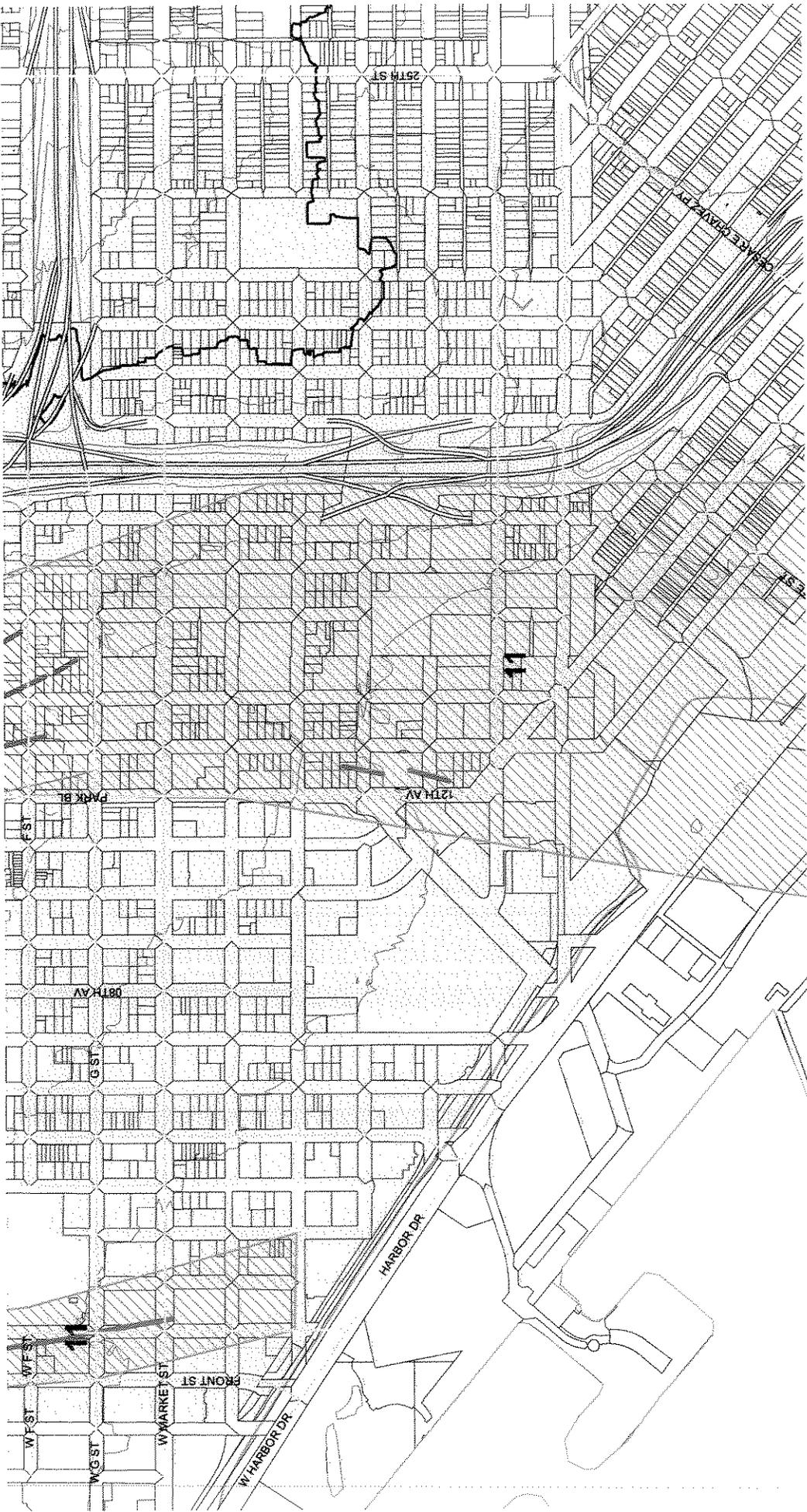


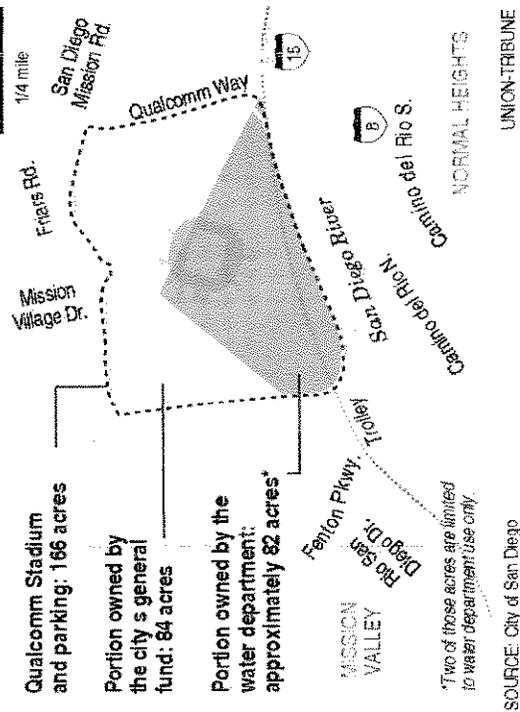


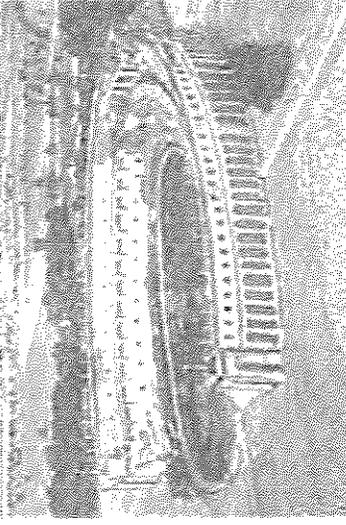
FIGURE 4 – The existing Qualcomm Stadium in Mission Valley is located north of Interstate I-8 between Interstate I-805 and Interstate I-15.

The Kinder Morgan Fuel Farm north and south of Friars Road has spilled and leaked under Qualcomm Stadium.

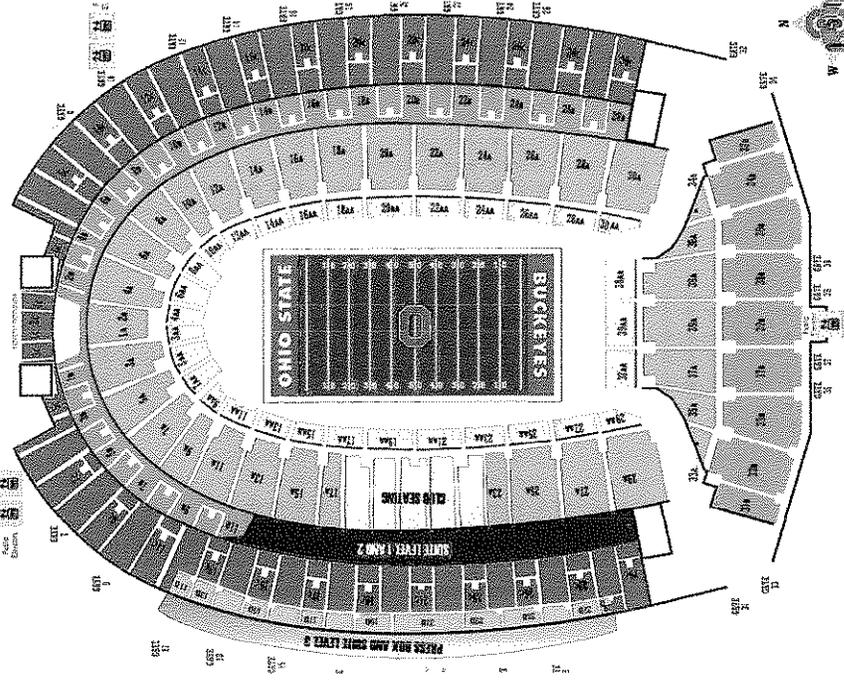
The Green Line of the San Diego Trolley connects the Veterans' Administration Hospital Outpatient Clinics at Mission Valley and Mission Gorge to the city-owned Stadium, and to San Diego State University (SDSU).

The Qualcomm Stadium in Mission Valley is a 166-acre site consisting of two irregular shaped parcels. The first parcel consists of 84-acres owned by the City of San Diego's General Fund, and the second parcel consists 82 acres owned by the City of San Diego's Water Department (2 acres are limited to Water Department use only).





Original 1922 Horseshoe-shaped stadium with an original capacity of 66,210 seats.



Seating Chart for the Horseshoe- Shape

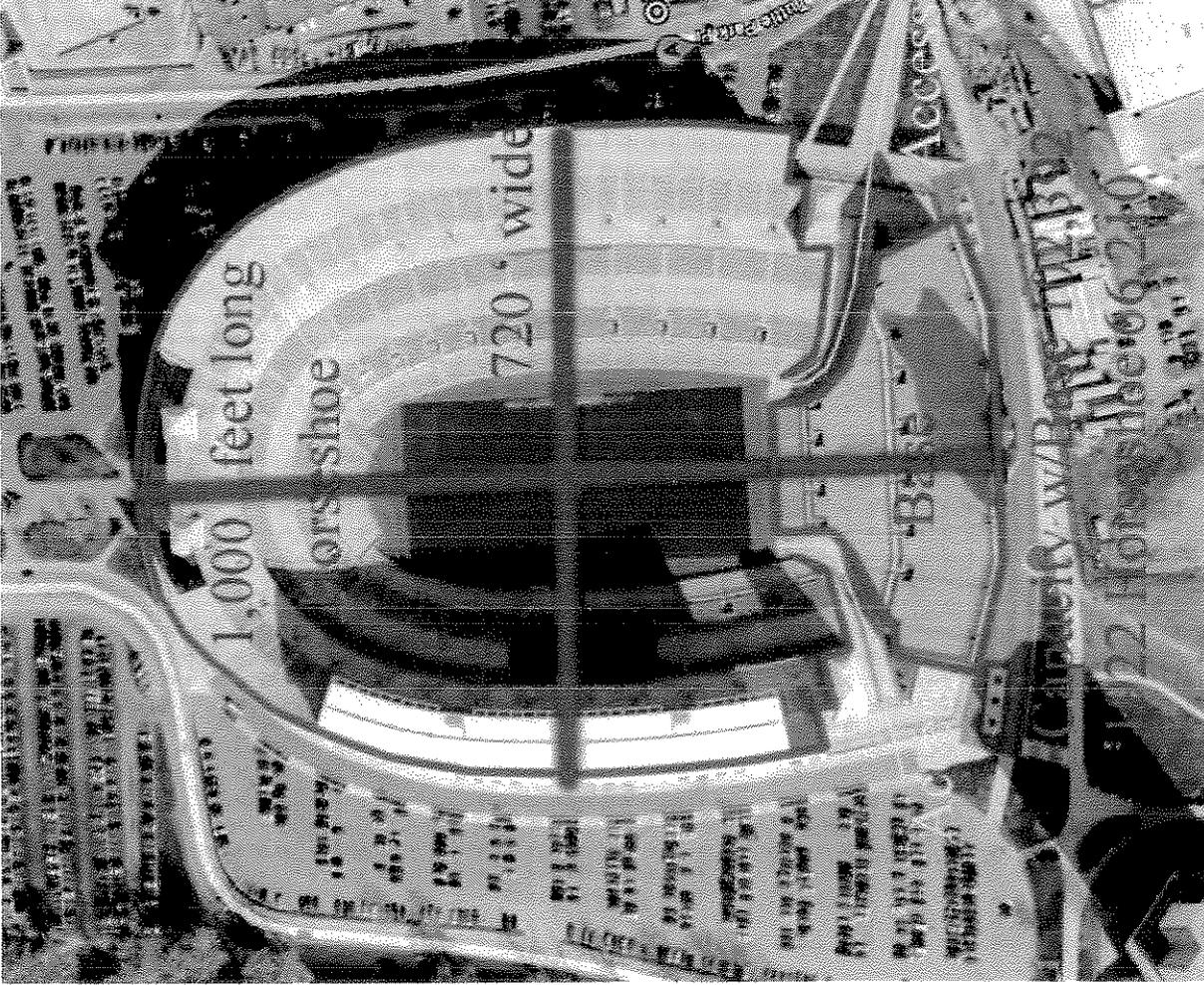


FIGURE 5 - The Ohio State University stadium was originally shaped like a Horseshoe with a separately added Base for a total capacity of 102,392 seats

Mission Valley Clinic

8810 Rio San Diego Drive

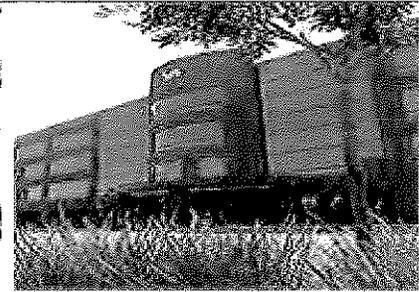
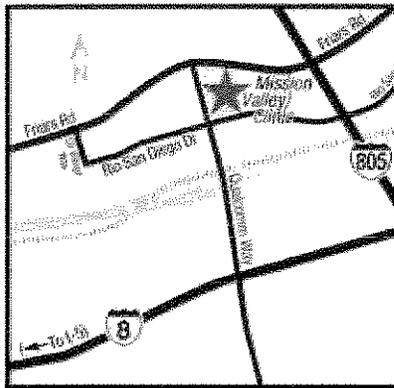
San Diego, CA 92108

Phone: (619) 400-5000

Monday – Friday, 7:30 a.m. - 4:00 p.m

<http://www.sandiego.va.gov/visitors/missionvalley.asp>

This clinic operates just like a doctor's office where patients are seen by scheduled appointment. This is not an emergency clinic. To enroll, call (619) 400-5108. This clinic is centrally located with easy bus and trolley access.



Features:

Primary care for veterans in central San Diego
Audiology Services
Mental health services
Post Traumatic Stress Disorder Clinic
Laboratory Services
Clinical Pharmacist
Environmental programs
Agent Orange, Gulf War Illness, etc.

Radiology

Comprehensive care for women veterans
Optometry
Compensation & Pension Physical Exams
Dermatology
Post Deployment Clinic
Post Traumatic Stress Disorder Clinic
Iraq & Afghanistan Combat Veteran Support Group
Military Sexual Trauma Counseling
Routine prescriptions processed through the mail/MyHealtheVet

Mission Gorge Clinic

This clinic offers rehabilitative and wellness services to veterans with a short or long history of unemployment due to a medical condition, mental illness, or substance abuse.

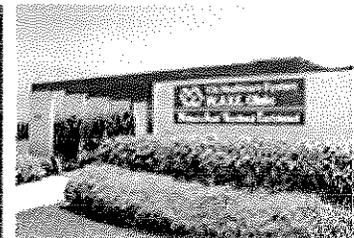
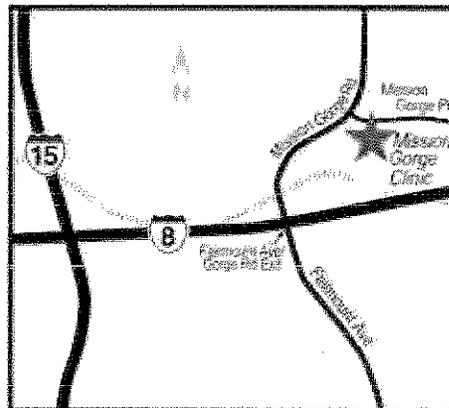
4525 Mission Gorge Place

San Diego, CA 92120

Phone: (619) 228-8000

Monday – Friday 8:00 am - 3:30 pm

<http://www.sandiego.va.gov/visitors/wave.asp>



Take the I-8 East exit. Follow signs for Mission Gorge Rd/Fairmount Ave. Turn left at Fairmount Ave. Continue on Mission Gorge Rd. Turn right at Mission Gorge Place

Features:

Vocational needs assessment; work readiness training in volunteering, workshops, incentive therapy, and compensated work therapy; assistance in job seeking skills; time limited computer basics; direction in pursuing educational goals; and wellness courses such as exercise therapy, health education, stress management and smoking cessation.

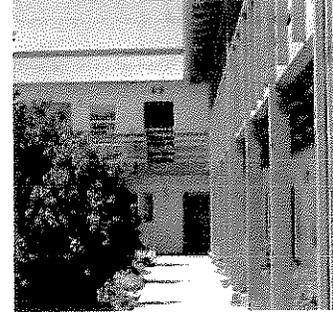
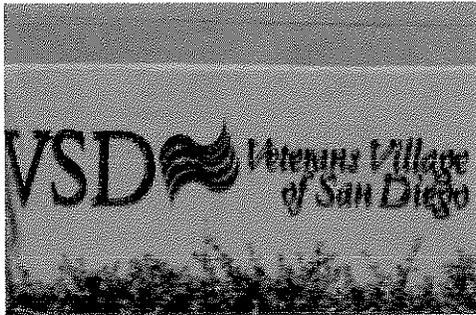
FIGURE 6a - Veterans Administration (VA) Outpatient Clinics in Mission Valley and Mission Gorge adjacent the San Diego Trolley.



FACT SHEET

Veterans Village of San Diego

City of San Diego Redevelopment Agency
1200 Third Avenue, 14th Floor
San Diego, CA 92101
Tel: (619) 236-6700
Fax: (619) 533-3219



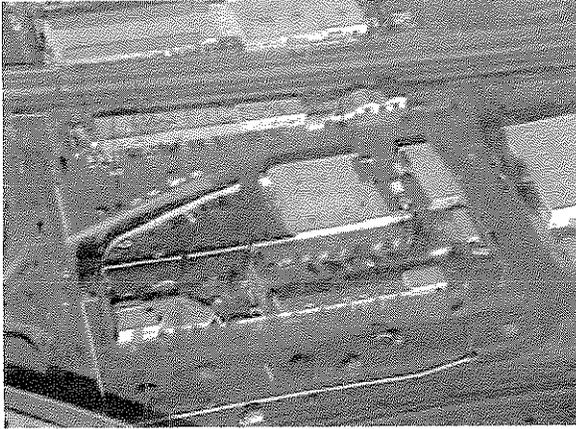
Veterans Village of San Diego (VVSD) is dedicated to extending assistance to needy and homeless veterans of all wars and eras and their families by providing housing, food, clothing, substance abuse recovery and mental health counseling, job training and job placement services. The rehabilitation center provides a state-of-the-art living and support facility for the treatment of homeless U.S. veterans suffering from substance abuse or mental illness. VVSD believes in the inherent worth of every veteran and his or her right to a rehabilitation program which leads to renewed self-worth and independent living.

With the completion of Phase 2, VVSD now offers 224 treatment beds, residential early-treatment facility, counseling center, kitchen and dining facility, employment office and medical facility. Construction of the third and final phase is expected to begin during the second half of 2009 and adds a storage warehouse, 125 parking spaces and transitional housing.

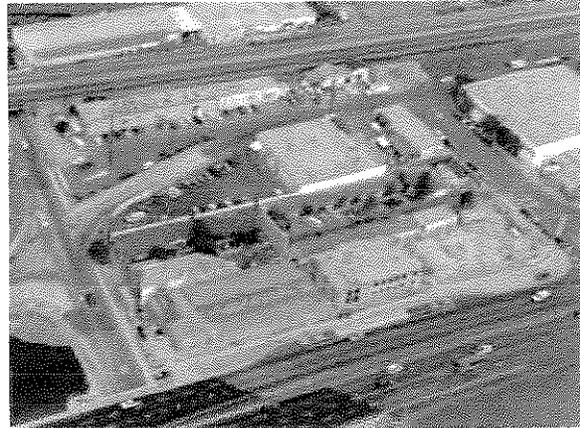
QUICK FACTS:

Founded:	1981
Headquarters:	4141 Pacific Highway, San Diego, California 92110
CEO:	Phil Landis
Chairman of the Board:	Gene Auerbach
Case Ratio:	12 residents per counselor
Success Rate:	55% of residents successfully complete long-term drug and alcohol treatment program compared to the national average of 38%.
Number of Beds:	(Phase 1 & 2) 224 residential early treatment beds Phase 3: 96 transitional apartment beds, storage warehouse and 125 parking spaces
Redevelopment Funds:	\$8.1 million contributed by City of San Diego Redevelopment Agency, as well as \$1.7 million in debt due to the acquisition of the site
Site:	Five acres provided by City of San Diego Redevelopment Agency within the North Bay Redevelopment Project Area
Project Manager:	The Trimble Company LLC
Contractor:	Cornerstone Construction Management Services

FACT SHEET Veterans Village of San Diego



Before



During phase 1 construction

Project Partners:

City of San Diego Redevelopment Agency, the Veterans Administration, the California Emergency Housing Assistance Program, Federal Home Loan Bank, San Diego Housing Commission, Federal Community Development Block Grant funds, AB 936 Health Care Grant and the County of San Diego.

Estimated total cost:

\$26 million

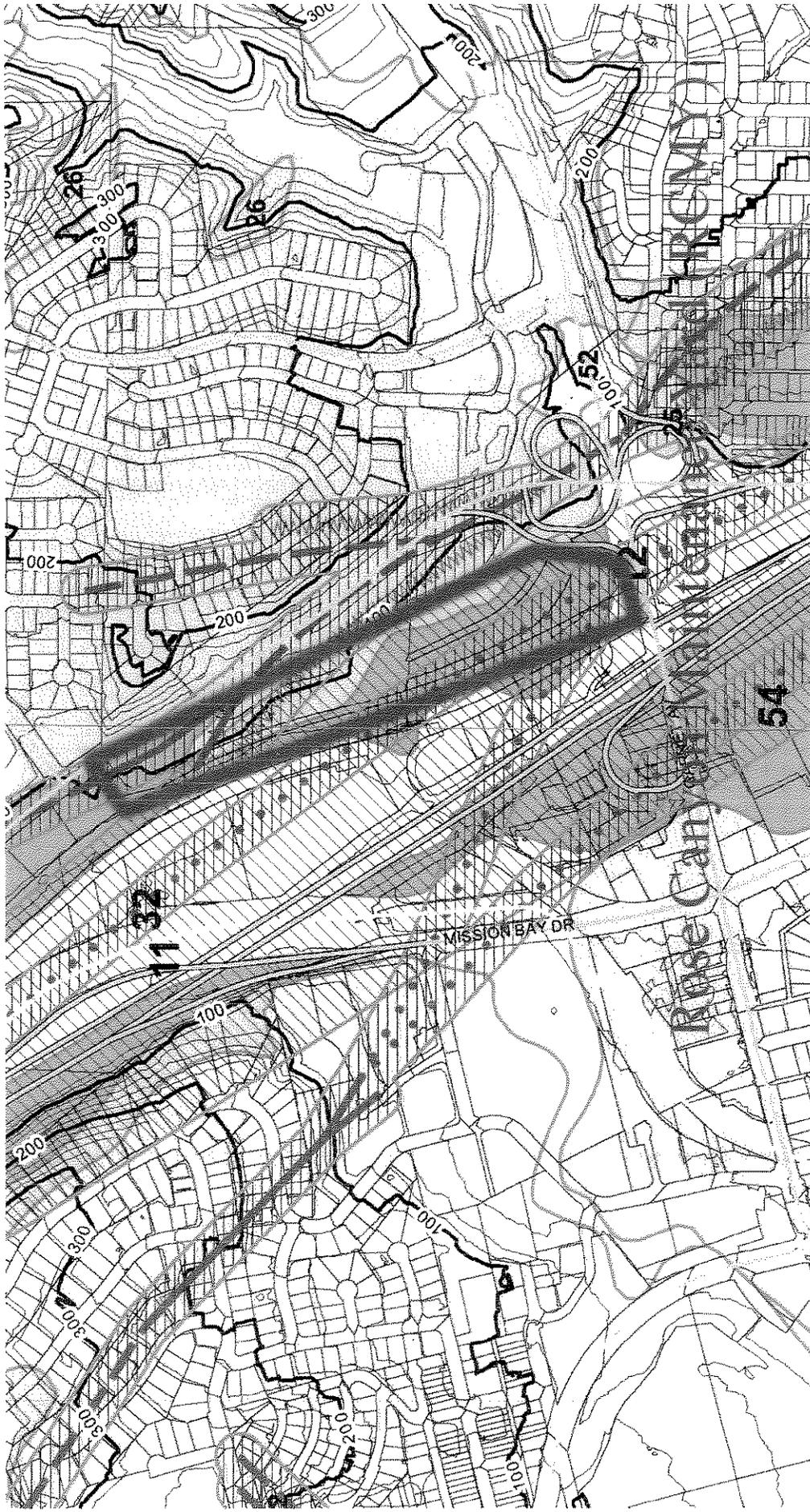
For more information, contact Lydia Goularte-Ruiz, Redevelopment Assistant Project Manager, (619) 236-6539 or lgoularte@sandiego.gov.



Figure 7a - The Rose Canyon Maintenance Yard (RCMY) is located northwest of Morena Boulevard and Balboa Avenue adjacent the train tracks, and east of Interstate 5 North.



Figure 7b - The Rose Canyon Maintenance Yard (RCMY) is located northwest of Morena Boulevard and Balboa Avenue adjacent the train tracks, and east of Interstate 5 North. The RCMY is where the fleet of City-owned construction equipment is parked and maintained.

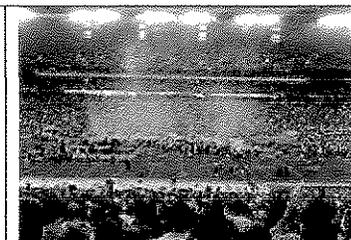
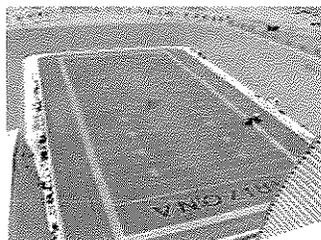


<http://www.sandiego.gov/development-services/hazards/pdf/geo25.pdf>

Figure 7c - The Rose Canyon Maintenance Yard (RCMY) is located directly on top of the active Rose Canyon Fault Zone (RCFZ). Habitable structures are not allowed on active Fault Zone. A parking lot and maintenance yard for the fleet of MTS buses is the perfect use for this seismically active area.

APPENDIX A - Example of Multi-Purpose Stadium that has local public support in Arizona.

http://en.wikipedia.org/wiki/University_of_Phoenix_Stadium The 2006 Arizona Cardinals NFL Stadium



University of Phoenix Stadium is a multipurpose football stadium located in Glendale, Arizona. It is the home of the Arizona Cardinals of the National Football League (NFL) and the annual Fiesta Bowl. The new stadium is located next door to the Jobing.com Arena, where the NHL's Phoenix Coyotes play, and it has the first fully retractable natural grass playing surface built in the United States. An opening on one side of the stadium allows the playing field to move to the exterior of the building, allowing the entire natural turf playing surface to be exposed to daylight when it is not in use and also allowing the floor to be used for other purposes without damaging the playing surface. University of Phoenix Stadium hosted Super Bowl XLII and the 2007 BCS National Championship Game, a game that it hosts quadrennially. Facility information. The 63,500-seat stadium (expandable to 72,800) opened on August 1, 2006 after three years of construction. It is considered an architectural icon for the region and was named by Business Week as one of the 10 "most impressive" sports facilities on the globe due to the combination of its retractable roof... and roll-in natural grass field^[2]. It is the only American facility on the list. The ceremonial groundbreaking for the new stadium was held on April 12, 2003. The cost of the project was \$455 million. **That total included \$395.4 million for the stadium**, \$41.7 million for site improvements, and \$17.8 million for the land. Contributors to the stadium included the Arizona Sports and Tourism Authority (\$302.3 million), the Arizona Cardinals (\$143.2 million), and the City of Glendale (\$9.5 million). The first preseason football game was played August 12, 2006 when the Cardinals defeated the Pittsburgh Steelers... The stadium hosted the highest attended soccer match in the state of Arizona on February 7, 2007 when 62,462 fans watched the United States men's national soccer team defeat Mexico, 2–0. The multipurpose nature of the facility has allowed it to host 91 events representing 110 event days between the dates of August 4, 2006 through the BCS National Championship January 8, 2007. [Including Arizona Cardinals games; public grand opening tours, various shows, expositions, tradeshow and motor sport events; the Rolling Stones concert, the AIA 4A and 5A state championship football games, international soccer exhibition match; the 2007 and 2008 Fiesta Bowl game and National Band Championship, High School Marching Band competition, the BCS National Championship January 8, 2007 between the No. 1 Ohio State Buckeyes and the No. 2 University of Florida Gators... The stadium also hosted the 2008-09 NFC Championship Game between the Cardinals and Philadelphia Eagles on Jan. 18, 2009, which the Cardinals won 32-25 in front of 70,650 fans in attendance. The stadium has 88 luxury suites called luxury lofts with space for 16 future suites as the stadium matures. The 25 acres (100,000 m²) surrounding the stadium is called Sportsman's Park. Included within the Park is an 8-acre (32,000 m²) landscaped tailgating area called the Great Lawn. There are no obstructed view seats in the stadium. There are visible areas in the upper deck of the end zone where seats could have been put in but were not due to the giant super columns supporting the roof structure. The stadium seating capacity can be expanded by 9,600 for "mega-events" such as college bowls, NFL Super Bowls, and the 2008-09 NFC Championship Game^[3] by adding risers and ganged, portable "X-frame" folding seats. The endzone area on the side of the facility where the mobile turf moves in and out of the facility can be expanded to accommodate the additional ticketholders. ... University of Phoenix Stadium hosted Super Bowl XLII on February 3, 2008 in which the New York Giants defeated the previously undefeated New England Patriots ... with a paid attendance crowd of 71,101.



WEMBLEY STADIUM
THE **ULTIMATE** VENUE.

Postal Address: PO. Box 1966
London SW1P 9EQ.

T: +44 208 795 9660

F: +44 208 795 9609

E: specialrents@wembleystadium.com

W: www.wembleystadium.com

W: www.delawarenorth.co.uk

front cover Stadium photograph: A909ixv966ix/roebuckelic.m



DELAWARE NORTH COMPANIES
UNITED KINGDOM



A GLOBAL LEADER IN HOSPITALITY AND FOOD SERVICE



WEMBLEY STADIUM
SPECIAL EVENTS



Image provided by Wembley Stadium and Wembley Arena



WEMBLEY STADIUM
SPECIAL EVENTS

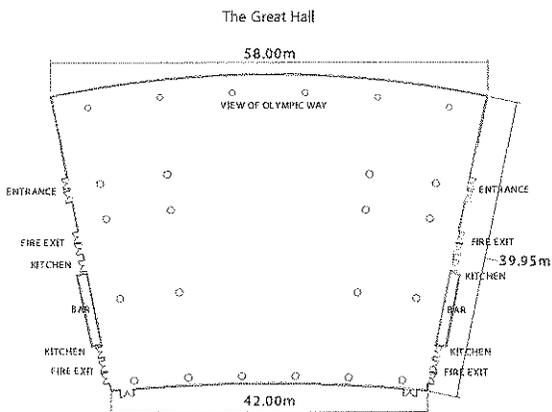
THE GREAT HALL

For the **ultimate** Banquet or Exhibition

Feast on the sheer magnitude of this truly glorious room. The vast depth and enormous capacity allows organisers space to build in any visual surprises, exhibit or dance the night away.

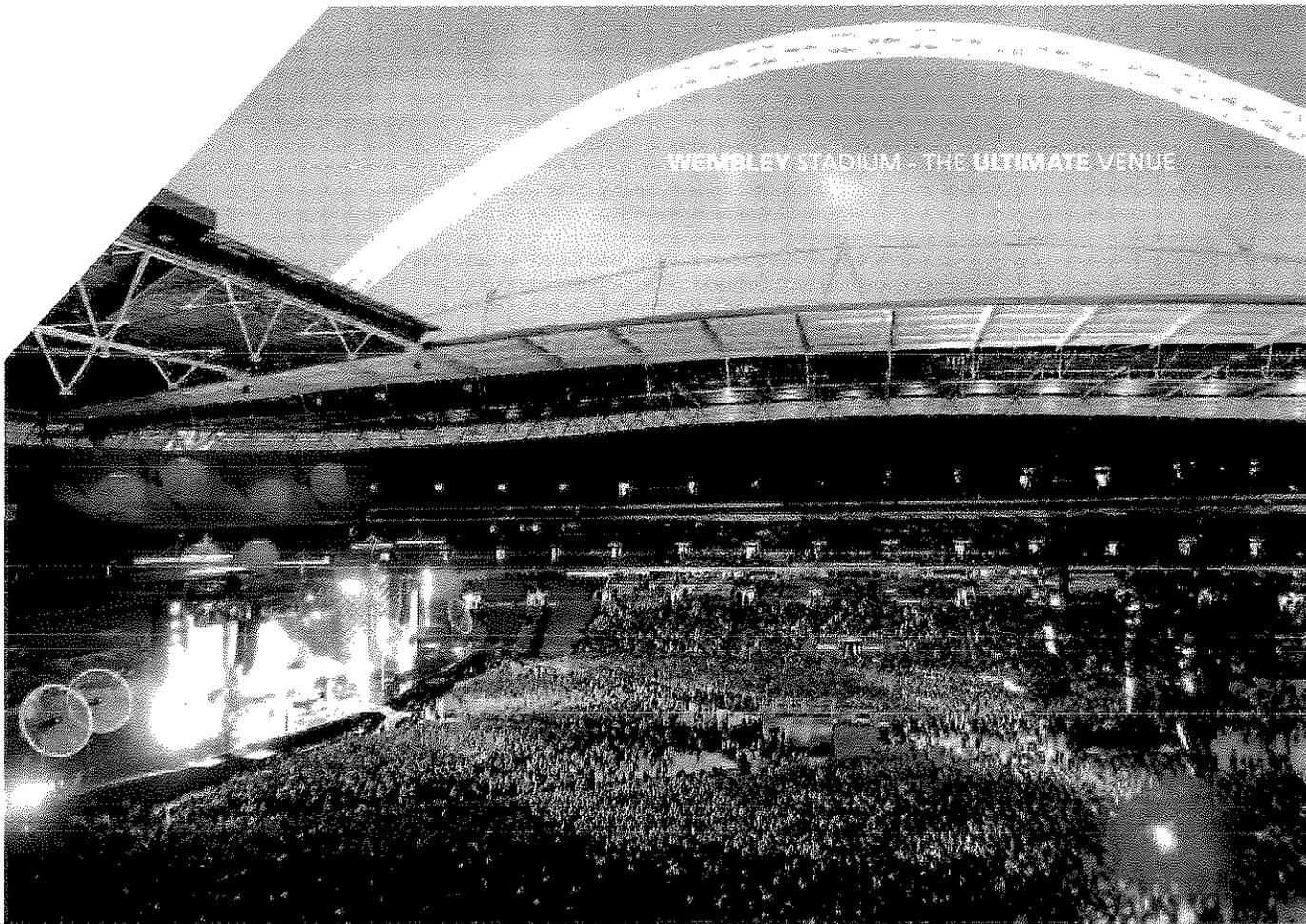


The Great Hall 2,080m²
 Capacity: Banquet 1,090, Cocktails 2,000, Theatre 1,800



Min. height of ceiling - 5.20m
 Approximate overall room size - 2080m²
 Three phase power available upon request





WEMBLEY STADIUM - THE ULTIMATE VENUE



WEMBLEY STADIUM
SPECIAL EVENTS

APPENDIX B

Preliminary Environmental Study for the proposed New Chargers NFL Stadium and Convention Center Phase III Expansion East Village Neighborhood of Downtown, San Diego, California.

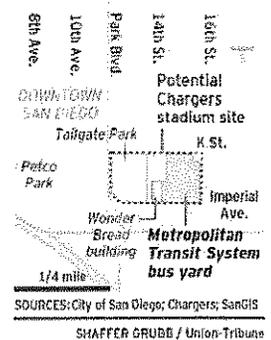
Portions Taken from Excerpts from the
Environmental Secondary Study for the
Marriott Convention Hotel at Ballpark Village
July 2008

Administered by the
Centre City Development Corporation (CCDC),
The Implementing Body for the
Redevelopment Agency of the City of San Diego
<http://www.ccdc.com/events/resources/Attachment%201.pdf>

[The proposed project is located within the San Diego Southeast Sub-District, but the use and density is changing so that a new Chargers NFL Stadium and Convention Center Phase III Expansion can be built in the East Village Neighborhood of Downtown, San Diego, California. The proposed NFL Chargers Stadium should be compatible with the Padre's Major League Baseball (MLB) Petco Park Stadium which is in the Ballpark Sub-District. Therefore, the guidelines for the Ballpark Sub-District are shown below and throughout this Preliminary Environmental Study instead of the Southeast Sub-District.]

CONTAMINATED SOILS UNDER THE METROPOLITAN TRANSIT SERVICE (MTS) SITE.

On July 1, 1985, the City and CCDC gave the MTS the 8-acres site for \$1 based on the understanding that the publically owned site would promote public transportation. Since the City, CCDC, and MTS have been the owners, they always have been responsible for any eventual cleanup on the MTS site. Almost every site in downtown San Diego has contaminated soils. The majority of the contaminated soils are usually taken out of the ground and mitigated during excavation for subterranean parking below buildings.



Below are the projects documented by the California Regional Water Quality Control Board's (RWQCB) Geotracker website which documents all leaking underground storage Tanks (UST), contaminated soils, and hazardous waste spills in California.

<http://geotracker.waterboards.ca.gov/search.asp> <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=san+diego%2C+ca>

The RWQCB Geotracker website documents the following projects at the proposed site:

- Geotracker ID T0607301350 and T0607301954. Two Open Remediation projects on-site at the Metropolitan Transit Development Board, 100 16th Street, San Diego.
- Geotracker ID T0607301392, T0608173506, and T0608191289. Three Completed and Case Closed projects on-site for Continental Baking Co (aka WonderHaus - Wonder Bread Factory), 171 14th St., San Diego.
- Geotracker ID T0607302817. One Completed and Case Close project on-site at Squires Belt Material Company, 149 12th Avenue, San Diego.
- Geotracker ID T0608102760. One Open Site Assessment projects possible on-site or off-site for San Diego and Electric (SDG&E), with no address at 14th Street and Imperial, San Diego.

The Hazardous Material Technical Document for CCDC's Downtown Community Plan Update and MEIR, dated September 13, 2002 linked below includes the following statements:

http://www.envirolawyer.com/4219005_MEIR_hazmat_update2_pdf_only.pdf

"The other problem area discussed in the 1992 ERCE report involves portion of the East Village Redevelopment Area... Many of the environmental concerns in this area either have been or will be mitigated by redevelopment activities."

The Polanco Redevelopment Act states that *"upon completion of remediation... the statute provides eligible parties with immunity from environmental liability for issues addressed in the cleanup plan."*

"The Blob" in the Marine District of downtown San Diego is a petrochemical plume under 20 city blocks generally bounded by G St, Market, Island, and J St, then Front, First, Second, Third, and Fourth. The Ralphs grocery store and numerous new condos with underground parking were recently built over "The Blob."

"A significant portion of the remediation was performed concurrently with redevelopment in the area. Subsequent development in this area, consisting of residential, commercial retail, and restaurant uses... indicate that the plume (dissolved and free product) does not pose a significant roadblock to redevelopment. However, any redevelopment in this area should be prepared to address potential issues relating to the presence of petroleum hydrocarbon contamination in soil, soil vapor, and groundwater."

The other main environmental document for downtown San Diego is the *Final Subsequent EIR (SEIR) for the Proposed Ballpark and Ancillary Development Projects and Associated Plan Amendments* certified by the City Council on October 26, 1999.

PROJECT LOCATION.

The proposed Multi-Purpose Chargers NFL Stadium and Convention Center Phase III Expansion site in the East Village of downtown San Diego is bounded by Imperial to the south, 12th to the west, K Street to the north, and 16th Street to the east, contains the Silver Strand Branch of the Rose Canyon Fault Zone (RCFZ) and is shown on Figures 2a through 2e. The active fault traverses 13th street in a north/south direction bisecting Tailgate Park.

Ballpark Village Master Plan area is located within the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project in Downtown San Diego. Centre City includes approximately 1,500 acres of the metropolitan core of San Diego, bounded by Interstate 5 on the north and east, and San Diego Bay on the south and southwest. Centre City is located 15 miles north of the United States International Border with Mexico.

PROJECT SETTING:

Community Plan, Centre City Planned District Ordinance (PDO), and Redevelopment Plan for the Centre City Project Area describe the existing setting of Centre City, including the East Village Redevelopment District and the San Diego Ballpark Village Master Plan (the Master Plan). The existing ground surface elevation of the project site is expected to vary and should be approximately 20 feet +/-5 feet above mean sea level (MSL). A shallow groundwater table is also expected from approximately 10 to 20 feet below existing ground surface.

Existing land uses within the vicinity of the site include: Petco Park, a professional baseball stadium to the west; the San Diego Convention Center to the southwest; the Hilton Convention Center Hotel and six-story parking structure to the south; the Tenth Avenue Marine Terminal to the southeast; the Twelfth and Imperial Trolley Station and Metropolitan Transit System (MTS) office building and parking structure to the east; Tailgate Park, a surface parking lot on undeveloped Parcel C of the Master Plan, to the north; and a 14-story condominium project to the northwest of Parcel C. The Harbor Drive Pedestrian Bridge is proposed to the south of the project site. The northern terminus of the bridge is planned for a City-owned parcel adjacent to the southwest corner of the project site. The Harbor Drive Pedestrian Bridge is not a part of the proposed project.

REGULATORY SETTING.

Applicable plans and policies governing the site include the San Diego Ballpark Village Master Plan Development Standards, the San Diego Downtown Community Plan, the Centre City Planned District Ordinance and the 2007 amendments thereof, and the San Diego Municipal Code. The project site is not located within the coastal zone.

The Ballpark Village Master Plan establish allowed land uses, minimum and maximum development intensities, parking requirements, building standards such as height, bulk, setbacks and stepbacks, site coverage, vehicular circulation requirements, and other development standards in the Master Plan area. The Master Plan permits the following variety of land uses within the Ballpark Village: residential, commercial/professional, office, commercial retail, commercial services, visitor accommodations, and public and semi-public uses. Parking and accessory uses and structures are also allowed. At least 60% of the street walls facing Imperial Avenue and Park Boulevard within the Ballpark Village must be devoted to Street Level Uses as defined by the Master Plan.

A maximum of 3,212,020 square feet of Gross Floor Area (GFA) may be developed in the Master Plan area. The maximum GFA includes 2,102,634 square feet of GFA allowed per the maximum base Floor Area Ratio (FAR) of 6.5 plus up to 1,199,386 square feet of transferred floor area as permitted for the Sports Entertainment District (which includes Ballpark Village) in Section 103.1915(d)(5) of the PDO and provided by the OPA. Section 103.1915(d)(5) allows for the transfer of floor area on the conditions that a FAR of 6.5 is not exceeded within the Sports Entertainment District and that the Average Daily Trips (ADT) count does not exceed the cap of 55,128 ADT for project proposed after November 8, 1999 in the Ballpark Mixed Use District. The height limit in downtown San Diego has increased to the allowable height under FAR Part 77 Obstructions to Navigation Guidelines from the Federal Aviation Administration (FAA). http://www.wsdot.wa.gov/NR/rdonlyres/F2C1829F-7969-4A47-ADCC-64C6B6320BA0/0/FAR_Part77.pdf

On March 9, 2009 the City Council of San Diego approved the Airport Land Use Compatibility Plan (ALUCP). Prior to the adoption of the ALUCP, the maximum building height permitted in downtown San Diego was 500 hundred feet above Mean Sea Level (MSL) as measured to include the highest portion of any building including antennae, signs, elevator overrides, mechanical equipment and other appurtenances. For additional information on the City's ALUCP implementation process, please contact Amanda Lee at (619) 446-5367 or ajohnsonlee@sandiego.gov. For information on the status of ALUCPs still in process with the Airport Authority, please contact Tait Galloway at (619) 533-4550 or tgalloway@sandiego.gov.

At least two levels of below-grade parking are required prior to the provision of any above-grade parking. The project should include a basement area on two levels of structured underground parking. The basement area reaches a maximum depth of 55 feet below grade. Excavation would be required to construct the basement area, including the underground parking structure, and to remove contaminated subsurface soils and groundwater.

Minimum parking space requirements are also established by the Master Plan as follows:

- 1.5 spaces per market rate residential dwelling unit,
- space per affordable dwelling unit,
- 1.5 spaces per 1,000 square feet of leasable office space,
- 0.5 spaces per hotel room,
- 2.0 spaces per 1,000 square feet of leasable retail space,
- motorcycle space for every 20 vehicle spaces, and
- secured bicycle storage space per five residential dwelling units.

The Master Plan mandates that the design of buildings within the Ballpark Village follow a three-tiered form consisting of a Base Zone, Mid Zone and Tower Zone. The Base Zone is the lower portion of a building ranging from a height of 50 feet to a maximum height of 60 feet. The Mid Zone is immediately above the Base Zone up to a maximum height of 90 feet. The Tower Zone is the narrowest portion and would occur above 90 feet. No two towers may be identical in form. The top of each tower must be articulated to avoid a monolithic appearance. In addition, the Master Plan requires that building facades be articulated and include elements such as balconies, changes in material, expressed window systems, offsets, reveals, and other features to create visually-pleasing facades. Clear or lightly tinted glass is encouraged and highly reflective or mirrored glass is not allowed.

PROJECT SIGNAGE.

The project proposes a comprehensive sign program pursuant to PDO Section 156.0314(4) (Ballpark Mixed-Use District Signage), which is required when signage would not comply with the height and total area requirements for signs within the Ballpark Mixed-Use District set forth in Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations). Details on the proposed comprehensive sign plan are provided in Table 1 below.

Sign Type (Quantity)	Location	Maximum Dimensions	Maximum Sign Area
Building Top Identification (2)	On building wall no lower than 240 feet above sidewalk. Logos may be located on any two non-adjacent facades and may vary between facades.	11'-9" letter height	645 square feet
Identification Wall Sign (4)	On building wall or architectural appendage per comprehensive sign plan location plan	7'-9" letter height	280 square feet
Directional Sign (as needed; no maximum)	Building or ground mounted; per comprehensive sign plan location plan	6" letter height	15 square feet
Retail Identification Sign (2 per building elevation; 2 per tenant mix)	On building wall or architectural canopy per comprehensive sign plan location plan	n/a	1 square foot per lineal foot of building street with a maximum of 80 square feet per sign
Tenant Identification Projecting Sign (may be used in lieu of retail identification sign)	On tenant lease space on west elevation building wall. Minimum clearance 8 feet above sidewalk.	Per City of San Diego Zoning Regulations for Projecting Signs	Per City of San Diego Zoning Regulations for Projecting Signs

Table 1 - Proposed Comprehensive Sign Plan

The project would also provide ancillary signs such as stadium entrance identification, retail tenant signage, and delivery entrance identification, secondary site signage (e.g., address signage, suite numbers, rear entry and loading dock identification), traffic and parking regulatory signage, and temporary signage (e.g., for-lease and coming soon signs, construction signs).

PROJECT ARCHITECTURE AND DESIGN.

The proposed building design and architectural treatment would emphasize the project's location in San Diego and particularly Ballpark Village. The layout of interior spaces would be oriented to the outside taking advantage of views, the local climate, and natural light. The building materials palette would consist of textures and light colors that reflect the character of San Diego and Southern California.

The project would include environmentally sustainable design features and be submitted for certification as a Leadership in Energy and Environmental Design (LEEDTM) certified building based on the Green Building Rating System for New Construction & Major Renovations Version 2.2 (LEED for New Construction Version 2.2) established by the U.S. Green Building Council. Each of the specific design features that would be incorporated into the proposed project to achieve LEEDTM certification are not known at this time. However, the proposed project would be designed to achieve at least two points under Energy and Atmosphere Credit 1, which requires at least a 14% improvement in building energy performance compared to the baseline energy performance required by Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings (2005).

STREETSCAPE IMPROVEMENTS.

As part of the streetscape design, landscaping would be installed on Park Boulevard, Imperial Avenue, and 11th Avenue. Streetscape design would be based on and consistent with the Centre City Streetscape Manual. On the ROW, enhanced paving would differentiate the pedestrian crosswalks and may include pavers, stamped concrete, colored concrete, exposed aggregate concrete, scribed lines, colored asphalt, stamped asphalt, or line paint.

BALLPARK MIXED-USE DISTRICT ADT ALLOCATION.

As discussed previously, PDO Section 103.1915(d)(5) establishes a cap of 55,128 Average Daily Trips (ADT) for projects proposed after November 8, 1999 within the Ballpark Mixed Use District, which includes Ballpark Village and the project site. This cap includes the maximum of 16,500 ADT permitted in the Ballpark Village per the Master Plan and OPA. The ADT trip generation for all currently constructed and approved projects within the Ballpark Mixed Use District totals 23,708, leaving a remaining ADT cap balance of 31,420 daily trips.

TRANSFER OF EXCESS BALLPARK FAR EXTENSION.

As discussed previously, PDO Section 103.1915(d)(5) permits development of up to 1,199,386 square feet of transferred floor area from the Ballpark Mixed Use District in the Master Plan area in addition to the 2,012,634 square feet of gross floor area (GFA) allowed by the designated 6.5 base FAR per the Master Plan development standards for the Ballpark Mixed Use District. Pursuant to Section 701 (2) of the OPA, "no density shall be transferred to any Parcel (within Ballpark Village) after the expiration of five (5) years following execution of this Agreement by the Agency." The project proposes to extend the expiration date for the transfer of density to any parcel within Ballpark Village by 3 years to a total of 8 years after execution of the OPA by the Agency.

BALLPARK PARKING .

Development of the site would require removal of the existing surface parking lot, which includes spaces dedicated for ballpark events. Replacement parking spaces dedicated for ballpark events would be provided in the Metropolitan Transit System (MTS) parking garage located immediately east of the project site.

DISCRETIONARY PROJECT APPROVALS.

Discretionary approvals required for the project are listed in Table 2 below.

APPROVAL NEEDED	APPROVAL BODY
Revisions to the Master Plan Development Standards	Redevelopment Agency
Vacation of 14th Street from K Street to Imperial Avenue	City Council
Parcel Map	City Council
Centre City Development Permit	City Council
Centre City Comprehensive Sign Plan	City Council
Source: CCDC.	

Table 2 - Required Discretionary Approvals for the New Chargers NFL Stadium and Convention Center Phase III Expansion East Village Neighborhood of Downtown, San Diego, California.

CEQA COMPLIANCE.

Additional CEQA Compliance is required in the form of a valid fault investigation and fault buffer setbacks approved by the State Geologist. The Centre City Redevelopment Project and related activities have been addressed by the following environmental documents:

Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Tenth Amendment to the Redevelopment Plan for the Centre City Project (State Clearinghouse Number 2003041001, certified by the Redevelopment Agency (Resolution No. R-04001) and the City Council (Resolution No. R-301265) on March 14, 2006.

Addendum to the FEIR for the 11 Amendment to the Redevelopment Plan for the Centre City Redevelopment Project; Amendments to the San Diego Downtown Community Plan; Centre City PDO; Marina PDO; and Mitigation, Monitoring and Reporting Program (MMRP) of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007.

The FEIR is a "Program EIR" as described in Section 15168 of the State CEQA Guidelines. The aforementioned environmental documents are the most recent and comprehensive environmental document pertaining to the proposed project. These environmental documents are available for review at the office of CCDC, 401 B Street, Suite 400, San Diego, CA 92101.

A Supplemental to the Environmental Impact Report should be conducted and prepared in compliance with the San Diego Redevelopment Agency's amended "Procedures for Implementation of CEQA and the State CEQA Guidelines" (adopted July 17, 1990). Under these Agency Guidelines, environmental review for subsequent specific development projects is accomplished using the Secondary Study process defined in the Agency Guidelines, as allowed by Sections 15168 and 15180 of the State CEQA Guidelines.

STEPS FOR SUCCESSFUL MAJOR CHANGE

From John P. Kotter

1. **Establish a Sense of Urgency**
Why is it important to do this NOW? What calls us into engagement with issues, supports risk-taking?
2. **Create the Guiding Coalition**
Identify allies with both power to create change and potential for strong teamwork.
3. **Develop a Vision and Strategy**
Clarify Mission and engage congregation in Visioning and Discernment of Goals.
4. **Communicate the Change Vision**
Sunday services, newsletter, websites, focus group meetings — engage and motivate.
5. **Empower Broad-Based Action**
Encourage broad participation in participation in vision formation and making it happen.
6. **Generate Short-Term Wins**
Make a difference early on — let people know this isn't an endless discussion with no action. And celebrate the wins!
7. **Consolidate Gains and Produce More Change**
Build on the success of completion of early goals and keep the momentum going.
8. **Anchor New Approaches in the Culture**
Ensure that new leadership is oriented to the vision. Affirm the new ways of being.

Why Change Fails

1. Sense of urgency not created or sustained.
2. Leaders are not equipped with the tools they need to make the changes.
3. First major change comes too slowly.
4. Change is celebrated too soon and the urgency is diminished.
5. Communications are not sustained, either noting progress or inviting increased participation.
6. Leaders don't "walk the talk."
7. Coalition is not fully empowered-task forces, steering committees.

Kotter, John P. Leading Change. Boston: Harvard Business School Press, 1996.

The Heart of Change, with Dan S. Cohen. Boston: Harvard Business School Press, 2002.