

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 14, 2006 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432. Internet access to the agenda is available at:

<http://www.sandiego.gov/redevelopment-agency/index.shtml>

A Special Meeting of the **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7532. Internet access to the agenda is available at:

<http://sdhc.net/AuthorityAgenMinRpts.shtml>

ITEM-300:

ROLL CALL.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Approval of Council Minutes.

ITEM-31: Project Heartbeat Day.
COUNCIL PRESIDENT PETERS', COUNCILMEMBER
MAIENSCHIN'S, AND COUNCILMEMBER MADAFFER'S
RECOMMENDATION: Adopt the resolution.

ITEM-32: The National Association of Black Storytellers, Inc. Day.
COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:
Adopt the resolution.

NON-AGENDA PUBLIC COMMENT

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

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

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY
COMMENT**

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Costa Del Mar II Rezone located at 11655 Arroyo Sorrento Place, in the Carmel Valley Community Plan Area. (Carmel Valley Community Plan Area. District 1.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/16/2006, Item 202, Subitem A.
- ITEM-51: Joint Use Agreement with the Del Mar Union School District. (Carmel Valley Community Area. District 1.)
STAFF'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: Inviting Bids for the Construction of Trench Restoration of Various Streets City Wide – Metropolitan Wastewater and Water Departments. (Citywide.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Awarding of Contract to 3-D Enterprises for the South Chollas Landfill Slope Modification Project. (Chollas View Community Area. District 4.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Option to Renew Contract with SRM Contracting and Paving for Asphalt Overlay Group I, FY07. (Various Community Areas. Districts 1, 2, 5, 6, and 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Change Order with The Heffler Company for the Construction of Pedestrian Bridge at Route 252 Corridor (Petway) Park. (Southeastern Community Area. District 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104: Contribution to Fund San Diego Fire-Rescue Department's Air Operations Division.
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: General Development Plan Funding for the Sunshine Berardini Fields. (Mid-City/City Heights Community Area. District 4.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Additional Funding for the Morena Boulevard Over Tecolote Creek (Bridge No. 57C-422). (Clairemont Mesa Community Area. District 6.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Golf Operation Motive Equipment Fund Transfer. (University Community Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Cooperative Agreement between the State of California and City of San Diego for I-805/La Jolla Village Drive Interchange Reconstruction. (University Community Area. Districts 1, 5, and 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: Reallocate Authorized Expenditures for the Agreement with Richard Brady and Associates. (Citywide.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S S RECOMMENDATION: On 10/11/2006, NR&C voted 4-0 to approve.
- ITEM-110: Settlement Agreement between the City of San Diego and Friends of Fox Canyon Park.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: Amendment to the Grant Amount from the State Victim Compensation & Government Claims Board for Funding the Criminal Restitution Compact Restitution Specialist Position in the City Attorney's Office, Criminal Division.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

- ITEM-112: Modernism Historic Context Study. (Uptown, Peninsula, La Jolla, Clairemont Mesa, College, Linda Vista, Pacific Beach, Ocean Beach, Mission Beach, Eastern Area, Mission Valley, Midway, Navajo, Tierrasanta, Rancho Bernardo, Kearny Mesa, and Sierra Mesa Community Areas. Citywide.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Grant Application to California Department of Transportation (Caltrans) for Fiscal Year 2006-2007 Bicycle Transportation Account (BTA) Approved Projects. (Pacific Beach and Mission Bay Park Community Areas. Districts 2 and 6.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Grant Application to Recreational Trails Program for Mission Trails Regional Park Cowles Mountain Trail Rehabilitation. (Mission Trails Regional Park Community Area. District 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-115: Grant Application to State of California Parks and Recreation Department for Florida Canyon Riparian Restoration Project. (Balboa Park Community Area. District 3.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Water Easement Vacation in a Portion of Costa Del Sol Unit Nos. 1 and 2, Map Nos. 14323 and 14958. (Pacific Highlands Ranch Community Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-117: One-Year Extension of the Centre City Project Area Committee (PAC). (Districts 2 and 8.)
CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-118: Drainage Easement Vacations within Parcel 8 of Parcel Map No. 6478.
(Kearny Mesa Community Area. District 6.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-119: Appointment of Vicki Estrada to Chair the Community Forest Advisory Board.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-120: Appointment and Reappointments to the Board of Library Commissioners.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-121: Appointment of Stephen M. Laub to the Planning Commission.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-122: Appointments and Reappointments to the Historical Resources Board.
MAYOR SANDERS' RECOMMENDATION: Adopt the resolution.
- ITEM-123: Cathy Anderson Day.
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-124: Francis Parker Upper School Campus Day.
COUNCIL PRESIDENT PETERS', COUNCILMEMBER FAULCONER'S, AND COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-125: Local Initiatives Support Corporation (LISC) Day.
COUNCILMEMBER ATKINS' AND COUNCILMEMBER HUESO'S RECOMMENDATION: Adopt the resolution.
- ITEM-126: Susan Atkins Day.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-127: 100th San Diego STRIVE Class Graduation.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-128: 1st Anniversary of the HILLCREST CLEAN T.E.A.M. Day.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-129: Brian Stokes Mitchell Day.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-130: Mabuhay Alliance Day.
COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION: Adopt the resolution.
- ITEM-131: Cindy Hedgecock Day.
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-132: Chinese Community Church Day.
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.
- ITEM-133: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-134: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

- ITEM-330: Two actions related to the Torrey Highlands FY 2007 Public Facilities Financing Plan and Facilities Benefit Assessment. (Torrey Highlands Community Area. District 1.)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On September 27, 2006, LU&H voted 4-0 to approve the Staff's recommendation.
- ITEM-331: Grant Application to State of California Department of Water Resources for the Greater Golden Hill Community Development Corporation Urban Stream Restoration. (Golden Hill Community Area. District 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-332: Mid-City Crime Reduction Initiative Wireless Video Surveillance System. (Mid-City/City Heights Community Area. Districts 3 and 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-333: Grant Application to State of California Department of Transportation (DOT) under Environmental Justice Context-Sensitive Planning Program for the Funding of an Awarded Project. (San Ysidro Community Area. District 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.

NOTE: This item may be taken in the morning session if time permits.

- ITEM-334: Preliminary Items for Multifamily Revenue Bonds for 16th and Market Apartments. (Centre City Community Area. District 2.)
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:
Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-335: Qualcomm Building “N” Helistop. (Mira Mesa Community Plan Area. District 5.)

Matter of approving, conditionally approving, modifying or denying an application for Conditional Use Permit for an elevated Helistop on the roof of a 475,218 square foot, ten-story research & development building, approximately 190 feet in height on a 30.12-acre site located at 5665 Morehouse Drive between Lusk Boulevard, Mira Mesa Boulevard, Scranton Road and Barnes Canyon Road.

STAFF’S RECOMMENDATION: Adopt the resolution.

ITEM-336: Torrey Corner. (Torrey Hills Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying amendments to the Progress Guide and General Plan, and Community Plan to designate an increase of development potential at the property, a Tentative Map to subdivide a 2.485 acre site into three parcels and a Planned Development Permit and Site Development Permit to allow the development of a 18,000 square foot mixed-use retail and office development distributed in three one-story buildings, site landscaping, grading, retaining walls and improvements in the public right-of-way located at the southwest corner of East Ocean Air Drive and Carmel Mountain Road in the Torrey Hills community.

STAFF’S RECOMMENDATION: Adopt the resolutions in Subitems A and B; adopt the resolution in Subitem C to grant the map; and adopt the resolution in Subitem D to grant the permits.

ITEM-337: Fairbrook Estates. (Scripps Miramar Ranch Community Plan Area. District 5.)

Matter of approving, conditionally approving, modifying, or denying an Extension of Time to Planned Residential Development Permit and Vesting Tentative Map No. 98-1011, and a Rezone of property from the existing RS-1-8 and RS-1-9 zones to RS-1-12 and OP-1-1 zones located south of Fairbrook Road, east of Avenida Magnifica, and north of Caminito Sanudo.

STAFF’S RECOMMENDATION: Adopt the resolutions in Subitems A, B, and C, and introduce the ordinance in Subitem D.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-338: Pacific Highlands Ranch, Units 23-28. (Pacific Highlands Ranch Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying for Pacific Highlands Ranch, Units 23-28, an application for an Easement Vacation, Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and Multiple Habitat Preservation Area Boundary Line Adjustment to subdivide a 299.2 acre site for the creation of 524 lots: 474 single family residential lots; one lot for 96 affordable multi-family dwelling units with a recreation center including pool and recreation buildings; two lots for dedication as MHPA open space; one lot for a water quality basin; 43 lots for ownership by a homeowners association; one lot for a private community recreation center and two lots; one for a school and a second for a public park; landscaping; regional and local public improvements, and a segment of a regional open space trail. The site is located generally north and south of State Route 56 and east of Rancho Santa Fe Farms Road in the Pacific Highlands Ranch Subarea III Plan area. Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) have been prepared for these actions. STAFF'S RECOMMENDATION: Adopt the resolutions.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

09/06/2006 – Special Meeting

09/11/2006

09/12/2006

09/14/2006 – Special Meeting

09/18/2006

09/19/2006

ITEM-31: Project Heartbeat Day.

**COUNCIL PRESIDENT PETERS', COUNCILMEMBER MAIENSCHIN'S, AND
COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-468)

Proclaiming November 14, 2006, to be "Project Heartbeat Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: The National Association of Black Storytellers, Inc. Day.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-138)

Proclaiming November 14, 2006, to be "The National Association of Black Storytellers, Inc. Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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

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

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 50.

ORDINANCES TO BE INTRODUCED:

Item 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 134.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Costa Del Mar II Rezone located at 11655 Arroyo Sorrento Place, in the Carmel Valley Community Plan Area.

(Carmel Valley Community Plan Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/16/2006, Item 202, Subitem A. (Council voted 8-0):

(O-2004-31)

Changing 10.22 acres, located at 11655 Arroyo Sorrento Place, in the Carmel Valley Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone into the AR-1-2 and OC-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0303 and 131.0203

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-51: Joint Use Agreement with the Del Mar Union School District.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-43)

Introduction of an ordinance authorizing the Mayor to execute a 25-year Joint Use Agreement with Del Mar Union School District for the construction, operation, and maintenance of turf fields and recreational facilities at the Carmel Valley Community Park South;

Declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

NOTE: 6 votes required.

STAFF SUPPORTING INFORMATION:

The Neighborhood 8A Specific Plan/Precise Plan, dated June 23, 1998, approved by the City Council and adopted by Ordinance No. O-18572 on September 8, 1998, anticipates the construction of an elementary school by the Del Mar Union School District (District) to be located adjacent to the new Carmel Valley Community Park South - Neighborhood 8A. To satisfy the requirements of the State Board of Education for new elementary school facilities, the District will require approximately six acres of joint use athletic fields to accommodate the recreational curriculum of the school. To the mutual benefit of the City and District, this action will approve a 25-year Joint Use Agreement. The District's School Board approved the joint use agreement on June 28, 2006. .

The City and the District currently are cooperating in the use of joint use facilities at Ashley Falls Elementary, Carmel Del Mar Elementary and Sage Canyon Elementary in the Carmel Valley community. It is anticipated that the development of the new elementary school, Ocean Air Elementary, will occur concurrently with the development of Carmel Valley Community Park South - Neighborhood 8A. The projected opening date for the new school is the fall of 2007. While the park site will take somewhat longer to develop than the school, the goal is to open the joint use fields as close to the school's opening date as possible.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-51: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

The maintenance cost of the 6 acres of joint use fields is estimated to be \$53,000 annually. These maintenance costs will be shared equally between the City and the District throughout the life of the 25-year Joint Use Agreement. The City's portion of the joint use area maintenance costs, approximately \$26,500 annually, will come from the City's general fund since Ocean Air Community Park is a population based park. It is anticipated the construction of these fields will be completed in FY08, therefore, this funding will be requested during the FY08 budget process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The General Development Plan (GDP) for the park and joint use area was developed over a period of approximately 18 months and included twelve public meetings, eight of which were through the local Carmel Valley Recreation Council. In those meetings, the joint use of the athletic fields with the District was included in the discussions and shown on the preliminary plans.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Del Mar Union School District.

Medina/Martinez

Staff: Jim Winter - (619) 533-3040

Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Inviting Bids for the Construction of Trench Restoration of Various Streets City Wide – Metropolitan Wastewater and Water Departments.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-400)

Approving the plans and specifications for the Trench Restoration Project of Various Streets Citywide - Water and Wastewater Departments FY-07, on Work Order No. 008315/535323;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder, in an amount not to exceed \$3,500,000;

Authorizing the expenditure of an amount not to exceed \$1,500,000 from Sewer Revenue Fund No. 41506, solely and exclusively, to provide funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Water Fund No. 41500, solely and exclusively, to provide funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to return any unexpended funds to the appropriate reserve upon the advice of the administering departments;

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c), repair and maintenance of existing streets. (BID-K073526C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

STAFF SUPPORTING INFORMATION:

Both the Water and Metropolitan Wastewater Departments have routine needs for trench restoration, as part of operating the water and wastewater systems. The General Services Department is in the process of hiring 40 limited full-time employees to provide "baseline" trench and permanent street restoration and maintenance work. As there is still the need to perform any trench restoration over and above the "baseline" work performed by General Services Department, as well as to begin addressing the current backlog of trench restoration work, there is a need for contractual assistance.

The combination of City force and contract work will assist departmental compliance with the trench cut Ordinance (Number O-19215).

FISCAL CONSIDERATIONS:

Funding for this project is available in the Fiscal Year 2007 operating budget, of which \$2,000,000 is from the Water Department Fund 41500, and \$1,500,000 is from the Metropolitan Wastewater Department Sewer Fund 41506.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-300755 approved by the Council on August 8, 2005.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not Applicable.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): To be determined.

Ferrier/Haas

Staff: Isam Hireish - (858) 654-4181
Thomas C. Zeleny - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Awarding of Contract to 3-D Enterprises for the South Chollas Landfill Slope Modification Project.

(Chollas View Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-80)

Authorizing the Mayor, or his designee, to award a construction contract to and to execute a construction contract with 3-D Enterprises, the lowest responsible and reliable bidder, for the Project in the amount of \$2,459,812;

Authorizing the City Auditor and Comptroller to transfer the amount of \$682,302 within Refuse Disposal Enterprise Fund No. 41201, from CIP-32-010.0, Unclassified Disposal Site Closure Fund, to CIP-32-020.0, South Chollas Landfill Improvements;

Authorizing the expenditure of an amount not to exceed \$1,461,202 from Fund 41201, CIP-32-020.0, South Chollas Landfill Improvements, solely and exclusively, to provide funds for construction, contingency and related costs for the Project, the expenditure of an amount not to exceed \$1,900,500 having been previously authorized by Resolution R-301068 adopted on November 28, 2005, for a total not to exceed Project cost of \$3,361,702;

Declaring this activity is not a separate project under the California Environmental Quality Act Guidelines Sections 15060(c)(3) and 15378(c) because this activity is a subsequent discretionary approval of the Project adequately addressed in Negative Declaration LDR File No. 42-0126, which was reviewed, considered, and certified by the City Council per Resolution R-301069, adopted on November 28, 2005, and this subsequent discretionary approval does not involve any change in circumstance, additional information, or project change which warrants additional environmental review;

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

STAFF SUPPORTING INFORMATION:

The South Chollas Landfill was operated by the City of San Diego from 1951 through 1981. The Environmental Service Department is tasked with ensuring regulatory compliance at this inactive landfill site. One of those requirements is to maintain sufficient protective cover (3 feet of soil) so that in-place refuse does not become a public nuisance or contaminate ground or surface waters.

This project will stabilize the slope along State Route 94 by installing a buttress key at the base of the slope and provide additional cover to the slope to ensure compliance with existing regulations. It will also provide a vegetative layer for plants to propagate and establish root systems to prevent soil erosion. Also included are drainage improvements which will remove the existing deteriorated 25-year old underground corrugated metal storm drain pipes and replace them with brow ditches and above-grade pipes that can easily be inspected for settlement, corrosion, or leakage. The soil that will be used for this project is currently stockpiled on the top deck of the landfill. A larger, flatter area will be present once the stockpile is removed and placed on the slopes. This project does not negatively affect the recreational uses of the site and actually increases the useable area. The introduction of native plants, though not part of this phase of the construction project, will be initiated upon the completion of this construction project to provide additional habitat for endangered wildlife species.

Nineteen (19) bid packages were sent out; and three (3) bid packages were received at the bid opening on June 13, 2006. The lowest responsible bidder was 3-D Enterprises at \$2,459,812 which is significantly higher than the original estimate.

FISCAL CONSIDERATIONS:

The low bid of \$2,459,812 by 3-D Enterprises was over the original estimate and requires the transfer of funds. This action will transfer \$682,302 from CIP-32-010.0, Unclassified Disposal Site Closure Fund, to CIP-32-020.0 South Chollas Landfill Improvements, all within the Refuse Disposal Enterprise Fund to fully fund increased construction and contingency costs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-301068, adopted on November 28, 2005, approved the plans and specifications, certified the Negative Declaration (LDR File No. 42-0126) and authorized \$1,900,500 for this project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None. There are no known groups expressing either support or opposition to this project.

KEY STAKEHOLDERS:

Oak Park and Chollas View residents; 3-D Enterprises
Area West Fence
Cutting Edge Grading
Elken Contracting, Inc.
Fusco Engineering

Heap/Haas

Aud. Cert. 2700241.

Staff: Steven F. Fontana - (858) 492-5077
Grace C. Lowenberg - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Option to Renew Contract with SRM Contracting and Paving for Asphalt Overlay Group I, FY07.

(Various Community Areas. Districts 1, 2, 5, 6, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-525)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$936,080 from the Citywide Deferred Maintenance Fund 100 to Fund 630221 for the purpose of funding CIP-59-001.0, Annual Allocation-Resurfacing City Street;

Authorizing the City Auditor and Comptroller to increase the FY07 Capital Improvement Program budget in the amount of \$938,080 in CIP-59-001.0, Annual Allocation-Resurfacing City Streets, in Street Division Capital Improvement Fund 630221;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,000,000 from CIP-59-001.0, Fund 30300, \$936,080 from Fund 630221, \$13,500 from Fund 41506 and \$6,500 from Fund 41500, contingent upon the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor to execute an option contract with SRM Contracting and Paving in an amount not to exceed \$1,826,000, funded by \$1,000,000 from Fund 30300, \$806,000 from Fund 630221, \$13,500 from Fund 41506, and \$6,500 from Fund 41500;

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

Declaring this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, as the repair and maintenance of existing facilities.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

STAFF SUPPORTING INFORMATION:

On October 10, 2005, the City Council authorized the advertising and award of "Asphalt Overlay of Various Streets Citywide, Group R-8", Bid # K063081-C. The contract was awarded on June 30, 2006 to SRM Contracting and Paving, in the amount of \$1,826,006.02. The contract documents offered bidders the option of renewing and extending this contract at the same unit prices, terms and conditions, for one year only. The lowest responsive bidder, SRM Contracting & Paving, has indicated that they are willing to exercise this option. The Street Division has had favorable results with the current contract and now wishes to exercise this optional contract extension with no increase in last year's prices.

FISCAL CONSIDERATIONS:

Funding in the amount of \$1,956,080 is available as follows: \$1,000,000 in TransNet Fund 30300, \$936,080 in General Fund 100, \$13,500 in Sewer Fund 41506 and \$6,500 in Water Fund 41500.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-300889, adopted on October 10, 2005, authorized the advertising and award of the original contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of streets to receive asphalt overlay is part of the FY07 master resurfacing plan. Street lists and maps will be provided at the Council Staff Briefing.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Approving this action will provide for 3.8 miles of street maintenance per the Mayor's FY07 plan to include 100 miles of resurfacing projects. The Prime contractor is SRM Contracting and Paving, and the sub contractors are Pavement Recycling Systems, Inc. and HMS Construction.

Sierra/Haas

Aud. Cert. 2700321.

Staff: Mary Wolford - (619) 527-7515
Timothy J. Miller - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Change Order with The Heffler Company for the Construction of Pedestrian Bridge at Route 252 Corridor (Petway) Park.

(Southeastern Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-404)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Change Order with The Heffler Company, for the purchase and installation of a bridge at the Route 252 Corridor (Petway) Park, under the terms and conditions set forth in the Change Order;

Authorizing the expenditure of an amount not to exceed \$452,281 from CIP-29-458.0, Route 252 Corridor (Petway) Park, solely and exclusively for the above Change Order;

Declaring this action is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, new construction or conversion of small structures.

STAFF SUPPORTING INFORMATION:

The Rt. 252 Corridor (Petway) Park site was identified as a part of the Southeastern Economic Development Corporation's (SEDC's) redevelopment area in the Southcrest Neighborhood of the former State Route 252 alignment. The purchase agreement for the park site was executed in April of 2000 with SEDC, and SEDC also awarded the project a \$500,000 grant to assist with the park development. During the process of preparing the General Development Plan for the park, the community identified the need for a pedestrian/emergency vehicle bridge across Chollas Creek to connect to the north and south parklands and neighborhoods together. The Police Department has expressed support for the bridge saying it will significantly enhance safety for the residents using the park. The bridge was also identified in the Chollas Creek Enhancement plan, and a trail to the bridge was included in the first completed portion - Segment 8A - that opened to the public in October of 2004.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

In January 2004, the City of San Diego Park and Recreation Department applied to the Urban Park Act of 2001 competitive State grant program for \$2,500,000 for the development of the park. Staff expected to hear results in the spring of 2004. However, due to a large volume of statewide applicants, notification was not received until November 2004. The construction documents for Rt. 252 Corridor (Petway) Park were completed and went out to bid in August of 2004. They did not include the 10' wide bridge because at the time the funding for both the park and bridge was not adequate. In November 2004, after the bidding process for construction of the park, the State of California Department of Parks and Recreation announced the grant awarded. The State grant was executed in December 2004.

The grant funds in conjunction with SEDC's contribution were enough to fund both the park and the bridge. To prevent delaying the construction of the park, the construction contract was awarded without including the bridge. Park and Recreation staff then made a separate submittal for environmental review of the pedestrian/emergency vehicle bridge, and a CEQA exemption was issued for construction of the bridge on July 8, 2005. (See attachment).

The Phase I park improvements including the construction of irrigated turf, picnic areas, picnic shade structure, children's play area, restroom, multiple-surface walkways with fitness stations, landscaping, and parking with security lighting were completed and a grand opening was held on May 20, 2006.

This request is to amend the existing construction contract for the Rt. 252 Corridor (Petway) Park to include the design, purchase, and installation of a prefabricated steel bridge crossing Chollas Creek for pedestrian and emergency vehicle use.

FISCAL CONSIDERATIONS:

CIP-29-458.0 includes \$2.5 million in 2000 State Park Bond grant funds, and \$500,000 in a grant from the South East Development Corporation (SEDC) specifically to build the park. Conditions of the 2000 State Park Bond grant include the construction of the 10' wide pedestrian/emergency vehicle bridge. Currently funding is in place for construction of the bridge. All SEDC funds and a portion of the 2000 State Park Bond funds have been expended for construction of the park. The current contract with the Heffler Company is \$1,412,870. The bridge is anticipated to cost an additional \$452,281. Any funds remaining after construction of the park and bridge are not available for any other uses and must be returned to the State.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Council Action authorizing the purchase of the park property and accepting the \$500,000 grant from SEDC for development of the park, Resolution R-292980, dated April 11, 2000.
- Park and Recreation Board approved the General Development Plan for the park, including the bridge, November 12, 2002.
- Council Action authorizing the application for the State grant for \$2,500,000, Resolution R-298701, dated December 8, 2003.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Surveys were developed in English and Spanish to identify program priorities desired by the community. Over 235 surveys were completed and returned through the Southcrest Recreation Council.

As a part of the Park and Recreation Board review process, the General Development Plan for the park was reviewed and approved by:

- Southcrest Recreation Council - June 12, 2002
- Southern Area Committee - July 10, 2002
- Design Review Committee - July 10, 2002
- Park and Recreation Board approve - November 21, 2002

STAKEHOLDERS AND PROJECTED IMPACTS:

- The Community of Southcrest and the park-users will benefit with increased direct access to the park and adjacent neighborhood.
- The Police Department has expressed interest in the bridge for increased access to the park and adjacent streets and alleys.
- The Contractor is The Heffler Company, with Sub-Contractors and Suppliers Big R Manufacturing, LLC, Superior Ready Mix Concrete Co., John W. Stiles P.E., CCC Builders, CATS Excavating, and Area West Fencing.

Penera/Martinez

Aud. Cert. 2600889.

Staff: April Penera - (619) 525-8223
Thomas C. Zeleny - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Contribution to Fund San Diego Fire-Rescue Department's Air Operations Division.

(Continued from the meeting of October 24, 2006, Item 107, at the request of Councilmember Atkins, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-293)

Authorizing the Mayor to accept, on behalf of the City of San Diego, a contribution in the amount of \$121,900 from Scripps Health to fund the San Diego Fire-Rescue Department's Air Operations Division;

Authorizing the City Auditor and Comptroller to deposit the \$121,900 contribution from Scripps Health in Fund 10264, Account 78901;

Authorizing the City Auditor and Comptroller to appropriate and expend the monies in Fund 10264, Account 78901 for the San Diego Fire-Rescue Department's Air Operations Division.

STAFF SUPPORTING INFORMATION:

Scripps Health, Sunroad Enterprises and numerous other local and regional business leaders have played an essential role in generating revenue to help fund the San Diego Fire-Rescue Department's Air Operations Division.

In 2003, the first celebrity golf tournament was planned and executed to kick-off a campaign to raise awareness and support for a permanent fire and rescue helicopter program. This inaugural celebrity golf tournament was a great success and Sunroad Enterprises teamed-up with Scripps Health to host the event at Maderas Golf Club. The event generated \$60,000 in net proceeds. In 2004, the second annual celebrity golf tournament generated \$110,000 in net proceeds. In 2005, the third annual celebrity golf tournament generated \$121,900 in net proceeds.

FISCAL CONSIDERATIONS:

The contribution will be deposited into Fund 10264 to supplement the General Fund allocation associated with the San Diego Fire-Rescue Department Air Operations activities.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

None.

Wolff/Goldstone

Staff: Jenny Wolff - (619) 236-7002
William Gersten - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: General Development Plan Funding for the Sunshine Berardini Fields.

(Mid-City/City Heights Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-401)

Authorizing the Mayor, or his designee, to transfer an amount of \$80,000 from Capital Improvement Project CIP-29-479.0, Martin Luther King Junior Community Park-George L. Stevens Senior Center, to CIP-29-890.0, Sunshine Berardini Fields-General Development Plan within Fund No. 630221, Park and Recreation Grant Match;

Authorizing the City Auditor and Comptroller, to appropriate and expend an amount not to exceed \$80,000 from CIP-29-890.0, Sunshine Berardini Fields, Fund No. 630221, Park and Recreation Grant Match fund for the preparation of the General Development Plan of the Sunshine Berardini Fields;

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

Declaring this activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

Sunshine Berardini Fields is located in the City Heights Community Planning Area of Mid-City. The site was formerly known as Mid City Athletic Area - Joe Berardini Fields. The site is currently leased by the Sunshine Berardini Organizations under a preferential non-exclusive use and occupancy permit to operate and maintain the ball fields. This project's proposal is to prepare a general development plan (GDP) for the future improvements at the Sunshine Berardini Fields site and to obtain environmental permits that maybe required. An estimated cost for the project's task proposal is \$260,000 of which \$180,000 was previously funded by a Community Development Block Grant. The remainder of \$80,000 is requested necessary to fully fund this effort.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

The requested funding in the amount of \$80,000 to CIP-29-890.0 is available in Park and Recreation Community Grant Match fund from the George L. Stevens Senior Center project's cost savings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Sunshine Berardini Fields was dedicated as public park as per:

- An Ordinance setting aside and dedicating City-owned land known as Mid-City Athletic Area - Joe Berardini Fields, in the City of San Diego, California, for a public park, O-18766, adopted on February 22, 2000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

As part of the Park and Recreation Department review process, the Sunshine Berardini Fields-GDP will be presented to the Chollas Lake Recreational Council, Design Review Committee and Park and Recreation Board for the approval of GDP.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

For the Sunshine Berardini Fields-GDP project, key stakeholders include the Mid-City/City Heights Community Plan Area, Chollas Lake Park Recreation Council, Sunshine Berardini Organizations, and City's Community Block Development Grant Office.

Medina/Martinez

Aud. Cert. 2700244.

Staff: April Pendera - (619) 525-8223
Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Additional Funding for the Morena Boulevard Over Tecolote Creek (Bridge No. 57C-422).

(Clairemont Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-439)

Authorizing the Mayor, or his designee, to apply for a modification to Program Supplement Agreement No. 135 to the Local Agency-State Agreement No. 11-5004 (108) and accept the amount of \$25,452 of Highway Bridge Rehabilitation and Replacement (HBRR) Funds for CIP-52-519.0, Bridge Rails - Citywide Fund 38735;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget for CIP-52-519.0, Bridge Rails - Citywide for the construction of the barrier rail on Morena Boulevard over Tecolote Creek, by \$25,412, contingent upon receipt of a FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$25,412 from CIP-52-519.0, Bridge Rails - Citywide, Fund 38735, HBRR, or the construction of the barrier rail on Morena Boulevard over Tecolote Creek, contingent upon receipt of a FNM-76 (Version E-76) Caltrans Funding Authorization and the City Auditor and Comptroller furnishing a certificate certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

STAFF SUPPORTING INFORMATION:

The existing steel railing on the Morena Boulevard Bridge over Tecolote Creek was substandard. This project provided for the replacement of the existing steel railing with current standard concrete barrier railings. In order to meet current ADA requirements additional funds are required to add four ADA curb ramps at the adjacent intersection of Morena Boulevard and Tecolote Road.

FISCAL CONSIDERATIONS:

HBRR funds in the amount of \$159,865 were previously authorized for the design and construction of the replacement of the barrier rails on Morena Boulevard Bridge over Tecolote Creek. This action will add \$25,452 in HBRR funds, Fund 38735, for additional construction items.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution R-294788, dated April 23, 2001, authorized the acceptance of HBRR funds in the amount of \$22,132. City Council Resolution R-299927, dated December 7, 2004, authorized the acceptance of HBRR funds in the amount of \$137,733.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Sim Engineering, contractor.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-3138

Jeremy A. Jung - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Golf Operation Motive Equipment Fund Transfer.

(University Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-462)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$400,000 from Central Garage Equipment Replacement Fund No. 500317, Account No. 95303, to Golf Operations Fund No. 41400, and Account No. 78510;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$400,000 from the Golf Operations Fund No. 41400, for the purpose of acquiring equipment and vehicles not purchased or maintained by the General Services Department for golf course improvements;

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

STAFF SUPPORTING INFORMATION:

The Central Garage Equipment Replacement Fund was established about 36 years ago for both General Fund and Non-General Fund departments to replace non-public safety motive equipment. It is administered by the Equipment Division of the General Services Department in conjunction with the Auditor's Office. The Fund's revenues are generated by Assignment Fees charged to departments for each vehicle on a bi-weekly basis. These charges for replacing motive equipment are within each department's annual budget.

The Golf Operations sub fund of the Replacement Fund has accumulated excess revenue. A recent analysis of the Golf Operations sub-fund over a ten year period commencing in FY 2007 indicates that \$400,000 could be removed without negatively impacting timely motive equipment replacement.

It is requested that \$400,000 of the Assignment Fees be returned to the Golf Operations Enterprise Fund. In order to meet the US Golf Association requirements for maintenance of Torrey Pines Golf Course prior to the 2008 US Open Golf Championship, Golf Operations plans to use the excess vehicle assignment charges to acquire equipment and vehicles not maintained by the General Services Department. Golf Operations will work with the Purchasing and Contracting Department to acquire specialized golf equipment and vehicles, and will contract for maintenance directly with the vendor.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Regarding excess revenue, the General Services Department has explained that the major contributing factor has been the continuation of Assignment Fees after the vehicle reaches the end of its life cycle. The purpose behind this policy was to ensure that sufficient funds were available when the vehicle was replaced to cover unexpected price increases or needed vehicle modifications, plus replacing vehicles due to accidents. It has become clear that the practice of continuing Assignment Fees beyond vehicle life cycles is not necessary - this practice will end once an efficient mechanism is developed, but no later than the beginning of FY 2008.

Even though the life cycles of motive equipment are in accord with industry standards, there are several reasons why vehicles stay in service after the end of their life cycles. One is that delays typically occur in many facets of the decision-making process from customer departments' input to vehicle deliveries from vendors. Another reason is a change recommended by the Zero-Based Management Group that vehicles should not be replaced solely on age, but on other criteria such as mileage and condition. For Fiscal Years 2004-2007, a comprehensive assessment has been implemented to determine whether a vehicle warrants replacement or retention. For vehicles eligible by age for replacement, an average of 60% have been replaced and 40% have been retained for another year. The assessment procedure ensures the achievement of two objectives: that replacements are warranted, and that retentions will not negatively impact costs and availability.

FISCAL CONSIDERATIONS:

This request is for \$400,000, which is available in the Golf Operations sub fund of the Central Garage Equipment Replacement Fund No. 500317.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Golf Operations Enterprise Fund will be increased by \$400,000.

Medina/Martinez

Aud. Cert. 2700326.

Staff: Carol Wood - (619) 525-8217

Shannon M. Thomas - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Cooperative Agreement between the State of California and City of San Diego for I-805/La Jolla Village Drive Interchange Reconstruction.

(University Community Area. Districts 1, 5, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-464)

Authorizing the Mayor, or his designee, to enter into a Cooperative Agreement (Cooperative Agreement) with the State of California for the reconstruction of I-805/La Jolla Village Drive Interchange, under the terms and conditions of the document;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$19,449,000 from Fund 79001 for the purpose of providing funds for the Cooperative Agreement, provided that the City Auditor and Comptroller first certifies that sufficient funds are available;

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

Declaring this activity is covered and adequately addressed under the Nobel Drive Extension (I-805) approval (EIR/EIS No. 91-0397) and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review.

STAFF SUPPORTING INFORMATION:

The proposed project would provide improvements to the Interstate 805/La Jolla Village Drive interchange in order to improve traffic operations and better accommodate traffic within the interchange area. The project consists of the reconstruction of La Jolla Village Drive/I-805 interchange from full clover leaf to partial clover leaf and widening of bridge overpass. Pursuant to State and Highways Code Section 130, the State of California and City of San Diego are authorized to enter into cooperative agreement for improvements to State Highways within the City of San Diego. The State of California will advertise, award, and administer the construction contract. This action will execute the Cooperative Agreement, which outlines the City of San Diego and the State of California responsibilities for the construction of the project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-108: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

Funding for this project in the amount of \$19,449,000 is available from CIP-52-485.0, Facilities Benefit Assessment Fund 79001.

PREVIOUS COUNCIL COMMITTEE ACTION:

Prior Cooperative Agreement for the design of the project (District Agreement #11-8230, Document #295608), dated December 31, 2001.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A project presentation was given to the University City Planning Group on October 14, 2003 and November 9, 2004, which allowed the community to provide input regarding the project features and scheduling.

KEY STAKEHOLDERS

City of San Diego, Caltrans, University City Planning Group.

Boekamp/Haas

Aud. Cert. 2700280.

Staff: Kris Shackelford (619) 533-3781

Jeremy A. Jung - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Reallocate Authorized Expenditures for the Agreement with Richard Brady and Associates.

(See Executive Summary Sheet dated 10/4/2006. Citywide.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-288)

Authorizing the City Auditor and Comptroller to increase the expenditure from \$400,000 to an amount not to exceed \$700,000 from Water Fund 41500 and decrease the expenditure from \$1,600,000 to an amount not to exceed \$1,300,000 from Sewer Fund 41506 for the purpose of planning and designing services for water and sewer projects, provided the City Auditor and Comptroller first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is not subject to California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(3) and 150378(b)(4).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/11/2006, NR&C voted 4-0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.

SUPPORTING INFORMATION:

On August 5, 2002, the City of San Diego and Richard Brady and Associates entered into an agreement (Document No. 296923) to provide "As-Needed" Professional Services for the planning and design of sewer and water projects for a two (2) year period. On June 21, 2004, the City of San Diego amended the original agreement (1st amendment, Document No. C-12721) for an additional three (3) years. The current agreement has been successfully utilized to provide planning and design services for water and sewer projects.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: (Continued)

SUPPORTING INFORMATION: (Continued)

This request will decrease the Sewer Fund Expenditures limit from \$1,600,000 to \$1,300,000 and increase the Water Fund Expenditures limit from \$400,000 to \$700,000. This action will require no additional funding so there will be no increase in the total compensation to the Consultant or in the fee schedule as approved by the City Council on Resolution R-296923.

FISCAL CONSIDERATIONS:

The action will result in a reallocate increase of \$300,000 to the Water Fund 41500 and a net reallocated decrease of \$300,000 to the Sewer Fund 41506. This will result in a net change of zero.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

Council approved this project on R-296923 on August 5, 2002. The Committee on Natural Resources and Culture considered Reallocate Authorized Expenditures for the Agreement with Richard Brady and Associates on October 11, 2006, and voted to approve it 4-0 following consent motion by Councilmember Atkins, seconded by Councilmember Faulconer.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The key stakeholder is Richard Brady and Associates, the consultant who will receive compensation for tasks assigned from this agreement. There are no projected financial impacts as no new fees or regulations are proposed as part of this action.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-5100
Christina L. Bellows - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: Settlement Agreement between the City of San Diego and Friends of Fox Canyon Park.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-526)

A Resolution approved by the City Council in Closed Session on Tuesday, October, 10, 2006, by the following vote: Council President Peters-nay; Faulconer-yea; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-absent; Frye-yea; Madaffer-yea; Hueso-yea.

Adopting the October 10, 2006 Settlement Agreement, which requires (1) that the City Council docket rescission of Resolution No. R-301321, the Mitigated Negative Declaration for Project No. 70422, and Site Development Permit No. 267281, (2) that Petitioner dismiss the lawsuit in its entirety if the City Council takes action to rescind, and (3) that City pay \$5,000 to Petitioner in exchange for Petitioner's agreement to waive all claims to attorneys' fees and costs.

SUPPORTING INFORMATION:

The subject site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Ontario Avenue on the east and west. The site is zoned RM 2-5 and is designated in the Mid-City Communities Plan for multi-family residential development. The site is not designated as open space. The site consists of a small undeveloped canyon, a north facing slope, and a relatively flat disturbed area. The site is surrounded by residential development. With the exception of a few scattered patches of exotic plant species, this area is devoid of vegetation.

Hearing Officer Decision

On October 12, 2005, the Hearing Officer approved a Site Development Permit to develop a 1.9 acre passive park plus the Ontario Avenue connection for a total of 2.7 acres.

Planning Commission Appeal Decision

On December 1, 2005, the Planning Commission heard an appeal of the Hearing Officer's decision to approve the Fox Canyon Park project. At that hearing the Planning Commission upheld the Hearing Officer's decision to approve the project and denied the appeal.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: (Continued)

SUPPORTING INFORMATION: (Continued)

City Council Appeal of Environmental Determination Decision

On March 21, 2006, the City Council heard an appeal of the determination to certify the Mitigated Negative Declaration related to Project No. 70422, SCH NO. 2005081130. At that hearing the City Council upheld the certification of the environmental determination and denied the appeal.

Lawsuit by Friends of Fox Canyon

On April 19, 2006, a lawsuit was filed by Friends of Fox Canyon Park (Superior Court Case Number GIC86423) challenging the approval of Project No. 70422, SCH NO. 2005081130, and the certification of the Mitigated Negative Declaration related thereto.

On October 10, 2006, the Parties entered into a settlement agreement which requires Petitioner to dismiss the lawsuit if the City Council takes action to rescind Resolution No. R-301321, the Mitigated Negative Declaration for Project No. 70422, and the Site Development Permit No. 267281.

FISCAL CONSIDERATIONS:

\$5,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- 12/01/03 - Council approved \$30K Community Development Block Grant for Pre-Acquisition services (Resolution R-298643)
- 12/07/03 - Council approved application to the State for \$2,363,000 through the Urban Park Act of 2001 (Resolution R-298701)
- 06/21/04 - Council authorized \$900,000 from Mid-City Special Park Fees for acquisition and development of Fox Canyon (Resolution R-299371)
- 06/13/05 - Council authorized funding for the purchase of the Fox Canyon Parcel (Resolution R-300516)
- 12/05/05 - Planning Commission approved the Site Development Permit for Fox Canyon Park (PC-05-358)
- 03/21/06 - Council approved the Mitigated Negative Declaration for Fox Canyon Park (Resolution R-301321)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: (Continued)

SUPPORTING INFORMATION: (Continued)

10/10/06 - Council approved Settlement Agreement in closed session on October 10, 2006, by the following vote: Yeas-Districts 2,3,4,6, 7; Nays-District 1, and absent-District 5. The settlement agreement requires the City Council to docket rescission of the Mitigated Negative Declaration and Site Development Permit for open session. If, at open session, the Council takes action to rescind the documents, the Petitioner is required by the settlement agreement to dismiss the lawsuit in its entirety. Additionally, if the lawsuit is dismissed, City will pay Petitioner \$5,000, and Petitioner will waive all claims to attorney's fees and costs.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: —

Dickenson/Gordon

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-111: Amendment to the Grant Amount from the State Victim Compensation & Government Claims Board for Funding the Criminal Restitution Compact Restitution Specialist Position in the City Attorney's Office, Criminal Division.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-281)

Authorizing the City Attorney's Office to accept \$3,668.01 in additional grant funding from the State Agency to fund the Criminal Restitution Compact Restitution Specialist position for the time period of July 1, 2005 through June 30, 2007, under the terms and conditions outlined in the Standard Agreement Number VCGC5073 between the State Agency and the City Attorney's Office;

Authorizing the City Attorney's Office to execute all aspects of the program operation, including any amendments, extensions, or renewals, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program to the Victim Compensation Grant Agreement;

Agreeing to hold the State Agency of the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifying that the City will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

The San Diego City Attorney's Office has been notified by the State Victim Compensation and Government Claims Board (State Agency) that the City Attorney's Office was granted an amendment of \$3,668.01. The Amendment adds \$3,668.01 to the contract, increasing the grant from \$146,720.40 to \$150,388.41, which allows for a Legal Assistant to perform the duties outlined in the Standard Agreement on file in the Office of the City Clerk as Document No. R-300398. This amendment does not change the grant period of July 1, 2005 through June 30, 2007.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-111: (Continued)

SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

See Executive Summary.

Silva

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: Modernism Historic Context Study.

(Uptown, Peninsula, La Jolla, Clairemont Mesa, College, Linda Vista, Pacific Beach, Ocean Beach, Mission Beach, Eastern Area, Mission Valley, Midway, Navajo, Tierrasanta, Rancho Bernardo, Kearny Mesa, and Sierra Mesa Community Areas. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-367)

Authorizing the Mayor, or designee, for and on behalf of the City of San Diego, to submit a grant application for \$20,000 of Certified Local Government, Historic Preservation Fund Grant monies to the Office of Historic Preservation, Department of Parks and Recreation, State of California;

Declaring the Mayor, or designee, for and on behalf of the City of San Diego, to conduct all negotiations, execute and submit all documents, including but not limited to applications and agreements, which may be necessary for the completion of the aforementioned grant proposal;

Declaring the Mayor, or designee, for and on behalf of the City of San Diego to accept, appropriate, expend and administer the Certified Local Government, Historic Preservation Fund Grant from the Office of Historic Preservation, Department of Parks and Recreation, State of California for the Citywide Modernism Historic Context Study, 1935-1965, in the amount of \$20,000, in accordance with the terms and conditions set forth in the approved grant, including contracts, agreements, payment requests, extensions, renewals and amendments thereto;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the purpose of providing funds for the Study;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$20,000 for the purpose of providing the Citywide Modernism Historic Context Study, 1935-1965 from the California State Office of Historic Preservation, Department of Parks and Recreation, Certified Local Government Program, Historic Preservation Fund;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: (Continued)

Declaring the City Auditor and Comptroller shall submit billings to the California Office of Historic Preservation during the project period, the balance to be reimbursed upon completion of a project consistent with the Secretary of the Interior's Standards for Preservation Planning, Identification, Evaluation and Registration, as applicable, and approval from Office of Historical Preservation staff. The project is required to be completed by September 2007;

Declaring that a required match of \$13,333 will be covered by staff and volunteer time;

Declaring this activity is statutorily exempt from CEQA Guidelines Section 15262, as the activity constitutes feasibility and planning studies.

STAFF SUPPORTING INFORMATION:

On May 5, 2006, the City Planning and Community Investment Department submitted a grant request to the California State Office of Historic Preservation (OHP), Certified Local Government (CLG) Program, Department of Parks and Recreation for \$25,000. This CLG grant is allocated through the Historic Preservation Fund and administered by the Office of Historic Preservation on a competitive basis.

On June 5, 2006, OHP informed the City of a \$20,000 CLG grant award to prepare a citywide Historic Context for San Diego Modernism, 1935-1965. The Planning and Community Investment Department will issue a Request for Proposal (RFP) to hire, through a competitive selection process, a qualified team of consultants to perform the advertised scope of work.

The Modernism Historic Context Study will identify architects, designers, landscape architects, developers and clients significant in the development of Modern Architecture in the City of San Diego between 1935 and 1965. This will provide a citywide historical context for evaluating resources associated with the recent past and form the basis for a citywide thematic historic district associated with the Modern Movement in San Diego.

A required match of \$13,333 will be covered by staff and volunteer time. The work has to be completed by September 2007.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-112: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

The City of San Diego will receive a \$20,000 grant to prepare the citywide Modernism Historic Context Study, 1935-1965 from the California State Office of Historic Preservation, Department of Parks and Recreation, Certified Local Government Program, Historic Preservation Fund. Funds will be reimbursed upon completion of a project consistent with the Secretary of the Interior's Standards for Preservation Planning and approval from OHP staff.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

Volunteer assistance from the Modern Committee of Save Our Heritage Organization (SOHO), the Modern Committee of the San Diego Architectural Foundation, and the Historical Resources Board (HRB) is being used as part of the required grant match. All groups are very interested in completing the study which is critical to identify significant historic resources of the recent past. Public outreach to San Diego's design professionals is anticipated during the course of the study, and informational meetings with the general public are also included in the grant proposal.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

In providing a clear, well documented and analytical approach to San Diego Modernism, the Historical Context Study will provide an informed framework to evaluate already identified Modernist properties and to target additional topics and geographic locations for further research. This analytical tool will assist property owners, developers, architects and realtors to more easily and accurately identify significant modernist resources that deserve special attention during project review. This information should reduce conflict and streamline project review.

Anderson/Waring

Staff: Diane Kane - (619) 533-6215
Kimberly Ann Davies - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-113: Grant Application to California Department of Transportation (Caltrans) for Fiscal Year 2006-2007 Bicycle Transportation Account (BTA) Approved Projects.

(Pacific Beach and Mission Bay Park Community Areas. Districts 2 and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-476)

Authorizing the Mayor, or his representative, for and on behalf of the City of San Diego, to make an application to the California Department of Transportation (Caltrans), for \$500,000 in Bicycle Transportation Account (BTA) funds;

Authorizing the Mayor, or his representative, to take all necessary actions to secure the funding from Caltrans for the purpose of improving safety and convenience for bicycle commuters;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant.

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget in CIP-58-147.0, Rose Creek Bikeway, Fund 38373, Rose Creek Bikeway BTA, by \$500,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$500,000 from CIP-58-147.0, Rose Creek Bikeway, Fund 38373, Rose Creek Bikeway BTA, for the purpose of improving connectivity and creating a safe and convenient bicycle route across Rose Creek for bicycle commuters, contingent upon receipt of a fully executed program supplement and upon the City Auditor and Comptroller certifying that funds are on deposit in the City Treasury;

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: (Continued)

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

STAFF SUPPORTING INFORMATION:

Each year, the City of San Diego applies for Bicycle Transportation Account (BTA) funding. In addition to improving safety and convenience for bicycle commuters, the BTA program improves mobility, reduces traffic congestion, improves bicycle/transit connectivity, protects the environment, saves energy, and encourages increased physical activity.

For Fiscal Year 2006-2007, the City of San Diego submitted applications to fund four bicycle improvement projects. The selection process, which was conducted by the Department of Transportation, resulted in allocating funding for the Rose Creek Bike Path and Pedestrian Bridge. This project will construct a 360-foot bicycle/pedestrian bridge across Rose Creek and a 1,300-foot Class I Bikeway from Olney Street to the west side of the proposed bridge and a 150-foot Class I Bikeway extending east from the proposed bridge connecting with an existing Class I Bikeway at North Mission Bay Drive.

The three projects which were submitted but not funded are:

Coastal Rail Trail - \$1,000,000

This project will provide a bicycle and pedestrian route that connects the University City Towne Center and the Sorrento Valley business districts.

Kearny Villa Road Bike Lane - \$270,000

This project will support bicycle commuting by improving roadway surface conditions on the only non-freeway link on the east side of MCAS Miramar.

Rancho Bernardo Bikeway - \$142,500

This project will restripe to add bicycle lanes on West Bernardo Drive from Rancho Bernardo Road to Duenda Road.

FISCAL CONSIDERATIONS:

The design and environmental work on the Rose Creek project is 100% completed. The \$500,000 grant received will be used towards the total construction cost of the project, which leaves a remaining balance of \$3.5 million. Currently, Federal, State, and local grant opportunities are being explored to cover the short fall. The total cost of the project is approximately \$4.0 million. The 10% local match of \$1.0 million was awarded by SANDAG, which was approved in the budget process.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-113: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL COMMITTEE ACTION:

Resolution Number R-296581, dated May 28, 2002: the Rose Creek Bike Path and Pedestrian Bridge Project was added to the City of San Diego Bicycle Master Plan.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS:

N/A

Boekamp/Haas

Staff: Larry Van Wey - (619) 533-3005

Jeremy A. Jung - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-114: Grant Application to Recreational Trails Program for Mission Trails Regional Park Cowles Mountain Trail Rehabilitation.

(Mission Trails Regional Park Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-395)

Authorizing the Mayor, or his representative, to apply to the State of California for a Recreational Trails Program Grant Program for Mission Trails Regional Park Cowles Mountain Trail Rehabilitation Project (Project);

Authorizing the Mayor, or his representative, on behalf the City of San Diego, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds, contingent upon receipt of fully executed Grant Agreement;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant, contingent upon receipt of fully executed Grant Agreement;

Amending the Fiscal Year 2007 CIP Budget by adding \$100,000 to CIP-29-910.2 Mission Trails Regional Park Cowles Mountain Trail Restoration Project, contingent upon receipt of fully executed Grant Agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000 from CIP-29-910.2, Mission Trails Regional Park Cowles Mountain Trail Restoration Project, contingent upon receipt of a fully executed Grant Agreement;

Certifying that it has, or will have available, prior to commencement of any work on the project included in this application, sufficient funds to operate and maintain the project;

Certifying that the Grantee has reviewed, understands, and agrees to the general provisions contained in the contract shown in the procedural guide;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-114: (Continued)

Agreeing to comply with all applicable federal, state, and local laws, ordinances, rules, regulations and guidelines;

Declaring this activity is exempt from CEQA Guidelines pursuant to CEQA Section 15301.

STAFF SUPPORTING INFORMATION:

The Recreational Trails Program (RTP) provides funds to the states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) defines the program at the federal level. The State of California Department of Parks and Recreation administers the competitive grant program which is available to cities, counties, districts, state agencies, and nonprofit organizations with management responsibilities over public lands. This program requires a match of at least 12% which the City will meet with an in-kind contribution of City staff time and volunteer time dedicated to the project.

If the grant is awarded, this project will rehabilitate the Cowles Mountain Trail, the most heavily used trail in Mission Trails Regional Park (MTRP). The trail and adjoining open space areas were severely impacted by the 2004-2005 record-setting rainy season with unprecedented erosion. With an estimated 4,000 visitors per week, this damaged trail currently presents a serious safety concern as well as entailing a loss of valuable natural resources.

The Cowles Mountain Trail Rehabilitation project will begin above the trailhead at Navajo Road and Golfcrest Drive and proceed upward for one mile. (The top half-mile of the trail will be rehabilitated before this grant is awarded.) This project is exempt from CEQA pursuant to Section 15301, Existing Facilities. This project will be a collaboration of City of San Diego staff, California Conservation Corps (CCC) and volunteers.

FISCAL CONSIDERATIONS:

The total project cost is \$125,000, including \$25,000 in City staff time (from the Park and Recreation Department Open Space Division operating budget) and volunteer time. The non-personal expenditures for the project will be \$100,000, including work performed by the California Conservation Corps and trail materials.

After this project is completed, rangers and volunteers will continue to monitor and maintain the trail. The trail will be in much better condition and require significantly less remedial work in future years.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-114: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This Mission Trail Regional Park Citizen's Advisory Committee supports this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The community will benefit from the rehabilitated trail.

Medina/Martinez

Staff: Heidi Lang - (619) 525-8218

Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-115: Grant Application to State of California Parks and Recreation Department for Florida Canyon Riparian Restoration Project.

(Balboa Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-450)

Authorizing the Mayor, or his representative, to apply to the Habitat Conservation Fund (HCF) Grant Program administered by the State of California Parks and Recreation Department for grant funds of \$73,000 for the Florida Canyon Riparian Restoration Project (Project);

Authorizing the Mayor, or his designee, on behalf of the City of San Diego, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, which may be necessary to secure funding and to carry out all obligations, responsibilities and duties of Project;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if the Grant is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the Grant;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$113,000 from CIP-29-910.3, Florida Canyon Riparian Restoration Project, contingent upon receipt of a fully executed Grant Agreement;

Certifying that the City Council understands the assurances and certification in the Habitat Conservation Fund grant application form; will have sufficient funds to operate and maintain the project; and will have available prior to commencement of any work on the project the required match;

Declaring this activity is exempt from CEQA pursuant to State Guidelines Section 15333, Small Habitat Restoration Projects.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-115: (Continued)

STAFF SUPPORTING INFORMATION:

This action requests Council authorization to apply for grant funds to implement an invasive plant removal project in Balboa Park's Florida Canyon Native Plant Preserve.

The State of California Wildlife Protection Act of 1990, provides funds for grants to local agencies to acquire and/or develop facilities for public recreational and fish and wildlife habitat protection purposes. Staff proposes an application requesting \$73,000 to be matched by \$40,000 City funds and \$33,000 in kind City staff time, for a total project cost of \$146,000. The project will entail contractual work to remove non-native, invasive plants such as arrundo donnax, braxillian peppers, etc, from the native plant preserve adjacent to Florida Street in the Florida Canyon section of Balboa Park. Once the non-native plants are removed, native plants in the area will be allowed to reclaim the space and flourish.

The project area will be limited to the west side of Florida Street between Zoo Place and Morley Field Drive, and will be exempt from CEQA. Balboa Park Ranger staff will oversee removal work by contractual crews.

FISCAL CONSIDERATIONS:

This action approves a total project cost of \$146,000, including \$33,000 in City staff time from the Developed Regional Parks Division Ranger staff and volunteer time. When the project is completed, the native plants in Florida Canyon will require less maintenance time.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Balboa Park East Mesa Precise Plan

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Diego Park and Recreation Board, Balboa Park Committee supports this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Park and Recreation Board, Balboa Park Committee is a key stakeholder. All trail users and park visitors will benefit from completion of this project.

Medina/Martinez

Staff: Carol Wood - (619) 525-8217

Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-116: Water Easement Vacation in a Portion of Costa Del Sol Unit Nos. 1 and 2, Map Nos. 14323 and 14958.

(Pacific Highlands Ranch Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-477)

Vacating the water easement located within Lot 85 of Costa Del Sol Unit 1, Map 14323 and Lots 11, 12, 13, 14, 15, 17, 18, 19, F and H of Costa Del Sol Unit 2 Map No. 14958, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20482-B, marked as Exhibit "B", to unencumber this property and facilitate development of Costa Del Sol Unit 2, Map No. 14958, which required abandonment of the Easement and relocation of the water line in Carmel Valley Road, under the California Streets and Highways Code Section 8333(c) and San Diego Municipal Code Section 125.101(c)(3);

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

Declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

This easement vacation is located in the Pacific Highlands Ranch Community Plan area in Council District 1. This vacation is located northeasterly of Carmel Valley Road adjacent to Rancho Santa Fe Farms Road. This project consists of vacating a portion of an existing water easement that was granted at no cost to the City on April 12, 1971 as File No. 70833 and 70835 of Official Records as shown on Engineering Drawing No. 14103-D. This vacation is a condition of the Costa Del Sol Unit 2, Map No. 14958, which required the abandonment of the existing water line after a new water line was relocated in Carmel Valley Road. There are no other public facilities located within the easement; there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-116: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Barratt American

Broughton/Waring

Staff: Gerri Bollenbach - (619) 446-5417

David E. Miller - Deputy City Attorney

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-117: One-Year Extension of the Centre City Project Area Committee (PAC).

(See Centre City Development Corporation Report CCDC-06-17. Districts 2 and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-521)

Extending for one year, from November 2006 to November 2007, the Centre City Project Area Committee;

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-118: Drainage Easement Vacations within Parcel 8 of Parcel Map No. 6478.

(Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-399)

Vacating the drainage easement located within Parcel 8 of Parcel Map 6478, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 33116-B, marked as Exhibit "B" to unencumber this property and facilitate development of the site, pursuant to California Streets and Highways Code Section 8330(a) and the San Diego Municipal Code Section 125.1010(c)(1);

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

STAFF SUPPORTING INFORMATION:

This easement is located in the Kearny Mesa Community Plan area, in a parcel located at the northerly terminus of Chesapeake Court, adjacent to Kearny Villa Road. This project consists of vacating a drainage easement that was granted to the City over five years ago at no cost to the City. This easement was formerly used to drain rainwater from a manmade valley. The valley was filled during construction of SR-52 and therefore the easement is no longer needed. There is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-118: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

FEH Income Properties, a Nevada Corporation

Broughton/Waring

Staff: G. Bollenbach - (619) 446-5417

David E. Miller - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-119: Appointment of Vicki Estrada to Chair the Community Forest Advisory Board.

(See memorandum from Mayor Sanders dated 9/6/2006, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-294)

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

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Vicki Estrada (Mission Hills, Dist. 2) (Replacing Nancy J. Hughes, who resigned)	Chair	December 31, 2007

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-120: Appointment and Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Sanders dated 8/21/2006.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-461)

Council confirmation of the following appointment and reappointments by the Mayor of the City of San Diego, to serve as members of the Board of Library Commissioners, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Susan Atkins (Point Loma, District 2) (Replacing Natalie R. Rencher, whose term expired)	March 1, 2008
Matthew C. Hervey (Point Loma, District 2) (Reappointment)	March 1, 2008
Melvin I. Katz (Resident of the City of Del Mar) (Reappointment)	March 1, 2008
Susan Lew (Resident of Rancho Santa Fe) (Reappointment)	March 1, 2008

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Melvin I. Katz and Susan Lew are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Board, therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-121: Appointment of Stephen M. Laub to the Planning Commission.

(See memorandum from Mayor Sanders dated 11/3/2006.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-460)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Planning Commission, for a term ending as indicated:

NAME

TERM ENDING

Stephen M. Laub
(Resident of La Mesa)
(Replacing Carolyn Chase, whose term expired)

January 28, 2010

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Stephen M. Laub is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Commission, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-122: Appointments and Reappointments to the Historical Resources Board.

(See memorandum from Mayor Sanders dated 10/17/2006, with resumes attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-527)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Historical Resources Board, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Prescilla Ann Berge (Kensington, District 3) (Replacing Lloyd A. Schwartz, who resigned)	History	March 1, 2007
John Howard Eisenhart (Mission Hills, District 2) (Replacing Homer Delawie, whose term expired)	Architect	March 1, 2008
Robert A. Vacchi (Pt. Loma, District 2) (Replacing Marsha Sewell, whose term expired)	Member	March 1, 2008
Maria Curry (Uptown, District 2) (Reappointment)	Member	March 1, 2008

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-122: (Continued)

P. David Marshall (Resides La Mesa) (Reappointment)	Member	March 1, 2008
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Louis Otto Emme (Pacific Beach, District 2) (Reappointment)	Member	March 1, 2008
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Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that P. David Marshall is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Commission, therefore, conscious exceptions to Council Policy 000-13 is hereby declared.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-123: Cathy Anderson Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-437)

Congratulating and offering appreciation to Cathy Anderson;

Proclaiming October 17, 2006 to be "Cathy Anderson Day" in the City of San Diego.

* ITEM-124: Francis Parker Upper School Campus Day.

**COUNCIL PRESIDENT PETERS', COUNCILMEMBER FAULCONER'S, AND
COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-436)

Proclaiming October 15, 2006, to be "Francis Parker Upper School Campus Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-125: Local Initiatives Support Corporation (LISC) Day.

**COUNCILMEMBER ATKINS' AND COUNCILMEMBER HUESO'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-467)

Saluting the work of SAN DIEGO LISC for outstanding service, leadership, and commitment to area residents and neighborhoods in honor of its 15th anniversary and its tremendous accomplishments;

Proclaiming November 1, 2006, to be "Local Initiatives Support Corporation Day" in the City of San Diego.

* ITEM-126: Susan Atkins Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-429)

Recognizing Susan Atkins and commending her for her contributions to the community;

Proclaiming November 19, 2006 to be "Susan Atkins Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-127: 100th San Diego STRIVE Class Graduation.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-463)

Recognizing the importance of the work that Second Chance and the STRIVE program provides to the residents of San Diego and supporting and encouraging their efforts to continue the wonderful work they do in San Diego;

Recognizing and congratulating the San Diego STRIVE's 100th graduating class and proclaiming October 21, 2006 to be "San Diego STRIVE's 100th Graduating Class Day" in the City of San Diego.

* ITEM-128: 1st Anniversary of the HILLCREST CLEAN T.E.A.M. Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-471)

Recognizing the accomplishments of the HILLCREST CLEAN T.E.A.M., its volunteers, and coordinator Cathy Lee; and commending the organization for its efforts to clean and beautify the community of Hillcrest in the City of San Diego;

Proclaiming November 5, 2006 to be "HILLCREST CLEAN T.E.A.M. Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-129: Brian Stokes Mitchell Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-470)

Commending Brian Stokes Mitchell for his artistic accomplishments and thanking him for his generosity, service, and dedication to the San Diego Junior Theater;

Proclaiming November 18, 2006 to be "Brian Stokes Mitchell Day" in the City of San Diego.

* ITEM-130: Mabuhay Alliance Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-456)

Proclaiming October 28, 2006, to be "Mabuhay Alliance Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-131: Cindy Hedgecock Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-393)

Commending Cindy Hedgecock for all her work in serving the people of San Diego that live with Parkinson's disease;

Proclaiming November 14, 2006 to be "Cindy Hedgecock Day" in the City of San Diego.

* ITEM-132: Chinese Community Church Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-408)

Recognizing and saluting the Chinese Community Church for being a value to the community;

Proclaiming the 15th of October, 2006, to be "Chinese Community Church Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-133: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-46)

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

- * ITEM-134: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-75)

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: Two actions related to the Torrey Highlands FY 2007 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See Report to the City Council No. 06-133 Rev. Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007. Torrey Highlands Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-318)

Approving the document titled, "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2007".

Subitem-B: (R-2007-319)

Resolution of Intention to designate an area of benefit in Torrey Highlands and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On September 27, 2006, LU&H voted 4-0 to approve the Staff's recommendation. (Councilmembers Faulconer, Atkins, Madaffer, and Hueso voted yea.)

SUPPORTING INFORMATION:

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Torrey Highlands. Torrey Highlands is an area in the later stages of development where significant infrastructure construction has occurred. This plan revises and updates the Fiscal Year 2004 Plan (R-299346 dated June 15, 2004). The objective of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when needed. The FBA will be collected at the time of building permit issuance and deposited into a special interest earning fund for Torrey Highlands.

The Public Facilities Financing Plan includes a proposed change to the Torrey Highlands Transportation Phasing Plan (TPP), which limits development in the planning area until certain improvements are assured.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)

A traffic study was conducted and shows that in the near future most transportation facilities in the North City Future Urbanizing Area would operate at an acceptable level of service. The proposed update to the Torrey Highlands TPP would reduce the impact of regional transportation facilities on the private development project schedules.

The proposed Public Facilities Financing Plan and Facilities Benefit Assessment identify significant cost increases to the remaining projects to be funded by the FBA. In addition to these cost increases, the planned non-residential acreage has decreased in Torrey Highlands. The cost increases along with the reduction in non-residential acreage necessitate a revision in the rate of the assessment resulting in an increase of 32%.

Should the City Council not approve the proposed Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2007, then the existing fees would remain in place and new development would not be contributing its proportional share for new facilities identified in the Torrey Highlands (Subarea IV) Plan. Alternative funding sources would have to be identified to fund the share of the identified facilities attributable to new development.

The proposed assessments for Fiscal Year 2007 are as follows:

<u>LAND USE</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT per UNIT/ACRE in FY 2007</u>
SINGLE-FAMILY UNIT	\$64,995	\$85,793
MULTI-FAMILY UNIT	\$45,498	\$60,057
LOCAL MIXED USE ACRE	\$524,508	\$692,350
COMMERCIAL ACRE	\$391,919	\$517,332
LIMITED COMMERCIAL ACRE	\$116,341	\$153,569
EMPLOYMENT CENTER ACRE	\$349,587	\$461,454
INSTITUTIONAL ACRE	\$97,492	\$128,690

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in the Torrey Highlands (Subarea IV) Plan.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 27, 2006, the Land Use & Housing Committee voted 4-0 to support the update of the draft FY 2007 Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, with errata. The draft Plan, dated October 10, 2006, incorporates project changes which further define assurances required by the Transportation Phasing Plan and provides additional financing for desired community facilities.

The Plan was docketed to be heard by Council on October 10, 2006, but was returned to the Mayor to be revised and re-docketed on October 24, 2006. The item is required to be re-noticed due to a change in the required assessments.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 12, 2006, the Carmel Valley Community Planning Board considered the Torrey Highlands Public Facilities Financing Plan for Fiscal Year 2007 and the proposed Transportation Phasing Plan. The Board supported the project with a vote of 10-0, with one recused.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Torrey Highlands Facilities Benefit Assessment Listing, starting on page 145 of the Plan and will have received notice and a copy of the Plan in the mail. These property owners will have liens placed on their property and will be required to pay Facility Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment, which increases the intensity of existing uses, may be subject to an impact fee per Attachment 2.

Waring/Anderson/FVJ

Staff: Frank January – (619) 533-3699

David E. Miller - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: Grant Application to State of California Department of Water Resources for the Greater Golden Hill Community Development Corporation Urban Stream Restoration.

(See Report to the City Council No. 06-163. Golden Hill Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-394)

Authorizing the Mayor, or his designee, to co-sponsor an application to the State of California Department of Water Resources for an Urban Streams Restoration grant for watershed stabilization, flood damage reduction and habitat restoration in 32nd Street Canyon (Project);

Declaring the City will act as co-applicant with the Greater Golden Hill Community Development Corporation (GGHCDC) in partnership with the 32nd Street Canyon Task Force;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funding from the State of California Department of Water Resources Urban Streams Restoration Program, including signing grant contracts;

Authorizing the Mayor, or his designee, on behalf of the City, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, which may be necessary to secure funding and to carry out all obligations, responsibilities and duties of the aforementioned project;

Authorizing the Mayor, or his designee, to execute an agreement with the GGHCDC, for GGHCDC to design and construct the Project and implementation of the grant requirements;

Declaring this activity is exempt from CEQA Guidelines pursuant to CEQA Section 15060(c)(3).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION:

The 32nd Street Canyon is located in the Greater Golden Hill Community, see map. The project area covers in the southern most 150 feet (approximately 60 feet wide) of 32nd Street Canyon before the stream reaches an existing culvert which conveys water beneath C Street. The 32nd Street Canyon Creek is a stream that is tributary to Chollas Creek and is designated as open space. Over the past two years, the 32nd Street Canyon Task Force members have worked closely with the Park and Recreation Department to remove non-native invasive species from the canyon, and plant appropriate native vegetation there. The 32nd Street Canyon Task Force in concert with the Greater Golden Hill Community Development Corporation applied for and received a state grant to restore the 32nd Street Canyon.

The GGHCDC objective is to restore the creek to its original natural contours to reduce, minimize or potentially stop canyon flooding, thereby protecting sewer and storm drain infrastructure from erosion, and other storm-related impacts. GGHCDC's proposal also intends to revegetate the creek with deep rooted native plants species to stop bank failure and keep the high retaining wall that supports the adjacent elementary school campus from being undercut and damaged by erosion. It is hoped this will enhance the environmental values, increase infiltration, decrease sediment, filter and absorb pollutants, recover native habitat and species diversity and slow the flow, improve water quality and provide a safe and inviting entrance into the canyon for exploration, education and recreation. GGHCDC will perform and complete a 5-year monitoring plan.

By approving this agreement with GGHCDC and giving the permission to proceed with the canyon restoration, there is a risk of not completing this project. That risk could be caused by various reasons such as insufficient funding, contractor issues, resource agencies issues, and other unforeseen issues. In an effort not to create further burden on the GGHCDC, staff did not require a performance bond. However, if the GGHCDC defaults, the City may/will need to ensure its completion to the satisfaction of the State.

The community has collaborated and joined forces to apply for and fund this project. The state has recognized this effort and would like to support it. It is hoped the project will succeed and provide a wonderful asset to the City.

FISCAL CONSIDERATIONS:

Funds in the amount of \$236,768 are available to provide for project planning and implementation. According to the GGHCDC, the \$236,768 funds are from the following sources: \$158,219 from Department of Water Resources Grant funds, \$35,000 from San Diego Foundation, \$20,000 from 5 Star and \$23,000 from other various donation sources. In signing the contract, GGDC accepts the responsibilities of completing the terms of the project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Long Term Maintenance:

The grant does commit the City to five year long term maintenance and monitoring. However, in the contract between the City and GGHCDC, the City transfers this responsibility to GGHCDC. In signing the contract, GGDC accepts the responsibilities of five year maintenance and monitoring.

City Staff:

The 32nd Street Canyon Task Force will hire professional consultants to accomplish project work with assistance from the Friends of 32nd Street Canyon volunteer group. It is the intention of the GGHCDC to reimburse the City for its costs with grant monies to assist as outlined on the work plan, Exhibit C. The scope of City services is primarily for assisting the applicant through: a) the environmental process of the Development Services Department, b) grading improvement review as City Engineer, c) permit process with the applicant, d) survey staking, and e) construction quality assurance. The agreement stipulates that any additional funds needed to complete the project or cover city expenses would be raised by the 32nd Street Canyon Task Force through its fiscal partner the GGHCDC. In signing the contract, GGDC accepts this responsibility.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council previously endorsed the grant application.

KEY STAKEHOLDERS:

The San Diego Unified School District, the Greater Golden Hill Community Development Corporation, the City of San Diego Park and Recreation Department, the City of San Diego Development Services Department, Friends of 32nd Street Canyon, Pacific Coast Land Consulting, Dudek & Associates, Claude Boehm, Recon, Howard Chang, Tershia d'Elgin.

Penera/Martinez

Staff: April Penera - (619) 525-8265
Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: Mid-City Crime Reduction Initiative Wireless Video Surveillance System.

(See Redevelopment Agency Report No. RA-06-48/RTC-06-157. Mid-City/City Heights Community Area. Districts 3 and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-454)

Declaring the Council make the necessary findings that the contribution of up to \$70,000 from the City Heights Redevelopment Project Area to the San Diego Police Department for the Mid-City Crime Reduction Initiative Wireless Video Surveillance System is necessary and of benefit to the City Heights Redevelopment Project Area;

Accepting the funds of up to \$70,000 for the Mid-City Crime Reduction Initiative Wireless Video Surveillance System;

Declaring the Council enters into a Cooperation Agreement for the Mid-City Crime Reduction Initiative Wireless Video Surveillance System;

Declaring this activity is not a project and therefore exempt from CEQA pursuant to State CEQA Guidelines 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The goal of the Mid-City Crime Reduction Initiative Wireless Video Surveillance System is to reduce the level of crime within the Mid-City Community. The Mid-City Division of the San Diego Police Department (SDPD) is seeking funding to purchase and install 31 cameras in the Mid-City Communities. Price Charities has agreed to purchase two cameras for the City Heights Community Recreation Center and all the base computer equipment for the entire future project. This funding will initialize the system and allow for integration into the SDPD operations. SDPD requested \$70,000 in City Heights Redevelopment Project Area tax increment, to fund the purchase and installation of five cameras to be installed on University Avenue and El Cajon Boulevard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

This action proposes to expend \$70,000 in budgeted FY 2007 City Heights Redevelopment Project Area tax increment funds for the Mid-City Crime Reduction Initiative Wireless Video Surveillance System. There is no impact to the City's General Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City Heights Redevelopment Project Area Committee recommended approval of the expenditure of up to \$70,000 of FY 2007 City Heights Redevelopment Project Area tax increment funds at their May 8, 2006 meeting.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Police Department.

Ostrye/Anderson

Staff: Bob Kennedy - (619) 533-4276

Linda L. Peter - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of November 14, 2006, for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: Grant Application to State of California Department of Transportation (DOT) under Environmental Justice Context-Sensitive Planning Program for the Funding of an Awarded Project.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-413)

Authorizing the Mayor, or his designee, to submit an application to the State of California Department of Transportation (DOT) for a grant under the Community-Based Transportation Planning and Grant Program for the San Ysidro Transportation Circulation Study (Study);

Authorizing the Mayor, or his designee, to take all necessary actions to secure funds from the DOT for the Study;

Authorizing the Mayor, or his designee, to execute all documents, including contracts, subcontracts, agreements, extensions, renewals, and/or amendments required by the DOT, which may be necessary to carry out and administer obligations, responsibilities and duties under this Grant, contingent upon receipt of a fully executed agreement and the City Auditor and Comptroller certifying that the required funds are available;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing fund for the Grant;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend an amount not to exceed \$225,000, from DOT funds under the Environmental Justice Grant for the purpose of preparing studies and related expenses, upon receipt of fully executed grant agreements and the City Auditor and Comptroller certifying that the required funds are available;

Declaring this activity is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262, as the activity constitutes feasibility and planning studies.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION:

The City Planning and Community Investment Department sought and was awarded FY 2006 funding from a Transportation Planning Grant Program administered by the State of California. With the award, planning studies will be undertaken by City staff to improve mobility for the citizens of San Ysidro. City Council action is required to approve the application for funding, and to accept and expend the grant funds.

Staff prepared a grant application for financial assistance under the Federal Highway Administration and California Department of Transportation Environmental Justice program. Due to the short notice and deadline for application, on October 15, 2004, the grant was submitted to Caltrans per Administrative Regulation 1.80 which allows grant applications with deadlines to be submitted in advance of the authorization process. The Planning Department was notified on May 31, 2005, that the project was awarded \$225,000 in funding. Council action is requested to authorize prior submittal of the application and direct the Mayor and City Auditor and Comptroller to take appropriate actions to administer the grant and expend the funds. The awarded project would build on work studies conducted during Phase I of the San Ysidro Mobility Plan to develop a transportation circulation study to analyze its long-term effect on long-term economic growth, mobility and parking throughout the community of San Ysidro. The project would be managed by the City of San Diego Planning Department, in cooperation with the San Ysidro Transportation Collaborative, with guidance and expertise from transportation consultants. This study would be an effective tool in the revitalization of San Ysidro; would help implement the City of Villages smart growth strategies for the provision of future infrastructure, housing needs, and economic prosperity; would provide valuable information for the Mi Pueblo Pilot Village; and would provide valuable information for the Government Services Administration's reconfiguration of the San Ysidro Port of Entry.

FISCAL CONSIDERATIONS:

Ten percent in matching funds are required for the project. As such, \$22,500 would be allocated through in-kind services (\$11,250) and redevelopment funds (\$11,250) for the San Ysidro Transportation Study.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

As part of the grant process, City staff will embark on extensive community outreach efforts to implement the project.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

As part of the grant process, City staff will identify and work with key stakeholders throughout the process.

Anderson/Waring

Staff: Kevin Sullivan - (619) 236-7173

Kimberly Ann Davies - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of November 14, 2006 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

NOTE: This item may be taken in the morning session if time permits.

ITEM-334: Preliminary Items for Multifamily Revenue Bonds for 16th and Market Apartments.

(See San Diego Housing Commission Report No. HAR06-021. Centre City Community Area. District 2.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-375 Cor. Copy 1)

Declaring the City Council as the applicable elected representative with respect to the Authority under Section 147(f) of the Code, approves the issuance of the Bonds by the Housing Authority of the City of San Diego, for the purpose of financing the acquisition and construction of approximately 136 units of multifamily rental housing to be located on a 0.54 acre site at the Northwest corner of 16th and Market Streets (640 16th Street) in the City of San Diego, to be known as the 16th and Market Apartments (Project);

Declaring the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No monies of the City will be pledged or applied to the repayment of the Bonds.

NOTE: See the Housing Authority Agenda of November 14, 2006 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-335: Qualcomm Building "N" Helistop.

Matter of approving, conditionally approving, modifying or denying an application for Conditional Use Permit for an elevated Helistop on the roof of a 475,218 square foot, ten-story research & development building, approximately 190 feet in height on a 30.12-acre site located at 5665 Morehouse Drive between Lusk Boulevard, Mira Mesa Boulevard, Scranton Road and Barnes Canyon Road.

(Project Number 73455/Conditional Use Permit No. 224802. Mira Mesa Community Plan Area. District 5.)

(Continued from the meeting of September 26, 2006, Item 335, and October 10, 2006, Item 335, at the request of Councilmember Maienschein, for further review.)

NOTE: Hearing open. No public testimony taken on October 10, 2006.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-246)

Adoption of a Resolution adopting the findings with respect to Conditional Use Permit No. 224802;

That Conditional Use Permit No. 224802 is granted to Qualcomm, Incorporated, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on May 25, 2006, voted 6-0-0 to approve; no opposition.

Yeas: Schultz, Garcia, Chase, Griswold, Ontai, Otsuji.

Not present: Steele.

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

STAFF SUPPORTING INFORMATION:

The Qualcomm Building “N” Helistop project proposes to construct a helicopter landing area on the roof of a ten-story, 475,218 square-foot research and development building at 5665 Morehouse Drive, at the intersection of Morehouse Drive and Lusk Boulevard. The ten-story research and development building is currently under construction along with a seven-story parking garage. The San Diego Municipal Code (SDMC) Section 126.0303(c) requires a Conditional Use Permit to be processed for a helicopter landing facility.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS PLANNING COMMISSION ACTION:

On May 25, 2006, the Planning Commission voted 6-0-0 to recommend to the City Council approval of the project with one modification to Condition No. 20 of the draft Conditional Use Permit. In summary, the revision to the condition stipulates that the required noise study which must be submitted prior to the end of the first year of operation, must also include an assessment of the number of evening and nighttime operations; helicopter idling times; and, a measurement of a single peak noise event. The draft permit provided for City Council includes the recommended Planning Commission condition of approval.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 19, 2005, the Mira Mesa Community Planning Group voted 12-1-1 to approve the proposed project with the conditions that the approach and departure patterns avoid the Wateridge and Pacific Ridge residential projects to the north; no fueling be permitted; and, the project receive Federal Aviation Administration (FAA) approval. The permit has been conditioned for flight paths to avoid nearby residential areas and no fueling activities will occur at the helistop facility. Also, the Federal Aviation Administration (FAA) has indicated in their letter dated June 29, 2006 that they do not object to the establishment of the landing facility, provided their conditions are met. The FAA conditions have also been included in the draft permit for City Council consideration.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS:

Qualcomm, Incorporated, Owners

Broughton/Waring/ST

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15311 Accessory Structures.

Staff: Sandra Teasley – (619) 446-5271
Shannon M. Thomas – Deputy City Attorney

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: Torrey Corner.

Matter of approving, conditionally approving, modifying or denying amendments to the Progress Guide and General Plan, and Community Plan to designate an increase of development potential at the property, a Tentative Map to subdivide a 2.485 acre site into three parcels and a Planned Development Permit and Site Development Permit to allow the development of a 18,000 square foot mixed-use retail and office development distributed in three one-story buildings, site landscaping, grading, retaining walls and improvements in the public right-of-way located at the southwest corner of East Ocean Air Drive and Carmel Mountain Road in the Torrey Hills community.

(See Report to the Planning Commission-PC-06-239/Project No. 34992/MND LDR No. 34992/Progress Guide and General Plan and Community Plan Amendments No. 306111/Tentative Map No. 99197/Planned Development Permit No. 99196/Site Development Permit No. 345508. Torrey Hills Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; adopt the resolution in Subitem C to grant the map; and adopt the resolution in Subitem D to grant the permits:

Subitem-A: (R-2007-334 Cor. Copy)

Adoption of a Resolution certifying that information contained in Mitigated Negative Declaration No. 34992, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of community plan amendment/tentative map/planned development permit/site development permit for Torrey Corner project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

Subitem-A: (Continued)

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

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

Subitem-B: (R-2007-335 Cor. Copy)

Adoption of a Resolution of the City of San Diego, that the Council adopts the amendments to the Torrey Hills Community Plan;

That the Council adopts and amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amendment plan.

Subitem-C: (R-2007-336 Cor. Copy)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Tentative Map No. 99197;

That Tentative Map No. 99197 is granted to Sorrento Hills 2, LLC, Applicant/Subdivider and Stuart Peace, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-D: (R-2007-337 Cor. Copy)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Planned Development Permit No. 99196/Site Development Permit No. 345508;

That Planning Development Permit No. 99196/Site Development Permit No. 345508 is granted to Sorrento Hills 2, LLC, Owner/Permittee, under the terms and conditions set forth in the permit.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on August 31, 2006, voted 6-1-0 to recommend approval; no opposition.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund
Nay: Chase

The Torrey Hills Community Planning Board voted unanimously, on July 18, 2006, to recommend approval of the proposed project.

STAFF SUPPORTING INFORMATION:

The 2.485-acre site is designated as Commercial and Open Space in the Torrey Hills Community Plan (Plan). The proposed Plan amendment would reconfigure the Commercial and Open Space land use boundaries on the subject site and increase ADTs (Average Daily Trips) to allow for additional building intensity. To accommodate the proposed project the split land use designation of the subject site requires an amendment to the community plan to shift the boundary between the Commercial and Open Space designations so the 2.485-acres could be designated as Commercial. This would result in a decrease of 0.7-acres in designated Open Space. The proposed Plan amendment would also change the ADT and Buildable Intensity in the *Land Use by Traffic Analysis Zone* table for Traffic Analysis Zones 732 and 733 by increasing the Buildable Intensity within Zone 732. This would allow an increase from 10,000 square feet to 18,000 square feet of commercial space planned for the site. The amendment will also remove the specific recommendation for a gas station and car wash at this site from the Plan.

There are relatively few Commercially designated sites within Torrey Hills and within the portion of the Carmel Valley Community south of SR-56. There are 4,577 dwelling units planned for Torrey Hills and Carmel Valley neighborhoods south of SR-56 and only 17-acres of neighborhood commercial use are planned to serve this network of communities. There are limited opportunities to increase Commercially designated land to provide additional commercial services to the community. The transfer of unused ADTs and increase in building intensity on the subject site will ensure the additional commercial space is accommodated within the traffic framework established by the Plan. Transferring excess ADTs from the adjacent TAZ requires a plan amendment, however it does not increase overall ADTs within the community.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

In addition to the plan amendment, the Torrey Corner project proposes a Tentative Map to subdivide a 2.485 acre site into three parcels and a Planned Development Permit and Site Development Permit to allow the development of an 18,000 square foot mixed-use retail and office development distributed in three one story buildings, site landscaping, and grading and improvements in the public right-of-way located at the southwest corner of East Ocean Air Drive and Carmel Mountain Road in the Torrey Hills community.

The three one-story buildings are further described as: Building A; a one-story 4,387 square foot commercial financial building with a drive through window; Building B; a one-story 6,055 square foot retail building; and Building C; a one-story 7,558 square foot retail and office building. Building C may have a sit down restaurant without a drive through window. The site development would provide 114 parking spaces. The site would be accessed from Carmel Mountain Road and from East Ocean Air Drive with right in and right out turning movements only. No left turns into or leaving the site would be allowed. Three project monument signs would be included for advertising the commercial center. The hours of operation, not to begin before 6 a.m. and ceasing no later than midnight, are limited in accordance with the requirements of the CN-1-2 zone.

Two deviations are proposed with the project. First, the project proposes to encroach 0.08 acres, or 3,485 square feet, into an area of the site designated as steep hillside as defined by the Land Development Code and second, the height of the retaining wall behind the commercial building on parcel one varies from six and zero feet at either end to 27 feet above grade at the highest point. At its highest point this wall would exceed the maximum height allowed by 17.3 feet where nine feet is the maximum allowed by the regulations. The retaining wall which is the subject of the deviation would, for the majority of its length, be behind the proposed building on parcel one and would be entirely invisible to all observers. Where the retaining wall is not behind the building and would be visible it would vary in height from thirteen to fifteen feet. In this area of the site a significant amount of landscaping is proposed; including trees, shrubs and vines. The vine species selected, *Ficus pumila*, is capable of attaching itself to the wall and completely screening the visible portions of the wall. The effective visible height of the wall, between 13 and 15 feet would be screened by ample landscaping sufficient to obscure the wall. In addition to these features the wall would have a faux stone façade so that any portion not covered in time by the vines would have an attractive appearance.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

None with this action. All costs are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Torrey Hills Community Planning Board voted unanimously, on July 18, 2006, to recommend approval of the proposed project. On August 31, 2006, the Planning Commission voted 6:1:0 to forward staff's recommendation.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Sorrento Hills 2, LLC

Broughton/Waring/JSF

LEGAL DESCRIPTION:

The project site is located at the southwest corner of East Ocean Air Drive and Carmel Mountain Road in the Torrey Hills Community is more particularly described as Parcels 1 and Parcel A of Parcel Map No. 18123 and Parcel C of Parcel Map No. 17893.

Staff: John S. Fisher – (619) 446-5231
Shannon M. Thomas – Deputy City Attorney

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: Fairbrook Estates.

Matter of approving, conditionally approving, modifying, or denying an Extension of Time to Planned Residential Development Permit and Vesting Tentative Map No. 98-1011, and a Rezone of property from the existing RS-1-8 and RS-1-9 zones to RS-1-12 and OP-1-1 zones located south of Fairbrook Road, east of Avenida Magnifica, and north of Caminito Sanudo.

(Addendum to MND No. 98-1011/MMRP/PDP No. 8570/VTM No. 8569/EOT PRD & VTM No. 98-1011/RZ No. 317566/Project No. 5284. Scripps Miramar Ranch Community Plan Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, and C, and introduce the ordinance in Subitem D:

Subitem-A: (R-2007-373)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Planned Development Permit No. 8570/an extension of time to Planned Residential Development Permit No. 98-1011;

That Planned Development Permit No. 8570/an extension of time to Planned Residential Development Permit No. 98-1011, is granted to San Diego Unified School District, Owner/Permittee, with appropriate findings to support Council action.

Subitem-B: (R-2007-372)

Adoption of a Resolution certifying findings supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference, with respect to Vesting Tentative Map No. 8569, an extension of time to Vesting Tentative Map No. 98-1011;

That Vesting Tentative Map No. 8569, an extension of time to Vesting Tentative Map No. 98-1011, is hereby granted to San Diego Unified School District, Applicant/Subdivider, and RBF Consulting, Engineer, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-C: (R-2007-371)

Adoption of a Resolution certifying that Addendum to Mitigated Negative Declaration No. 98-1011, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970(California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, planned development permit/extension of time for planned residential development permit and vesting tentative map/extension of time for vesting tentative map for Fairbrook Estates project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Addendum to Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

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

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

Subitem-D: (O-2007-37)

Introduction of an Ordinance of the Council of the City of San Diego changing the zones of a 12.06-acre site, located on the south side of Fairbrook Road, east of Caminito Magnifica, in the Scripps Miramar Ranch Community Plan Area, in the City of San Diego, California, from the RS-1-8 and RS-1-9 Zones (previously referred to as the R1-40000 and R1-20000 Zones) into the RS-1-12 and OP-1-1 Zones (previously referred to as the R1-8000 and OS-P Zones), as defined by San Diego Municipal Code Sections 131.0403 and 131.0202; and repealing Ordinance No. 10864 (New Series), adopted June 29, 1972 and Ordinance No. 15150 (New Series), adopted on January 7, 1980, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on July 13, 2006, voted 5-0 to recommend approval; no opposition.

Ayes: Garcia, Naslund, Schultz, Chase, Ontai
Recusing: Otsuji
Not present: Griswold

The Scripps Miramar Ranch Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

On October 19, 1999, the City Council approved the San Diego Unified School District's (School District) Planned Residential Development (PRD) Permit No. 98-1011, Vesting Tentative Map (VTM) No. 98-1011, and certified Mitigation Negative Declaration No. 98-1011 to develop a 12.09-acre site with seventeen single family residential lots, two open space lots, and a 3.11-acre park site. The residential development's associated Rezone Ordinance No. O-18703 (New Series) was adopted by City Council on November 1, 1999. The School District has not pursued the approved residential development and the project site currently remains undeveloped. However, prior to expiration of the PRD, VTM, and Rezone, the School District files an application for an Extension of Time (EOT) in accordance with San Diego Municipal Code Section 125.0461.

The development's associated Rezone Ordinance was adopted by City Council on November 1, 1999 and became effective on December 1, 1999. The Ordinance required the School District, within three years from the effective date, to subdivide the property and have final maps, which included the adopted residential and open space zoning designation, submitted to the City. There is not a similar extension for the Rezone Ordinance. Therefore, the Rezone Ordinance expired and anew rezone ordinance will need to accompany the PRD and VTM extension of time.

Please reference Report to the Planning Commission No. PC-06-199, <http://www.sandiego.gov/planning-commission/pcreports/pc06199.pdf>, for project details.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS PLANNING COMMISSION ACTION:

On July 13, 2006, the Planning Commission voted 5-0-1 with Commissioner Griswold not present to recommend to the City Council approval of the project with the condition that the School District not be granted any further extensions with this application. The draft permit prepared has been conditioned to allow a 12 month extension and the Vesting Tentative Map will ultimately expire on December 1, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 7, 2005, the Scripps Ranch Planning Group voted to recommend approval of the proposed extension of time with no conditions.

KEY STAKEHOLDERS:

San Diego Unified School District, Owners

Waring/Broughton/TD

LEGAL DESCRIPTION:

The site is located near the intersection of Fairbrook Road and Caminito Magnifica, within the Scripps Miramar Community Plan area of the City and County of San Diego.

Staff: Tim Daly – (619) 446-5356
Shannon M. Thomas – Deputy City Attorney

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: Pacific Highlands Ranch, Units 23-28.

Matter of approving, conditionally approving, modifying or denying for Pacific Highlands Ranch, Units 23-28, an application for an Easement Vacation, Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and Multiple Habitat Preservation Area Boundary Line Adjustment to subdivide a 299.2 acre site for the creation of 524 lots: 474 single family residential lots; one lot for 96 affordable multi-family dwelling units with a recreation center including pool and recreation buildings; two lots for dedication as MHPA open space; one lot for a water quality basin; 43 lots for ownership by a homeowners association; one lot for a private community recreation center and two lots; one for a school and a second for a public park; landscaping; regional and local public improvements, and a segment of a regional open space trail. The site is located generally north and south of State Route 56 and east of Rancho Santa Fe Farms Road in the Pacific Highlands Ranch Subarea III Plan area. Findings to the Pacific Highlands Ranch Subarea III Plan Master EIR (LDR No. 96-7918) have been prepared for these actions.

(Project No. 5382. Pacific Highlands Ranch Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-396)

Adoption of a Resolution certifying that Master Environmental Impact Report No. 96-7918 (Pacific Highlands Ranch-Subarea III), on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of an easement vacation, vesting tentative map, planned development permit/site development permit/coastal development permit and MHPA Boundary Line Adjustment for the Pacific Highlands Ranch Units 23-28 project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

Subitem-A: (Continued)

That the Council finds that the project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, the said Findings to a Master Environmental Impact Report No. 96-7918, is hereby approved;

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

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

Subitem-B: (R-2007-397)

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 8878 and Easement Vacation No. 9370;

That pursuant to California Government Code Section 66434(g), the following public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 8878, shall be vacated, contingent upon the recordation of the approved final map for the project;

That Vesting Tentative Map No. 8878 and Easement Vacation is granted to Pardee Homes, Applicant and Latitude 33, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-C: (R-2007-398)

Adoption of a Resolution certifying findings with respect to Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879 and MHPA Boundary Line Adjustment No. 373324;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

Subitem-C: (Continued)

That Planned Development Permit No. 8880/Site Development Permit No. 8881/Coastal Development Permit No. 8879 and MHPA Boundary Line Adjustment No. 373324 is granted to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on September 21, 2006, voted 6-0-1 to recommend approval; no opposition.

Ayes: Garcia, Ontai, Schultz, Otsuji, Naslund, Griswold
Recusing: Chase

The Carmel Valley Community Planning Board has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The Pacific Highlands Ranch Units 23-28 project site includes 299.2 acres and is located primarily in the south-central portion of Subarea III. The project site is designated by the Pacific Highlands Ranch Subarea Plan for a variety of land uses including an elementary school, neighborhood park, Low Density Residential, and Peripheral Residential. Elevations on-site range from approximately 320 feet above mean sea level (MSL) on the mesa at the northern end of the site, to approximately 178 feet above MSL in the south western project area. Except for existing access roads, construction easements and off-site developed or developing areas to the west and north, the site and surrounding areas are currently being used for rural agricultural purposes. Trails and disturbed areas are scattered throughout the site.

The proposed project would develop 144.8 acres or 48% of the 299.2 acre site. The project requires the approval of an easement vacation, vesting tentative map, planned development permit, site development permit, coastal development permit and MHPA Boundary Line Adjustment. The project includes six development units, local and regional public improvements, a fifteen acre school and park site, contribution of land to and construction of a portion of a regional trail system, and the preservation of 154.4 acres in the City's Multiple Habitat Preservation Area.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The water easement to be vacated is no longer necessary with the relocation of the water main in Carmel Valley Road. The City's Real Estate Assets Department has determined the City has no financial interest in the easement. Within the developed area of the site the project would provide 474 single family detached dwelling units and 96 multi-family attached affordable dwelling units affordable to persons earning no more than 65 percent of the area median income. The school site in Lot "L" is set aside for the Del Mar Union School District.

The project design is consistent with the Pacific Highlands Ranch Subarea Plan's desired development pattern. The applicant is requesting five deviations from the regulations of the Land Development Code. The proposed deviations are consistent with and support the goals of the Subarea Plan. The proposed development with its deviations, when considered as a whole, would be beneficial to the community.

FISCAL CONSIDERATIONS:

None with this action. All costs are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 21, 2006, the Planning Commission voted unanimously 6:0:1 to recommend to the City Council staff's recommendation. There is no City Council recognized Community Planning Group for Subarea III - Pacific Highlands Ranch. For information purposes, plans for the proposed project were forwarded to the Carmel Valley Community Planning Board as the adjacent community. On April 8, 2003, the Carmel Valley Community Planning Board vote 12:0:1 to recommend approval of the project with concerns. See the Discussion section of the Planning Commission Report No. PC-06-237 for more information.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Pardee Homes

Broughton/Waring/JSF

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

LEGAL DESCRIPTION:

The project site is located in Pacific Highlands Ranch-Subarea III, south of Carmel Valley Road and east of Rancho Santa Fe Farms Road (APN Nos. 306-011-33, 305-021-18, and 305-041-01). The site is not included on any Government Code Listing of hazardous waste sites.

Staff: John S. Fisher – (619) 446-5231
Shannon M. Thomas – Deputy City Attorney

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT