

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 2  
FOR THE REGULAR MEETING OF  
TUESDAY, OCTOBER 30, 2007 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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Due to the State of Emergency caused by the wild fires, the San Diego City Council meeting of October 22, 2007 and October 23, 2007 was adjourned and those docketed items will be taken up on Tuesday, October 30, 2007 beginning at 10am. At this time some items may be rescheduled for a future City Council meeting. Items from the October 22, 2007 and October 23, 2007 agendas will be re-numbered as supplemental items.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-S150: Comprehensive Lead Paint Hazard Prevention.

[?View referenced exhibit back-up material.](#)

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

Take the following actions:

Receive, for the sole purpose of developing associated cost recoverable fees identified in Items 2 & 3 below, the proposed Lead Hazard Prevention and Control Ordinance (Ordinance) amending Abatement of Lead Hazards sections 54.1001 et seq. of the San Diego Municipal Code as recommended by the Land Use and Housing Committee on August 4, 2004;

Request the Mayor to develop for Council consideration a proposal to increase fees for the following permit categories for structures built before January 1, 1979: (a) Building Permit for Residential Room Addition; (b) Building Permit for Residential Remodel; (c) Building Permit for Non-residential Addition/Alterations; (d) Building Permit for Commercial Tenant Improvement; and (e) Demolition/Removal Permit, on a cost-recovery basis, for lead enforcement in connection with sections 54.1005, 54.1006 of the proposed Ordinance;

Request the Mayor to develop for Council consideration a proposal to establish a cost recovery application filing fee for a lead-safe or lead-free certificate for lead education and enforcement in connection with section 54.1010 of the Ordinance;

Request that consideration of cost recoverable fees together with introduction of the proposed Lead Hazard Prevention and Control Ordinance as recommended by the LU&H Committee be docketed for Council consideration within 90 days.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-S200: City Reserve Policy.

[?View referenced exhibit back-up material.](#)

(See Report to the City Council No. 07-163 (not available at Committee); Independent Budget Analyst Report No. 07-90; memorandum from Jay M. Goldstone dated 9/26/2007; and memorandum from Jay M. Goldstone dated 10/12/2007 (not available at Committee).)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2008-55)

Approving the City of San Diego's Reserve Policy and amending Ordinance No. O-19652 entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2007-2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," and authorizing and directing the City Auditor and Comptroller to establish an Appropriated Reserve (Department 602) in the General Fund and transferring and appropriating \$7,000,000 from the General Fund Unallocated Reserve to Department 602 to establish an Appropriated Reserve for Fiscal Year 2008.

**BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:**

On 9/26/2007, Budget voted 5 to 0 to recommend the proposed Reserve Policy to the full City Council with the following changes/additions: 1) that the second sentence on page 5, in the section on Dedicated Reserves, which reads as follows be deleted: "These funds shall automatically carry over to future budget years and not require any further appropriation of funds by the City Council as long as the funds are used for the pre-identified purpose(s)." The Chief Financial Officer is requested to suggest alternative language for the Council's consideration when it takes up the proposed Reserve Policy; and 2) that all recommendations by the Independent Budget Analyst be included in the policy. (Councilmembers Peters, Faulconer, Atkins, Frye, and Madaffer voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-S201: Hold Public Hearing on San Pasqual Groundwater Management Plan (GMP).  
(San Pasqual and Rancho Bernardo Community Areas. District 5.)

[?View referenced exhibit back-up material \(Part 1 of 2\).](#)

[?View referenced exhibit back-up material \(Part 2 of 2\).](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-316)

Declaring that the City Council has received the Draft San Pasqual Groundwater Management Plan (Draft GMP);

Authorizing the Mayor or his designees to notice a public hearing pursuant to Government Code Section 6066 to consider comments on the Draft GMP and to consider the adoption of the San Pasqual Groundwater Management Plan within 35 days of the hearing;

Declaring that the public hearing for the City Council to consider the adoption of the San Pasqual Groundwater Management Plan will be held during the regularly scheduled City Council Meeting of November 13, 2007;

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15262 and this determination is based on CEQA Guidelines section 15004 which provides direction to lead agencies on the appropriate timing for environmental review. This project will require further review under the provisions of CEQA.

Staff: Marsi A. Steirer - (619) 533-4112  
Raymond C. Palmucci - Deputy City Attorney

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-S250: **Notice** of Pending Final Map Approval – The Vista at Rancho Bernardo.

[?View referenced exhibit back-up material.](#)

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “The Vista at Rancho Bernardo” (T.M. No. 8529/PTS No. 93304), located southeasterly of Rancho Bernardo Road and Via del Campo in the Rancho Bernardo Community Plan area in Council District 5, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-S251: SUBMISSION OF BALLOT PROPOSALS

[?View referenced exhibit back-up material.](#)

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk’s Office has established the following administrative guidelines for the February 5, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2007	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/19/2007	139	Rules Committee review
Monday	9/24/2007	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee ( <i>NB: E-127 is 10/1/2007, a legislative recess</i> )
Monday	10/8/2007	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	10/29/2007	99	Council adopts ordinances prepared by City Attorney
Friday	11/9/2007	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	11/26/2007	71	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

SPECIAL ORDERS OF BUSINESS

ITEM-S30: Amy Finley Day.

[?View referenced exhibit back-up material.](#)

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-310)

Proclaiming October 23, 2007, to be "Amy Finley Day" in the City of San Diego.

ITEM-S31: Navajo Canyon Republican Women Federated Day.

[?View referenced exhibit back-up material.](#)

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-213)

Recognizing and saluting the members of Navajo Canyon Republican Women Federated (NCRWF) for their exemplary record of volunteer service and proclaiming October 23, 2007, to be "Navajo Canyon Republican Women Federated Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS  
ORDINANCES TO BE INTRODUCED:

- \* ITEM-S50: Second Amendment to the Agreement with Boyle Engineering Corporation for State Route 56. (Rancho Peñasquitos Community Area. District 1.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-48 Cor. Copy)

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with Boyle Engineering Corporation (Agreement), for the study of additional bike path connection alternatives under the terms and conditions in the Agreement;

Authorizing the expenditure of an amount not to exceed \$17,518 from CIP-58-176.0, Darkwood Canyon Connector Study for SR56 Bike Path, Fund No. 30301, Transnet Bike, and \$47,293 from CIP-58-171.0, SR56 Interchange, Fund No. 30301, Transnet Bike, solely and exclusively, for the purpose of providing funds for State Route 56, providing that the City Auditor and Comptroller first furnishes one or more certificates certifying that the 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 funds, if any, to the appropriate reserves;

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

**NOTE: 6 votes required pursuant to Section 99 of the City Charter.**

Staff: Dave Zoumaras - (619) 533-3138  
Peter Mesich - Deputy City Attorney



ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

- \* ITEM-S100: Inviting Bids for the Construction of Pipeline Rehabilitation Phase F-1 Project.  
(Citywide. Districts 2, 3, and 6.)

[?View referenced exhibit back-up material.](#)

(See Metropolitan Wastewater Department's 7/24/2007 Executive Summary Sheet.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2008-125)

Approving the plans and specifications for the construction of Pipeline Rehabilitation Phase F-1 (the Project), on Work Order No. 140421;

Authorizing the Mayor, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project (the Contract), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under the Contract are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$5,981,429 from Sewer Fund 41506, CIP-46-050.0, Annual Allocation Pipeline Rehabilitation, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates 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 budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (b), as the repair and maintenance of an existing facility. (BID-K084111C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 9/5/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Maienschein, and Frye voted yea. Councilmember Hueso not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S101: Inviting Bids for the 7<sup>th</sup> and Brookes Accelerated Sewer Replacement Project.  
(Uptown Community Area. District 3.)

[?View referenced exhibit back-up material.](#)

(See Metropolitan Wastewater Department's 7/5/2007 Executive Summary Sheet.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2008-126)

Approving the plans and specifications for the 7<sup>th</sup> and Brookes Accelerated Sewer Replacement Project (the Project), on Work Order No. 140131;

Authorizing the Mayor, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project (the Contract) provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under the Contract are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,967,700 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWW Trunk Sewers, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates 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 budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c). This activity is a subsequent discretionary approval covered under Project No. 84655, 7<sup>th</sup> and Brookes Sewer Replacement, Maintenance and Emergency Access Plan, MND, dated July 27, 2006. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162. (BID-K083676)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 9/5/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Maienschein, and Frye voted yea. Councilmember Hueso not present.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S102: Two actions related to Otay Mesa Trunk Sewer Department of Transportation (Caltrans) Utility Agreements 31766 and 31768 and Certification of Otay Mesa Trunk Sewer Environmental Impact Report. (Otay Mesa and San Ysidro Community Areas. District 8.)

[?View referenced exhibit back-up material \(Part 1 of 3\).](#)

[?View referenced exhibit back-up material \(Part 2 of 3\).](#)

[?View referenced exhibit back-up material \(Part 3 of 3\).](#)

(See Metropolitan Wastewater Department's 7/25/2007 Executive Summary Sheet; and CD containing Environmental Impact Report.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2008-292)

Approving the California Department of Transportation Utility Agreement Nos. 31766 and 31768 (Caltrans Agreement Nos. 31766 and 31768), for the relocation of existing and construction of new portions of the City's Otay Mesa Trunk Sewer System, under the terms and conditions set forth in Caltrans Agreement Nos. 31766 and 31768 and authorizing the Mayor, or his designee, to execute the agreements on behalf of the City;

Authorizing the expenditure of an amount not to exceed \$3,904,918 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWW Trunk Sewers, Caltrans/State Route 905 Otay Mesa Trunk Sewer Project, for the purpose of providing funds for Caltrans Agreement Nos. 31766 and 31768;

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-S102: (Continued)

Subitem-B: (R-2008-293)

Certifying that Environmental Impact Report, Project No. 40246, dated September 15, 2005, 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 the report, together with any comments received during the public review process, has been reviewed and considered by this Council;

Adopting 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, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk 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.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 9/26/2007, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S103: Reprogramming of Community Development Block Grant (CDBG) Funds for City Council Districts 1, 2, 3, 4, 5, 7, 8, and Citywide. (Districts 1, 2, 3, 4, 5, 7, 8, and Citywide.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-308)

Approving reprogramming of CDBG funds for Council Districts 1, 2, 3, 4, 5, 7, 8, and Citywide, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor or his designee to negotiate and execute agreements with those CDBG-funded projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG funds for the CDBG-funded projects approved for funding.

Staff: Scott Kessler - (619) 236-6405  
Michael D. Newmeyer - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S104: Grant Application for the Construction of Park De La Cruz/38<sup>th</sup> Street Canyon and Future Phases & Teralta Neighborhood Park - Development. (Mid-City (City Heights) Community Area. District 3.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-285)

Authorizing the Mayor, or his representative, to make application to the State of California under the State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program for \$200,000 for the development and construction of Teralta Neighborhood Park-Development;

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the State of California under the State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program for \$200,000 for the development and construction of Teralta Neighborhood Park-Development;

Authorizing the City Auditor and Comptroller to establish two separate, special interest bearing funds for the deposit of grant funds;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds contingent upon receipt of a fully executed grant agreement;

Amending the Fiscal Year 2008 Capital Improvements Program Budget for CIP-29-685.0, Teralta Neighborhood Park-Development, with State of California, State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program funding, by increasing the budget amount by \$200,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$200,000 from CIP-29-685.0, Teralta Neighborhood Park-Development, from State of California, State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program funding, for the development and construction of Teralta Neighborhood Park-Development, contingent upon receipt of a fully executed grant agreement/program supplement;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S104: (Continued)

Authorizing the expenditure of \$1,400,000 from CIP-29-684.0, Park De la Cruz/38<sup>th</sup> Street Canyon and Future Phases and \$800,000 from CIP-29-685.0, Teralta Neighborhood Park – Development, for the purpose of construction of Park de La Cruz/38th Street Canyon and Future Phases & Teralta Neighborhood Park - Development, contingent upon the City Auditor and Comptroller certifying that funds are or will be available;

Authorizing the Mayor, or his representative, to execute a construction contract with the lowest responsible and reliable bidder for an amount not to exceed \$2,200,000, contingent upon the City Auditor and Comptroller certifying that funds are available;

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 project has been previously exempted under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304 (Minor Alterations to Land).

Staff: Darren Greenhalgh - (619) 573-5019  
Shannon Thomas - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S105: Grant Application to U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for 2007 Community Policing Development Grant: Redundant California Law Enforcement Telecommunications System (CLETS) Message Switch Computer Systems.

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-223)

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

Staff: Donna J. Warlick - (619) 531-2221  
Mary T. Nuesca - Deputy City Attorney



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S106: Grant Application to U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for 2007 Community Policing Development: Violent Crime and Gangs Grant Program.

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-227)

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

Staff: Donna J. Warlick - (619) 531-2221  
Mary T. Nuesca - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S107: Media Based Public Education Preventing Crime and Drug Abuse 2007 Byrne Grant.

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-224)

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body.

Staff: Donna Warlick - (619) 531-2221

Mary T. Nuesca - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S108: Gang Suppression Grant 2007 BJA Byrne Discretionary Grant Program.

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-229)

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

Staff: Donna Warlick - (619) 531-2221

Mary T. Nuesca - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S109: Grant from Indian Gaming Local Community Benefit Committee for Procurement of Digital Download Microwave Equipment for the Fire-Rescue Department.

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-262)

Authorizing the Mayor, or his designee, to accept \$535,498 of funding from the Indian Gaming Local Community Benefit Committee (IGLCBC) to be deposited into Fund 10264, for the procurement of digital download microwave equipment to implement, Phase 3 of the Regional Command and Control Communications Project for the Fire-Rescue Department;

Authorizing the City Auditor and Comptroller to appropriate and expend grant funds from Fund 10264, for the procurement of digital download microwave equipment for the Fire-Rescue Department's Air Operations Division.

Staff: Brian Fennessy - (619) 533-4407  
William Gersten - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S110: Accept H.U.D. Healthy Homes Demonstration Grant. (Districts 3, 4, 6, 7, and 8.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-219)

Authorizing the Mayor or his designee to negotiate, execute an agreement for, and accept grant funding in the amount of \$999,913 from the U.S. Department of Housing and Urban Development (HUD) in connection with the Healthy Homes Demonstration Grant, to be used for identifying and eliminating housing conditions that contribute to children's disease and injury;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend HUD grant award funds in the amount of \$999,913 to be used for the above purposes, subject to execution of a grant agreement by the Mayor or designee;

Authorizing the City Auditor and Comptroller to establish an interest bearing account for the deposit of such grant funds consistent with the grant requirements;

Declaring that the public outreach associated with the above activity is not a project and, therefore, is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(3). The proposed implementation of various health-related modifications to existing structures is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301.

Staff: Alan Johanns - (858) 573-1262  
Grace C. Lowenberg - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S111: Federal FY 2006 and FY 2007 Emergency Management Performance Grants.  
(Citywide.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-257)

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, for and on behalf of the City, to apply for, accept and expend grant funds from the Federal FY 2006 and FY 2007 Emergency Management Performance Grants as the City's authorized agent;

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security to take all necessary steps to secure the grant funds, and to negotiate and execute all agreements necessary to comply with the Emergency Performance Grant.

Staff: Donna Faller - (619) 533-6763.  
Nooria Faizi - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S112: Grant of Easement to SDG&E for Conlon Property. (Lake Morena Community Area – Unincorporated San Diego County.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-267)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City of San Diego, an Easement granting to SDG&E an easement and right-of-way in, upon, under and across that certain City-owned real property located adjacent to Morena Reservoir;

Authorizing the City Auditor and Comptroller to accept an easement fee in the amount \$1,150 and deposit it into the appropriate account.

Staff: Lane MacKenzie - (619) 236-6050.  
Brock Ladewig - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S113: Flood Water Storage Easement Vacation in Lots 6 and 7 of Martinez Ranch Business Park Map No. 12488. (Otay Mesa Community Area. District 8.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-187)

Vacating the flood water storage easements located within Lots 6 and 7 of Martinez Ranch Business Park Map No. 12488, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20701-B, marked as Exhibit "B," to unencumber this property under the procedure for the summary vacation of easements, pursuant to San Diego Municipal Code Section 125.1010(c) et seq., California Street and Highways Code Section 8330 et seq.

Staff: G. Bollenbach - (619) 466-5417  
Rachel C. Lipsky - Deputy City Attorney

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

- \* ITEM-S114: Sewer Easement Vacation in Lot 6 of Siempre Viva Business Park Map No. 12659. (San Ysidro Community Area. District 8.)

[?View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-288)

Vacating the sewer easement located within Lots 6 and 7 of Siempre Viva Business Park Map No. 12659, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20727-B, marked as Exhibit "B," to unencumber this property under the procedure for the summary vacation of easements, pursuant to the San Diego Municipal Code Section 125.1010(c) et seq., California Streets and Highways Code Section 8330 et seq.

Staff: G. Bollenbach - (619) 466-5417  
Rachel Lipsky - Deputy City Attorney

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



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-S115: Lead Poisoning Prevention Awareness Week.

[?View referenced exhibit back-up material.](#)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-320)

Proclaiming the week of October 21, 2007 to be "Lead Poisoning Prevention Awareness Week " in San Diego.

\* ITEM-S116: Alzheimer's Disease Awareness Month.

[?View referenced exhibit back-up material.](#)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-237)

Proclaiming November 2007 to be "Alzheimer's Disease Awareness Month" in San Diego.

\* ITEM-S117: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

[?View referenced exhibit back-up material.](#)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-1235)

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-S118: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

[?View referenced exhibit back-up material.](#)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2008-272)

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

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-S330: Orcutt Avenue Street Vacation. A public Right-of-Way Vacation of unimproved Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road. (Navajo Community Plan Area. District 7.)

[?View referenced exhibit back-up material.](#)

Matter of approving, conditionally approving, modifying, or denying Public Right-of-Way Vacation No. 164400 of unimproved Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, reserving a general utility and access easement over the vacated street, within the Navajo Community Planning area. No development is proposed with this project.

(Public R-O-W Vacation No. 164400. Project No. 56280.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-269 Cor. Copy)

Adoption of a Resolution vacating and reserving there from a public utility and access easement for the continued use and maintenance of the public facilities together with ingress and egress for that purpose the street easement located within Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20337-B, marked as Exhibit "B," and on file in the Office of the City Clerk;

That said street vacation is conditioned upon completion of all of the following:

- (a) Construction of a 5-foot sidewalk within the 10-foot curb-to-property line along the area to be vacated to match the existing sidewalk on Friars Road and Mission Gorge Road to the satisfaction of the City Engineer;
- (b) The recordation of an Encroachment Maintenance and Removal Agreement for the private facilities within the general utility and access easement to include a masonry wall, sewer laterals, parking lot, landscaping, and irrigation within the vacated Orcutt Avenue public right-of-way.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)  
NOTICED HEARINGS: (Continued)

ITEM-S330: (Continued)

In the event these conditions are not completed with two years following the adoption of the resolution, then this resolution shall become void and be of no further force or effect.

That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions and 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.

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15305, Minor Alteration in Land Use Limitations.

Staff: Leslie Goossens – (619) 446-5431  
Rachel Lipsky – Deputy City Attorney

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

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

ITEM-S331: 15640 Bernardo Tentative Map, application for a Tentative Map to convert 316 existing apartment units into condominiums, including a request for a Right-of-Way Vacation and an Easement Abandonment within the Rancho Bernardo Community Plan. (Rancho Bernardo Community Plan Area. District 5.)

[?View referenced exhibit back-up material.](#)

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map to convert 316 residential units to condominiums including a request for a Right-of-Way Vacation and an Easement Abandonment on a 27.05 acre site at 15640 Bernardo Center Drive in the RM-1-1 Zone within the Rancho Bernardo Community Plan. The proposed right-of-way vacation is for an unused and unimproved triangular sliver of a future street reservation adjacent to Camino del Norte. The easement abandonment is for a portion of a general utility easement within the residential complex.

Should the condominium conversion project should be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the City and until a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(Tentative Map No. 352695/Easement Abandonment No. 366059/Public Right-of-Way Vacation No. 366060/Project No. 106141.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)  
NOTICED HEARINGS: (Continued)

ITEM-S331: (Continued)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-263)

Adoption of a Resolution approving the findings with respect to Tentative Map No. 352695, Public Right-of-Way Vacation No. 366060, and Easement Vacation No. 366059;

That pursuant to SDMC section 125.0941, the Council approves the findings for the Public-Right-of-Way Vacation;

That pursuant to SDMC section 125.1040, the Council approves the findings for the Easement Abandonment;

That Tentative Map No. 352695, Easement Abandonment No. 366059 and the Public Right-of-Way Vacation No. 366060 is granted to EQR Deerwood Vista, Inc., Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

**NOTE:** This activity is exempt from CEQA pursuant to Section 15301(k) of the State CEQA Guidelines (Existing Facilities.)

Staff: Patrick Hooper – (619) 557-7992  
Andrea Dixon – Deputy City Attorney

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)  
NOTICED HEARINGS: (Continued)

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

ITEM-S332: Netta Terrace, Project No. 2250. Approve, conditionally approve, modify or deny a Public Right-Of-Way Vacation, Tentative Map, Planned Development Permit and a Site Development Permit for the creation of seven (7) residential lots from one (1) existing lot. (Planning Commission Report PC-07-085. Southeastern San Diego Community Plan Area. District 4.)

[?View referenced exhibit back-up material.](#)

Matter of approving, conditionally approving, modifying or denying a Public Right-Of-Way Vacation, Tentative Map, Planned Development Permit and a Site Development for the creation of seven (7) residential lots from one (1) existing lot, with deviations to the lot standards, hardscape requirements and for wetland deviations. No development is proposed at this time. The vacant, 1.96-acre site is located on the north side of Cervantes Avenue, just west of South 58<sup>th</sup> Street (unimproved) and immediately south of an existing subdivision located on Radio Court, in the SF-10,000 Zone of the Southeastern San Diego Planned District in the Southeastern San Diego Community Plan Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem A: (R-2008-279)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR No. 2250, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and 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 planned development permit/site development permit, tentative map and public right-of-way vacation for the Netta Terrace project;

Declaring 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-S332: (Continued)

Subitem-A: (Continued)

Declaring 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, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

Directing the City Clerk 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-2008-271)

Adoption of a resolution following findings with respect to Tentative Map and Public Right-of-Way Vacation No. 463163:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code (LDC) Section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code(LDC Section 125.0440(b) except as allowed by Planned Development Permit No. 463165 and Site Development Permit No. 463166.
3. The site is physically suitable for the type and density of development (LDC Section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC Section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC Section 125.0440(e) and Subdivision Map Act Section 66474(f).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC Section 125.0440(f) and Subdivision Map Act Section 66474(g).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC Section 125.0440(g) and Subdivision Map Act Section 66473.1).



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-S332: (Continued)

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC Section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The property contains a right-of-way and/or easement which must be vacation to implement the Final Map in accordance with San Diego Municipal Code Section 125.0430.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Declaring that pursuant to California Government Code Section 66434(g), portions of South 58<sup>th</sup> Street, located within the project boundaries as shown in Tentative Map No. 463163, shall be vacated, contingent upon the recordation of the approved final map for the project;

Declaring that Tentative Map and Public Right-of-Way Vacation No. 463163 is granted to Sedlack Development Co., L.C., Applicant/Subdivider and Grabhorn Engineering Corporation, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem C: (R-2008-278)

Adoption of a resolution following findings with respect to Planned Development Permit No. 463165/Site Development Permit No. 463166;

The findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Declaring that Planned Development Permit No. 463165/Site Development Permit 463166 is granted to Sedlack Development Co., L.P., Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Staff: Sandra Teasley – (619) 446-5271  
Marianne Greene – Deputy City Attorney

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**Set for 2:00 p.m. Time Certain**

**"This item was continued entirely, or in part, from the July 31 hearing. Whether the item was continued in full or in part is in dispute. That dispute will be resolved by Item S500 and S501. Therefore, this item will be heard in its entirety or just a portion based on the result of the above."**

ITEM-S333: Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

[?View referenced exhibit back-up material \(Part 1 of 3\).](#)

[?View referenced exhibit back-up material \(Part 2 of 3\).](#)

[?View referenced exhibit back-up material \(Part 3 of 3\).](#)

As a property owner, tenant, or person who has requested notice, or interested citizen, you should know that a public hearing will be held by the City Council to consider an environmental determination appeal on an application for a Site Development Permit to construct an approximate 10,000 square foot office building on an approximate five-acre site containing environmentally sensitive lands, located east of the southerly terminus of Scheidler Way, south of the 3300 block of Camino Del Rio South in the MV-CO Zone of the Mission Valley Planned District. Matter of the appeal filed by Randy Berkman, Lynn Mulholland, James A. Peugh, and Ellen Shively and others applies only to the environmental determination.

(See Report to City Council 07-122. Mission Valley Community Plan Area. District 6.)

(Continued from the meeting of July 31, 2007, ITEM 330; and September 25, 2007, ITEM 334; last continued at the request of Council President Peters, for further review.)

**NOTE:** Hearing closed.

According to the San Diego Municipal Code (SDMC), Land Development Code, Section 112.0520(d)(1)-(3), the City Council shall consider the appeal and shall, by a majority vote:

- (1) Deny the appeal, uphold the environmental determination and adopt the CEQA findings of the previous decision-maker, where appropriate;
- (2) Grant the appeal and make a superseding environmental determination or CEQA findings; or
- (3) Grant the appeal, set aside the environmental determination, and remand the matter to the previous decision-maker, in accordance with SDMC section 112.0520(f), to reconsider the environmental determination that incorporates any direction or instruction the City Council deems appropriate.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-S333: (Continued)

If the City Council denies the appeal or grants the appeal under section 112.0520(d)(2), the lower decision-maker's decision to grant the entitlements, approval or City authorization, shall become effective immediately.

If the City Council grants the appeal under section 112.0520(d)(3), the lower decision-maker's decision to grant the entitlements, approval or City authorization shall be deemed vacated and the lower decision maker shall reconsider its environmental determination and its decision to grant the entitlements, approval or City authorization, in view of the action and, where appropriate, any direction or instruction from the City Council.

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A:

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission's decision certifying the Mitigated Negative Declaration, Project No. 54384; and certifying the associated Mitigation, Monitoring and Reporting Program;

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;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-B:

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (Mission Valley Planned District) Permit No. 158004;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Staff: Patrick Hooper – (619) 557-7992

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

SPECIAL ORDERS OF BUSINESS

ITEM-S500: Reconsideration of the vote taken on the Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

[?View referenced exhibit back-up material.](#)

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

Take the following actions:

Subitem-A:

Waiving the Permanent Rules of the City Council, Section 22.0101.5 of the San Diego Municipal Code.

**NOTE:** 6 votes required.

Subitem-B:

Reconsidering the vote taken on July 31, 2007, Item 330, Pacific Coast Office Building, PTS Project No. 54384, Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

**NOTE:** **If the matter is to be reconsidered, time has been reserved for Item S501 to be heard following this item.**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-S501: Reconsideration of the vote taken on the Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

[?View referenced exhibit back-up material.](#)

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

Reconsider the July 31, 2007 Item 330: Reconsideration of the vote taken on the Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

Due to the fact that Councilmember Frye made the motion with the intent: IN ACCORDANCE WITH THE SAN DIEGO MUNICIPAL CODE SECTION 112.0520 SUBSECTION D THAT COUNCIL GRANT THE APPEAL, SET ASIDE THE MITIGATED NEGATIVE DECLARATION AND DIRECT THE CITY ATTORNEY TO RETURN WITH FINDINGS TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT FOR THE CITY COUNCIL TO CONSIDER ON SEPTEMBER 25TH.

However, when Council President Peters seconded the motion, his intent was: TO DECLARE THE PUBLIC HEARING CLOSED AND CONTINUE THE ITEM TO THE 25<sup>TH</sup> OF SEPTEMBER IN ORDER FOR THE CITY ATTORNEY TO RETURN WITH FINDINGS FOR THE CITY COUNCIL TO CONSIDER.

SPECIAL ORDERS OF BUSINESS

ITEM-S502: Approval of Council Minutes.

[?View referenced exhibit back-up material.](#)

(Continued from the meeting of October 16, 2007, Item 30, minutes of July 31, 2007, at the request of Councilmember Frye, for reconsideration.)

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meeting of:

07/31/2007

ITEM-S503: Reconsideration of Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

[?View referenced exhibit back-up material.](#)

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Take the following actions:

Subitem-A:

Waiving the Permanent Rules of the City Council, Section 22.0101.5 of the San Diego Municipal Code.

**NOTE:** 6 votes required.

Subitem-B:

Reconsidering the Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.) (Item 330 on 10/16/2007.)

**NOTE:** If the matter is to be reconsidered, time has been reserved for the item to be heard this afternoon (Tuesday, October 30, 2007).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-S504: Reconsideration of the Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

[?View referenced exhibit back-up material \(Part 1 of 3\).](#)

[?View referenced exhibit back-up material \(Part 2 of 3\).](#)

[?View referenced exhibit back-up material \(Part 3 of 3\).](#)

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Reconsider the Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.) (This item was originally docketed as Item 330 on 10/16/2007.)

(See Report to the City Council No.07-138; Site Reviewed for Winter Homeless Shelter Location dated 8/29/2007; memorandum from Scott Kessler, Deputy Director of Economic Development Division, dated October 8, 2007, providing additional information on locations; and memorandum from Councilmember Hueso dated 9/11/2007.)

(Continued from the meeting of September 11, 2007, at Councilmember Hueso's recommendation, to identify additional alternative locations.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Designating a site location of the Single Adult Shelter for the FY 2008 Homeless Emergency Winter Shelter Program from the following alternative sites:

- Newton Avenue at 16<sup>th</sup> Street (1535 Newton Avenue) in the East Village Community;
- Enterprise Street between Jessop and Midway, across from the Midway Post Office in the Point Loma Community; or
- Park Boulevard at President's Way in the former Navy Hospital's lower parking lot in the Balboa Park Area.

**NOTE: Proposed additional new sites for Council consideration:**

- Tailgate Park – K Street / 12<sup>th</sup> Avenue / 13<sup>th</sup> Street / 14<sup>th</sup> Street / Imperial Avenue (Downtown San Diego)\*
- Vacant city lot bounded by G Street / Market / 11<sup>th</sup> Avenue / Park Blvd. (Downtown San Diego)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-S504: (Continued)

**STAFF'S RECOMMENDATION: (Continued)**

\* Unknown at this time, potential loss of revenue for the City regarding the Rugby Sevens Tournament held at Petco Park, February 9<sup>th</sup> and 10<sup>th</sup>, 2008 with Tailgate Park used for the event parking.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**STAFF SUPPORTING INFORMATION:**

On September 11, 2007, City Council was presented with three options for the location of the FY 2008 Homeless Emergency Winter Shelter Program's Single Adult Program: the Ex-Navy Hospital lower parking lot (at Balboa Park), Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma), and 16<sup>th</sup> Street at Newton Avenue (Downtown San Diego). City Council voted at the September 11<sup>th</sup> meeting to continue the item until October 16, 2007 with direction to the City Attorney's Office to review any applicable state laws that may prohibit the City from citing the Homeless Emergency Winter Shelter Single Adult Program due to registered sexual offenders or other issues. During discussion at the City Council meeting, the Council requested that Homeless Services pursue any additional locations that may be available.

After the September 11<sup>th</sup> City Council meeting City staff once again reached out to City departments and identified eleven (11) additional potential locations with assistance from CCDC. Homeless Services quickly reviewed these sites for the minimum requirements. Of the eleven (11) sites, nine (9) sites were eliminated mostly due to the minimum size required for the sprung tent structure. The following two (2) sites were identified as possible locations for the site: Tailgate Park - K Street / 12<sup>th</sup> Avenue / 13<sup>th</sup> Street / 14<sup>th</sup> Street / Imperial Avenue (Downtown San Diego)\* and the vacant city lot bounded by G Street / Market / 11<sup>th</sup> Avenue / Park Blvd. (Downtown San Diego).



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ITEM-S504: (Continued)

**STAFF SUPPORTING INFORMATION: (Continued)**

The following minimum requirements were used to evaluate potential sites for the location of the Single Adult Program's homeless shelter sprung structure:

- The footprint of the single adults' shelter sprung structure is 60' x 180'. For purposes
- of conducting shelter operations, a minimum area of 65' (width) x 500' (length), or larger of paved, flat, relatively level space to accommodate the needed infrastructure for sanitation (showers, toilets and washing areas), food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit;
- Availability of electrical and water hookups;
- Near "core City area"; and
- Minimal disruption to the surrounding area.

**FISCAL IMPACT:**

There is no impact to the General Fund from this action. However, additional infrastructure costs would result in the need to adjust the designated line items included in the existing FY 2008 Homeless Emergency Winter Shelter Program budget.

\* Unknown at this time, potential loss of revenue for the City regarding the Rugby Sevens Tournament held at Petco Park, February 9<sup>th</sup> and 10<sup>th</sup>, 2008 with Tailgate Park used for the event parking.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Continued from City Council meeting of September 11, 2007.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Residents and businesses in downtown area of East Village community and residents and businesses in the Midway area.

Kessler/Anderson

Staff: Sharon Johnson - (619) 533-6525