

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 13, 2007 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: There are no items on the Closed Session Agenda for Tuesday, November 13, 2007, therefore, there is no Closed Session meeting and no public testimony will be taken during Open Session.

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) 236-6256. Internet access to the agenda is available at:
<http://www.sandiego.gov/redevelopment-agency/index.shtml>

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Fredric J. Maas Day.
COUNCIL PRESIDENT PETERS’, COUNCILMEMBER ATKINS’
AND COUNCILMEMBER MADAFFER’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)

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Request to Exempt Two Assistant Investment Officer Positions from the Classified to Unclassified Service.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/30/2007, Item 53.
- ITEM-51: City Recycling Ordinance.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/30/2007, Item 338, Subitem A.
- ITEM-52: City Reserve Policy.
CITY COUNCIL'S RECOMMENDATION: Introduce and adopt the ordinance which had an initial introduction on 10/30/2007, Item S200.
- ITEM-53: Six actions related to Extension of Time Limits for Gateway Center West, Mount Hope, Southcrest, Central Imperial, Central Imperial 2, and Central Imperial 3 Redevelopment Project Areas. (Southeastern San Diego Community Area. Districts 4 and 8.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 10/30/2007, Item 330, Subitems A-F.
- ITEM-54: Six-Year Lease Between the City of San Diego and Ruffin-SD, LLC, for an Office Space (Kearny Mesa Space) located at 9370 Chesapeake Drive, Suite 100.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 10/30/2007, Item 331.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-55: Fourth Amendment to the Agreement with Boyle Engineering Corporation for La Jolla Village Drive/Interstate 805 and Miramar Road Widening Projects. (University Community Area. Districts 1, 5, and 7.)
STAFF'S RECOMMENDATION: Introduce the ordinance.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-100: Proposition 50 Grant from State of California Department of Public Health for Otay Water Treatment Plant Upgrade and Expansion Phase II Project.
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 9/26/2007, NR&C voted 4 to 0 to approve.
- ITEM-101: Proposition 50 Grant from State of California Department of Public Health for Miramar Water Treatment Plant Upgrade and Expansion Project.
NATURAL RESOURCES AND CULTURE COMMITTEE'S
RECOMMENDATION: On 9/26/2007, NR&C voted 4 to 0 to approve.
- ITEM-102: Agreement with Simon Wong Engineering, Inc. for Professional Services for the Palm Avenue/I-805 Bridge Widening Project. (Bridge No. M775) (Otay-Nestor/Otay Mesa Community Area. District 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Agreement with T.Y. Lin International for Design Professional Services for the Bridge Preventive Maintenance Program Project. (Citywide.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Metropolitan Transit System (MTS) Station Improvement Project – Additional Funding. (Southeastern Encanto Community Area. District 4.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-105: California State Library Services and Technology Act Grant.
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Accepting the Relinquishment of the Mission Center Road/Camino Del Rio North Intersection. (Mission Valley Community Area. District 6.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Ratifying the Election Results of the October 2, 2007 Project Area Committee Election for the College Community Redevelopment Project. (College Community Area. District 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-108: Amending the 2007 Legislative Calendar Relating to the City Council Meeting of November 19, 2007; and Rules, Open Government, and Intergovernmental Relations Meeting of December 6, 2007.
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-109: Amending the 2007 Legislative Calendar Relating to a Meeting of the Budget and Finance Committee on December 6, 2007.
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-110: Gloria Jean Nieto Day.
COUNCILMEMBER HUESO'S RECOMMENDATION: Adopt the resolution.
- ITEM-111: 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-112: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-113: Declaring a Continued State of Emergency Due to the Landslide on Mount Soledad.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-114: Declaring a Continued State of Emergency Regarding the Wildfires.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-115: Declaring a Continued Shelter Crisis Due to the Wildfires.
TODAY'S ACTION IS: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Special Hearings, Discussion

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

ITEM-330: Third Amended and Restated Agreement with Hawkins, Delafield & Wood LLP for General Disclosure Counsel Services.
CITY ATTORNEY'S RECOMMENDATION: Hold the first public hearing of the ordinance.

Adoption Agenda, Discussion, Other Legislative Items

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

ITEM-331: Selection of the Council President for 2008.
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Adopt the resolution.

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

ITEM-332: Award of an Agreement with American Traffic Solutions for the Red Light Photo Enforcement Program.
STAFF'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

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

ITEM-333: Stebbins Residence, demolition of an existing one story duplex, and the construction of a three story-single family residence. Located at 5166 West Point Loma Boulevard. (Ocean Beach Community Area. District 2.)
STAFF'S RECOMMENDATION: Take the actions.

Adoption Agenda, Discussion, Other Legislative Items

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

ITEM-334: Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2008. (Pacific Highlands Ranch Community Plan Area. District 1.)
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION: On 9/19/2007, LU&H voted 4 to 0 to approve.

=== 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: 15th and Commercial – Centre City Conditional Use Permit/Variance No. 2007-24 to Amend and Supersede Conditional Use Permit 88-1224 to Reconstruct an Existing Transitional Housing Facility and Add Residential and Educational Uses. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)
CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the resolution.
- ITEM-336: Sapphire Street Tentative Map, an application for a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert ten existing apartments to condominiums at 901 Sapphire Street. (Pacific Beach Community Plan Area. District 2.)
STAFF'S RECOMMENDATION: Take the actions.
- ITEM-337: 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.)
STAFF'S RECOMMENDATION: Adopt the resolutions.
- ITEM-338: Adopt the San Pasqual Groundwater Management Plan (GM). (San Pasqual and Rancho Bernardo Community Areas. District 5.)
STAFF'S RECOMMENDATION: Adopt the resolution.

NOTE: There are no items on the Closed Session Agenda for Tuesday, November 13, 2007, therefore, there is no Closed Session meeting and no public testimony will be taken during Open Session.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **~~Closed Session Agenda for Tuesday, November 13, 2007, scheduled to commence immediately following the conclusion of the regular open session meeting today.~~**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-350: **Notice** of Pending Final Map Approval – 4960 Coronado Avenue.

ITEM-351: **Notice** of Pending Final Map Approval – Florida Street Condos.

ITEM-352: Submission of Ballot Proposals for the February 5, 2008 Election.

ITEM-353: Submission of Ballot Proposals for the June 3, 2008 Election.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Fredric J. Maas Day.

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

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

Adopt the following resolution:

(R-2008-264)

Commending Fredric J. Maas for his contributions to the City of San Diego and congratulating him on The Ranch House at Del Sur;

Proclaiming September 27, 2007, to be "Fredric J. Maas 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:

Items 50, 51, and 53, 54.

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 52.

ORDINANCES TO BE INTRODUCED:

Item 55.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-50: Request to Exempt Two Assistant Investment Officer Positions from the Classified to Unclassified Service.

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

(See memorandums from Rich Snapper dated 9/13/2007 and David B. Wescoe dated 8/15/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2007, Item 53. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-37)

Exempting two positions of Assistant Investment Officers for the San Diego City Employees' Retirement System from the Classified Service, pursuant to Section 117(a) 17 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

* ITEM-51: City Recycling Ordinance.

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

(See Independent Budget Analyst Report No. 07-13 [not available at Committee];
Report to the City Council No. 07-148; and Report to the City Council No.
07-166 [not available at Committee].)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2007, Item 338,
Subitem A. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-30)

Amending Chapter 6, Article 6 of the San Diego Municipal Code by adding
Division 7, Sections 66.0701, 66.0702, 66.0703, 66.0704, 66.0705, 66.0706,
66.0707, 66.0708, 66.0709, 66.0710, 66.0711, 66.0712, 66.0713, 66.0714,
66.0715, 66.0716, 66.0717, and 66.0718, all relating to recycling for residential
facilities, commercial facilities mixed use facilities, and special events. This
ordinance establishes recycling requirements for residential facilities, commercial
facilities (including City buildings), mixed use facilities, and special events within
the City. These requirements are intended to increase recycling of recyclables
such plastic, glass, and metal containers; cardboard; paper; newspaper; and other
recyclables otherwise destined for disposal, so as to reuse these recyclables and
conserve landfill capacity.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-52: 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]; and City of San Diego Proposed Reserve Policy PowerPoint dated 10/30/2007 [not available at Committee].)

CITY COUNCIL'S RECOMMENDATION:

Introduce and adopt the following ordinance which had an initial introduction on 10/30/2007, Item S200:

(O-2008-55)

Introduction and adoption of an Ordinance 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.

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item S200 on the docket of Tuesday, October 30, 2007, for the first public hearing.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-53: Six actions related to Extension of Time Limits for Gateway Center West, Mount Hope, Southcrest, Central Imperial, Central Imperial 2, and Central Imperial 3 Redevelopment Project Areas. (Southeastern San Diego Community Area. Districts 4 and 8.)

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

(See Southeastern Economic Development Corporation Report No. SEDC-07-011.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/30/2007, Item 330, Subitems A-F. (Council voted 7-0. Councilmember Maienschein not present):

Subitem-A: (O-2008-41 Cor. Copy)

Introduction of an Ordinance amending the Redevelopment Plan for the Gateway Center West Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and Section 33333.6(e)(2)(d)(i)(ii) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Gateway Center West Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Gateway Center West Redevelopment Project area shall expire on November 17, 2019.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Gateway Center West Redevelopment Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Gateway Center West Redevelopment Project Area or November 17, 2029.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

* ITEM-53: (Continued)

Subitem-B: (O-2008-42)

Introduction of an Ordinance amending the Redevelopment Plan for the Mount Hope Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and Section 33333.6(e)(2)(d)(i)(ii) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Mount Hope Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Mount Hope Redevelopment Project area shall expire on November 22, 2025.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Mount Hope Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Mount Hope Redevelopment Project Area or November 22, 2035.

Subitem-C: (O-2008-43)

Introduction of an Ordinance amending the Redevelopment Plan for the Southcrest Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Southcrest Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

* ITEM-53: (Continued)

Subitem-C: (Continued)

- a) Plan Effectiveness. The term of plan effectiveness for the Southcrest Redevelopment Project Area shall expire on April 14, 2027.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Southcrest Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Southcrest Redevelopment Project Area or April 14, 2037.

Subitem-D: (O-2008-44)

Introduction of an Ordinance amending the Redevelopment Plan for the Central Imperial Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Central Imperial Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Central Imperial Redevelopment Project Area shall expire on September 14, 2033.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Central Imperial Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Central Imperial Redevelopment Project Area or September 14, 2043.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

* ITEM-53: (Continued)

Subitem-E: (O-2008-45)

Introduction of an Ordinance amending the Redevelopment Plan for the Central Imperial 2 Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Central Imperial 2 Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Central Imperial 2 Redevelopment Project Area shall expire on December 10, 2027.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Central Imperial 2 Redevelopment Project Area beyond fifteen years from the date of termination of the effectiveness of the Redevelopment Plan for the Central Imperial 2 Redevelopment Project Area or December 10, 2042.

Subitem-F: (O-2008-46)

Introduction of an Ordinance amending the Redevelopment Plan for the Central Imperial 3 Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Central Imperial 3 Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

* ITEM-53: (Continued)

Subitem-F: (Continued)

- a) Plan Effectiveness. The term of plan effectiveness for the Central Imperial 3 Redevelopment Project Area shall expire on November 14, 2031.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Central Imperial 3 Redevelopment Project Area beyond fifteen years from the date of termination of the effectiveness of the Redevelopment Plan for the Central Imperial 3 Redevelopment Project Area or November 14, 2046.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

- * ITEM-54: Six-Year Lease Between the City of San Diego and Ruffin-SD, LLC, for an Office Space (Kearny Mesa Space) located at 9370 Chesapeake Drive, Suite 100.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2007, Item 331. (Council voted 7-0. Councilmember Maienschein not present):

(O-2008-35)

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego (City), a six-year lease between Ruffin-SD, LLC, a California limited liability company, as lessor, and the City, as tenant, relating to the leasing of approximately 14,358 square feet of office space (Kearny Mesa Space) located at 9370 Chesapeake Drive, Suite 100, San Diego, California 92123, under the terms and conditions set forth in that Standard Multi-Tenant Office Lease – Gross;

Authorizing and directing the City Auditor and Comptroller to expend up to Three Hundred Forty-Five Thousand Dollars (\$345,000) in Fiscal Year 2008 from the General Services Department, Storm Water Pollution Prevention Division Operating Fund (#100) for costs associated with leasing the Kearny Mesa Space.

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-55: Fourth Amendment to the Agreement with Boyle Engineering Corporation for La Jolla Village Drive/Interstate 805 and Miramar Road Widening Projects. (University Community Area. Districts 1, 5, and 7.)

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

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-64)

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, for professional engineering services for the La Jolla Village Drive/Interstate 805, CIP-52-485.0 and Miramar Road Widening, CIP-52-679.0, in the amount of \$383,091, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$239,177 from CIP-52-485.0, La Jolla Village Drive/Interstate 805, Fund No. 79001, Facilities Benefit Assessment Fund, and an amount not to exceed \$143,914 from CIP-52-679.0, Miramar Road Widening, Fund No. 79001, Facilities Benefit Assessment Fund, for the purpose of executing this Fourth Amendment to the Agreement for the above referenced Project;

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 not subject to CEQA pursuant to State CEQA Guidelines Sections 15061(c)(3). This determination is predicated on Section 15004 of the Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review. Construction activities related to this action will be subject to review under the provisions of CEQA.

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-55: (Continued)

STAFF SUPPORTING INFORMATION:

The subject project consists of the reconstruction of La Jolla Village Drive/I-805 interchange from full clover leaf to partial clover leaf, widening the overpass structure and approaches to provide 3 through lanes with an auxiliary lane in each direction, new signalized intersections at the on and off ramps, widening La Jolla Village Drive to 8 lanes dedicating three lanes to southbound traffic, class 2 bike lanes and widening Miramar Road to eight lanes from the I-805 easterly to 300' beyond East Gate Mall.

On March 29, 2002, per RR-296192, the City Council approved a consultant agreement with Boyle Engineering Corporation for the preparation of plans and specifications for the subject project.

On January 28, 2003, per RR-297559, the City Council approved a first amendment to agreement to design the original project as two separate construction projects. This amendment expedited the widening of Miramar Rd. which is now in the final stage of construction.

On May 10, 2004, per RR-299189, the City Council approved a second amendment for additional scope of work to address additional traffic staging designs, geometric alterations at ramp intersections and ADA compliance.

On October 24, 2006, per RR-302020, the City Council approved a third amendment for additional scope of work associated with La Jolla Village Drive/I-805 to address project design changes in landscaping and irrigation, design exceptions not previously known, changes in Caltrans standards, additional construction support and plan reviews, and preparation of Record of Survey.

The Fourth Amendment to the Agreement is for additional work due to the following changes in scope associated with both the I-805/La Jolla Drive project and the Miramar Road project:

The I-805/La Jolla Drive project required additional work from the consultant due to Caltrans issuing new standards that changed the minimum Time of Concentration (Tc) for onsite watersheds from ten minutes to five minutes. This will increase projected stormwater runoff flow rates throughout the project up to 40% and will require the addition of inlets and the possible upsizing of pipes. All drainage systems have to be reanalyzed. Bioswale calculations have to be reworked to accommodate the higher flows. Based on the revised calculations, the drainage plans, details, and quantities need to be updated.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-55: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

- In addition, Caltrans traffic design requirements changed; specifically, Caltrans now requires use of the California (CA) Supplement to the federal Manual on Uniform Traffic Control Devices (MUTCD). Use of the CA MUTCD will result in revised stage construction, signing, striping, and electrical plans, quantities, and estimate as well as revisions to the Traffic Management Plan. Additionally, Caltrans no longer furnishes sign panels but requires the construction contractor to furnish them. Since the sign manufacture is now done by a private party and has to be adequately controlled, a greater level of detailed design is needed in the sign plans than previously was required.

Finally, Caltrans updated its Computer Aided Design and Drafting (CADD) standards. These updates will require significant changes to the CADD file set-up, sheet borders, and other drafting changes.

- Prior to construction and in order to add an eastbound right turn lane on Miramar Road, Real Estate Assets Department proceeded with the street easement acquisition of two business parcels (0.184 acres) at the northeast corner of Miramar Rd. and Eastgate Mall. The owner of the two parcels had been contacted at the time of the land appraisal and is aware of the City of San Diego's intent to acquire the subject parcels. Afterwards, it was determined that the valuation of the parcels exceeded the project budget. Therefore, the city deleted that portion of the road improvements from the construction contract until additional funds could be identified. Within the Fiscal Year 2008 Budget, additional funds have been allocated to address this. A portion of the amendment includes design services to develop a new contract document to construct the right turn lane on Miramar Road.

Additional biological and cultural resources monitoring is required for construction along Miramar Road as well as a re-design of an access road due to new San Diego Gas & Electric requirements. Upon completion of all construction along Miramar Road, a record survey will be required.

FISCAL CONSIDERATIONS:

City of San Diego Council previously authorized \$2,937,364 for these projects. Funding for the Fourth Amendment to the Agreement is available from Fund 79001, Facilities Benefit Assessment Fund, of which \$239,177 is in CIP-52-485.0, La Jolla Village Drive/Interstate 805 and \$143,914 is in CIP-52-679.0, Miramar Road Widening.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-55: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL COMMITTEE ACTION:

Consultant Agreement, RR-296192 of March 29, 2002; First Amendment, RR-297559 of January 28, 2003; Second Amendment, RR-299189 of May 10, 2004; Third Amendment, RR-302020 of October 24, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

University City Planning Group Community Meetings on October 14, 2003 and November 9, 2004; were given an informational presentation on the scope, design and project status.

KEY STAKEHOLDERS:

City of San Diego, Caltrans, University City Planning Group, Boyle Engineering Corporation, EDAW, Inc., KTU&A, Urban Systems Assocs., Inc., Linvedt, McColl & Associates.

Jarrell/Haas

Aud. Cert. 2800271.

Staff: Marnell Gibson - (619) 533-5213
Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Proposition 50 Grant from State of California Department of Public Health for Otay Water Treatment Plant Upgrade and Expansion Phase II Project.

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

(See Executive Summary Sheet dated 9/12/2007; and Water Department's 9/26/2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-148)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Proposition 50 Funding Agreement for the Project, any Amendments and Claims for Reimbursement, and Final Release for the Project, as set forth in the Proposition 50 Funding Agreement;

Authorizing the City Engineer or other registered engineer as designated by the Mayor, to execute the Budget and Expenditure Summary and Certificate of Project Completion forms for the Project;

Designating revenues from the Water Fund, Fund No. 41500, and from water rates, charges and assessments, bond proceeds and financing as the dedicated source of revenue for matching funds for the Project as required under the Funding Agreement in an amount not to exceed \$9,049,831, and this dedication shall remain in full force and effect until such Funding Agreement is fully discharged unless modification or change of such dedication is approved by the State of California;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend up to \$8,331,062 in grant funds solely and exclusively for Project purposes, contingent upon first furnishing 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 funds, if any, to the appropriate reserves;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

Declaring this activity is covered under the Otay Water Treatment Plan Upgrade (LDR-40-0932) Mitigated Negative Declaration, that this 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 and that the prior environmental documents adequately covered this activity as part of a previously approved project, thus this activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

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.)

SUPPORTING INFORMATION:

In September 2004, under the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, CDPH solicited projects for drinking water source protection, water security, reduced demand on Colorado River water, small community water systems, community water systems, disinfection byproduct treatment facilities, and demonstration projects/studies for contaminant treatment/removal. On April 19, 2006, based upon favorable ranking by CDPH, the City's Water Department submitted a full project application for Otay Water Treatment Plant (WTP) Upgrade and Expansion. This project will aid in meeting the State's commitment to reduce the amount of Colorado River Water (CRW) used by upgrading the Otay WTP to allow a greater amount of State Project Water to be treated, thereby reducing the amount of CRW used.

On June 14, 2007, a Letter of Commitment (LOC) for P50-3710020-016 was issued by CDPH for the City's Otay Water Treatment Plant Project. The LOC outlines the terms and conditions the City must meet prior to issuance of a funding agreement - including the authorizations contained within this Resolution.

FISCAL CONSIDERATIONS:

This project will fulfill a critical need in meeting the current and future California and Federal water quality regulations, as well as reducing the demand on the Colorado River. Total project costs are estimated to be: Otay Water Treatment Plant Upgrade Phase II – CIP-73-285.2, \$17,380,893.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION: (Continued)

Of the total project cost, \$8,331,062 will be grant funded and 80% of the remaining project cost (\$9,049,831) will be reimbursed with bond proceeds either from the Subordinated Water Revenue Notes, Series 2007 A or a following water revenue debt issuance in Fiscal Year 2008. Project expenses not grant funded or bond reimbursed will be cash funded (The Water Department has sufficient capacity to issue additional debt following the rate increases approved by the City Council on February 26, 2007.

The CDPH initial grant offer is \$8,331,062. This offer is based upon the award guidelines that the funding agency will grant 50% of the estimated project cost, up to \$20,000,000 per project. Subsequent to funding agreement execution, City of San Diego may request a one-time increase in funding. Such request must be based upon competitive bids. Approval of the request may be granted or denied at the sole discretion of the State, and is subject to funding availability. If awarded, grant reimbursements would occur over multiple fiscal years.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The subject item will be presented to the Natural Resources and Culture Committee prior to the Council docket date. A similar request to Council to apply for, secure, and expend Proposition 50, Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, grant funding for Water Department Security Upgrades from the State of California, was approved unanimously at the City Council Meeting on 7/16/07 (Peters, Faulconer, Atkins, Young, Maienschein, Frye, Madaffer, Hueso, in support).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach to affected area will occur with the advertising and award of the Otay Water Treatment Plant Upgrade Phase I and II.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City of San Diego, Water Department customers, and the Department of Public Health.

Barrett/Haas

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-101: Proposition 50 Grant from State of California Department of Public Health for Miramar Water Treatment Plant Upgrade and Expansion Project.

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

(See Executive Summary Sheet dated 9/12/2007; and Water Department's 9/26/2007, PowerPoint.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-370)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Proposition 50 Funding Agreement for the Project, any Amendments and Claims for Reimbursement, and Final Release for the Project, as set forth in the Proposition 50 Funding Agreement;

Authorizing the City Engineer or other registered engineer as designated by the Mayor, to execute the Budget and Expenditure Summary and Certificate of Project Completion forms for the Project;

Designating revenues from the Water Fund, Fund No. 41500, and from water rates, charges and assessments, bond proceeds and financing as the dedicated source of revenue for matching funds for the Project as required under the Funding Agreement in an amount not to exceed \$24,713,791, and this dedication shall remain in full force and effect until such Funding Agreement is fully discharged unless modification or change of such dedication is approved by the State of California;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend up to \$20,000,000 in grant funds, solely and exclusively, for Project purposes, contingent upon first furnishing 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 funds, if any, to the appropriate reserves;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

Declaring this activity is covered under the Miramar Water Treatment Plant Upgrade (LDR 99-0704) Environmental Impact Report, that this 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 and that the prior environmental documents adequately covered this activity as part of a previously approved project, thus this activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

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.)

SUPPORTING INFORMATION:

In September 2004, under the Proposition 50 Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, CDPH solicited projects for drinking water source protection, water security, reduced demand on Colorado River water, small community water systems, community water systems, disinfection byproduct treatment facilities, and demonstration projects/studies for contaminant treatment/removal. On April 19, 2006, based upon favorable ranking by CDPH, the City's Water Department submitted a full project application for Miramar Water Treatment Plant (WTP) Upgrade and Expansion. This project will aid in meeting the State's commitment to reduce the amount of Colorado River Water (CRW) used by upgrading the Miramar WTP to allow a greater amount of State Project Water to be treated, thereby reducing the amount of CRW used.

On June 14, 2007, a Letter of Commitment (LOC) for P50-3710020-019; was issued by CDHS for the City's Miramar Water Treatment Plant Project. The LOC outlines the terms and conditions the City must meet prior to issuance of a funding agreement - including the authorizations contained within this Resolution.

FISCAL CONSIDERATIONS:

This project will fulfill a critical need in meeting the current and future California and Federal water quality regulations, as well as reducing the demand on the Colorado River. Total project costs are estimated to be: Miramar Water Treatment Plant Contract C Ozone Equipment/Installation CIP-73-284.0/73-284.6, \$27,800,000, Miramar Water Treatment Plant Upgrades Contract A CIP-73-284.0, \$16,913,791.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION: (Continued)

Of the total project cost, \$20,000,000 will be grant funded. Of the remaining \$24,713,791, related costs in Contract A have been reimbursed with bond proceeds or cash funded, while 80% of the costs in Contract C will be reimbursed through from Subordinated Water Revenue Notes, Series 2007 A or a following water revenue debt issuance in Fiscal Year 2008. Project expenses not grant funded or bond reimbursed will be cash funded. The Water Department has sufficient capacity to issue additional debt following the rate increases approved by the City Council on February 26, 2007.

The CDPH initial grant offer is \$20,000,000. If awarded, grant reimbursements would occur over multiple fiscal years.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This subject item will be presented to the Committee on Natural Resources and Culture prior to the Council docket date. A similar request to Council to apply for, secure, and expend Proposition 50 grant funding for Water Department Security Upgrades from the State of California, was approved unanimously at City Council Meeting on 7/16/07 (Peters, Faulconer, Atkins, Young, Maienschein, Frye, Madaffer, Hueso, in support).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community outreach to affected area will occur with the advertising and award of the Miramar Water Treatment Plant Upgrade and Expansion - Contract C.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City of San Diego, Water Department Customers, and the Department of Public Health.

Barrett/Haas

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Agreement with Simon Wong Engineering, Inc. for Professional Services for the Palm Avenue/I-805 Bridge Widening Project (Bridge No. M775). (Otay-Nestor/Otay Mesa Community Area. District 8.)

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-313)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with Simon Wong Engineering, Inc. (Agreement), for professional services for the Palm Avenue/I-805 Bridge Widening Project (Project), under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$866,024 from Fund No. 79013, Otay Mesa FBA East, and an amount not to exceed \$530,789 from Fund No. 79014, Otay Mesa FBA West, CIP-52-640.0, Palm Avenue/I-805 Interchange, for the purpose of providing funds for the Agreement in an amount not to exceed \$1,396,813.

Authorizing the City Auditor and Comptroller to deappropriate an amount not to exceed \$50,000 from Fund No. 30300, TransNet, from CIP-52-640.0, Palm Avenue/I-805 Interchange;

Authorizing the appropriation and expenditure of an amount not to exceed \$50,000 from Fund No. 30300, TransNet, in CIP-52-764.0, Palm Avenue Roadway Improvements, solely and exclusively for Palm Avenue Roadway Improvements, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures 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 categorically exempt from CEQA pursuant to the State CEQA Guidelines Section 15031(b)(3).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

STAFF SUPPORTING INFORMATION:

Planned residential and commercial developments in the Otay Mesa Community have substantially increased traffic volumes on Palm Avenue, east of Interstate 805, and on the freeway ramps. The traffic volumes are projected to reach 40,000 ADT (Average Daily Traffic) by the year 2015 and 56,200 ADT at build-out. This improvement project will ultimately accommodate additional traffic resulting from growth in the area and help to reduce traffic volume on State Route 905.

Seven firms were interviewed by the Transportation Engineering Division, in accordance with Council Policy 300-7 and A.R. 25.60. The Deputy Director of Transportation Engineering Division, as Appointing Authority, received staff recommendation and selected Simon Wong Engineering as the consultant for this project to provide professional engineering services for Stage II and Stage III.

This agreement is for the design of Stage II only. Stage II consists of widening the structure on the south side, providing needed repairs to bridge approaches and abutments, and the installation of sidewalks, signage and signal modifications. Subsequently, when funding becomes available, staff will proceed with Stage III. Stage III consists of widening the north side of the bridge to its ultimate width, as well as a realignment of the off and on ramps for this highly utilized structure, bringing the facility to its ultimate widened capacity. Approval of consultant services for Stage III will be brought back to Council for future action.

\$50,000 in TransNet funding was identified for the Palm Avenue Roadway Improvements project (CIP-52-764.0) as part of the Fiscal Year 2008 TransNet allocation process. The allocation was inadvertently assigned to the Palm Avenue/Interstate 805 Interchange project (CIP-52-640.0). This action will move the TransNet funding to the correct project.

FISCAL CONSIDERATIONS:

\$1,396,813 is needed to fund the Stage II plans, specifications and estimates. Funds are available from CIP-52-640.0, Palm Avenue /I-805 Bridge Widening Project, of which \$866,021 is available from Fund No. 79013, Otay Mesa FBA East, and \$530,792 is available from Fund No. 79014, Otay Mesa FBA West.

Current TransNet appropriation in the Palm Avenue Roadway Improvements project (CIP-52-764.0) is \$250,000. With this action, the appropriation will be increased to \$300,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approval of Caltrans Agreement, Resolution No. R-284152 on June 27, 1994.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The following list of community groups shall be contacted and coordinated with throughout the design phase of the project:

- Otay Mesa Chamber of Commerce
- South County Economic Development Council.
- Otay Mesa Recreation Council
- Otay Mesa/Nestor Planning Group

To date, no support or opposition group listings have been formed.

KEY STAKEHOLDERS:

City of San Diego, CALTRANS, Simon Wong Engineering, Inc., Kimley-Horn & Associates, Hon Consulting, Geocon, KTU+A, Otay Mesa Chamber of Commerce, South County Economic Development Council, Otay Mesa Recreation Council, and Otay Mesa/Nestor Planning Group.

Boekamp/Haas

Aud. Cert. 2800240.

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Agreement with T.Y. Lin International for Design Professional Services for the Bridge Preventive Maintenance Program Project. (Citywide.)

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-335)

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with T.Y. Lin, International, for professional services for the City of San Diego Bridge Preventive Maintenance Program (Project) under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$108,739 from CIP-53-062.0, Bridge Preventive Maintenance Assessment Program, Fund No. 38374, Bridge Preventive Maintenance, for the purpose of providing funds for the above referenced Project;

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 subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3). This determination is predicated on Section 15004 of the Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review.

STAFF SUPPORTING INFORMATION:

On October 24, 2006, City Council adopted Resolution No. R-302021, accepting a Federal grant in the amount of \$223,095 for the purpose of funding the Bridge Preventive Maintenance Program (BPMP) assessment. The program goals are to extend the service life of existing bridges by correcting minor deficiencies early in a bridge's life, rather than wait until a bridge has major problems requiring costly rehabilitation, reconstruction or replacement. Preservation of structural serviceability is a key element to this program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

There are three hundred and eighteen bridges in the City of San Diego inventory. Engineering & Capital Projects staff, with the assistance from a bridge consultant firm, will be working in conjunction with Caltrans' bridge inspectors to narrow down a list of bridges that are good candidates for this program. Careful evaluation of all deficiencies will be required in order to properly scope appropriate preventive maintenance measures. In addition to the structural evaluation, the team must also develop objective procedures to prioritize preventive maintenance projects. The highest priority will include the repair of scour counter measure, embankment erosion control and the repairs, restoration, and strengthening of structural elements.

On July 26, 2007, three firms were interviewed in accordance with City of San Diego A.R. 25.70 and the State of California Local Assistance Program Guidelines, to assist the City with this assessment. The Deputy Director of Right of Way Division, as Appointing Authority, received staff recommendation and selected T.Y. Lin International as the consultant for this project.

A final BPMP report will be submitted to Caltrans at the completion of the assessment. This report will detail bridge specifics, proposed preventive maintenance treatments and cost benefit analysis. Currently no funding has been identified for the actual projects. However, this report will be used as the basis for Federal grant applications should funding become available in the future.

FISCAL CONSIDERATIONS:

\$108,739 is needed for the Consultant Agreement. Funds are available in Fund No. 38374, Bridge Preventive Maintenance Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-302021 dated November 3, 2006, Accepting Federal Grant Funding.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

No community participation is required for the assessment.

KEY STAKEHOLDERS:

City of San Diego, FHWA, Caltrans, and T.Y. Lin International.

Jarrell/Haas

Aud. Cert. 2800270.

Staff: Marnell Gibson - (619) 533-5213

Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Metropolitan Transit System (MTS) Station Improvement Project-Additional Funding. (Southeastern Encanto Community Area. District 4.)

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-284)

Amending the Fiscal Year 2008 Capital Improvements Program Budget for CIP-52-737.0, Metropolitan Transit System (MTS) Station Improvement Project (Project), by increasing the budget amount by \$90,000 in Fund 38984;

Authorizing the City Auditor and Comptroller to accept an additional amount not to exceed \$90,000 in billboard revenue funds from the MTS;

Authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to the Memorandum of Understanding between the MTS and the City of San Diego regarding Trolley Station Landscaping, under the terms and conditions set forth in the First Amendment;

Authorizing the appropriation and expenditure of an amount not to exceed \$310,000 from CIP-52-737.0, MTS Station Improvement Project, Fund 38984, solely and exclusively for the purpose of providing funds for the design and construction of the project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures 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 CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

STAFF SUPPORTING INFORMATION:

In 1987, the City of San Diego agreed to allow one sign to be placed in the right-of-way adjacent to Interstate 15 near Imperial Avenue. For this, the Metropolitan Transit System (MTS, formally MTDB) created a billboard reserve fund for the City of San Diego and has been depositing the revenue generated from the lease with the billboard owner.

According to MTDB, this revenue may be used for purposes having a clear nexus to mass transit, such as landscaping and pedestrian improvements. On February 24, 2005, the City presented preliminary concept plans of the project to MTS at the meeting of the Board of Directors for Metropolitan Transit System. Board members unanimously approved the project and an expenditure of up to \$220,000 from the billboard reserve account to be used for final design and construction. MTS has also agreed to maintain all landscaping, irrigation, and architectural enhancements installed by this project.

This MTS Trolley Station Improvement Project would make improvements to three trolley stations within in the City of San Diego; including pedestrian access enhancements, landscaping, irrigation, sidewalks, and other related work. The three trolley stations identified for improvement are; 1) Encanto/62nd Street, 2) Euclid Avenue, and 3) 47th Street.

The project began advertising for construction on February 15, 2007 and the bid opening was held on March 8, 2007. On June 5, 2007, the base bid portion of the construction contract was awarded to A. B Hashmi Inc. and additional funds were needed to award the two Additive Alternatives "A" and "B". Additive Alternate "A" includes improvements at the 47th Street Station, and Additive Alternate "B" includes more landscape and hardscape improvements at the 62nd Street Station. On August 16th, 2007, the City requested additional billboard reserve funds at the MTS Board of Directors Meeting for construction of Additive Alternatives "A" and "B". Board members unanimously approved the City's request for an additional \$90,000 for these improvements.

FISCAL CONSIDERATION:

The total estimated cost of this project is \$310,000. The funding is from the MTS Billboard Reserve Account, Fund 38984.

PREVIOUS COUNCIL ACTIONS:

- March 26, 2004 (R-299290) - Authorized the addition of CIP-52-737.0, MTS Trolley Station Project, to the FY 04 Capital Improvement Program, authorized to establish a special fund, 38984, for MTS funds, authorized to accept, appropriate and expends up to \$40,000 from Fund 38984 for the purpose of preparing preliminary landscape concept plans.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

- May 31, 2005 (R-300804) - Authorized to execute a Memorandum of Understanding with MTS, authorized to accept, appropriate and expends up to \$220,000 from Fund 38984 for the purpose of preparing preliminary landscape concept plans.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The council office and Board of Directors for Metropolitan Transit System are in full support of the project. The City has been working with the council office and MTS throughout the planning and design development process.

KEY STAKEHOLDERS (if applicable):

Metropolitan Transit System (MTS, formally MTDB), A. B. Hashmi.

Jarrell/Hass

Staff: Mike Arnold - (619) 533-3754

Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: California State Library Services and Technology Act Grant.

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-325)

Authorizing the Mayor, or his designee, to apply for Library Services and Technology Act (LSTA) grant funds from the California State Library in Fiscal Year 2008 for the purpose of implementing two Early Learning with Families Projects, the Integrating Instructional Technology via the Web Quests Program, and any other library programs approved for future LSTA funding by the State Library in Fiscal Year 2008 through 2012, where the LSTA grant funds do not exceed \$200,000 per grant;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend LSTA grant funds from the California State Library in Fiscal Year 2008 through 2012 pending receipt of fully executed grant agreements;

Authorizing the City Auditor and Comptroller to establish separate funds as required by the fully executed agreements.

STAFF SUPPORTING INFORMATION:

The Library Services and Technology Act (LSTA) is a federal grant program administered in California by the State Librarian with grants awarded on a competitive basis. Since 1997, the Library has regularly obtained these grants. LSTA grants enable the library to produce projects that involve the community and enrich their lives.

The Early Learning with Families (ELF) Mini-Grant will allow the Central Library Children's Room to target services toward pregnant and teen families with infant and toddler children who are not currently utilizing the library. Funds will purchase an Early Literacy Station computer and software, books, musical instruments and other supplies to engage parents with babies and toddlers.

In FY 2007, an ELF Mini-Grant established a program at the San Ysidro Branch Library to create an early learning environment for families with young children. In FY 2008 the State Library has offered a continuation grant to maintain the program at San Ysidro and expand it to the College-Rolando, Mira Mesa and Rancho Peñasquitos branch Libraries.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The grant will be used to purchase equipment and furniture, to print publicity to highlight the early learning environments in individual branches, and to purchase books, multimedia story kits for circulation and multilingual material for families from Africa, Asia, and the Middle East.

The Integrating Instructional Technology via WebQuests Grant consists of designing, hosting and maintaining a literacy website that will enable adult learners to use technology to improve their reading skills. Students will learn how to conduct an Internet search, sign up for an e-mail account, and other skills that will allow them to function in the digital age. READ/San Diego will partner with Oceanside READS to test this pilot project to determine if it can be replicated in library literacy programs throughout California, which is the ultimate goal of the program.

FISCAL CONSIDERATIONS:

Through LSTA, \$5,000 has been requested for the ELF Mini-Grant, \$24,260 has been requested for the ELF Continuation Project and \$20,262 has been requested for the WebQuests Program. Grant funds will be matched through in-kind contributions of employee salaries and budgeted expenditures for services, supplies and equipment.

PREVIOUS COUNCIL COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The ELF mini-grant will be promoted via personal invitation and a partnership between the Lindsay Community School and the Central Library's Children's Room. The Children's Room will also collaborate with Cal-SAFE, the San Diego County Office of Education, San Diego City Schools and Helping Hands Even Start. The ELF Continuation program will be promoted through participation in community events, by conducting programs in community spaces, via professionally printed publicity about the Early Learning with Families Space to attract families into the libraries, and through joint events with community partners. The WebQuest Program will be promoted by contacting adult learners enrolled in the San Diego and Oceanside Literacy Programs via phone, mail, and in person. After the initial year the results of the project will be shared at the Southern California Library Literacy Network Meetings, California Library Association Conferences and Meetings, California Library Literacy Service Meetings, and via listserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Partners in the ELF Mini-Grant include READ/San Diego, the adult literacy program of the Library Department, the Central Library Children's Room and Lindsay Community School. Partners in the ELF Continuation grant include READ/San Diego, the Evenstart Program at Willow School, Casa Familiar, and the YMCA LEEP Program. The three additional branches in this proposal will be forming partnerships in their areas during the coming year. Partners in the Integrating Instructional Technologies via WebQuests Program include READ/San Diego, Oceanside Public Library's Oceanside READS literacy program, and Literacyworks, the non-profit organization which will host the website.

Tatár/Goldstone

Staff: Carol Young - (619) 236-5889
Catherine M. Bradley – Chief Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Accepting the Relinquishment of the Mission Center Road/Camino Del Rio North Intersection. (Mission Valley Community Area. District 6.)

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-385)

Agreeing to accept maintenance, control and ownership, including all of State's current obligations, rights, title and interest in the area of public right of way at Mission Center Road and Camino Del Rio North road intersection and appurtenant facilities upon recordation of the California Transportation Commission's Resolution of Relinquishment in the County Recorder's Office and to thereafter operate, maintain, and be liable for roadway areas and facilities at no additional cost to the State.

Waiving the State's obligation to provide ninety (90) days prior notice of the State's "Intention to Relinquish" as set forth in Section 73 of the Streets and Highways Code because this relinquishment is at the request of the City;

Agreeing there shall be no California Transportation Commission allocation of funds for a betterment or improvement of requested relinquishment areas.

Agreeing that the State reserves the right to enter relinquished collateral facilities, including sidewalks and other areas adjacent to the traveled way, to modify or add signage, drainage, and other improvements necessary for State highway operations, at no additional cost to the State;

Agreeing to allow the State access to operate, maintain, add, remove, or modify the State's facilities, if any, retained in those collateral facilities;

Declaring that this activity is not a "project" and is therefore 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 City of San Diego and the Mission Valley community desire improved traffic circulation on Mission Center Road, Camino del Rio North, and other streets in the immediate vicinity. Coordination of the timing of the traffic signals in the area is proposed as a means to improve the traffic flow.

However, the timing of the traffic signal at Mission Center Road and Camino Del Rio North falls within Caltrans' jurisdiction, not the City's. Caltrans is willing to relinquish this intersection to the City of San Diego by means of a resolution approved by the City Council, thereby allowing the desired traffic signal timing improvements to be made by the City.

FISCAL CONSIDERATIONS:

This intersection is currently being maintained by the General Services Department, Street Division, therefore there are no additional fiscal impacts.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff of the Engineering & Capital Projects Department and Council District 6 have received numerous requests for traffic flow and signal timing improvements at this location.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Motorists on Mission Center Road and Camino del Rio North should experience improved traffic flow.

Jarrell/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: Ratifying the Election Results of the October 2, 2007 Project Area Committee Election for the College Community Redevelopment Project. (College Community Area. District 7.)

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

(See Report to the City Council No. 07-182.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-305)

Approving as constituting a representative PAC, the Project Area Committee (PAC) for the College Community Redevelopment Project, including those persons who received the highest number of votes in their respective categories;

Finding that the election results of October 2, 2007 are valid and binding in accordance with the Formation Procedures adopted by Resolution R-298200;

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

STAFF SUPPORTING INFORMATION:

The College Community Project Area Committee (PAC), comprised of fourteen members, was authorized by the City Council on September 22, 1992. The role of the PAC is to advise the Council and Redevelopment Agency regarding adoption and implementation of the College Community Redevelopment Project. Eight of ten PAC vacancies were filled at the Annual PAC Election for the College Community Redevelopment Project Area which took place on October 2, 2007. Two of the College Community PAC seats remain vacant, the Owner Occupant and one of the Other Community Organizations seats. City Council ratification of the Annual Election results is required in accordance with the Council's procedures regarding the formation of the College Community Redevelopment Project Area Committee.

FISCAL CONSIDERATIONS:

None with this action. Administration of each PAC is funded through the Redevelopment Agency Annual Project Budget.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On July 26, 2007 the City Council authorized staff to conduct the elections and extend the College Community (Resolution R-302842) Project Area Committee's for an additional year.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Mass mailings notified residents of the Project Area encouraging both candidates and voters to participate in the election. The mailings listed the open seats while providing the date, time, and location of the event. PAC Election notices were also posted in at least four places within the Project Area. The Project Area website was updated to inform the public about the elections.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

College Community Redevelopment Project Area Committee.

Weinrick/Anderson

Staff: Eliana Barreiros - (619) 236-6267

Kendall D. Berkey - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-108: Amending the 2007 Legislative Calendar relating to the City Council Meeting of November 19, 2007; and Rules, Open Government and Intergovernmental Relations Committee Meeting of December 6, 2007.

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

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-384)

Amending the schedule of meetings for the City Council, Standing Committees, and Council Budget Hearings of the City Council for the period of January 1, 2007 through December 31, 2007:

1. To show that the meeting of the City Council for Monday, November 19, 2007, will be held at Mission Valley Church of the Nazarene, located at 4750 Mission Gorge Place, San Diego, California, said meeting to commence at 5:00 p.m.;
2. To show that, in the light of the adjournment of the October 24, 2007 meeting of the Committee on Rules, Open Government, and Intergovernmental Relations Meeting, an additional meeting of this committee will be held on December 6, 2007 at 9:00 a.m.;

Directing the City Clerk to post and publish, as necessary, the notice of such meeting with the date, time, and location thereof and make necessary preparations and arrangements therefor.

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-109: Amending the 2007 Legislative Calendar Relating to a Meeting of the Budget and Finance Committee on December 6, 2007.

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

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-368)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2007, through December 31, 2007, to add on December 6, 2007, at 2:00 p.m., a meeting of the Committee on Budget and Finance;

Directing the City Clerk to post and publish, as necessary, the notice of such meetings with the date, time, and location therefore and make necessary preparations and arrangements therefore.

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

- * ITEM-110: Gloria Jean Nieto Day.

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

COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-381)

Commending Gloria Jean for her outstanding service, leadership, and commitment to the people of San Diego;

Proclaiming October 29, 2007, to be "Gloria Jean Nieto Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-111: 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-2008-274)

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

- * ITEM-112: 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-2008-296)

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-113: Declaring a Continued State of Emergency Regarding the Landslide on Mount Soledad.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-360)

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

- * ITEM-114: Declaring a Continued State of Emergency Regarding the Wildfires.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-390)

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-115: Declaring a Continued Shelter Crisis Due to the Wildfires.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-391)

Declaring a shelter crisis continues to exist in the City of San Diego due to the Wildfires, pursuant to Government Code Sections 8698 through 8698.2;

Declaring that the measures previously taken by the City Council in Resolution No. R-303099 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

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

ITEM-330: Third Amended and Restated Agreement with Hawkins, Delafield & Wood LLP for General Disclosure Counsel Services.

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

(See Report from the City Attorney dated 11/6/2007.)

CITY ATTORNEY'S RECOMMENDATION:

Hold the first public hearing of the ordinance:

(O-2008-38 Cor. Copy)

An Ordinance accepting the Report of the City Attorney;

Authorizing and directing the City Auditor and Comptroller to appropriate and to transfer up to \$369,500 from the City's General Fund Unallocated Reserves to the Citywide Program Expenditure (Dept. 601, Fund 100). The City Auditor and Comptroller is further authorized and directed to expend \$369,500 from Citywide Program Expenditure (Dept. 601, Fund 100), General Fund (100), and an amount not to exceed \$130,000 from various Non-General Funds, Account 4151, \$4,450.00 Golf Course Fund 41400, Dept. 730, \$350 Environmental Protection Fund 41200, Dept. 750, \$1,750 Waste Reduction & Enforcement Fund 41200, Dept. 751, \$3,850 Refuse Disposal Fund 41200, Dept. 752, \$800 Resource Management Fund 41200, Dept. 753, \$400 Collection Services Fund 41200, Dept. 754, \$750 Waste Reduction and Enforcement Fund 41210, Dept. 755, \$4,900 Collection Services Fund 41210, Dept. 757, \$150 Environmental Protection Fund 41210, Dept. 758, \$600 Resource Management Fund 41210, Dept. 759, \$39,550 Water Fund 41500, Dept. 760, \$42,550 MWW-Administration Fund 41506, Dept. 776, \$900 Airports Fund 41100, Dept. 720, \$5,600 ECP-Water & Sewer Design Fund 50050, Dept. 850, \$2,100 E&CP Water Wastewater Field Eng. Fund 50050, Dept. 5431, \$21,800 Developmental Service Enterprise Fund 41300, Dept. 1300 for the purpose of providing funds for the above-referenced services.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

SPECIAL HEARINGS:

ITEM-330: (Continued)

STAFF SUPPORTING INFORMATION:

In the Vinson & Elkin LLP Report entitled "The City of San Diego, California's Disclosures of Obligation to Fund the San Diego City Employees' Retirement System and Related Disclosure Practices 1996-2004 with Recommended Changes to the Municipal Code" dated September 16, 2004 (Report), it was recommended that the City retain a law firm to serve as the City's General Disclosure Counsel in order to provide for "continuity in the City's disclosure materials and a greater accountability on the part of disclosure counsel." In March 2004, the City retained the law firm of Hawkins, Delafield & Wood LLP (Hawkins) to serve as the City's general disclosure counsel. In that capacity, Hawkins has provided expert securities law advice to City staff regarding the requirements of securities laws for private placements and public offerings, continuing disclosure agreements and other disclosure matters. In addition, Hawkins has facilitated the training of City officials and staff with regard to the requirements of the federal securities laws. Finally, Hawkins also participates as a member of the Disclosure Practice Working Group under the requirements of Ordinance O-19320 (adopted November 11, 2004).

FISCAL CONSIDERATIONS:

The City shall compensate Hawkins Delafield & Wood LLP based on its hourly rates for the disclosure counsel services. This Third Amended and Restated Agreement increases the ceiling for such compensation by \$500,000. Accordingly, the maximum amount to be paid under the contract is \$1,250,000, including reasonable out-of-pocket expenses. Authorize the City Auditor and Comptroller to appropriate and transfer \$369,500 from the Unallocated Reserves (Fund 100) to Citywide Program Expenditures (Dept. 601, Fund 100). Authorize the City Auditor and Comptroller to expend \$369,500 from Citywide Program Expenditure (Dept 601), General Fund (100) and \$130,500 from various non-General Funds as detailed in line of accounting for the Third Amendment to the Agreement with Hawkins Delafield & Wood LLP for General Disclosure Counsel Services.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council has previously approved the agreement, as amended, with Hawkins, Delafield & Wood LLP.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

SPECIAL HEARINGS:

ITEM-330: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

All City departments.

Aud. Cert. 2800285.

Staff: Mark Blake, Chief Deputy City Attorney - (619) 533-5618

NOTE: Today's action is the first public hearing. See the docket of Tuesday, November 20, 2007, for the second public hearing and the introduction and adoption of the Ordinance.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-331: Selection of the Council President for 2008.

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

(See memorandum from Council President Peters' dated 10/30/2007.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-372)

Selecting, after full discussion and deliberation by the City Council,
Councilmember _____, as the Council President-elect to begin a one year
term commencing on January 1, 2008, as Council President.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

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

ITEM-332: Award of an Agreement with American Traffic Solutions for the Red Light Photo Enforcement Program.

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

(See Report to the City Council No. 07-183.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-378)

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, to execute an Agreement with American Traffic Solutions as vendor for the Red Light Photo Enforcement program and approve the new contract, not to exceed \$4.5 million including \$365,000 in Fiscal Year 2008 for the three year contract, plus two option years to renew under the terms and conditions set forth in the Agreement;

Authorizing the Mayor, or his designee, the expenditure of an additional \$65,000 for the existing photo enforcement vendor, ACS, to complete work on the existing contract in FY 08 from previously authorized contract amounts that were not utilized in previous fiscal years;

Authorizing the expenditure of an amount not to exceed \$65,000 from Fund 100, for the purpose of providing funds for the above referenced Project;

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 exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

STAFF SUPPORTING INFORMATION:

The purpose of the Red Light Photo Enforcement Program (RLPE) is to prevent red light violations and reduce the possibility of collisions that may result from running red lights by modifying driver behavior. The current RLPE program has operated for over four years. Accident data analysis indicates that the number of accidents and violations attributable to red light running is trending downward since the inception of the program. For the first full three years of the program when we had a 0.5 second grace period, we had not seen a reduction in red light violations. However, we did see a 17% decline in red light running accidents at the eight existing red light photo locations and a 9% reduction citywide. Since the reduction of the grace period to a 0.1 second inherent delay in August of 2006, we have seen a 4% reduction in red light violations at the existing red light photo locations. In addition, red light running accidents have declined 62% at the existing red light photo locations and 12% citywide. Based upon the effectiveness of this method of enforcement, it is recommended that the City continue to utilize the program as just one tool to improve roadway safety.

The existing Red Light Photo Enforcement contract expires December 2007. Specifications were developed and the Purchasing Department produced and managed the Request for Proposals for the service. American Traffic Solutions Inc. was selected as the best able to support the needs of the City.

The terms of the agreement will be for three years plus two option years to renew. The City will pay ATS a fixed monthly fee of \$ 3,750 per site, per month, for installation and operation of the first 12 sites. The fixed monthly fee will be \$5,195 per site, for all additional sites. The contract also includes the option of relocating a site for \$50,000. The equipment at ten existing sites will be transitioned to the new vendor plus installing approximately five additional new sites. We anticipate minimal interruption in service between contracts.

In addition, we are requesting authorization to exceed the FY'08 expenditure limit for the current contract by \$65,000. The expenditure in each of the five calendar years of the current contract was estimated in 2002 to be \$1,300,000. In this fifth year of the contract, the majority of the expenditures have occurred in the later part of the year. Although we are not exceeding the original annual expenditure estimate of \$1,300,000, the majority of the expenditures have occurred in FY'08.

FISCAL CONSIDERATIONS:

The cost of the contract over five years is \$4,500,000.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The cost of the RLPE program in FY'08, including contract costs and city staff is \$1,670,000. The cost of the program is offset by revenue received from citations.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 17, 2002, Council authorized the reinstatement of the Red Light Photo Enforcement (RLPE) Program. As part of the reinstatement of the program, Council directed staff to use a minimum red light "grace period" of 0.5 seconds before a citation is issued to the registered owner who failed to stop at a red light. On July 12, 2006, Council authorized the reduction of the 0.5 second grace period to the 0.1 second inherent delay.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A RLPE Program web page has been posted on the City of San Diego's web site. The web page describes the program, contains a short video explaining how the program operates, and includes the proposed intersections for photo enforcement. Proposed intersections are posted on the City's website for at least thirty days prior to final decision making, to allow for public comment. In addition, letters are sent to the local community planning group for input. Engineering staff respond to any questions from the public generated through the website.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Vehicle drivers that run a red light will be impacted (receive a citation). Traffic accidents as a result of running red lights will be reduced, increasing motorist, pedestrian, and bicycle safety.

Jarrell/Haas/Maheu

Aud. Certs. 2800334 and 2800345.

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

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-333: Stebbins Residence, demolition of an existing one story duplex, and the construction of a three story-single family residence. Located at 5166 West Point Loma Boulevard. (Ocean Beach Community Area. District 2.)

[?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 \(Part 3 of 3\).](#)

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission's decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above an 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to the City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076.)

(Continued from the meetings of May 22, 2007, Item 334, June 19, 2007, Item 331, September 4, 2007, Item 335, September 25, 2007, Item 335, and October 30, 2007, Item 337, last continued at the request of Councilmember Faulconer, for further review.)

NOTE: Hearing open. No testimony taken on May 22, 2007, June 19, 2007, September 4, 2007, September 25, 2007, and October 30, 2007.

STAFF'S RECOMMENDATION:

Take the following actions:

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Subitem-A:

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 51076, 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 Administrative Code 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 the City of San Diego City Council;

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

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby 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 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;

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 Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Subitem-B: (Continued)

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

Subitem-C:

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2007, voted 6-0-1 to approve.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund
(One vacancy)

The Ocean Beach Community Planning Group has been notified of this project and has not taken a position.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

EXECUTIVE SUMMARY

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas. The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007 to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007 Planning Commission, hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

LEGAL DESCRIPTION:

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-334: Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2008. (Pacific Highlands Ranch Community Plan Area. District 1.)

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

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

(See Report to the City Council No. 07-151, not available at Committee; and Report to the City Council No. 07-145. Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2008, September 12, 2007 DRAFT.)

NOTE: Third Hearing will be held on December 4, 2007. First hearing was held on October 8, 2007.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-376)

Resolution of the Council of the City of San Diego declaring its intention to designate an area of benefit in Pacific Highlands Ranch and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 9/19/2007, LU&H voted 4 to 0 to approve. (Councilmembers Atkins, Young, Madaffer, and Hueso voted yea.)

OTHER RECOMMENDATIONS:

The Carmel Valley Planning Group (CVPG) on July 10, 2007, voted (11-0) in support of the proposed financing plan with qualifications.

SUPPORTING INFORMATION:

REQUESTED ACTION:

1) Adopt a Resolution of Intention to designate an area of benefit for a Facilities Benefit Assessment (FBA) in Pacific Highlands Ranch; 2) Adopt a Resolution of Designation for the FBA in Pacific Highlands Ranch; and 3) Approve the setting of Development Impact Fees (DIF) consistent with the FBA in Pacific Highlands Ranch for those developments which have never been assessed or otherwise agreed to pay an FBA.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

SUPPORTING INFORMATION:

STAFF RECOMMENDATION:

Rescind the existing FBA and DIF and establish new FBA and DIF for Pacific Highlands Ranch.

EXECUTIVE SUMMARY:

Council Policy 600-36 calls for an annual review of all existing FBA. This is the annual review and will serve as the basis for the Capital Improvement Program (CIP) as it pertains to programming FBA funds in Pacific Highlands Ranch. The most recent review of the Pacific Highlands Ranch PFFP and FBA was approved by Council, passed by the Mayor on October 18, 2007, by Resolution R-303042.

The FY 2008 PFFP details the public facilities that will be needed through the ultimate development of Pacific Highlands Ranch and for the projected population at full community development. The required facilities include a library, fire station, police station (located in Carmel Valley), a community park and two neighborhood parks, numerous trails, and major transportation facilities.

No change is proposed for the assessments of FY 2008:

<u>LAND USE</u>	<u>CURRENT ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
SINGLE FAMILY UNIT	\$69,118	\$69,118
MULTI FAMILY UNIT	\$48,384	\$48,384
DEL MAR HIGHLANDS ESTATES	\$47,002	\$47,002
VILLAGE ACRES	\$557,652	\$557,652
INSTITUTIONAL ACRES	\$198,273	\$198,273
EMPLOYMENT CENTER ACRES	\$371,765	\$371,765

Development in Pacific Highlands Ranch is limited by a transportation phasing plan until certain improvements are assured. The Public Facilities Financing Plan FY 2008 has prioritized the FBA funding so that all of the projects required for the 1,900 dwelling units associated with the transportation phasing plan are funded with the assessments of those 1,900 dwelling units.

FISCAL CONSIDERATIONS:

Adoption of the designated area of benefit will continue to provide a funding source for the public facilities identified in the Pacific Highlands Ranch Public Facilities Financing Plan FY 2008.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Land Use and Housing Committee voted unanimously, September 19, 2007, to approve the Pacific Highlands Ranch Public Facilities Financing Plan for FY 2008. On October 8, 2007 the City Council voted unanimously to approve the PFFP for FY 2008. A resolution of intention was also passed on October 8, 2007 to set the time and place for a public hearing on November 19, 2007, however a change in venue and time for the November 19th Council meeting requires a new resolution of intention for a meeting on December 4, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 10, 2007 the Carmel Valley Planning Group (CVPG) voted (11-0) in support of the proposed financing plan, but with qualifications that have been addressed prior to Council approval of the plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Pacific Highlands Ranch Assessment Roll, beginning on page 225. These property owners will be mailed a notice of the public hearing and a copy of the financing plan. The owners will have liens placed upon their property and will be required to pay an FBA upon any building permit issuance. Redevelopment that increases the intensity of existing uses may be subject to an impact fee.

Anderson/Gabriel

NOTE: This plan is a financing measure and is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Staff: Frank January – (619) 533-3699
Elizabeth C. Coleman – Deputy City Attorney

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-335: 15th and Commercial – Centre City Conditional Use Permit/Variance No. 2007-24 to Amend and Supersede Conditional Use Permit 88-1224 to Reconstruct an Existing Transitional Housing Facility and Add Residential and Educational Uses. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

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

(See Centre City Development Corporation Report No. CCDC-07-19.)

(Continued from the meeting of October 30, 2007, Item 339, at the request of Councilmember Hueso, for further review.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-330)

Adopting the following findings with respect to Centre City Conditional Use Permit/Variance No. 2007-24 under San Diego Municipal Code (SDMC) Sections 126.0305 and 126.0805:

- 1. That there are special circumstances or conditions applying to the land or premises for which the Variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zoning regulations.**

Development of this site is constrained by the two seismic faults located just east of mid-block on Commercial Street, as well as a previously existing SDG&E easement at the southeast corner. The faults and the easement are both non-buildable areas and result in the project not being able to meet streetwall development standards along 89 feet of the 201-foot length of the Commercial Street frontage and all 100 feet of the 16th Street frontage. The project proposes a one-story building outside these setbacks to occupy 32 feet of the Commercial Street frontage. At 18 feet in height along this frontage, the one-story building does not meet the minimum 45-foot streetwall height established by the Centre City Planned District Ordinance (PDO). Additional floor levels are not needed for this facility and are limited by the relatively small size of the development footprint (between the no-build zones).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

2. **That the circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the Variance granted by the City is the minimum Variance that will permit the reasonable use of the land or premises.** The no-build setbacks restrict the use of a significant portion of the project site. The one-story building is proposed to provide necessary additional floor area for the child day care facility that cannot be accommodated in the main building because building code restrictions do not allow building area for toddlers to be above grade level. This building assists the project in meeting streetwall development standards along the length of the project site where possible. The Variance relating to streetwall height is the minimum required to allow use of this portion of the development site.
3. **That the granting of the Conditional Use Permit Variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety or welfare. The Variance only results in an aesthetic impact, which is not detrimental to the public health, safety or welfare.** The intent of streetwall development standards is to enhance the pedestrian realm by providing a consistent, activated and attractive streetwall in all new development. Given the reduced developable area, the project strives to meet the intent of these standards by providing an attractive landscaped fence along the perimeter adjacent to the no-build zones and enclosed building area, where feasible, and by incorporating an attractive design for the one-story building to be compatible with the redeveloping context of the neighborhood. Furthermore, the project as a whole provides members of our community with needed services and living facilities, and the hours of operation and conditions of approval will further ensure that the use is not a detriment to the public health, safety, and welfare of the surrounding neighborhood.
4. **That the granting of the Conditional Use Permit Variance will not adversely affect the applicable land use plan.** The granting of the Conditional Use Permit Variance does not adversely affect the applicable land use plan, including the San Diego Downtown Community Plan and the Centre City Planned District Ordinance, as the uses in the project are allowable with approval of a Conditional Use Permit or are allowed by right, and the granting of the Variance would only provide relief from strict application of the minimum streetwall height standard in order to allow additional building area within a constrained development site.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Furthermore, the project replaces a deteriorating building that currently provides the same uses as those in the project and which are allowed in this land use district with approval of a Conditional Use Permit, and provides a new facility that improves the living conditions of the transitional residents, including upgraded day care facilities for their children, and increases the supply of affordable housing in this vicinity.

5. **That the proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The project will continue operations and programs that have existed on-site and complied with the regulations affecting the site for thirty years. The facility is designed, and will continue to operate, in conformance with the regulations of the City's Land Development Code and the Centre City Planned District Ordinance.
6. **That the proposed use is appropriate at the proposed location.** The project replaces an aged facility that is currently located on this site and operates in conjunction with the adjacent programs and facilities at the JKC, which are both covered under a single Conditional Use Permit. The site is within the Mixed Commercial District which allows the use with approval of a Conditional Use Permit.

The above findings are supported by the minutes, plans and exhibits, all of which are incorporated herein by this reference.

Granting Centre City Conditional Use Permit/Variance No. 2007-24 (Permit) to S.V.D.P. Management, Inc. (Permittee), subject to and under the terms and conditions set forth in the Permit, which shall amend and supersede Conditional Use Permit 88-1224, based on the findings adopted by the Council;

Declaring that this activity is covered under the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Redevelopment Project, which was certified by the Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006, and the Addendum to the FEIR for the 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007. This activity is adequately addressed in the environmental documents noted above and the secondary study prepared for this project reveals there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, this activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3), 15180, and 15378(c).

SUPPORTING INFORMATION:

S.V.D.P. Management Inc. has submitted a request to amend Conditional Use Permit ("CUP") 88-1224 to build a 12-story, 142-foot tall building on the south end of the block bounded by Imperial Avenue and 15th 16th and Commercial streets. The existing CUP encompasses the entire block to allow an emergency center for the homeless, including meals, showers, permanent and temporary housing, and related support programs at the Joan Kroc Center ("JKC") and Bishop Maher Center ("BMC") buildings located on-site. The proposed project will replace the existing BMC building that provides transitional housing facilities (150 beds) in a 12-story building, accommodate the child day care center facilities currently located at the JKC, and add 64 income-restricted Living Units (plus one manager's unit). The project will not increase the number of beds associated with the existing transitional housing on this site. The project includes a variance from the minimum streetwall height development standard for a one-story building located between two non-buildable setbacks (seismic fault and pre-existing utility easement).

FISCAL CONSIDERATIONS:

None at this time. However, the applicant has inquired about possible Redevelopment Agency financial assistance as part of the project funding, which is currently being reviewed by CCDC staff. The applicant requests review of this CUP/Variance at this time based on the merits of the request and without consideration of potential financial assistance in order to maintain already secured funding for the child day-care component of the project. Any consideration of Agency funding of the project will be brought forward to the Agency at a late date with a full analysis of any such request.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

SUPPORTING INFORMATION: (Continued)

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On September 19, 2007, the Centre City Development Corporation voted unanimously to recommend approval of the project to the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Centre City Advisory Committee ("CCAC"), downtown's Community Planning Group and Project Area Committee, reviewed the project at its September 8, 2007 meeting and voted unanimously to support the project. The East Village Association ("EVA") reviewed the project at its July meeting and voted to support the project. EVA recommended adding a condition of approval to the CUP to expand security camera monitoring on the adjoining streets.

Drolet/Graham/Richter

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-336: Sapphire Street Tentative Map, an application for a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert ten existing apartments to condominiums at 901 Sapphire Street. (Pacific Beach Community Plan Area. District 2.)

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

Matter of the appeal by Robert J. Bateman from the decision of the Planning Commission approving an application for a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert ten existing apartments to condominiums on a 0.18 acre site located at 901 Sapphire Street between Mission Boulevard and Bayard Street in Pacific Beach Community Plan area.

Should the condominium conversion project 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.

If you are an existing tenant within this project, you may have the rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

(Coastal Development Permit (CPD) No. 298357/Tentative Map No. 266233/
Waiver to Underground Existing Overhead Utilities/Project No. 84320.)

STAFF'S RECOMMENDATION:

Take the following actions:

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

Subitem-A:

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 298357, with appropriate findings to support Council action;

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 Tentative Map No. 266233 and Waiver to Underground Existing Overhead Utilities, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on August 30, 2007, voted 5-1-1 to approve; with opposition.

Ayes: Schultz, Ontai, Otsuji, Nasland, Smiley

Nays: Grizwald

Not present: Garcia

The Pacific Beach Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve a Coastal Development Permit, Tentative Map and waiver from the requirement to underground existing overhead utilities to convert ten existing apartments to condominiums at 901 Sapphire Street between Mission Boulevard and Bayard Street within the Pacific Beach Community Plan area. The applicant is appealing the Planning Commission's conditions requiring that the physical improvements recommended in the building conditions report be completed prior to the Final Map

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

STAFF RECOMMENDATION:

Grant the appeal and approve Coastal Development Permit No. 298357, Tentative Map No. 266233 and waiver to underground existing overhead utilities, without the Planning Commission's imposed conditions requiring implementation of the Building Conditions Report and landscape concept plan.

EXECUTIVE SUMMARY:

The application for a Coastal Development Permit, Tentative Map and waiver from the requirements to underground existing overhead utilities was deemed complete on October 10, 2005. At that time, the condominium conversion regulations did not require a Building Conditions Report or landscape improvements. The environmental determination was subsequently appealed to the City Council (it was part of the original 76 CEQA appeals by Cory Briggs). On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301724. That denial permitted this project to move forward through the review and hearing process, subject to the regulations that were in effect at the time the project was deemed complete.

The new condominium conversion regulations are not applicable to this project, so there is no legal requirement for either the Building Conditions Report or the Landscape Concept Plan. Nevertheless, the Planning Commission has consistently requested applicants to voluntarily provide a Building Conditions Report and a Landscape Concept Plan. The owner did voluntarily provide these documents.

On July 12, 2007, the Planning Commission approved the project, with the following conditions which are required to be completed prior to recordation of the Final Map. The appellant is objecting to these conditions imposed by the Planning Commission.

- 1) 1Proposed renovation improvements cited in the cost estimate.
- 2) 2Landscaping improvements.
- 3) 3Replacement of any items in the Building Conditions Report with five years of life or less.

In several previous appeals this year, the City Council has adopted a compromise which allows the condo converter to execute the required physical improvements prior to the sale of the first unit. City staff does not recommend that approach as it does not provide a mechanism for the City Engineer to verify that the improvements have been completed.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

City staff's recommendation to grant the appeal and approve the project without the Planning Commission's imposed requirements is based primarily on the fact that this project is not legally required to meet those requirements.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The CEQA determination of exemption was appealed by Cory Briggs of Briggs Law. On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301724. That denial permitted the project to move forward through the review and hearing process.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 30, 2007, the Planning Commission voted 5-1-0 to approve the project with added conditions.

On April 26, 2006, the Pacific Beach Community Planning Group voted 14-1 to approve the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Owner and Applicant William G. Clarke and Joanne E. Clarke, Co-Trustees of the Clarke Trust and the property's tenants.

Boekamp/Anderson/HD

NOTE: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 24, 2005, and the opportunity to appeal that determination ended November 7, 2005. This Tentative Map has no outstanding environmental appeals.

Staff: Helene Deisher – (619) 446-5223

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-337: 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 58th 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.

(Continued from the meeting of October 30, 2007, Item S332, at the request of Councilmember Madaffer, for further review.)

NOTE: Hearing open; no testimony taken.

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;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-A: (Continued)

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;

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).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-B: (Continued)

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).
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 58th 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;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-C: (Continued)

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

OTHER RECOMMENDATIONS:

Planning Commission on August 9, 2007, voted 6-0-1 to approve this project.

Ayes: Otsuji, Naslund, Garcia, Griswold, Ontai, Smiley

Not present: Schultz

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of the Netta Terrace project, a seven-lot subdivision on a 1.96-acre site located on the north side of Cervantes Avenue, south of Radio Court, in the SF-10000 zone of the Southeastern San Diego Planned District, in the Southeastern San Diego Community Plan area.

STAFF RECOMMENDATIONS:

CERTIFY Mitigated Negative Declaration LDR No. 2250 and **ADOPT** the Mitigation, Monitoring and Reporting Program;

APPROVE Tentative Map and Public Right-Of-Way Vacation No. 463163, Planned Development Permit No. 463165 and Site Development Permit No. 463166.

EXECUTIVE SUMMARY:

The Netta Terrace subdivision proposes the development of seven single-family residential lots with deviations, and, an extension of Cervantes Avenue on a 1.96-acre parcel located at the northwest intersection of unimproved segments of Cervantes Avenue and South 58th Street. No development is proposed with this project. Future development of the homes would be processed ministerially provided no additional deviations are proposed.

The Tentative Map includes a Public Right-Of-Way vacation to vacate a portion of South 58th Street, which is unimproved adjacent to the site. A Planned Development Permit is required for a total of three deviations from the regulations of the SF-10000 zone and from the environmentally sensitive lands regulations as follows:

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Two lots require deviations to the lot standards as follows: 24 feet of frontage where 65 feet is required for a proposed panhandle lot and, a 9,150-square-foot lot is proposed where 10,000 square feet is required. One lot would also deviate from the hardscape requirement providing 38 percent of hardscape areas in the front setback where 30 percent is the maximum allowed. The project also proposes to impact a

0.01-acre disturbed wetland within the interior of the parcel. Impacts to wetlands are classified as a deviation and processed as a Planned Development Permit. These deviations result in a superior project and protect sensitive resources while contributing to additional housing units for the City.

A Site Development Permit is required for proposed impacts to biological resources, specifically, the disturbed wetland and non-native grasslands. A Site Development Permit is also required for a Southeastern San Diego Planned District Permit for the subdivision of land.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On August 9, 2007, the Planning Commission voted 6:0:1 to recommend to the City Council approval of the project without any changes.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Encanto Neighborhoods Community Planning Group recommended approval of the project by a vote of 10-0-0 with no conditions.

KEY STAKEHOLDER:

Sedlack Development Co., L.P.

FISCAL IMPACT:

None.

Boekamp/Anderson/ST

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

LEGAL DESCRIPTION:

The 1.96 acre site is located on a vacant lot on the north side of Cervantes Avenue, west of Radio Drive, in the RS-1-4 Zone of Southeastern San Diego Planned District, in the Southeastern San Diego Community Plan area and Council District 4.

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)

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

ITEM-338: Adopt the 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-2008-401)

Receiving and adopting the San Pasqual Groundwater Management Plan;

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 SUPPORTING INFORMATION:

Council Policy 600-45 requires preparation of a GMP in order to protect, manage, and utilize the groundwater resources within the San Pasqual Groundwater Basin (Basin). The 4,540 acre Basin is located in the northern portion of the City of San Diego between the City of Escondido to the north and the Community of Rancho Bernardo to the south. A GMP is a document that outlines a coordinated strategy for administration, operation, and monitoring of a groundwater basin, and helps ensure the quality, production, storage, and long-term sustainability of the groundwater resource. Per Section 10753 of the California Water Code, in order to adopt a GMP the City is required to conduct a public hearing and accept public comments. Water Code Section 10753 requires notice to be published twice in local newspaper(s), seven and fourteen days before this public hearing is held. After the public hearing, the GMP adoption must be acted upon within 35 days.

If adopted, the GMP will be reviewed annually by staff and may be updated on 5 year intervals depending upon activities in the Basin.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The goal of the GMP is to understand and enhance the long-term sustainability and quality of groundwater within the basin, and protect this groundwater resource for beneficial uses including water supply, agriculture, and the environment. To achieve this goal, the GMP sets forth management objectives, plan components, and management actions to maintain overall health of the basin. These management objectives are:

- . Protect and enhance groundwater quality.
- . Sustain a safe, reliable local groundwater supply.
- . Reduce dependence on imported water.
- . Improve understanding of groundwater elevations, basin yield and hydrogeology.
- . Partner with agricultural and residential communities to continue to improve implementation of best management practices:

The GMP describes potential water supply opportunities in the basin such as brackish groundwater desalination and conjunctive use storage and recovery of imported water. The brackish groundwater desalination component would consist of extracting and desalinating native groundwater using reverse osmosis (RO) treatment for potable uses. The conjunctive use concept would recharge imported water to the aquifer during periods of availability and less expensive supply, for recovery during dry periods or emergency conditions.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL/COMMITTEE ACTION:

On December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-297484 in which the San Pasqual Basin was identified as a potential groundwater supply. The Council adopted Policy 600-45 (R-300588) on June 27, 2005 by unanimous vote. On May 16, 2006, the City Council approved the consultant agreement to draft a GMP for San Pasqual Basin. On October 10, 2006, the City Council adopted the Resolution of Intention to prepare a GMP for the Basin. On September 26, 2007, the Natural Resources and Culture Committee voted 4-0 to set Public Hearing to consider any public comments on Draft San Pasqual Groundwater Management Plan and consider adoption within 35 days.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

To ensure community participation, a Project Advisory Committee (PAC) was formed that includes stakeholders with a wide range of perspectives on San Pasqual Valley. The PAC met five times from October 2006 to April 2007, and provided input to the City and their consultant as the draft GMP was prepared. The PAC provided input on the goal statement, Basin management objectives, management actions and the overall GMP.

Public outreach included:

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

- Mailed information material;
- A Council noticed Public Hearing (October 10, 2006) to consider and adopt a Resolution of Intention to prepare a Groundwater Management Plan; and
- Publishing the Resolution of Intention in newspapers December 22, 2006. The Water Department has also been actively involved in the San Pasqual/Lake Hodges Planning Group for the past three years.

KEY STAKEHOLDERS:

PAC members/agencies are City of San Diego Real Estate Assets Department, Konyon Dairy (lessee), Rancho Bernardo Community Planning Board, San Diego County Farm Bureau, San Diego County Water Authority, San Diego Zoo's Wild Animal Park (lessee), San Dieguito River Park Joint Powers Authority, San Dieguito River Valley Conservancy, San Pasqual Planning Group, Santa Fe Irrigation District, State Department of Water Resources, U.S. Geological Survey and Witman Ranch (lessee). The consultant is Montgomery Watson Harza.

Barrett/Haas

Staff: Marsi A. Steirer - (619) 533-4112

Raymond C. Palmucci - Deputy City Attorney

NOTE: There are no items on the Closed Session Agenda for Tuesday, November 13, 2007, therefore, there is no Closed Session meeting and no public testimony will be taken during Open Session.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **~~Closed Session Agenda for Tuesday, November 13, 2007, scheduled to commence immediately following the conclusion of the regular open session meeting today.~~**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

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-350: **Notice** of Pending Final Map Approval – 4960 Coronado Avenue.

[?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 “4960 Coronado Avenue” (T.M. No. 219581/PTS No. 137204), located on the north side of Coronado Avenue between Bacon Street and Cable Street in the Ocean Beach Community Plan Area in Council District 2, 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-351: **Notice** of Pending Final Map Approval – Florida Street Condos.

[?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 “Florida Street Condos” (T.M. No. 286547/PTS No. 132379), located on the east side of Florida Street between Polk Avenue and Howard Avenue in the Greater North Park Community Plan Area in Council District 3, 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-352: 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.

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-353: SUBMISSION OF BALLOT PROPOSALS

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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 June 3, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/18/08	137	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	1/23/08	132	Rules Committee review
Monday	1/28/08	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/4/08	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/25/08	99	Council adopts ordinances prepared by City Attorney
Friday	3/7/08	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/20/08	75	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.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT