

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 consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items

- ITEM-50: Modify Purpose of Automated Container Fund to Accommodate Replacement Automated Refuse Container Program.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 2/26/2008, Item 50.
- ITEM-51: Amending the San Diego Municipal Code Related to the Child Protection Act Regulating the Proximity of Sex Offenders to Children's Facilities/Keep Children Safe Initiative.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 2/26/2008, Item 331.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-52: Power Purchase Agreement with Linde Merchant Production Inc. for Renewable Biogas Fueled On-Site Power Generation; and Site Lease Agreement for Use of Land at the South Bay Water Reclamation Plant. (San Ysidro Planning and Development Group. District 8.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 2/27/2008, NR&C voted 4 to 0 to approve.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-60: Two actions related to Second Amendment to the Agreement with Martinez + Cutri Corporation for Professional Services for the Logan Heights Branch Library. (Southeastern San Diego Community Area. District 8.)
STAFF'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.
NOTE: 6 votes required pursuant to Section 99 of the City Charter.
- ITEM-100: First Amendment to the Agreement with Collaborative Services for Consulting Services for the Think Blue Education and Outreach Campaign.
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: This item has been taken off the docket.
- ITEM-102: 2007 United States Fire Administration Fire Grant to Purchase a Type I Heavy Rescue Apparatus.
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Sale of City Property for the Mission Trails Flow Regulatory System. (Mission Trails Community Area. District 7.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: Settlement of the Property Damage Claim of Federal Insurance Company. (Downtown Community Area. District 2.)
STAFF'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-105: Settlement of La Jolla Alta Master Council v. City of San Diego. (La Jolla Alta Community Area. District 2.)
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Lease Agreement with The Friends of Torrey Pines, LLC for 2008 United States Open Ticket Distribution.
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-107: Black History Month.
COUNCILMEMBER YOUNG'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Consumer Fraud Week.
COUNCILMEMBER YOUNG'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: National Engineers Week.
COUNCILMEMBER HUESO'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Declaring a Continued State of Emergency Regarding the Wildfires.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-111: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-112: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)
TODAY'S ACTION IS: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-113: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

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

- ITEM-330: Three actions related to Lead Hazard Prevention and Control Ordinance Recommended by the Land Use and Housing Committee.
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 8/4/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation with the following modifications and direction: 1) Eliminate the requirement for lead hazard inspection and remediation by 2010 of all pre-1978 residential units, except at point of sale, and direct the City Manager to return to the Committee in two years with an evaluation of the effectiveness of the ordinance and a re-examination of the need for a blanket inspection/remediation requirement; 2) with respect to the City Manager's recommendation to increase the rental unit business tax in support of the provision of the Lead Paint Ordinance, instead, direct the City Manager to earmark a portion of the current fee to that purpose; and 3) with respect to the point of sale requirement, include language to indicate when this provision goes into effect.

- ITEM-331: Three actions related to Lead Hazard Prevention and Control Ordinance.
STAFF'S RECOMMENDATION: Introduce the ordinances in Subitem A and B; and adopt the resolution in Subitem C.

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

- ITEM-332: Recommended Fiscal Year 2008 Mid-Year Budget Adjustment.
BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:
On 1/30/2008, Budget voted 4 to 1 to forward the requested budget adjustments to the full City Council in early March based on seven periods of financial data to be provided to the City Council by the CFO, as well as responses from the CFO to the concerns raised on page 14 of the IBA's January 30, 2008, report.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

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

ITEM-333: Two actions related to Community Facilities District No. 3 (Liberty Station) Special Tax Bonds Series A of 2008. (Peninsula Community Planning Area. District 2.)
STAFF'S RECOMMENDATION: Adopt the resolutions.

Noticed Hearings, Discussion

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

ITEM-334: Old Black Mountain Road Vacation, Project No. 128026. Approval of a public right-of-way easement vacation for a portion of Old Black Mountain Road south of Zaslavsky Place and north of Camino San Bernardo. (Black Mountain Ranch Community Plan Area. District 1.)
STAFF'S RECOMMENDATION: Take the actions.

ITEM-335: Rancho Valley Farms, Project No. 5029. An application for the Rancho Valley Farms project which proposes a Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and Neighborhood Use Permit to subdivide and develop ten single family lots with ten single family homes. (Subarea II Community Plan Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolutions.

ITEM-336: Pearl Street Townhomes. Request for Coastal Development Permit, Vesting Tentative Map, including a request to waive undergrounding utilities requirement, and an Easement Vacation to demolish existing six unit apartment building and office building and build 24 residential condominiums on a 0.636 acre site located at 1030 Pearl Street and 7522-32 Herschel Avenue. (La Jolla Community Plan Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolutions.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: San Diego Indie Music Festival Day.

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

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-714)

Commending Alicia Champion and Danielle Lo Presti for creating the San Diego Indie Music Festival to foster the growth of local independent bands for the community to enjoy;

Proclaiming March 11, 2008, to be "San Diego Indie Music Festival Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

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.

ORDINANCES TO BE INTRODUCED:

Item 52.

ORDINANCES TO BE INTRODUCED, WITH RESOLUTIONS TO BE ADOPTED:

Item 60.

RESOLUTIONS TO BE ADOPTED:

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

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-50: Modify Purpose of Automated Container Fund to Accommodate Replacement Automated Refuse Container Program.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/26/2008, Item 50.
(Council voted 8-0):

(O-2008-105)

Declaring that retroactive to January 1, 2008, the purpose of the Automated Container Fund is hereby modified to include (1) receipt of replacement automated refuse container fees, including any corresponding delivery fees; (2) receipt of interest earned on said fee revenues; and (3) expenditure or transfer of funds as necessary to cover expenses of administering the replacement automated refuse container program such as expenses for purchase, delivery, handling, repair, and/or replacement of automated refuse containers together with associated labor, materials, and equipment;

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

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

- * ITEM-51: Amending the San Diego Municipal Code Related to the Child Protection Act
Regulating the Proximity of Sex Offenders to Children's Facilities/Keep Children
Safe Initiative.

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

(See Report from the City Attorney and City of National City Council Agenda
Statement.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/26/2008, Item 331. (Council
voted 8-0):

(O-2008-89 Cor. Copy)

Amending Chapter 5, Article 8, of the San Diego Municipal Code by adding
Division 6, titled Child Protection Act, and by adding Sections 58.0601, 58.0602,
58.0603, 58.0604, 58.0605, 58.0606, 58.0607, 58.0608, and 58.0609, all related to
the Child Protection Act.

Staff: Job Nelson - (619) 236-5980
Alex W. Sachs – Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-52: Power Purchase Agreement with Linde Merchant Production Inc. for Renewable Biogas Fueled On-Site Power Generation; and Site Lease Agreement for Use of Land at the South Bay Water Reclamation Plant. (San Ysidro Planning and Development Group. District 8.)

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

(See Metropolitan Wastewater Department's Executive Summary Sheet dated 2/4/2008; and Metropolitan Wastewater Department's 2/27/2008 PowerPoint.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-118)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a 20-Year Agreement with Linde Merchant Production, Inc., under terms and conditions set forth in the Power Purchase Agreement for Renewable Biogas Fueled On-Site Power Generation;

Authorizing the Mayor, or his designee, to execute a site Lease Agreement with Linde Merchant Production, Inc., under the terms and conditions set forth in the South Bay Water Reclamation Plant Fuel Cell Site Lease;

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15301 because it is not a project and it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public facilities.

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/27/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-52: (Continued)

SUPPORTING INFORMATION:

On September 17, 2007, the City of San Diego entered into the Agreement for the Purchase and Sale of Biogas with BOC Merchant Production, Inc., to sell approximately 1.3 million cubic feet per day of digester gas from the Point Loma Wastewater Treatment Plant (PLWTP). BOC Merchant Production, Inc. has since changed their name to Linde Merchant Production, Inc., (Linde). Linde is in the process of designing and building a facility on a leased site at the PLWTP to clean and compress this excess digester gas, now being flared, and load it on to compressed gas transport trucks for shipment to three 1.2MW fuel cells at host sites including the University of California, San Diego. Linde will pay MWWD approximately \$250,000 per year for this renewable fuel. This agreement for the sale of the PLWTP biogas also gave the City the rights to negotiate with Linde for one of these 1.2MW molten carbonate fuel cells.

MWWD has negotiated a Power Purchase Agreement for one of these three fuel cells to produce 1.2MW of renewable baseload electricity for, and at, its South Bay Water Reclamation Plant (SBWRP). The Linde owned 1.2MW Fuel Cell Energy brand fuel cell and compressed gas unloading station will be designed, permitted, installed, owned, operated, and financed by Linde. The compressed gas trucks will make two round trips per day from the PLWTP to the SBWRP to provide digester gas fuel to this ultra clean, 47% efficient fuel cell whose by products are biogenic carbon dioxide and water. This fuel cell will reduce green house gas emissions by over 2,500 tons per year and will add 1.2MW of renewable energy to the City's goal to install 50MW of renewable electricity generation by 2013.

The PLWTP Agreement to sell the gas to Linde and the SBWRP's Power Purchase Agreement are completely separate agreements.

The SBWRP is expected to save approximately \$75,000/yr on electricity, that it will avoid purchasing from SDG&E, for a total expected savings of \$750,000 over the initial 10-year term of the agreement. The renewable electricity cost from Linde will be 10.6 cents/kwh with no electrical demand charges and no escalation in cost for the first 5 years of the agreement. The agreement includes the option for extensions of 1 to 10 years, if both parties agree.

Additionally, under certain circumstances, potential revenues from the sale of carbon credits or greenhouse gas credits will be shared with the City.

This project is time sensitive because it is driven by first come, first serve, California Self-Generation Program grants, as well as Federal renewable energy tax credits that are set to expire on January 1, 2009. The South Bay Fuel Cell is expected to be operational in December 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-52: (Continued)

SUPPORTING INFORMATION: (Continued)

EQUAL OPPORTUNITY CONTRACTING PROGRAM (EOCP)

Funding Agency: City of San Diego

Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Subcontractor Participation: Construction contractors will be selected after Linde completes the design and permitting of the installation and EOC outreach for contractors is complete. City staff will monitor achievement of goals prior to issuing a Notice to Proceed with Construction, which is a defined term in the Agreements.

Other: A Work Force Report of the San Marcos office has been submitted. The Work Force Report reflects fewer than 15 employees and is, therefore, exempt from employment category goals.

FISCAL CONSIDERATIONS:

This renewable energy fuel cell installation will be owned, financed, and operated by Linde Merchant Production, Inc. The Power Purchase Agreement is expected to save the SBWRP approximately \$75,000 per year in electrical energy costs for a total of \$750,000 over the 10-year term of the agreement. This action also includes an agreement to lease Linde the South Bay Water Reclamation Plant Fuel Cell Sites, approximately 19,450 square feet of land area, in consideration for the energy savings.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was approved by Natural Resources and Culture Committee 4-0 on February 27, 2008. The Agreement for the Purchase and Sale of Biogas with BOC Merchant Production, Inc., for the sale of digester gas from the PLWTP, authorized by Council on September 4, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This item will be reviewed by the Natural Resources and Culture Committee on February 27, 2008. This item was approved by the San Ysidro Planning and Development Group on January 15, 2008, and by the Metro Commission Technical Advisory Committee on January 16, 2008.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

* ITEM-52: (Continued)

SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

- Rate Payers
- California Center for Sustainable Energy (CCSE)
- Linde Merchant Production Inc.
- SDG&E
- Public Utilities Commission

Projected Impacts: Two round trips of gas trucks per day to the SBWRP from the PLWTP, controlled energy costs, reduced power plant emissions, reduced need for additional electrical utility infrastructure.

Ferrier/Barrett

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-60: Two actions related to Second Amendment to the Agreement with Martinez + Cutri Corporation for Professional Services for the Logan Heights Branch Library. (Southeastern San Diego Community Area. District 8.)

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

STAFF'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2008-107)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of said City, a Second Amendment to the Agreement with Martinez + Cutri Corporation for professional design services for the Logan Heights Branch Library (Project) in an additional amount not to exceed \$165,000, for a total contract amount of \$915,000, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer, and under the terms and conditions set forth in the Second Amendment to the Agreement;

Authorizing the additional expenditure of \$165,000 from CIP-35-101.0, Logan Heights Branch Library, Fund No. 18522, Section 108 Logan Heights Library, for the Second Amendment to the Agreement with Martinez + Cutri Corporation for the Project;

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

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval adequately covered under the Finding of No Significant Impact/Negative Declaration No. 42-0267 (Logan Heights Branch Library). The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

* ITEM-60: (Continued)

Subitem-B: (R-2008-638)

Authorizing the re-appropriation of \$509,679 in Fund 38030, First Five Grant Fund from CIP-35-071.0, College Heights Branch Library, to CIP-35-101.0, Logan Heights Branch Library;

Authorizing the expenditure of an amount not to exceed \$509,679 in Fund 38030, First Five Grant Fund, for the Fiscal Year 2008 Program Budget in CIP-35-101.0, Logan Heights Branch Library, solely and exclusively, to provide funds for Project related expenses, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to amend the deed of trust in HUD's favor on the Otay Mesa/Nestor Library, located at 3003 Coronado Avenue, San Diego, California, to secure the loan amount of \$353,000 for the Logan Heights Branch Library;

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

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval adequately covered under the Finding of No Significant Impact/Negative Declaration No. 42-0267 (Logan Heights Branch Library). The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

STAFF SUPPORTING INFORMATION:

This project provides a 25,000 sq. ft. library on a school site to serve the Logan Heights Community. The existing facility, built in 1927 and only 3,967 sq. ft. lacks adequate space for materials and public seating, and has no meeting room. This project consists of two phases: Phase I construction which began in August 2005 and completed in February 2006, consisted of parking areas, fencing, exterior lighting, landscaping, and irrigation; Phase II consists of the library construction.

ADOPTION AGENDA, CONSENT ITEMS (Continued)ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

* ITEM-60: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

On November 29, 2004, the First Five Commission of San Diego entered into a Capital Project Agreement with the San Diego Public Library to make capital improvements and provide library services for children between ages 1 to 5 at the College/Rolando, Logan Heights, Serra Mesa/Kearny Mesa and Skyline Hills branch libraries for a not-to exceed sum of \$4,000,000. Per R-299708, adopted on October 4, 2004, a \$1,000,000 grant budget was set up in each one of the four libraries' CIP. However, it was later established that this grant funding could be only used for future work, and College Rolando Branch Library was already under construction. The maximum allowable First Five funding of \$490,321 was used for the completion of the College Rolando Branch Library Preschooler's Door to Learning. The balance of \$509,679 will be transferred into Logan Heights Branch Library, for a total First Five Grant budget of \$1,509,679 for the project, as approved by the First Five Commission.

On May 20, 2003, the City entered into a consultant agreement with Martinez + Cutri Corporation in an amount not to exceed \$600,000 for the project design. On October 31, 2005, the First Amendment to the Agreement for the amount of \$100,000 was adopted to provide additional professional services during the design phase. With this Second Amendment to the Agreement, the additional basic services during construction will be increased by \$165,000 to pay for design and construction support services during construction phase.

On July 31, 2001, the City Council approved an application to apply for a HUD 108 loan in the amount of \$3,030,000 for the Logan Heights Library. The City received the funds from HUD. On May 20, 2003, the City Council approved an amendment to the original HUD 108 Loan application for an additional amount of \$353,000. This application is on hold in Washington as additional collateral is needed to secure the loan request and receive funding. Because the City does not own the land on which the Logan Heights Library is being built, the City was not able to offer the land as collateral. As the Otay Library located at 3003 Coronado Avenue has sufficient equity to secure the loan, and is consistent with the Guidelines for HUD 108 Loans adopted January 14, 2003 by Resolution # R-297554.

FISCAL CONSIDERATIONS:

The total consultant's fee for professional services authorized for this project is \$915,000. Funds for this purpose are available in CIP-35-101.0, Logan Heights Library.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

* ITEM-60: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council approved an application to HUD 108 loan for \$3,030,000 on July 31, 2001 (R-295242). On June 11, 2002, the City and San Diego Unified School District entered into a Ground Lease Agreement for the Logan Heights Branch Library. City Council (R-297961) approved an Amendment to HUD 108 application for an additional amount of \$353,000 and adopted Consultant Agreement on May 20, 2003. On September, 2003, the City entered into a Grant Agreement with the California State Library, and on November 29, 2004, the City entered into a First Five Commission of San Diego Capital Projects Agreement for the project funding. First Amendment to the Agreement, approving plans and specifications, and authorizing award of construction contract to lowest, responsible and reliable bidder (R-300992) adopted October 31, 2005.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

- City Council's Natural Resources & Culture Committee November 14, 2001
- Boy's and Girl's Club December 12, 2001
Community meetings and input regarding viable site locations and program
- Logan Elementary School /Barrio Station March 20/21, 2002
Principal & Community Presentation/Design Discussion & Site Selection
- Logan Elementary School/Memorial Junior High School April 12/19, 2002, May 1, 2002
Meetings with Principal, staff District Architect, parents & Community
- Board of Education, SDUSD May 28, 2002
Ground Lease Agreement Approval
- City Council June 11, 2002
Meeting with Community Group/Parking, Lighting, & Security Discussions
- Logan Library October 18, 2004

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

* ITEM-60: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

EQUAL OPPORTUNITY CONTRACTING:

<u>Funding Agency:</u>	State Grant HUD 108/First Five
<u>Goals:</u>	15% Voluntary (MBE/WBE/DBE/DVBE/OBE)
<u>Subconsultant Participation:</u>	\$161,054 Certified Firms (18.62%) \$145,350 Other Firms (16.80%)
<u>Other:</u>	Workforce Report Submitted - Equal Opportunity on file. Staff will continue to monitor plan and adhere to Nondiscrimination Ordinance.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Logan Heights community members will benefit from the expansion of their branch library. Funding has been set aside in CIP-35-101.0. Martinez + Cutri Corporation and Sub-Consultants listed on the Second Amendment to Agreement are stakeholders as the project consultants.

Boekamp/Jarrell

Aud. Cert. 2800521.

Staff: Darren Greenhalgh - (858) 573-5019
Christina Bellows - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: First Amendment to the Agreement with Collaborative Services for Consulting Services for the Think Blue Education and Outreach Campaign.

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

(See General Services Department's 2/13/2008 Executive Summary Sheet.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-631)

Authorizing the Mayor, or his designee, to exercise the Year 1 option of the Agreement with Collaborative Services for education and outreach consulting services for the Think Blue campaign, under the terms and conditions set forth in the First Amendment to Agreement;

Authorizing the expenditure of an amount not to exceed \$298,770 from the General Services, Storm Water Pollution Prevention Program (533) General Fund (Fund 100), solely and exclusively, to provide funds for the above amendment for the Think Blue Education and Outreach Campaign;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/27/2008, NR&C voted 4 to 0 to approve and request that the Committee will see what work was completed by Collaborative Services for FY 2007 at a cost of \$68,000, when this item goes before the Council. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

STAFF SUPPORTING INFORMATION:

In Fiscal Year 2007, the Storm Water Pollution Prevention Division initiated an extensive education and outreach campaign in an effort to meet the requirements of three parallel actions by the Regional Water Quality Control Board (RWQCB): adoption of an updated Municipal Storm Water Permit; two pending Total Maximum Daily Load (TMDL) orders, both in Chollas Creek (dissolved metals) and City-wide (bacteria); and water quality improvements to the Areas of Special Biological Significance (ASBS) in La Jolla. In an effort to meet the terms of the various mandated education and outreach measures in the various RWQCB actions against the City, the "Think Blue" campaign began implementing a holistic, multi-faceted approach to achieve improved awareness and long-term sustained and measurable behavior change in target audiences including residents, commercial businesses, industry, mobile businesses, development and construction industry and school-aged children.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

In November 2006, the City advertised for outreach consultants via an RFP process according to AR 26.70. Collaborative Services was one of two firms selected as qualified, in Fiscal Year 2007, the City entered into an agreement for \$68,000, with two one-year options to renew with Collaborative Services (R-302277-2) to assist the Storm Water Pollution Prevention Division with education and outreach to the above targeted areas and audiences. The FY 2007 work was provided and completed at a cost of \$68,000. This First Amendment to the Agreement will allow the Division to exercise the option to renew the contract and receive \$298,770 in additional outreach consulting services in Fiscal Year 2008 for a total amount not to exceed \$366,770.

Continued consulting services in FY 2008 will include, but are not limited to, educational materials development for a commercial inspection program, business surveys, and outreach in the Mission Bay/La Jolla watersheds. Additional Services in this First Amendment will include notification and communication to residents, businesses, industry, mobile businesses and hard to reach audiences of new and existing minimum Best Management Practices, communication of infrastructure and/or service delivery changes to residents, and businesses throughout the City with an emphasis on the San Diego Bay/Chollas Creek TMDLs and assistance on up to three Community-Based Social Marketing (CBSM) pilot projects.

This First Amendment to the Agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

To support its Equal Opportunity Contracting commitment, the City has established voluntary participation levels. The goals for this contract are 20% Voluntary Subcontractor Participation Goal, 15% Voluntary Subconsultant Participation Goal. Goals are achieved by contracting with any combination of Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), Disabled Veteran Business Enterprise (DVBE), or Other Business Enterprise (OBE) level. Attainment of the participation level goal is strongly encouraged, but strictly voluntary.

Prior to award, a workforce report or an Equal Opportunity (EEO) Plan will be submitted to the Program Manager of the City of San Diego Equal Opportunity Contracting Program (EOCP) for approval. Staff will monitor the plan and adherence to the Nondiscrimination Ordinance.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

This action would authorize the appropriation and expenditure of funds in the amount not to exceed \$298,770 from the General Services Department, Storm Water Pollution Prevention Division Operating Fund (#100) for the purposes of performing education and outreach professional activities. The total value of the original Agreement (\$68,000) and this First Amendment (\$298,770) would be \$366,770.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On February 23, 2007, the City of San Diego Resolution R-302277-2 authorizing Collaborative Services to conduct education and outreach services on behalf of the City's Storm Water Pollution Prevention Department.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Consultant services will continue to augment and implement the City's education and outreach efforts of the Think Blue program, whose goal is to change the polluting behaviors of residents, business and industry across the region to comply with the Total Maximum Daily Load regulations from the Regional Water Quality Control Board.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include San Diego residents, businesses, and industry Citywide.

Projected Impacts: None anticipated with this action.

Sierra/Jarrell

Aud. Cert. 2800220.

Staff: Chris Zirkle - (619) 525-8644

Frederick M. Ortlieb - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: This item has been taken off the docket.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: 2007 United States Fire Administration Fire Grant to Purchase a Type I Heavy Rescue Apparatus.

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-680)

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for, accept, appropriate, and expend the 2007 United States Fire Administration Fire Grant funds in order to purchase a Type I Heavy Rescue Apparatus, and authorizing to execute any document or agreements necessary to apply for, accept, appropriate, or expend the Grant funds;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend the funds if the 2007 United States Fire Administration Fire Grant is secured;

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

STAFF SUPPORTING INFORMATION:

The U.S. Fire Administration administers the Assistance to Firefighters Grant Program for the Department of Homeland Security, Federal Emergency Management Agency. The intent of this program is to provide grant funding to local fire departments to protect the public and firefighting personnel from fire and to effectively respond to an all-hazards environment. This action authorizes the Mayor to direct the City Auditor and Comptroller to accept, appropriate, and expend grant funding through the Federal Emergency Management Agency's U.S. Fire Administration for the purchase of a Type 1 Heavy Rescue Apparatus.

The County of San Diego covers 4,255 square miles with a resident population of 2,813,833. Yet, there is only one Type 1 Heavy Rescue unit south of Riverside, and that vehicle is located in Chula Vista. In the event of a medium to large-scale incident, the City of San Diego, as well as San Diego County, lacks sufficient rescue capability to respond effectively.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The primary mission of a Type 1 Heavy Rescue unit is the search, rescue/extrication and initial medical stabilization of trapped victims. Structural collapse is most often the cause of the entrapment of victims, but victims may also be trapped in transportation accidents, mines, collapsed trenches and on cliffs. This asset may also be needed for a variety of emergencies or disasters, including earthquakes, storms, floods, dam failures, or terrorist events. This heavy rescue apparatus will be approximately 36 feet long, carry up to six firefighters and include an extensive inventory of equipment. Staffed with personnel trained in the techniques required to conduct rescue operations, and equipped with the necessary tools and equipment, this apparatus would be available on a 24/7 basis. Adding a Type 1 Heavy Rescue unit to San Diego Fire-Rescue will significantly enhance the City's response capability, ultimately improve service delivery and provide for the overall safety of firefighters and the community.

FISCAL CONSIDERATIONS:

The City has been contacted by the Federal Emergency Management Agency and expects to receive grant funds in the amount of \$434,000 from the Department of Homeland Security. Total project cost is \$700,375. Including the applicant match, the total SDFD outlay for this project is estimated at \$266,375.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

If awarded the grant and once the heavy rescue unit is placed into service, San Diego Fire-Rescue will conduct an outreach effort to include the media and key stakeholders.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders include the City of San Diego, citizens and visitors in San Diego, as well as San Diego firefighters. Additionally, the residents, visitors and firefighters of San Diego County and the cities within San Diego County are key stakeholders.

Staff: Brian Fennessy - (619) 533-4407
David M. Stotland - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-103: Sale of City Property for the Mission Trails Flow Regulatory System. (Mission Trails Community Area. District 7.)

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

(See Report to the City Council No. 08-033.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-648)

Finding that the sale and granting of the fee and easements (the "Property Rights") more particularly described in the documents listed below, to the CWA for the construction, operation and maintenance of the Mission Trails FRSII, is required for a public purpose:

1. Grant Deed;
2. Permanent Tunnel Easement;
3. Permanent Pipeline Surface and Drainage Easement;
4. Permanent Access Easement;
5. Temporary Construction Easement (Access Roads);
6. Temporary Construction Easement (River Crossing and Concrete Removal);
7. Permanent Easement (Stabilized River Crossing);
8. Temporary Construction Easement (Vent Demolition);
9. Temporary Construction Easement (Storage Facilities);
10. Temporary Construction Easement (Access Road);

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

Finding that the sale and granting of the Property Rights is consistent with City Charter Section 55, in that it will not change or interfere with the use or purpose of the parkland or open space;

Declaring that the Council deems that the sale and granting of the Property Rights to be used sole for the construction, operation and maintenance of the Mission Trails FRSII to be fair and equitable and in the public interest;

Authorizing the sale and granting of the Property Rights to the County Water Authority for the construction of the Mission Trails FRSII;

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City, the Purchase and Sale Agreement, the grant deed conveying the above-described property in fee, and the grants of easements and agreements conveying the above-described permanent and temporary easements to the County Water Authority;

Authorizing the City Auditor and Comptroller to accept and deposit the proceeds of the sale of the Property Rights, in the amount of \$209,000, into Capital Outlay Fund No. 302453, Revenue Account No. 78336, Sale of Property and Right of Way.

STAFF SUPPORTING INFORMATION:

To meet the increasing demand for drinking water for the area, the County Water Authority (CWA) will need to construct additional facilities for increased water flow and storage. The construction of the Mission Trails Flow Regulatory Structure II (FRSII) is designed to assist the CWA achieve these goals. The untreated water delivered through the FRSII will serve the City's Alvarado Treatment Plant. The City's Water Department will then use this water to help meet the treated water needs of the City's Residents.

In order to transport water to and from the FRSII facility it will be necessary to construct pipeline tunnels through Mission Trails Park. These will parallel the existing water line that the CWA currently has in the park area. The existing vent structures will no longer be necessary and will be removed as part of the project. A stabilized river crossing will be constructed across the San Diego River near Mission Gorge Road. Temporary and permanent easements are required for the construction and removal of facilities.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

An Environmental Impact Report (EIR) including Findings and Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program was prepared for the FRSII project by the San Diego County Water Authority (SCH No. 2005041025) dated August 2006, and certified by the San Diego County Water Authority Board of Directors on August 24, 2006. The FEIR concluded that the project would result in significant impacts to Air Quality, Noise & Vibration, Biological Resources, Cultural Resources Paleontological Resources, and Public Safety and Hazardous Materials. With the exception of short-term significant Air Quality and Noise impacts during construction, all direct environmental effects of the project would be reduced to below a level of significance through incorporation of mitigation measures, including measures associated with creation and restoration of vernal pools within Mission Trails Regional Park.

In addition to the mitigation measures adopted by the CWA Board of Directors to reduce impacts to sensitive biological resources, the CWA has completed a consultation process (through the U.S. Army Corps of Engineers) under Section 7 of the Federal Endangered Species Act, and were issued a Biological Opinion (BO) by the U.S. Fish and Wildlife Service. As part of the BO, mitigation of impacts to San Diego Fairy Shrimp includes creation and restoration of vernal pools on land within Mission Trails Regional Park on a roughly 11.7 acre parcel currently owned by the San Diego Unified School District. Issuance of the BO to the CWA relieves the City of any responsibilities that might otherwise be necessary under the City's approved MSCP Subarea Plan. As such, any and all future obligations for this mitigation are the responsibility of the property owner/CWA.

FISCAL CONSIDERATIONS:

The required property rights, both easement and fee, have been appraised, reviewed and approved by Real Estate Assets. These rights have been valued at \$209,000 which will be deposited into General Fund Capital Outlay 302453.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/ACOMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Diego County Water Authority has worked closely with the Mission Trails Regional Park Citizen's Advisory Committee and Task Force, Tierrasanta Community Council, San Carlos Area Council, and Navajo Community Planners, Inc. A working group, made of representatives of MTRP CAC and Foundation, SCAC, TCC, Belsera HOA, and mountain bikers was formed early in the design process to solicit input and address community concerns in the design itself.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The Working Group identified a number of concerns with the project, such as trail impacts and closures, providing excavated material to the park for use within the park, keeping project webpage updated and allow people to sign up for web updates, and not allowing heavy equipment drop off or pick up during child drop off and pick up hours at DePortola Middle School.

As the project transitions into the construction phase, the Water Authority will transition its public outreach program. In order to deal with construction impacts such as construction vehicles using surface streets during school hours and trail closures, the Water Authority has created a school outreach plan and trail closure map and signage. It will continue to place articles in the local community newspapers, on its project webpage, and provide projects to the local stakeholder groups such as the CAC and Task Force, TCC, and SCAC. The community also has a direct connect to the Water Authority through its toll-free project information line and at community events such as the Explore Mission Trails Day and Tierra Fest Craft Fair.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The project will increase the CWA's ability to transport raw water to meet increased demands for untreated water, particularly within San Diego, but also areas served by the National City and the South Bay Irrigation District.

Barwick/Anderson

Staff: David Sandoval - (619) 236-5548
Kimberly Ann Davies - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-104: Settlement of the Property Damage Claim of Federal Insurance Company.
(Downtown Community Area. District 2.)

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-679)

A Resolution approved by the City Council in Closed Session on Tuesday, November 20, 2007, by the following vote: Council President Peters-yea; Faulconer-yea; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the Mayor, or his designee, to pay the total sum of \$167,285.30 in full and final settlement of each and every claim against the City of San Diego, its agents and employees, resulting from Claim No. LP07-0707-1237 by Federal Insurance Company, as Subrogee of One San Diego Associates, et al., for damages which occurred on or about January 5, 2007;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$167,285.30, made payable to Federal Insurance Company, in settlement of said claims, with said funds to be payable from the Water Utility Fund;

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

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Federal Insurance Co.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Water Utility Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In Closed Session on November 20, 2007, by motion of District 1 and second by District 7, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8 unanimously voted to; authorize a settlement in the amount of \$167,285.30 to settle in totality all claims in Claim No. LP07-0707-1237 of Federal Insurance Company as Subrogee of One San Diego Associates, et al., against the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-104: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A

Bych/Lewis

Aud. Cert. 2800563.

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

Staff: James Coldren - (619) 236-5598
Raymon C. Palmucci - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-105: Settlement of La Jolla Alta Master Council v. City of San Diego. (La Jolla Alta Community Area. District 2.)

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

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-667)

Authorizing the Settlement of the Litigation Entitled La Jolla Alta Master Council v. City of San Diego, et al., San Diego Superior Court Case No. GIC 822281 for damage to its canyon property as an alleged result of the City's storm drain systems;

Authorizing the City Attorney's Office to enter into a settlement agreement with Plaintiff La Jolla Alta Master Council wherein the City would pay Plaintiff \$4.5 million from its excess liability carrier for Phase I repairs, and attorney's fees, assume the permanent "Phase II" repair obligation to the lower canyon, and accept drainage easements in the lower and upper canyons that were the subject of the litigation so the City could maintain those easements on a going-forward basis; and Plaintiff would dismiss its lawsuit against the City;

Declaring that the Agreement as Exhibit 1 in furtherance of the closed session vote be formally approved by the City Council.

SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from the lawsuit entitled La Jolla Alta Master Council v. The City of San Diego, Superior Court Case No. GIC 822281.

FISCAL CONSIDERATIONS:

Settlement will be paid from the City's excess insurance carrier(s) as set forth in Resolution Number R-303299.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in closed session on January 15, 2008. The Council voted 6 to 0, on motion by Councilmember Atkins with a second by President Pro Tem Madaffer, to authorize the City Attorney's Office to enter into a settlement agreement with Plaintiff La Jolla Alta Master Council wherein the City would pay Plaintiff \$4.5 million from its excess liability carrier for Phase I repairs, and attorney's fees, assume the permanent "Phase II" repair obligation to the lower canyon, and accept drainage easements in the lower and upper canyons that were the subject of the litigation so the City could maintain those easements on a going-forward basis; and Plaintiff would dismiss its lawsuit against the City.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: (Continued)

SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

La Jolla Alta Master Council.

Severson/Goldstone

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-106: Lease Agreement with The Friends of Torrey Pines, LLC for 2008 United States Open Ticket Distribution.

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

(See Report to the City Council No. 08-032 and memorandum from Mayor Sanders dated 1/24/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-725)

Approving the Ticket Distribution Policy for the U.S. Open Championship to be held at Torrey Pines Golf Course between June 9, 2008 and June 15, 2008, as set forth in Report to the City Council No 08-032 entitled "U.S. Open Ticket Distribution Policy".

STAFF SUPPORTING INFORMATION:

On October 14, 2002, the City Council approved a Lease Agreement with The Friends of Torrey Pines, LLC for the use of Torrey Pines Golf Course for the 2008 U.S. Open. The Lease Agreement established three manners in which the City of San Diego receives access to ticket packages for the event: 1) 250 ticket packages available for purchase; 2) 100 Complimentary grounds only ticket packages; 3) Hospitality tent and 125 Hospitality Tent ticket packages. The City of San Diego has developed a proposed policy to address the distribution of the ticket packages.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approval of the Proposed Lease Agreement with The Friends of Torrey Pines, LLC for the use of Torrey Pines Golf Course for the 2008 U.S. Open.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A

Wormser/Goldstone

Staff: Carolyn Wormser- (619) 685-1332
Cathy Bradley - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-107: Black History Month.

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

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-654 Cor. Copy)

Proclaiming the month of February 2008, as "Black History Month" in the City of San Diego and commending and thanking all African-Americans who have contributed to the rich and prosperous history of our nation.

* ITEM-108: Consumer Fraud Week.

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

COUNCILMEMBER YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-721)

Proclaiming March 3, 2008 to March 7, 2008, to be "Consumer Fraud Week" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-109: National Engineers Week.

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

COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-706)

Proclaiming the week of February 19 thru 22, 2008. to be "National Engineers Week" in recognition of San Diego's engineers and wishing them continued support in their efforts to improve our world.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-110: Declaring a Continued State of Emergency Regarding the Wildfires.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-508)

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

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

* ITEM-111: 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-2008-543)

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-112: 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-2008-578)

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

- * ITEM-113: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-617)

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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

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

NOTE: Items 330 and 331 on today's docket are alternate items, only one item will be adopted.

ITEM-330: Three actions related to Lead Hazard Prevention and Control Ordinance Recommended by the Land Use and Housing Committee.

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

(See memorandum from Jay M. Goldstone dated 1/23/2008; City Manager's Report No. 04-178; Jose Lopez' 8/3/2004 letter; Tom Scott's 7/31/2004 letter; Jay Powell's 7/29/2004 letter; Alan Pentico's 7/22/2004 letter; Susan Riggs Tinsky's 7/16/2004 letter; Citizens' letters; Angie Neeleman's letter; and memorandum from City Attorney dated 2/22/08.)

TODAY'S ACTIONS ARE:

Introduce the ordinances in Subitem A and B; and adopt the resolution in Subitem C:

Subitem-A: (O-2008-90)

Introduction of an Ordinance amending Chapter 5, Article 4, Division 10 of the San Diego Municipal Code by renaming Division 10; by amending Sections 54.1001, 54.1002, 54.1003, 54.1004, 54.1005, and 54.1006; and by adding Sections 54.1007, 54.1008, 54.1009, 54.1010, 54.1011, 54.1012, 54.1013, 54.1014, 54.1015, and 54.1016; all relating to lead hazard prevention and control; and finding as to environmental impact.

This ordinance expands upon the current regulations in the Municipal Code pertaining to the prevention and abatement of lead hazards. The overall goal of the proposed lead ordinance is to eventually eliminate lead hazards (due mainly to lead-based paint) in various structures including, but not limited to, housing. The ordinance attempts to further this goal by doing the following: (1) declaring lead hazards a public nuisance; (2) making it unlawful to create or maintain a lead hazard; (3) requiring the use of lead safe work practices while engaging in activities which could disturb lead-based paint; (4) establishing a rebuttable presumption that paint on housing constructed prior to 1979 is lead-based paint; (5) imposing a duty on owners of housing to correct identified lead hazards after notice of the hazard; (6) providing for occupant relocation during lead hazard remediation; (7) requiring a visual inspection for and correction of deteriorated paint in rental housing, constructed prior to 1979, prior to re-occupancy; (8) requiring a lead risk assessment and remediation of lead hazards upon a change of

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-330: (Continued)

Subitem-A: (Continued)

ownership (with certain exceptions) of housing constructed prior to 1978; (9) imposing a duty on home improvement stores to maintain pamphlets and post a warning sign regarding the dangers of lead hazards when disturbing paint on housing constructed prior to 1979; (10) requiring child care centers to require parents to provide a doctor's note that the child has been screened for lead poisoning, unless the parent has a religious objection to the screening; and (11) providing for enforcement of the ordinance provisions and cost recovery.

Subitem-B: (O-2008-109)

Introduction of an Ordinance amending Chapter 1, Article 2, Division 2 of the San Diego Municipal Code by amending Section 12.0204, relating to Judicial Abatement; and finding no environmental impact. This ordinance adds a subsection to the Municipal Code clarifying that it is unlawful to maintain or allow the existence of a public nuisance.

Subitem-C: (R-2008-717)

Establishing a cost recovery, regulatory fee of \$31, to be added to the permit fee for the specific Building and Demolition/Removal permits identified in Report to the City Council No. 08-029 dated March 5, 2008, for lead enforcement in connection with the new Lead Hazard Prevention and Control Ordinance No. O-2008-90 (Ordinance) Sections 54.1005 Lead Safe Work Practice Standards Required and 54.1006 Lead Safe Work Practice Standards;

Declaring that the new cost recovery, regulatory fee of \$31 shall become effective beginning sixty days after the date of final passage of the Ordinance;

Establishing a cost recovery, application filing fee of \$40 for a lead-safe or lead-free certificate in connection with the Ordinance Section 54.1010 Identification and Remediation of Lead Hazards Upon Change of Ownership;

Declaring that the new cost recovery, application filing fee of \$40 shall become effective beginning 180 days after the date of final passage of the Ordinance;

Directing the City Clerk to amend the Ratebook of City Fees and Charges to reflect the new cost recovery, regulatory fee and the new cost recovery, application filing fee described above;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-330: (Continued)

Subitem-C: (Continued)

Finding that the new cost recovery, regulatory fee is established for the purpose of meeting operating expenses associated with education, outreach, and enforcement in connection with Sections 54.1005 and 54.1006 of the Ordinance;

Finding that the new cost recovery, application filing fee is established for the purpose of meeting operating expenses associated with issuance of lead-safe or lead-free certificates, education, outreach, and enforcement in connection with Section 54.1010 of the Ordinance;

Receiving City Manager's Report No. 04-178, dated July 29, 2004, regarding Comprehensive Lead Paint Ordinance and associated fee cost calculations and proposed fee schedule set forth in the Memorandum to the City Council from Jay Goldstone dated January 23, 2008, regarding Lead Hazard Prevention and Control Ordinance Cost Recovery Fee Information;

Declaring the establishment of the proposed fees is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273(a)(1) because they are established for the purpose of meeting operating expenses associated with the Ordinance. The remaining activities are exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 8/4/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation with the following modifications and direction: 1) Eliminate the requirement for lead hazard inspection and remediation by 2010 of all pre-1978 residential units, except at point of sale, and direct the City Manager to return to the Committee in two years with an evaluation of the effectiveness of the ordinance and a re-examination of the need for a blanket inspection/remediation requirement; 2) with respect to the City Manager's recommendation to increase the rental unit business tax in support of the provision of the Lead Paint Ordinance, instead, direct the City Manager to earmark a portion of the current fee to that purpose; and 3) with respect to the point of sale requirement, include language to indicate when this provision goes into effect.

(Councilmembers Peters, Lewis, Frye, and Inzunza voted yea. Councilmember Zucchet not present.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

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

NOTE: Items 330 and 331 on today's docket are alternate items, only one item will be adopted.

ITEM-331: Three actions related to Lead Hazard Prevention and Control Ordinance.

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

(See Report to the City Council No. 08-029 and City Manager's Report No. 04-178.)

STAFF'S RECOMMENDATION:

Introduce the ordinances in Subitem A and B; and adopt the resolution in Subitem C:

Subitem-A: (O-2008-91)

Introduction of an Ordinance amending Chapter 5, Article 4, Division 10 of the San Diego Municipal Code by renaming Division 10; by amending Sections 54.1001, 54.1002, 54.1003, 54.1004, 54.1005, and 54.1006; and by adding Sections 54.1007, 54.1008, 54.1009, 54.1010, 54.1011, 54.1012, 54.1013, 54.1014, and 54.1015; all relating to lead hazard prevention and control; and finding as to environmental impact.

This ordinance expands upon the current regulations in the Municipal Code pertaining to the prevention and abatement of lead hazards. The overall goal of the proposed lead ordinance is to eventually eliminate lead hazards (due mainly to lead-based paint) in various structures including, but not limited to, housing. The ordinance attempts to further this goal by doing the following: (1) declaring lead hazards a public nuisance; (2) making it unlawful to create or maintain a lead hazard; (3) requiring the use of lead safe work practices while engaging in activities which could disturb lead-based paint; (4) establishing a rebuttable presumption that paint on housing constructed prior to 1979 is lead-based paint; (5) imposing a duty on owners of housing to correct identified lead hazards after notice of the hazard; (6) providing for occupant relocation during lead hazard remediation; (7) requiring a visual inspection for and correction of deteriorated paint in rental housing, constructed prior to 1979, prior to re-occupancy; (8) imposing a duty on home improvement stores to maintain pamphlets and post a warning sign regarding the dangers of lead hazards when disturbing paint on housing constructed prior to 1979; (9) requiring child care centers to require parents to provide a doctor's note that the child has been screened for lead poisoning, unless the parent has a religious objection to the screening; and (10) providing for enforcement of the ordinance provisions and cost recovery.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-331: (Continued)

Subitem-B: (O-2008-109)

Introduction of an Ordinance amending Chapter 1, Article 2, Division 2 of the San Diego Municipal Code by amending Section 12.0204, relating to Judicial Abatement; and finding no environmental impact. This ordinance adds a subsection to the Municipal Code clarifying that it is unlawful to maintain or allow the existence of a public nuisance.

Subitem-C: (R-2008-718)

Establishing a cost recovery, regulatory fee of \$31, to be added to the permit fee for the specific Building and Demolition/Removal permits identified in Report to the City Council No. 08-029 dated March 5, 2008, for lead enforcement in connection with the new Lead Hazard Prevention and Control Ordinance No. O-2008-91 (Ordinance) Sections 54.1005 Lead Safe Work Practice Standards Required and 54.1006 Lead Safe Work Practice Standards;

Declaring the new cost recovery, regulatory fee described above shall become effective beginning sixty days after the date of final passage of the Ordinance;

Directing the City Clerk to amend the Ratebook of City Fees and Charges to reflect the cost recovery, regulatory fee described above;

Finding that the new cost recovery, regulatory fee is established for the purpose of meeting operating expenses associated with education, outreach, and enforcement in connection with Sections 54.1005 and 54.1006 of the Ordinance;

Receiving Report to the City Council No. 08-029 including all attachments to the Report;

Declaring the establishment of the proposed cost recovery, regulatory fee is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273(a)(1) because the fee is established for the purpose of meeting operating expenses associated with the Ordinance. The remaining activities are exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION:

The Federal government has identified lead poisoning as the number one preventable environmental health problem affecting young children. Exposure to lead, a powerful neurotoxin, can result in permanent adverse health effects, including loss of intelligence quotient (IQ), learning and behavior problems, stunted growth, and hearing deficits. Children under the age of six are particularly vulnerable to lead's harmful effects. The most common source of lead exposure is from lead-based paint, which was used in U.S. housing until 1978. Approximately 70% of San Diego's housing was built prior to 1979. The City of San Diego's Environmental Services Department lead hazard inspection/enforcement unit inspected 773 residential structures from January 2004 through June 2007, of which eighty-nine percent (89%) contained lead hazards. The San Diego Housing Commission, as a part of the Department of Housing and Urban Development (HUD) Lead Hazard Control Grant, performed inspections of 661 residential structures between March 2003 and June 2007, which revealed that 97% of those housing units contained lead hazards.

The Ordinance establishes responsibilities and requirements that are intended to prevent exposure to lead and protect the health of San Diego residents. These include: 1) adherence to lead-safe work practices by renovation contractors and others who disturb lead painted surfaces in pre-1979 homes and other structures; 2) correction of lead hazards in housing by the property owner after having been given notice; 3) visual inspection by owners of pre-1978 rental housing for the presence of deteriorated paint at the time of each unit turnover, and safe restoration of the area prior to unit reoccupancy; 4) requirement of home improvement stores and water-pressure equipment rental to display lead education materials; and 5) proof of blood lead testing prior to a child's enrollment in childcare facilities. Since only partial funding for enforcement has been identified, implementation will be prioritized based on the resources available and for Ordinance components with cost-recovery fees.

FISCAL CONSIDERATIONS:

Positions related to this Ordinance will be funded by the General Fund (Department 511). Partial funding is anticipated due to the related increase in fees and enforcement fines totaling \$129,580 is outlined in detail in the Report to Council. Council is asked to increase specific building permit fees by \$31 on pre 1979 structures for enforcement related to Section 54.1006 of the Ordinance. Without these fees, there will be minimal lead safe work practice enforcement. Requires a one-time first year asset acquisition cost in the amount \$6,069 which will be recovered from collection fees.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Personnel Costs (1.30 FTE)* \$118,339

Non-personnel Costs \$11,241

Partial Enforcement Costs \$129,580

* 1.30 existing positions

Adoption of the Ordinance will provide a competitive advantage at the state and national levels for grant funding that can supplement implementation of some Ordinance components. Even without full funding, approval of the Ordinance improves the City's ability to work toward eliminating lead hazards, and demonstrates a commitment to preventing lead poisoning.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On August 4, 2004, the Ordinance (CMR 04-178 — Attachment 3) was presented to the Land Use & Housing Committee and was approved unanimously with modifications (Frye, Inzunza, Lewis, Peters in support). Those modifications are included in the Ordinance attached as Attachment "1" to the Report to Council. However, Attachment "1" differs from the Ordinance approved at Committee in that it does not include the point-of-sale requirement described below.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS

Over the three years of the Ordinance development, there has been extensive community participation. The Lead Poisoning Prevention Citizen Advisory Taskforce that generated the Ordinance consisted of key stakeholders and was co-chaired by Councilmembers Frye and Inzunza. The only component of the Ordinance about which consensus was not achieved is the requirement for a lead risk assessment and associated lead hazard remediation, before, or, shortly after, the sale of any pre-1978 dwelling units ("point-of-sale requirement").

KEY STAKEHOLDERS & PROJECTED IMPACTS

Stakeholders are all City of San Diego residents as the proposed ordinance works to make our housing safer. Cost-recovery fee of \$31 is proposed for identified building permits that may disturb lead based paint (past five year average is 4,000 permits). Contractors will be required to use lead safe work practices as defined in the ordinance to help ensure lead poisoning sources do not remain after work is completed. Rental property owners will be required to visually check for lead hazards during unit turnover and correct identified lead hazards. Childcare facilities are required to verify children have had a blood lead test. Home improvement and rental stores are required to display lead related information.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

By approving the Lead Hazard and Control Ordinance, the City will be taking an important step forward to help eliminate lead hazards in San Diego's homes and making them safe for occupancy by families with young children.

Gonaver/Heap Jr.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

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

ITEM-332: Recommended Fiscal Year 2008 Mid-Year Budget Adjustment.

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

(See Independent Budget Analyst Reports No. 08-005, 08-10, and 08-17; Independent Budget Analyst's 1/30/2008 PowerPoint; and 3/3/2008 PowerPoint.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2008-110 Cor. Copy 2)

Introduction and adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 2008 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year;

Accepting the Mayor's Report as an informational item with updated information as presented in the Executive Summary;

Approving the budget adjustments requested in the Executive Summary to:

- a) Increase the General Fund (100) expenditure appropriations by \$6,318,000 as follows:
 - i. \$1,392,000 in the Fire-Rescue Department (120) from additional revenues;
 - ii. \$4,926,000 in the Environmental Services Department (513) from additional revenues of \$2,754,000 and \$2,172,000 from the General Fund Unallocated Reserve;
- b) Transfer \$1,610,000 in salary appropriations from the Police Department (110) to the Fire-Rescue (120) Department;
- c) Increase Publishing Services Internal Service Fund (50020) expenditure appropriations by \$1,016,177 from additional revenues of \$710,000 and the remainder from fund balance;
- d) Increase the Golf Enterprise Fund (41400) expenditure appropriations by \$120,000 from fund balance;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-332: (Continued)

Authorizing the City Auditor and Comptroller to establish a special fund for insurance proceeds to be received from property owners participating in the debris cleanup program;

Authorizing the reimbursement from that Special Fund to the General Fund (100) for debris removal expenses in an amount not to exceed \$2.5 million;

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

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 1/30/2008, Budget voted 4 to 1 to forward the requested budget adjustments to the full City Council in early March based on seven periods of financial data to be provided to the City Council by the CFO, as well as responses from the CFO to the concerns raised on page 14 of the IBA's January 30, 2008, report. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

The Mid-Year Budget Monitoring Report, No. 08-005, presented to the Budget and Finance Committee on January 30, 2008 recommended appropriations adjustments based on year-end projections. Those recommendations, modified to advance the most critical departmental needs, include only wildfire-related over-budget General Fund expenses and non-general funds that require adjustment prior to the Year-End Report.

GENERAL FUND

Fire-Rescue

The Fire-Rescue Department requires a \$3.0 million increase in expenditure appropriations to be funded by \$1.4 million in additional revenues and a transfer of \$1.6 million in salary appropriations from the Police Department. The expenditure increases are to fund over budget staff overtime and associated fringe for approximately \$1.8 million and non-personnel expenditures including portable radios, fire suppression foam, brush gear, rented fire engines, meals, transportation, hoses, fittings and nozzles associated with the response to the wildfires totaling approximately \$2.0 million. Excess revenue of \$800,000 has been received from other agencies for mutual aide agreement services provided during the wildfires.

The remaining \$592,000 revenue increase is additional revenue from emergency medical services reimbursements due to increased Fire-Rescue personnel staffing ambulances.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION: (Continued)

ITEM-332: (Continued)

SUPPORTING INFORMATION: (Continued)Environmental Services

A \$4.9 million increase in expenditure appropriations is required for the Environmental Services Department in order to fund debris removal services provided to wildfire impacted City residents. The estimate for this service has increased to a total of \$9.4 million (a \$1 million increase) since the issuance of the Mid-Year Budget Monitoring Report. Of the \$9.4 million cost, \$3.0 million has already been approved by Council and \$1.5 million is estimated to be absorbed by the department. The requested \$4.9 million expenditure increase will be funded by \$2.8 million in additional revenue anticipated to be received from the State for the debris removal program and approximately \$2.2 million from the General Fund unallocated reserves.

Authority is also requested to establish a special fund to receive insurance proceeds from property owners participating in the debris cleanup program. This revenue would then reimburse the General Fund, in an amount not to exceed \$2.5 million, for the services provided. The insurance proceeds received from property owners will be deducted from the total costs eligible for reimbursement by the Federal Emergency Management Agency (FEMA) and the State.

NON-GENERAL FUNDPublishing Services Internal Service Fund

A \$1.0 million increase in expenditure appropriations and a \$710,000 increase in revenue appropriations is requested for the Publishing Services Internal Service Fund due to increased requests for publishing services. The remaining expenditure increase is supported by revenues already budgeted in excess of the expenditure budget.

Golf Course Enterprise Fund

The Golf Course Enterprise Fund requires a \$120,000 increase in expenditure appropriations for additional maintenance staff to prepare for the 2008 US Open. This expenditure increase is supported by revenues already budgeted in excess of the expenditure budget.

FISCAL CONSIDERATIONS:

The net impact of the General Fund adjustments requested is an appropriation from the unallocated reserves of approximately \$2.2 million. Adjustments are also requested for the Publishing Services Internal Service Fund and Golf Course Enterprise Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Budget and Finance Committee review on January 30, 2008.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-332: (Continued)

SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Tirandazi/Lewis

NOTE: Today's action is the second public hearing and introduction and adoption of the ordinance. See the docket of Monday, March 3, 2008, for the first public hearing.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-333: Two actions related to Community Facilities District No. 3 (Liberty Station) Special Tax Bonds Series A of 2008. (Peninsula Community Planning Area. District 2.)

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

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

(See Reports to the City Council No. 08-034 and 08-031; and memorandum from Lakshmi Kommi dated 2/26/2008.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-719)

Authorizing the issuance of Special Tax Bonds Series A of 2008 by the City Council of the City of San Diego, acting as the legislative body of Community Facilities District No. 3 (Liberty Station), in a principal amount not to exceed Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000) and approving certain documents and taking certain other actions in connection therewith.

Subitem-B: (R-2008-724)

Approving a First Amendment to Purchase and Finance Agreement for Community Facilities District No. 3 (Liberty Station).

STAFF SUPPORTING INFORMATION:

CFD No. 3 was formed in 2002 in connection with the Naval Training Center ("NTC") Redevelopment Project. Specifically, in accordance with the Mello-Roos Community Facilities Act of 1982, Council Policy 800-03, and the provisions of the Disposition and Development Agreement (the "DDA") between the Redevelopment Agency of the City and McMillin-NTC, LLC ("McMillin") and following public hearings and a special election conducted pursuant to the Mello-Roos Act, the City Council adopted the necessary resolutions to form CFD No. 3. The City Council also authorized the levy of special taxes on taxable property interests within the District and the issuance of bonds in an amount not to exceed \$30 million to provide for the acquisition of eligible facilities, the required debt service reserve fund, and costs of formation and issuance.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The DDA gave McMillin the right to pursue formation of a CFD to finance a portion of the public improvements McMillin is responsible for under the DDA, including certain road improvements and the Regional Park improvement (the “Eligible Public Facilities”). The costs associated with the improvements to be financed through CFD No. 3 are limited to approximately \$20.8 million as specified in the DDA.

In July 2006, a first series of bonds (the “2006 CFD Bonds”) was issued. The 2006 CFD Bond proceeds as well as special taxes collected within CFD No. 3 that have been used to directly fund the Eligible Public Facilities have provided funding for all but a very small portion of the road improvements, Phase I of the Regional Park, and a portion of the funding for Phase 2 of the Regional Park. The remaining CFD funding relating to Phase 2 of the Regional Park will be provided through the proposed 2008 CFD Bond issuance.

As more fully described in the full staff report for this item, the Financing Team, the disclosure counsel for the 2008 CFD Bonds, and the City’s general disclosure counsel have concluded these bonds could be issued as a public offering, with an official statement. The estimated bond size is \$3.95 million, which provides for the acquisition of facilities, a deposit into the debt service reserve fund, and costs of issuance. McMillin currently anticipates that Phase 2 of the Regional Park will be completed 16 months after the issuance of the 2008 CFD Bonds. This estimated completion period would conform to the accelerated time-frame set forth in the First Amendment to the NTC Park Improvement Agreement and would be ahead of the schedule established in the DDA.

The bonds would be issued utilizing a negotiated sale method. Due to the nature of the security of land secured bonds, such as the 2008 CFD Bonds, and because such bonds are typically non-rated, most land secured bond sales in the State of California utilize a negotiated sale method. Debt service on the 2008 CFD Bonds would be paid from Special Taxes levied on taxable property interests within the District. The bonds are not general or special obligations of the City, and are not backed by the faith, credit, nor the taxing power of the City. The 2008 CFD Bonds are special limited obligations of the District payable solely from Special Taxes collected from owners of taxable property interests within the District.

Under market conditions as of January 9, 2008, the estimated True Interest Cost (“TIC”) and average coupon rate on the 2008 CFD Bonds are approximately 6.95% and 5.73%, respectively; the estimated annual debt service payment would be approximately \$282,000. The TIC is a measure of the interest cost of an issue that accounts for both the interest rates on the bonds, and the time value of money and costs of issuance relating to the bonds.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

It is distinguished from the coupon rate that is paid to the bondholders. The estimated TIC for the 2008 CFD Bonds is relatively high due to the small size of the issuance. Certain costs of issuance are generally fixed regardless of the size of the bonds, and therefore have a more significant impact to the overall cost of financing for a smaller issuance, as reflected in the TIC. The term of the bonds is 28 years (the final maturity on the 2008 CFD Bonds would be 2036, which is the same as the maturity on the 2006 CFD Bonds).

The estimated pricing is based on market conditions for non-rated land secured financings in the State as of January 9, 2008. This particular bond market segment experienced widening credit spreads relative to more highly rated municipal bonds and volatile investor demand in the third and fourth quarters of 2007, due to concerns related to the real estate market and the sub-prime mortgage issue. It is possible market conditions at the time of the bond sale may be different. The actual rate will be determined at the time of the sale, and will be dependent upon market conditions that exist at that time.

The financing documents that the City Council would approve include the forms of Supplemental Indenture, a Bond Purchase Agreement, a Continuing Disclosure Certificate, and a Preliminary Official Statement. The Disclosure Practices Working Group reviewed the proposed financing and the disclosure document on February 19, 2008 and February 20, 2008. Should the City Council approve the Financing Resolution and related financing documents for the 2008 CFD Bonds, it is anticipated that the bonds would be sold the week of March 24. The bond closing (receipt of bond proceeds) would occur the week of April 7.

FISCAL CONSIDERATIONS:

There is no fiscal impact to the City. All costs related to the 2008 CFD Bonds have been funded by McMillin and/or will be reimbursed with bond proceeds. The costs related to issuing and paying debt service on the bonds will ultimately be borne by property owners within the District, via the collection of Special Taxes.

PREVIOUS COUNCIL COMMITTEE ACTION:

Previous Council actions include resolutions stating the City Council's intent to establish the District, authorize the levy of Special Taxes, and to have the District incur bonded indebtedness (Resolution Nos. R-296472 and R-296473, adopted May 7, 2002). On June 25, 2002, elections and a public hearing occurred and resolutions and an Ordinance were adopted to form the District, authorize the levy of Special Taxes, and to have the District incur bonded indebtedness (Resolution Nos. R-296710, R-296742, R-296743, Ordinance No. O-19078).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

On April 5, 2005, the City Council directed the City Manager, the City Attorney, and the Financing Team to bring the financing documents for a first series of bonds to City Council by May 17, 2005. On May 24, 2005, following deferral of the item from the May 17, 2005 City Council Meeting agenda, City Council authorized the issuance of the 2006 CFD Bonds (Resolution No. R-300482).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There were no community participation or outreach efforts.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders include McMillin, the Redevelopment Agency, and the special taxpayers in CFD No. 3. Business entities involved in the transaction are: Stone & Youngberg LLC and EJ De La Rosa & Co. (the underwriters); Nossaman, Guthner, Knox & Elliott LLP (underwriter's counsel); Stradling, Yocca, Carlson and Rauth (bond and disclosure counsel); Fieldman, Rolapp & Associates (financial advisor); David Taussig & Associates (Special Tax Consultant); Wells Fargo Bank, N.A. (Trustee); Empire Economics, Inc. (Price Trends and Mortgage Study Consultant).

Kommi/Lewis

Staff: Elizabeth Kelly - (619) 236-6932

Mark D. Blake – 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-334: Old Black Mountain Road Vacation, Project No. 128026. Approval of a public right-of-way easement vacation for a portion of Old Black Mountain Road south of Zaslavsky Place and north of Camino San Bernardo. (Black Mountain Ranch Community Plan Area. District 1.)

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

Matter of approving, conditionally approving, modifying or denying the termination of the public right to use a certain street and/or public service easement as shown on **DRAWING NO. 20705-1-B and 20705-2-B** located in 1.748 acres of unimproved Old Black Mountain Road, south of Zaslavsky Place and north of Camino San Bernardo, in a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 to be vacated.

STAFF'S RECOMMENDATION:

Take the following actions:

Adoption of a Resolution vacating the public right-of-way easement located within a portion of Parcel 2 of Parcel Map No. 17995 and a portion of Parcel 1 of Parcel Map No. 20146 (Old Black Mountain Road), south of Zaslavsky Place and north of Camino San Bernardo, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20705-1-B and 20705-2-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

Directing the City Clerk to file a Notice of Exemption (NOE) 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 resolution according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

There is no officially recognized community planning group for this area; however the Rancho Bernardo Community Planning Board and the Rancho Peñasquitos Planning Board have reviewed and recommended approval of this project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a public right-of-way vacation for a portion of Old Black Mountain Road south of Zaslavsky Place and north of Camino San Bernardo, within the Black Mountain Ranch Community Planning Area.

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 440346, shown on Drawing No. 20705-1-B and 20705-2-B.

EXECUTIVE SUMMARY:

The public right-of-way vacation would vacate a portion of unimproved Old Black Mountain Road south of Zaslavsky Place and north of Camino San Bernardo, within the Black Mountain Ranch Community Planning Area. The proposed vacation area is in a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 in the AR-1-1 Zone in the Black Mountain Ranch Community Plan, in the City of San Diego, County of San Diego and State of California. Please refer to Exhibit B, Drawing No. 20705-1-B and 20705-2-B. No development is proposed by this application.

Staff has determined that there is no present or prospective public use for the unimproved portion of Old Black Mountain Road. The unimproved street does not contain underground franchise facilities, nor does it contain public water or sewer improvements.

If approved, ownership of the unimproved portion of Old Black Mountain Road would revert to the underlying adjacent property owner. The vacation contains a portion within the County of San Diego. The County of San Diego has already approved their portion of the vacation. The project is a summary vacation in accordance with the California Street and Highway Code and Land Development Code, and does not require a Planning Commission recommendation.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this vacation are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 16, 2007, the Rancho Bernardo Community Planning Board voted 16-0 to approve the vacation with no conditions. On October 3, 2007, the Rancho Peñasquitos Planning Board voted 9-0-1 to approve the vacation with no conditions.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS:

Poway Unified School District (owner)

Black Mountain Ranch, LLC.

Broughton/Anderson/LCB

NOTE: The City of San Diego as lead agency under CEQA has determined the project to be exempt pursuant to Section 15305, minor alteration in land use.

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

Staff: Laura C. Black – (619) 446-5112

Nina Fain – Deputy City Attorney

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-335: Rancho Valley Farms, Project No. 5029. An application for the Rancho Valley Farms project which proposes a Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and Neighborhood Use Permit to subdivide and develop ten single family lots with ten single family homes. (Subarea II Community Plan Area. District 1.)

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

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

Approve, conditionally approve, modify or deny an application for the Rancho Valley Farms project which proposes a Vesting Tentative Map, Planned Development Permit, Site Development Permit, Coastal Development Permit and Neighborhood Use Permit to subdivide and develop ten single family lots with ten single family homes each with the option of including a guest quarters, one lot dedicated in fee to the City of San Diego for open space and one lot for a private drive to be owned by the home owners association. The 41.83 acre site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 zone in North City Future Urbanizing Area Subarea II in Council District 1. A Mitigated Negative Declaration has been prepared for these actions.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-642)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 5029, on file in the Office of the City Clerk has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and 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 of the City of San Diego;

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

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

Subitem-A: (Continued)

Declaring that pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

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

Subitem-B: (R-2008-649)

Adoption of a Resolution certifying findings supported by minutes, maps and exhibits, all of which are herein incorporated by reference with respect to Vesting Tentative Map No. 8295;

Granting Vesting Tentative Map No. 8295 to Pardee Homes, Owner/Subdivider, Applicant and Latitude 33 Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-C: (R-2008-653)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference with respect to Planned Development Permit No. 8294/Site Development Permit No. 8292/Coastal Development Permit No. 419844/Neighborhood Use Permit No. 411907;

Granting Planned Development Permit No. 8294/Site Development Permit No. 8292/Coastal Development Permit No. 419844/Neighborhood Use Permit No. 411907 to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on January 24, 2008, voted 7-0 to approve this project with one modification.

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

There is no officially recognized community planning group for this area.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approve a subdivision and allow development of ten single family lots with ten single family homes and guest quarters on a 41.83 acre site located between El Camino Real and Old El Camino Real, south of San Dieguito Road in the AR-1-1 zone in North City Future Urbanizing Area, Subarea II.

STAFF RECOMMENDATION:

1. **Certify** Mitigated Negative Declaration 5029, and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Approve** Vesting Tentative Map No. 8295, Planned Development Permit No. 8294, Site Development Permit No. 8292, Neighborhood Use Permit No. 411907 and Coastal Development Permit No. 419844.

EXECUTIVE SUMMARY:

The Progress Guide and General Plan designate the site for estate residential and open space uses. The site, located on a knoll overlooking the San Dieguito River basin, is adjacent to and north of the mouth of Gonzalez Canyon. The 41.83 acre site is located between El Camino Real and Old El Camino Real, south of San Dieguito Road. The site has been in agricultural production for several decades yet is presently fallow.

The project proposes to subdivide and develop the site with thirteen lots; ten lots for construction of ten single family homes with the potential for guest quarters, four lots for a homeowners association and one lot for dedication to the City for open space. Of the 41.83 acres, the net area of the development would measure 5.42 acres while 33.45 acres would be preserved as open space. The open space lot, Lot "A," is entirely within the Multiple Habitat Preservation Area and would be dedicated in fee to the City of San Diego.

The project proposes two deviations from the required setbacks of the AR-1-1 Zone. The first deviation would allow a minimum front yard setback of fifteen feet where garages are turned towards the side yard and not facing the private driveway. In all other cases the minimum front yard setback would be twenty feet. The second deviation would allow the interior side yard setback to vary within prescribed limits. Based on the product types planned for the project, a range of possibilities exists for the plotting of the proposed homes.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

A planned open space trail within Gonzales Canyon is anticipated to connect the future Coast-to-Crest Trail with the trail system in Pacific Highlands Ranch. The applicant proposes a trail across the site to serve multiple user groups. The proposed trail would cross the proposed open space and then be sited parallel to the proposed sidewalk within the Old El Camino Real right-of-way to ultimately connect with the properties south and east of the site. From the right-of-way, the trail would follow the toe of the slope adjacent to Lots 6 through 10 and connect with an existing agricultural road within the proposed open space.

The trail segment in the right-of-way would be surfaced with an all-weather material suitable for all users, including horses, rather than concrete or asphalt. The trail would be separated from the Old El Camino Real right-of-way by a four foot wide concrete sidewalk with a six inch landscaped area between the sidewalk and trail. The Planning Commission recommendation included deleting this six inch landscape strip between the trail and the concrete sidewalk. Due to right-of-way constraints along Old El Camino Real where the sidewalk ends, approximately 30 feet from the south property line, the proposed trail would transition to within one foot of the curb.

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission recommended staff's recommendation by unanimous vote with one modification to the project; remove the six inch landscape strip between the concrete sidewalk and the all weather, engineered surface, multiple purpose trail proposed on the project plans in the public right-of-way adjacent to the project site. There is no officially recognized community planning group for Subarea II. For information purposes, plans for the proposed project were forwarded to the adjacent community planning group in Carmel Valley. The Carmel Valley Community Planning Board voted, on June 12, 2007, 10:0:0 to approve the proposed actions.

KEY STAKEHOLDERS: Pardee Homes

Broughton/Anderson/JF

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

LEGAL DESCRIPTION:

The site is zoned AR-1-1 (Agriculture Residential) and is located in Subarea II, within the Coastal Overlay Zone in the City and County of San Diego (Section 7, Township 14 South, Range 3 West on the U.S. Geological Survey (USGS) 7.5-Minute Del Mar quadrangle).

Staff: John Fisher – (619) 446-5231
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-336: Pearl Street Townhomes. Request for Coastal Development Permit, Vesting Tentative Map, including a request to waive undergrounding utilities requirement, and an Easement Vacation to demolish existing six unit apartment building and office building and build 24 residential condominiums on a 0.636 acre site located at 1030 Pearl Street and 7522-32 Herschel Avenue. (La Jolla Community Plan Area. District 1.)

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

Matter of approving, conditionally approving, modifying, or denying a Coastal Development Permit, Vesting Tentative Map, including the request to waive the undergrounding utilities requirement, and an Easement Vacation to demolish an existing six unit apartment building and office building and construct 24 residential condominiums on a 0.636 acre site. The sites are located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay zone, Parking Impact Overlay Zone within La Jolla Community Plan.

(MND Project No. 125935/MMRP/CDP No. 431859/VTM No. 431879/Easement Vacation No. 468619.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-702)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 125935, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a coastal development permit, a vesting tentative map and easement vacation for the Pearl Street Townhomes project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

Subitem-A: (Continued)

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;

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;

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

Subitem-B: (R-2008-703)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Coastal Development Permit No. 431859;

That Coastal Development Permit No. 431859 is granted to Pearl & Herschel, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-C: (R-2008-704)

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Vesting Tentative Map No. 431879 and Easement Vacation No. 468619;

That Vesting Tentative Map No. 431879 and Easement Vacation No. 468619 are granted to Pearl & Herschel, LLC, Applicant/Subdivider and Nasland Engineering, Surveyor, subject to the attached conditions which are made a part of this resolution by this reference.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on February 7, 2008, voted 6-0-1 to recommend approval.

Ayes: Schultz, Smiley, Griswold, Ontai, Otsuji, Naslund
(one vacancy)

The La Jolla Community Planning Association voted 9-3-1 to recommend approval of the project without any changes.

STAFF SUPPORTING INFORMATION:

REOUESTED ACTION:

Demolish an existing office building and six residential apartments, and construct twenty-four residential condominiums units, including the request to waive the requirements to underground existing utilities and a storm drain vacation. The site is located on a 0.636 acre site at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan Area.

STAFF RECOMMENDATION:

Recommend City Council APPROVE Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879, including the request to waive the requirement to underground the existing utilities, and Easement Vacation No. 468619 and Certify Mitigated Negative Declaration and Adopt the Mitigation, Monitoring and reporting program.

EXECUTIVE SUMMARY:

The project site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM- 3-7 zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan Area.

The proposed project includes a Coastal Development Permit for the demolition of an existing office building and five detached structures containing six residential apartments, and the construction of twenty-four residential condominiums units. A Vesting Tentative Map with an easement vacation and waiver for the undergrounding of the existing overhead utilities is requested to sell the proposed residential units as condominiums. The easement to be vacated is a ten foot storm drain easement that has been abandoned since 1960.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The proposed condominiums units would be two-stories with attached basement/garages and roof decks. The units would have one to three bedrooms and range in size from 957 square feet to 1,566 square feet.

The total parking requirement for the twenty-four residential condominiums is forty-five spaces. Each unit would have an attached one-car or two-car garage and there would be an additional ten spaces provided on the site, for a total of fifty-five parking spaces. Eight off-street parking spaces abutting the west alley would be available for guests.

Mitigated Negative Declaration No. 125935 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines which identified potential impacts to Archaeological Resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below significance, any potential impacts identified in the environmental review process.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 7, 2008, the Planning Commission voted 6-0-0 to recommend to the City Council approval of the project without any changes.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 4, 2007, the La Jolla Community Planning Association voted 9-3-1 to recommend approval for the proposed project with conditions.

The conditions were that all construction and deliveries to the site be limited from the hours of 8:45 AM to 9:15 AM and 2:45 PM to 3:45 PM on days when school is in session and construction workers park on the site.

The applicant agrees that limiting construction and deliveries during school hours could be beneficial to the community in terms of reducing traffic congestion during school drop-offs and pick-ups, and will try to limit activity during that time. The applicant will also try to accommodate parking on the site for the workers when possible. Staff however, pursuant to the San Diego Municipal Code, has not imposed these restrictions as required conditions of permit approval.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pearl & Herschel, LLC
Gerald M. Rudick 100%

Anderson/Broughton/EYG

LEGAL DESCRIPTION:

The .636-acre site is located at 7522-7532 Herschel Avenue and 1030 Pearl Street between Pearl Street and Virginia Way. The site is zoned RM-3-7 and is located in the La Jolla Community Plan Area, City and County of San Diego and is more particularly described as Lots 20, 21, 22, and 23 in Block 1 of Center Addition to La Jolla Park, Map No. 915.

Staff: Edith Gutierrez – (619) 446-5466
Marianne Greene – Deputy City Attorney

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT