AGENDA FOR THE REGULAR COUNCIL MEETING OF MONDAY, SEPTEMBER 15, 2008, AT 2:00 P.M. CITY ADMINISTRATION BUILDING COUNCIL CHAMBERS – 12TH FLOOR 202 "C" STREET SAN DIEGO, CA 92101

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101.5.

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.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Citywide Parking Restrictions for Oversized, Non-Motorized, and

Recreational Vehicles.

CITY ATTORNEY'S RECOMMENDATION: Introduce the ordinance.

ITEM-201: Parking Restrictions for Oversized, Non-Motorized, and Recreational

Vehicles in a Specified Pilot Area. (Coastal Communities. Districts 1, 2,

and 6.)

<u>CITY ATTORNEY'S RECOMMENDATION:</u> Introduce the ordinance.

Noticed Hearings, Discussion

<u>NOTE:</u> It is anticipated that this item will not be heard today and that it will be discussed at a later date.

ITEM-202: Appeal of Mesa College Amendment to Site Development Permit 324476,

to delete a mitigation requirement for an eastbound left turn lane on Mesa College Drive at Ashford Street. (Clairemont Mesa and Linda Vista

Community Areas. District 6.)

STAFF'S RECOMMENDATION: Take the actions.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE:

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

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

ITEM-200: Citywide Parking Restrictions for Oversized, Non-Motorized, and Recreational Vehicles.

?View referenced exhibit back-up material.

(See memorandum from Patti Boekamp, Stacey LoMedico, Mary Cornicelli, and Gail Granewich, dated 4/4/2008.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2009-2)

Introduction of an Ordinance amending Chapter 8 of the San Diego Municipal Code by renaming Article 1; by repealing Sections 81.01 through 81.01.30; by adding Division 1 titled "Definitions, Authority, and Enforcement" and adding Sections 81.0101, 81.0102, and 81.0103; by renumbering Sections 81.02, 81.03, 81.04, 81.05, 81.06, 81.07, 81.07.1, 81.08, 81.09, 81.10, and 81.11; amending Chapter 8, Article 6 by renumbering Sections 86.01, 86.02, 86.02.1, 86.02.2, 86.03, 86.03.1, 86.04, 86.05, 86.06, 86.07, 86.08, 86.08.1, 86.09, 86.09.1, 86.09.2, and 86.09.3; by amending and renumbering Section 86.09.04; by renumbering Sections 86.09.05, 86.09.06, 86.10, 86.10.2, and 86.10.3; by amending and renumbering Section 86.10.4; by renumbering Sections 86.11; 86.12, 86.13, 86.14, 86.15, 86.16, 86.17, 86.18, 86.19, 86.19.1, 86.19.2, 86.19.3, 86.19.4, and 86.22; by amending and renumbering Section 86.23; by adding Sections 86.0138, 86.0139, 86.0140, 86.0141, and 86.0142; by renumbering Sections 86.24, 86.24.1, 86.25, and 86.26; and by amending and renumbering Sections 86.27, 86.28, 86.29, and 86.30; all regarding traffic, vehicles, and parking in the City of San Diego;

This Ordinance amends the San Diego Municipal Code to prohibit parking of oversized, non-motorized, and recreational vehicles on any public street or City park in the City of San Diego between 10:00 p.m. and 6:00 a.m., or within 50 feet of any intersection at any time. Oversized vehicle, non-motorized vehicle, and recreational vehicle are all newly created defined terms. Exceptions are made for: oversized vehicles making pickups or deliveries; government or public utility vehicles; school buses transporting students; buses transporting youths or disabled persons during designated activities; and vehicles otherwise lawfully using commercial loading zones;

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

A permitting process for residents of the City or guests of residents who wish to park recreational vehicles in the same block as their homes on public streets while preparing for trips is also authorized. These restrictions on the parking of oversized, non-motorized, and recreational vehicles expire two years after they are effectively certified by the California Coastal Commission.

SUPPORTING INFORMATION:

The need for an ordinance restricting the parking of oversized, non-motorized, and recreational vehicles on public streets, alleys, and parks was discussed at City Council on January 29, 2008. The proliferation of oversized vehicles, recreational vehicles, and trailers has risen to a level detrimental to public safety and quality of life issues. This is of particular concern in residential areas, where owners park large and often unsightly RVs in front of residents' homes for weeks or even months at a time, taking up precious parking spaces, blocking view corridors, and restricting access to driveways and alleys. The City Council requested that City staff conduct a fiscal analysis of the proposal, both for Citywide implementation and for a proposed pilot area, generally described as west of I-5, north of downtown and south of Del Mar. A source of funding for the placement of signs and enforcement of a pilot program has not been identified.

There are two alternative proposals being presented to the City Council for adoption. This proposed ordinance is for a Citywide restriction on the parking of oversized, non-motorized, and recreational vehicles. This ordinance would prohibit parking of such vehicles on public streets, alleys, and in parks between 10 p.m. and 6 a.m., with certain specified exceptions. It would also prohibit parking of such vehicles within 50 feet of any intersection at any time. Violations would be an infraction with a fine of \$100. These restrictions would be implemented on a trial basis, effective for a period of two years after they are approved by the California Coastal Commission for the coastal zone.

City residents and their guests would be eligible to receive permits to park recreational vehicles for up to 72 hours, as long as the recreational vehicle is parked in the same block as the address of the residence. No more than 24 permits could be issued to any one address in any calendar year, and permits could not be issued for consecutive periods without at least 24 hours between permits. A fee would be charged for each permit, in order to recover the cost of implementation and enforcement of the proposed ordinance. The amount of the fee will be determined by City staff, and subject to approval of the City Council.

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

SUPPORTING INFORMATION: (Continued)

The ordinance also repeals and renumbers various provisions of Chapter 8 of the Municipal Code to bring these provisions into conformance with current formatting and numbering standards. For example, Municipal Code provisions now have only one decimal point, with only four numerals after the decimal point. Older provisions of the municipal code are gradually updated to this format as other amendments are processed.

FISCAL CONSIDERATIONS:

A funding source has yet to be identified to implement and enforce this proposed ordinance. Under the terms of the ordinance, signs must be posted in order for the ordinance to become effective and enforceable.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- LU&H on December 2004, and April 2005.
- Citywide Parking Advisory Board in May 2006.
- City Council (for discussion only) on January 29, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Zeleny

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-201: Parking Restrictions for Oversized, Non-Motorized, and Recreational Vehicles in a Specified Pilot Area. (Coastal Communities. Districts 1, 2, and 6.)

?View referenced exhibit back-up material.

(See memorandum from Patti Boekamp, Stacey LoMedico, Mary Cornicelli, and Gail Granewich dated 4/4/2008.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2009-3)

Introduction of an Ordinance amending Chapter 8 of the San Diego Municipal Code by renaming Article 1; by repealing Sections 81.01 through 81.01.30; by adding Division 1 titled "Definitions, Authority, and Enforcement" and adding Sections 81.0101, 81.0102, and 81.0103; by renumbering Sections 81.02, 81.03, 81.04, 81.05, 81.06, 81.07, 81.07.1, 81.08, 81.09, 81.10, and 81.11; amending Chapter 8, Article 6, by renumbering Sections 86.01, 86.02, 86.02.1, 86.02.2, 86.03, 86.03.1, 86.04, 86.05, 86.06, 86.07, 86.08, 86.08.1, 86.09, 86.09.1, 86.09.2, and 86.09.3; by amending and renumbering Section 86.09.04; by renumbering Sections 86.09.05, 86.09.06, 86.10, 86.10.2, and 86.10.3; by amending and renumbering Section 86.10.4; by renumbering Sections 86.11; 86.12, 86.13, 86.14, 86.15, 86.16, 86.17, 86.18, 86.19, 86.19.1, 86.19.2, 86.19.3, 86.19.4, and 86.22; by amending and renumbering Section 86.23; by adding Sections 86.0138, 86.0139, 86.0140, 86.0141, and 86.0142; by renumbering Sections 86.24, 86.24.1, 86.25, and 86.26; and by amending and renumbering Sections 86.27, 86.28, 86.29, and 86.30; all regarding traffic, vehicles, and parking in the City of San Diego;

This ordinance amends the San Diego Municipal Code to prohibit parking of oversized, non-motorized, and recreational vehicles on any public street or City park within a designated pilot area between 10:00 p.m. and 6:00 a.m., or within 50 feet of any intersection at any time. Oversized vehicle, non-motorized vehicle, and recreational vehicle are all newly created defined terms. The pilot area is generally described as west of I-5, north of downtown and south of Del Mar, and a portion of the City east of I-5 across from Mission Bay;

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-201: (Continued)

Exceptions are made for: oversized vehicles making pickups or deliveries; government or public utility vehicles; school buses transporting students; buses transporting youths or disabled persons during designated activities; and vehicles otherwise lawfully using commercial loading zones. A permitting process for residents of the City or guests of residents who wish to park recreational vehicles in the same block as their homes on public streets while preparing for trips is also authorized. These restrictions on the parking of oversized, non-motorized, and recreational vehicles expire two years after they are effectively certified by the California Coastal Commission.

SUPPORTING INFORMATION:

The need for an ordinance restricting the parking of oversized, non-motorized, and recreational vehicles on public streets, alleys, and parks was discussed at City Council on January 29, 2008. The proliferation of oversized vehicles, recreational vehicles, and trailers has risen to a level detrimental to public safety and quality of life issues. This is of particular concern in residential areas, where owners park large and often unsightly RVs in front of residents' homes for weeks or even months at a time, taking up precious parking spaces, blocking view corridors, and restricting access to driveways and alleys. The City Council requested that City staff conduct a fiscal analysis of the proposal, both for Citywide implementation and for a proposed pilot area, generally described as west of I-5, north of downtown and south of Del Mar. A source of funding for the placement of signs and enforcement of a pilot program has not been identified.

There are two alternative proposals being presented to the City Council for adoption. This proposed ordinance is for a restriction on the parking of oversized, non-motorized, and recreational vehicles within a designated pilot area. The pilot area is generally described as west of I-5, north of downtown and south of Del Mar, and a portion of the City east of I-5 across from Mission Bay. This ordinance would prohibit parking of such vehicles on public streets, alleys, and in parks within the pilot area between 10:00 p.m. and 6:00 a.m., with certain specified exceptions. It would also prohibit parking of such vehicles within 50 feet of any intersection at any time. Violations would be an infraction with a fine of \$100. These restrictions would be implemented on a trial basis, effective for a period of two years after they are approved by the California Coastal Commission for the coastal zone.

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ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-201: (Continued)

SUPPORTING INFORMATION: (Continued)

A fee would be charged for each permit, in order to recover the cost of implementation and enforcement of the proposed ordinance. The amount of the fee will be determined by City staff, and subject to approval of the City Council.

The ordinance also repeals and renumbers various provisions of Chapter 8 of the Municipal Code to bring these provisions into conformance with current formatting and numbering standards. For example, Municipal Code provisions now have only one decimal point, with only four numerals after the decimal point. Older provisions of the municipal code are gradually updated to this format as other amendments are processed.

FISCAL CONSIDERATIONS:

A funding source has yet to be identified to implement and enforce this proposed ordinance. Under the terms of the ordinance, signs must be posted in order for the ordinance to become effective and enforceable.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

LU&H in December 2004, and April 2005.

Citywide Parking Advisory Board in May 2006.

City Council (for discussion only) on January 29, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Zeleny

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

<u>NOTE:</u> It is anticipated that this item will not be heard today and that it will be discussed at a later date.

ITEM-202: Appeal of Mesa College Amendment to Site Development Permit 324476, to delete a mitigation requirement for an eastbound left turn lane on Mesa College Drive at Ashford Street. (Clairemont Mesa and Linda Vista Community Areas. District 6.)

?View referenced exhibit back-up material (Part 1 of 3).?View referenced exhibit back-up material (Part 2 of 3).?View referenced exhibit back-up material (Part 3 of 3).

Matter of the appeal by the Grandmothers, of the Planning Commission's decision to approve Site Development Permit No. 485233 an amendment to Site Development Permit No. 324476, which modify previously adopted mitigation measures by removing the requirement of a left turn lane on Mesa College Drive at Ashford Street.

(See Report to the Planning Commission No. PC-08-023/Site Development Permit (SDP) No. 485233/Amendment to Site Development Permit No. 324476/Addendum to Mitigated Negative Declaration State Clearing House 2005121106/MMRP/Project No. 139300.)

(Continued from the meeting of July 21, 2008, Item 201, at the request of Councilmember Frye, for further review.)

NOTE: Hearing open. Testimony taken on 7/21/2008.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A:

Granting or denying the appeal and upholding or overturning the decision by the Planning Commission that the City of San Diego as a Responsible Agency, certifies that the information contained in Addendum to Mitigated Negative Declaration State Clearing House No. 2005121106 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said Addendum has been reviewed and considered by the Council, and adopting appropriate findings of mitigation, pursuant to California Public Resource Code Section 21081; and adopting Mitigation Monitoring and Reporting Program;

NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

Subitem-A: (Continued)

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

Subitem-B:

Granting or denying the appeal and upholding and overturning the decision by the Planning Commission in approving the project; and granting or denying Site Development Permit (SDP) No. 485233, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on March 6, 2008, voted 6-0-1 to approve.

Ayes: Schultz, Grizwald, Ontai, Otsuji, Nasland, Smiley (One vacancy)

The Clairemont Mesa Community Planning Group has recommend approval of this project.

The Linda Vista Community Planning Group has recommend denial of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve Site Development Permit No. 485233 an amendment to Site Development Permit No. 324476, which modified mitigation measures to remove the requirement of a left turn lane on Mesa College Drive at Ashford Street.

STAFF RECOMMENDATION:

Deny the appeal and uphold the Planning Commission's decision to approve Site Development Permit No. 485233.

NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

EXECUTIVE SUMMARY:

On January 8, 2007, the City Council approved Site Development Permit No. 324476 in association with the Mesa College Street Vacation. Subsequent to the City Council's approval of the project, a study determined that implementation of the proposed left turn lane within the existing Mesa College Drive right-of-way would result in substandard lane widths and the removal of the existing curbside parking. Furthermore, it was determined that an expansion of the right-of-way to accommodate standard lane widths would impact the Kearny Mesa High Educational Complex.

In researching the source of the mitigation measure, it was determined that the following language appeared in the revised traffic study, dated September 28, 2005 (Section VIII), that was not included in the April 15, 2005, study.

In order to provide more capacity and improved circulation on Mesa College Drive for the interim and future conditions, it is recommended that the project provide an eastbound left turn lane on Mesa College Drive at Ashford Street. This improvement would increase capacity and safety at this intersection.

This language was carried forward in subsequent traffic study revisions and was also included in subsequent MND's dated June 28, 2006, and September 1, 2006, as a mitigation measure. According to the traffic study prepared for the Mesa College Facilities Master Plan by Darnell & Associates, dated June 27, 2006, the intersection of Mesa College Drive and Ashford Street currently operates and will continue to operate at Level of Service "A" during both AM and PM peak hours. The analysis includes data for existing and future conditions with and without the parking structure project.

Also, according to the traffic study, Mesa College Drive between Armstrong Street and Ashford Street currently operates as Level of Service "B" under existing conditions. The roadway segment is expected to operate at Levels of Service "B" and "C" in the 2010 and 2030 scenarios with or without the proposed parking structure.

The San Diego Community College District and City staff concur that the mitigation measure could be deleted from the MND and the MMRP based on the analysis in the traffic study using the City's CEQA thresholds for significant impacts.

On March 6, 2008, the Planning Commission voted to approve Site Development Permit No. 485233, an amendment to Site Development Permit No. 324476 and modify the mitigation to remove the requirement of a left turn lane on Mesa College Drive at Ashford.

NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

On March 17, 2008, the Planning Commission's decision was appealed by the "Grandmothers" on the basis of new or different impacts not reviewed or considered by the environmental document.

FISCAL CONSIDERATIONS:

All costs associated with the project including this appeal are being paid for by the applicant, the San Diego Community College District.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 8, 2007, the City Council approved Site Development Permit No. 324476, a Multi-Habitat Planning Area Boundary Line Adjustment, Street Vacation of the western end of Mesa College Drive and the sale of 2.69 acres of land to the San Diego Community College District to construct a parking garage.

On March 6, 2008, the Planning Commission voted to approve Site Development Permit No. 485233.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On October 16, 2007, the Clairemont Mesa Planning Committee voted 10-3-0 to recommend approval of the amendment to delete the requirement for a dedicated left turn lane.

On November 26, 2007, the Linda Vista Planning Committee voted 9-2-1 to recommend denial of the amendment to delete the mitigation requirement, however specific reasons were not provided in their meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Community College District, Students of Mesa College, the Clairemont Mesa and Linda Vista Communities, Kearny Villa Park, Kearny Mesa High Educational Complex and the City of San Diego.

Broughton/Anderson/HD

LEGAL DESCRIPTION:

The project site is located at the head of a canyon at the western terminus of Mesa College Drive, south of the Mesa College campus proper, and north of Kearny Mesa Park in the Clairemont Mesa and Linda Vista communities in the City of San Diego.

NOTICED HEARINGS: (Continued)

ITEM-202: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

<u>NOTE:</u> State for the record that the City of San Diego as the responsible agency under the California Environmental Quality Act (CEQA) has reviewed and considered the Addendum to Mitigated Negative Declaration prepared by the City of San Diego Community College District, and recommend adopting the Mitigation, Monitoring and Reporting Program.

Staff: Helene Deisher - (619) 446-5223

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

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ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

<u>ADJOURNMENT</u>