

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 3, 2009, AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7552. Internet access to the agenda is available at:
<http://sdhc.net/AuthorityAgenMinRpts.shtml>

ITEM-300:

ROLL CALL.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

- ITEM-30: Approval of Council Minutes.
- ITEM-31: Clarence Edwin “Chuck” Adams Day.
COUNCILMEMBER YOUNG’S RECOMMENDATION: Adopt the resolution.
- ITEM-32: Associated Students of San Diego State University Day.
COUNCILMEMBER EMERALD’S RECOMMENDATION: Adopt the resolution.

NON-AGENDA PUBLIC COMMENT

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

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

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR’S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will 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: Torrey Brooke II, Project No. 2118, Rezone of a property located at the end of La Harina Court and Bordered Roughly to the South by Adobe Bluffs Road. (Torrey Highlands Community Plan Area. District 1.)
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 2/17/2009, Item 331, Subitem A.
- ITEM-100: Inviting Bids for Famosa Accelerated Sewer and Water Replacement Project. (Peninsula Community Area. District 2.)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 1/28/2009, NR&C voted 4 to 0 to approve.
- ITEM-101: Amending Council Policy 900-17 Pertaining to Storefront Improvement Program. (Citywide.)
RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION: On 1/28/2009, Rules voted 5 to 0 to refer to the full City Council with direction to add selection criteria to increase equity between Council Districts.
- ITEM-102: Ratification of the 2009 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area. (North Park Community Area. District 3.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Susan Heiser Day.
COUNCIL PRESIDENT PRO TEM FAULCONER'S RECOMMENDATION: Adopt the resolution.
- ITEM-104: San Diego Association of Realtors Day.
COUNCIL PRESIDENT PRO TEM FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION: Adopt the resolution.

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

Adoption Agenda, Consent Items (Continued)

- ITEM-105: Declaring a Continued State of Emergency Regarding the Wildfires.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-106: State of Local Emergency Declaration Regarding the Landslide on Mount
Soledad.
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-107: Declaring a Continued State of Emergency Regarding the Discharge of
Raw Sewage from Tijuana, Mexico. (District 8.)
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Declaring a Continued State of Emergency Due to Severe Shortage of
Affordable Housing in the City.
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: Appropriation of San Diego Medical Services Enterprise Retained
Earnings and System Savings.
PUBLIC SAFETY AND NEIGHBORHOOD SERVICES
COMMITTEE'S RECOMMENDATION: On 6/19/2008, PS&NS voted 4
to 0 to refer this item to full City Council to authorize appropriation of
funds as outlined within the report.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

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

ITEM-331: Academy of Our Lady of Peace. Project No. 130619. Two appeals of the Planning Commission's decision approving an application for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to expand and modify the existing Academy of Our Lady of Peace high school by permitting: Enrollment of no more than 750 students; demolition of three single-family structures (2544 Collier Ave., 2746 Copley Ave., and 4910 Uvada Pl.); construction of a two-story classroom building; construction of a two-level parking structure; landscape renovations; associated deviations to implement the proposed development; tandem parking; and other improvements, on a 23.28-acre site located at 4860 Oregon Street (Greater North Park Community Plan Area. District 3.)
STAFF'S RECOMMENDATION: Take the actions.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

=== EXPANDED CITY COUNCIL AGENDA ===

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

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

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

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

12/22/2008 – Adjourned

12/23/2008 – Adjourned

12/29/2008 – Adjourned

12/30/2008 – Adjourned

01/05/2009

01/06/2009

01/12/2009

01/13/2009

01/19/2009 – Adjourned

01/20/2009

01/26/2009

01/27/2009

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-31: Clarence Edwin “Chuck” Adams Day.

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

COUNCILMEMBER YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-786)

Proclaiming March 3, 2009, to be “Clarence Edwin ‘Chuck’ Adams Day” in the City of San Diego in appreciation of his dedication to the community and Council District Four.

ITEM-32: Associated Students of San Diego State University Day.

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

COUNCILMEMBER EMERALD’S RECOMMENDATION:

Adopt the following resolution:

(R-2009-888)

Proclaiming March 7, 2009, to be “Associated Students of San Diego State University Day” in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

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

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

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

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:

Item 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, and 108.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-50: Torrey Brooke II, Project No. 2118, Rezone of a property located at the end of La Harina Court and Bordered Roughly to the South by Adobe Bluffs Road. (Torrey Highlands Community Plan Area. District 1.)

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/17/2009, Item 331, Subitem A. (Council voted 8-0):

(O-2009-75)

Changing 2.132-acres located at the end of La Harina Court and bordered roughly to the south by Adobe Bluffs Road, to the west, east, and north by single-family homes in the AR-1-1 Zone, within the Torrey Highland Subarea Plan IV, in the City of San Diego, California, from the AR-1-1 Zone into the RS-1-13 Zone, as defined by San Diego Municipal Code Sections 131.0401; and repealing Ordinance No. 18451 New Series, adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

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

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Inviting Bids for Famosa Accelerated Sewer and Water Replacement Project. (Peninsula Community Area. District 2.)

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

(See Engineering and Capital Projects Department's January 21, 2009, Executive Summary Sheet.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2009-832)

Approving the plans and specifications for the construction of Famosa Accelerated Sewer and Water Replacement (Project), as advertised by the Purchasing and Contracting Department, on Work Order Nos. 179971/188671;

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

Authorizing the City Comptroller to transfer an amount not to exceed \$2,528,035.57 from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, to Sewer Fund 41506, CIP-46-206.0, Annual Allocation-Accelerated Projects, solely for construction, contingency and Project related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,833,015 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects, solely for construction, contingency and Project related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

Subitem-A: (Continued)

Authorizing the expenditure of an amount not to exceed \$4,002,737 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacements, solely for construction, contingency and Project related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Forces in an amount not to exceed \$453,280 from Water Fund 41500, CIP-73-083.0 Annual Allocation - Water Main Replacements, solely for the construction of the Project;

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

Subitem-B: (R-2009-862)

Declaring that the Revised Final Mitigated Negative Declaration, Project No. 50202 (Revised Final MND), dated October 10, 2008, for the Famosa Accelerated Sewer and Water Main Replacement Project (the Project) 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.);

Declaring that the Revised Final MND 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 the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Project, Revised Final MND No. 50202, a copy of which is on file in the Office of the City Clerk and incorporated herein by this reference, is approved;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

Subitem-B: (Continued)

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

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project. (BID-K094267C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/28/2009, NR&C voted 4 to 0 to approve. (Councilmembers Lightner, DeMaio, Frye, and Emerald voted yea.)

SUPPORTING INFORMATION:

Famosa Accelerated Sewer and Water Replacement is part of a program established by the City of San Diego and the California Department of Public Health mandating the replacement of all cast iron water mains currently in service. This project was accelerated due to the recently reported water main breaks and increased frequency of maintenance to the existing sewer mains.

This project is located in Peninsula Community Plan Area. This project includes the construction and replacement of approximately 7,838 linear feet of existing 12-inch, 10-inch, 8-inch, and 6-inch diameter sewer mains, and the replacement of approximately 11,209 linear feet of existing 12-inch, 8-inch, and 6-inch diameter water mains and all other work and appurtenances. It also includes installing curb ramps and street resurfacing.

The streets affected by the Famosa Accelerated Sewer and Water Replacement are West Point Loma Boulevard, Famosa Boulevard, Valeta Street, Montavlo Street, Mentone Street, Temecula Street, Rialto Street, Clovis Street, Camulos Street, and the surrounding alleys and streets as shown on the location map. Contractor will prepare traffic control shop drawings and implement them during construction after review and approval by the City.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION: (Continued)

EQUAL OPPORTUNITY CONTRACTING PROGRAM (EOCP):

Funding Agency: City of San Diego - Prevailing wages do not apply to this contract.

Goals: 23.4% Mandatory Subcontractor Participation Goal; 2.1% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1.6% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 2.1% Advisory Participation Goal Small Minority Business Enterprise, 0.5% Advisory Participation Goal Minority Women Business Enterprise, 17.1% Advisory Participation Goal Other Business Enterprise (OBE)

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$6,835,752. Enterprise funding of \$2,833,015 will be available in CIP-46-206.0, Annual Allocation - Accelerated Projects, Fund 41506, Sewer, of which \$2,528,035.57 will be transferred from CIP-44-001.0, Annual Allocation - Sewer Main Replacements, Fund 41506, Sewer, for this purpose. Enterprise funding of \$4,002,737 will be available in CIP-73-083.0, Annual Allocation - Water Main Replacements, Fund 41500, Water, for this purpose. The project costs for the Sewer portion of \$2,833,015 and the Water portion of \$4,002,737 may be reimbursed approximately 80% by current or future debt financing. This project will be funded in FY09. No future funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL COMMITTEE ACTION:

The Committee on Natural Resources and Culture on January 28, 2009, consent motion by Councilmember Emerald, second by Councilmember DeMaio. Vote to approve 4-0.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-100: (Continued)

SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was presented to the Peninsula Community Planning Group on October 16, 2008, and presented to the Friends of Famosa Slough on November 19, 2008. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS AND PROTECTED IMPACTS (if applicable):

Residents in this area will encounter minor inconvenience during construction. After completion, residents will experience improved reliability of the sewer and water system.

Boekamp/Jarrell

Aud. Cert. 2900572.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: Amending Council Policy 900-17 Pertaining to Storefront Improvement Program.
(Citywide.)

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

(See City Planning and Community Investment Department's undated Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-80)

Amending Council Policy Number 900-17, pertaining to the Storefront Improvement Program;

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 1/28/2009, Rules voted 5 to 0 to refer to the full City Council with direction to add selection criteria to increase equity between Council Districts. (Councilmembers Faulconer, Young, Gloria, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

Originated in 1986, the Storefront Improvement Program (SIP) provides a grant to small business or property owners as an incentive to improve their storefronts consistent with design standards for their commercial areas. The SIP has been a successful program in the Office of Small Business (OSB) and was funded initially by Industrial Development Bond proceeds and Community Development Block monies. In 1995, the City Council adopted the Small Business Enhancement Program (SBEP), with a funding appropriation based on the number of small businesses registered with The City of San Diego.

The City Council adopted Council Policy 900-17 (Storefront Improvement Program) to clarify the administration of the program. The policy states that overall program management shall be the responsibility of the Office of Small Business. The Policy also provides that the Small Business Advisory Board (SBAB) shall approve the rebate formulas for each rebate category.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-101: (Continued)

SUPPORTING INFORMATION: (Continued)

The proposed policy revision will simplify the application and documentation process for business participants and align the administrative process with current Purchasing & Contracting objectives. The policy revision will also more clearly define eligibility criteria and program participant exclusions.

Two new incentive categories are proposed:

- Public Art Incentive - providing additional incentives for participants to work with artists;
and
- Multi- Tenant Property Owner Incentive - providing incentives for commercial property owners to participate.

The current incentive categories of Standard and Historic would remain the same.

FISCAL CONSIDERATIONS:

This action incurs no additional costs nor creates additional revenue.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Policy 900-17 was previously adopted by Resolution R-295442 on September 9, 2001. On January 28, 2009, the Rules Committee reviewed and unanimously approved the draft policy revision (5-0).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This item was discussed at the SBAB meetings held on November 28, 2007 and April 23, 2008. On May 28, 2008, the SBAB approved the recommended Council Policy revision and incentive formulas.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The key stakeholders are small business owners with valid business tax certificates and property owners who lease to three or more street-facing small business tenants.

Murray/Anderson

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-102: Ratification of the 2009 Project Area Committee (PAC) Election Results for the North Park Redevelopment Project Area. (North Park Community Area. District 3.)

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

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-880)

Approving as constituting a representative PAC, the Project Area Committee (PAC) for the North Park Redevelopment Project, including those persons who received the highest number of votes in their respective categories and listed on the City Clerk Office's verification of election results;

Finding that the election results of February 10, 2009, are valid and binding in accordance with the Formation Procedures adopted by Resolution No. R-298703;

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

STAFF SUPPORTING INFORMATION:

Council authorized a one-year extension of the North Park PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park PAC in 2009 by Resolution No. R-304483 on December 15, 2008.

On February 10, 2009, the North Park PAC conducted its Annual Election and meeting in accordance with the PAC Formation Procedures and PAC Bylaws. Six vacancies were available to be filled at the Annual Election. The categories included: two (2) Residential Tenants, one (1) Residential Owner-Occupant, one (1) Business Owner and two (2) Community Organizations. The results of the February 10, 2009, PAC Election are listed in Exhibit A.

As of the time of the writing of this report, no protests or communications regarding the North Park PAC Annual Election have been received. If any protests or communications are submitted, they will be reported to the Council and made available for public review at the Public Hearing. In accordance with the PAC Formation Procedures, City Council ratification of the Annual Election results is required.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

FISCAL CONSIDERATIONS:

None since administration of the Project Area Committee is funded through the Redevelopment Agency Annual Project Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council authorized a one-year extension of the North Park PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park PAC in 2009 by Resolution No. R-304483 on December 15, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approximately 12,000 election announcements and Project Area maps were mailed to residential owner-occupants, residential tenants, property owners, businesses and community organizations within the North Park Redevelopment Project Area. The mailings included information about the Annual Election, the PAC and redevelopment. In addition to this, a notice was published in the January issue of the North Park News and approximately 50 notices were posted in the Project Area at locations including public schools, businesses, the North Park Recreation Center and the North Park Library.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The North Park community

Weinrick/Anderson

Staff: Michelle Rosenthal - (619) 236-6268
Kimberly K. Kaelin - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-103: Susan Heiser Day.

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

COUNCIL PRESIDENT PRO TEM FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-866)

Proclaiming January 30, 2009, as "Susan Heiser Day" in the City of San Diego, and congratulating Susan on her retirement as Associate Executive Director of Associated Students after 38 years of service to the San Diego State University (SDSU).

* ITEM-104: San Diego Association of Realtors Day.

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

COUNCIL PRESIDENT PRO TEM FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-865)

Proclaiming January 10, 2009, as "San Diego Association of Realtors Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-105: Declaring a Continued State of Emergency Regarding the Wildfires.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-736)

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-106: 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-2009-610)

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, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- * ITEM-107: 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-2009-808)

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

- * ITEM-108: 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-2009-618)

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

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

ITEM-330: Appropriation of San Diego Medical Services Enterprise Retained Earnings and System Savings.

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

(See Report to the City Council No. 08-088; EMS System Retained Earnings and Savings PowerPoint; and Independent Budget Analyst Report No. 06-61.)

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2009-70 Cor. Copy)

Introduction and adoption of an Ordinance amending Ordinance No. O-19774 (New Series) Entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2009 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by authorizing the appropriation of up to \$1,399,688.76 from Fund 10246, Dept. 121, Fund Balance, for the purpose of funding enhancements to the City's EMS System and authorizing such expenditures;

Authorizing the City Comptroller to expend up to \$1,399,688.76 for the purpose of funding EMS System enhancements, as described in the executive summary.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 6/19/2008, PS&NS voted 4 to 0 to refer this item to full City Council to authorize appropriation of funds as outlined within the report. (Councilmembers Faulconer, Young, Maienschein, and Hueso voted yea.)

SUPPORTING INFORMATION:

San Diego Medical Services (SDMSE) is a public/private partnership formed as a limited liability company (LLC) between the City and Rural/Metro of San Diego. On December 4, 2006, Council adopted Resolution R-302155 changing SDMSE's profit distribution policy. The company distributes profit to the partners after considering all operating expenses, ensuring a minimum \$500,000 cash reserve is maintained, and projecting expenses forward.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-330: (Continue)

SUPPORTING INFORMATION: (Continued)

The City currently holds profit in the amount of \$1,674,199.25 in the EMS Special Revenue Fund. During the previous Council discussion on how profits are distributed (outlined in Resolution R-302155), it was requested that staff return to the Public Safety and Neighborhood Services Committee with a description on how this profit should be expended.

Fire-Rescue has identified EMS system needs upon which these retained earnings should be appropriated and expended. These needs include:

1. Fire Station 38 (Mira Mesa) Ambulance Crew Quarters Buildout: \$400,000
2. Quality Assurance Analysis and Reporting Tools (FirstWatch Biosurveillance): \$30,000
3. Online EMS Education Program: \$35,000
4. Equipment for Mass Decontamination of EMS Resources and Facilities: \$40,000
5. Mobile (Ambulance and Fire Apparatus) Gateways for Data Transmission: \$200,000
6. Acquire New Dynamic System Status Management Utility for Ambulances: \$295,000
7. Improve Station Alerting Systems for EMS: \$28,000
8. Improve EMS System Communication Interoperability with Lifeguards: \$45,000
9. Addition of Automated External Defibrillators (AED) to Staff Vehicles: \$100,000

In addition to retained earnings, Fire-Rescue maintains a fund balance from EMS system savings realized through staffing changes. City Manager's Report 04-219 outlines that EMS systems savings shall be allocated toward enhancements to the EMS system. Staff recommends that the savings in the amount of \$225,489.51 be appropriated toward:

1. Cardiac Monitor/Defibrillators Improvements and Upgrades
2. Improvements to the Electronic Patient Care Record Program

FISCAL CONSIDERATIONS:

No impact to the general fund. This report discusses appropriation of retained earnings and savings.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

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

ITEM-330: (Continue)

SUPPORTING INFORMATION: (Continued)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-302155: Profit Distribution Methodology for SDMSE; Resolution R-292161; IBA Report #06-61. Heard at Public Safety and Neighborhood Services on June 19, 2008; referred to City Council to authorize appropriation of funds as outlined within the report with a 4-0 vote.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Jarman/Olen

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item 331 on the docket of Tuesday, February 24, 2009, for the first public hearing.

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

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-331: Academy of Our Lady of Peace. Project No. 130619. Two appeals of the Planning Commission's decision approving an application for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to expand and modify the existing Academy of Our Lady of Peace high school by permitting: Enrollment of no more than 750 students; demolition of three single-family structures (2544 Collier Ave., 2746 Copley Ave., and 4910 Uvada Pl.); construction of a two-story classroom building; construction of a two-level parking structure; landscape renovations; associated deviations to implement the proposed development; tandem parking; and other improvements, on a 23.28-acre site located at 4860 Oregon Street (Greater North Park Community Plan Area. District 3.)

[?View referenced exhibit back-up materials \(Part 1 of 10\) \(Part 2 of 10\) \(Part 3 of 10\) \(Part 4 of 10\) \(Part 5 of 10\) \(Part 6 of 10\) \(Part 7 of 10\) \(Part 8 of 10\) \(Part 9 of 10\) \(Part 10 of 10\)](#)

Matter of the appeals by Between Heights Neighborhood and North Park Planning Committee from the decision of the Planning Commission approving an application for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to expand and modify the existing Academy of Our Lady of Peace high school by permitting: Enrollment of no more than 750 students; demolition of three single-family structures (2544 Collier Ave., 2746 Copley Ave., and 4910 Uvada Pl.); construction of a two-story classroom building; construction of a two-level parking structure; landscape renovations; associated deviations to implement the proposed development; tandem parking; and other improvements, on a 23.28-acre site located at 4860 Oregon Street in the RS-1-7 and RS-1-1 Zones, the Transit Area Overlay Zone, and the FAA Part 77 Noticing Area, within the Greater North Park Community Plan Area.

(See EIR No. 130619/MMRP/Findings and Statement of Overriding Considerations/PDP No. 450668/SDP No. 450706/CUP No. 450705/NUP No. 590185-Amendment to Conditional Use Permit/Resource Protection Permit No. 92-0769.)

(Continued from the meeting of January 26, 2009, Item 200, at Councilmember DeMaio's request, for further review.)

NOTE: Hearing closed. Public testimony taken on 1/26/2009.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem A:

Granting or denying the appeals and upholding or overturning the Planning Commission's decision certifying Environmental Impact Report (EIR) No. 130619; adoption of the Mitigation, Monitoring and Reporting Program; and adoption of the applicant's Findings and Statement of Overriding Considerations.

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

Subitem B:

Granting or denying the appeals and upholding or overturning the Planning Commission's decision approving Planned Development Permit No. 450668, Site Development Permit No. 450706, Conditional Use Permit No. 450705, and Neighborhood Development Permit No. 590185 (Amendment to Conditional Use Permit/Resource Protection Permit No. 92-0769) with appropriate findings to support Council action.

Directing the City Attorney to prepare the appropriate resolution(s) according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on October 9, 2008, voted 5-0-2 to recommend approval of the project, with additional conditions read into the record.

Ayes: Schultz, Golba, Otsuji, Naslund, Ontai

Recusing: Griswold

Not Present: Smiley

The North Park Planning Committee, on September 16, 2008, voted 10-1-1 to recommend denial of the proposed project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The proposed expansion and modification of the existing Academy of Our Lady of Peace high school, located at 4860 Oregon Street in the Greater North Park Community Plan Area.

STAFF RECOMMENDATION:

1. Deny the appeals;
2. Affirm the Planning Commission's certification of Environmental Impact Report (EIR) No. 130619, Adoption of the Mitigation Monitoring and Reporting Program, and Adoption of the applicant's Findings and Statement of Overriding Considerations;
3. Affirm the Planning Commission's approval of Planned Development Permit No. 450668, Site Development Permit No. 450706, Conditional Use Permit No. 450705, and Neighborhood Development Permit No. 590185 (An Amendment to RPO/CUP 92-0769).

EXECUTIVE SUMMARY:

The project site is located at 4860 Oregon Street, in the RS-1-7 and RS-1-1 Zones, the Transit Area Overlay Zone, within the Greater North Park Community Plan area. The 23.28-acre site lies on the southern rim above Mission Valley, at the north edge of North Park. The site is nestled within a single-family residential area, and accessed via residential streets. The project area is comprised of several parcels, and while addressed at 4560 Oregon Street, actually has frontage on several streets: Collier Street, Oregon Street, Copley Avenue and Uvada Place all border the property. Adams Avenue is a few blocks to the south, and I-805 is to the east.

The proposed project is a request for a Planned Development Permit, Site Development Permit, Conditional Use Permit and Neighborhood Development Permit to allow: a maximum annual enrollment of 750 students; demolition of three existing residential structures; construction of an approximately 21,059-square-foot, two-story classroom building; and construction of a new, two-level parking structure on the site. Renovation of the existing landscaping is also proposed, as well as the closing of Circle Drive.

The applicant has stated that their primary objective in proceeding with this “master plan” project is to modernize the Academy of Our Lady of Peace school and to allow the school to remain competitive in the current educational environment in San Diego.

Discretionary Actions Summarized:

Planned Development Permit: A Planned Development Permit is required for the proposed deviations for height, setback and assignment of tandem parking spaces.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Site Development Permit: A Site Development Permit is required due to the presence of environmentally-sensitive lands in the form of steep slopes. The actual property ownership area has a large quantity of sensitive steep slopes 25% or greater (808,473 square feet). The new structures are proposed to encroach less than 1,000 square feet into these areas, which is minimal and permitted by the San Diego Municipal Code.

Conditional Use Permit: A Conditional Use Permit is required to increase the maximum student enrollment on this site from 640 students to 750 students. The current maximum student enrollment permitted is 640 students (per RPO/CUP 92-0769). The applicant is currently in violation of this permit, and is subject to a Civil Penalties Administrative Enforcement Order, as further discussed within the Report to the Planning Commission No. 08-098.

Neighborhood Development Permit: A Neighborhood Development Permit is required for the provision of tandem parking on the site.

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

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission Hearings: The Planning Commission originally heard this project on September 18, 2008. After public testimony, the Planning Commission posed several questions to the applicant regarding enrollment, adaptive reuse, relocation of existing structures, and traffic issues. The Commission requested the applicant and the "Between Heights" neighborhood group work together and return to the Planning Commission on October 9, 2008, to respond to these questions. On October 9, 2008, the Planning Commission heard further testimony responding to the prior questions.

Planning Commission Decision: On October 9, 2008, the Planning Commission voted 5-0-2 (Griswold abstaining and Smiley not present) to recommend approval of the project, with additional conditions read into the record.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Appeal of Planning Commission's Decision: On October 23, 2008, both the North Park Planning Committee and Between Heights (community group) appealed the Planning Commission's decision to approve the project. Both appeals are similar; they both cite "Findings Not Supported" as the reason for the appeals, and they both list the same general basis for this conclusion.

1. Inconsistency and adversely affecting the General Plan and Land Use Plan by permitting the removal of "historic" homes, school use is inconsistent with low-density use, and failure to adequately explore adaptive reuse.
2. Detrimental to the public health, safety and welfare due to traffic issues.
3. Not beneficial to the community because students are not from the neighborhood, adaptive reuse was not adequately explored, and the school is in violation of its current Conditional Use Permit.

All these above issues were addressed within the Environmental Impact Report, and through testimony at both Planning Commission hearings. At the October 9, 2008, hearing, lengthy testimony regarding the exploration of adaptive reuse was presented and discussed. At the conclusion, the Planning Commission accepted the Environmental Impact Report, which included the additional testimony, and made the overriding considerations required to certify the EIR and approve the project.

Community Planning Group: The North Park Planning Committee voted 10-1-1 to recommend denial of the proposed project on September 16, 2008.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: The Academy of Our Lady of Peace, owner (reference Attachment 10 of Report to the Planning Commission No. PC-08-098); families of current and potential students of The Academy of Our Lady of Peace; neighbors within the North Park community surrounding the school.

Projected impacts are discussed within the Environmental Impact Report, however, the major issues discussed at the public hearings are related to traffic, removal of "historic" homes, current violation of existing CUP (enrollment), and the need for a modernized school facility adequate to meet current needs.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Broughton

LEGAL DESCRIPTION:

The 23.28-acre site is located at 4860 Oregon Street in the RS-1-7 and RS-1-1 Zones, the Transit Area Overlay Zone, and the FAA Part 77 Noticing Area, within the Greater North Park Community Plan Area. The project site is legally described as: portions of Villa Lots 31, 32, 33 and 50, and all of Villa Lots 35 thru 49, Map No. 937; portions of Lots 3, 4, 5 and 6, Block R, University Heights, Map No. 1064; and all of Lots 1 and 2, Block R, University Heights, according to a Map made by G.A.D'Hemecourt in Block 8, Page 36 et seq of lis pendens.

Staff: Michelle Sokolowski – (619) 446-5278
Nina Fain – Deputy City Attorney

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT