THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 21, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:09 a.m. Council President Peters recessed the meeting at 11:15 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:22 a.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 11:43 a.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Council President Peters reconvened the regular meeting at 11:46 a.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 11:47 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council Member Maienschein not present. The meeting was recessed for the purpose of a break at 3:01 p.m. and thereafter to reconvene the Redevelopment Agency and the Housing Authority. Council President Peters reconvened the meeting at 3:13 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:35 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:42 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:32 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:39 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:23 p.m.

ATTENDANCE DURING THE MEETING:

(1) Council Member Peters-present

(2) Council Member Faulconer-present

(3) Council Member Atkins-present

(4) Council Member Young-present

(5) Council Member Maienschein-not present-Excused by R-301327;no reason given

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (ek/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

(1) Council Member Peters-present
(2) Council Member Faulconer-present
(3) Council Member Atkins-present
(4) Council Member Young-present
(5) Council Member Maienschein-not present
(6) Council Member Frye-present
(7) Council Member Madaffer-present
(8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the financial crisis in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:32 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on the subject of varying standards regarding file storage in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:35 a.m.)

PUBLIC COMMENT-3:

Don Stillwell wished to thank the Council Members for their support regarding public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:38 a.m.)

PUBLIC COMMENT-4:

Sandy Summers commented on the subject of civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:42 a.m.)

PUBLIC COMMENT-5:

Linda Smith commented on the subject of free speech and the First Amendment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

PUBLIC COMMENT-6:

Ellen Shively, Mark Labianca, and Ramy Hassan commented on the seals at the Children's Pool in La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:49 a.m.)

PUBLIC COMMENT-7: **REFERRED TO THE OFFICE OF THE MAYOR**

David Edick commented on San Diego's Sister Cities Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:53 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on the City Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:56 a.m.)

PUBLIC COMMENT-9:

Katheryn Rhodes commented on neighborhood and coastal development permits in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:59 a.m.)

PUBLIC COMMENT-10:

Michelle Brazeau commented regarding the San Diego Bureau of the Epoch Times international newspaper.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:02 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced that the final vote regarding changes in San Diego bus routes will take place on Thursday, March 23, 2006, at 9:00 o'clock at Golden Hall located at the San Diego Community Concourse. Miss Atkins stated that there have been three- and four- hour meetings during the last month, and that even though the taking of public testimony is now closed, people will still be able to speak.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:03 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: San Diego Museum of Art Day.

MAYOR SANDERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-737) ADOPTED AS RESOLUTION R-301301

Recognizing the accomplishments of the San Diego Museum of Art and commending the dynamic art museum for its efforts to educate and inform the people and visitors of the City of San Diego;

Proclaiming February 28, 2006, to be "The San Diego Museum of Art Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:22 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: Ellen Oppenheim Day.

COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-792) ADOPTED AS RESOLUTION R-301293

Proclaiming March 21, 2006, to be "Ellen Oppenheim Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:17 a.m.)

MOTION BY FRYE TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Sergeant Dale Shockley Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-673) ADOPTED AS RESOLUTION R-301302

Commending Sergeant Dale Shockley for his dedication to making San Diego America's Finest City;

Proclaiming March 21, 2006, to be "Sergeant Dale Shockley Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-33: Officer Robert Carroll Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-674) ADOPTED AS RESOLUTION R-301303

Commending Officer Robert Carroll for his dedication to making San Diego America's Finest City;

Proclaiming March 21, 2006, to be "Officer Robert Carroll Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-34: Officer Christina Burhans Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-675) ADOPTED AS RESOLUTION R-301304

Commending Officer Christina Burhans for her dedication to making San Diego America's Finest City;

Proclaiming March 21, 2006, to be "Officer Christina Burhans Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-50: Amending the San Diego Municipal Code Section 54.0212 Regarding Abandoned Personal Property.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/28/2006, Item 50. (Council voted 8-0):

(O-2006-77 Cor. Copy) ADOPTED AS ORDINANCE O-19469 (New Series)

Amending Chapter 5, Article 4, Division 2, of the San Diego Municipal Code, by amending Section 54.0212, regarding Abandoned Personal Property;

Declaring this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because the San Diego Municipal Code amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-51: **Item 51 has been pulled from the docket.**

* ITEM-52: Sabre Springs-Savannah Terrace Rezone.

(Sabre Springs Community Plan Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/6/2006, Item 203, Subitem E. (Council voted 5-0. Councilmembers Faulconer, Young, Maienschein, Frye, and Hueso vote yea. Councilmembers Peters, Atkins, and Madaffer not present.):

(O-2006-98) ADOPTED AS ORDINANCE O-19470 (New Series)

Changing 2.22 acres located at the northwest corner of Poway Road and Creekview Drive, within the Sabre Springs Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (previously referred to as the CA Zone) into the RM-2-5 Zone (previously referred to as the R-1500 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-15806 (New Series), adopted August 23, 1982, and Ordinance No. O-18381 (New Series), Adopted February 10, 1997, of Ordinances of the City of San Diego insofar as the same conflict herewith; and changing 2.5 acres located at the southeast corner of Poway Road and Springhurst Drive within the Sabre Springs Community Plan Area, in the City of San Diego, California, from the RM-1-1 Zone (previously referred to as the R-3000 Zone) into the CC-1-2 Zone (previously referred to as the CN Zone) as defined by San Diego Municipal Code Section 131.0507.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-53: Nonexclusive Chilled Water Franchise Agreement with JMIR-Chilled Water LLC, for Temperature Controlled Water Located in the Ballpark District.

(Ballpark District Community Area. District 2.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-97) CONTINUED TO MONDAY, MARCH 27, 2006, WITH DIRECTION

Introduction of an Ordinance authorizing and empowering the Mayor, for and on behalf of the City, to execute a nonexclusive Chilled Water Franchise Agreement between the City of San Diego and JMIR-Chilled Water LLC, under the terms and conditions set forth in the Chilled Water Franchise Agreement;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because this activity is the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

SUPPORTING INFORMATION:

Rather than construct separate heating and cooling facilities for each of the Ballpark, Omni Hotel, and their other development responsibilities in the Ballpark District, Padres/JMI Realty (JMI) constructed a central chilled water system (Chilled Water System), located on the D1 - D2 lots. The City, through the Centre City Development Corporation, permitted the necessary placement of pipes in the public right-of-way to serve those specific locations only pursuant to permanent encroachment permits. A franchise agreement with the City is required, however, for JMI to sell chilled water to other development within the Ballpark District. JMI is proposing that the City grant a non-exclusive franchise, conveying the right to use the City's streets for the purpose of constricting, maintaining, and operating a Chilled Water System for provision of temperature controlled water (Service) in the Ballpark District.

The proposed franchise agreement (Agreement) is between the City and JMIR-Chilled Water LLC, a Delaware limited liability company (Grantee). Pursuant to the Agreement, the Grantee will make the Service available to facilities within the Ballpark District, including facilities that are owned or controlled by the City (e.g., the Ballpark and proposed new main library), the Redevelopment Agency of the City of San Diego, the Centre City Development Corporation, and the Metropolitan Transit Development Board (Public Projects).

The Grantee is not responsible for paying the franchise fee for Service (Exempt Gross Receipts) provided to the Public Projects, ad well as projects which JMI or its affiliates control. Or have a substantial ownership interest in (i.e., an ownership interest of 25% or more); projects which were developed as part of Phase 1 of the Ballpark District; and the Omni residential condominiums (collectively Exempt Projects). The Grantee will pay a franchise fee of 5% of "non-exempt gross receipts." Non-exempt gross receipts means all gross operating revenues received by the Grantee from the sale of the Service within the Ballpark District less Exempt Gross Receipts. The franchise fee is equivalent to the franchise fee imposed on cable franchised and is more than what currently is paid by SDG&E for its franchise.

The term of the Agreement is fifty years. The Agreement contains standard franchise agreement language respecting: relocation of facilities at the Grantee's own cost and expense when required to do so by the City; restoration of the public right-of-way disturbed by the construction, operation, or removal of the Chilled Water System; and payment of the City's trench cut fee and related warranties. The franchise may not be transferred or assigned without the City's written consent. The Grantee is required to provide the City with a Security Fund in the amount of at least $50,000, as security for the faithful performance of the provisions of the Agreement, and is responsible for paying any possessory interest tax that may be levied by the County.

All franchise fee receipts and Security funds resulting from this agreement will by deposited in to the General Fund (Fund 100).

Haas/Salt

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:42 a.m.)

MOTION BY FRYE TO CONTINUE TO MONDAY, MARCH 27, 2006, FOR FURTHER REVIEW, WITH DIRECTION THAT THE CITY ATTORNEY RETURN TO THE CITY COUNCIL REGARDING: 1) WHAT THE STANDARD LANGUAGE IS FOR FRANCHISE AGREEMENTS AND WHY IT IS THAT THE CITY WOULD NEGOTIATE A POSITION THAT WOULD APPEAR INEQUITABLE; 2) WHAT THE STANDARD FORM LANGUAGE IS FOR WHAT IS CONSIDERED "REASONABLE CUSTOMER SERVICE STANDARDS"; AND 3) HOW PRICES ARE DETERMINED WITHIN FRANCHISE AGREEMENTS.

COUNCIL MEMBER ATKINS REQUESTED THAT THE CITY ATTORNEY PROVIDE EXAMPLES OF OTHER GOVERNMENT ENTITIES WHICH HAVE FRANCHISE AGREEMENTS WITH ORGANIZATIONS OR ENTITIES THAT ARE ALSO NOT REGULATED BY OTHER BODIES OR ACTS, SUCH AS THE PUBLIC UTILITIES COMMISSION AND THE TELECOMMUNICATIONS ACT OF 1996; AND WHETHER SAN DIEGO MAY BE ON THE CUTTING EDGE OF UTILIZING PROCEDURES THAT OTHER ENTITIES HAVE NOT USED IN FORMULATING FRANCHISE AGREEMENTS.

Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-54: Two actions related to Amendments to Agreements for Time Extensions with Caltrans for State Route 56 Middle Design and State Route 56/Camino Ruiz Interchange.

(Pacific Highlands Ranch, Torrey Highlands, and Rancho Peñasquitos Community Areas. District 1.)

STAFF'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2006-95 Cor. Copy) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance authorizing the Mayor to execute the amendment to the cooperative agreement with Caltrans for the design of the middle section of State Route 56, thereby extending the termination date of the agreement by one year to December 31, 2006.

NOTE: 6 votes required.

Subitem-B: (O-2006-96 Cor. Copy) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance authorizing the Mayor to execute the amendment to the cooperative agreement with Caltrans for the design and construction of the Camino Ruiz Interchange, thereby extending the termination date of the agreement by one year to December 31, 2006.

NOTE: 6 votes required.

STAFF SUPPORTING INFORMATION:

On March 27, 2001, the City and Caltrans entered into an Agreement to design and construct a westbound off-ramp and an eastbound on-ramp at Camino Ruiz (now known as Camino Del Sur) and State Route 56. The termination date for this Agreement was December 31, 2005.

On June 30, 1997, the City and Caltrans entered into an Agreement for the design of the middle section of State Route 56. The original termination date of this Agreement was December 31, 2003; on October 27, 2003, the two parties agreed to extend the termination date to December 31, 2005.

Caltrans is requesting that the termination dates for these two Agreements be extended by one year to December 31, 2006, so final accounting at Caltrans can be completed. Because the one-year extension will extend the Agreements beyond five years' duration, Council approval via ordinance is required.

FISCAL IMPACT:

None with this action.

Haas/Boekamp/LVW

Staff: Dave Zoumaras - (619) 533-3138
Jeremy Jung - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-55: Establishing a Commission on Gang Prevention and Intervention.

(See City Manager Report CMR-05-192; The City of Los Angeles, Department of Urban Affairs December 2004 Report; Councilmember Young's July 21, 2005, Article "The Gang Problem in San Diego;" and Council Policy 000-13.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-38 Cor. Copy 2) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by adding Division 19, titled City of San Diego Commission on Gang Prevention and Intervention, and adding Sections 26.1901, 26.1902, and 26.1903, all relating to the City of San Diego Commission on Gang Prevention and Intervention.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 9/21/2005, PS&NS voted 3 to 0 to approve the City Manager's recommendations with direction that this item be docketed before the full City Council as soon as possible. (Councilmembers Atkins, Young, and Madaffer voted yea.)

SUPPORTING INFORMATION:

On September 21, 2005, the Committee on Public Safety and Neighborhood Services met to take action on CMR-05-192, regarding establishing a Commission on Gang Prevention and Intervention. A motion was made by Councilmember Young and seconded by Deputy Mayor Atkins to approve the City Manager's recommendation with direction that this item be docketed before the full City Council as soon as possible. The motion was carried unanimously.

FISCAL IMPACT:

There is no fiscal impact to the City of San Diego's General Fund. The $26,000 is budgeted in the City's Community Development Block Grant Program's FY06 Budget. The proposed Commission is an official advisory body to the Mayor, City Council, and City Manager on policy issues relating to gang prevention and intervention. Board members will serve without compensation.

The Executive Director position for the Commission will be located at the Police Department. This Council action also authorizes the City Auditor and Comptroller's Office to transfer such funds ($26,000) to the following CDBG project: "City of SD, SDPD, Commission on Gang Prevention, Fund 18541, Dept. 4331, Org. 3123, JO 000001". This money will be utilized to fund the Executive Director position for the remainder of FY06.

By funding the Commission on Gang Prevention and Intervention in FY 2006, it is expected the Commission will pursue federal and/or state grant funds in order to fulfill the purpose and intent of their mission.

Please see attached Manager's Report (05-192) entitled, "Commission on Gang Prevention and Intervention," for details.

Froman

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-56: Extending Time Limit Deadlines for the Centre City and Horton Plaza Redevelopment Project Area.

(See Centre City Development Corporation Report CCDC-06-05. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2006-100) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

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

Subitem-B: (O-2006-101) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

* ITEM-100: Awarding a Contract to San Diego State University Research Foundation for Consultant Services for Communication Support.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-782) ADOPTED AS RESOLUTION R-301305

Authorizing and empowering the Mayor to execute, for and on behalf of said City, a contract in an amount not to exceed $563,775 for consultant services with the San Diego State University Research Foundation (SDSURF) to provide geographical information system services, interoperable communications services, project management, regional collaboration, and regional technology strategic planning support services, under the terms and conditions set forth in the contract.

STAFF SUPPORTING INFORMATION:

The San Diego Urban Area initiated a Regional Technology Partnership program to be funded through the Urban Area Security Initiative Grant (UASI). The stated purpose of the partnership is to integrate technology to leverage scarce emergency response resources and provide a safer environment throughout the San Diego region. Under this contract, SDSURF will provide geographical information system services and interoperable communications services by hiring two technical experts to perform work across all of the jurisdictions of the San Diego Urban Area (SDUA). The work is required and funded under the UASI grant to enhance homeland security within SDUA, consisting of San Diego County and the incorporated cities within the county. SDSURF will also provide project management, regional collaboration and regional technology strategic planning support services across SDUA as an independent judge of technology, a neutral interface between SDUA jurisdictions and vendors offering competing technology solutions, and best practices in applying available technology to leverage scarce first response resources within SDUA.

The City of San Diego, as the core City of the San Diego Urban Area, is the designated administrative agency that manages the UASI Grant through the Office of Homeland Security. Therefore, major grant expenditures, such as this contract, must be processed under City procedures. This is a sole source contract based on City Municipal Code §22.3037 and the unique qualifications of SDSURF. Please refer to the attached sole source justification.

FISCAL CONSIDERATIONS:
There are no fiscal impacts. All expenses will be paid through the Federal FY05 UASI Grant. This grant has no local match requirement. This contract is funded from FY05 funds. The Department of Homeland Security has authorized an exemption from the Cash Management Act that allows FY05 Federal funds to be advanced up to 120 days in advance of an expenditure so that grant recipients do not have to expend funds and carry the debt while awaiting reimbursement. San Diego OHS and the City Auditor and Comptroller have set up interest bearing accounts to support the authorized draw down process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
City Council previously passed Resolution R-300700 dated 7/25/2005 authorizing the application for, acceptance of and expenditure of Federal FY05 Homeland Security grants, including the UASI Grant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
Key stakeholders are all of the incorporated cities and the unincorporated areas within San Diego County. These jurisdictions make up the San Diego Urban Area and are participants in the UASI Grant which funds the Regional Technology Partnership. This contract will provide vital services to enhance homeland security throughout the urban area by providing regional services across all jurisdictions. The services will be funded totally through the Federal FY05 Urban Area Security Initiative Grant. These actions have been authorized and approved by the San Diego Unified Disaster Council by unanimous vote on 9/08/2005.

Olen/Norris

Aud. Cert. 2600591.

Staff: Bill Norris – (619) 533-6762
Nooria Faizi – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Storm Water Pollution Prevention Program (SWPPP) Think Blue Education Agreement with Port of San Diego and Production Contract with American Dream Cinema.

(See Proposal for Concept and Production Services for Storm Water Pollution Prevention Division's Think Blue Campaign by American Dream Cinema.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-727) ADOPTED AS RESOLUTION R-301306

Authorizing the Mayor, or designee, to execute, for and on behalf of said City, an agreement with the Port of San Diego for storm water education and outreach services;

Authorizing the Mayor, or designee, to enter into a contract with American Dream Cinema to produce two Public Service Announcements for education and outreach in the amount not to exceed $90,000;

Authorizing the Mayor, or designee, to accept funds from the Port of San Diego to the Think Blue Education Fund No. 105081 in the amount of $25,000 upon receipt of fully executed agreements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed $90,000 from the Think Blue Education Fund No. 105081, for the production of two (2) Public Service Announcements upon receipt of a fully executed contract with American Dream Cinema;

Finding 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)(2).

STAFF SUPPORTING INFORMATION:

The City of San Diego is one of 18 municipal jurisdictions, along with the County of San Diego, Port of San Diego and the Airport Authority, which are jointly regulated by the Municipal Storm Water Permit from the San Diego Regional Water Quality Control Board. The Municipal Permit (Order No. 2001-01) requires each co-permitee to undertake specific storm water pollution prevention, abatement, enforcement and education activities.

In the City of San Diego, all education, outreach and public advocacy programs designed to achieve compliance with the Municipal Storm Water Permit are implemented by the "Think Blue" campaign in the Storm Water Pollution Prevention Division of the Metropolitan Wastewater Department.

The City of San Diego has successfully conducted "Think Blue" as regional storm water pollution prevention education and outreach campaign since 1999. The Port of San Diego has offered to contribute $25,000 to Think Blue in Fiscal Year 2006. Accepting these monies benefits all parties, and furthers the education and outreach efforts to change the polluting behaviors of residents, business and industry across the region. In addition, accepting these monies provides the final dollar amounts necessary to fully fund the Think Blue Account at a sufficient level to complete Public Service Announcements (PSAs) required for two existing state grants (The "San Diego Regional Integrated Pest Management Education and Outreach Project" and the "Chollas Creek Water Quality Protection and Habitat Enhancement Plan") the City was awarded.

In November 2005, the City issued and officially advertised a Request for Proposal soliciting submittals from production companies to produce two PSAs. Three production companies' submitted proposals, with two found to be responsive to the RFP. Interviews were held January 13, 2006, and American Dream Cinema was selected by the interview panel to produce both PSAs for the state grants.

FISCAL IMPACT:

The total estimated cost of the contract with the American Dream Cinema is not to exceed $90,000. The City will receive grant funds in the amount of $25,000, from the Port of San Diego and funds of $65,000 are available in the Think Blue Fund No. 105081, for this purpose.

Haas/Tulloch/CZ

Aud. Cert. 2600607.

Staff: Chris Zirkle - (619) 525-8644
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Initiating an Amendment to the University Community Plan to Facilitate Additional Fire Stations in the University Community.

(University Community Area. District 1.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-754) ADOPTED AS RESOLUTION R-301307

Directing the Planning Department to prepare an amendment to the University Community Plan that adds language stating the need for additional fire stations to assure adequate response to the population; and

Declaring this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

SUPPORTING INFORMATION:

Respectfully request that the Mayor support this action which will initiate a plan amendment to the University Community Plan. The University Community is served by a fire station located on Eastgate Mall between Regents Road and Genesee Avenue. The fire department is concerned about poor response times in University Community and its adequacy to meet the needs of the University Community at this time.

The plan amendment initiation process is identified in Section 122.0103(a) of the Land Development Code which states that the City Council may initiate an amendment to a land use plan by adopting a resolution. The plan amendment would focus on adding language to the University Community Plan that states the need for additional fire stations within the community. The additional fire stations should assure adequate response to the population and should meet the needs of the University Community.

Identification of projects in the North University Public Facilities Financing Plan to construct additional fire stations and the allocation of funds cannot occur until the need for these facilities are identified in the University Community Plan. Locations for the new fire stations will not be addressed by the plan amendment as specific locations are not known at this time. Environmental analysis for future fire station locations will occur upon selection of those sites.

FISCAL IMPACT:

Costs associated with processing the Community Plan Amendment will come from General Fund monies budgeted for the Planning Department.

Waring/Kinsley/MB

Staff: Madeleine Baudoin – (619) 236-6611
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-103: One-Year Extension of Barrio Logan Project Area Committee (PAC) 2006 Annual Election.

(See Report to the City Council No. 06-030. Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-779) ADOPTED AS RESOLUTION R-301308

Extending the Barrio Logan PAC for one-year beginning May 18, 2006;

Directing the staff of the Redevelopment Agency of the City of San Diego to notice and conduct the Barrio Logan PAC Election in 2006;

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

Staff: Rudy G. Gonzalez - (619) 533-4254
Eunice C. Chan - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Drainage and Sewer Easement Vacations within Lots 1 Through 7 and 20 Through 23 of Siempre Viva Business Park Map 12659.

(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-696) ADOPTED AS RESOLUTION R-301309

Vacating the drainage and sewer easements located within Lots 1 through 7 and 20 through 23 of Siempre Viva Business Park, Map 12659, as more particularly described in the legal descriptions marked as Exhibit "A", and as show on Drawing No. 20345-B, marked as Exhibit "B", to unencumber his property and facilitate development of the site under the procedure for the summary vacation of public service easements California Streets and Highway Code Section 8333(a);

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder;

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

City Council action is requested to vacate unneeded drainage and sewer easements within Lots 1 through 7 and 20 through 23 of Siempre Viva Business Park Map 12659 as shown on Engineering Drawing No. 20345-B. This site is located in the Otay Mesa Community Plan area, southeasterly of Siempre Viva Road and La Media Road in Council District 8.

The drainage and sewer easements being vacated were granted at no cost to the City over five years ago and have never been used. During the intervening years, the actual use of the properties in the area and the proposed development of this specific property have changed. The location of the existing easements interfere with the currently proposed building site plans. There is no anticipated or future use for the easements in their present locations.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Oppenheim/Broughton/GRB

Staff: G. Bollenbach - (619) 446-5417
David Miller - Deputy City Attorney

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

FILE LOCATION: DEED F-9979

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: La Maestra: Heart of the Community Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-780) ADOPTED AS RESOLUTION R-301310

Commending La Maestra Community Health Centers for launching the "Heart of the Community" capital campaign to continue its mission to provide quality healthcare and education, improve the overall well-being of the family, and bring the under-served, ethnically diverse communities into the mainstream of society in a caring, effective, and culturally competent manner that respects patients' dignity;

Proclaiming March 10, 2006, to be "La Maestra: Heart of the Community Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-106: Excusing Council President Peters from Attending the City Council and Closed Session Meetings of March 6 and 7, 2006.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-757) ADOPTED AS RESOLUTION R-301311

Excusing Council President Scott Peters from attending the regularly scheduled City Council meetings and Closed Session of March 6 and 7, 2006.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Excusing Councilmember Madaffer from Attending the Budget Committee Meeting of March 8, 2006.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-746) ADOPTED AS RESOLUTION R-301312

Excusing Councilmember Madaffer from attending the regularly scheduled Budget Committee meeting of March 8, 2006.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-108: Excusing Councilmember Madaffer from Attending the City Council and Closed Session Meetings of March 6 and 7, 2006.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-745) ADOPTED AS RESOLUTION R-301313

Excusing Councilmember Madaffer from attending the regularly scheduled City Council meetings and Closed Session of March 6 and 7, 2006.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-640) ADOPTED AS RESOLUTION R-301314

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

FILE LOCATION: GEN'L- State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-701) ADOPTED AS RESOLUTION R-301315

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

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: Stella-Project No. 65484.

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Progress Guide and Community Plan and the Midway/Pacific Highway Corridor Community Plan to redesignate the site from Light Industrial to Very High Residential at 75-110 dwelling units per acre, a Rezone (from IS-1-1, an Industrial Small Lot Zone, to RM-4-10, a Multi-Family Residential Zone), an Easement Abandonment, Vesting Tentative Map (including a request to waive the requirement to underground existing overhead utilities), and Site Development Permit to demolish an existing, vacant warehouse and to construct an 85-unit, multi-family development (for sale condominiums) on an infill site. The development would exceed the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the AMI. The project site is located at 2015 Hancock Street in the Midway/Pacific Highway Community.

(Continued from the meeting of November 29, 2005, Item 332, at the request of Council, for further review.)

NOTE: The public testimony portion of the Hearing is open. Public testimony was taken on November 29, 2005.

(Revised MND Project No. 65484/PG&GP-CPA No. 200813/RZ No. 196639/EA No. 272689/SDP No. 240731/VTM No. 240730/Project No. 65484. Midway/Pacific Highway Corridor Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2006-467 Cor. Copy) ADOPTED AS RESOLUTION R-301317

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 65484, 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 community plan amendment, site development permit, vesting tentative map, easement abandonment and rezone for the Stella Project;

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, 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-2006-468 Cor. Copy) ADOPTED AS RESOLUTION R-301318

Adoption of a Resolution amending the Midway/Pacific Highway Corridor Community Plan;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-62 Cor. Copy) INTRODUCED, TO BE ADOPTED ON TUESDAY, APRIL 4, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing a 0.89 acre site, located at 2015 Hancock Street, in the Midway/Pacific Highway Corridor Community Plan Area, in the City of San Diego, California, from the IS-1-1 Zone (previously referred to as the M-SI Zone), into the RM-4-10 Zone (previously referred to as the R-400 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-17654 (New Series), adopted June 10, 1991, which was changed (Zone name only, from M-SI Zone to IS-1-1 Zone) by Ordinance No. 18691, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-631 Cor. Copy) ADOPTED AS RESOLUTION R-301319

Adoption of a Resolution certifying findings with respect to Site Development Permit No. 240731 supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

That Site Development Permit No. 240731 is granted to Constellation Property Group (Hancock), a Delaware Limited Partnership, Owner/Marchese Partners International, LP, a Delaware Limited Partnership, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2006-469 Cor. Copy 2) ADOPTED AS RESOLUTION R-301320

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 240730 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That this abandonment shall be listed as such on the Map pursuant to California Government Code Section 66434(g);

That Vesting Tentative Map No. 240730, including the waiver of the requirement to underground existing overhead utilities is granted to Constellation Property Group (Hancock), a Delaware Limited Partnership, Applicant/Subdivider and Feyzi Design Group, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on October 27, 2005, voted 4-1 to recommend approval of the Stella project, with denial of the request for a waiver of the requirement to underground existing overhead utilities. Staff continues to support, and the project includes, the undergrounding waiver with conditions; was opposition.

Ayes: Chase, Ontai, Otsuji, Steele
Nays: Griswold
Recusing: Schultz
Not present: Garcia

The Midway Community Planning Advisory Committee, on August 10, 2005, voted 7-0-1 to approve the Stella project design and entitlement as proposed.

STAFF SUPPORTING INFORMATION:

The proposed Stella residential project would include the demolition of an existing and vacant warehouse and the construction of an 86-unit, multi-family development (for sale condominiums) on an approximately 0.89-acre infill site located at 2015 Hancock Street within the Midway/Pacific Highway Corridor Planning Area. The development would exceed the requirements of the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the Area Median Income.

The 86 units would consist of 12 single story one-bedroom units and 74 two-story two-bedroom town home units. The project would also include 145 off-street vehicle parking spaces, an approximately 8,000 square-foot landscaped courtyard including a water feature, paved seating area with BBQ facilities, security entry gates, and decorative lighting. This project requires amendments to the Progress Guide and General Plan and the Midway Community Plan to redesignate the project site from "Light Industrial" to "Very High Density Residential (75-110 Dwelling Units per Acre)"; a Rezone from IS-1-1 to RM-4-10; an Easement Abandonment; a Site Development Permit; and a Vesting Tentative Map, including a waiver to the requirement to underground existing overhead utilities.

FISCAL IMPACT:

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

WATER QUALITY IMPACT STATEMENT:

During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Water Pollution Control Plan (WPCP) in conjunction with the grading plans. The WPCP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system. The post development Best Management Practices (BMPs) incorporated into the project consist of site design, source control and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

Oppenheim/Halbert/DES

LEGAL DESCRIPTION:

The project site is located at 2015 Hancock Street within the Midway-Pacific Highway Corridor Community Plan, North Bay Redevelopment Project Area, Airport Approach Overlay Zone, and Coastal Height Limit Overlay Zone in Council District 2 (APN 450-613-08).

Staff: Dan Stricker – (619) 446-5251
Douglas K. Humphreys – Deputy City Attorney

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

FILE LOCATION: SUBITEMS A, B, D, E: LUP-Stella 11/29/05 (65)
SUBITEM C: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 3:01 p.m.)

Testimony in opposition by Robert Vacchi, Chris Loughridge, Glen Volk, and Ross Lopez.

Testimony in favor by Eugene Marchtse, Joe Mannino, and Tom Travor.

MOTION BY FAULCONER TO ADOPT RESOLUTIONS IN SUBITEMS A, B, D, AND E AND INTRODUCE THE ORDINANCE IN SUBITEM C. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-nay.

ITEM-331: Fox Canyon Neighborhood Park.

Matter of the appeal by J.W. Stump, Esquire, et al, for Friends of Fox Canyon Park from the decision dated December 2, 2005, by City of San Diego Development Services Department Staff in the Environmental Determination certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130, in the matter of a request for a Site Development Permit for the development of a passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Statement Supporting Reason For Environmental Determination: The finding that the project will not have a significant effect on the environment is based on an Initial Study, technical reports and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s); **Biology and Historical Resources (Archaeology)**.

(See Report to the City Council No. 06-029. MND/MMRP/Project No. 70422. Mid-City Communities Plan Area City Heights. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-64) DENIED APPEAL, ADOPTED AS RESOLUTION R-301321

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of Mitigated Negative Declaration for this project, with appropriate findings to support Council Action.

OTHER RECOMMENDATIONS:

The Planning Group does not vote on this appeal of the environmental determination.

STAFF SUPPORTING INFORMATION:

The subject site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Ontario Avenue on the east and west (Attachments 1 and 2). The site is zoned RM 2-5 and is designated in the Mid-City Communities Plan for multi-family residential development (Attachment 3). The site is not designated as open space. The site consists of a small undeveloped canyon, a north facing slope, and a relatively flat disturbed area (Attachment 4). The site is surrounded by residential development. With the exception of a few scattered patches of exotic plant species, this area is devoid of vegetation.

The site can be accessed from University Avenue via Winona Avenue. A total of four unpaved roads exist within the project area. One service road, approximately 4 to 6 feet in width, exists along the eastern boundary of the project area. Two unpaved service roads, approximately 7-feet wide lead into the project area. A fourth service road, approximately 10 to 15 feet in width, extends northeast from Ontario Avenue terminating at the proposed community park/staging area.

The project site is not within and/or adjacent to the Multi-Habitat Planning Area (MHPA). However, a portion of Auburn Creek is the site of a City habitat restoration project. This habitat restoration project serves as mitigation for impacts resulting from a sewer main emergency repair completed in July, 2001. A small part of the restoration area occurs within the northeastern boundary of the project site. The habitat restoration area would not be impacted as a result of implementing the proposed park project.

The proposal is subject to the Environmentally Sensitive Lands (ESL) regulations per San Diego Municipal Code (SDMC) Section 143.0110(a)(1) because the site contains "sensitive biological resources" as defined per the SDMC, Section 113.0102. Therefore, a Site Development Permit (Process 3) was required.

Hearing Officer Decision
On October 12, 2005, the Hearing Officer approved a Site Development Permit to develop a 1.9-acre passive park plus the Ontario Avenue connection for a total of 2.7-acres. At the hearing, the Hearing Officer expressed his strong concern that staff had received two different recommendations from the community; the Fox Canyon group which wanted the park and the road to go through, and the City Heights Area Committee which also wants the park, but does not want the road. He noted that while the Ontario Avenue connection could possibly be used for park purposes or even emergency access, given the configuration of the lot, the right-of-way usability for park purposes would be limited given the width of it. He asked staff if the right-of-way for the Ontario Avenue connection had been set aside as part of a subdivision. If it was, he stated that it would confirm the fact that the connection was envisioned. At the time of the hearing, staff was unable to answer the question. Subsequent to the hearing, it has been confirmed that the right-of-way was established as early as 1911.

Planning Commission Appeal Decision
On December 1, 2005, the Planning Commission heard an appeal of the Hearing Officer's decision to approve the Fox Canyon Park project. At that hearing the Planning Commission upheld the Hearing Officer's decision to approve the project and denied the appeal with the condition that Councilmember Madaffer's Office takes the lead in coordinating a Task Force prior to construction of the road to evaluate alternatives.

Delegation of Responsibilities
In keeping with Section 15025 of CEQA Section 128.0103 of the City's Land Development Code assigns the responsibility for implementation of the California Environmental Quality Act (CEQA) to the Development Services Department (DSD). The Environmental Analysis Section (EAS) of DSD evaluates all discretionary project proposals to determine whether there is a potential for such actions to result in physical impacts on the environment. Anyone can submit information to EAS to assist in its evaluation; but by law, the evaluation must be impartial and independent of any outside influences.

On December 15, 2005, the environmental determination for the project was appealed to the City Council by the Friends of Fox Canyon Park, J. W. Stump (Attachment 10). This appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, the Friends of Fox Canyon Park, J. W. Stump, filed an appeal of the City of San Diego staff's determination of the Mitigated Negative Declaration for the project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant which is the Park and Recreation Department.

Halbert/Halbert/PXG

LEGAL DESCRIPTION:

The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Staff: Patricia Grabski – (619) 446-5277

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 6:20 p.m.)

Testimony in opposition of staff's recommendation and in favor of appeal by John Stump, Theresa Quiroz, Jim Varnadore, Eric Bowlby, Carolyn Chase, Samatha Quiroz, Guy Mock, Patti Vaccariello, Mazda Mehral, Jeanette Neely, Mohamud Ahmed, and Abdi Abdul.

Testimony in favor of staff's recommendation and in opposition of appeal by Jose Lopez, Helen Kozminski, Tomas Du, Pamela Kozminska, Maria Payan, Carmen Renteria, and Gretchen Torgerson.

Motion by Hueso to adopt the resolution to deny the appeal and uphold the environmental determination. Second by Peters. Failed. Yeas-1, 2, 7, 8. Nays-3, 4, 6. Not present-5.

Motion by Frye to grant the appeal and deny the EIR document and direct staff to provide and environmental document that includes alternatives for a park with a road and a park without a road. Second by Atkins. Failed. Yeas-3, 6. Nays-1, 2, 4, 7, 8. Not present-5.

MOTION BY ATKINS TO RECONSIDER DENIAL OF THE APPEAL. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-332: 5540 Lindo Paseo Tentative Map.

Matter of the appeal by 5540 Lindo Paseo, LLC c/o Robin Munro regarding the Planning Commissions' decision to deny an application for a Tentative Map to convert twenty one existing apartment units to condominium ownership and a waiver from the requirement to underground existing adjacent overhead utilities. The project is located on an 11,935 square foot site at 5540 Lindo Paseo between Hardy Avenue and Montezuma Road, in the RM-3-9 zone within the College Community Plan Area.

(College Community Plan Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the decision of the Planning Commission:

(R-2006-) CONTINUED TO MONDAY, APRIL 3, 2006

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map No. 230006**,** with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 8, 2005, voted 6-0 to deny; no opposition.

Ayes: Garcia, Schultz, Griswold, Ontai, Otsuji, Steele
Not present: Chase

Motion by Garcia to deny staff recommendation as outlined in Planning Commission Report No. PC-05-248. Due to the inability to make finding number two, "Meeting the housing needs for that specific region." The motion was seconded by Steele.

The College Area Community Council has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

The 0.27-acre site is located at 5540 Lindo Paseo, between 55th Street and College Avenue in the RM-3-9 zone, within the College Community Plan area, which designates the site for Fraternity/Sorority uses. The existing improvements were constructed in 1982 and are consistent with the regulations in place at that time. The site is presently developed with one, three story structure containing 21, two-bedroom units. The site also provides 42 tandem off-street parking spaces located in an underground garage. No new construction is proposed with this project. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code.

All utilities serving this property have been undergrounded. The project includes a request to waive the underground requirement for adjacent utilities serving the surrounding properties.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant.

Halbert/Waring/HD

Staff: Helene Deisher - (619) 446-5223

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:20 p.m. – 6:23 p.m.)

MOTION BY YOUNG TO CONTINUE TO MONDAY, APRIL 3, 2006, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-not present, Frye-yea, Madaffer-ineligible, Hueso-yea.

ITEM-333: Amending San Diego Municipal Code Relating to Inclusionary Housing In-Lieu Fee Regulations.

(See San Diego Housing Commission Report CCR06-001.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-81) RETURNED TO THE OFFICE OF THE MAYOR

Introduction of an Ordinance amending Chapter 14, Article 2, Division 13, of the San Diego Municipal Code by amending Section 142.1310 relating to Inclusionary Housing In-Lieu Fee Regulations.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:04 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE OFFICE OF THE MAYOR FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Conditional Grant Agreement with San Diego Youth and Community Services Inc. for Acquisition of Multi-Family Rental Housing Located at 4760 35th Street.

(See Redevelopment Agency Report RA-06-10/RTC-06-023. Peninsula and Normal Heights Community Areas. Districts 2 and 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-773) ADOPTED AS RESOLUTION R-301316

Making certain findings with respect to the Conditional Grant Agreement by and between Redevelopment Agency of the City of San Diego and San Diego Youth and Community Services, Inc., pertaining to San Diego Youth and Community Services' acquisition of the eight unit apartment building at 4760 35th Street; approving the relocation plan; and declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

SDYCS has requested funding from the NTC Tax Increment Housing Set Aside fund for the acquisition of an eight unit apartment building located at 4760 35th Street. SDYCS is a member organization of the Homeless Subcommittee which served as part of the NTC Reuse Committee.

Pursuant to the base closure process, in 1996 the City Council appointed a 26-member NTC Reuse Committee to advise the Council regarding the reuse of the NTC property. The Homeless Subcommittee was one of five subcommittees created to provide input on the Homeless Assistance Element of the NTC Reuse Plan. Over the following 24 months it was established that the members of the Homeless Subcommittee would create up to 150 off-site transitional units and the City would provide $50,000 for each unit for a total of $7,500,000. Identified funding included Redevelopment Agency Low/Moderate Income Tax Increment Set Aside from the NTC Redevelopment Project, Federal HOME funds, and City of San Diego Housing Trust Funds. On July 1, 1996, the City Council approved the *Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan.* (Homeless Agreement)

When purchased and renovated, the eight unit apartment building at 4760 35th Street will provide five 2-bedroom units and two 1-bedroom units of transitional housing for young mothers and youth that have aged out of the foster care system. The resident manager will occupy one 2-bedroom unit.

FISCAL CONSIDERATIONS:
SDYCS received $483,113 in 1999 from the Housing Commission to assist with the purchase of the Wing Street apartments in the Midway area. Their remaining $1,116,887 of their total allocation of $1,600,000 from the Homeless Agreement will assist in the purchase of the 35th Street apartments.

The proposed Grant Agreement provides for SDYCS to finance the project with a combination of NTC Housing Set Aside dollars and a loan from the Housing Commission. SDYCS has requested the remaining allocation of $1,116,887 to assist with the purchase of the eight-unit apartment complex with a price of $1,125,000. As directed in the Homeless Agreement, the property "will be deed restricted to revert back to the City in the event the property is no longer used to assist the homeless."

PREVIOUS COUNCIL ACTION:
On July 19, 2005, the City Council approved the First Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan. This amendment authorized SDYCS to use the allocated NTC Housing Set Aside tax increment funds for this project located outside Council District 2.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
A presentation was made to the Normal Heights Community Planning Committee (NHCPC) on this project at their July 5, 2005 meeting. The minutes of that meeting reflect, "The NHCPC board feels positive about this project."

KEY STAKEHOLDERS & PROJECTED IMPACTS:
Walter Phillips, Executive Director of SDYCS, a 501 (c)(3) corporation, is the developer of this project.

City Resident and Business Impact -
This eight-unit apartment complex is located in the Normal Heights neighborhood within walking distance of public transportation, retail shopping and other businesses along Adams Avenue. Current residents will be relocated according to the 35th Street Housing Project Relocation Plan. The property will be rehabilitated prior to the incoming tenants moving in.

Ostrye/Waring

Staff: Libby Day - (619) 533-5372
Eunice C. Chan - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of 3/21/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:42 a.m. – 11:42 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:23 p.m.)