

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 TUESDAY, APRIL 18, 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 10:07 a.m. Council President Peters recessed the meeting at 11:06 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:12 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:57 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:07 p.m. with all Council Members present. The meeting was recessed at 3:29 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:37 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:33 p.m. to convene the Housing Authority. Council President Peters reconvened the meeting at 4:34 with all Council Members present. Council President Peters adjourned the meeting at 4:38 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-present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council Member Hueso-present
- Clerk-Maland (gs/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-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:24 a.m.)

PUBLIC COMMENT-2:

Sandy Summers commented on civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:27 a.m.)

**PUBLIC COMMENT-3:**

Ron Boshun commented on the actions of Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:30 a.m.)

**PUBLIC COMMENT-4:**

Steve McMillan commented on the shortage of police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:33 a.m.)

**PUBLIC COMMENT-5:**

Bill Nemec commented on the proposed budget held on April 17, 2006.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:35 a.m.)

**PUBLIC COMMENT-6:**

Homer Barrs commented on mobile home parks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:39 a.m.)

**PUBLIC COMMENT-7:**

Vida Wade commented on integrity in government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:41 a.m.)

**PUBLIC COMMENT-8:**

James Hartline commented on environmental terrorism in District 3.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:43 a.m.)

**PUBLIC COMMENT-9:**

Richard Lawrence commented on affordable housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

**PUBLIC COMMENT-10:**

Jerry Sanders, a member of the public, commented on behalf of a group of individuals regarding the closing of the Winter Shelter Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:09 p.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced the “33<sup>rd</sup> Annual Adams Avenue Roots Festival”. The event will be held on Saturday, April 22, 2006, and Sunday, April 23, 2006, starting at 10:00 a.m. on Adams Avenue. Ms. Atkins also announced the annual “Earth Day” event held on Sunday at Balboa Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:50 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

Assistant City Attorney Karen Heumann reported the action on Closed Session Item No. 1. The matter involves the City of San Diego and Redevelopment Agency of the City of San Diego v. McKinnon Properties, Incorporated. The City Council sitting as both the City Council and Redevelopment Agency voted to approve a settlement offer of \$1,000,000 to be paid from the developer to the City and Redevelopment Agency. The motion was made by Council Member Peters and seconded by Council Member Madaffer. The vote was 7 to 0 with Council Member Maienschein absent.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:21 a.m.)



ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

02/06/2006  
02/07/2006  
02/13/2006 - Adjourned  
02/14/2006 - Adjourned  
02/20/2006 - Adjourned  
02/21/2006  
02/27/2006  
02/28/2006  
03/06/2006  
03/07/2006

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Time duration: 10:07 a.m. – 10:08 a.m.)

MOTION BY MADAFFER TO APPROVE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



**ITEM-31:** Recognition of Wastewater Collection Division.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-819) ADOPTED AS RESOLUTION R-301361

Recognizing and publicly praising the efforts of the City's Metropolitan Wastewater Department staff for their diligence and success in reducing sewer spills to an all-time low.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:11 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: City of San Diego Volunteer Week.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER HUESO'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2006-848) ADOPTED AS RESOLUTION R-301360

Proclaiming April 18-24, 2006, as "City of San Diego Volunteer Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:19 a.m.)

MOTION BY FRYE TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-33: Judge Joe Littlejohn Day.

**COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-826) CONTINUED TO TUESDAY, MAY 2, 2006

Proclaiming April 6, 2006, to be "Judge Joe Littlejohn Day" in the City of San Diego in recognition of his service to the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:20 a.m. – 10:21 a.m.)

MOTION BY YOUNG TO CONTINUE TO TUESDAY, MAY 2, 2006, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-50: Amending the San Diego Municipal Code Relating to Social Host Liability.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/28/2006, Item 51. (Council voted 8-0):

(O-2006-90) ADOPTED AS ORDINANCE O-19482 (New Series)

Amending Chapter 5, Article 6, of the San Diego Municipal Code by amending Sections 56.60, 56.62, and 56.63, and adding Sections 56.64 and 56.65, relating to the prohibition against hosting, permitting, or allowing gatherings where minors are consuming alcoholic beverages.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-51: **NOTE:** This item has been taken off the docket.

ITEM-52: **NOTE:** This item has been taken off the docket.

ITEM-53: **NOTE:** This item has been taken off the docket.

\* ITEM-54: Extension of Banking Services Contract with Bank of America for Depository and Disbursement Services.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-107)                   INTRODUCED, TO BE ADOPTED ON  
TUESDAY, MAY 2, 2006

Introduction of an Ordinance approving an extension to the Master Agreement between the City of San Diego and the Bank of America for Depository and Disbursement Services.

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

**STAFF SUPPORTING INFORMATION:**

The City of San Diego issued a Banking Services Request for Proposal (RFP) dated July 2000, which ultimately resulted in Master Agreements with San Diego Metropolitan Credit Union, commencing 5/15/01, and Bank of America and Bank of New York, commencing 12/1/01.

Bank of America was selected to provide Depository and Disbursement Services including payment processing for all electronic payment applications and merchant card terminals throughout the City. To date, the Bank of America contract costs have averaged \$62,500 per month and \$750,000 per year.

Due to severe staffing shortages in the Office of the City Treasurer, an extension of the existing contract is recommended in order to ensure a thorough and timely RFP process. Under normal circumstances, the City's banking services are re-bid every five (5) years and a complete analysis of each department's banking needs are quantified and represented, along with the City's various information systems and services requirements. Once a vendor is selected, system conversions, parallel testing and implementation can take up to four months with fully dedicated staffing from the Office of the City Treasurer, Office of the City Auditor and Comptroller, all related City departments and San Diego Data Processing Corporation.

City Charter §99 provides that no contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the members elected to the Council after holding a duly noticed public hearing.

**FISCAL CONSIDERATIONS:**

Extension of the Bank of America Depository and Disbursement Services contract will be at no additional cost to the City and will actually result in a projected cost savings of approximately \$85,000, based on the Fiscal Year 2005 banking services volumes and the newly proposed fee structure for this extension. Synchronizing the expiration dates of all three contracts to 12/1/07 and combining the subsequent procurement process will also provide a cost savings through economies of scale. Funding is available in the current Fiscal Year 2006 and the proposed Fiscal Year 2007 operating budget.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Bank of America

Granewich/Goldstone

Staff: Ken Morris - (619) 533-6313  
Mark D. Blake - Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-100: Fund Transfer for the Construction of Carmel Valley Road Enhancement Project and Awarding a Contract to Scheidel Contracting & Engineering.

(Torrey Pines Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-851) ADOPTED AS AMENDED AS RESOLUTION R-301363

Authorizing the City Auditor and Comptroller to transfer \$1,000,000 from Fund 79002, Carmel Valley North - FBA to CIP-52-517.0, Carmel Valley Road Enhancements Project;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvements Program budget by \$1,000,000 in CIP-52-517.0, Carmel Valley Road Enhancements Project, Fund 79002, Carmel Valley North – FBA;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,000,000 from CIP-52-517.0, Carmel Valley Road Enhancements Project, Fund 79002, Carmel Valley North - FBA for the purpose of project construction, contingent upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer no later than September 30, 2006, the amount of \$1,000,000 plus accumulated interest of 2% from CIP-52-517.0, Carmel Valley Road Enhancements Project, TransNet Funding to Fund 79002, Carmel Valley North - FBA, contingent upon the passage of the Fiscal Year 2007 Capital Improvements Program budget and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that TransNet funds are on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to award to Scheidel Contracting & Engineering the contract for construction of the Carmel Valley Road Enhancement Project, for an amount not to exceed \$4,604,681.50;

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

Declaring this activity is covered under LDR No. 98-0718, Carmel Valley Road Enhancement Plan, dated March 27, 2001, and is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

**STAFF SUPPORTING INFORMATION:**

Carmel Valley Road is a two lane collector that runs in an east-west direction, parallel to the Los Peñasquitos Lagoon. This area is heavily used by local residents, commuters, as well as visitors to the lagoon and the Torrey Pines Beach. This project will enhance the 0.9 mile stretch between Via Mar Valle and Portofino Drive. The overall goals are to improve pedestrian and cyclist circulation and safety; reduce illegal excessive speeds; manage increasing traffic volumes and congestion; and control overflow beach parking during summer season. Improvements consist of added bike lanes; sidewalk on the north side; four foot pedestrian walkway on the south side; parking lanes; asphalt pavement repair; undergrounding of utilities; addition of new street lights; and installation of curb gutters, pop-outs, storm drains and landscaping.

Bid opening took place on January 24, 2006, and two (2) bids were received. The lowest responsible bid was \$4,604,681.50, submitted by Scheidel Contracting & Engineering. It exceeded the engineer's estimate by 17%. In order to award the contract, additional funding is needed before the bid expires on April 23, 2006. This action allows for funds to be transferred into the project for the purpose of awarding the contract before the bid expires. It will also provide for the return of funds when the appropriate funding source is allocated as part of the Fiscal Year 2007 Capital Improvement Projects Budget.

FISCAL CONSIDERATIONS:

The current appropriation for this project is \$6,319,641.13, previously authorized by Resolutions R-288869, R-290645, R-293830, R-296199, R-296681 and O-19414. To award the contract to lowest responsible bidder and provide construction contingency, the additional funding required for this project is \$1,000,000, which is available in Fund 79002, Carmel Valley North Facility Benefits Assessment. Total construction contract award is \$4,604,681.50.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Torrey Pines Community Planning Board has been involved with the project since 1997. A Taskforce was formed to identify all relevant issues; explore a full range of alternatives; reach a consensus on an enhancement plan that meets the community goals; and recommend a project that is permissible and implementable. Since then the community continued to be part of the design effort and they were updated on a regular basis on project status.

KEY STAKEHOLDERS:

Torrey Pines Community Planning Board; Torrey Pines Association; California Department of Parks & Recreation; California Coastal Commission; and Scheidel Contracting & Engineering.

Haas/Boekamp

Aud. Cert. 2600717.

Staff: Kris Shackelford - (619) 533-3781  
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: CONT-Scheidel Contracting & Engineering

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:55 a.m.)



MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO AMEND THE TERMS OF THE REIMBURSEMENT OF TRANSNET FUNDS. THE \$1,000,000 WILL BE REPAID TO THE CARMEL VALLEY NORTH - FBA FUND NO. 79002 UPON RECEIPT OF THE CITY'S FISCAL YEAR 2007 TRANSNET FUNDS WITH THE AMOUNT OF INTEREST INCLUDED IN THE REIMBURSEMENT TO BE TWO PERCENT OR THE PERCENTAGE OF INTEREST EARNED ON DEPOSITED FUNDS FROM THE TIME OF TRANSFER OF \$1,000,000 TO THE TIME OF REPAYMENT FROM TRANSNET, WHICHEVER AMOUNT IS GREATER. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-101: Change Order No. 1 with Heffler Company Inc. and Transfer of Funds for the Balboa Avenue Streetscape Improvements.

(Clairemont Mesa Community Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-824) ADOPTED AS RESOLUTION R-301364

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$550,000 within Fund 38978, State Cooperative Agreement Fund, from CIP-52-274.0, Balboa Avenue Corridor Improvements Project to CIP-52-496.0, Balboa Avenue Streetscape Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$550,000 from Fund 38978, State Cooperative Agreement Fund, CIP-52-496.0, Balboa Avenue Streetscape Improvements, for the purpose of funding Construction Change Order No. 1 and construction contingency and related engineering costs, contingent upon the City Auditor and Comptroller certifying funds are available;

Authorizing the Mayor to approve Construction Change Order No. 1 with Heffler Company, Inc. for an amount not to exceed \$424,549 for construction of Balboa Avenue Streetscape Improvements;

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

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304, as it consists of minor alterations to land.

**STAFF SUPPORTING INFORMATION:**

The Balboa Avenue Streetscape Improvements Project includes landscaping, irrigation, and related improvements along Balboa Avenue (previously State Route 274) from Interstate 805 to Interstate 5, within the Clairemont business district corridor. The work consists of approximately 3.3 miles of improvements to the existing medians as well as community identification signs, and other streetscape related improvements.

The cost estimate for the project before the Bid was \$2,310,855. The construction cost estimate by the lowest responsible bidder was higher than the Engineer's cost estimate therefore, only the Base Bid was awarded. To cover the remaining cost for Additive Alternates A, B, and C, the Balboa Avenue Citizens Advisory Committee (BACAC) has unanimously voted to support the transfer of \$550,000 from the State Cooperative Agreement Fund into this project. This amount includes \$424,549 for Change Order No. 1 and \$70,451 for contingency (which includes \$25,000 for the preparation of Decorative Items) and \$55,000 for engineering.

**FISCAL CONSIDERATIONS:**

The total project cost is \$2,860,855. Of this amount, \$2,310,855 is available in CIP-52-496.0, Balboa Avenue Streetscape Improvements Project, and \$550,000 is available in CIP-52-274.0, Balboa Avenue Corridor Improvements Project, Fund 38978, State Cooperative Agreement Fund.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

Council Resolution R-294888 dated May 22, 2001, authorized the Cooperative Agreement with the State of California and acceptance of funding for Capital Improvements and maintenance on State Route 274. Council Resolution R-298114 dated June 24, 2003, authorized the appropriation of \$1,240,000. Council Resolution R-300893 dated October 10, 2005, authorized the transfer of \$1,070,855 from CIP-52-274.0 and \$500,000 to create an interest-bearing fund which will provide funding for the maintenance of the project in perpetuity.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Balboa Avenue Citizens Advisory Committee (BACAC)

KEY STAKEHOLDERS:

Balboa Avenue Citizens Advisory Committee (BACAC) Heffler Company, Inc.

Boekamp/Haas

Aud. Cert. 2600656.

Staff: Richard Leja - (619) 533-3764  
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: CONT-Heffler Company, Inc.

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:13 a.m.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Hueso-yea.



ITEM-102: Parking Fee Increase at Qualcomm Stadium.

(All Community Areas. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-815) CONTINUED TO TUESDAY, MAY 2, 2006

Authorizing the Mayor to raise the parking fees at Qualcomm Stadium for major stadium events (Chargers Games excluded), retroactively to January 1, 2006, to \$15 for each car and \$45 for each RV.

**STAFF SUPPORTING INFORMATION:**

Up to January 1, 2006, the parking fee structure for major events at Qualcomm Stadium, such as college football games, concerts and the Monster Truck show was \$10 per car and \$20 per RV. A recent survey found that the average pricing for similar events at ten NFL stadiums throughout the country is \$18.70 for cars and \$55 for RV's. Based on this survey, Stadium staff introduced a fee increase to \$15 for cars and \$45 for RV's at the stadium for events after January 1, 2006. Staff became aware that Council approval of the parking fee increase is required. Therefore, this item requests approval for the retroactive increase of Qualcomm parking fees to \$15 for cars and \$45 for RV's in order to bring these charges more into line with similar venues throughout the country. Rates would remain below the national average. The fees were in place for two events which were held at the Stadium since January 1, 2006.

**FISCAL CONSIDERATIONS:**

Based on the City's current contract with Ace Parking, stadium management estimates that the Qualcomm Stadium fund will receive at least \$250,000 in additional revenue annually.

Additionally, the City will be receiving proposals from parking contractors for a new contract at Qualcomm Stadium within the next six weeks. This fee increase would make the contract more lucrative, which is likely to generate higher commissions for The City of San Diego.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Effective January 1, 2004, the City Council approved a parking fee increase of \$2 per car and \$4 per RV.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

If the fees are increased, stadium management will post the updated information on its website and insure that all tenants and promoters do the same. The fee structure will also be posted at all entrance gates to the stadium parking lots.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

This change does not affect the Chargers. The Chargers have control over their parking fees at Qualcomm Stadium and they take 100% of that revenue. Their anticipated fee structure for the 2006 season is \$20 for non-reserved cars and \$40 for reserved cars. The RV price is expected to be \$75.

By contract, San Diego State University receives 92% of the parking revenues at all of their games and the City receives 8%. Based on last year's attendance figures, the University would make an additional \$350,000 with this change. They would also stand to make significantly more should attendance figures increase.

Other tenants and promoters, such as the Holiday Bowl, Poinsettia Bowl, Monster Truck Show and Supercross do not participate in parking revenues. They have, however, supported the parking fee changes as long as the changes remain in line with industry standards.

Stover/Haas

Staff: Erik Stover - (619) 641-3102  
Kelly J. Salt - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:56 a.m. – 11:06 a.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, MAY 2, 2006, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-103: Solid Waste Local Enforcement Agency (LEA) Application for LEA Grant.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-827) ADOPTED AS RESOLUTION R-301366

Authorizing the Mayor, or his designee, to submit an application to the California Integrated Waste Management Board for a Local Enforcement Agency Grant and, if awarded, accept and expend grant funds for the purposes set forth in this resolution; and

Authorizing the Mayor, or his designee, to conduct all negotiations and execute and submit all documents, including but not limited to applications, grant agreements, amendments, and payment requests, which may be necessary to carry out and administer the obligations, responsibilities, and duties of the City of San Diego Solid Waste LEA under the terms of the grant; and

Authorizing the City Auditor and Comptroller to establish a separate fund for the grant monies.

**STAFF SUPPORTING INFORMATION:**

The LEA is requesting non-competitive grant funds to supplement the ongoing solid waste facilities permit and inspection programs. This grant will enhance the LEA program by providing additional equipment, supplies, training, technical support, reference and public outreach materials to allow the LEA to continue its effective solid waste permitting and enforcement program, to provide regulatory guidance to operators and owners of solid waste facilities and disposal sites; and, when necessary, to take enforcement action to remedy threats to public health and safety and the environment.

The LEA has developed specific program goals and objectives in order to protect and promote the health and safety of the community and the environment. These goals and objectives encompass a wide variety of solid waste activities including solid waste permitting, inspection, investigation and enforcement; public health and safety, collection and transportation inspections, waste tire surveillance, inspection and enforcement; regulatory streamlining, agency coordination and customer outreach.

**FISCAL CONSIDERATIONS:**

Not a matching grant. The City of San Diego LEA is eligible for approximately \$27,700 from the CIWMB. The grant is funded through the State's Integrated Waste Management Account. The amount is established from a base grant award of \$15,000 per jurisdiction, plus additional grant funds based on population and the number of permitted, active solid waste facilities.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

As a result of previous Council approvals, the LEA has received this grant annually and has been implementing it since 1998.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The program also includes outreach to the regulated community through the development and distribution of literature, participation in technical advisory committees and public presentations to stakeholder groups.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The inspection program includes monthly, quarterly and annual inspections of active solid waste facilities and operations, closed solid waste disposal sites and collection and transportation inspections. The permitting inspection includes permitting of landfills, transfer stations, construction and demolition processing facilities, composting facilities and auditing of recycling centers. Both programs contain an element for responding to public complaints and agency referrals.

Waring/Halbert

Staff: Rebecca Lafreniere - (619) 533-3694  
Julie Teel - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-104: Establishing Angle Parking on Louisiana Street.

(Greater North Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-805) ADOPTED AS RESOLUTION R-301367

Authorizing the installation of 32 angle parking spaces on the east side of Louisiana Street between Meade Avenue and Monroe Avenue, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs;

Declaring this action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this action is the minor alteration of an existing facility with a negligible expansion beyond the existing use.

**STAFF SUPPORTING INFORMATION:**

This action will authorize the Mayor to install angle parking on the east side of Louisiana Street between Meade Avenue and Monroe Avenue. Currently, parallel parking exists on both sides of this section of Louisiana Street between Meade Avenue and Monroe Avenue. The installation of angle parking on the east side of the street will provide eight additional parking spaces for a total of 32 parking spaces. Municipal Code Section 86.03 authorizes the City to establish angle parking by resolution.

**FISCAL CONSIDERATIONS:**

The fiscal impact is estimated to be \$1,280. Funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs in order to complete this project.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

A petition signed by 92% of the affected property owners was submitted in support of this action, and there is sufficient street width to safely accommodate angle parking on the east side and retain parallel parking on the west side. In addition, the Greater North Park Community Planning Group voted on June 21, 2005, 11-0-0 in support of this proposal.

**KEY STAKEHOLDERS:**

Residents who have submitted a petition in support of the requested action, and the Greater North Park Community Planning Group. Staff is not aware of any individual or organization opposed to this proposal.

Haas/Boekamp

Aud. Cert. 2600647.



Staff: Deborah Van Wanseele - (619) 533-3012  
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-105: Placement of Rope Barrier at La Jolla Children's Pool.

(See letter from Donald W. Masters' dated 3/21/2006. La Jolla Community Area. District 1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-856) ADOPTED AS RESOLUTION R-301368

Declaring the rope barrier at the Children's Pool beach will be reinstated for the remainder of this year's pupping season and will be placed at the beach from January 1 through May 1 every year from this point forward.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/5/2006, NR&C voted 4 to 0 to move forward for consideration at the April 17, 2006, Council meeting, the Natural Resources and Culture Committee's recommendation to reinstate the rope area that was once in place at the Children's Pool from January through May 1<sup>st</sup>, and that the rope should be in place through the remainder of this year's pupping season and every year from this point forward. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

On April 5, 2006, the Natural Resources and Culture Committee voted unanimously to move forward for consideration at the April 17, 2006, Council meeting, the Committee's recommendation to reinstate the rope area that was once in place at the Children's Pool from January through May 1<sup>st</sup>, and that the rope should be in place through the remainder of this year's pupping season and every year from this point forward.

Frye

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:57 a.m.)

MOTION BY FRYE TO ADOPT. Second by Faulconer. Passed by the following vote: Peters-nay, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-106: Annual Election of North Park Redevelopment Project Area Committee (PAC) Members.

(North Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-833) ADOPTED AS RESOLUTION R-301369

Approving as newly elected members to the PAC the persons elected as members of the PAC for the North Park Redevelopment Project Area, as noted by the City Clerk's verification of the election results of February 15, 2006;

Finding the election results of February 15, 2006, are valid and binding in accordance with the procedures so adopted by Resolution No. R-298703;

Directing the Redevelopment Agency of The City of San Diego to consult with and obtain the advice of the PAC pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.).

**STAFF SUPPORTING INFORMATION:**

Formation of the North Park Project Area Committee (PAC) was authorized by the City Council on October 2, 1990. The purpose of the twelve (12) member PAC is to advise the City Council and Redevelopment Agency on matters relating to the preparation, adoption and implementation of the North Park Redevelopment Project Area. The City Council has previously ratified the PAC election results (from 1991 through 2005) in accordance with the North Park PAC Formation Procedures.

The North Park Redevelopment PAC annual election was held on February 15, 2006, to fill eight seats subject to election in 2006. The eight seats included: three (3) Residential Tenant, two (2) Residential Owner Occupant, two (2) Business Owner and one (1) Community Organization. All eight seats were filled by the election. The Redevelopment Agency mailed out 9,458 notices of this year's election to local residents and business/property owners. Agency staff also posted election notices in the project area.

The results of the February 15, 2006, PAC Election are listed in Exhibit A. These results were verified by the Deputy City Clerk in attendance as shown in the memorandum.

As of the time of the writing of this report, no protests or communications regarding the North Park PAC 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.

**FISCAL CONSIDERATIONS:**

Administration of the PAC is funded through the Redevelopment Agency Annual Project Budget.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

By Resolution No. R-301085, on November 29, 2005, the City Council authorized a one year extension of the PAC and directed Redevelopment Agency staff to notice and conduct an election for the North Park Redevelopment Area Project Area Committee in 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The North Park Project Area Committee Election was noticed by direct mailing to all addresses within the boundaries of the North Park Redevelopment Project Area.

Ostrye/Waring

Staff: Tom Romstad - (619) 533-5284  
Susan Y. Cola - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-107: Amending the Legislative Calendar to Add a Meeting of the Land Use and Housing Committee on May 31, 2006 at 2:00 P.M.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-840) ADOPTED AS RESOLUTION R-301370

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2006, through December 31, 2006, by adding a meeting of the Land Use and Housing Committee on Wednesday, May 31, 2006, at 2:00 p.m.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-108: Officer Terri Davis-Cole Day.

**COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-820)                      ADOPTED AS RESOLUTION R-301371

Proclaiming April 18, 2006, to be "Officer Terri Davis-Cole Day" in the City of San Diego in appreciation of her efforts to be of service to the community and the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-109: Rev. Anthony "Tony" Freeman Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-825)                      ADOPTED AS RESOLUTION R-301372

Recognizing the contributions of Rev. Tony Freeman to the congregation of MCC San Diego, the LGBT community, and the greater San Diego region; and wishing him well upon the occasion of his retirement as Senior Pastor of MCC San Diego;

Proclaiming March 26, 2006, to be "Rev. Anthony 'Tony' Freeman Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-110: Excusing Councilmember Atkins from Attending the City Council Meeting of March 6, 2006.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-821) ADOPTED AS RESOLUTION R-301373

Excusing Councilmember Toni Atkins from attending the regularly scheduled City Council meeting of March 6, 2006, due to illness.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-767)            ADOPTED AS RESOLUTION R-301374

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: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-112: 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-2006-703)            ADOPTED AS RESOLUTION R-301375

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: 10:51 a.m. – 10:54 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

**ITEM 330 SET FOR 2:00 P.M. TIME CERTAIN.**



ITEM-330: In the Matter of Whether to Provide for an Attorney for Affected City Employees and Former City Employees in San Diego City Employees Retirement System (SDCERS) v. City of San Diego and Michael Aguirre (GIC841845).

(See memorandum from Council President Peters dated 3/28/2006.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) CONTINUED TO TUESDAY, APRIL 25, 2006

Making findings related to either providing, or refusing to provide for the representation of former members of the City Council in the case of SDCERS v. City of San Diego and Aguirre (GIC841845) in light of SDCERS' Cross Complaint to the City's 4<sup>th</sup> Amended Complaint as required by California Government Code Section 995.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. – 2:51 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, APRIL 25, 2006, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.





ITEM-331: Final Payment to Heller Ehrman LLP for Services Rendered in Connection with the Lawsuit San Diego City Employees' Retirement System v. City Attorney Michael Aguirre, et al.

(See letter from David E. Kleinfeld dated 3/28/2006.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-762) ADOPTED AS RESOLUTION R-301376

Authorizing an amount not to exceed \$188,088.66, for purpose of providing final payment for services rendered in connection with the lawsuit entitled San Diego City Employees Retirement System v. City Attorney Michael J. Aguirre, et al;

Directing the City Attorney to prepare appropriate resolutions in accordance with Charter Section 40, to expend not more than \$188,088.66, subject to the City Auditor and Comptroller's declaration of sufficient funds.

Aud. Cert. 2600719.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:51 p.m. – 3:20 a.m.)

MOTION BY FRYE TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-332: Final Payment to Heller Ehrman LLP for Services Rendered in  
Connection with the Lawsuit City of San Diego v. Callan Associates, Inc., et al.

(See letter from David E. Kleinfeld dated 3/28/2006.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) CONTINUED TO TUESDAY, MAY 23, 2006

Authorizing an amount not to exceed \$634,308.33, for purpose of providing final  
payment for services rendered in connection with the lawsuit entitled City of San  
Diego v. Callan Associates, Inc., et al;

Directing the City Attorney to prepare appropriate resolutions in accordance with  
Charter Section 40, to expend not more than \$634,308.33, subject to the City  
Auditor and Comptroller's declaration of sufficient funds.

Aud. Cert. 2600718.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:51 p.m. – 3:29 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, MAY 23, 2006, FOR  
FURTHER REVIEW. Second by Young. Passed by the following vote: Peters-yea,  
Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea,  
Hueso-yea.



ITEM-333: Repeal of Resolution R-297335 Relating to Indemnity of San Diego City Employees' Retirement Systems (SDCERS) Board Members.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-846) CONTINUED TO TUESDAY, MAY 2, 2006

Rescinding and of no further effect, City Council Resolution R-297335, passed on November 18, 2002, regarding indemnity for members of the San Diego City Employees' Retirement System Board.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:38 p.m. – 4:28 p.m.)

Motion by Frye to adopt. Second by Maienschein. Failed. Yea-2,5,6,8.  
Nay-1,3,4,7.

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, MAY 2, 2006, WITH DIRECTION TO THE CITY ATTORNEY TO DRAFT RESOLUTION WITH LANGUAGE RECINDING RESOLUTION R-297335 FROM THIS DAY FORWARD. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-334: Cardinal Court Rezone.

Matter of approving, conditionally approving, or denying a Rezone from RS-1-7 to CO-1-2 on a 1.11-acre site located at 7695 Cardinal Court in the Serra Mesa Community Plan area.

(See Report to the City Council No. 06-019. Serra Mesa Community Plan Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A and introduce the ordinance in Subitem B:

Subitem-A: (R-2006-789) ADOPTED AS RESOLUTION R-301377

Adoption of a Resolution certifying Mitigated Negative Declaration LDR No. 42-3892, PTS No. 60465, 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 Cardinal Court Rezone – Project No. 60465;

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

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

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

Subitem-B: (O-2006-104) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MAY 2, 2006

Introduction of an Ordinance changing 1.1-acres located at 7695 Cardinal Court, within the Serra Mesa Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone into the CO-1-2 as defined by San Diego Municipal Code Section 131.0504 and repealing Ordinance No. 13457 (old series) adopted February 15, 1932, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 2, 2006, voted 4-0 to approve; no opposition.

Ayes: Garcia, Otsuji, Griswold, Schultz

Not present: Steele, Ontai, Chase

The Serra Mesa Community Planning Group has recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

The 1.1-acre site is located at 7695 Cardinal Court within the Serra Mesa Community Plan Area. The site is currently zoned residential (RS-1-7). In 1962, the site served as the office headquarters for the San Diego Branch of the Children's Home Society, operating under Conditional Use Permit (CUP) 32862. The office has since been demolished and the site is currently vacant. Applicant is seeking the rezone the site and will abandon CUP 32862 as it is no longer required.

Although the site is zoned residential, the land use designation in the Serra Mesa Community Plan is Health-Institutional Complex, which is compatible with the CO-1-2 rezone request. The applicant is seeking to develop a medical building, which is also compatible with the surrounding medical buildings to the northeast and southeast.

A rezone to CO-1-2 would permit, by right, on-site development of up to 71,874 square-feet. The applicant is proposing a 27,504 square-foot office-medical building. Mitigation measures have been identified for a range of development from 27,504 square-feet to 71,874 square-feet. The appropriate mitigation shall be required dependent on the square footage of building area applied for on the site. Mitigation measures (as applicable) shall run with the land in perpetuity.

Mitigated Negative Declaration No. 60465 has been prepared and finalized for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. During the Environmental review of the Cardinal Court Rezone/Cabrillo Medical Center, the City of San Diego conducted an Initial Study, which determined that there were potential impacts to paleontological resources, solid waste, noise, transportation, circulation, land use, and hydrology/water quality. Specific mitigation measures are identified in Section V, *Mitigation, Monitoring, and Reporting Program*, of the *Final Mitigated Negative Declaration*, which would reduce potential impacts to a level below significance.

**FISCAL IMPACT:**

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

Halbert/Waring/JWR

**LEGAL DESCRIPTION:**

The site is located at 7695 Cardinal Court within the Serra Mesa Community Plan Area. Council District 6, and is more particularly described as Parcel 1 of Parcel Map No. 19458; APN 427-360-20, in the City of San Diego, County of San Diego, State of California.

Staff: Jeffrey W. Robles - (619) 446-5225  
Shannon M. Thomas – Deputy City Attorney

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:09 p.m. – 2:10 p.m.)

**MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A AND INTRODUCE THE ORDINANCE IN SUBITEM B. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.**

ITEM-335: CWS Residence.

Matter of approving, conditionally approving, or denying an application for a Coastal Development Permit, Site Development Permit (Environmentally Sensitive Lands), and an Easement Abandonment (drainage) necessary to construct a new 6,965 square-foot total (5,107 square feet for Floor Area Ratio), multi-level single-family residence on a 13,460 square-foot lot addressed as 1620 Torrey Pines Road, in the RS-1-7 zone located within the Coastal Overlay Zone (appealable area), Coastal Height Limit, and First Public Roadway area, all within the boundaries of the La Jolla Community Plan area. The decision to approve, conditionally approve, modify or deny the above described application will be made by the City Council.

(See Report to the City Council No. 06-007. La Jolla Community Plan Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-753) CONTINUED TO TUESDAY, MAY 2, 2006

Adoption of a Resolution certifying Mitigated Negative Declaration No. 6400, 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 Administrative Code 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 said report, together with any comments received during the public review process, has been reviewed and considered by this City Council in connection with the approval of the coastal development permit/site development permit for the CWS Residence 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, a copy of which is on file in the Office of the City Clerk attached hereto and incorporated by reference, is hereby 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 Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-726) CONTINUED TO TUESDAY, MAY 2, 2006

Adoption of a Resolution adopting the findings with respect to Coastal Development Permit (CDP) Permit No. 10577/Site Development Permit (SDP) Permit No. 10582;

By the Council of the City of San Diego that Coastal Development Permit No. 10577/Site Development Permit No. 10582 is granted to CWS Inc., Owner/Permittee, under the terms and conditions set forth in the Permit attached hereto and made a part hereof.

Subitem-C: (R-2006-725) CONTINUED TO TUESDAY, MAY 2, 2006

Adoption of a Resolution vacating the drainage easement located within the RS-1-7 Zone and the Coastal Overlay Zone (appealable area), Coastal Height Limit and First Public Roadway area, all within the boundaries of the La Jolla Community Plan in connection with the Easement Abandonment No. 240347, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20521-B, marked as Exhibit "B," and on file in the Office of the City Clerk, which are by this reference incorporated herein and made a part hereof, is ordered vacated;

That 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.



**OTHER RECOMMENDATIONS:**

Planning Commission on January 19, 2006, voted 5-0 to approve; no opposition.

Ayes: Chase, Steele, Schultz, Garcia, Ontai

Not present: Griswold, Otsuji

The La Jolla Community Planning Association voted to recommend approval of the application by a vote of 6-0-4 on October 7, 2004.

**STAFF SUPPORTING INFORMATION:**

The project site is vacant and situated between Torrey Pines Road and the Coastal Bluffs with existing single-family homes adjoining on both sides. A new single-family residence is proposed on the vacant 13,452 square-foot, RS-1-7 zoned lot at 1620 Torrey Pines Road. The applicant is requesting a Coastal Development Permit (location within the Coastal Overlay Zone), a Site Development Permit (Sensitive Lands) and an Easement Abandonment (for storm-drain relocation), in order to construct a new 6,869 square-foot, three-story single-family residence with a 448 square-foot attached two-car garage. The location of the existing 10-foot wide storm-drain and easement traverses the lot centrally and precludes designing a new residence in compliance with the zoning regulations. The project requests an abandonment of the current easement which requires a Process 5 decision by the City Council with a recommendation from the Planning Commission.

**FISCAL IMPACT:**

All costs associated with the processing of the project application are borne by the applicant through a deposit account with the City of San Diego. The owner/applicant will pay all costs of the drainpipe relocation.

Halbert/Waring/RK

**LEGAL DESCRIPTION:**

The proposed project is located at 1620 Torrey Pines Road, between Coast Walk and Ludington Place, within the Coastal Zone and the La Jolla Community Planning Area and is more particularly described as Parcel 2, Parcel Map 18446.

Staff: Robert Korch – (619) 446-5229

Shannon M. Thomas – Deputy City Attorney

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:21 a.m. – 10:21 a.m.)

MOTION BY FRYE TO CONTINUE TO TUESDAY, MAY 2, 2006, DUE TO A NOTICING ERROR. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-336: India and Chalmers Village.

Matter of approving, conditionally approving, or denying an application for a Site Development Permit and a Tentative Map to allow the demolition of four existing two-story commercial structures and the construction of a mixed-use building containing 25 residential condominium units totaling approximately 30,606 square feet, five commercial condominium units totaling approximately 10,219 square feet and a 71-space partially subterranean parking garage on a 0.69-acre site located at 3621-3649 India Street. The site is bordered by India Street to the west, Chalmers Street to the north, Columbia Street to the east and existing commercial and residential development to the south. The project site is located in both the CN-4 (commercial/mixed use) and MR-1500 (multi-family residential) Zones of the Mid-City Communities Planned District, within the Uptown Community Plan area.

(See Report to the City Council No. 06-035. Uptown Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the resolution in Subitem A; and adopt the resolution in Subitem B to grant the permit:

Subitem A: (R-2006- ) NOTED AND FILED

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map No. 228076, with appropriate findings to support Council action.

Subitem B: (R-2006- ) NOTED AND FILED

Adoption of a Resolution granting or denying Site Development Permit No. 107095, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 19, 2006, voted 4-0 to approve; was opposition.

Ayes: Schultz, Ontai, Steele, Chase

Recusing: Garcia

Not present: Otsuji, Griswold

The Uptown Community Planning Group has recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

The project site is located at 3621-3649 India Street and is bordered by India Street to the west, Chalmers Street to the north, Columbia Street to the east and existing commercial and residential development to the south. The western half of the site is within the CN-4 zone of the Mid-City Communities Planned District, which allows commercial/mixed use development, and the eastern half of the site is within the MR-1500 zone of the Mid-City Communities Planned District, which allows multi-family residential development. The site is within the Uptown Community Plan which designates the entire site for mixed-use development.

The site is currently developed with four commercial structures which were built between 1926 and 1958, and a paved parking area behind the structures. Because of the age of the structure, the Environmental Analysis Section (EAS) of the Development Services Department required the preparation of a historical assessment of the existing structures. This report concluded that the existing structures are not historically or architecturally significant and no further action or mitigation is required.

The project site is located on a hillside that slopes primarily from east to west (towards India Street) but also from south to north (towards Chalmers Street). Onsite elevations range from approximately 74 feet above Mean Sea Level (aMSL) at the northwest corner of the lot at the corner of India Street and Chalmers Street to approximately 119 feet aMSL at the southeastern corner of the lot on Columbia Street, for an onsite grade differential of approximately 45 feet. The area behind the existing buildings on India Street has been excavated to provide the surface parking area and has an average elevation of approximately 84 feet aMSL. The existing topographic conditions of the site result in a situation that causes the rear development pad area to be substantially lower than the surrounding street and property elevations.

Surrounding uses include Interstate 5 to the west, commercial development adjacent to the property along the India Street frontage and single-and multi-family residential development to the north, south and east. The project site is located in the Airport Approach Overlay Zone (AAOZ), within the 55-65 dB CNEL noise contours. The San Diego County Regional Airport Authority has reviewed the project for consistency with the San Diego International Airport Land Use Compatibility Plan (ACLUP) and has determined that the project is consistent with the ACLUP.

**FISCAL IMPACT:**

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

Halbert/Waring/PBG

**LEGAL DESCRIPTION:**

The 30,000 square-foot project site is located at 3621 India Street in the CN-4 and MR-1500 Zones of Mid City Communities Planned District within the Uptown Community Plan area, and is more particularly described as Lots 1-3 and 10-12 in the Block 161 of Middleton in the City of San Diego.

Staff: Paul Godwin - (619) 446-5103

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 4:30 p.m. – 4:33 p.m.)

