

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, JULY 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 10:03 a.m. The meeting was recessed by Council President Peters at 11:11 a.m. for the noon break.

The meeting was reconvened by Council President Peters at 2:01 p.m. with Council Members Madaffer and Hueso not present. Council President Peters recessed the meeting at 2:26 p.m. to convene the Redevelopment Agency and thereafter convene the Housing Authority. Council President Peters reconvened the regular meeting at 2:53 p.m. with all Council Members present. The meeting was adjourned into Closed Session by Council President Peters at 2:57 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 (er/gS)

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:

Robert Ingram commented on short-term rentals in RS-1 zone.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:24 a.m.)

PUBLIC COMMENT-2:

Don Stillwell commented on the safety of school children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:28 a.m.)

PUBLIC COMMENT-3:

Phil Hart commented on the golf plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:31 a.m.)

PUBLIC COMMENT-4:

Rebecca Hernandez commented on marijuana dispensaries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:34 a.m.)

PUBLIC COMMENT-5:

Jarvis Ross commented on the City's pension.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council President Pro Tem Young commended the Police Department for the excellent job they are doing at the beach.

FILE LOCATION: MINUTES

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

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

05/01/2006
05/02/2006
05/08/2006
05/09/2006
05/15/2006
05/16/2006
05/22/2006
05/23/2006

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:03 a.m.)

MOTION BY MADAFFER TO APPROVE. 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-31:](#) Blair Sadler Day.

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

Adopt the following resolution:

(R-2006-1097) ADOPTED AS RESOLUTION R-301655

Recognizing the vital services that Blair Sadler has provided the citizens of San Diego;

Proclaiming July 18, 2006, to be "Blair Sadler Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:03 a.m. – 10:08 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. 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-32:](#) Larry "Preacherman" Thompson Day.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1110) ADOPTED AS RESOLUTION R-301656

Proclaiming July 18, 2006, to be "Larry "Preacherman" Thompson Day" in the City of San Diego in celebration of his accomplishments in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:15 a.m.)

MOTION BY YOUNG TO ADOPT. 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: Proposed Reduction in the Number of Members of the Historical Resources Board (HRB).

(See Report to the City Council No. 06-092.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-4) INTRODUCED, TO BE ADOPTED ON TUESDAY,
AUGUST 1, 2006

Introduction of an Ordinance amending Chapter 11, Article 1, Division 1 of the San Diego Municipal Code, by amending Land Development Code Section 111.0206 thereby reducing the number of Historical Resources Board members from 15 to 11, reducing the quorum requirement from 8 to 6, reducing the required votes for designation from 8 to 6, and reducing the maximum number of appointments that expire in any year from 8 to 6.

STAFF SUPPORTING INFORMATION:

The seats on the City of San Diego's HRB are mayoral appointments with confirmation by the City Council. The City became a Certified Local Government (CLG) in 1985. As a CLG, the City has implemented a preservation program pursuant to federal standards including creating a board under local law including professionals in specified fields. The City's LDC Section 111.0206 specifies representation in: architecture, history, architectural history, archaeology, and landscape architecture. The LDC also states that "other members appointed may have experience or background in law, real estate, engineering, general contracting, finance, planning, or fine arts" and "should reflect diverse neighborhood representation and have demonstrated a special interest in historical preservation". The LDC limits the HRB membership to a maximum of three owners of designated historical resources.

The staff proposed reduction in the number of HRB members will bring the size more into line with other CLGs around the state. In a survey of other historical resources boards around the state, staff has determined that San Diego's HRB is significantly larger than the average board. All CLGs include a minimum of five board members (as required by the state) with at least two historic preservation professionals. The larger jurisdictions tend toward more board members (e.g., Santa Ana, Sacramento, San Francisco, and Pasadena all have nine members); but, by far, the most common number is seven members. The only CLG with 11 members is Riverside which is in the process of reducing their membership to nine, as required by a recent voter - initiative.

Administratively, preparing materials for 15 HRB members, managing meetings, and attending to the board-related needs of 15 members takes a significant amount of staff resources in a time when those resources are very limited. In addition, maintaining a large board means a large number of members required to constitute a quorum. Staff contacts all board members prior to each monthly meeting to make sure a quorum will be present to convene the meeting.

In addition to reducing the number of seats from 15 to 11, the quorum requirement and number of votes required for designation of a historical resource would be reduced to six. Also, the number of members' terms that would expire in any one year would be reduced to six. These reductions parallel the overall reduction in seats.

The State Office of Historic Preservation CLG coordinator supports the reduction in the number of board members to come more in alignment with other state CLGs.

FISCAL CONSIDERATIONS:

The difference between staff costs associated with staffing a 15-member board versus an 11-member board are minimal.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

This item originated from staff and has been discussed at the HRB Policy Subcommittee and at the HRB meeting of May 25, 2006, where the HRB voted to support the reduction in members by a vote of 6-3.

Anderson/Waring

Staff: Betsy McCullough - (619) 236-6139
Nina M. Fain-Newman - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE. 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-60: Two actions related to Municipal Special Election on November 7, 2006.

CITY CLERK'S RECOMMENDATION:

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

Subitem-A: (O-2007-2) INTRODUCED AND ADOPTED AS ORDINANCE
O-19519 (New Series)

Introduction and adoption of an Ordinance calling a Municipal Special Election in the City of San Diego on Tuesday, November 7, 2006, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and consolidating the Municipal Special Election with the California State General Election to be held on the same date.

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

Subitem-B: (R-2007-6) ADOPTED AS RESOLUTION R-301657

Requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on Tuesday, November 7, 2006, for the purpose of submitting to the qualified voters of the City one or more ballot propositions, with the California State General Election to be held on the same date.

Aud. Cert. 2700007.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE AND ADOPT THE
ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B.
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-100: Western Pacific Housing FBA Credit and Reimbursement Agreement.

(See Metropolitan Wastewater Department's May 24, 2006, Executive Summary
Sheet. Carmel Valley Community Area. District 1.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-1026) ADOPTED AS RESOLUTION R-301658

Authorizing the appropriation of \$765,000 from previously authorized Developer
Advance Funding in Fund No. 39011, Carmel Valley Trunk Sewer Construction,
for Sewer Fund No. 41506, CIP-46-136.0, Carmel Valley Trunk Sewer East of
I-5;

Authorizing, solely and exclusively, the expenditure of an amount not to exceed
\$765,000 from Sewer Fund No. 41506, CIP-46-136.0, Carmel Valley Trunk
Sewer East of I-5, to provide funds for the Carmel Valley Trunk Sewer project, as
set forth in the FBA Credit and Reimbursement Agreement with Western Pacific
Housing;

Authorizing the City Auditor and Comptroller, upon completion of the project, to
return remaining developer funds, if any, to Fund No. 39011, Carmel Valley
Trunk Sewer Construction;

Stating for the record that this action is a subsequent discretionary approval of the Carmel Valley Trunk Sewer project addressed in Mitigated Negative Declaration No. 42-1081 and therefore is not a separate project under CEQA Guidelines Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in final Mitigated Negative Declaration No. 42-1081, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this action does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/28/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

On November 3, 2003, the City entered into a FBA Credit and Reimbursement Agreement (R-298540) with Western Pacific Housing (WPH) for the design and construction of the Carmel Valley Trunk Sewer (CVTS), and an Advance Funding Agreement (AFA) with Developers. The AFA will cover the deficit in funding between the estimated project cost per the Agreement with WPH and the amount of Sewer CIP funds allocated for CVTS. The work consisted of constructing 2.3 miles of 24-inch and 30-inch sewer pipe, an access path for maintenance, and obtaining the appropriate easements for a total City cost of \$8,386,956 of which \$4,900,000 is the Metropolitan Wastewater Department's share. It was anticipated that the CIP costs for the WPH Agreement would exceed \$8,386,956, and the additional funds would be provided by the signatory developers in the AFA. This action will increase appropriations for the WPH Agreement to \$9,151,956 by transferring in \$765,000 from the AFA to the CIP to fund the estimated final payment for the sewer work. Upon completion of the contract, any remaining developer funds will be returned to the AFA fund established, Fund 39011, Carmel Valley TS Construction.

FISCAL CONSIDERATIONS:

The total cost of this action is \$765,000. Funding is available for this project in Sewer Fund 41506, CIP-46-136.0, Carmel Valley Trunk Sewer East of I-5.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Project approval Resolution Number R-298540 adopted on November 3, 2003.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Developer presented the project to the Carmel Valley Community.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Western Pacific Housing

Tulloch/Haas

Aud. Cert. 2600906.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-101: Lease Agreement with Leo Pierson for Operating and Maintaining the Morley Field Disc Golf Course.

(Balboa Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1074) ADOPTED AS RESOLUTION R-301659

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a 10-year Lease Agreement with Leo Pierson, an individual, for operating and maintaining the Morley Field Disc Golf Course located on Pershing Drive near Redwood Street in Balboa Park, San Diego, California, under the terms and conditions set forth in that Lease Agreement.

STAFF SUPPORTING INFORMATION:

Since 1979, Leo Pierson has operated the Morley Field Disc Golf Course on Pershing Drive near Redwood Street in Balboa Park. He has steadily increased rent paid to the City from \$10,000 in 1994 to \$50,000 in 2005. Mr. Pierson's 10-year agreement with the City expired in 2004 and is now on holdover at the rates under the existing agreement. After lengthy negotiations with Mr. Pierson, a new 10-year lease has been prepared and is proposed for approval. The rent under the new lease is the greater of either a \$40,000 annual minimum rent or percentage rent of 5 percent from equipment sales and 12½ percent from green fees. The annual minimum rent will be adjusted every two years to 80 percent of the average annual rent paid. At the beginning of the sixth lease year, the percentage rent from equipment sales will increase to 6 percent, and the percentage rent from green fees will increase to 13½ percent. Yearly rent during the lease term is projected to range from \$50,000 to \$80,000. Mr. Pierson is also assuming most of the maintenance of the disc golf course, which had formerly been done by the Park & Recreation Department. Transferring maintenance responsibilities to the lessee will save the City about \$10,000 per year. The proposed lease also commits Mr. Pierson to providing approximately \$300,000 in capital improvements to the course during the lease term.

The Park & Recreation Department concurs with the terms of the new lease. The rental percentages and course maintenance required of Mr. Pierson meet or exceed those of the two other comparable disc golf courses in Southern California, located at Huntington Beach Central Park and Sylmar Veterans' Park. As an alternative to the proposed lease, a Request for Proposals could be issued. This is not recommended since the LU&H Committee previously authorized exclusive negotiations with Mr. Pierson.

FISCAL CONSIDERATIONS:

Rent of at least \$40,000 per year will be deposited into the General Fund 100.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS:

N/A

PREVIOUS COUNCIL ACTION:

The LU&H Committee on May 5, 2004, authorized exclusive negotiations with Mr. Pierson.

Boyle/Waring

Staff: Paul Crawford - (619) 236-5952
Brock Ladewig - Deputy City Attorney

FILE LOCATION: LEAS – Leo Pierson

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-102: Mission Trails Regional Park Visitor Center Telephone Upgrades.

(Mission Trails Regional Park Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1132) ADOPTED AS RESOLUTION R-301660

Authorizing the City Auditor and Comptroller to appropriate and expend \$25,090.37 from the Environmental Growth Fund 1/3, Fund No. 105051, for the purchase and installation of new telephones and phone lines at Mission Trail Regional Park Visitor Center;

Authorizing the City Auditor and Comptroller to accept the reimbursement of \$25,090.37 to the Environmental Growth Fund 1/3, Fund No. 105051, for the purchase and installation of new telephone and phone lines at Mission Trails Regional Park Visitor Center from the Mission Trails Regional Park Foundation.

STAFF SUPPORTING INFORMATION:

Mission Trails Regional Park Visitor Center requires new telephone lines and telephones. The purchase of this new system is critical to facility operations. The current system has many deficiencies that have created problems for staff to provide proficient and timely response to customer inquiries. The new system will include an automated attendant system that will be able to assist the customer when staff is not available.

FISCAL CONSIDERATIONS:

The total cost of the project is \$25,090.37 to be allocated and expended out of the Environmental Growth Fund 1/3, Fund No. 105051, with the full amount to be reimbursed by the Mission Trails Regional Park Foundation to the Environmental Growth Fund 1/3, Fund No. 105051.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approved by the Mission Trails Regional Park Task Force on November 16, 2005. The Task Force was created by Council Resolution No. 218325 on May 5, 1977, to study and provide recommendations on Mission Trails Regional Park Operations.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approved by the Mission Trails Regional Park Foundation on January 19, 2006. Approved by the Mission Trails Citizens' Advisory Committee on November 1, 2005.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Mission Trails Regional Park Foundation
NEC

Medina/Martinez

Aud. Cert. 2600920.

Staff: David Monroe - (619) 533-6733
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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: Results of June 6, 2006 Municipal Primary Election.

(Districts 2, 4, 6, and 8.)

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1060) ADOPTED AS RESOLUTION R-301661

Finding and determining, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

- I. The whole number of votes cast in the City was 79,095.
- II. The total vote received by each municipal candidate at the municipal primary election is as follows:

A. FOR COUNCIL DISTRICT NO. 2 (four-year term)

KEVIN FAULCONER	18,097
KENNAN KAEDER	6,920

KEVIN FAULCONER having received a majority of all votes cast is hereby declared elected to the Office of Councilmember, District No. 2.

B. FOR COUNCIL DISTRICT NO. 4 (four-year term)

TONY YOUNG	10,275
BRUCE WILLIAMS	3,947

TONY YOUNG having received a majority of all votes cast is hereby declared elected to the Office of Councilmember, District No. 4.

C. FOR COUNCIL DISTRICT NO. 6 (four-year term)

DONNA FRYE	18,314
JUDY RIDDLE	7,926
SANDY SUMMERS	1,908

DONNA FRYE having received a majority of all votes cast is hereby declared elected to the Office of Councilmember, District No. 6.

D. FOR COUNCIL DISTRICT NO. 8 (four-year term)

BEN HUESO	7,994
REMY BERMUDEZ	2,180
TIM GOMEZ	1,161

BEN HUESO having received a majority of all votes cast is hereby declared elected to the Office of Councilmember, District No. 8.

SUPPORTING INFORMATION:

A Municipal Primary Election was held on June 6, 2006, for the purpose of submitting candidates for the office of Councilmember for Districts Two (2), Four (4), Six (6) and Eight (8) to the voters of each of those Council Districts. The results of these elections have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

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

Maland

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-104: Annual Election of Crossroads Redevelopment Project Area Committee (PAC) Members.

(See memorandum from Denise Jenkins dated 6/26/2006. College Area and Mid-City (City Heights and Eastern) Community Areas. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-1131) ADOPTED AS RESOLUTION R-301662

Approving as newly elected members of the PAC the persons elected as members of the PAC for the Crossroads Redevelopment Project Area, as noted by the City Clerk's verification of the election results of June 22, 2006;

Finding that the election results of June 22, 2006, are valid and binding in accordance with the procedures so adopted by Resolution No. R-298702;

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 Crossroads Project Area Committee (PAC) was authorized by the City Council on April 2, 2002. The purpose of the fifteen (15) member PAC is to advise the City Council and Redevelopment Agency on matters relating to the preparation, adoption and implementation of the Crossroads Redevelopment Project Area. The City Council has previously ratified the PAC election results in accordance with the Crossroads PAC Formation Procedures.

The Crossroads Redevelopment PAC annual election was held on June 22, 2006 to fill six seats. The six seats included: one (1) Residential Tenant from the College Area and City Heights, one (1) Residential Tenant from the Eastern Area, one (1) Business/Property Owner from the Northern Area, two (2) Business/Property Owner from the Southern Area and, one (1) Community Organization at-large. Five of the six seats were filled by the election. The Redevelopment Agency mailed out 7,214 notices of this year's election to local residents and business/property owners and interested parties.

During the election, staff determined that the two candidates competing for the Community Organization at-large seat had not complied with the City Council approved PAC procedures. Although clearly described in the election notice sent to interested parties, the two candidates had not submitted the proper written documentation designating them as the community organizations representative. Therefore, staff voided all Community Organization at-large ballots. Since there was not a qualified candidate for the Community Organization at-large seat, and based on the approved PAC procedures, the PAC may appoint a qualified candidate to the vacant Community Organization at-large seat until the next PAC election, in 2007.

All remaining seats had qualified/eligible candidates. The results of the June 22, 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 Crossroads 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 City Council meeting.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Ordinance No. O-19174, on April 22, 2003, authorized the Crossroads PAC for six years.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Crossroads Project Area Committee Election was noticed by direct mailing to all addresses within the boundaries of the Crossroads Redevelopment Project Area and other interested parties.

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

Ostrye/Waring

Staff: Tracy Reed - (619) 533-7519
Carol A. Leone - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-105: Three actions related to Authorization to Extend the Project Area Committees (PAC) for One Year and to Notice and Conduct the 2006 PAC Elections for Three Project Areas.

(City Heights, College Area, Uptown, Old Town, Mission Valley, Linda Vista, Peninsula, and Midway/Pacific Highway Corridor Community Areas. Districts 2, 3, 4, 6, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-1137) ADOPTED AS RESOLUTION R-301663

Authorizing a one-year extension of the City Heights PAC and directing Agency staff to notice and conduct the annual PAC Election in 2006;

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

Subitem-B: (R-2006-1138) ADOPTED AS RESOLUTION R-301664

Authorizing a one-year extension of the College Community PAC and directing Agency staff to notice and conduct the annual PAC Election in 2006;

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

Subitem-C: (R-2006-1139) ADOPTED AS RESOLUTION R-301665

Authorizing a one-year extension of the North Bay PAC and directing Agency staff to notice and conduct the annual PAC Election in 2006;

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

STAFF SUPPORTING INFORMATION:

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a PAC if there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property, by eminent domain, on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents.

Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council. The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership and set procedures for conducting elections.

In accordance with the College Community, City Heights and North Bay PAC Procedures, Agency staff must seek authorization from the City Council to: 1) Extend the Redevelopment PAC for one year and 2) Notice and conduct PAC elections.

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On August 9, 2005, the City Council of the City of San Diego approved R-300786 to extend the North Bay PAC for one year. On September 6, 2005, the City Council of the City of San Diego approved R-300788 and R-300789 to extend the College Community PAC and City Heights PAC for one year.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The North Bay PAC voted 13-0-0 on June 7, 2006, to recommend a one year extension of the PAC. The City Heights Redevelopment Project Area Committee will make a recommendation to extend the PAC for one year at their Monday, July 12, 2006 meeting. The College Community PAC did not make a recommendation in regards to extending the PAC.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

City Heights, College Community, and North Bay Redevelopment PACs.

Ostrye/Waring

Staff: Kim Gerhard - (619) 533-5369
Carol A. Leone - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-106](#): Appointment of Bryan B. Min to the San Diego Convention Center Corporation Board of Directors (SDCCC).

(See memorandum from Mayor Sanders dated 5/24/2006, with resume attached.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-1103) ADOPTED AS RESOLUTION R-301666

Council confirmation of the appointment by the Mayor of the City of San Diego, to serve as a director of the San Diego Convention Center Corporation (SDCCC), for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Bryan B. Min (Santa Luz, District 1) (Replacing Eric M. Rivera, whose term expired)	December 1, 2008

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:20 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-330](#): FY 2007 Community Parking District (CPD) Program.

(City Heights, College, Cortez Hill, Downtown, East Village, El Cajon Boulevard, Golden Hill, Hillcrest, La Jolla, Mid-City, Mission Beach, Mission Hills, Ocean Beach, Pacific Beach, University Heights and Uptown Community Areas. Districts 1, 2, 3, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-11) ADOPTED AS RESOLUTION R-301669

Approving the FY 2007 Implementation Plan for the Centre City Community Parking District, and the FY 2007 Implementation Plans and Budgets for the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Parking Districts;

Authorizing the City Auditor and Comptroller to transfer parking meter revenues in an amount not to exceed \$2,276,892 from General Fund 100 to the Community Parking District (CPD) Funds, contingent upon certification of funds availability by the City Auditor and Comptroller, as follows: \$1,476,280 to the Centre City CPD Fund (Fund No. 70302); \$595,487 to the Uptown CPD Fund (Fund No. 70303); \$91,281 to the Mid-City CPD Fund (Fund No. 70304); and \$113,844 to the CPD Program Administration Costs Fund (Fund No. 70301);

Authorizing the Mayor, or his designee, to execute the FY 2007 agreements with the following associations for the operation of the FY 2007 CPD Program in the Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach Community Parking Districts:

<u>Association</u>	<u>CPD</u>	<u>Document No.</u>
Uptown Partnership, Inc.	Uptown	RR-_____
El Cajon Blvd. Business Improvement Association	Mid-City	RR-_____
Golden Hill Community Development Corporation	Mid-City	RR-_____
University Heights Community Development Corporation	Mid-City	RR-_____
Promote La Jolla, Inc.	La Jolla	RR-_____

Old Town Chamber of Commerce Old Town RR-_____

Discover Pacific Beach Pacific Beach RR-_____

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$5,548,618.66 for the operation of the FY 2007 CPD Program in the Centre City, Uptown, and Mid-City Community Parking Districts as follows: \$2,171,344.03 from the Centre City CPD Fund (Fund No. 70302); \$2,579,142.02 from the Uptown CPD Fund (Fund No. 70303); and \$798,132.61 from the Mid-City CPD Fund (Fund No. 70304); less any FY 2006 agreement expenditures incurred in FY 2006 not already deducted from each of these CPD Funds;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$113,844 for the City's administration of the CPD Program.

STAFF SUPPORTING INFORMATION:

Community Parking Districts (CPDs) are authorized under City Council Policy 100-18, adopted on March 4, 1997 and amended on November 15, 2005. The Policy establishes a "Community Parking District Program" that allows communities, with the approval of the City Council, to implement parking solutions in neighborhoods that face serious parking challenges. At present, the City has six Community Parking Districts within Centre City, Uptown, Mid-City, La Jolla, Old Town, and Pacific Beach.

Each CPD has a designated Advisory Board responsible for developing plans and expending allocated revenue. However, the Mid-City CPD was established with three co-Advisory Boards - the El Cajon Blvd. Business Improvement Association, Golden Hill Community Development Corporation, and University Heights Community Development Corporation.

The advisory boards operate either through business improvement associations or nonprofit community development corporations, contracting with the City, to develop an Implementation Plan, manage CPD funds, and fulfill the community's parking goals as stated in each Implementation Plan.

Council Policy 100-18 allows each CPD to retain forty-five percent of new parking meter revenues collected within its boundaries, thereby maintaining the City's existing revenue streams. At this time, however, only three CPDs generate parking meter revenue within their boundaries - Centre City, Uptown, and Mid-City.

The remaining CPDs (La Jolla, Old Town, and Pacific Beach), established by Resolution on July 27, 2005, do not currently have parking meters or other parking revenues generated within their geographic boundaries, and thus, these CPDs do not receive funds pursuant to Council Policy 100-18.

CPD funds are dedicated for improvements and activities that increase the availability, supply, and effective use of parking to residents, visitors, and employees in those communities where the meters are located. Funds may be used for parking supply (parking structures, surface lots, etc.), marketing, signage, printed materials, web sites, landscaping, and security.

Highlights from FY 2006 include the following: Centre City's Park-Pay-Display Pilot Program, during which fifty new multi-space meters were installed that accept various forms of payment; Uptown's Normal Street Median Reconstruction Project Design, which incorporates seventeen new metered spaces and a new landscaped median; Mid-City's Parking Card Program, that increased the sale of City parking cards; Mid-City's on-going effort to improve the angled-parking policy; and La Jolla's, Old Town's, and Pacific Beach's meetings over the past several months and initiation of studies on valet parking permit fees and new parking options for district residents.

FISCAL CONSIDERATIONS:

This action authorizes the transfer of \$2,276,892 in parking meter revenues from General Fund 100 to the following CPD Funds: \$1,476,280 to Fund 70302 (Centre City CPD); \$595,487 to Fund 70303 (Uptown CPD); \$91,281 to Fund 70304 (Mid-City CPD); and \$113,844 to Fund 70301 (Program Administration). Pursuant to Council Policy 100-18, the amounts transferred to the CPD Funds would be added to each CPD Fund's previous year balance which includes the FY 2005 year-end adjustments (Resolution No. R-300510).

Hence, this action authorizes the appropriation and expenditure of the aforementioned transfer amounts and the carryover balances in each CPD Fund which equals a total of \$5,548,618.66 (\$2,171,344.03 from Fund 70302, \$2,579,142.02 from Fund 70303, and \$798,132.61 from Fund 70304, less any FY 2006 agreement expenditures incurred in FY 2006 not already deducted from each of these CPD Funds). Carryover balances exist due to the fact some CPDs are accumulating funds to invest in future capital improvement projects to increase parking availability within their districts. Funds are typically remitted on a reimbursement basis.

In addition, the action authorizes the appropriation and expenditure of \$113,844 for the City's administration of the CPD program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Each year, the City Council approves the Implementation Plans and Budgets for the CPDs and authorizes the appropriation and expenditure of CPD funds, which occurred most recently in May 2005.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Each CPD Advisory Board holds regular monthly meetings and publishes newsletters which are distributed to community residents and business owners. In addition, CPD representatives sit on the citywide Parking Advisory Board and provide updates at meetings that are noticed and open to the public.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Direct beneficiaries of this action include the agencies that administer each CPD: Centre City Development Corporation, Uptown Partnership, Inc., El Cajon Blvd. Business Improvement Association, Golden Hill Community Development Corporation, University Heights Community Development Corporation, Promote La Jolla, Old Town Chamber of Commerce, and Discover Pacific Beach.

Kesler/Waring

Staff: Melisa Tintocalis - (619) 533-5370
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:26 p.m.)

MOTION BY ATKINS TO ADOPT. 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: Red Light Photo Enforcement Program.

(See Report to the City Council No. 06-093.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1) ADOPTED AS AMENDED AS RESOLUTION R-301667

Authorizing the Mayor to reduce the 0.5 second grace period for the Red Light Photo Enforcement program to 0.1 second;

Declaring this action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this activity is the minor modification of an existing facility with no expansion beyond the existing use.

Aud. Cert. 2700005.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:38 a.m. – 11:10 a.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION WITH THE INDEPENDENT BUDGET ANALYST'S SUGGESTIONS AND THE FOLLOWING DIRECTIONS: NOTIFY CITIZENS IN ADVANCE, PRESENT REPORTS BI-ANNUALLY TO THE PS&NS COMMITTEE; ANY INCREASE IN REVENUES ABOVE THE FY '07 BUDGET SHALL BE DEPOSITED IN THE GENERAL FUND UNALLOCATED RESERVES; RETURN TO THE CITY COUNCIL IN ONE YEAR TO ANALYZE THE IMPACT OF THE CHANGES TO THE PROGRAM. THE ADDITION OF ANY NEW INTERSECTIONS TO THE PROGRAM SHALL BE BROUGHT BEFORE CITY COUNCIL FOR APPROVAL. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Hueso-yea.



ITEM-332: 301 University Avenue.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit/Tentative Map/Easement Abandonment to develop a 0.81 acre site with a 12-story commercial mixed-use development consisting of a 10,304 square-feet of commercial space, 96 residential condominium units and a total of 322 off-street parking spaces located at 301 through 333 University Avenue.

(Project No. 11896/MDN Project No. 11896/Right-of-Way Vacation No. 323355/SDP No. 23948/TM No. 323359/. Uptown Community Plan Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-) CONTINUED TO TUESDAY, SEPTEMBER 12, 2006

Adoption of a Resolution granting or denying Mitigated Negative Declaration No. 11896, has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project.

Subitem-B: (R-2006-) CONTINUED TO TUESDAY, SEPTEMBER 12, 2006

Adoption of a Resolution granting or denying Public Right-of-Way Vacation No. 323355, with appropriate findings to support Council action.

Subitem-C: (R-2006-) CONTINUED TO TUESDAY, SEPTEMBER 12, 2006

Adoption of a Resolution granting or denying Tentative Map No. 323359, with appropriate findings to support Council action.

Subitem-D: (R-2006-) CONTINUED TO TUESDAY, SEPTEMBER 12, 2006

Adoption of a Resolution granting or denying approving Site Development Permit No. 23948, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on April 13, 2006, voted 6-0 to approve; no opposition.

Ayes: Shultz, Garcia, Chase, Griswold, Ontai and Otsuji.

Not present: Steele

On September 6, 2005, the Uptown Community Planners voted 6-4-0, adopting a motion that the proposed development does not conform to the Uptown Community Plan. The Community Planning Group recommendation to deny the proposed development

STAFF SUPPORTING INFORMATION:

The project proposes a 12 story mixed-use development consisting of ground floor commercial space, 96 residential units and a 121 space public parking garage. The site is located on University Avenue between Third Avenue and Fourth Avenue (Attachment 1) in the Hillcrest neighborhood of the Uptown Community Plan area. A portion of an existing alley would be vacated and closed to vehicular use as a part of the project. The partial alley vacation elevates the project's decision process to the City Council (Process 5). Two existing commercial structures would be demolished in order to clear the site for the proposed development.

The significant project issue is community character. Opposition to the development at the Planning Commission hearing was focused largely on the issue that the project does not fit within the existing scale of the neighborhood which is characterized by low and mid-rise structures. The proposed building would be 148 feet high and significantly taller than any building in the immediate vicinity. However, the Uptown Community Plan anticipated high intensity development in this location and the underlying Mid-City Planned District zones permit both the proposed height and density. Therefore, no Community Plan Amendment or Rezoning action is required for the project.

The Uptown Community Plan designates the 0.80-acre site for Commercial Mixed-Use development with a high-intensity residential component (Attachment 2). The project site features split zoning which includes both the CN-1A Zone and the MR-800B Zone of the Mid-City Communities Planned District Ordinance. The CN-1A Zone makes up the majority of the project site and permits building height up to 200 feet. The twelve story structure would be taller than other surrounding structures in the immediate area because it is the first high intensity mixed-use development implementing the goals and land use recommendations of the Uptown

Community Plan. The bulk and scale of the project is consistent with several new developments within the Uptown community on Fourth Avenue, Fifth Avenue and Sixth Avenue to the south and the medical complexes of Scripps Mercy and UCSD to the north.

The Uptown Community Plan encourages, and the underlying Mid-City Communities Planned District Ordinance CN-1A and MR-800B Zones permits high density residential development in the proposed location. The CN-1A Zone allows one unit per 400 square-feet of lot area and the MR-800B Zone allows one unit per 600 square-feet of lot area.

The project minimizes the impacts of the building height with architectural design features. Ground floor and street level interest is provided by the building façade and enhanced exterior finish materials, while pedestrian activity would be enhanced by wide landscaped walks adjacent to recognizable individual storefronts. The project's street wall is designed with the intent to minimize the scale of the building by providing individual storefront designs, utilizing ceramic tile and strong colors, awnings, canopies and varying setbacks to create a pedestrian friendly environment. Vacating a portion of the existing alley will alleviate conflicts between pedestrians and vehicles, and reduce traffic congestion by eliminating mid-block access to University Avenue. Staff believes the applicable findings to approve the project can be affirmed and recommends the City Council approve the project.

FISCAL CONSIDERATIONS:

There are no fiscal considerations with this action. All of the costs associated with processing this application are paid for by the applicant.

PLANNING COMMISSION RECOMMENDATION:

On April 13, 2006, the Planning Commission recommended the City Council approve the Planned Development Permit, Tentative Map and Street vacation action. However, the Commission did not make a recommendation regarding certification of the environmental document due to an issue raised by the City Attorney. An opinion from the Attorney's Office regarding the adequacy of the environmental document will be provided to the council under separate cover.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Uptown Community Planning Group voted 6-4-0 to recommend denial of the project adopting a motion that the proposed development does not conform to the Uptown Community Plan. Reasons cited included the overall size and density of the development.

KEY STAKEHOLDERS:

La Jolla Pacific Development

Halbert/Waring/PH

LEGAL DESCRIPTION:

The project is located at 3845 Third Avenue, 301 University Avenue and 333 University Avenue within the Uptown Community Plan area and is more particularly described as lots 1, 2, 3, 4, 5, 6, 30, 31, and 32 in Block 2 of Nutt's Addition map No. 628.

Staff: Patrick Hooper – (619) 557-7992

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:13 p.m.)

Testimony in opposition by Tom Mullaney.

MOTION BY FRYE TO CONTINUE TO TUESDAY, SEPTEMBER 12, 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-not present, Hueso-yea.



ITEM-333: Fairbanks Country Villas Extension of Time, Project No. 85150.

Matter of approving, conditionally approving, modifying or denying the Extension of Time and Rezone for the previously approved Fairbanks Country Villas project to construct up to 95 dwelling units on a vacant 92.72-acre site. The property is located south of Carmel Valley Road and north of Torrey Meadows Drive.

(RZ No. 311245/Project No. 85150. Torrey Highlands Community Plan Area. District 1.)

(Continued from the meeting of June 20, 2006, Item 335, at the request of Councilmember Madaffer, for further review.)

NOTE: Hearing open. No public testimony taken on June 20, 2006.

STAFF'S RECOMMENDATION:

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

Subitem-A: (O-2006-124) INTRODUCED, TO BE ADOPTED ON TUESDAY,
AUGUST 1, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing 92.72-acres located south of Carmel Valley Road, north of State Route 56, North of Torrey Meadows Drive, west of Camino Del Sur, and east of Torrey Del Mar on both sides of McGonigle Canyon, within the Torrey Highlands Subarea IV Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone (Agricultural-Residential) into the RS-1-14 Zone (Residential-Single Unit) and OC-1-1 Zone (Open Space-Conservation), as defined by San Diego Municipal Code Sections 131.0403 and 131.0203; and repealing Ordinance No. 8858 (New Series), adopted August 9, 1963, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2006-945) ADOPTED AS RESOLUTION R-301668

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Fairbanks Country Villas Extension of Time project;

That the Extension of Time is granted to BMR Investors, LTD; Horseshoe Investors, LTD; and Peñasquitos West, LTD, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on March 16, 2006, voted 5 - 0 to recommend to the City Council approval of Fairbanks Country Villas Extension of Time project and Rezone No. 311245; no opposition.

Ayes: Garcia, Chase, Schultz, Griswold, Ontai

Recusing: Otsuji

Not present: Steele

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

The Rancho Peñasquitos Planning Board is the adjacent community planning group and acts in an advisory capacity. On November 2, 2005, the Rancho Peñasquitos Planning Board unanimously recommended approval of the application.

STAFF SUPPORTING INFORMATION:

On September 24, 2002, the City Council approved the Fairbanks Country Villas project by adopting Ordinance Number O-19110 and approving Resolution Numbers R-297089, R-297090, R-297091, and R-297092, filed in the Office of the City Clerk. The Fairbanks Country Villas project included a Rezone, Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit, and Resource Protection Ordinance Permit. The Council also certified Mitigated Negative Declaration LDR No. 99-0329 and adopted the Mitigation Monitoring and Reporting Program. The approved project provided two development options: 1) Seventy-nine single family units with sixteen affordable housing units on-site or 2) eighty-five single family units on-site with sixteen affordable housing units off-site. In conformance with the permit, the owner/developer has chosen to provide sixteen affordable housing units off-site, which have been built, within the Torrey Highlands Subarea.

Prior to the expiration of the Vesting Tentative Map, the owner/developer filed an application for an Extension of Time to grant a three year extension to the previously approved actions. Subsequent to the City Council's approval of the project, grading plans and public improvement plans have been approved and signed, yet permits to proceed with the construction have not been issued and the Final Map has not recorded. The Final Map is currently in the review process. Since the Final Map has not recorded, the original Rezone Ordinance has expired and thus, the project requires an approval of a Rezone.

Granting the Extension of Time and approval of the Rezone would allow the owner/developer an additional three years to record the Final Map and begin development of the Fairbanks Country Villas project. The Extension of Time would extend the previous approval of the Easement Abandonment, Public Right-of-Way Vacation, Vesting Tentative Map, Planned Residential Development Permit and Resource Protection Permit. No new conditions or modifications of an existing condition may be attached to the approval of an extension of time, unless new conditions are necessary to comply with state or federal law or are necessary to protect public health or safety. New conditions have been added to the Fairbanks Country Villas Extension of Time project to address the City's Storm Water Standards, adopted in 2002. There are no modifications to the other existing conditions or the design of the previously approved project.

ALTERNATIVE:

Deny the Extension of Time for Fairbanks Country Villas and Rezone No. 311245, if the findings required to approve the project cannot be affirmed.

FISCAL CONSIDERATIONS:

None associated with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 24, 2002, Council approved 7-0-2 the Fairbanks Country Villas project (Peters, Atkins, Stevens, Maienschein, Frye, Inzunza, Mayor Murphy in support/Wear, Madaffer not present).

On March 16, 2006, the Planning Commission voted on consent 5-0-0 to recommend approval of the Fairbanks Country Villas Extension of Time and Rezone (Otsuji-recused/Steele-not present).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no officially recognized community planning group for this area. The Rancho Peñasquitos Planning Board acts in an advisory capacity. On November 2, 2005, the Rancho Peñasquitos Planning Board unanimously recommended approval of the application.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Stakeholders-BMR Investors, LTD; Horseshoe Investors, LTD; Peñasquitos West, LTD, Owners and Hunsaker & Associates, Applicant.

Waring/Halbert/CTC

LEGAL DESCRIPTION:

The site is located south of Carmel Valley Road, northeast of the proposed SR-56 alignment, north of 'Street B,' and west of the proposed Camino Ruiz alignment on both sides of McGonigle Canyon in the Torrey Highlands Subarea IV Plan and is more particularly described as Parcel 3 of Parcel Map 6902 and Parcel 2 of Parcel Map 14768.

NOTE: This activity is covered under Fairbanks Country Villas Certified Mitigated Negative Declaration, LDR No. 99-0329. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

Staff: Cherlyn Cac – (619) 446-5226
Nina M. Fain-Newman – Deputy City Attorney

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

FILE LOCATION: MEET

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

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. 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-334: Business Improvement District Budgets for Fiscal Year 2007.

(Centre City, College Area, Greater North Park, La Jolla, Mid-City, Midway, Mission Beach, Ocean Beach, Old San Diego, Pacific Beach, San Ysidro, Southeast San Diego, and Uptown Community Areas. Districts 1, 2, 3, 4, 7, and 8.)

STAFF’S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-1052) ADOPTED AS RESOLUTION R-301855

Resolution of the Council of the City of San Diego confirming the Fiscal Year 2007 budget reports for the existing Business Improvement Districts, and levying annual assessments.

Subitem-B: (R-2006-1053) ADOPTED AS RESOLUTION R-301856

Resolution of the Council of the City of San Diego authorizing the execution of the Fiscal Year 2007 operating agreements for the existing Business Improvement Districts.

STAFF SUPPORTING INFORMATION:

Business Improvement Districts (BIDs) are authorized by State law to assess businesses for the cost of certain benefits that will benefit those businesses. The City created each of the BIDs by adopting an ordinance which details the street ranges to be included in the BID, the categorization of the types of businesses, and in some cases the size of the businesses as determined by the number of employees. The assessment levels, as determined by these factors, is also detailed in the ordinance.

Under State law the City Council must annually review and approve the proposed budget for the BID assessments. Additionally, the City Council must annually authorize the levying of the assessments as established in the respective ordinances and hold a noticed public hearing on the matter. Once approved the BID assessments are collected by the City Treasurer at the same time and in the same manner as the City's business tax. The City then contracts with non-profit business associations, whose membership includes the businesses in the respective districts, for management of the BIDs. The funds collected from each BID are accounted for separately in the City's accounting system.

There are 18 active business (tenant-based) BIDs within the City: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro.

FISCAL CONSIDERATIONS:

Approximately \$1.3 million is collected annually by the City in BID assessments from approximately 12,000 businesses in the City's 18 BIDs. These funds are accounted for separately in the City's accounting system and are provided to the non-profit business associations under an operating agreement. Generally funds are remitted on a reimbursement basis to manage BID programs in the respective areas though working capital advances are permitted under certain circumstances. State law also provides that the budget shall identify any surplus or deficit revenue to be carried over from a previous fiscal year. These funds are identified in the budget as estimated unexpended assessments to be carried forward and estimated outstanding operating advances. In approving the budgets the City Council appropriates the assessments to be collected and the prior year surplus funds.

The City does not retain any of the assessments for administrative or other purposes. Therefore, there is a zero net fiscal impact of collecting and disbursing the assessments.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This is an annual process so the previous Council action was taken in June and July of 2005 to approve the budgets, levy the annual assessments and execute the BID operating agreements with the respective non-profit business associations.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Each BID holds regular meetings and publishes regular newsletters which are distributed to the businesses in the respective BIDs. Organizational budgets and work plans are developed by the respective boards and approved at the meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Businesses within the respective BIDs are the key stakeholders and beneficiaries of community improvements and business marketing and development. Residents and property owners may also benefit from public improvements and enhanced business services.

Kessler/Waring/MDB

Staff: Meredith Dibden Brown - 619-533-7530
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: STRT-26 (32)

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:26 p.m.)

MOTION BY MAIENSCHIN 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-S500: In the Matter of City of San Diego v. Chapin (GIC 863096).

(See letter from City Attorney Aguirre dated 6/28/2006 and letters from Steven M. Strauss dated 7/7/2006 and 4/11/2006.)

(Continued from the meeting of July 11, 2006, Item 334, at the request of City Council, for further review.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Take the following actions:

CONTINUED TO MONDAY, JULY 24, 2006

- 1) Consideration and discussion of the April 11, 2006 request by Steven Strauss that the City indemnify and defend Ms. Loraine Chapin in the above-named case pursuant to California Government Code Section 995 et seq.;
- 2) Directing the City Attorney to prepare a resolution consistent with the Council's direction in item (1) above.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:07 p.m.)

MOTION BY FAULCONER TO CONTINUE TO MONDAY, JULY 24, 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-not present, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

