

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JULY 25, 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 10:02 a.m. Council President Peters recessed the meeting at 10:43 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 10:46 a.m. with all Council Members present. The Gold Leed Standard award for the George Stevens Senior Center was presented by Ted Medina, Park and Recreation Director to Council President Pro Tem Young. The meeting was recessed by Council President Peters at 11:31 a.m. for the noon recess to be reconvened at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:05 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:36 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the meeting at 3:35 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 3:37 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:

Don Stillwell commented on a bus stop in Grantville.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

PUBLIC COMMENT-2:

Linda Smith commented on police officers' salary and affordable housing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:59 a.m.)

**PUBLIC COMMENT-3:**

Ron Boshun commented on the Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:02 a.m.)

**PUBLIC COMMENT-4:**

Hud Collins commented on pension related issues and the Mt. Soledad cross.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:06 a.m.)

**PUBLIC COMMENT-5:**

Mel Shapiro commented on issues related Kroll.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:08 a.m.)

**PUBLIC COMMENT-6:**

Jinna Albright commented on police officers' salaries and benefits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:12 a.m.)

**PUBLIC COMMENT-7:**

Arthur Mantina commented on the sale of Coastal Landscape.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. – 11:13 a.m.)

**PUBLIC COMMENT-8:**

Joseph Braverman commented on industrial espionage and theft by the government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:13 a.m. – 11:16 a.m.)

**PUBLIC COMMENT-9:**

Dion Markgrag commented on his opposition to medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. – 11:18 a.m.)

**PUBLIC COMMENT-10:**

Frederick Becker commented on medical marijuana dispensaries.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:22 a.m.)

**COUNCIL COMMENT:**

None.

**INDEPENDENT BUDGET ANALYST COMMENT:**

None.

**CITY ATTORNEY COMMENT:**

None.

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

05/29/2006 - Adjourned  
05/30/2006

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Time duration: 10:02 a.m. – 10:02 a.m.)

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



ITEM-31: Lesbian, Gay, Bisexual, Transgender Pride Week.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-20) ADOPTED AS RESOLUTION R-301673

Recognizing the many civic contributions of the lesbian, gay, bisexual, and transgender community in San Diego, and encouraging all people to share in the pride of our City's diverse citizenry by participating in the 32<sup>nd</sup> annual San Diego LGBT Pride rally, parade, and festival;

Proclaiming the week of July 24 to July 30, 2006, to be "Lesbian, Gay, Bisexual, Transgender Pride Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:42 a.m.)

MOTION BY ATKINS 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-50: First Amendment to Agreement with Latitude 33 Planning and Engineering for Camino Del Sur Extension Project.

(Rancho Peñasquitos Community Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/11/2006, Item 54. (Council voted 7-0. Councilmember Madaffer not present):

(O-2006-153) ADOPTED AS ORDINANCE O-19520 (New Series)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a First Amendment to the Agreement with Latitude 33 Planning and Engineering (Latitude 33), for professional engineering and environmental services for the Camino Del Sur Extension Project under the terms and conditions set forth in the document, for an amount not to exceed \$74,311.05;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$74,311.05 from CIP-52-653.0, Camino Del Sur Alignment Study, Fund 79004, for the aforementioned First Amendment to the Agreement with Latitude 33, contingent upon the City Auditor and Comptroller certifying the necessary funds are, or will be, on deposit with the City Treasurer; and

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

**NOTE:** 6 votes required.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: Proposed Amendments to the Airport Approach Overlay Zone-Area Wide.

(See Centre City Development Corporation Report No. CCDC-06-09. Districts 2, 3, and 8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/11/2006, Item 337. (Council voted 5-2. Councilmembers Maienschein and Frye voted nays. Councilmember Madaffer not present):

(O-2006-149 Cor. Copy)      ADOPTED AS ORDINANCE O-19521  
(New Series)

Amending Chapter 13, Article 2, Division 2, of the San Diego Municipal Code  
relating to the Airport Approach Overlay Zone.

FILE LOCATION:                      MEET

COUNCIL ACTION:                      (Time duration: 10:51 a.m. – 10:52 a.m.)

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

\* ITEM-52:    Ocean Beach Branch Library First Amendment and Restated Consultant  
Agreement.

(Ocean Beach Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-154)                      INTRODUCED, TO BE ADOPTED ON TUESDAY,  
AUGUST 8, 2006

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf  
of the City of San Diego, the Amended and Restated Agreement with Hanna  
Gabriel Wells Architects for professional services required for the construction of  
the Ocean Beach Branch Library, in an amount not to exceed \$378,200, under the  
terms and conditions set forth in the Amended and Restated Agreement;

Authorizing the expenditure of an amount not to exceed \$303,200 from  
CIP-35-100.0, Ocean Beach Branch Library, Fund No. 18523, Dept. No. 18523,  
to provide funding for the Amended and Restated Agreement for Ocean Beach  
Branch Library;

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 not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2), because this activity will not result in direct or reasonably foreseeable indirect physical change in the environment.

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

**STAFF SUPPORTING INFORMATION:**

This project will provide a 15,000 square foot facility utilizing the current 4,579 sq. ft. Ocean Beach Branch Library, at the corner of Santa Monica and Sunset Cliffs, as part of the design. The proposed project will include a new Children's section with an area for storytelling, study areas, computer lab and work stations, and a large community room for library and civic related gatherings. The adjacent property site was purchased by the City in 2005 for the purpose of the library expansion.

In conformance with Council Policy No. 300-7, five (5) Architectural firms were interviewed for the design and construction services of the proposed reconstruction and expansion of Ocean Beach Branch Library. Architects Hanna Gabriel Wells were selected and approved as the project architects. The total amount of the preliminary phase of this contract was set for \$75,000 for a feasibility study plan for the proposed remodeling of the existing library, library addition, as well as traffic, and parking analysis and environmental studies.

This proposed First Amendment to Agreement will provide the professional design services required to prepare schematic drawings, coastal development permit, permit processing, geotechnical investigations, traffic and acoustical studies, bridging documents and construction support services for the Ocean Beach Branch Library.

**FISCAL CONSIDERATIONS:**

The total consultant's fee for professional services authorized for this Amendment is \$303,200. Funds for this purpose are available in CIP-35-100.0, Ocean Beach Library, Fund No. 18523, Dept. No. 30244, Org. No. 106.

The current schedule anticipates construction funding becoming available in FY 2008. In the event that this construction is delayed, the construction budget being developed with this contract may need to be adjusted to reflect construction cost escalations. Project funding may not have transferable benefits if there are scope or priority changes.

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

Manager's Action C-11336 dated April 4, 2002 approved the original Agreement with Hanna Gabriel Wells Architects for professional design services for the Ocean Beach Branch Library. HUD 108 Loan for the amount of \$2 million for Ocean Beach Branch Library was adopted by City Council on October 2, 2000, Resolution No. R-293903. This project is part of the 21 st Library System Program and included in Library Department Facility Improvements System Manager's Reports providing project status and financing information as follows:

No. 01-234 dated 10/26/01  
No. 01-275 dated 12/7/01  
No. 02-159 dated 7/10/01  
No. 02-264 dated 11/8/02  
No. 05-022 dated 1/26/05

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

After a July 8, 1999, Community Meeting and a December 8, 1999, Community Workshop to review the library survey results, the project preliminary design was unanimously approved by the Ocean Beach Land Use Committee on May 25, 2000, and the Ocean Beach Planning Board on July 11, 2001. Mitigated Negative Declaration (MND) and Historic Review completed in 2003.

Community meeting held on 6/15/04 for the library site options and the existing site was approved, as well as Hanna Gabriel Wells Architects' design presentation to expand and restore the existing building.

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

Ocean Beach community members will benefit from the expansion of their branch library. Funding has been set aside in CIP-35-100.0 for this purpose. Hanna Gabriel Wells Architects & sub-consultants listed in Agreement Attachment BB are stakeholders as the project consultants.

Boekamp/Haas

Aud. Cert. 2600790.

Staff: Afshin Oskoui - (619) 533-3102

Christina L. Bellows - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO INTRODUCE THE ORDINANCE. 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-100: Inviting Bids for General Requirements Contract 2006E - Electrical Systems Contract.

(Metropolitan Wastewater Department's May 16, 2006, Executive Summary Sheet.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-1083) ADOPTED AS RESOLUTION R-301674

Authorizing the Mayor, or his designee, after advertising for bids, to award a contract to the lowest responsible and reliable bidder for a General Requirements Contract 2006E - Electrical Systems, for use by the Metropolitan Wastewater Department, for as-needed construction for a \$50,000 minimum, not to exceed \$1,000,000 for one year, with an option for the Mayor, or his designee, to extend the contract for up to one additional year and up to an additional \$1,000,000 under terms and conditions set forth in the form of contract, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer, on Work Order No. 461190;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Sewer Fund Nos. 41506, 41508, 41509, and Storm Water Pollution Prevention Division Fund No. 100, Dept. 533, solely and exclusively, to provide funds for the above General Requirements Contract 2006E - Electrical Systems, of which \$1,000,000 is from Fiscal Year 2006 and \$1,000,000 is from Fiscal Year 2007, contingent on the exercise of the one-year option and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer;

Declaring the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3). (BID-K06120)

**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:**

For the last nine years, the City has entered into General Requirements Contracts (GRCs), formerly referred to as Job Order Contracts (JOCs), with various contractors. The main objective of the GRCs is to execute emergency, maintenance, repair, and general engineering construction projects.

The Metropolitan Wastewater Department (MWWD) issues four types of GRCs: General Engineering, Mechanical Systems, Electrical Systems, and Landscape Habitat Maintenance. The work is assigned to one of the contracts based on the type of work and the location of the work. This action is for approval to advertise and award General Requirements Contract 2006E - Electrical Systems, in an amount not to exceed \$1,000,000 for one (1) year with an option to extend the contract for up to an additional \$1,000,000 and up to one (1) additional year.

Each GRC is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Furthermore, the Mayor, or his designee, may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 ET SEQ). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable MWWD to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

Tasks issued to this contract are typically electrical wiring repair and upgrade projects in the pump stations and treatment plants.

MWWD, in conjunction with other City Departments has met with Local 127 and proposed a process to identify any potential work that could be carried out by their members.

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$1,000,000 for this contract are available in Fiscal Year 2006 in CIP and Operating Sewer Funds 41506, 41508, and 41509, and Storm Water Pollution Prevention Division Fund 100. Should the contract be extended, funds for up to an additional \$1,000,000 are contingent upon the City Auditor and Comptroller certifying funds are available for this purpose.

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

This item was reviewed and approved by the Natural Resources and Culture Committee on June 28, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

After a task is identified and assigned to a GRC Contract, community participation and outreach is coordinated and managed by the construction management team.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

American Federation of State, County and Municipal Employees Local 127 is concerned that this contract could take jobs away from City employees. The City has proposed a process to identify any potential work that could be carried out by City staff.

Ferrier

FILE LOCATION: CONT-NEAL ELECTRIC CORP.

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-101: Inviting Bids for General Requirements Contract 2006A – General Engineering Contract.

(See Metropolitan Wastewater Department’s May 16, 2006 Executive Summary Sheet.)

**TODAY’S ACTION IS:**

Adopt the following resolution:

(R-2006-1087) ADOPTED AS RESOLUTION R-301675

Authorizing the Mayor, or his designee, after advertising for bids, to award a contract to the lowest responsible and reliable bidder for a General Requirements Contract 2006A - General Engineering, for use by the Metropolitan Wastewater Department, for as-needed construction for a \$50,000 minimum, and not to exceed \$1,000,000 for one year, with an option for the Mayor, or his designee, to extend the contract for up to one additional year and up to an additional \$1,000,000 under terms and conditions set forth in the form of contract; provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer, on Work Order No. 461190;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Sewer Fund Nos. 41506, 41508, 41509, and Storm Water Pollution Prevention Division Fund No. 100, Dept. 533, solely and exclusively, to provide funds for the above General Requirements Contract 2006A - General Engineering, of which \$1,000,000 is from Fiscal Year 2006 and \$1,000,000 is from Fiscal Year 2007, contingent on the exercise of the one-year option and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer;

Declaring the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3). (BID-K06118)

**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:**

For the last nine years, the City has entered into General Requirements Contracts (GRCs), formerly referred to as Job Order Contracts (JOCs), with various contractors. The main objective of the GRCs is to execute emergency, maintenance, repair, and general engineering construction projects.

The Metropolitan Wastewater Department (MWW) issues four types of GRCs: General Engineering, Mechanical Systems, Electrical Systems, and Landscape Habitat Maintenance. The work is assigned to one of the contracts based on the type of work and the location of the work. This action is for approval to advertise and award General Requirements Contract 2006A - General Engineering, in an amount not to exceed \$1,000,000 for one (1) year with an option to extend the contract for up to an additional \$1,000,000 and up to one (1) additional year.

Each GRC is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Furthermore, the Mayor, or his designee, may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 ET SEQ). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable MWWD to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

Tasks issued to this contract are typically underground utility or repair projects and site work such as grading, paving, and concrete to protect or repair sewer infrastructure.

MWWD, in conjunction with other City Departments has met with Local 127 and proposed a process to identify any potential work that could be carried out by their members.

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$1,000,000 for this contract are available in Fiscal Year 2006 in CIP and Operating Sewer Funds 41506, 41508, and 41509, and Storm Water Pollution Prevention Division Fund 100. Should the contract be extended, funds for up to an additional \$1,000,000 are contingent upon the City Auditor and Comptroller certifying funds are available for this purpose.

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

This item was reviewed and approved by the Natural Resources & Culture Committee on June 28, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

After a task is identified and assigned to a GRC Contract, community participation and outreach is coordinated and managed by the construction management team.

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

American Federation of State, County and Municipal Employees Local 127 is concerned that this contract could take jobs away from City employees. The City has proposed a process to identify any potential work that could be carried out by City staff.

Ferrier

**FILE LOCATION:** W.O. 461190

**COUNCIL ACTION:** (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-102: Inviting Bids for the General Requirements Contract 2006C - Mechanical Systems Contract.

(See Metropolitan Wastewater Department's May 16, 2006, Executive Summary Sheet.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-1086) ADOPTED AS RESOLUTION R-301676

Authorizing the Mayor, or his designee, after advertising for bids, to award a contract to the lowest responsible and reliable bidder for a General Requirements Contract 2006C - Mechanical Systems for use by the Metropolitan Wastewater Department, for as-needed construction for a \$50,000 minimum, not to exceed \$1,000,000 for one year, with an option for the Mayor, or his designee, to extend the contract for up to one additional year and up to an additional \$1,000,000 under terms and conditions set forth in the form of Contract, provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer, on Work Order No. 461190;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Sewer Fund Nos. 41506, 41508, 41509, and Storm Water Pollution Prevention Division Fund No. 100, Dept. 533, solely and exclusively, to provide funds for the above General Requirements Contract 2006C - Mechanical Systems, of which \$1,000,000 is from Fiscal Year 2006 and \$1,000,000 is from Fiscal Year 2007, contingent on the exercise of the one-year option and provided that the City Auditor and Comptroller furnishes one or more certificates demonstrating that the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer;

Declaring the above activity is not a project and therefore is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3). (BID-K06119)

**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:**

For the last nine years, the City has entered into General Requirements Contracts (GRCs), formerly referred to as Job Order Contracts (JOCs), with various contractors. The main objective of the GRCs is to execute emergency, maintenance, repair, and general engineering construction projects.

The Metropolitan Wastewater Department (MWW) issues four types of GRCs: General Engineering, Mechanical Systems, Electrical Systems, and Landscape Habitat Maintenance. The work is assigned to one of the contracts based on the type of work and the location of the work. This action is for approval to advertise and award General Requirements Contract 2006C - Mechanical Systems, in an amount not to exceed \$1,000,000 for one (1) year with an option to extend the contract for up to an additional \$1,000,000 and up to one (1) additional year.

Each GRC is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation. Therefore, the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Furthermore, the Mayor, or his designee, may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et. seq.). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable MWWd to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

Tasks issued to this contract are typically equipment or pipe repair projects in the pump stations and treatment plants. MWWd, in conjunction with other City Departments has met with Local 127 and proposed a process to identify any potential work that could be carried out by their members.

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$1,000,000 for this contract are available in Fiscal Year 2006 CIP and Operating Sewer Funds 41506, 41508, Storm Water Pollution Prevention Division Fund 100. Should the contract be extended, funds for up to an additional \$1,000,000 are contingent upon the City Auditor and Comptroller certifying funds are available for this purpose.

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

This item was reviewed and approved by the Natural Resources and Culture Committee on June 28, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

After a task is identified and assigned to a GRC Contract, community participation and outreach is coordinated and managed by the construction management team.

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

American Federation of State, County and Municipal Employees Local 127 is concerned that this contract could take jobs away from City employees. The City has proposed a process to identify any potential work that could be carried out by City staff.

Ferrier

FILE LOCATION: W.O. 461190

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-103: Contract Change Order No. 4 for Sorrento Valley Trunk Sewer and Pump Station 89.

(See Engineering and Capital Projects Department's June 21, 2006, Executive Summary Sheet. Torrey Pines, Torrey Hills, and University City Community Areas. District 1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-1069) ADOPTED AS RESOLUTION R-301677

Approving Change Order No. 4, dated March 13, 2006, issued in connection with the contract between the City of San Diego and HPS Mechanical, Inc., for the construction of Sorrento Valley Trunk Sewer and Sewer Pump Station 89 (Project); and the changes therein set forth, for an amount not to exceed \$367,753.67;

Finding this activity is addressed in LDR File No. 41-0183 and there is no change in circumstance, additional information, or Project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved Project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

**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:**

The Sorrento Valley Trunk Sewer and Pump Station 89 are located in the Torrey Hills, Torrey Pines, and University City community areas. The existing Sorrento Valley Trunk Sewer System is approximately 50 years old and has exceeded its service life. The purpose of this project is to divert and redirect all sewage flow from the deteriorated clay pipe trunk sewer located in the environmentally sensitive Peñasquitos Lagoon in the Torrey Pines State Reserve to new sewer pipes in the street right-of-way. The project consists of construction of a new underground pump station, emergency storage tank, generator, and installation of approximately 7,857 feet of gravity sewer, and 3,182 feet of force main.

Previously approved Change Order No. 1, October 1, 2005, includes changes due to unforeseen conditions in segments 1 and 2 of the project. During excavation of tunneling pits for segment 1, it was discovered that the actual location and dimension of utilities were not as indicated on the plans and would not accommodate the proposed design. This requires a revised alignment and change in construction methods. Work within segment 2 was impacted by an abundance of cobbles encountered during the advance of tunneling equipment. This required up sizing the equipment. Change Order No. 4 includes compensation for materials and delays due to the changes made as part of Change Order No. 1.

**FISCAL CONSIDERATIONS:**

The total estimated cost of this project is \$18,065,157.60. Funding of \$18,065,157.60 was previously authorized by Council Resolution Nos. R-289956, R-292031, R-296447, R-2978712, R-299181, R-300460, and R-300894. This request authorizes the execution of Change Order No. 4 with HPS Mechanical Inc. No additional funding required to process this request.

**PREVIOUS COUNCIL COMMITTEE ACTIONS:**

Council approved this project as well as previous change orders and changes to scope of work on the following dates, R-300894 - 10/1/05 - \$1,657,713, R-300460 - 5/23/05 - \$611,690.60, R-299181 - 5/10/04 - \$1,334,374, R-298712 - 12/8/03 - \$13,756,413, R-296447 - 5/7/02 - \$234,967, R-292031 - 8/2/99 - \$400,000, R-289956 - 4/20/98 - \$73,000. The Committee on Natural Resources and Culture on June 28, 2006, consent motion by Councilmember Atkins, second by Councilmember Faulconer. Vote to approve 4-0.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Community receives updated project information via contractor's website. Previous meetings on record:

Sorrento Hills Community Planning	October 9, 2000
Torrey Pines Community Planning	June 14, 2001
Sorrento Hills Community Planning	July 17, 2001
Torrey Pines Community Planning	July 11, 2002
Torrey Pines Community Planning	July 16, 2002
Torrey Pines Community Planning	November 10, 2005

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

The key stakeholder is the general contractor HPS Mechanical Inc., who will receive payment for Construction Change Order No. 4. There are no projected financial impacts as no new fees or regulations are proposed as part of this action.

Boekamp/Haas

Aud. Cert. 2600867.

**FILE LOCATION:** CONT – HPS Mechanical, Inc.

**COUNCIL ACTION:** (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-104: Appropriating Funds for the Serra Mesa/Kearny Mesa Branch Library.

(Serra Mesa Community Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1136) ADOPTED AS RESOLUTION R-301678

Authorizing the City Auditor and Comptroller to appropriate and expend \$575,000 from Fund 79526, Serra Mesa DIF 22 fund, into CIP-35-089.0, Serra Mesa/Kearny Mesa Branch Library, for the purpose of providing funding for the Project and related costs, provided the funds are, or will be, on deposit with the City Treasurer;

Declaring this activity is covered under Mitigated Negative Declaration No. 4813 (certified by City of San Diego Hearing Officer December 10, 2003). 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. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of the California Environmental Quality Act (CEQA) review per CEQA Guidelines Sections 15060(c)(3) and 15378(c);

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

**STAFF SUPPORTING INFORMATION:**

The new Serra/Kearny Mesa Branch Library provides for a 15,000 square foot Library on City-owned property located at 9005 Aero Drive in the Serra Mesa Community planning area to serve Serra Mesa and Kearny Mesa communities. The existing library is small and inadequate to provide the necessary library services for these growing areas. The new library will provide a computer lab, meeting room facilities, adequate parking, children's area and quiet study areas.

Construction of the project began in the Fall of 2004, and is approximately 79% complete. On September 20, 2004, via R-299652, City Council approved the appropriation of an additional \$1,200,000 future Kearny Mesa DIF 18, Fund No. 79530 into the Serra Mesa/Kearny Mesa Branch Library CIP-35-089.0, when funds became available. In addition, the expenditure of the total project budget, including the future funding, was approved at that time.

Of the approved \$1,200,000 future funding, \$625,000 Kearny Mesa DIF is currently available for the purpose of Phase II construction. The balance of the needed funding, \$575,000, is available now in Serra Mesa DIF 22, Fund No. 79526, for the purpose of Phase II construction completion and FFE (furnishings, fixtures, and equipment) purchase.

FISCAL CONSIDERATIONS:

Funds of \$575,000 are available in Serra Mesa DIF 22, Fund No. 79526, for this purpose. This action does not increase the total project cost since the expenditure was already authorized by City Council via R-299652, on September 20, 2004.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The original consultant agreement with Coombs Architecture in the amount of \$117,833 was approved by City Manager Action (C-09225) on March 8, 1999. City Council approved two Amendments to the Consultant Agreement, \$265,255 via R-292666 on January 18, 2000 and \$84,336 via R-297361 on November 18, 2002. On October 4, 2004, via R-299708, City Council authorized the appropriation and expenditure of \$1,000,000 First Five Commission of San Diego Grant for Serra Mesa/Kearny Mesa Library. On September 20, 2004, via R-299652, City Council approved the project plans and specifications; approved the award of a phase-funded construction contract to Jaynes Corporation of California in the amount of \$6,381,906, increased the Serra Mesa/Kearny Mesa Branch Library CIP No. by \$3,956,000, authorized the appropriation of additional funding (\$3.8 million Kearny Mesa DIF and \$156,000 Serra Mesa Branch Library Fund) and authorized the expenditure of \$8,311,274 from Serra Mesa/Kearny Mesa Branch Library CIP-35-089.0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

06/04/92	Community Planning Group Meeting to Gather Input
09/23/92	Community meeting to review floor plan and design concepts
01/01/93	Community meeting - approved site and floor plans and elevators
10/03/96	Serra Mesa Community Forum held at Taft Middle School
12/07/96	Bus tour of new libraries with the Serra Mesa/Kearny Mesa Library Steering Committee
09/23/98	Serra Mesa/Kearny Mesa Steering Committee approve site and library design
11/18/98	Kearny Mesa Planning Group approve site and library design
12/10/03	Public hearing, MND & permits approved
07/13/04	Public Bid Opening
09/09/04	Public Groundbreaking Ceremony held at project site

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Serra Mesa and Kearny Mesa community members will benefit from the new branch library. Funding has been identified and is available for this purpose.

Boekamp/Haas

Aud. Cert. 2600915.

Staff: Afshin Oskoui - (619) 533-3102  
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-105: Sea World Drive and Interstate 5 Interstate Improvements Project.

(Mission Bay Park Community Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-3) ADOPTED AS RESOLUTION R-301679

Authorizing the City Auditor and Comptroller to appropriate \$1,000,000 from Fund 10501, Sea World Traffic Mitigation Fund to CIP-52-706.0, Sea World Drive and Interstate 5 Interchange Improvements; and

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvement Program Budget for CIP-52-706.0, Sea World Drive and Interstate 5 Interchange Improvements by \$1,000,000; and

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$1,000,000 from Fund 10501, Sea World Traffic Mitigation Fund, CIP-52-706.0, Sea World Drive and Interstate 5 Interchange Improvements for the purpose of preparing a Project Study Report (PSR) and associated surveying, engineering, and administrative costs, contingent upon the City Auditor and Comptroller certifying that funds are available; and

Authorizing the Mayor to execute, for and on behalf of said City, an agreement with DMJM Harris, Inc., for the preparation of a PSR for Sea World Drive and Interstate 5 Interchange Improvements for an amount not to exceed \$624,482, from Fund 10501, Sea World Traffic Mitigation Fund CIP-52-706.0, Sea World Drive and Interstate 5 Improvements, contingent upon the City Auditor and Comptroller certifying that funds are available in CIP-52-706.0;

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 statutorily exempt from CEQA pursuant to State CEQA Guidelines Section 15262.

**STAFF SUPPORTING INFORMATION:**

The Sea World Drive and Interstate 5 (I-5) Interchange serves the City of San Diego's recreation areas, including Mission Bay Park and Sea World. As San Diego continues to grow, so does the use of tourist attractions and commercial facilities around Mission Bay Park and Sea World. Continued growth in the Park's popularity combined with the surrounding area's growth and the attractiveness of Mission Bay has warranted operational and geometric improvements at the Sea World Drive and I-5 Interchange. Also, the Mission Bay Park Master Plan EIR update identifies the need to improve the Sea World Drive interchange to safely accommodate the increased traffic demand. The development of the Project Study Report (PSR) for Sea World and Interstate 5 Interchange Improvements is the first step in identifying the preferred alternative that will eventually lead to the subsequent project development phases. As part of the mitigation measures that was incorporated into the Sea World Master Plan Update, Sea World has been depositing 30% of their fair-share towards the improvement of the interchange project.

Interviews were held on October 19, 2005 to assess the expertise and competence of the consultant team for the Sea World Drive and Interstate 5 Interchange Improvements Project. Five (5) firms were invited to participate in the interview. The interviews were conducted in conformance with Council Policy 300-07 and Administrative Regulation 25.60. The panel members ranked DMJM Harris, Inc. as the most qualified out of five (5) civil engineering firms interviewed. Based on the panel's recommendations the appointing authority selected DMJM Harris, Inc. to provide the services.

FISCAL CONSIDERATIONS:

The cost to complete the Project Study Report (PSR) is \$1,000,000, which includes the Consultant Agreement with DMJM Harris, Inc. as well as surveying, engineering, and administrative costs. This initial PSR phase of the project will be funded through the Sea World Traffic Mitigation Fund, however the City of San Diego may seek federal funding for other phases of the project.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In its October 14, 1999 hearing, the San Diego Planning Commission called for extraordinary efforts to involve the public in the Sea World Master Plan Update process. In response, Sea World developed a two-phased public outreach program. The first phase consisted of four public forums to obtain Citywide community input.

These were held between January 8 and January 13, 2000 at Carmel Mountain, Del Cerro, Mission Beach, and Sherman Heights. Over 500 comments were received, covering a wide range of concerns. These comments were then incorporated into a draft Sea World Master Plan Update and presented to the community during the second phase of the process. Four more public forums were held between June 17 and June 28, 2000 at Normal Heights, Emerald Hills, Rancho Peñasquitos, and Clairemont. Comments were received and used to create the final Sea World Master Plan Update. The two community groups most involved with this project are the Linda Vista Community Planning Committee and Pacific Beach Community Planning Group.

The scope involved in this project to improve the Sea World Drive and I-5 Interchange is a result of agreements between the City of San Diego, CALTRANS, and Sea World. Therefore, CALTRANS and Sea World will be involved in the Project Study phase and thereafter. City will inform the Linda Vista Community Planning Committee and Pacific Beach Community Planning Group of developments during the project.

KEY STAKEHOLDERS:

DMJM Harris, Inc., EDAW, Inc., Ninyo & Moore, Katz Okitsu & Associates.

Boekamp/Haas

Aud. Cert. 2600945.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-106: Foreign Trade Zone No. 153 Subzone for Qualcomm Incorporated.

(Mira Mesa and University City Community Areas. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1079) ADOPTED AS RESOLUTION R-301680

Declaring that the Mayor submit a request to the Board for a grant of a Foreign-Trade Subzone (Subzone) permitting Qualcomm Incorporated (Qualcomm) to establish, activate, operate, and maintain said Subzone at its facilities located at 5775 Morehouse Drive, San Diego, California, in accordance with all applicable laws and regulations including the Foreign-Trade Zones Act of June 18, 1934, as amended (Pub.L. 397, 73rd Congress, 48 Stat. 998-1003 [currently 19 U.S.C. 81a-81u]), and the regulations of the Foreign-Trade Zones Board (currently 15 C.F.R. 400.1-400.53);

Declaring notwithstanding any grant by the Board, Qualcomm's use and operation of the Subzone shall be subject to the terms set forth by the City, and shall be conditioned upon Qualcomm's execution of the City's Foreign-Trade Subzone Agreement;

Authorizing the Mayor to take such actions and execute such documents as may be necessary to complete the Board's authorization process.

**STAFF SUPPORTING INFORMATION:**

In 1988, the U.S. Department of Commerce, Foreign Trade Zone Board authorized the City of San Diego (City) to establish a General Purpose Foreign Trade Zone (FTZ) in Otay Mesa. The City is the grantee for FTZ No. 153. FTZ's are designated areas outside of the United States Department of Homeland Security, Customs and Border Protection sphere of influence. Within these designated areas, companies are permitted to import and export merchandise and components duty free. Duties are only assessed on merchandise and components upon leaving an activated FTZ facility and brought into the United States commerce. FTZ companies are able to eliminate, reduce or defer duties on exported merchandise and components. Companies are also eligible to file Customs and Border Protection (Customs) documents using the "weekly entry" program rather than making daily entries, saving companies thousands of dollars annually.

The FTZ General Purpose Zone allows companies the flexibility to repackage, re-label and assemble products but does not permit companies to manufacture unless a special permit is granted by the FTZ Board. Manufacturing companies located outside of the General Purpose Zone's designated area and within 60 miles of the U.S. Port of Entry may request a resolution and letter of transmittal from the grantee in order to apply for special-purpose foreign trade zone subzone. A subzone is a status granted to individual manufacturers located outside of the general purpose zone. The City, as grantee, has the obligation to review all such requests for subzone status for all San Diego County manufacturing companies involved in international trade and seeking FTZ status prior to requesting subzone designation from the FTZ Board.

On May 17, 2006, the City received a request on behalf of Qualcomm seeking subzone status to San Diego's FTZ No. 153 for its San Diego based facilities. Qualcomm, a 20-year old Fortune 500 company headquartered in San Diego, is a major developer and manufacturer of wireless telecommunications products. The company has been recognized worldwide as a leader in developing new technology for wireless and data products. Qualcomm has also earned a reputation for its unique work environment, dedicated workforce and expertise. The company has earned a place on the list of "100 Best companies to Work For in America," Industry Week's "100 Companies," and CIO magazine's top 100 list for exemplifying the highest level of strategic excellence.

Qualcomm's request to the City is for a proposed special-purpose foreign-trade subzone consisting of four sites located at 5775 Morehouse Drive, San Diego, CA 92121. The proposed subzone currently consists of 47 buildings totaling approximately 5.9 million square feet on approximately 257 acres. Having subzone status will enable Qualcomm to take advantage of the "inverted tariff benefit" since Qualcomm receives at its San Diego facility imported components at a higher customs duty rate than the finished products which, in many cases, are Customs duty-free. The "inverted tariff benefit" offers Qualcomm the option to pay customs duties on the components admitted into the FTZ or the duty rate of the finished product upon leaving the FTZ and entering the U.S. commerce. The subzone will place Qualcomm's domestic manufacturing operation on an even playing field with foreign production operations. The financial savings due to foreign-trade subzone procedures is projected to range between \$250,000 and \$300,000 annually.

Qualcomm employs approximately 7,600 people in the San Diego facilities, generating an annual payroll of approximately \$590 million. The company has made a significant investment in its local facilities totaling more than \$1.42 billion to date with local annual expenditures totaling approximately \$109 million.

The proposed subzone will support continued efforts by the company to utilize this domestic manufacturing facility and is a significant benefit to the local economy. Such benefits could include an increase in local economic earnings in the form of salaries paid to employees, retention of existing jobs, the creation of additional jobs, and future expansion of its local facilities.

FISCAL CONSIDERATIONS:

There is no fiscal impact to the City. The applicant will incur all expenses related to this request.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Qualcomm is a key stakeholder.

The proposed subzone will support continued efforts by the company to utilize its San Diego domestic manufacturing facility and is a significant benefit to the local economy.

Kessler/Waring

Staff: Lydia Moreno - (619) 533-7512  
Jana L. Garmo - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-107: Establishment of a Commercial Vehicle Prohibition on Beardsley Street.

(Southeastern San Diego Planning Committee Community Area. District 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1109) ADOPTED AS RESOLUTION R-301681

Authorizing the Mayor to establish a prohibition of commercial vehicles with a rated capacity of five tons or more on Beardsley Street between Kearny Avenue and Commercial Street, pursuant to Section 85.04 of the San Diego Municipal Code;

Declaring this activity is the minor modification of an existing facility with no expansion beyond the existing use and therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15301.

**STAFF SUPPORTING INFORMATION:**

This action will prohibit commercial vehicles with a rated capacity of five tons or more from using Beardsley Street between Kearny Avenue and Commercial Street. By law, the passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. Council approval is required according to Municipal Code Section 85.04.

The community has expressed concerns with trucks coming from industrial areas and shortcutting on Beardsley Street to reach the I-5 freeway.

FISCAL CONSIDERATIONS:

Fiscal impact: \$1,050. Funds are budgeted in the Transportation Department, Street Division operating fund for this purpose.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

A petition from 9 property owners, representing 100% of the abutting frontage, was submitted in support of this action. The Southeastern San Diego Planning Committee unanimously voted to support this action with a (10-0-0) vote.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

N/A

Boekamp/Haas

Aud. Cert. 2600886.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-108: Disputed Boundary Line of City Owned Property.

(San Vicente Reservoir Watershed Community Area. Unincorporated.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1149)            ADOPTED AS RESOLUTION R-301682

Authorizing the Mayor, or designee, to execute, for and on behalf of the City of San Diego, a Purchase and Sale Agreement with Clifford Douglas, and to take all actions necessary to complete the Exchange of property and the purchase and sale of the Property;

Authorizing and directing the City Auditor and Comptroller, upon receipt of the \$20,000 payment from Douglas, to deposit \$20,000 to Water Capital Outlay Fund 30246;

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

**STAFF SUPPORTING INFORMATION:**

The City's Water Department owns 257 acres northwest of Ramona as part of the Boden Canyon Watershed (Attachment "A" - Parcel "A"). Mr. Clifford Douglas owns four parcels approximately 26 acres in size that are located south of and adjacent to the City-owned land (Attachment "A" - Parcel "B"). The Douglas property changed ownership several times prior to his purchase in 1994. Under a previous ownership, an illegal lot split occurred. Mr. Douglas corrected the illegal lot split and brought roads and utilities to the property in an effort to sell the lots for residential use.

A discrepancy in the boundary between the Douglas parcels and the City-owned parcel was discovered during a survey conducted in 1980 by private surveyors and the Bureau of Land Management ("BLM"). The 1980 survey located and used monuments which had not been previously identified by either private or BLM surveys. Use of the monuments for the 1980 survey shifted the boundary line between the City-owned property and the Douglas property to the south. This boundary line change removed approximately 6.1 acres from the Douglas lots and added it to the City-owned parcel (Attachment "A" - crosshatched area labeled Parcel "C").

The issue of the boundary line location is being acted upon now because the subdivision requirements of the County stipulate that any uncertainty regarding the boundary line between the Douglas parcels and the City-owned parcel be resolved prior to issuing a development permit to Mr. Douglas.

To resolve the matter out of court and avoid the possibility of a claim against the City, an agreement with Mr. Douglas was reached where he will pay the City \$20,000, quitclaim to the City any interest he may have in a separate parcel of approximately 1.9 acres that also adjoins the property (Attachment "A" - Parcel "D"), and release the City from all liability in exchange for a quitclaim deed from the City for the 6.1 acre area.

**FISCAL CONSIDERATIONS:**

Staff appraisers conducted a review of land value in the area and determined that the current fair market value of the land is \$2,500 to \$3,000 per acre. Since the portion of the property with the boundary line discrepancy is outside of where the City has always considered the boundary line to be, there is no impact to the City-owned property. In the interest of avoiding costly litigation in this matter, staff recommends acceptance of the Douglas offer consisting of \$20,000 and quitclaiming any interest in a separate adjoining parcel of approximately 1.9 acres.

Boyle/Waring

Staff: Mike Boyle - (619) 236-5548  
Morton Park - Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 10:51 a.m. – 10:52 a.m.)

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

\* ITEM-109: Spousal Abuser Prosecution Program (SAPP) Grant.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1126)            ADOPTED AS RESOLUTION R-301683

Authorizing the City Attorney, to apply for, accept and expend a \$59,395 Spousal Abuser Prosecution Program (SAPP) Grant from the State of California, Department of Justice, under the terms and conditions outlined in the letter dated June 1, 2006, from Bill Lockyer;

Authorizing the City Attorney's Office, to execute all aspects of the program operation, including any amendments, extensions, or renewals, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Agreeing to hold the Department of Justice and the State of California harmless from any liability arising out of the performance of the grant agreement, including court actions or damages, and certifying that the City will not use the grant to supplant local expenditures.

**SUPPORTING INFORMATION:**

On November 13, 1994, the City Attorney's Domestic Violence & Special Victims Unit received notification that they had been awarded a \$60,000 grant from the California Department of Justice for the prosecution of domestic violence cases. Over the past ten years, the City Attorney's Office received funding which was used to enhance the advocacy and investigative efforts. Fiscal Year 2007 marks the Thirteenth year that the City Attorney's Office has been awarded funding under the Spousal Abuser Prosecution Program. For Fiscal Year 2007, \$59,395 has been awarded with a 20% match requirement, which will be met through existing staff salaries. The Deputy City Attorney, City Attorney Investigator, and the Victim Services Coordinator positions are already budgeted in Fiscal Year 2007.

This grant award is contingent upon City Council approval. The proposed resolution authorizes the City Attorney to apply for and enter into a grant agreement with the Department of Justice. It also indemnifies the Department of Justice from any claims that arise from the City Attorney's use of funds and certifies that the City will not use grant funds to supplant local expenditures.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

See Executive Summary Sheet.

Silva

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-110: San Diego Surf Cup Days.

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1121) ADOPTED AS RESOLUTION R-301684

Proclaiming July 29-31, 2006, August 5-7, 2006, and November 24-26, 2006, as "San Diego Surf Cup Days" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-111: John W. Lightner Day.

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-937) ADOPTED AS RESOLUTION R-301685

Proclaiming May 11, 2006, as "John W. Lightner Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-112: Hal Sadler Day.

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1146) ADOPTED AS RESOLUTION R-301686

Congratulating and offering appreciation to Hal Sadler;

Proclaiming June 28, 2006, to be "Hal Sadler Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-113: Gil Johnson Day.

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1145) ADOPTED AS RESOLUTION R-301687

Congratulating and offering appreciation to Gil Johnson;

Proclaiming June 28, 2006, to be "Gil Johnson Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-114: Front Runners and Walkers San Diego Silver Anniversary Month.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-21 Cor. Copy)            ADOPTED AS RESOLUTION R-301688

Recognizing the contributions of Front Runners and Walkers San Diego and commending the organization on its 25<sup>th</sup> anniversary;

Proclaiming the month of July 2006 to be "Front Runners and Walkers San Diego Silver Anniversary Month" in the City of San Diego.

FILE LOCATION:                    AGENDA

COUNCIL ACTION:                (Time duration: 10:51 a.m. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-115: 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-2006-1031)                    ADOPTED AS RESOLUTION R-301689

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. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-116: 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-2006-930) ADOPTED AS RESOLUTION R-301690

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. – 10:52 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. 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-330: Three actions related to Amendment to Affordable Housing Inclusionary Regulations.

(See San Diego Housing Commission Report CCR06-001 and Independent Budget Analyst Report 06-7.)

**STAFF'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2007-11) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
AUGUST 8, 2006

Introduction of an Ordinance amending Chapter 14, Article 2, Division 13 of the San Diego Municipal Code by amending Sections 142.1304, 142.1305, and 142.1310, all relating to Inclusionary Housing.

Subitem-B: (R-2007-34) ADOPTED AS RESOLUTION R-301691

Approving the revisions to the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

Subitem-C: (R-2007-35) ADOPTED AS RESOLUTION R-301692

Declaring the information contained in the Final Negative Declaration including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines Section 15162 would warrant any additional environmental review in connection with approval of the amendments to the Inclusionary Housing Ordinance;

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

**SUPPORTING INFORMATION:**

On April 3, 2006, the San Diego Housing Commission recommended that the Council consider amending the Municipal Code to change the timing of the inclusionary housing in lieu fee from the date a building permit is issued to the date the first Tentative Map or Development Permit is deemed complete. See Report Nos. CCR06-001 and 06-7. This recommendation was made in conjunction with a potential settlement of the pending litigation, Building Industry Association of San Diego County, Inc., v. City of San Diego, Superior Court Case No. GIC 817064. The potential settlement did not materialize.

On May 24, 2006, the court issued a ruling adverse to the City. The City filed motions for reconsideration and vacation of the decision. While the City believes that the decision should be reversed, to resolve the litigation, the City and the Building Industry Association have reached a potential settlement of the lawsuit. As part of the settlement, the Council will consider the proposed amendments before you today. If the amendments are approved and other terms are met, the litigation will be resolved without invalidating the City's inclusionary housing regulations. If not, the litigation will continue.

**FISCAL CONSIDERATIONS:**

The changing of the in-lieu fee assessment timeframe is expected to result in a lower overall in-lieu fee collection and thus limit the City's ability to provide more affordable housing opportunities.

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

The San Diego Housing Commission considered this matter on October 29, 2004, and voted to support changes later reflected as the recommendation in San Diego Housing Commission report #CCR06-001. The Land Use and Housing Committee considered this matter on December 1, 2004, and asked for a legal opinion on the various options for assessing the fee. The Planning Commission considered this matter on April 7, 2005, and voted to make no change to the existing code. The City Council considered San Diego Housing Commission report #CCR06-001 on April 3, 2006, and voted to direct the City Attorney to draft revisions consistent with the recommendation contained in the report.

On May 30, 2006, additional amendments to the 2003 Inclusionary Housing Ordinance were docketed for consideration by the City Council but were returned to the City Attorney at his request.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:30 a.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A, AND ADOPT THE RESOLUTIONS IN SUBITEMS B AND C. 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-331: California Energy Commission Energy Efficiency Financing for Facility Improvements.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-5) ADOPTED AS RESOLUTION R-301693

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for and conduct negotiations for a loan agreement with the California Energy Commission in the amount of \$2,230,000 at the rate of 4.5% interest, to implement energy efficiency improvements;

Authorizing the City Auditor and Comptroller to deposit and expend loan proceeds in special interest-bearing Fund No. 30250, subject to a subsequent ordinance of the Council authorizing execution of said Loan Agreement;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-37-017.0, Annual Allocation - City Facility Energy Improvements, by the amount of \$2,230,000, subject to a subsequent ordinance authorizing execution of said loan agreement and in accordance with the Annual Appropriation Ordinance;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$2,230,000 from Fund No. 30244, CIP-37-017.0, Annual Allocation - City Facility Energy Improvements, contingent upon the receipt of a fully executed Loan Agreement;

Authorizing, subject to the approval of an executed loan agreement, the expenditure of an amount not to exceed \$300,000 from Capital Outlay Revolving Fund No. 30245, solely and exclusively, to provide an advance to reimbursable loan funds from the California Energy Commission for the Capital Improvement Program costs in connection with facility energy improvements, to be repaid upon project completion, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury.

**STAFF SUPPORTING INFORMATION:**

Typical energy efficiency projects include lighting and air conditioning system upgrades; variable speed drives for motors; installation of Turbocor compressors combined with energy control software on heating/air conditioning systems; pool pumps; energy management systems; and photovoltaic systems. The projects proposed for the CEC Loan application are attached. The projects are projected to reduce energy consumption by 1,900,000 kilowatt hours and 795 therms annually. This translates to an annual reduced energy bill of about \$263,300.

**FISCAL CONSIDERATIONS:**

The \$2,230,000 loan is repaid with interest over a 15 year period. The loan payments are funded with savings realized by the energy efficiency improvements. These improvements address deferred maintenance items.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

City Council approved Ordinance 19279 (O-2004-134) on May 17, 2004, accepting the first CEC loan for energy efficiency improvement projects. Eighty four facilities received energy efficiency upgrades, reducing energy consumption by 2.3 million kilowatt-hours annually beginning in 2006. The resultant annual energy savings of approximately \$345,000 will be used to repay the loan.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

All energy efficiency improvements are performed in public facilities such as police stations, libraries, recreation center, and so forth. The taxpayers are positively impacted through lower energy costs and deferred maintenance addressed in public facilities.

Blair/Heap/Haas

Staff: Tom Blair - (858) 492-6005  
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:22 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-not present, Hueso-yea.



ITEM-332: Three actions related to Fiscal Year 2007 Park and Recreation  
Maintenance Assessment Districts Annual Levy Approvals.

(Citywide.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-22) ADOPTED AS RESOLUTION R-301694

Authorizing the levy and collection of assessments in the City for the Fiscal Year 2007 pursuant to the provisions of the California Streets and Highways Code Sections 22500 et seq. and San Diego Municipal Code Chapter 6, Article 5, Division 2 (Law) to pay a proscribed portion of the cost of future maintenance of improvements. These improvements are more generally described in the assessment engineers' reports, submitted in connection with the Maintenance Assessment Districts (Districts) and on file in the Office of the City Clerk.

1. Bay Terraces - Honey Drive Maintenance Assessment District
2. Bay Terraces - Parkside Maintenance Assessment District
3. Bird Rock Maintenance Assessment District
4. Black Mountain Ranch Maintenance Assessment District
5. Calle Cristobal Maintenance Assessment District
6. Campus Point Maintenance Assessment District
7. Carmel Mountain Ranch Maintenance Assessment District
8. Carmel Valley Maintenance Assessment District
9. Carmel Valley Neighborhood 10 Maintenance Assessment District
10. Coral Gate Maintenance Assessment District
11. Coronado View Maintenance Assessment District
12. Del Mar Terrace Maintenance Assessment District
13. Eastgate Technology Park Maintenance Assessment District
14. El Cajon Boulevard Maintenance Assessment District
15. First San Diego River Improvement Project Maintenance Assessment District
16. Gateway Center East Maintenance Assessment District
17. Hillcrest Maintenance Assessment District
18. Kings Row Maintenance Assessment District
19. La Jolla Village Drive Maintenance Assessment District
20. Liberty Station Maintenance Assessment District
21. Linda Vista Maintenance Assessment District
22. Mira Mesa Maintenance Assessment District
23. Miramar Ranch North Maintenance Assessment District
24. Mission Boulevard Maintenance Assessment District
25. North Park Maintenance Assessment District
26. Ocean View Hills Maintenance Assessment District
27. Otay International Center Maintenance Assessment District
28. Pacific Highlands Ranch Maintenance Assessment District
29. Park Village Maintenance Assessment District
30. Peñasquitos East Maintenance Assessment District
31. Rancho Bernardo Maintenance Assessment District
32. Rancho Encantada Maintenance Assessment District
33. Remington Hills Maintenance Assessment District
34. Robinhood Ridge Maintenance Assessment District
35. Sabre Springs Maintenance Assessment District
36. Scripps - Miramar Ranch Maintenance Assessment District
37. Stonecrest Maintenance Assessment District
38. Streetlight District No. 1 Maintenance Assessment District
39. Talmadge Maintenance Assessment District
40. Tierrasanta Maintenance Assessment District

- 41. Torrey Highlands Maintenance Assessment District
- 42. Torrey Hills Maintenance Assessment District
- 43. University Heights Maintenance Assessment District
- 44. Washington Street Maintenance Assessment District
- 45. Webster/Federal Boulevard Maintenance Assessment District

Declaring the maintenance consists in general of the maintenance of those Districts described in the assessment engineer's reports (Reports) submitted in connection with the Districts, and filed in the Office of the City Clerk as follows:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
Bay Terraces - Honey Drive	RR-_____
Bay Terraces – Parkside	RR-_____
Bird Rock	RR-_____
Black Mountain Ranch	RR-_____
Calle Cristobal	RR-_____
Campus Point	RR-_____
Carmel Mountain Ranch	RR-_____
Carmel Valley	RR-_____
Carmel Valley Neighborhood 10	RR-_____
Coral Gate	RR-_____
Coronado View	RR-_____
Del Mar Terraces	RR-_____
Eastgate Technology Park	RR-_____
El Cajon Boulevard	RR-_____
First San Diego River Improvement Project	RR-_____
Gateway Center East	RR-_____
Hillcrest	RR-_____
Kings Row	RR-_____
La Jolla Village Drive	RR-_____
Liberty Station	RR-_____
Linda Vista	RR-_____
Mira Mesa	RR-_____
Miramar Ranch North	RR-_____
Mission Boulevard	RR-_____
North Park	RR-_____
Ocean View Hills	RR-_____
Otay International Center	RR-_____
Pacific Highlands Ranch	RR-_____

Park Village	RR-_____
Peñasquitos East	RR-_____
Rancho Bernardo	RR-_____
Rancho Encantada	RR-_____
Remington Hills	RR-_____
Robinhood Ridge	RR-_____
Sabre Springs	RR-_____
Scripps - Miramar Ranch	RR-_____
Stonecrest	RR-_____
Streetlight District No. 1	RR-_____
Talmadge	RR-_____
Tierrasanta	RR-_____
Torrey Highlands	RR-_____
Torrey Hills	RR-_____
University Heights	RR-_____
Washington Street	RR-_____
Webster/Federal Boulevard	RR-_____

Declaring all that real property in the City of San Diego included within the exterior boundary lines of the maps designated as the Districts, filed in the Office of the City Clerk, are described as follows:

<b><u>Maintenance Assessment District</u></b>	<b><u>Document Number</u></b>
Bay Terraces - Honey Drive	M-_____
Bay Terraces – Parkside	M-_____
Bird Rock	M-_____
Black Mountain Ranch	M-_____
Calle Cristobal	M-_____
Campus Point	M-_____
Carmel Mountain Ranch	M-_____
Carmel Valley	M-_____
Carmel Valley Neighborhood 10	M-_____
Coral Gate	M-_____
Coronado View	M-_____
Del Mar Terraces	M-_____
Eastgate Technology Park	M-_____
El Cajon Boulevard	M-_____
First San Diego River Improvement Project	M-_____
Gateway Center East	M-_____
Hillcrest	M-_____

Kings Row	M-_____
La Jolla Village Drive	M-_____
Liberty Station	M-_____
Linda Vista	M-_____
Mira Mesa	M-_____
Miramar Ranch North	M-_____
Mission Boulevard	M-_____
North Park	M-_____
Ocean View Hills	M-_____
Otay International Center	M-_____
Pacific Highlands Ranch	M-_____
Park Village	M-_____
Peñasquitos East	M-_____
Rancho Bernardo	M-_____
Rancho Encantada	M-_____
Remington Hills	M-_____
Robinhood Ridge	M-_____
Sabre Springs	M-_____
Scripps - Miramar Ranch	M-_____
Stonecrest	M-_____
Streetlight District No. 1	M-_____
Talmadge	M-_____
Tierrasanta	M-_____
Torrey Highlands	M-_____
Torrey Hills	M-_____
University Heights	M-_____
Washington Street	M-_____
Webster/Federal Boulevard	M-_____

excepting there from all public streets, roads, alleys, avenues and highways. Reference is hereby made to the maps and the Reports on file with the Office of the City Clerk for a further and more particular description of the Districts. Such maps and Reports shall govern for all details as to the extent of the Districts;

Declaring the maintenance and expense of the contemplated maintenance are made chargeable upon the Districts, and the Council does declare that certain properties within the Districts receive special benefit from the maintenance of the improvements;

Declaring the City Council shall assess those properties within the Districts which receive a special benefit from the maintenance for the total amount of the maintenance costs of the Districts, plus incidental expenses thereto, to be received by the individual parcels of real property within the Districts;

Declaring that the City Council, may order a portion of the costs of maintenance to be paid by the City from appropriate funds. The proposed budget for the Districts are as follows:

<u>Maintenance Assessment District</u>	<u>Amount</u>
Bay Terraces - Honey Drive	\$ 10,142
Bay Terraces - Parkside	\$ 34,311
Bird Rock	\$ 91,831
Black Mountain Ranch	\$ 584,566
Calle Cristobal	\$ 181,251
Campus Point	\$ 24,769
Carmel Mountain Ranch	\$ 293,383
Carmel Valley	\$1,684,573
Carmel Valley Neighborhood 10	\$ 139,369
Coral Gate	\$ 96,684
Coronado View	\$ 18,757
Del Mar Terraces	\$ 65,234
Eastgate Technology Park	\$ 136,875
El Cajon Boulevard	\$ 277,626
First San Diego River Improvement Project	\$ 196,879
Gateway Center East	\$ 164,817
Hillcrest	\$ 14,365
Kings Row	\$ 8,682
La Jolla Village Drive	\$ 31,494
Liberty Station	\$ 55,610
Linda Vista	\$ 150,111
Mira Mesa	\$ 617,659
Miramar Ranch North	\$1,073,391
Mission Boulevard	\$ 0.00
North Park	\$ 331,325
Ocean View Hills	\$ 0.00
Otay International Center	\$ 165,611
Pacific Highlands Ranch	\$ 117,969
Park Village	\$ 245,223
Peñasquitos East	\$ 213,672

Rancho Bernardo	\$ 364,424
Rancho Encantada	\$ 187,057
Remington Hills	\$ 21,649
Robinhood Ridge	\$ 86,174
Sabre Springs	\$ 94,107
Scripps-Miramar Ranch	\$ 829,842
Stonecrest	\$ 525,551
Streetlight District No. 1	\$ 14,297
Talmadge	\$ 128,262
Tierrasanta	\$ 604,840
Torrey Highlands	\$ 357,406
Torrey Hills	\$ 977,227
University Heights	\$ 35,507
Washington Street	\$ 39,189
Webster/Federal Boulevard	\$ 0.00

A statement of the assessments levied against the several lots or parcels of land as shown on the maps referred to in Section 2 above, are on file in the Office of Park and Recreation, Open Space Division.

Declaring reference is hereby made to the Reports for a statement of the assessments upon assessable lots and parcels of land within the Districts.

Subitem-B: (R-2007-23) ADOPTED AS RESOLUTION R-301695

Approving for purposes of this hearing the Reports submitted in connection with the Maintenance Assessment Districts and filed in the Office of the City Clerk as follows:

<u>Maintenance Assessment District</u>	<u>Document Number</u>
Bay Terraces - Honey Drive	RR-_____
Bay Terraces - Parkside	RR-_____
Bird Rock	RR-_____
Black Mountain Ranch	RR-_____
Calle Cristobal	RR-_____
Campus Point	RR-_____
Carmel Mountain Ranch	RR-_____
Carmel Valley	RR-_____
Carmel Valley Neighborhood 10	RR-_____
Coral Gate	RR-_____

Coronado View	RR-_____
Del Mar Terraces	RR-_____
Eastgate Technology Park	RR-_____
El Cajon Boulevard	RR-_____
First San Diego River Improvement Project	RR-_____
Gateway Center East	RR-_____
Hillcrest	RR-_____
Kings Row	RR-_____
La Jolla Village Drive	RR-_____
Liberty Station	RR-_____
Linda Vista	RR-_____
Mira Mesa	RR-_____
Miramar Ranch North	RR-_____
Mission Boulevard	RR-_____
North Park	RR-_____
Ocean View Hills	RR-_____
Otay International Center	RR-_____
Pacific Highlands Ranch	RR-_____
Park Village	RR-_____
Peñasquitos East	RR-_____
Rancho Bernardo	RR-_____
Rancho Encantada	RR-_____
Remington Hills	RR-_____
Robinhood Ridge	RR-_____
Sabre Springs	RR-_____
Scripps - Miramar Ranch	RR-_____
Stonecrest	RR-_____
Streetlight District No. 1	RR-_____
Talmadge	RR-_____
Tierrasanta	RR-_____
Torrey Highlands	RR-_____
Torrey Hills	RR-_____
University Heights	RR-_____
Washington Street	RR-_____
Webster/Federal Boulevard	RR-_____

Subitem-C: (R-2007-24) ADOPTED AS RESOLUTION R-301696

Authorizing the City Auditor and Comptroller to appropriate and expend  
Maintenance Assessment District funds for Fiscal Year 2007.

**STAFF SUPPORTING INFORMATION:**

Maintenance Assessment Districts are authorized by law to assess benefiting property owners for maintenance and other service activities. These activities must provide a special benefit above the standard level of service provided by the City. Maintenance areas include but are not limited to landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, community signage, and banners. Maintenance Assessment Districts may also provide for cleaning of curbs and gutters, sweeping sidewalks, and security services.

State law requires that the City Council annually approve each district assessment levy and Assessment Engineer's Report. The action being taken today will allow the levy to be placed on the San Diego County Property Tax roll, and will meet the legal requirements necessary for each MAD to provide the maintenance and other services as described in the Assessment Engineer's Reports. There are currently 45 active districts and three additional MADs potentially forming in the City. The following table lists the assessment district levies for the 45 active districts included in the Proposed Fiscal Year 2007 Budget, as supported by the Fiscal Year 2007 Annual Update to the Assessment Engineer's Reports.

1. Bay Terraces - Honey Drive	\$10,142	24. Mission Blvd	\$0.00
2. Bay Terraces - Parkside	\$34,311	25. North Park	\$331,325
3. Bird Rock	\$91,831	26. Ocean View Hills	\$0.00
4. Black Mountain Ranch South	\$584,566	27. Otay International Center	\$165,611
5. Calle Cristobal	\$181,251	28. Pacific Highlands Ranch	\$117,969
6. Campus Point	\$24,769	29. Park Village	\$245,223
7. Carmel Mountain Ranch	\$293,383	30. Peñasquitos East	\$213,672
8. Carmel Valley	\$1,684,573	31. Rancho Bernardo	\$364,424
9. Carmel Valley Neighborhood 10	\$139,369	32. Rancho Encantada	\$187,057
10. Coral Gate	\$96,684	33. Remington Hills	\$21,649
11. Coronado View	\$18,757	34. Robinhood Ridge	\$86,174
12. Del Mar Terrace	\$65,234	35. Sabre Springs	\$94,107
13. Eastgate Technology Park	\$136,875	36. Scripps - Miramar Ranch	\$829,842
14. El Cajon Boulevard	\$277,626	37. Stonecrest	\$525,551
15. First San Diego River Improvement Project	\$196,879	38. Streetlight District No. 1	\$14,297
		39. Talmadge	\$128,262

16. Gateway Center East	\$164,817	40. Tierrasanta	\$604,840
17. Hillcrest	\$14,365	41. Torrey Highlands	\$357,406
18. Kings Row	\$8,682	42. Torrey Hills	\$977,227
19. La Jolla Village Drive	\$31,494	43. University Heights	\$35,507
20. Liberty Station	\$55,610	44. Washington Street	\$39,189
21. Linda Vista	\$150,111	45. Webster/Federal Blvd.	\$0.00
22. Mira Mesa	\$617,659		
23. Miramar Ranch North	\$1,073,391		

**FISCAL CONSIDERATIONS:**

The Fiscal Year 2007 MAD budget was approved by City Council on May 30, 2006. This action refines the anticipated assessment revenue estimate for Fiscal Year 2007 and clarifies boundaries of existing MADs.

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

Each year, the City Council authorizes staff to levy assessments. The Fiscal Year 2006, approval was obtained on July 25, 2005, per City Council Resolutions R-300707 and R-300708. The Proposed Fiscal Year 2007 budget, which is the foundation for determining the assessment amounts contained within the annual update, was approved by the City Council on May 30, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

For those districts with a community advisory committee, staff presented the budget and annual assessment rates for approval during January and February of this year. These rates have been included in the annual update to the Assessment Engineer's Reports as well as property and land use changes that may impact the calculation of the assessment rate.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

Key stakeholders in this process are the approximately 150,000 property owners that are assessed as part of the Maintenance Assessment District program. Citizen advisory committees, which are typically subcommittees of officially recognized planning committees, town councils, or other community based organizations, are also stakeholders in this process. As required in Municipal Code Section 65.0210(a), staff has presented the budget and proposed assessment rate to those districts that have advisory committees.

If the annual update to the Assessment Engineer's Reports is not approved and the levy of assessments not authorized, existing districts will need to rely on their reserves to fund maintenance of improvements. Reserve levels vary in each district. Once reserves are depleted, maintenance activities would cease.

Medina/Martinez

Staff: Clay Bingham - (619) 533-6724  
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: STRT-M-509 (34)

COUNCIL ACTION: (Time duration: 11:22 a.m. – 11:23 a.m.)

MOTION BY ATKINS TO ADOPT. 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-333: Housing Enhancement Loan Program for the Grantville  
Redevelopment Project Area.

(Navajo and Tierrasanta Community Areas. District 7.)

**REDEVELOPMENT AGENCY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-2) ADOPTED AS RESOLUTION R-301697

Finding and determining that the use of Housing Set-Aside Funds outside of the Grantville Redevelopment Project Area and within the Navajo and Tierrasanta communities to carry out and administer the Grantville Redevelopment Project Area Housing Enhancement Loan Program for the purpose of increasing, improving and preserving the City of San Diego's supply of low and moderate income housing available at affordable housing cost, will be of benefit to the Navajo and Tierrasanta communities and the Grantville Redevelopment Project Area;

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

**SUPPORTING INFORMATION:**

A Home Enhancement Loan Program (see Attachment No. 1, Guidelines) for the Navajo and Tierrasanta communities (see Attachment No. 2, Program Map) is proposed in order to assist very-low to moderate income households that are owner occupied one-unit properties. A loan under this program can be used to address potential housing safety violations and on general property improvements such as: roofs, gutters, downspouts, windows, furnaces, hot water heaters, exterior painting, exterior waterproofing, plaster repairs, electrical repairs, plumbing repairs, carpentry repairs and assist with compliance with Universal Design standards.

The loans will be available to Navajo and Tierrasanta households whose gross household income is no greater than 110% of the Area Median Income. Each loan is a one-time only, forgivable loan, with an annual interest rate of 3%. The loan will be forgiven over a 12-year period. However, if the owner fails to comply with the guidelines, within the 12-year forgivable period, respectively, then the Agency may require the repayment of the unforgiven portion of the loan and accrued interest. The program allows a new buyer to assume the loan if their gross household income is not greater than 110% of the Area Median Income.

The funds from the Grantville Redevelopment Project will enable the Redevelopment Agency to retain and improve the supply of very-low to moderate-income housing within the Navajo and Tierrasanta communities. Many of the very-low to moderate-income households within the Navajo and Tierrasanta community are patrons of the Grantville or Allied Garden areas. When the City Council and Redevelopment Agency approved the Grantville Redevelopment Project Area a finding was approved which allows the use of housing funds outside the Project Area.

The Agency proposes to enter into an agreement with either the Housing Commission or another organization that possesses the qualifications to administer and provide outreach services for this program. Successful residential rehabilitation programs already exist within City Heights, Crossroads and Linda Vista Redevelopment Project Areas.

**FISCAL CONSIDERATIONS:**

The adoption of the Grantville Redevelopment Project Area is the subject of a pending validation action that is expected to be resolved in calendar year 2006. In the event the adoption is validated by a court of law the Redevelopment Agency of the City of San Diego will receive tax increment revenue from the Grantville Project Area, a portion of which will be set aside for affordable housing purposes in accordance with California Redevelopment Law (the "Housing Set-Aside Funds"). The Grantville Housing Enhancement Loan Program would be funded by the Housing Set-Aside Funds. The type and number of loans offered at any particular time for the Grantville Housing Enhancement Loan Program may therefore vary depending on the amount and availability of Housing Set-Aside Funds generated by the Grantville Redevelopment Project Area.

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

The City Council and the Redevelopment Agency established the Grantville Redevelopment Project Area on May 3, 2005.

**COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:**

The Grantville Redevelopment Advisory Committee recommended the City Council and Redevelopment Agency approve the use of the housing funds outside the Project Area.

**KEY STAKEHOLDERS and PROJECTED IMPACTS:**

Very-low, low and moderate income households which reside in and own one-unit properties within the Navajo and Tierrasanta communities.

Ostrye/Waring

Staff: Tracy Reed - (619) 533-7519  
Eunice C. Chan - Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of July 25, 2006 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:24 p.m. – 2:36 p.m.)

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



ITEM-334: Request to Bid and First Amendment to Agreement with Project Design Consultants for Little Italy Street Light Project (Ash to Laurel, and California to Front Streets).

(See Centre City Development Corporation Report CCDC-06-22/CCDC-06-10. Little Italy Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area. District 2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-16)                      ADOPTED AS RESOLUTION R-301698

Finding and determining that the installation of streetlights in the Little Italy Redevelopment District for which the Agency proposes to pay are of benefit to the Centre City Redevelopment Project area; that the Agency finds and determines that no other reasonable means for financing the proposed improvements are available to the community; that the proposed improvements will assist in eliminating one or more blighting conditions inside the Project area; and that the installation of the streetlights is consistent with the Centre City and Horton Plaza Implementation Plans for July 2004-June 2009, on file in the Office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490, all as described in Attachment No. 1.

**SUPPORTING INFORMATION:**

The Little Italy Streetlight Project will install 234 new streetlights in the Little Italy Redevelopment District, bounded by Ash to Laurel Streets, and California to Front Streets. The installation of mid-block and corner streetlights has been identified as an improvement that can make an area safe to live, work, and visit. The installation of the lights will correct adverse health and safety conditions. If the project is not approved, then the Corporation will not construct the lights and not improve the quality of life in the Little Italy District. Older lights in poor condition will not be replaced, and existing high voltage wiring will be left in place and not converted to safer low voltage circuits.

**FISCAL CONSIDERATIONS:**

Funds are available in the Fiscal Year 2007 Little Italy Redevelopment District Budget for Public Improvements. The estimated total construction cost of the project is \$1,732,860. The estimated cost for the First Amendment to the Agreement with PDC is \$41,608.

**CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:**

On May 24, 2006, the Centre City Development Corporation Board, by a vote of 4-0 approved the Request to Bid for the Little Italy Streetlight Project and the First Amendment to the Agreement with PDC.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Little Italy Association supports this project as it benefits the residents, businesses, and visitors to the Little Italy Redevelopment District. The project was coordinated with the Little Italy Association for the design elements such as the type and appearance of the lights.

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

The project will improve the quality of life for the Little Italy District residents, businesses, and visitors by providing improved lighting in the public right of way.

Anderson/Graham

**NOTE:** See the Redevelopment Agency Agenda of July 25, 2006 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 3:35 p.m. – 3:35 p.m.)

**MOTION BY FAULCONER 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-335: 4046 Normal Tentative Map.

Matter of the appeal by Jeremy Cowan of the Planning Commission's decision to waive the requirement to underground existing overhead utilities, on a 0.15 acre site. The property is located at 4046-4052 Normal Street between Lincoln Avenue and Campus Avenue, in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan Area.

(See Report No. PC-06-064, Project No. 75917, Tentative Map No. 233624 Uptown Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) ADOPTED AS RESOLUTION R-301699

Adoption of a Resolution granting the appeal and approving the Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 25, 2006, voted 5-1 to deny, no opposition.

Ayes: Ontai

Nays: Schultz, Otsuji, Garcia, Chase, Griswold

Not present: Steele

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 2, which states: "The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated it was their policy not to approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-064 for project details (Attachment 1).

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL/COMMITTEE ACTION: None

Planning Commission Decision: The Planning Commission heard the project on April 13, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, a motion to continue the project was made by Commissioner Garcia and seconded by Commissioner Otsuji to continue the project until May 25, 2006, in order for the applicant to submit the building conditions report. The vote was 6-0 (Commissioner Steele was not present). Therefore, the item was continued until the Planning Commission meeting of May 25, 2006.

At the May 25, 2006, Planning Commission hearing, another discussion of the project ensued. After this discussion, Commissioner Griswold made a motion to deny the project, seconded by Commissioner Chase. The vote was 5-1 (with Commissioners Schultz, Otsuji, Garcia, Chase and Griswold voting to deny the project and Commissioners Ontai voting in favor of the project. Commissioner Steele was not present).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Uptown Planners voted 10-0-1 to recommend approval of the project on March 13, 2006, with the standard recommended conditions and additional conditions that have been incorporated into the project by the applicant. The applicant has provided notices, financing details, affordable housing communications and referrals to all tenants since the beginning of the Tentative Map processing of this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The property owner is the Tabachki Family Trust, Neil & Nancy Tabachki are the sole member of this Trust. The applicant's engineer is Sterling Land Service Inc. The consultant hired by the applicant to process this project is Jeremy Cowan of Condoconversions.com. Other key stakeholders include the property tenants.

Halbert/Waring/RM

Staff: Renee Mezo – (619) 446-5001.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 2:16 p.m.)

Testimony in favor by Jeremy Cowan.

MOTION BY ATKINS 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-336: 3151 Lincoln Tentative Map.

Matter of the appeal by Dan Floit of the Planning Commission's added condition stating that the subdivider shall either provide four additional parking spaces or sell four units to buyers that do not own automobiles, for the conversion of ten existing residential units to condominiums and to waive the requirements to underground overhead utilities on a 0.16 acre site 3151 Lincoln Avenue in MR-800B Zone of Mid City Communities Planned District located between Polk Avenue and University Avenue.

(See Report No. PC-06-031, Project No. 77792, Tentative Map No. 241274.  
Greater North Park Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) ADOPTED AS RESOLUTION R-301700

Adoption of a Resolution granting the appeal and approving the Tentative Map and underground overhead utility waiver request, deleting the Planning Commission's added condition which states that the subdivider shall either provide four additional parking spaces or sell four units to buyers that do not own automobiles.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 23, 2006, voted 5-1 to approve, no opposition.

Ayes: Schultz, Garcia, Ontai, Otsuji, Steele

Nays: Chase

Not present: Griswold

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums without the additional condition referenced above.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission voted 5-1-0 to approve the project with the condition that the owner of the complex provide four additional off-site parking spaces or, sell four of the units to individuals who do not own automobiles. The addition of the four parking spaces would provide one parking space for each unit. The existing apartment complex was in compliance with the parking regulations in effect at the time it was constructed in 1952. Staff's analysis is that the subject property is allowed to maintain its previously conforming status and maintain the number of parking spaces approved in 1952 pursuant to San Diego Municipal Code Section 142.0510(d)(1).

The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use. Therefore, staff recommends that condition no. 10 of the Tentative Map be deleted and the Tentative Map approved.

Please reference the Report to the Planning Commission No. PC-06-031 for project details (Attachment 1).

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL/COMMITTEE ACTION:** None

**Planning Commission Decision** The Planning Commission heard the project on February 23, 2006. During deliberations, the Planning Commission expressed concerns about condominium conversions which do not provide at least one parking space for each unit.

During the Planning Commission hearing, one speaker slip in support of the project was submitted. After public testimony, the Planning Commission found that the project could be supported with the stipulation that a condition be added to the Tentative Map that would require the owner of the development to provide four additional off-site parking spaces or, sell four units to buyers who do not own automobiles.

The consultant for the owner agreed to the condition. The motion passed 5-1-0 (with Commissioners Schultz, Garcia, Ontai, Otsuji, and Steele voting in favor of the project and Commissioner Chase voting in opposition of the project. Commissioner Griswold was not present.). Subsequent to the hearing, the owner of the development filed an appeal (Attachment 2).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Greater North Park Planning Committee voted 7-3-1 to recommend denial of the Tentative Map on November 17, 2005. The minutes from the meeting state that the item was recommended for denial due to insufficient parking (Reference Planning Commission Report No. PC-06-031, Attachment7).

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is LV 20, LLC, and Dan Floit who is the sole member of this LLC. The applicant's engineer is James L. Meyer. The consultant hired by the applicant to process this project is Cameron Scott of Floit Homes.

Halbert/Waring/WZ

Staff: William Zounes – (619) 687-5942.

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:21 p.m. – 2:22 p.m.)

Testimony in favor by Matt Peterson.

MOTION BY ATKINS TO ADOPT. 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-337:** 3365 29<sup>th</sup> Street Tentative Map.

Matter of the appeal by Franklin Spees of the Planning Commission's decision to deny the conversion of 8-existing residential units into condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.14 acre site located at 3356 29<sup>th</sup> Street between Thorn Street and Upas Street, in the RS-1-7 Zone, within the Greater North Park Community Plan Area.

(See Report No. PC-06-161, Project No. 76650, Tentative Map No. 236848. Greater North Park Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) ADOPTED AS RESOLUTION R-301701

Adoption of a Resolution granting the appeal and approving the Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

**OTHER RECOMMENDATIONS:**

Planning Commission on June 8, 2006, voted 4-2 to deny, no opposition.

Ayes: Chase, Ontai

Nays: Griswold, Steele, Garcia, Otsuji

Not present: Schultz

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 3, which states: "The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated it was their policy not to approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-161 for project details (Attachment 1).

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL/COMMITTEE ACTION:** None

**Planning Commission Decision:** The Planning Commission heard the project on June 8, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, a motion to deny the project was made by Commissioner Griswold and seconded by Commissioner Steele. The vote was 4-2 (with Commissioners Griswold, Steele, Garcia, and Otsuji voting in opposition to the project and Commissioners Chase and Ontai voting in favor of the project. Commissioner Schultz was not present). Therefore, the item was denied by the Planning Commission on June 8, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Greater North Park Planning Committee voted 13-0-0 to recommend approval of the project on October 18, 2005, with the standard recommended conditions that have been incorporated into the project by the applicant. The applicant has provided notices, financing details, affordable housing communications and referrals, as well as other information to all tenants since the beginning of the Tentative Map processing of this project.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is Tanager Development, LLC, and David Gray (Manager) and Mark Klausen (Member) are the only members of this LLC. The applicant's engineer is Anthony-Taylor Consultants. The consultant hired by the applicant to process this project is Franklin Spees of Condoconversions.com. Other key stakeholders include the property tenants.

Halbert/Waring/DJ

Staff: Derrick Johnson – (619) 446-5238

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:16 p.m. – 2:17 p.m.)

**MOTION BY ATKINS TO ADOPT.** 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-338: 4480 Euclid Condominiums Tentative Map.

Matter of the appeal by Franklin Spees of the Planning Commission's decision to deny the conversion of 20 existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.16-acre site located at 4480 Euclid Avenue in the RM-2-5 zone of the Central Urbanized Planned District and the Transit Overlay Zone, within the Kensington-Talmadge neighborhood of the Mid-City Communities Plan Area.

(See Report No. PC-06-143, Project No. 84444, Tentative Map No. 269744. Kensington-Talmadge neighborhood of the Mid-City Communities Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) ADOPTED AS RESOLUTION R-301702

Adoption of a Resolution granting the appeal and approving the Tentative Map, including the request to waive the requirements to underground existing overhead utilities.

**OTHER RECOMMENDATIONS:**

Planning Commission on June 8, 2006, voted 4-2 to deny, no opposition.

Ayes: Chase, Ontai

Nays: Steele, Otsuji, Garcia, Griswold

Not present: Schultz

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 3, which states: "The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated it was their policy not to approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-143 for project details (Attachment 1).

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL/COMMITTEE ACTION: None.

Planning Commission Decision: The Planning Commission heard the project on May 25, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, a motion to approve the project was made by Commissioner Chase and seconded by Commissioner Ontai. The vote was 3-3 (with Commissioners Garcia, Schultz and Otsuji voting in opposition to the project and Commissioners Chase, Ontai and Griswold voting in favor of the project. Commissioner Steele was not present.). Therefore, the item trailed to the Planning Commission meeting of June 8, 2006.

At the June 8, 2006, Planning Commission hearing, another discussion of the project ensued. After this discussion, Commissioner Steele made a motion to deny the project, seconded by Commissioner Otsuji. The vote was 4-2 (with Commissioners Steele, Otsuji, Garcia and Griswold voting in opposition to the project and Commissioners Chase and Ontai voting in favor of the project. Commissioner Schultz was not present).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Kensington-Talmadge Community Planning Committee voted 9-1-0 to recommend approval of the project on February 8, 2006, with the standard recommended conditions and additional conditions that have been incorporated into the project by the applicant. The applicant has provided notices, financing details, affordable housing communications and referrals, as well as other information in both English and Spanish to all tenants since the beginning of the Tentative Map processing of this project.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is Foley Property Assets, LLC, and Timothy Foley is the sole member of this LLC. The applicant's engineer is Burkett & Wong. The consultant hired by the applicant to process this project is Franklin Spees of Condoconversions.com. Other key stakeholders include the property tenants.

Halbert/Waring/MS

Staff: Michelle Sokolowski – (619) 446-5278

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:06 p.m. – 2:13 p.m.)

Testimony in favor by Chris Christensen and Franklin Spees.

**MOTION BY ATKINS 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-339: 4960 Coronado Avenue Tentative Map.

Matter of the appeal by D. Scott Peters of the decision by the Planning Commission to deny an application for Coastal Development Permit, and Tentative Map to convert eight (8) existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 7,010 square foot (0.16 acre) site. The property is located at 4960 Coronado Avenue in the RM-2-4 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the Ocean Beach Emerging Historic District, within the Ocean Beach Precise Plan.

(Ocean Beach Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-116) ADOPTED AS RESOLUTION R-301703

Adoption of a Resolution granting the appeal and approving Coastal Development Permit No. 223152.

Subitem-B: (R-2007-133) ADOPTED AS RESOLUTION R-301707

Adoption of a Resolution and approving Tentative Map No. 219581, including the request to waive the requirement to underground existing overhead utilities.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 11, 2006, voted 4-0 to deny; opposition.

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

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 2, which states: "The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated it was their policy not to approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-140 for project details (Attachment 1).

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL/COMMITTEE ACTION: None.

Planning Commission Decision: The Planning Commission heard the project on May 11, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, Commissioner Steele made a motion to deny the project, seconded by Commissioner Garcia. The vote was 4-0 (with Commissioners Steele, Garcia, Otsuji, and Schultz voting in opposition to the project. Commissioners Chase, Ontai and Griswold were not present).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board voted 8-0-0 to recommend denial of the proposed project on January 4, 2006, over concerns of parking, status of the building's mechanical systems, and the reduction of affordable rental units in Ocean Beach.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is Glenn L. Goldman, Trustee. The consultant hired by the applicant to process this project is Donald Scott Peters of Sterling Land Services Inc. Other key stakeholders include the property tenants.

Halbert/Waring/LI

Staff: Laila Iskandar - (619) 446-5297

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:17 p.m. – 2:19 p.m.)

Testimony in favor by Scott Peters.

MOTION BY FAULCONER 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-340:** 2309 30<sup>th</sup> Street Tentative Map.

Matter of the appeal by Jeremy Cowan of the Planning Commission's decision to deny the conversion of, eight (8) existing residential units to condominiums and waive the requirement to underground existing overhead utilities on a 0.20-acre site. The project is located at 2309 30<sup>th</sup> Street between Kalmia Street and Juniper Avenue in the CC-3-5 Zone, within the Greater North Park Community Plan.

(Greater North Park Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006- ) ADOPTED AS RESOLUTION R-301704

Adoption of a Resolution granting the appeal and approving the Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

**OTHER RECOMMENDATIONS:**

Planning Commission on May 25, 2006, voted 4-1 to deny; no opposition.

Ayes: Chase

Nay: Griswold, Otsuji, Ontai, Schultz

Recusing: Garcia

Not present: Steele

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 2, which states: "The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated it was their policy not to approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-121 for project details (Attachment 1).

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL/COMMITTEE ACTION:** None.

**Planning Commission Decision:**

The Planning Commission heard the project on May 25, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, a motion to deny the project was made by Commissioner Griswold and seconded by Commissioner Otsuji. The vote was 4-1 (with Commissioners Griswold, Otsuji, Ontai, and Schultz voting in opposition to the project and Commissioners Chase voting in favor of the project. Commissioner Garcia recused and Commissioner Steele was not present). Therefore, the item was denied at the Planning Commission meeting on May 25, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Greater North Park Community Planning Committee voted 10-1-0 to recommend approval of the project on September 20, 2005, with the standard recommended conditions and additional conditions that have been incorporated into the project by the applicant. The applicant has provided notices, financing details, affordable housing communications and referrals, as well as other information to all tenants since the beginning of the Tentative Map processing of this project.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is Tabachki Family Trust, and Neil and Nancy Tabachki are the only members of this trust. The applicant's engineer is Sterling Land Services. The consultant hired by the applicant to process this project is Jeremy S. Cowan of condoconversions.com. Other key stakeholders include the property tenants.

Halbert/Frazier/DJ

Staff: Derrick Johnson - (619) 446-5238

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:19 p.m. – 2:21 p.m.)

Testimony in favor by Vicki Granowitz and Jeremy Cowan.

MOTION BY ATKINS 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-341:](#) Alexia Place Map Waiver.

Matter of approving, conditionally approving, modifying or denying an application for Map Waiver (MW) to convert four (4) existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, and a sewer, water and drainage easement vacation. The 2.54-acre site is located at 3684 Alexia Place, on the east side of Alexia Place, in the RS-1-1, RS-1-7 and OR-1-1 zones of the Central Urbanized Planned District, within the Normal Heights neighborhood of the Mid-City Communities Plan.

(Mid-City Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-1147) ADOPTED AS RESOLUTION R-301705

Adoption of a resolution that Map Waiver No. 21827 and the waiver of the requirement to underground existing overhead utilities are granted to Lisa Gabhart, Applicant and Sterling Land Services, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-B: (R-2006-1148 Cor. Copy) ADOPTED AS RESOLUTION R-301706

Adoption of a resolution adopting the findings with respect to Public Rights-of-Way Vacation Permit No. 218127;

That the sewer, water, drainage and public utility easements located in Lot 14 and that portion of Lot 15 in Block C of Villa Lots 165 to 184 inclusive, Normal Heights, according to Map No. 1157, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20445-B, marked as Exhibit "B," and on file in the Office of the City Clerk;

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

That this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; thus, the activity is not subject to CEQA pursuant to Section 15060(c)(2) of the State CEQA Guidelines.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 26, 2006, voted 5-1 to deny, no opposition.

Ayes: Ontai

Nays: Griswold, Chase, Schultz, Otsuji, Steele

Not Present: Garcia

**STAFF SUPPORTING INFORMATION:**

As described in the attached Planning Commission Report, approval of this project would allow the conversion of four existing residential units to condominiums and a vacation of several unused and undeveloped sewer, water, drainage and public utility easements which cross the property. On January 26, 2006, the Planning Commission voted 5-1 to recommend denial of the project, with Commissioners Shultz, Steele, Otsuji, Chase and Griswold voting in opposition to the project, and Commissioner Ontai voting in favor of the project. Commissioner Garcia was not present. The Planning Commission expressed a concern that this was a primarily single-family neighborhood and that the map waiver was not appropriate for this site.

Staff continues to support the requested Map Waiver, as the project meets the subdivision requirements and the findings for a Map Waiver can be made. The subject project does not include any physical changes in the environment or any intensification of use. A valid appeal of the environmental exemption determination has not been filed on this project.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 7, 2005, the Normal Heights Community Planning Group voted 7-2-1 to recommend approval of the project with no conditions, as described in the attached Planning Commission Report.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The property owner is Lisa Gabhart. The project applicant is Curtis Gabhart. The applicant's engineer is Sterling Land Services. Other key stakeholders include the property tenants.

Halbert/Waring/PG

Staff: Paul Godwin – (619) 446-5103  
Peter Mesich – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

MOTION BY ATKINS 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-342:](#) Third Avenue Tentative Map.

Matter of approving, conditionally approving, modifying or denying an application for Tentative Map (TM) to convert five (5) existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, and a public right-of-way vacation for the undeveloped

portion of Third Avenue located between Redwood Street and Quince Street. The 0.32-acre site is located at 3065 Third Avenue, on the east side of Third Avenue between Redwood Street and Quince Street, in the RS-1-1 zone in the Uptown Community Plan.

(Uptown Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-1143) CONTINUED TO MONDAY, JULY 31, 2006

Adoption of a resolution that Tentative Map No. 143420 and waiver of the requirement to underground existing overhead utilities are granted to Stone Meadows, LLC, Applicant and Ingenuity, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-B: (R-2006-1144) CONTINUED TO MONDAY, JULY 31, 2006

Adoption of a resolution vacating a portion of the undeveloped Third Avenue right-of-way, located between Redwood Street and Quince Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20347-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, reserving therefrom an easement for general utility and emergency access together with ingress and egress for that purpose;

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

That this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; thus, the activity is not subject to CEQA pursuant to Section 15060(c)(2) of the State CEQA Guidelines.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 26, 2006, voted 5-1 to approve, no opposition.

Ayes: Ontai, Steele, Chase, Otsuji, Schultz

Nays: Griswold

Not Present: Garcia

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

**STAFF SUPPORTING INFORMATION:**

As described in the attached Planning Commission Report, approval of this project would allow the conversion of five existing residential units to condominiums and a vacation of the undeveloped portion of the Third Avenue right-of-way which runs adjacent and to the south of the project site. The vacation would allow the project's parking area, which is located in the portion of undeveloped right-of-way adjacent to the project site, to return to private ownership. Additionally, the vacation would allow the portion of the undeveloped right-of-way located south of the project site to return to open space and be added to the existing City-owned open space parcel located in the adjacent canyon.

On January 26, 2006, the Planning Commission voted 5-1 to recommend approval of the project, with Commissioners Shultz, Steele, Otsuji, Chase and Ontai voting in favor of the project, and Commissioner Griswold voting in opposition to the project. Commissioner Garcia was not present. The Planning Commission did express a concern that the building improvements proposed by the applicant may serve to degrade the historical integrity of the building. The applicants acknowledged that some of the renderings were conceptual and that they would work with City Historic Resource staff to ensure that any proposed improvements maintain the historic integrity of the building. City staff also clarified that a historic review of the improvements would be triggered when the applicant formally submits for a building permit. A valid appeal of the environmental exemption determination has not been filed on this project.

**FISCAL CONSIDERATIONS:**

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On November 2, 2004, the Uptown Community Planning Group voted 14-0-1 to recommend approval of the project with their five standard condominium conversion conditions, which are described in detail in the attached Planning Commission Report.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The property owner is Stone Meadows, LLC. The applicant's engineer is Ingenuity. Other key stakeholders include the property tenants.

Halbert/Waring/PG

Staff: Paul Godwin – (619) 446-5103

Peter Mesich – Deputy City Attorney

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

FILE LOCATION: NONE

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

MOTION BY FAULCONER TO CONTINUE TO MONDAY, JULY 31, 2006, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Falconer-yea, Atkins-yea, Young-yea, Maischein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-343:](#) Fiscal Year 2006-2007 Appropriation Ordinance.

(See Report to the City Council No. 06-091, Independent Budget Analyst Reports IBA-06-30 and IBA-06-32, and memorandum 06-10 from Andrea Tevlin dated 6/12/2006.)

**TODAY'S ACTION IS:**

Introduce and adopt the following ordinance:

(O-2007-13) CONTINUED TO MONDAY, JULY 31, 2006

Introduction an adoption of an Ordinance adopting the Annual Budget for the Fiscal Year 2006-2007 and appropriating the necessary money to operate the City of San Diego for said Fiscal Year.

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

**BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:**

On 6/28/2006, Budget voted 5 to 0 to affirm Charter Section 26 as basis of Council's intent in crafting the Appropriation Ordinance. (Councilmembers Peters, Atkins, Young, Frye and Madaffer voted yea.)

**NOTE:** Today's action is the second public hearing and introduction and adoption of the Ordinance. See item 200 on the docket of Monday, July 17, 2006, for the first public hearing.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Time duration: 10:50 a.m. – 10:51 a.m.)

MOTION BY FAULCONER TO CONTINUE TO MONDAY, JULY 31, 2006, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

**REPORT OUT OF CLOSED SESSION:**

Awaiting report from City Attorney's office.

**FILE LOCATION:** MINUTES

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

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 3:37 p.m. in honor of the memory of:

Jean Carey as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:36 p.m. – 3:37 p.m.)