

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 19, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:07 a.m. The meeting was recessed by Council President Peters at 11:44 a.m. into Closed Session and thereafter for the noon break.

The meeting was reconvened by Council President Peters at 2:05 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 3:51 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:57 p.m. with Council President Pro Tem Young and Council Member Madaffer not present. The meeting was adjourned by Council President Peters at 6:32 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

Clerk-Maland (gs/je)

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:

Jim Varnadore commented on moving the airport to Miramar.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Al Strohlein commented on alcohol licenses in Pacific Beach.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-3:

Ted Cook commented on bigots speaking before Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:37 a.m.)

PUBLIC COMMENT-4:

Daniel McLean commented on extending the trolley car service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:39 a.m.)

PUBLIC COMMENT-5:

Hud Collins commented on developing a funding plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:42 a.m.)

PUBLIC COMMENT-6:

Don Stillwell commented on having prayer before every council meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:46 a.m.)

PUBLIC COMMENT-7:

Dan Toneck commented on the amount of decrease in disability retirement.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:49 a.m.)

PUBLIC COMMENT-8:

Noel Estergren commented on ticketing the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:52 a.m.)

PUBLIC COMMENT-9:

Paul Cody and Wendy Christakes commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:57 a.m.)

PUBLIC COMMENT-10:

Nancy Logan commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:00 a.m.)

PUBLIC COMMENT-11:

Phil Hart commented on the San Diego Chargers obtaining a new stadium.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:02 a.m.)

PUBLIC COMMENT-12:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:06 a.m.)

PUBLIC COMMENT-13:

Jinna Albright commented on pay cuts affecting police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:09 a.m.)

PUBLIC COMMENT-14:

John Stump commented on the pension issues surrounding police officers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:10 a.m. – 11:13 a.m.)

PUBLIC COMMENT-15:

Jarvis Ross commented on regulations surrounding non-agenda comments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:16 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

07/03/2006 - Adjourned
07/04/2006 - Adjourned
07/10/2006
07/11/2006
07/17/2006
07/18/2006
07/24/2006
07/25/2006
07/31/2006
08/01/2006

FILE LOCATION: MINUTES

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

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



[ITEM-31:](#) Gary Halbert Day.

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

Adopt the following resolution:

(R-2007-137) ADOPTED AS RESOLUTION R-301906

Proclaiming September 19, 2006, to be "Gary Halbert Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:27 a.m.)

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



[ITEM-32:](#) The Zoological Society of San Diego 90th Birthday Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-263) ADOPTED AS RESOLUTION R-301907

Commending the Zoological Society of San Diego for its accomplishments and service to the City of San Diego and worldwide in ecological conservation and animal preservation and congratulating them for 90 years of dedication and service;

Proclaiming September 19, 2006, to be "The Zoological Society of San Diego 90th Birthday Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:17 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-100: FHWA Funding for Three Storm Damage Related Projects.

(Peninsula, Mid-City, and Mission Valley Community Areas. Districts 2, 3, and 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-242) ADOPTED AS RESOLUTION R-301908

Authorizing the Mayor, or his representative, for and on behalf of the City of San Diego, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments and payment requests, that may be necessary for the purpose of obtaining federal financial assistance for the Fashion Valley Road Reconstruction, Talbot Street Slope, and Aldine Drive Slope Restoration projects;

Authorizing the City Auditor and Comptroller, pending receipt of fully executed funding agreements, to accept funds and to establish separate interest bearing accounts;

Authorizing the City Auditor and Comptroller to add the following projects to the Fiscal Year 2007 Capital Improvements Program:

- a. CIP-13-501.0, Talbot Street Slope, and
- b. CIP-13-502.0, Fashion Valley Road Restoration;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget by \$5,658,806, FHWA funds, for the following projects:

- a. \$1,627,000 in CIP-13-502.0, Fashion Valley Road Restoration,
- b. \$1,006,250 in CIP-13-501.0, Talbot Street Slope, and
- c. \$3,025,556 in CIP-52-592.0, Aldine Drive and Fairmount Avenue Slope Restoration;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1,627,000 from CIP-13-502.0, for the purpose of repair of Fashion Valley Road, \$1,006,250 from CIP-13-501.0 for the repair of Talbot Street Slope, and \$3,025,556 from CIP-52-592.0 for the Aldine Drive Slope Restoration project, contingent upon receipt of fully executed FHWA agreements and upon the City Auditor and Comptroller certifying that funds are available or on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer appropriations and expenditures as follows, in order to consolidate funding:

- a. From CIP-13-005.0, Slope Stabilization Aldine Drive (Job Order 130070) to CIP-52-592.0, Aldine Drive and Fairmount Avenue Slope Restoration,
- b. From CIP-13-005.0, Talbot Street Slope Restoration (Job Order 130078) to CIP-13.501.0, Talbot Street Slope, and
- c. From CIP-13-005.0, Fashion Valley Road River Crossing (Job Order 130068) to CIP-13-502.0, Fashion Valley Road Restoration;

Authorizing the City Auditor and Comptroller to transfer expenditures from TransNet, Fund 30300, CIP-13-502.0, Fashion Valley Road Restoration, to FHWA funding in an amount not exceed the total FHWA appropriation, and to return TransNet funds in a like amount to fund balance, Fund 30300;

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

Declaring this activity is not a "project" and therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

Fashion Valley Road at the San Diego River crossing is a 4-lane road located in the Mission Valley area between Friars Road and Hotel Circle North. The road collapsed on December 30, 2004 due to the failure of six (6) corrugated metal pipes (CMP) of 60" diameter underneath the road. The road was repaired and was operational before the end of October 2005. Damage assessment forms for Fashion Valley Road were submitted to CalTrans and the work was deemed eligible for FHWA funding.

The winter storms of 2004 and 2005 eroded the steep slope adjacent to Aldine Drive and blocked the roadway with debris. In addition, homeowners at the top of the slope lost parts of the fences around their properties. A consultant, RBF Consulting Group, has been hired and has analyzed alternative retaining wall designs. A decision on the preferred retaining wall type will be made pending community input, project permitting, and CEQA and NEPA review.

The winter storm of 2005 eroded the steep slope adjacent to Talbot Street and also threatened the houses at the top of the slope. Negotiations are ongoing with a consultant to analyze the slope, propose alternative means of stabilization and perform the various studies necessary for FHWA funding, for which this project is eligible.

FISCAL CONSIDERATIONS:

An estimated 88.53% of funding for three storm damaged projects will be reimbursed by FHWA with the State funding the remaining 11.47% of costs to repair Fashion Valley Road, Talbot Street Slope and Aldine Drive Slope.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution R-299225, adopted May 17, 2004, authorized the applications and other related documents for the purpose of obtaining Federal and State financial assistance for disaster relief.

COMMUNITY PARTICIPATION AND/OR PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Affected property owners in Council Districts 2 and 3.

RBF Consulting Group

W.G. Zimmerman Engineering Inc.

Boekamp/Haas

Staff: Jamal Batta - (619) 533-3769

Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Agreement with RBF Consulting for As-Needed Environmental Services.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-244) ADOPTED AS RESOLUTION R-301909

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a two-year agreement with RBF Consulting, for as-needed environmental services for various park development projects, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$250,000, to be funded from individual CIP projects as the need arises, provided that the City Auditor and Comptroller first furnishes one or more certificates indicating that the funds are, or will be, on deposit in the City Treasury;

Declaring that 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).

STAFF SUPPORTING INFORMATION:

This request is to allow the Mayor to enter into agreement with RBF Consulting for as-needed environmental services.

Ten environmental firms were provided by the City's Consultant Coordinator and five were interviewed in accordance with Council Policy 300.7. RBF Consulting was selected by the appointing authority.

As-needed contracts allow City staff to issue a task order to the consultant once a scope and fee has been agreed upon. This saves the time of interviewing consultants and processing an agreement for each project. This process is particularly beneficial to smaller projects. This as-needed agreement will allow up to \$250,000 to be paid for consultant services for a term of two years.

FISCAL CONSIDERATIONS:

Total authorized expenditure per contract term of two years will not exceed \$250,000. The funding for each task will be drawn from individual CIP projects as approved via the annual budget process and/or previous authorizations via Council action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

RBF Consulting

Penera/Martinez

Staff: April Penera - (619) 525-8265
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Third Amendment to the Consultant Agreement with Lintvedt, McColl & Associates for the La Jolla Parkway/Torrey Pines Reconfiguration Project.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-243) ADOPTED AS RESOLUTION R-301910

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City of San Diego, the Third Amendment to the Agreement with Lintvedt, McColl & Associates for additional professional services, under the terms and conditions set forth in the document, for CIP-52-583.0, La Jolla Parkway/Torrey Pines Reconfiguration Project, in the amount of \$21,385, Fund 30300, Transnet;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$21,385, from CIP-52-583.0, La Jolla Parkway/Torrey Pines Reconfiguration Project, Fund 30300, TransNet, for the purpose of executing the above-referenced amendment, contingent upon the City Auditor and Comptroller first certifying that the funds are available with the City Treasurer;

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 covered under Negative Declaration, LDR File 98-0994, Approval No. 41-0383, February 19, 2003.

STAFF SUPPORTING INFORMATION:

This award-winning project reconfigured the intersection of Torrey Pines Road, La Jolla Shores Drive, Hidden Valley Road, and La Jolla Parkway (formerly Ardath Road) to its current alignment, which has relieved congestion at one of San Diego's busiest intersections. This complex project also included over 60,000 square feet of new landscaping as well as the replacement of the underlying water and sewer pipelines. The construction contract was officially completed in October of 2005.

The current consultant agreement with Lintvedt, McColl & Associates needs to be amended to add funds to complete the record drawings for this complex project. This action will provide the professional engineering services needed to prepare the As-Built drawings, which is the final step needed to complete the project.

FISCAL CONSIDERATIONS:

The cost of this Third Amendment to the Agreement is \$21,385, which increases the total consultant agreement to \$561,733. Sufficient funds to cover this additional cost are available in the current project budget. No increase to the overall project cost is required.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- May 30, 2000 (R-293209) - Agreement with Lintvedt, McColl & Associates for engineering services.
- February 27, 2001 (R-294577) - First Amendment with Lintvedt, McColl & Associates for water and sewer engineering design services.
- July 22, 2002 (R-296831) - Second Amendment with Lintvedt, McColl & Associates for construction support services.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Detailed community outreach efforts were conducted during the development and construction of the project. No additional outreach is needed for this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Lintvedt, McColl & Associates

Boekamp/Haas

Aud. Cert. 2700013.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Multi-Agency Vernal Pool Restoration Project Grant.

(University and Otay Mesa Community Areas. Districts 1, 8, and City (Proctor Valley, Otay Lakes, Marron Valley) and County owned property located in the County of San Diego.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-250) ADOPTED AS RESOLUTION R-301911

Authorizing the Mayor to execute, for and on behalf of City of San Diego, to apply to the San Diego Association of Governments (SANDAG) for grant funds under the Environmental Mitigation Program for Vernal Pool Restoration and Management Project (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from SANDAG for the Project;

Authorizing the Mayor, or his representative, on behalf of said City, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, which may be necessary to secure funding and to carry out all obligations, responsibilities and duties of the aforementioned Project;

Authorizing the City Auditor and Comptroller to accept and appropriate an amount not to exceed \$514,006 of SANDAG Environmental Mitigation Program grant funds and U.S. Fish and Wildlife Service funds upon receipt of a fully executed Agreement;

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15307.

STAFF SUPPORTING INFORMATION:

The TransNet Extension Ordinance and Expenditure Plan, approved countywide by voters in November 2004, includes an Environmental Mitigation Program (EMP) which is a funding allocation category for the costs to mitigate habitat impacts for regional transportation projects. The EMP is a unique component of the TransNet Extension in that it goes beyond traditional mitigation for transportation projects by including a funding allocation for habitat acquisition, management, and monitoring activities as needed to help implement the Multiple Species Conservation Program (MSCP) and the Multiple Habitat Conservation Program (MHCP).

SANDAG has allocated \$1 million for management and monitoring implementation activities in FY 2006. Up to \$750,000 of those funds are available for land management activities.

Management activities to help implement the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan, qualify for EMP grant funding. There is widespread consensus that vernal pools, which provide habitat for seven state and federal listed species, are among the most important areas for management under the MSCP. Management of vernal pools on public open space lands in San Diego have been hindered by lack of funding in recent fiscal years. The City of San Diego has worked in collaboration with the County, Wildlife Agencies and SANDAG to obtain support for grant funding to increase management of these sensitive and unique ecosystems. Previous efforts have included over \$250,000 in grants (R-296555) to fund

the compilation and management of a vernal pool database, preparation of a Vernal Pool Inventory and Draft City-wide Vernal Pool Management Plan, all of which are vital to long-term vernal pool preservation. The proposed grant would help restore, enhance and manage vernal pools on eight sites; three in the City of San Diego, three on City-owned lands in the County and two on County-owned lands. All lands proposed for restoration, enhancement and management are conserved as open space within the City or County's MSCP's Subarea Plan.

In coordination with the U.S. Fish and Wildlife Service and the County of San Diego, the City of San Diego is proposing to apply, accept and expend grant monies in the amount of \$514,006 to manage vernal pools on publicly owned lands conserved under the MSCP. Funding will be provided by SANDAG through the TransNet Environmental Mitigation Program in the amount of \$264,006, with \$250,000 in matching funds to be provided by the U.S. Fish and Wildlife Service. Up to \$10,000 will be provided to the City for grant administration. No funding is being requested from the City as part of this grant proposal.

Management actions will include fencing to limit illegal trespass, removal of invasive species and non-native grass thatch, and reintroduction of endangered and threatened species in areas of local extirpation. All grant tasks will be performed by a qualified consulting firm under contract to the City of San Diego.

Approval of this grant will allow the City of San Diego to comply with the legal responsibilities included in the MSCP Implementing Agreement, approved by City Council (R-28455) on March 19, 1997, and will help to ensure the long-term viability and sustainability of native ecosystem functions throughout the MSCP with no impact to the City's budget.

FISCAL CONSIDERATIONS:

The grant and federal matching funds will generate \$514,006 to restore, enhance and management vernal pools as required under the MSCP. No City of San Diego funding is required, and \$10,000 of administrative costs for City staff have been allocated in the grant. If not approved, the City would lose the opportunity to obtain \$514,006 and no restoration, enhancement or management of vernal pools would be done.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council approval of a State Grant for the preparation of a comprehensive Vernal Pool Inventory and the Draft Vernal Pool Management Plan (R-296555), and adoption of the City's Multiple Species Conservation Program (R-28455).

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

The grant project was developed in conjunction with the U.S. Fish and Wildlife Service and the County of San Diego. Public input was obtained during the preparation of the Vernal Pool Inventory at a workshop on November 6, 2003. This project implements some of those recommendations.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

U.S. Fish and Wildlife Service, County of San Diego, California Native Plant Society.

Anderson/Waring

Staff: Betsy Miller - (619) 533-4543
David E. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Installing Angle Parking on India Street.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-147) ADOPTED AS RESOLUTION R-301912

Authorizing the installation of an angle parking zone on the east side of India Street between West Hawthorn Street and West Ivy Street, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

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

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

STAFF SUPPORTING INFORMATION:

This action will authorize to install angle parking on the east side of India Street between West Hawthorn Street and West Ivy Street. This action is in accordance with Municipal Code Section 86.03.

India Street between West Hawthorn Street and West Ivy Street is a two-lane 52-foot wide one-way-street with parking permitted on both sides of the street. It is located within the vicinity of Little Italy. In their efforts to increase the available parking, the Little Italy Association has requested the conversion of the east side of this segment of India Street from parallel to angle parking.

This section of India Street is currently a parking meter zone in effect 8:00 AM to 6:00 PM, Monday through Saturday, and will remain as a parking meter zone if the angle parking is installed. The installation of angle parking would result in a net gain of six parking spaces and the installation of four additional parking meters. The southern portion of this block is residential, where parking meters do not exist.

Therefore, additional parking meters for the proposed angle parking would only be needed on the northern portion of the block which is fronted by commercial property.

The proposed angle parking would be installed as part of the on-going India Street Revitalization Project Phase II Improvements managed by the Centre City Development Corporation.

FISCAL CONSIDERATIONS:

\$1,540.

The cost of the four additional parking meters will be shared on a 55%-45% basis between the City and the Community Parking District (District One) administered by the Centre City Development Corporation. The City's share will be from the General Services Department's budget.

The stripping of the angle parking spaces will be completed as part of the Centre City Development Corporation India Street Revitalization Project Phase II Improvements.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Over 75% of the affected properties on this block of India Street have submitted a petition in support of this action. In addition, the Centre City Development Corporation is in support of this proposal.

KEY STAKEHOLDERS:

Businesses and residents who live on India Street between West Hawthorn Street and West Ivy Street, other parking users, and CCDC.

Boekamp/Haas

Aud. Cert. 2700072.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Tow Away Zones on 300 Block of "J" Street and 400-435 Third Avenue.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-148) ADOPTED AS RESOLUTION R-301913

Authorizing the installation of a tow away zone, effective from 7:00 A.M. to 2:00 P.M. on Sundays, located on both sides of the 300 block of "J" Street and on both sides of the 400-435 block of Third Avenue, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.05;

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

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

STAFF SUPPORTING INFORMATION:

This action will establish tow away zones to be effective from 7:00 A.M. to 2:00 P.M. on Sundays on both sides of the 300 block of "J" Street and 400-435 Third Avenue. This action is in accordance with Municipal Code Section 86.05.

Farmers' Market is an association which organizes regular events at certain locations in the City where vendors sell products such as food and produce. Farmers' Market has been holding this event at this location in Downtown on Sundays for many years. The prohibition of parking during the event on Sundays has been accomplished by temporary portable signs. This action will authorize the establishment of a tow away zone, which would allow for the installation of permanent signs to give notice of the tow away zone.

FISCAL CONSIDERATIONS:

\$1,500.

The amount of \$1,500 will be received by the City from the Farmers' Market Association prior to installation of signs necessary to establish a tow away zone. The net fiscal impact to the City is none.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approximately 85% of the affected properties on this block of "J" Street and Third Avenue have submitted a petition in support of this action. In addition, the Downtown Parking Management Group, the Parking and Transportation Subcommittee of the Centre City Advisory Committee, and the Centre City Advisory Committee support this action.

KEY STAKEHOLDERS:

Farmers' Market and their customers, businesses and residents on the 300 block of "J" Street and 400-435 Third Avenue, and other parking users.

Boekamp/Haas

Aud. Cert. 2700073.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: **NOTE:** This item has been removed from the docket.

* ITEM-107: Settlement of Claims Agreement for Fire Stations 12 and 31.

(Lincoln Park and Navajo Community Areas. Districts 4 and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-106) ADOPTED AS RESOLUTION R-301914

Authorizing the Mayor, and/or his designee, to pay the total sum of \$180,000 for the release and settlement of each and every claim against the City of San Diego, its agents, and employees, in Claim No. LP06-0120-1914, to Erickson-Hall for delay and extra work costs arising out of the work performed on the contract for the construction of Fire Stations Numbers 12 and 31 entered into on May 18, 2004;

Authorizing the City Auditor and Comptroller to issue two checks in the amount of \$71,500 for Fire Station Number 12 and \$108,500 for Fire Station Number 31 made payable to Erickson-Hall Construction Company, in full settlement of all claims in this matter.

STAFF SUPPORTING INFORMATION:

On May 18, 2004, the City of San Diego entered into a contract with Erickson Hall Construction Company for the demolition and reconstruction of Lincoln Park Fire Station 12 and Del Cerro Fire Station 31. Both projects have been completed and are in operation. During the construction the contractor encountered conditions which caused delay in the completion of the project and additional cost. A settlement agreement was heard on closed session at the August 1, 2006 meeting. This action will authorize the Mayor to pay \$71,500 for Fire Station Number 12 and \$108,500 for Fire Station Number 31, for full settlement of claims to Erickson-Hall Construction Company.

FISCAL CONSIDERATIONS:

This action will authorize the Mayor to pay the total sum of \$180,000 for full settlement of claims for the release and settlement of claims against the City of San Diego. Funding is available in the amount of \$71,500 for Fire Station Number 12, CIP-33-081.0 and \$108,500 for Fire Station Number 31, CIP-33-088.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 29, 2004, City Council adopted Resolution R-299004 to enter into an agreement with Erickson-Hall Construction for the construction of Fire Stations 12 and 31.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community meetings were held during design of the project for community approval.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

None.

Oskoui/Haas

Aud. Certs. 2700053 and 2700054.

Staff: Afshin Oskoui - (619) 533-3102
Marie Wright-Travis - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: **NOTE: This item has been removed from the docket.**

* ITEM-109: Settlement of Personal Injury Claim of Mia Bonavita.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-233) ADOPTED AS RESOLUTION R-301915

Authorizing and empowering the Mayor to pay the sum of \$325,000 in settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury claim of Mia Bonavita;

Authorizing the City Auditor and Comptroller to issue a check from the Public Liability Fund (81140) not exceeding the amount of \$325,000 made payable to Mia Bonavita and her attorney of record, Jared C. Leuck.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from a trip and fall incident which occurred on March 25, 2005 at 3695 India Street.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement has been heard in closed session.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Bych/Goldstone

Aud. Cert. 2700105.

Staff: Mike Gomez – (619) 236-7096
Maria Severson – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Settlement of Personal Injury Claim of Patricia Bryan.

(District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-239) ADOPTED AS RESOLUTION R-301916

Authorizing and empowering the Mayor to pay the sum of \$100,000 in settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury claim of Patricia Bryan;

Authorizing the City Auditor and Comptroller to issue a check not exceeding the amount of \$100,000 made payable to Patricia Bryan and her attorney of record, Jeffrey H. Freedman.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from a trip and fall incident which occurred on May 31, 2004, at the Ocean Beach lifeguard tower parking lot.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement has been heard in closed session.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Bych/Goldstone

Aud. Cert. 2700130.

Staff: Debra Benoit - (619) 533-6555
Maria Severson – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Financial Planning Association Week.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-240) ADOPTED AS RESOLUTION R-301917

Proclaiming October 2-8, 2006, as “Financial Planning Association Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:29 a.m.)

CONSENT MOTION BY MADAFFER 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: Informational Meeting to Review the Proposed Development Under the Agreement Between the City of San Diego and the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex (“1992 Development Agreement”) (Site Bounded by Broadway, Harbor Drive and Pacific Highway) – Columbia and Marina Sub Areas.

(See Centre City Development Corporation Report to City Council dated 9/12/2006. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Hear informational report.

DISCUSSION HELD

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 3:49 p.m.;
3:57 p.m. – 6:26 p.m.)



ITEM-331: Lease Purchase of FY 2007 Fire Apparatus.

(See Report to the City Council No. 06-124.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-28) INTRODUCED, TO BE ADOPTED ON TUESDAY,
OCTOBER 10, 2006

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, the Third Amendment to the Master Lease Agreement for the Equipment and Vehicle Financing Program (Third Amendment Agreement). The Third Amendment Agreement shall be in substantially the form presented to this Council, with such additions or changes therein as the Mayor, or his designees, shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Declaring this activity is not subject to the California Environmental Quality Act because this activity constitutes on-going administrative or maintenance activities and is excluded from being a project pursuant to CEQA Guidelines Section 15378(b)(2).

STAFF SUPPORTING INFORMATION:

The City uses the Equipment and Vehicle Financing Program (EVFP) as an alternative to cash funding in order to acquire essential equipment, including fire apparatus. The Fire-Rescue Department seeks to acquire three 100 foot service aerial ladder trucks to replace three ladder trucks purchased in 1989 which are increasingly unreliable and expensive to keep in service. Critical need and lengthy build time necessitate ordering these trucks as soon as possible. Since they will not be received by the City until FY 2008, no additional funding toward sales tax or lease purchase payments are required to be appropriated in FY 2007. The City has a multi-year agreement with Pierce Manufacturing to provide fire trucks as required by the department. The acquisition amount of \$2,550,000 will be funded through lease-purchase. The total cost is estimated at approximately \$3,259,500. (The acquisition amount is \$2,550,000; the interest payment is \$511,800, and the sales tax is \$197,700).

Upon learning the Fire Department's priority need for the ladder trucks replacement in FY 2007 and the Office of IBA's inquiry whether EVFP can be utilized to fund the purchase, Department of Finance requested Banc of America Leasing and Capital, LLC to submit a funding proposal and confirm its willingness to lease purchase the 3 ladder trucks. Banc of America is the lease provider for the seven-year lease term selected on a competitive basis under the FY 2004 EVFP program. No new EVFP contracts have been executed since FY 2004 due to the unavailability of financial statements.

Based on current interest rates (ending the week of June 23, 2006), the borrowing rate from Banc of America is approximately 4.95% which is projected to result in an annual lease purchase payment of approximately \$437,400 over a seven year term beginning FY 2008. Actual interest rate and the lease purchase payment obligations will be set at the time funds are drawn in installments as the trucks are received and accepted by the Fire-Rescue Department.

FISCAL CONSIDERATIONS:

The estimated fiscal impact over a seven year term, assuming a delivery between September and November 2007, is as follows (subject to changes in market conditions, dates of delivery and/or equipment costs):

FY 2008:	\$416,400 (one semi-annual lease payment plus sales tax)
FY 2009:	\$437,400
FY 2010:	\$437,400
FY 2011:	\$437,400
FY 2012:	\$437,400
FY 2013:	\$437,400
FY 2014:	\$437,400
<u>FY 2015:</u>	<u>\$437,400</u>
TOTAL:	\$3,259,500

Funding for these payments is not included in Fire-Rescue Department's FY 2007 budget, and, therefore, will have to be added to the FY 2008 and following budgets as shown.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The current contract for the acquisition of aerial ladder trucks was established by a competitive bid process, adopted by the City Council on November 19, 2001 via Resolution #R-295713. Ordinance O-19160 was established on April 17, 2003 to authorize the FY 2004 Master Lease Agreement with the Banc of America Leasing and Capital LLC for 5 and 7 year lease terms. Ordinance O-19452 was established on December 5, 2005 to authorize a first Amendment to the Master Lease Agreement with the Banc of America Leasing and Capital Group to lease-purchase four Law Enforcement Helicopters.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The contract for the purchase of aerial ladder trucks is with Pierce Manufacturing. The financial institution that was considered is Banc of America.

Jarman/Olen/Goldstone

Staff: Chett Chew - (619) 533-4307
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:43 a.m.;
2:12 p.m. – 2:15 p.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, OCTOBER 16, 2006, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-nay, Faulconer-nay, Atkins-nay, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO RECONSIDER ITEM 331. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

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

ITEM-332: Lease-Purchase of General Fund Motive Equipment.

(See Report to the City Council No. 06-123. Citywide.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-19) INTRODUCED, TO BE ADOPTED ON TUESDAY,
OCTOBER 10, 2006

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, the Second Amendment to the Master Lease Agreement for the Equipment and Vehicle Financing Program (Second Amendment Agreement). The Second Amendment Agreement shall be in substantially the form presented to this Council, with such additions or changes therein as the Mayor, or his designees, shall approve as being in the best interests of the City, and as are approved as to form and legality by the City Attorney;

Declaring this activity is not subject to the California Environmental Quality Act because this activity constitutes on-going administrative or maintenance activities and is excluded from being a project pursuant to CEQA Guidelines Section 15378(b)(2).

STAFF SUPPORTING INFORMATION:

The Deputy Chief of Public Works approved a list of motive equipment for replacement/acquisition. These units are 23 diesel refuse packers, nine dual fuel refuse packers and seven pieces of beach cleaning equipment. The vendors for the equipment, Rush Truck Centers, Dion International Trucks, and D3 Equipment, have already been selected through the City Purchasing Department competitive bid process.

The City utilizes the Equipment and Vehicle Financing Program (EVFP) a short-term lease-purchase funding option to acquire essential equipment for the City. The Department of Finance reviewed lease-purchase proposals from the vendors and Banc of America Leasing and Capital, LLC (the FY 2004 Master Lease Agreement lessor).

The Banc of America proposal offered a competitive interest rate and flexibility in financing all three types of equipment, therefore it is efficient to amend the Master Lease Agreement a second time. The First Amendment provided funding for the Police Department Law Enforcement Helicopter program.

FISCAL CONSIDERATIONS:

There is no fiscal impact in Fiscal Year 2007. The estimated fiscal impact over a 5-year repayment term, assuming a delivery of the equipment in July 2007, is as follows (subject to changes in market conditions, dates of delivery and/or equipment costs):

FY 2008	\$1,350,700 (includes, one semi-annual lease payment of \$775,000, sales tax of \$527,000 fitting costs of \$48,700)
FY 2009	\$1,550,000 (two semi-annual lease payments)
FY 2010	\$1,550,000
FY 2011	\$1,550,000
FY 2012	\$1,550,000
FY 2013	\$ 775,000 (one semi-annual lease payment)
TOTAL	\$8,325,700

PREVIOUS COUNCIL/COMMITTEE ACTIONS:

The current contract for the acquisition of refuse packers was established by a competitive bid process, and was adopted by the City Council on December 1, 2003, in Resolution # 298641.

Ordinance O-19160 was established on April 17, 2003, to authorize the FY 2004 Master Lease Agreement with the Banc of America Leasing and Capital LLC for 5, 6, and 7 year lease terms.

Ordinance O-19452 was established on December 5, 2005, to authorize a first Amendment to the Master Lease Agreement with the Banc of America Leasing and Capital Group to lease-purchase four Law Enforcement Helicopters over a 7-year term.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The contracts for refuse packers, beach packers and wheel loaders are with Rush Truck, Dion International Trucks, and D3 Equipment, respectively. The financial institutions that were considered include Banc of America for all equipment types, Paccar Leasing Corp. (associated with the refuse packer vendor), Navistar Financial (associated with the beach packer vendor), and C&H Capitol (associated with the wheel loader vendor).

Sierra/Haas/Goldstone

Staff: Daro Quiring - (619) 527-7560
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:11 p.m.)

MOTION BY MADAFFER TO INTRODUCE. 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-333: Creekside Villas.

Matter of approving, conditionally approving, modifying or denying the Creekside Villas project: an application to Rezone the property from the MF1 and OS zones to the MF3 zone and from the MF1 to the OS zone, a Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment, Tentative Map, Planned Development Permit, Site Development Permit and Coastal Development Permit to subdivide the site into three lots, demolish existing structures and develop a condominium project consisting of seventy-seven condominiums and twelve townhomes in three story buildings over a two-level subterranean parking garage; a recreation building; swimming pool and pool

deck; grading of the site and construction of retaining walls; thinning of natural vegetation for brush management zone two; installation of landscaping and minor improvements in the public right-of-way located at 11921 Carmel Creek Road, at the southerly terminus of Carmel Creek Road, south of State Route 56, in the MF3 and OS zones of the Carmel Valley Community Plan area.

The Creekside Villas project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, **the final decision on the Creekside Villas project will be with the California Coastal Commission.** The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Development Services Department, Attention: John S. Fisher, Development Project Manager, 1222 First Avenue, MS 302, San Diego, CA 92101 before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(See Report to the Planning Commission-PC-06-188. RZ No. 9635/MND Project No. 5769/MMRP/Carmel Valley Neighborhood 8 Precise Plan-LCP Amendment No. 9637/TM No. 9641/PDP No. 9636/SDP No. 9634/CDP No. 9633/Project No. 5769. Carmel Valley Community Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B, C, D, and E:

Subitem-A: (O-2007-9) INTRODUCED, TO BE ADOPTED ON TUESDAY,
OCTOBER 10, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing 12.25 acres, located at 11921 Carmel Creek road, in the Carmel Valley Community Plan Area, in the City of San Diego, California, from the MF1 and OS Zone to the MF3 Zone and from the MF1 Zone to the OS Zones, as defined by San Diego Municipal Code Section 103.0609 and 103.0614; and repealing

Ordinance Nos. 17410 N.S. (New Series) and 18478 N.S. (New Series), adopted January 8, 1990 and April 7, 1998, respectively, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-B: (R-2007-29) ADOPTED AS RESOLUTION R-301918

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 5769 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Council;

That the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

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

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

Subitem-C: (R-2007-30) ADOPTED AS RESOLUTION R-301919

Adoption of a Resolution approving an amendment to the Carmel Valley Community Plan and the Carmel Valley Neighborhood 8 Precise Plan, Local Coastal Program Land Use Plan and Progress Guide and General Plan for the Creekside Villas project.

Subitem-D: (R-2007-31) ADOPTED AS RESOLUTION R-301920

Adoption of a Resolution certifying findings supported by the minutes, maps, and exhibits with respect to Vesting Tentative Map No. 9641;

That Tentative Map No. 9641, is hereby granted to Creekside Villas, LLC, Applicant/Subdivider, and Richard A. Rubin, Engineer, subject to the attached conditions which are made part of this resolution by this reference.

Subitem-E: (R-2007-32) ADOPTED AS RESOLUTION R-301921

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Planned Development Permit No. 9636/Site Development Permit No. 9634 and Coastal Development Permit No. 9633;

That based on the findings hereinbefore adopted by the City Council, Planned Development Permit No. 9636, Site Development Permit No. 9634, Coastal Development Permit No. 9633 is hereby granted by the City Council to the referenced, Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 9636, 9634 and 9633, a copy of which is attached hereto and made a part hereof.

OTHER RECOMMENDATIONS:

Planning Commission on June 29, 2006, voted 6-0 to recommend approval; no opposition.

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

The Carmel Valley Community Planning Board voted to recommend approval of the project, with seven conditions.

STAFF SUPPORTING INFORMATION:

The Creekside Villas project proposes to subdivide the site into three lots for development and open space preservation. The project would demolish two existing structures and a water tank, revegetate disturbed areas with native plant species and in the southwest corner of the site develop a condominium project consisting of seventy-seven condominiums and twelve townhomes. The structure would be a three story building over a two-level subterranean parking garage. The project also includes a recreation building, swimming pool and pool deck, grading of the site and construction of retaining walls, thinning of natural vegetation for brush management zone two, installation of landscaping and minor improvements in the public right-of-way.

The project includes an affordable housing component. Of the 89 units proposed, 9 units would be affordable. The project would set aside 10% of the total units for occupancy by, and at rents affordable to, households earning no more than 65% of the area median income.

The project requires a Rezone, a Carmel Valley Neighborhood 8 Precise Plan and Local Coastal Program Amendment, Tentative Map, Planned Development Permit, Site Development Permit and Coastal Development Permit.

The Creekside Villas project proposes a rezone to accommodate the project. The net result is a change from the existing 3.51 acres of multi-family (MF1) and 8.74 acres of open space (OS) to 3.06 acres of multi-family (MF3) and 9.19 acres of OS. This is a net gain of 0.45 acres of open space. The Plan Amendment is required to change the land use designation on the site from entirely open space to open space and residential development.

A Site Development Permit is required per the Environmentally Sensitive Lands Regulations due to the presence of sensitive vegetation. A Planned Development Permit is required for five deviations requested by the applicant. The deviations proposed are: the driveway thirty feet wide where twenty-five is allowed; a twenty-nine foot high retaining wall on the east side of the proposed building where twelve feet is the maximum; Brush Management Zone Two thirty feet wide where sixty-five feet is required; side yard landscape area of 5,888 square feet where 6,193 square feet is required; and personal storage area for each unit will be 100 cubic feet where 240 cubic feet is required. These deviations result in a superior project and protect sensitive resources while contributing to additional housing units for the City.

FISCAL CONSIDERATIONS:

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

PREVIOUS COMMITTEE ACTION:

On June 29, 2006, the Planning Commission voted 6:0:0 to recommend to the City Council approval of the project without any changes.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Carmel Valley Community Planning Board voted, on June 13, 2006, to recommend approval of the project, with seven conditions. These recommended conditions are fully discussed in the Planning Commission Report No. PC-06-188.

KEY STAKEHOLDER:

Creekside Villas, LLC

Waring/Halbert/JSF

LEGAL DESCRIPTION:

11921 Carmel Creek Road in the Carmel Valley Community (Westerly 590.84 feet of the east ½ of the southeast ¼ of Sec. 19.T145, R3W, SBM, lying southerly of the center line of Carmel Valley Road, County Road Survey No. 758, Book 819, Page 365 excepting there from all that portion thereof as condemned in the certain final order of condemnation recorded March 7, 1994, File No. 1944-173263) in the City and County of San Diego.

Staff: John S. Fisher – (619) 446-5231
Shannon M. Thomas – Deputy City Attorney

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

FILE LOCATION: SUBITEM A: NONE
SUBITEMS B – E: MEET

COUNCIL ACTION: (Time duration: 2:16 p.m. – 2:18 p.m.;
6:27 p.m. – 6:29 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTIONS IN SUBITEMS B, C, D, AND E. Second by Peters. 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:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:32 p.m. in honor of the memory of:

Evelyn V. Jackson as requested by Council Member President Pro Tem Young.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:29 p.m. – 6:32 p.m.)