

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 10, 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 10:04 a.m. The meeting was recessed by Council President Peters at 11:21 a.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council President Pro Tem Young not present. Council President Peters recessed the meeting at 2:14 p.m. to convene the Housing Authority. Council President Peters reconvened the regular meeting at 2:20 p.m. with Council Member Frye not present. Council President Peters recessed the regular meeting at 2:21 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 2:25 p.m. with all Council Members present. The meeting was adjourned by Council President Pro Tem Young at 4:21 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/dlc)

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-not present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Al Strohlein commented on alcohol consumption in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-2:

Linda Smith commented on Bayview Psychiatric Rehabilitation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:34 a.m.)

PUBLIC COMMENT-3:

Barbara Mackenzie and Wendy Christakes commented on medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:39 a.m.)

PUBLIC COMMENT-4:

Don Stillwell commented on public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m. – 10:43 a.m.)

PUBLIC COMMENT-5:

Ted Cook commented on the homeless in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:46 a.m.)

PUBLIC COMMENT-6:

Garth Murphy commented on the toll road at San Onofre State Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

PUBLIC COMMENT-7:

Hud Collins commented on the financial crisis in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:53 a.m.)

PUBLIC COMMENT-8:

Jarvis Ross commented on the Retirement Board and Development Services.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Robert Heynes commented on the attention given to the San Diego Chargers.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-10:

Jill Galante commented on alcohol advertisements targeting the youth.

FILE LOCATION: AGENDA

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

08/14/2006 - Adjourned
08/15/2006 - Adjourned
08/21/2006 - Adjourned
08/22/2006 – Adjourned
08/28/2006 – Adjourned
08/29/2006 – Adjourned
09/04/2006 – Adjourned
09/05/2006 – Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:05 a.m.)

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



ITEM-31: October, Disability Awareness Month.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-359 Cor. Copy) ADOPTED AS RESOLUTION R-301952

Commending the hundreds of volunteer disabled citizens and the Citywide staff for their commitment to help make all San Diegans aware of the rights and needs of citizens with all types of disabilities;

Proclaiming October 2006 to be “October, Disability Awareness Month” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:09 a.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-not present, Hueso-yea.



ITEM-32: North Torrey Pines Road Bridge Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-347) ADOPTED AS RESOLUTION R-301953

Commending FCI Constructors, T.Y. Lin International, and the North Torrey Pines Road Bridge City staff. Congratulations to these recipients for providing us with a picturesque bridge that can be crossed consciously and safely. Thank you for bringing pride and prestige to the City of San Diego;

Proclaiming October 10, 2006, to be “North Torrey Pines Road Bridge Day” in the City of San Diego.

FILE LOCATION: AGENDA

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

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



ITEM-33: Domestic Violence Awareness Month.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-302) ADOPTED AS RESOLUTION R-301954

Recognizing the effect that domestic violence has on the men, women, and children of San Diego and supporting and encouraging efforts to stop domestic violence in San Diego;

Recognizing the need to eradicate domestic violence in San Diego in order to improve the lives of all San Diegans, and proclaiming the month of October 2006, to be "Domestic Violence Awareness Month" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:23 a.m.)

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

* ITEM-50: Lease-Purchase of General Fund Motive Equipment.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/19/2006, Item 332. (Council voted 8-0):

(O-2007-19) ADOPTED AS ORDINANCE O-19546 (New Series)

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).

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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



ITEM-51: Lease Purchase of FY 2007 Fire Apparatus.

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

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/19/2006, Item 331. (Council voted 6-2. Council President Pro Tem Young and Councilmember Frye voted nay):

(O-2007-28) ADOPTED AS ORDINANCE O-19547 (New Series)

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).

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.;
2:10 p.m. – 2:11 p.m.)

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

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

* ITEM-52: Creekside Villas Rezone Located at 11921 Carmel Creek Road.

(See Report to the Planning Commission-PC-06-188. Carmel Valley Community Plan Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/19/2006, Item 333, Subitem A. (Council voted 8-0):

(O-2007-9) ADOPTED AS ORDINANCE O-19548 (New Series)

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.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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



ITEM-53: Sale of Surplus Motive Equipment to the City of Ensenada, Baja California, Mexico.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-26) INTRODUCED, TO BE ADOPTED ON TUESDAY,
OCTOBER 24, 2006

Introduction of an Ordinance authorizing the Mayor to sell to the City of Ensenada the motorcycles and spare parts described in Tables A and B for the prices indicated thereon, for a total of \$56,020;

Authorizing the Mayor, or his designee, to take all necessary actions and sign any documentation necessary to complete the sale of the motorcycles and spare parts to the City of Ensenada;

Declaring the \$56,020 from the sale of the motorcycles and spare parts described in Tables A and B shall be deposited in the Unlicensed Drivers Vehicle Impound Fees Fund, Fund Number 18684, Revenue Account 78348.

STAFF SUPPORTING INFORMATION:

The San Diego Police Department normally disposes of surplus equipment by auction, pursuant to Section 35 of the City Charter. The Charter also allows for the City Council to authorize the disposal of surplus equipment directly to another public corporation. The City of Ensenada, Mexico, wants to purchase twelve surplus motorcycles valued at \$47,020, which they have selected from San Diego Police Department's list of surplus motorcycle inventory, as well as \$9,000 worth of surplus motorcycle parts.

San Diego Police Department's Fleet Manager, in conjunction with the Stores Operations Supervisor from City Central Stores, has determined the fair market value of the vehicles by researching amounts received in previous auctions for similar motorcycles and taking an average of the high and low selling prices. The requested price for each of the motorcycles and the surplus parts was accepted by the City of Ensenada and they submitted a formal offer to purchase the equipment at a total cost of \$56,020.

FISCAL CONSIDERATIONS:

The funds in the amount of \$56,020 will be deposited in the Unlicensed Driver's Vehicle Impound Fees Fund, Fund Number 18684 (Revenue Account 78348), from which fund motorcycle purchases were previously financed. This is unanticipated revenue for fiscal year 2006. There is no cost associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Nov. 14, 2005, Ordinance O-19442.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Ensenada, Mexico will improve their law enforcement capability by the addition of this much needed equipment to their fleet.

Lansdowne/Olen

Staff: John Alley - (619) 527-6020
David M. Stotland - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:04 a.m.)

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

* ITEM-54: Amendments to the Regulations of Peep Show Establishments in San Diego Municipal Code Division 33.

(See Report to the City Council No. 06-121.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-119 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, OCTOBER 24, 2006

Introduction of an Ordinance amending Chapter 3, Article 3, Division 33, of the San Diego Municipal Code, by amending Sections 33.3310, 33.3311, 33.3324, and repealing Section 33.3326, relating to Peep Show Establishments.

STAFF SUPPORTING INFORMATION:

On November 20, 2000, the City adopted Ordinance No. O-18890 N.S. effective December 20, 2000, which amended the existing definitions in SDMC 33.3302 to read as follows:

“Peep show booth” means any room, or partitioned area of any room, in which a peep show device is located. “Peep show booth” does not include adult motion picture theaters or adult mini motion picture theaters as defined in Section 141.0601 of this Code.

“Peep show establishment” means any place to which the public is permitted or invited where one or more peep show devices are maintained.

“Peep show device” means any device, which displays still or moving images, which are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.” “Peep show device” does not include televisions, videotape machines, or other image producing devices, located within hotels, motels or similar commercial lodging establishments, which are licensed as such.

The ordinance also added a new Section 33.3324 (“Hours Restriction”) “It is unlawful for any person to operate a peep show booth or peep show device between the hours of 2:00 a.m. and 6:00 a.m.”

In addition, the ordinance amended certain provisions pertaining to the construction and configuration of peepshow booths (Visibility Requirements) including the minimum size, occupancy load, entrances and booth support.

The peep show industry sued the City regarding the above changes. The parties continue to disagree about the proper characterization of a peep show establishment, as well as the applicability and constitutionality of the Hours Restriction and the Visibility Requirements under the relevant decision of the Supreme Courts of the United States and the State of California, including the interpretation and application of the various constitutional tests set forth in the most recent case United States Supreme Court case, *City of Los Angeles v. Alameda Books Inc.*, and the California Supreme Court case, *People v. Glaze*.

Nevertheless, the parties agreed to compromise and settle their differences. A settlement agreement was reached and the City agreed not to enforce the hours restriction so long as peep show establishments are closed to patrons between the hours of 2:00 a.m. and 6:00 a.m. on weekdays and 4:00 a.m. and 6:00 a.m. on weekends and holidays. The City also agreed to not enforce the visibility requirements as long as the peep show booths are enclosed with a door that extends downward no further than eighteen inches above the floor and faces a primary continuous aisle as described in SDMC 33.3309. The peep show industry agreed to bring its peep show establishments into compliance with the visibility requirements within six months from the effective date of the settlement. The industry also agreed that no later than six months from the effective date of the settlement they would install interlock mechanisms on its peep show booths, which prevent activation of the device unless the peep show door is closed and locked. The responsible person on the premises must be able to open the door to the peep show booth at all times and the responsible person must open the door upon the request of a peace officer when that officer is either inspecting the premises, investigating criminal activity or investigating violations of the Code.

The ordinance has been updated to include the issues contained in the settlement agreement. Section 33.3310(e) and (f) have been added to include the interlock mechanism issue.

The first portion of Section 33.3311 has been deleted regarding the removal of doors. Section 33.3324 has been modified to include the Hours Restrictions on weekends and holidays.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

November 20, 2000, the City adopted Ordinance No. O-18890 N.S. effective December 20, 2000, amending the existing ordinance regulating peep show establishments.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: -

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Peep Show Industry within the City of San Diego.

Lansdowne/Olen

Staff: Lt. Lawrence McKinney - (619) 531-2897
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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



ITEM-60: First Amendment to Consultant Agreement with Richard Brady & Associates and Expenditure of Funds for the Morena, Barrett, and Lower Otay Dam Outlet Tower Improvements Project.

(See Water/Engineering and CIP Program Management Division's July 20, 2006, Executive Summary Sheet. Unincorporated Area of San Diego County.)

TODAY'S ACTIONS ARE:

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

Subitem-A: (O-2007-33) INTRODUCED, TO BE ADOPTED ON TUESDAY,
OCTOBER 24, 2006

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to Agreement between the City of San Diego and Richard Brady & Associates, Inc., for consulting services for the Morena, Barrett, and Lower Otay Dam Outlet Tower Improvements Project, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or duly authorized City representative shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 as this activity is the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

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

Subitem-B: (R-2007-314) ADOPTED AS RESOLUTION R-301955

Authorizing, solely and exclusively, the expenditure of \$63,386.56 from Water Fund 41500, CIP-73-317.0, Barrett Reservoir Outlet Tower Upgrade, for the purpose of funding in-house CIP and Water Operations labor costs related to the Barrett Reservoir Outlet Tower Upgrade Project;

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

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 as this activity is the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/26/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

On July 23, 2001, the City Council authorized execution of an Agreement with Richard Brady & Associates (Document No. RR-295172) to provide design and construction management services for the Barrett, Morena and Lower Otay Outlet Towers Projects. This amendment will extend, the term of the contract from five (5) year duration to nine (9) year duration with no increase in the \$1,594,000, expenditure limit previously authorized by the City Council. The current expiration date of the contract is July 22, 2006.

Due to lack of funding for construction of all three outlet tower upgrades, the Water Department has chosen the most critical and essential facility, the Barrett Reservoir Outlet Tower, to be upgraded. Construction of this upgrade requires redesign and repackaging to address the essential elements of the tower that affect operations and maintenance, personnel safety and water supply reliability to downstream City facilities.

The Barrett Reservoir Outlet Tower Upgrade redesign separates the Morena and Barrett Reservoir Outlet Towers Upgrades existing design, which was approved by the California Department of Safety of Dams (DSOD) on July 8, 2003. This is identified in Exhibit A of the First Amendment Agreement, and as previously performed by Richard Brady & Associates.

The rehabilitation of the Barrett Reservoir Outlet Tower will provide a safe working environment and enhance the supply and control of local water to the City's southern distribution system. The project scope of work includes, but is not limited to: construct ventilation system; replace internal 30-inch gate valves; provide automated controls for all internal valves; replace interior ladders; replace internal platforms; replace electrical distribution system; and replace lighting.

The construction of this project will increase reliability of using local raw water runoff and reduce raw water importation from San Diego County Water Authority. RBA was selected for the design and construction period to complete the professional services for this project.

- * ITEM-100: Contract Change Order No. 3 with American Asphalt South, Inc. for Additional Funding for Slurry Seal of Various Streets Citywide Group S-10.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-279) ADOPTED AS RESOLUTION R-301956

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, Change Order No. 3, issued in connection with the contract between the City of San Diego and American Asphalt South, Inc., amounting to a net increase in the contract price of \$773,029.80;

Authorizing the City Auditor and Comptroller to appropriate and expend an additional \$792,529.80 from Fund 100 as follows: \$773,029.80 for Change Order No. 3 with American Asphalt South, Inc.; and \$19,500 for City project management and inspection costs;

Declaring this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this activity is the repair and maintenance of existing facilities.

STAFF SUPPORTING INFORMATION:

On October 10, 2005, the City Council authorized the advertising and award of "Slurry Seal of Various Streets Citywide, Group S-10." \$1,146,430 was authorized for the construction contract, \$70,000 for administration, for a total project cost of \$1,216,430. The contract was awarded on May 9, 2006, to American Asphalt South, Inc., in the amount of \$817,829.80.

The original advertisement included an "additive alternate" to award \$773,029.80 of cape sealing for streets that require a more substantial treatment than slurry seal provides. Upon examination of the bid prices submitted, it was determined that funding was insufficient, so only the base bid for regular slurry seal was awarded in the amount of \$817,829.80. Funding is now available to award the additive alternate and provide the necessary cape sealing for the additional streets via Contract Change Order #3. An additional \$13,500 for Project Management and \$6,000 for Inspection will be needed to accommodate the work added by this change order, for a total project cost increase of \$792,529.80, and a new total project cost of \$2,008,959.80.

Previous change orders issued include Change Order #1 in the amount of \$198,724.68 and Change Order #2 in the amount of \$111,978.73. Change Order #3 will increase the contract to a total of \$1,901,563.01.

FISCAL CONSIDERATIONS:

Funding in the amount of \$792,529.80 is available in the Street Division General Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-300892, adopted on October 10, 2005, authorized the advertising and award of this contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of all streets to be slurry sealed and cape sealed was included in the original bid documents approved by Council. Streets are selected to receive slurry seal, cape seal, or asphalt overlay based on their "overall condition index" rating, which is calculated based on various types of cracking and other distresses in the pavement. Lists and maps will be provided again for the council staff briefing prior to the Council hearing this item.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

This action will provide for 4.1 miles of street maintenance which are part of the Mayor's FY 07 plan to include 100 miles of resurfacing projects. This 4.1 miles consists of cape sealing on streets to be completed this fall, thus avoiding further deterioration during the coming rainy season. The prime contractor who will receive the additional funds from this change order is American Asphalt South, Inc., and the sub-contractors are Manhole Adjusting, Inc., and Cleanline Sweeping Inc.

Sierra/Haas

Aud. Cert. 2700213.

Staff: Mary Wolford - (619) 527-7515
Tim Miller - Deputy City Attorney

FILE LOCATION: CONT - American Asphalt South, Inc.

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-101: Request for Additional Funding for Sewer Pump Stations 34 and 5.

(See Engineering and Capital Project's September 6, 2006, Executive Summary Sheet on Sewer Pump Stations 34 and 5. Centre City Community Area. District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-247) ADOPTED AS RESOLUTION R-301957

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$161,575 from CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, Fund 41506, Sewer Fund, solely and exclusively, for the purpose of providing funds for the Project and related costs, specifically related to the attempt to recover unforeseen costs encountered during the construction of the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is covered under Project No. 411009. 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 California Environmental Quality Act (CEQA) review per CEQA Guidelines Sections §15060(c)(3) and 15378(c).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/13/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

Sewer Pump Stations 34 and 5 is located at 1779 Harbor Drive in Centre City. The demolition of Sewer Pump Station 34 and the construction of Sewer Pump Station 5 were completed in Fiscal Year 2006. During construction, the contractor encountered extensive groundwater contamination that caused the project to incur over one (1) million dollars of additional expense. A total of \$3,926,540 was expended to mitigate the contamination and complete the construction. The City is preparing a legal action against the company responsible for the source of the contamination. This Council action will authorize the expenditure of up to \$161,575 for in-house and consultant expenses to pursue recovery of the one (1) million dollars previously expended on mitigating the ground water contamination. To date \$4,943.66 has been expended on this effort. The requested funding is necessary to pursue this recovery.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$4,088,115. Funding of \$3,926,540 was previously authorized by Council. This action authorizes the additional expenditure of \$161,575 out of Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration for this purpose. No future funding is anticipated.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

Council approved this project as well as previous change orders and scope of work on the following dates: R-294112 11/14/2000 - \$196,773, R-297716 03/17/2003 - \$1,913,890, R-298282 08/04/2003 - \$975,929, R-300025 01/11/2005 - \$839,948. The Committee on Natural Resources and Culture considered Sewer Pump Stations 34 & 5 on September 13, 2006 and voted to approve it 4-0 following consent motion by Councilmember Atkins, seconded by Councilmember Faulconer.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design stages this project was presented to the community as follows:
Centre City Community - 05/09/2001 and 09/26/2002

Barrio Logan Community - 05/16/2001

The Construction of this project is completed. The Notice of Completion was issued on June 9, 2005.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The citizens of the City of San Diego, Knox Attorney Service, Inc. and SCS Engineers Environmental Consultants are the key stakeholders.

Boekamp/Haas

Aud. Cert. 2700133.

Staff: Dave Zoumaras - (619) 533-5100
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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



ITEM-102: Additional Funding for Sewer Group 783.

(See Engineering and Capital Project's September 6, 2006 Executive Summary Sheet on Sewer Group 783. Eastern and College Community Areas. District 7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-245) ADOPTED AS RESOLUTION R-301976

Authorizing the City Auditor and Comptroller to expend \$515,307 from CIP-44-001.0, Annual Allocation - Sewer Main Replacement, Fund No. 41506, Sewer Fund, for the sole and exclusive purpose of providing additional funds for the engineering costs and contingency fund for Sewer Group Job 783, providing that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring this activity is covered under Project No. 63654 (Citywide Pipeline Projects, MND, dated 4/21/2005). 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 California Environmental Quality Act (CEQA) review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/13/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

Sewer Group 783 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. The project is located in the Eastern and College area communities. This project includes the replacement of approximately 11,440 linear feet of existing 6-inch and 8-inch old and deteriorated sewer mains and sewer laterals with 12,700 linear feet of new 8-inch and 10-inch sewer mains. The streets affected by construction operations within this project are: 69th Street through 73rd Street, Saranac Street through Amherst Street, and El Cajon Boulevard as shown on the Location Map. Traffic control plans have been prepared for this project and will be implemented during construction. The low bid for Sewer Group 783 was 11% over the engineer's estimate. To expedite the construction of these old and deteriorated sewer mains, the City awarded the construction contract to the low bidder, Orion Construction, Inc., by utilizing the previously Council approval funding for engineering and related costs. Therefore, additional funding is now needed to replenish the engineering and contingency costs. This action will continue our efforts to provide a reliable sewage system serving the citizens of the City of San Diego.

FISCAL CONSIDERATIONS:

The total estimated cost of the project is \$5,294,982. Funding of \$4,779,675 was previously authorized by Council Resolution R-301495; however, bids received were 11% higher than the previous estimate. The total additional request for this project is \$515,307. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, for this purpose.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

Sewer Group 783 was previously presented to and voted to approve 4-0 by the Committee on Natural Resources and Culture on April 5, 2006. On May 30, 2006, City Council approved funding of \$4,779,675 by Resolution No. R-301495. The Committee on Natural Resources and Culture approved this request for additional funding for Sewer Group 783 on September 13, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project was presented to the Eastern and College area committees during their meetings in July 2004. Also, both Committee Chairs were notified of the current plans and asked for comment in January 2006. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents in this area are the key stakeholders and will encounter minor inconvenience during construction. After completion, they will experience improved reliability of the sewage system.

Orion Construction, Inc. is the contractor on this project; subcontractors are listed below:

1. Penhall Co., Saw-cutting
2. Affordable Pipeline Services, Televising Inspection
3. B&W Precast, Manholes
4. Payco Specialties, Striping
5. Koch-Armstrong, A.C. Paving & Site Concrete
6. G. Scott Asphalt, Slurry Seal
7. Laguna Mountain Environmental
8. Pavement Recycling Systems, A.C. Cold Milling

Boekamp/Haas

Aud. Cert. 2700117.

FILE LOCATION: CONT - Orion Construction, Inc.

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:06 p.m.)

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



ITEM-103: San Diego State University (SDSU) Foundation Participation Agreement for the Design and Construction of Sorority Row Sewer Mains.

(See Metropolitan Wastewater Department's April 28, 2006 Executive Summary Sheet. College Area Community Area. District 3.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-17) RETURNED TO MAYOR

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an agreement to reimburse SDSU for design and construction of sewer mains associated with SDSU's Sorority Row project, under the terms and conditions set forth in the Participation Agreement;

Authorizing the expenditure of an amount not to exceed \$316,040 from Sewer Fund No. 41506, CIP-45-975.0, Annual Allocation - Developer Projects, SDSU Foundation Sorority Participation Agreement, sublet CIP-45-975.1, solely and exclusively, to provide reimbursement under the above agreement;

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

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/26/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

As a condition of the development of the Sorority Row project, described in the site plan attached hereto as Exhibit "A" ("Development"), San Diego State University (SDSU) Foundation (the Developer) was required to make improvements to the public wastewater system at College Avenue, Cresita Drive, and College Place adjacent to Sorority Row in San Diego. The public wastewater system improvements include the installation of 1,438 linear feet of new 8" PVC sewer main and the abandonment of 167 linear feet of existing 6" sewer main and 166 linear feet of existing 8" sewer main.

The City of San Diego had a planned Capital Improvement Project (CIP), described in the site plan attached hereto as Exhibit A, to replace sewer mains in the same area and on SDSU Foundation Sorority Row property. Several sewer mains crossed the Sorority Row site and precluded the efficient use of the property. As part of the development process, a new alignment was proposed which diverted sewage flows away from a canyon sewer and moved the sewer main off the Sorority Row property and into the public right-of-way. This alignment is consistent with the City's goal to relocate sewers from environmentally sensitive areas.

The sewer main work needed to be completed as the first item of work for the Sorority Row project, and the Developer moved forward with the construction without an agreement with the City for reimbursement of the City portion of the work.

The new alignment required a short section of easement through an adjacent vacant property. The owner of that parcel conditioned sale of the easement on immediate construction of the sewer so his plans to build a home would not be interrupted. The Developer proceeded based on the urgency of obtaining the easement and based on mutual benefit to both the City and the Developer.

All sewer work has been completed to the satisfaction of the City Engineer. The Developer has paid for 100% of the sewer improvements including the work required as a condition of their project, acquisition costs for the new easement, as well as the work the City intended to perform under a future CIP project. The Developer is requesting reimbursement of a total of \$316,040 for the construction of 841 linear feet of new 8" sewer mains offsite of the development area. The City is under no obligation to approve the subject Participation Agreement and payment of the \$316,040; the Developer understood the risk of proceeding prior to City Council authorization. However, staff recommends 100% reimbursement of the costs for the offsite improvements given the benefits to the City of the sewer main replacement and relocation work.

FISCAL CONSIDERATIONS:

The total cost of this project is \$316,040. Funding is available for this project in Sewer Fund 41506, CIP-45-975.0, Annual Allocation - Developer Projects.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This action was reviewed and approved by the Natural Resources & Culture Committee on July 26, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Developer contacted and briefed the community on the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

SDSU Foundation

Ferrier/Haas

Aud. Cert. 2600777.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:15 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR WITH THE RECOMMENDATION AND THE DIRECTION THAT A LETTER OF COMMITTAL IS NEGOTIATED BETWEEN THE CITY AND SAN DIEGO STATE UNIVERSITY CONFIRMING THAT THE PROPERTY IN QUESTION WILL BE USED SPECIFICALLY FOR MULTI-FAMILY HOUSING AND WHEN THE PROJECT IS CONSTRUCTED, THE CITY WILL REIMBURSE THE SAN DIEGO STATE UNIVERSITY FOUNDATION FOR THE SEWER PROJECT. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: University Avenue and Front Street Pop-Out.

(Uptown Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-253) ADOPTED AS RESOLUTION R-301958

Authorizing the City Auditor and Comptroller to add CIP-52-759.0, University Avenue and Front Street Pop-out to the Fiscal Year 2007 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program budget in CIP-52-759.0, University Avenue and Front Street Pop-out, Fund 79512, Uptown Urban Community Fund by \$150,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$150,000 from CIP-52-759.0, University Avenue and Front Street Pop-out, Fund 79512, Uptown Urban Community Fund for the purpose of design and construction of the University Avenue and Front Street Pop-out project, contingent upon the City Auditor and Comptroller certifying that funds are available, or on deposit in the City Treasury;

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

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

STAFF SUPPORTING INFORMATION:

The project will implement pedestrian improvements at the corner of University Avenue and Front Street, which will include the construction of a pop-out on the southwest corner and a new curb ramp on the north side of the intersection.

Installation of the pop-out will shorten the crossing distance on both University Avenue and Front Street, and make pedestrians more visible to vehicular traffic traveling east on University Avenue.

The pop-out will also sharpen the angle at the southwest corner of the intersection, which should result in slower speeds for eastbound right turning vehicles and provide a safer walking environment for the community.

FISCAL CONSIDERATIONS:

DIF (Developer Impact Fee) Funds are available in Fund 79512, Uptown Urban Community Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution R-297159, adopted Uptown Public Facilities Financing Plan, Fiscal Year 2003, October 8, 2002.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This project is consistent with the Uptown Public Facilities Financing Plan adopted October 2002, and is included in project T4, Streets, Curbs, Gutters and Storm Drains. The Uptown Planners Group has been kept updated on the development of this project.

KEY STAKEHOLDERS:

None.

Boekamp/Haas

Aud. Cert. 2700017.

Staff: Jamal Batta - (619) 533-3769
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-105: Skyline Drive Median – Transfer of Funding and Acceptance of Grant.

(Skyline/Paradise Hills Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-311) ADOPTED AS RESOLUTION R-301959

Authorizing the City Auditor and Comptroller to transfer \$250,000 from CIP-29-596.0, Fox Canyon Park, to CIP-52-763.0, Skyline Median and Parkway Improvements within Fund 30306, TransNet;

Authorizing the City Auditor and Comptroller to transfer appropriations and expenditures from CIP-58-007.0, Overhead and Other City Costs, (Job Order No. 580072), Skyline Drive Improvement from Sears Avenue to 58th Street, to CIP-52-763.0, Skyline Median and Parkway Improvements to consolidate funding;

Authorizing the City Auditor and Comptroller, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to reallocate the funding sources between TransNet and Commercial Paper-funded projects as may be appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP-52-763.0, Skyline Median and Parkway Improvements;

Authorizing the Mayor, or his designee, to request SANDAG to amend the Regional Transportation Improvement Program (RTIP) during the next amendment cycle in order to reflect the above TransNet funding transfers;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funding from the Federal Highway Administration and the California Department of Transportation for Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funding that has been earmarked to construct landscape medians along Skyline Drive from Sears Avenue to 58th Street;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the SAFETEA-LU funds;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program budget in CIP-52-763.0, Skyline Median and Parkway Improvements by \$800,000 in SAFETEA-LU funding;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$800,000 from CIP-52-763.0, Skyline Median and Parkway Improvements, SAFETEA-LU funds, contingent upon receipt of a fully executed agreement and upon the City Auditor and Comptroller certifying that the funds are, or will be, on deposit in the City Treasury;

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

STAFF SUPPORTING INFORMATION:

The Skyline Median and Parkway Improvement project consists of landscaped medians, street trees, pedestrian improvements, street lights, and other street improvements and enhancements. The project is along Skyline Drive from 58th Street to Sears Avenue. During the last federal budget cycle, the Federal Highway Administration identified specific projects for funding from the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), of which \$800,000 has been earmarked for Skyline medians. In addition, the Fiscal Year 2007 budget included a TransNet allocation for a roadway portion of the Fox Canyon Park project in the amount of \$250,000. However, after the budget was approved, it was determined this funding could be better utilized by the Skyline Median and Parkway Improvements project for matching funds.

FISCAL CONSIDERATIONS:

This action will transfer \$250,000 of TransNet, Fund 30306, from CIP-29-596.0, Fox Canyon Park, to CIP-52-763.0, Skyline Drive Median and Parkway Improvements. This action will also consolidate funding of \$15,000 of TransNet, Fund 30300 of which \$603.90 has previously been expended, from CIP-58-007.0, Overhead and Other City Costs, Job Order 580072, to CIP-52-763.0, Skyline Median and Parkway Improvements. This action will also authorize the use of \$800,000 of SAFTEA-LU funding, once the federal documentation is completed. Total project cost including \$200,000 of TransNet, Fund 30306, approved in the Fiscal Year 2007 CIP Budget is \$1,265,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-301515 adopted June 7, 2006 approved the Fiscal Year 2006-07 Budget; and 0-19525 adopted July 31, 2006 adopted the Fiscal Year 2007 annual budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Initial meetings with the community and elected officials have been conducted. Additional meetings will be conducted during the project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

None.

Boekamp/Haas

Aud. Cert. 2700217.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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



ITEM-106: [Grant Application to the State of California](#) Department of Transportation (DOT) Under the Community-Based Transportation Planning Program and the Environmental Justice: Context-Sensitive Planning Program for the Funding of Ten Projects.

(Barrio Logan, Clairemont Mesa, College Area, Linda Vista, Midway/Pacific Highway, Mid-City (City Heights and Eastern Area), Mission Valley, Otay Mesa-Nestor, Peninsula, San Ysidro and Uptown Community Areas. Districts 2, 3, 6, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-342) ADOPTED AS AMENDED AS RESOLUTION R-301960

Authorizing the Mayor, or designee, to apply to the State of California Department of Transportation (DOT) for grant funds under the Community-Based Transportation Planning Grant Program and the Environmental Justice: Context-Sensitive Planning Grant Program for the funding of ten city projects (Project);

Authorizing the Mayor, or designee, to execute all documents, including contracts, sub-contracts, agreements, extensions, renewals, and/or amendments required by the DOT, which may be necessary to carry out and administer obligations, responsibilities and duties under these grants, contingent upon receipt of a fully executed agreement;

Authorizing the Mayor, or designee, to take all necessary actions to secure funds from the State of California for the Project;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing funds for the grants;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$2,709,500 from DOT funds under the Community-Based Transportation Planning Grant Program and the Environmental Justice for the purpose of preparing studies and related expenses, upon receipt of a fully executed grant agreements;

Declaring this activity is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15262, as the activity constitutes feasibility and planning studies.

STAFF SUPPORTING INFORMATION:

The City Planning and Community Investment Department and the Engineering and Capital Projects Department propose to seek funding from two Transportation Planning Grant Programs administered by the State of California. Staff identified projects based on previous grant submittals, staff familiarity with local transportation planning issues and requests from community members. If funding is received, planning studies will be undertaken by City staff to improve mobility for the citizens of San Diego. City Council action is required to approve the application for funding, and to accept and expend grant funds should they be received.

The Community-Based Transportation Planning (CBTP) Grant Program funds transportation and land use planning that promotes public engagement and supports sustainable community concepts. The following projects are proposed for CBTP funding:

- Rosecrans Corridor Study - \$300,000 to analyze transportation conditions and develop a plan for a sustainable transportation corridor. (Council District 2)
- Hillcrest Mobility Plan Phase II - \$300,000 to develop a mobility plan for Washington/University/Robinson/First. (Council Districts 2 & 3)
- Mission Valley Trolley Access Improvements - \$300,000 to study access improvements to the existing Green Line Trolley. (Council District 6)
- Balboa Avenue Revitalization Feasibility Study - \$212,000 to determine the feasibility of transportation improvements along Balboa Avenue. (Council District 6)
- Crossroads/El Cajon Blvd. - \$300,000 to develop a mobility plan for El Cajon Blvd. between 54th and 73rd Streets. (Council District 7)
- San Ysidro Port of Entry Mobility Plan - \$300,000 to develop a multi-modal mobility plan for the San Ysidro Port of Entry expansion project. (Council District 8)

The Environmental Justice: Context-Sensitive Planning Grant Program promotes community involvement in planning in under-served areas to improve mobility, access to services, affordable housing and economic opportunities. The following projects are proposed for Environmental Justice funding:

- Barrio Logan Community Plan Land Use/Transportation Planning - \$250,000 to begin work on a comprehensive update to the Barrio Logan Community Plan. (Council District 8)
- Linda Vista Community Transportation Needs Study - \$247,500 to facilitate a community based transportation needs assessment. (Council District 6)

- Palm Avenue Mobility Plan: \$250,000 to develop a multi-modal mobility plan for Palm Avenue. (Council District 8)
- City Heights Safe Routes to School: \$250,000 to develop a plan for pedestrian, bicycle and vehicular access to schools within City Heights. (Council Districts 3 & 7)

FISCAL CONSIDERATIONS:

None with this action. If one or more of the proposed applications are approved, up to \$2,709,500 in State of California Department of Transportation funds would be available for City transportation planning projects. Matching fund requirements of 10% to 20% would be met through a combination of in-kind staff time and existing related projects, to be identified upon approval of the grants.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

If grant funding is received, City staff will embark on extensive community outreach efforts to implement the projects.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

If grant funding is received, City staff will identify and work with key stakeholders throughout the process.

Anderson/Waring

Staff: Mary P. Wright - (619) 533-4528
David E. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:14 a.m.)

MOTION BY YOUNG TO ADOPT THE RESOLUTION AS AMENDED TO: 1) DIRECT STAFF TO REVIEW A TRANSPORTATION STUDY IN DISTRICT 4 CONDUCTED BY ALL CONGREGATIONS TOGETHER; 2) RETURN TO COUNCIL WITH RECOMMENDATIONS FOR POSSIBLE GRANT FUNDING REQUESTS; AND 3) WITHDRAW ONE SEGMENT IN THE ENVIRONMENTAL JUSTICE GRANT FOR CITY HEIGHTS SAFE ROUTES TO SCHOOL PROGRAM

SINCE THE CITY HEIGHTS COMMUNITY DEVELOPMENT CORPORATION WILL SUBMIT THEIR OWN GRANT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-not present, Hueso-yea.

* ITEM-107: Safe Route to School (SR2S) Program 6th Cycle – Central Elementary School.

(City Heights and Mid-City Community Areas. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-277) ADOPTED AS RESOLUTION R-301961

Authorizing the Mayor, or his representative, for and on behalf of the City, to make an application to the California Department of Transportation (Caltrans) for \$391,500 in Safe Routes to School grant funds for the Central Elementary Safe Route to School Project (Project);

Authorizing the Mayor, or his representative, to take all necessary actions to secure the Safe Routes to School grant funding from Caltrans;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds, if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant;

Authorizing the City Auditor and Comptroller to add CIP-62-267.0, Safe Routes to School-Central Elementary School, to the Fiscal Year 2007 Capital Improvements Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget in CIP 62-267.0, Safe Routes to School-Central Elementary School, Safe Route to School grant fund, by \$391,500, contingent upon receipt of a fully executed program agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend \$391,500 from CIP-62-267.0, Safe Routes to School-Central Elementary School, Safe Routes to School grant fund, for the purpose of design and construction of the Project, contingent upon receipt of a fully executed program supplement and upon the City Auditor and Comptroller certifying that funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$43,500 from CIP-68-017.0, School Traffic Safety Improvements, to CIP-62-267.0, Safe Routes to School-Central Elementary School, within Fund 30300, TransNet;

Authorizing the City Auditor and Comptroller to appropriate and expend \$43,500 from CIP-62-267.0, Safe Routes to School-Central Elementary School, Fund 30300, TransNet, for the purpose of design and construction of the Project;

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 exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

STAFF SUPPORTING INFORMATION:

The City of San Diego submitted three applications to Caltrans under the Safe Routes to School program. The Safe Routes to School program provides funding for traffic calming and sidewalk improvements to encourage children to walk to school in a safe environment.

Approximately, 370 applications were submitted by local agencies from around the state. 115 were approved for funding. Central Elementary School has been approved for funding under the sixth cycle of Safe Routes to School Program. Central Elementary School is located in City Heights, a neighborhood within the Mid-City Community Planning Area. Central serves approximately 900 students in grades kindergarten through fourth all whom live within a half mile radius of the school.

According to data analysis conducted by the City and the Emergency Medical Services, the vicinity surrounding Central Elementary has a high bicycle and pedestrian accident injury rate. By collecting baseline information and creating a snapshot of current travel behaviors, it was recommended to use the Safe Routes to School program funds to install curb extensions, which will provide a traffic calming element in the vicinity of the school and will be designed to slow traffic speed and reduce traffic. Enhanced paved crosswalks will provide an added safety measure. In addition, public outreach and education materials will be provided to parents of school children attending Central Elementary School.

FISCAL CONSIDERATIONS:

This action will fund the cost of the project which is approximately \$435,000. 90% of project costs will be reimbursed through the Safe Routes to School program. The City's 10% match of \$43,500 is available in CIP-68-017.0, School Traffic Safety Improvements.

PREVIOUS COUNCIL COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City Heights Community Development Corporation (CHCDC) and San Diego City Schools have been involved with the infrastructure improvements for Central Elementary School. Groups supporting this action are: California State Senator Denise Moreno Ducheny, Congress member Susan A. Davis, Children's Hospital and Health Center, City Heights Community Development Corporation, Greater North Park Community Planning Committee, San Diego Police Department, San Diego Unified School District, Walk San Diego, and Uptown Partnership, Inc.

KEY STAKEHOLDERS:

N/A

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-108: Coastal Low Flow Storm Drain Diversion Projects – EPA Grant Acceptance.

(La Jolla, Pacific Beach, Ocean Beach, Peninsula, Mission Beach Community Areas. Districts 1 and 2.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-312) ADOPTED AS RESOLUTION R-301962

Authorizing the Mayor, or his designee, to accept \$2,850,700 in State and Tribal Assistance Grant (STAG) funds from the Environmental Protection Agency (EPA) and pursuant to the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriation Act of 2000 (P.L. 106-74);

Authorizing the Mayor, or his designee, to accept \$1,935,700 in STAG funds from the EPA and pursuant to the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriation Act of 2001 (P.L. 106-37);

Declaring that this activity is not a “project” and thus exempt from CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

The EPA Section of the Departments of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriations Act of 2000 (P.L. 106-74) and Act of 2001 (P.L. 106-37) provides \$4,786,400 in the State and Tribal Assistant Grants (STAG) account for funding Coastal Low Flow Storm Drain Diversion Projects. The objective of the project is to minimize the pollution of San Diego beaches resulting from dry season run-off and sewer over flows discharging directly onto the coast line. The Coastal Sewer Spill/Low Flow Storm Drain Diversion Project is consistent with the La Jolla, Pacific Beach, Ocean Beach, and Peninsula Community Plans.

The City has previously accepted \$1,305,000 State and Tribal Assistance Grants (STAG) per EPA, and Independent Agencies Appropriation Act of 1999 (P.L. 105-276) on April 19, 1999 per R-291498.

The Grant Fund was approved by Congress in HR 4194, the FY 1999 VA/HUD. The grant was secured by Congressman Brian Bilbray.

FISCAL CONSIDERATIONS:

This action provides for \$4,786,400 in grant funding for the Coastal Low Flow Storm Drain Diversion Projects and will be used to offset the total project cost.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

R-291498: Acceptance of \$1,305,000 State and Tribal Assistance Grants (STAG) per EPA, and Independent agencies Appropriation Act of 1999 (P.L. 105-276) on April 19, 1999.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable to this type of action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The Environmental Protection Agency.

Boekamp/Haas

Staff: Jamal Batta - (619) 533-3769
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

- * ITEM-109: Land Sale and Easement Grant to Ramona Municipal Water District – Portion of Mount Woodson.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-268) ADOPTED AS RESOLUTION R-301963

Finding that the City-owned 1.062-acre parcel of land located on Mt. Woodson in the County of San Diego, California, and more particularly described in the Grant Deed, is required for a public purpose;

Finding that an easement within City-owned real property located adjacent to the Property and more particularly described in the Grant of Easement and Agreement (Easement), is required for a public purpose;

Deeming the sale of the Property and the granting of the Easement to the Ramona Municipal Water District, a publicly-owned special district of the City of Ramona, California (RMWD), to be used solely for the construction, operation and maintenance of a 1.4 million-gallon water tank reservoir on the Property, to be fair and equitable and in the public interest;

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, the Grant Deed conveying the Property in fee title to RMWD;

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, the Easement to RMWD;

Authorizing the City Auditor and Comptroller to accept and deposit \$23,500 into the General Capital Outlay Fund 302453.

STAFF SUPPORTING INFORMATION:

On February 10, 1978, the City acquired a 396 acre parcel at Mt. Woodson from the State of California for \$125,750. As part of the transaction, the City prepared, and the State accepted, a master plan for the parcel that sets aside 381 acres as open space and allows telecommunication uses on the remaining 15 acres on the mountaintop. A paved access road provides access to telecommunication sites that the City is leasing out to several carriers. The City maintains the road.

The RMWD has requested to purchase 1.062 acres within the larger parcel for the construction of a 1.4 million gallon water tank. The proposed tank is approximately 90 feet in diameter and 30 feet high and would be located on the east-facing slope of the mountain. As part of the project, an easement for a 12" water supply line to the tank, an access easement and storm drain easement are also requested. The majority of easements would be within the existing access road to the mountaintop. The water tank and water supply pipeline would provide a fire fighting water reserve for the Ramona community and serve 289 customers in the RMWD area. Staff is recommending conveying the City land and the easement to the RMWD under condition that the parcel shall revert back to the City, if the RMWD changes the use of the parcel at any time.

On June 26, 2006, the Valuation Division of the City's Real Estate Assets Department concluded that the 1.062 acre tank parcel is valued at \$20,000 and the easement at \$3,500.

FISCAL CONSIDERATIONS:

A \$23,500 will be deposited to Capital Outlay Fund 302453.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORT:

The RMWD completed an outreach program as a part of the environmental approval process which included public input meetings. There were no negative comments or input by the public on the proposed project. The construction of the water tank has been recognized as being critical to fire protection of the areas of Mt. Woodson and Rockhouse Road in Ramona.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

None.

Barwick/Waring

Staff: James Barwick - (619) 236-6145
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: DEED F-10011

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* [ITEM-110](#): Sewer Easement Vacation in Lot 2 of NTC Unit 4, Map No. 14402.

(Peninsula Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-267) ADOPTED AS RESOLUTION R-301964

Vacating a portion of the sewer easement located in Lot 2 of NTC Unit 4, Map No. 14402, as more particularly described in the legal description marked as Exhibit "A", and as shown on Engineering Drawing No. 20410-B, marked as Exhibit "B", to unencumber his property and facilitate development of the site under the summary vacation of public service easements, California Streets and Highways Code Section 8333(b) and San Diego Municipal Code Section 125.1001(c)(2);

Declaring 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;

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

STAFF SUPPORTING INFORMATION:

This easement vacation is located in the Peninsula Community Plan area, located adjacent to Truxtun Road northerly of Harbor Drive. This project consists of vacating a portion of a sewer easement that was granted in April 2002 at no cost to the City on Parcel Map 18941. As a result of plans submitted by San Diego Rock Academy and Church, City staff has required that this portion of easement be vacated as the sewer system has become privately held and maintained. There are no public facilities located within the easement. There is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Rock Academy and Church

Broughton/Waring

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

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

FILE LOCATION: DEED F-10012

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

- * ITEM-111: Funding of Settlement Previously Approved by the City Council in the Case City of San Diego v. Loraine E. Chapin.

(See memorandum from the City Attorney dated 9/25/2006.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-287 Cor. Copy) ADOPTED AS RESOLUTION R-301965

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Settlement Agreement in the case entitled City of San Diego v. Loraine E. Chapin, in an amount not to exceed \$74,728.80, under the terms and conditions set forth in the Settlement Agreement;

Authorizing the expenditure of an amount not to exceed \$74,728.80 from Fund No. 81140, Department No. 81140, Organization No. 3501, Object Account No. 4141, Job Order No. 081141, solely and exclusively, for the purpose of providing funds for the agreement contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit in the City Treasury.

Aud. Cert. 2700236.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-112: Settlement of Personnel Claim of Sumaiyah Alazzawi.

(District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-251) ADOPTED AS RESOLUTION R-301966

Authorizing the Mayor to pay the sum of \$200,000 in complete settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personnel claim of Sumaiyah Alazzawi, San Diego Superior Court Case No. GIC 858179;

Authorizing the City Auditor and Comptroller to issue a check in the amount of, but not exceeding \$200,000 made payable to Law Office of Michael A. Conger, in trust, for the benefit of Sumaiyah Alazzawi and her attorney, Michael A. Conger, in full settlement of all claims.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising out of a Personnel Claim which occurred on November 18, 2005. The settlement was approved in Closed Session on September 12, 2006.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This settlement will be heard in Closed Session.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Bych/Goldstone

Aud. Cert. 2700150.

Staff: Janice Ellis – (619) 236-7705
Mark Stiffler - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-113: Excusing Council President Pro Tem Young from Attending the Special City Council Meeting of September 6, 2006.

COUNCIL PRESIDENT PRO TEM YOUNG’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-299) ADOPTED AS RESOLUTION R-301967

Excusing Council President Pro Tem Tony Young from attending the Special City Council Meeting of September 6, 2006. Council President Pro Tem Young was out of the City attending and actively participating in a Gang Symposium on behalf of the City.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

- * ITEM-114: Excusing Councilmember Madaffer from the Special Open and Closed Session Meetings of September 14, 2006.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-295) ADOPTED AS RESOLUTION R-301968

Excusing Councilmember Jim Madaffer from attending the Special Open and Closed Session Meetings of the City Council on September 14, 2006.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

- * ITEM-115: 25th Anniversary of the Adams Avenue Street Fair Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-307) ADOPTED AS RESOLUTION R-301969

Recognizing the accomplishments of the Adams Avenue Business Association and recognizing the business association for its hosting the annual Adams Avenue Street Fair;

Proclaiming September 23, 2006, to be the "25th Anniversary of the Adams Avenue Street Fair Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-116: H.G. Fenton Company Centennial Celebration Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-296) ADOPTED AS RESOLUTION R-301970

Recognizing and saluting H.G. Fenton Company as they celebrate 100 years of steadfast commitment to providing quality places for people to live and work;

Proclaiming September 14, 2006, to be "H.G. Fenton Company Centennial Celebration Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-117: Family Literacy Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-285) ADOPTED AS RESOLUTION R-301971

Recognizing and saluting the Salvation Army Ray and Joan Kroc Community Service Center for its hard work and dedication to eliminating illiteracy;

Proclaiming September 30, 2006, to be "Family Literacy Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-118: 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-2006-1035) ADOPTED AS RESOLUTION R-301972

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: 10:26 a.m. – 10:28 a.m.)

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

* ITEM-119: 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-2007-73) ADOPTED AS RESOLUTION R-301973

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: 10:26 a.m. – 10:28 a.m.)

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



ITEM-330: Resolution of Intention Including a Statement of Public Participation to Draft a Groundwater Management Plan (GMP) for the San Pasqual Basin.

(San Pasqual Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-338) ADOPTED AS RESOLUTION R-301974

Declaring the City intends to draft a Groundwater Management Plan for the San Pasqual Basin (Plan) pursuant to California Water Code Sections 10750 through 10755.4 for the purposes of implementing the Plan and establishing a groundwater management program;

Declaring the Plan shall include the following components:

- a. Basin management objectives;
- b. Components relating to the monitoring and management of groundwater levels, groundwater quality degradation, inelastic land surface subsidence, and changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping;
- c. Monitoring protocols designed to detect changes in groundwater levels, groundwater quality, inelastic land surface subsidence if subsidence is identified as a potential problem and flow and quality of surface water that directly affect groundwater levels or quality or are caused by groundwater pumping. The monitoring protocols shall be designed to generate information that promotes efficient and effective groundwater management;
- d. A plan to involve other agencies that enables the City to work cooperatively with other public entities whose service area or boundary overlies the San Pasqual Basin;
- e. A map that details the area of the San Pasqual Basin, as defined in the Department of Water Resources Bulletin No. 118, and the area of the City that will be subject to the Plan, as well as the boundaries of other local agencies that overlie the San Pasqual Basin; and
- f. Rules related to implementation of the Plan.

Declaring the City will provide for public participation in the development of the Plan, which shall include the following:

- a. The formation of a project advisory committee to guide development of the Plan;
- b. Preparation and implementation of a public outreach plan, including involving local agencies, water purveyors, land lessees, and well owners/users in the San Pasqual Valley; and
- c. A public review and comment period prior to the hearing on whether to adopt the Plan.

Declaring this activity is a feasibility or planning study that is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

Council Policy 600-45 requires preparation of a GMP in order to protect, manage, and utilize the groundwater resources within the San Pasqual Basin. A GMP is a document that outlines a coordinated strategy for administration, operation, and monitoring of a groundwater basin. A GMP is valuable because it helps ensure the quality, production, storage, and long-term sustainability of the groundwater resource. Per Section 10753.2 of the California Water Code, in order to draft a GMP the City is required to hold a public hearing on whether to adopt a Resolution of Intention to draft a GMP. At the conclusion of the hearing, the City may adopt a Resolution of Intention, including a Statement of Public Participation in accordance with Water Code Section 10753.4.

If adopted, the City will publish the Resolution of Intention in accordance with public notification requirements (Government Code Section 6066). Upon written request, the City will provide any interested party with a copy of the Notice of Intention including information on how interested parties will be able to participate in the GMP development.

The 4,540 acre San Pasqual Groundwater Basin is located in the northern portion of the City of San Diego between the City of Escondido to the north and the Community of Rancho Bernardo to the south. The Basin is within the San Dieguito River watershed with Lake Hodges downstream to the west and Sutherland reservoir upstream to the east. The City owns most of the land in the San Pasqual Valley. This land is leased primarily for agricultural purposes and the groundwater has historically been used for irrigation. As part of the GMP, the City may consider water supply opportunities in the basin such as brackish groundwater desalination and conjunctive use storage and recovery of imported water. The brackish groundwater desalination component would consist of extracting and desalinating native groundwater via reverse osmosis (RO) treatment for potable uses. The conjunctive use concept would recharge imported water to the aquifer during periods of high availability and less expensive supply, for recovery during dry periods or emergency conditions.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL/COMMITTEE ACTION:

On December 9, 2002, the City of San Diego adopted the Long-Range Water Resources Plan (LRWRP) by Resolution R-297484 in which the San Pasqual Basin was identified as a potential groundwater supply. On May 5, 2004, Councilmember Maienschein presented the San Pasqual Valley Vision Plan to protect the water, agricultural, biological and cultural resources within the San Pasqual Valley. On August 4, 2004, the Land Use and Housing Committee voted 4-0 to direct the City Manager to start work on Directive 1 of the San Pasqual Valley Vision Plan. Directive 1 called for the City Manager to prepare a Council Policy that reinforces the goals of the Vision Plan. On April 27, 2005, the City Manager's Report No. 05-105 titled San Pasqual Vision Plan Council Policy was issued. On May 4, 2005, the Natural Resources and Culture Committee voted 4-0 to support the Manager's recommendation that the City Council adopt the Draft Council Policy. The Council adopted Policy 600-45 (R-300588) on June 27, 2005 by unanimous vote. On May 16, 2006, the City Council approved the consultant agreement to draft a GMP for San Pasqual Basin.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Water Department has been actively involved in the San Pasqual/Lake Hodges Planning Group for the past three years. As part of the GMP, the City's Water Department Staff will identify interested parties and will establish a Project Advisory Committee (PAC). The PAC will provide input and recommendations during the GMP development. After the GMP is completed a second public hearing will be held.

KEY STAKEHOLDERS:

There are local, intergovernmental, and industry regulatory agency stakeholders within the San Pasqual Valley. Local stakeholders include the San Pasqual Lake Hodges Community Planning Board, Rancho Bernardo Chamber of Commerce, Rancho Bernardo Community Planning Board, San Diego County Farm Bureau, San Dieguito River Park Citizens Advisory Board, San Diego Wild Animal Park, and City lessees who practice agriculture within the Valley. Intergovernmental stakeholders include the City of San Diego Council District 5, the Cities of Escondido and Poway, the City of San Diego Agricultural Board, the Rancho Bernardo Community Council, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority, and the San Dieguito River Watershed Stewardship Initiative Group. Industry regulatory agency stakeholders include the Regional Water Quality Control Board, the Industrial Environmental Association, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the U.S. Army Corps of Engineers. The Groundwater Management Plan will address agriculture Best Management Practices, groundwater recharge-extraction issues, groundwater quality, and habitat management.

Barrett/Haas

Staff: Marsi A. Steirer - (619) 533-4112
Lori W. Girard - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:08 a.m.)

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



ITEM-331: Fiscal Year 2007 Phase Funding for Miramar Water Treatment Plant Expansion and Upgrade Project.

(Scripps Miramar Ranch Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-301 Cor. Copy) ADOPTED WITH DIRECTION AS
RESOLUTION R-301975

Authorizing an increase in the Fiscal Year 2007 Capital Improvement Program Budget in an amount not to exceed \$22,244,696, for Water Fund 41500, CIP-73-284.0 Miramar Water Treatment Plant Upgrade and Expansion Project;

Authorizing the City Auditor and Comptroller to appropriate \$22,244,696 from the Water Department Unappropriated Funds to Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion Project, for the purpose of Fiscal Year 2007 phase funded contracts;

Authorizing the expenditure of an amount not to exceed \$1,433,178, from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion Project, solely and exclusively, for the purpose of FY 2007 Phase Funding of the contract with Montgomery Watson Harza, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,072,763, from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion Project, solely and exclusively, for the purpose of FY 2007 Phase Funding of the contract with Camp, Dresser & McKee, Inc., provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$16,738,755, from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion Project, solely and exclusively, for the purpose of FY 2007 Phase Funding of the contract with Western Summit Constructors, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Finding that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c), as this activity is a subsequent discretionary approval covered under a prior environmental document, EIR No. 99-0704, for the Miramar Water Treatment Plant Upgrade and Expansion Project. There is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162 and this activity is not a separate project for the purposes of CEQA.

STAFF SUPPORTING INFORMATION:

As a part of the Water Department Capital Improvements Program, the Miramar Water Treatment Plant (WTP) is undergoing expansion from the current capacity of 140 million gallons per day (MGD) to 215 MGD to meet the water demand of its service area. In addition to increasing treatment capacity, the facility will upgrade the treatment processes. This will improve operation and maintenance at the facility and will meet the new drinking water standards set by the U.S. Environmental Protection Agency per California Department of Health Services (DHS) Compliance Order items 87 and 88. Failure to meet these DHS Compliance Order agreements may result in fines levied against the City of San Diego.

Contract A represents the third of six components of the Miramar WTP Upgrade and Expansion Project. The project consists of construction of new overflow, rapid mix and splitter box facilities, pre-ozonation, ozone contactors, twelve (12) new high rate filters. This project was previously authorized by Council and was adopted on April 21, 2003 (R-297874). Furthermore, the construction contract was approved and awarded to Western Summit Constructors, Inc. by Council on July 14, 2003 (R-298188).

The expenditure of unappropriated fund balances in a fiscal year for phase funded agreements such as the Miramar Water Treatment Plant Upgrade and Expansion project requires Council approval per the Fiscal Year 2007 Appropriation Ordinance O-19522.

FISCAL CONSIDERATIONS:

Total cost of the project is \$125,812,445 and has previously been authorized. Funding of \$101,489,626.70 has been previously appropriated. The amount of \$22,244,698 is for the Fiscal Year 2007 phase funded contracts of the project and is available in Water Fund 41500, Unappropriated Funds.

PREVIOUS COUNCIL COMMITTEE ACTION:

This item was presented and approved at the NR&C Meeting of February 5, 2003. Advertising for Construction was adopted on April 21, 2003 (R-297874) Award to Western Summit Constructors was approved on July 14, 2003 (R-298188) Amendment to the Agreement with CDM was adopted on February 9, 2004 (R-298874) 2nd Amendment to the Agreement with MWH America was adopted on January 23, 2006 (O-19455) and (R-294630).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City of San Diego Water Department has partnered with the community since the start of the Miramar Water Treatment Plant (MWTP) Upgrade and Expansion Project. In 1999, the Water Department worked with community members to form the Miramar Water Treatment Plant Community Advisory Group (CAG), which is comprised of area residents living and working in the area to help mitigate project impacts. Regular CAG meetings are held to provide project updates and discuss various concerns. Smaller meetings and phone conferences are also held with other nearby residents to address any pertinent issues. In addition, a CIP Hotline is regularly maintained to answer any questions and provide any information to the public. Door hangers, fact sheets, MWTP WaterWorks newsletters, and updates on the City of San Diego website and community newsletters also add to outreach efforts on behalf of the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Citywide Water Customers, Camp Dresser and McKee Design Consultants, Montgomery Watson Harza Construction Managers, Western Summit Constructors, Scripps Ranch Community, Scripps Ranch Community Advisory Group, San Diego County Water Authority and California Department of Health Services.

Barret/Haas

Aud. Certs. 2700214, 2700215 and 2700216.

Staff: Oscar Khoury – (619) 533-4102
Raymond C. Palmucci – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:21 a.m.)

MOTION BY FRYE TO ADOPT WITH DIRECTION TO REFER THE INDEPENDENT BUDGET ANALYST'S ISSUE TO THE BUDGET COMMITTEE. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-not present, Hueso-yea.

ITEM-332: Two actions related to the Torrey Highlands FY 2007 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See Report to the City Council No. 06-133. Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007. Torrey Highlands Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-318) RETURNED TO THE MAYOR

Approving the document entitled "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2007".

Subitem-B: (R-2007-319) RETURNED TO THE MAYOR

Resolution of Intention to designate an area of benefit in Torrey Highlands and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On September 27, 2006, LU&H voted 4-0 to approve the Staff's recommendation. (Councilmembers Faulconer, Atkins, Madaffer, and Hueso voted yea.)

SUPPORTING INFORMATION:

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Torrey Highlands. Torrey Highlands is an area in the later stages of development where significant infrastructure construction has occurred. This plan revises and updates the Fiscal Year 2004 Plan (R-299346 dated June 15, 2004). The objective of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when needed. The FBA will be collected at the building permit issuance stage of development and deposited into a special interest earning fund for Torrey Highlands.

The Public Facilities Financing Plan includes a proposed change to the Torrey Highlands Transportation Phasing Plan (TPP), which limits development in the planning area until certain improvements are assured. A traffic study was conducted and shows that in the near future most transportation facilities in the North City Future Urbanizing Area would operate at an acceptable level of service. The proposed update to the Torrey Highlands TPP would reduce the impact of regional transportation facilities on the private development project schedules.

The proposed Public Facilities Financing Plan and Facilities Benefit Assessment identify significant cost increases to the remaining projects to be funded by the FBA. In addition to these cost increases, the planned non-residential acreage has decreased in Torrey Highlands. The cost increases along with the reduction in non-residential acreage necessitate a revision in the rate of the assessment resulting in an increase of 29.52%.

Should the City Council not approve the proposed Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2007, then the existing fees would remain in place and new development would not be contributing its proportional share for new facilities identified in the Torrey highlands (Subarea IV) Plan. Alternative funding sources would have to be identified to fund the share of the identified facilities attributable to new development.

The proposed assessments for Fiscal Year 2007 are as follows:

LAND USE	CURRENT ASSESSMENT	PROPOSED ASSESSMENT per UNIT/ACRE in FY 2007
SINGLE-FAMILY UNIT	\$64,995	\$84,184
MULTI-FAMILY UNIT	\$45,498	\$58,931
LOCAL MIXED USE ACRE	\$524,508	\$679,365
COMMERCIAL ACRE	\$391,919	\$507,630
LIMITED COMMERCIAL ACRE	\$116,341	\$150,689
EMPLOYMENT CENTER ACRE	\$349,587	\$452,800
INSTITUTIONAL ACRE	\$97,492	\$126,276

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in the Torrey Highlands (Subarea IV) Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 12, 2006, the Carmel Valley Community Planning Board considered the Torrey Highlands Public Facilities Financing Plan for Fiscal Year 2007 and the proposed Transportation Phasing Plan. The Board expressed its support for the project with a vote of 10-0, with one recused.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Torrey Highlands Public Facilities Financing Plan, Fiscal Year 2007 Assessment Roll, starting on page 145 and will have received notice and a copy of this document in the mail. These property owners will have liens placed on their property and will be required to pay Facility Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment, which increases the intensity of existing uses, may be subject to an impact fee per Attachment 2.

Waring/Anderson/FVJ

Staff: Frank January – (619) 533-3699
David E. Miller - Deputy City Attorney

FILE LOCATION: STRT-FB-18 (33)

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:04 p.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE MAYOR TO BE DOCKETED ON TUESDAY, OCTOBER 24, 2006. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-333: Two actions related to the Carmel Valley FY 2007 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See Report to the City Council No. 06-134. Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2007. Carmel Valley Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-322) ADOPTED AS RESOLUTION R-301977

Approving the document entitled "Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2007".

Subitem-B: (R-2007-323) ADOPTED AS RESOLUTION R-301978

Resolution of Intention to designate an area of benefit in Carmel Valley and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On September 27, 2006, LU&H voted 4-0 to approve the Staff's recommendation. (Councilmembers Madaffer, Faulconer, Atkins, and Hueso voted yea.)

SUPPORTING INFORMATION:

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Carmel Valley. Carmel Valley is an area in the later stages of development where significant infrastructure construction has occurred. This plan revises and updates the Fiscal Year 2006 Plan (R-300501 dated June 7, 2005). The objective of the FBA is to insure that funds will be available in sufficient amounts to provide community facilities when needed. The FBA will be collected at the building permit issuance stage of development and deposited into a two, interest earning accounts for Carmel Valley.

It is anticipated that the current assessment schedule will provide sufficient funding for the remaining facilities in Carmel Valley, therefore no change to the current assessment schedule is proposed.

The assessments for Fiscal Year 2007 in both Carmel Valley North and Carmel Valley South are as follows:

LAND USE	CURRENT ASSESSMENT	PROPOSED ASSESSMENT per UNIT/ACRE in FY 2007
SINGLE-FAMILY UNIT	\$20,364	\$20,364
MULTI-FAMILY UNIT	\$14,255	\$14,255
COMMERCIAL ACRE	\$75,550	\$75,550
INDUSTRIAL ACRE	\$70,256	\$70,256
INSTITUTIONAL ACRE	\$72,699	\$72,699

There is one new project, the Carmel Valley Skate Park, proposed for addition into the financing plan. Also adjustments have been made to project costs to allow for inflation and updated estimates.

FISCAL CONSIDERATION:

Adoption of this revised Public Facilities Financing Plan will continue to provide a funding source for the public facilities identified in the Carmel Valley Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Carmel Valley Planning Group (CVPG) voted (11-0) to approve the draft Fiscal Year 2007 Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment at its meeting of July 11, 2006.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

All property owners with remaining new development are listed on the Carmel Valley Public Facilities Financing Plan, Fiscal Year 2007 Assessment Roll, starting on page 237 and will receive notice and a copy the Plan in the mail. These property owners will have liens placed on their property and will be required to pay Facility Benefit Assessments upon any building permit issuance when developing their property. Any redevelopment, which increases the intensity of existing uses, may be subject to an impact fee per Attachment 2.

Waring/Anderson/FVJ

Staff: Frank January – (619) 533-3699
David E. Miller - Deputy City Attorney

FILE LOCATION: STRT-FB-8 (33)

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:12 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-334: Tierrasanta Townhomes.

Matter of approving, conditionally approving, modifying or denying an application for a Rezone from RS-1-7 to RM-1-1, Vesting Tentative Map with an Open Space Easement Abandonment and a waiver of the requirement to underground existing overhead utilities, Site Development Permit, Conditional Use Permit and a Multi-Habitat Planning Area Boundary Adjustment to construct 60 residential condominium units and relocate 4 existing wireless telecommunication facilities on a 6.86 acre site at 11445 Tierrasanta Boulevard. The existing church building, YMCA daycare building, and associated surface parking would be demolished. The site is located within the Tierrasanta Community Plan area.

(Project Numbers 61500 and 89848. Tierrasanta Community Plan Area. District 7.)

(Continued from the meeting of September 11, 2006, Item 203, at the request of Councilmember Madaffer, for further review.)

NOTE: Hearing open. No public testimony taken on September 11, 2006.

STAFF'S RECOMMENDATION:

Adopt the resolution in Subitem A; introduce the ordinance in Subitem B; adopt the resolution in Subitem C to grant the map and adopt the resolution in Subitem D to grant the permits:

Subitem-A: (R-2007-13) ADOPTED AS RESOLUTION R-301979

Adoption of a Resolution certifying that final Mitigated Negative Declaration No. 61500, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit, conditional use permit and MHPA boundary adjustment for the Tierrasanta Townhomes project;

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

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

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

Subitem-B: (O-2007-5) INTRODUCED, TO BE ADOPTED ON TUESDAY,
OCTOBER 24, 2006

Introduction of an Ordinance changing 6.86 acres located at 11445 Tierrasanta Boulevard, in the Tierrasanta Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone into the RM-1-1 Zone, as defined by San Diego Municipal Code Section 131.0401; and Repealing Ordinance No. O-2463 (New Series), adopted on September 5, 1978, of the ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (R-2007-9) GRANTED MAP, ADOPTED AS AMENDED AS
RESOLUTION R-301980

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 182476 with an Open Space Easement Abandonment No. 184493;

That Vesting Tentative Map No. 334358, including the waiver of the requirement to underground existing overhead utilities and Open Space Easement Abandonment No. 184493, are granted to Tierrasanta Christian Church and Shappel Industries, Inc., Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem-D: (R-2007-8 Cor. Copy) GRANTED PERMITS, ADOPTED AS
RESOLUTION R-301981

Adoption of a Resolution adopting the findings with respect to Site Development Permit No. 330475, Conditional Use Permit Nos. 287678, 2876680, 287681, 287682, and a MHPA Boundary Adjustment;

That Site Development Permit No. 330475, Conditional Use Permit Nos. 287678, 287680, 287681, and 287682, are granted to Tierrasanta Christian Church and Shappel Industries, Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof;

That the MHPA boundary adjustment as shown on Site Development Permit No. 330475 is approved.

OTHER RECOMMENDATIONS:

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

Yeas: Griswold, Ontai, Otsuji, Schultz, Garcia

Nays: Chase

Not present: Steele

The Tierrasanta Community Council and Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

The project site is located at 11445 Tierrasanta Boulevard within the Tierrasanta Community Plan area. The Tierrasanta Community Plan designates this site for open space and is currently zoned RS-1-7. Approximately 2.5 acres of the 6.86-acre site is currently developed with a church building, YMCA daycare, and associated surface parking. The existing buildings to be demolished were constructed in 1985 and the site has a recorded Conditional Use Permit No. C-17951 for the church, sanctuary, classrooms and other associated improvements which will be rescinded as part of this proposed permit action.

The Tierrasanta Community Plan recommends that open space which will not be acquired by the City, should be allowed to be developed at the same residential density as adjacent properties. The City has no plans to purchase the developed subject property for open space. This site is adjacent to the El Dorado Apartments which is a multifamily residential development, located to the north and west along Tierrasanta Boulevard. The community plan states that a density between 5 and 10 du/acre is acceptable to the Planned Residential Development for El Dorado. The proposed project would have a density of approximately nine dwelling units per acre.

The project is requesting a Conditional Use Permit for the relocation of the existing four telecommunication facilities which will be integrated into the architecture of the residential units, and a Site Development Permit for deviations to structure height, setbacks, refuse and recycling storage, private open space, retaining wall height. Staff supports the requested deviations because the project meets the requirements of Council Policy 900-14 (Sustainable Buildings) and for the reasons outlined in Planning Commission Report PC-06-168 (attached). The development will provide energy-efficient building techniques as well as energy-generating photovoltaic roofs throughout the development. The Project also requires a Site Development Permit for Environmentally Sensitive Lands, adjacent to Multi-Habitat Planning Area (MHPA). The project's design and deviation requests are intended primarily to minimize impacts to the steep slopes, sensitive vegetation, and the MHPA while also meeting the goals of the community plan.

FISCAL CONSIDERATIONS:

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

PREVIOUS ACTION:

On May 25, 2006, the Planning Commission voted 5:1:0 to recommend approval of the project as outlined in Report No. 06-168. The Commission also recommended looking into the option of affordable housing, and the three undergrounding options presented in the environmental report (project includes a waiver from the undergrounding requirement).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 15, 2006 the Tierrasanta Community Council and Planning Group voted 14-0-0 to approve the project with conditions discussed within the Planning Commission Report.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Tierrasanta Christian Church, Shappel Industries, Inc., Intracorp, Cingular, Verizon, Sprint, T-Mobile, Community of Tierrasanta.

Halbert/Waring/HD

LEGAL DESCRIPTION:

The site is located at 11445 Tierrasanta Boulevard within the Tierrasanta Community Plan area and Council District 7. APN 455-210-07, 08 Legal Description: Lot 301 of Eldorado Hills, Unit 13, in the City of San Diego, County of San Diego State of California according to Map Thereof No. 9151.

Staff: Helene Deisher – (619) 446-5223

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

FILE LOCATION: SUBITEMS A, C, & D: MEET
SUBITEM B: NONE

COUNCIL ACTION: (Time duration: 4:03 p.m. – 4:17 p.m.)

Testimony in favor by Lee Campbell.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION IN SUBITEM A; INTRODUCE THE ORDINANCE IN SUBITEM B; ADOPT THE RESOLUTION AS AMENDED IN SUBITEM C TO GRANT THE MAP; AND ADOPT THE RESOLUTION IN SUBITEM D TO GRANT THE PERMITS WITH THE FOLLOWING ADDITIONS: 1) TO MAKE A CHANGE ON THE TENTATIVE MAP AND FOR THE CITY COUNCIL RESOLUTION TO REFLECT 61 UNITS INSTEAD OF 60 UNITS; 2) TO DELETE CONDITION NUMBER 11 WHICH CALLS FOR SPECIFIC IMPROVEMENTS TO THE END OF TIERRASANTA BOULEVARD; 3) TO ADD

CONDITION NUMBER 29, UNDER THE HEADING OF COMMUNITY ISSUES: THE SUBDIVIDER SHALL PAY A CASH AMOUNT OF AT LEAST \$250,000 AND UP TO \$300,000 TO THE CITY AND THE CITY IS TO CREDIT THE PROCEEDS TO THE TIERRASANTA LIGHTING AND OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT FOR THE INSTALLATION OF LIGHTING AT THE TIERRASANTA COMMUNITY PARK. THESE FUNDS SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMITS FOR THE TIERRASANTA TOWNHOMES PROJECT. IF THE DEVELOPER DOES NOT PROCEED WITH THE PROJECT, ANY FUTURE DEVELOPER WILL BE SIMILARLY OBLIGATED TO PROVIDE THIS COMMUNITY ENHANCEMENT. ADDITIONALLY, AS CONDITIONS 30, 31 AND 32 THE FOLLOWING REQUESTS BY THE TIERRASANTA COMMUNITY COUNCIL: 30. THE SUBDIVIDER OR DEVELOPER IS TO WORK WITH DEVELOPMENT SERVICES STAFF AND THE TIERRASANTA COMMUNITY COUNCIL TO ADOPT A SIGNAGE PLAN, LIGHTING PLAN, TRASH MANAGEMENT PLAN AND EXTERIOR COLOR SCHEME PRIOR THAT IS ACCEPTABLE TO ALL PARTIES PRIOR TO THE ISSUANCE OF BUILDING PERMITS. 31. THE FULL COMPLEMENT OF THE 151 ON-SITE PARKING SPACES IS MAINTAINED FOR THE LIFE OF THE PROJECT. 32. THE TIERRASANTA COMMUNITY COUNCIL WILL BE PROVIDED FOR REVIEW AND COMMENT A COPY OF THE PROPOSED HOMEOWNERS ASSOCIATIONS DRAFT CC&RS PRIOR TO RECORDATION. DIRECT THE CITY ATTORNEY TO PREPARE THE APPROPRIATE RESOLUTIONS. Second by Hueso. Passed by the following vote: Peters-recused, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-335: Qualcomm Building “N” Helistop.

Matter of approving, conditionally approving, modifying or denying an application for Conditional Use Permit for an elevated Helistop on the roof of a 475,218 square foot, ten-story research & development building, approximately 190 feet in height on a 30.12-acre site located at 5665 Morehouse Drive between Lusk Boulevard, Mira Mesa Boulevard, Scranton Road and Barnes Canyon Road.

(Project Number 73455/Conditional Use Permit No. 224802. Mira Mesa Community Plan Area. District 5.)

(Continued from the meeting of September 26, 2006, Item 335, at the request of Councilmember Frye, for further review.)

NOTE: Hearing open. No public testimony taken on September 26, 2006.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-246) CONTINUED TO TUESDAY, OCTOBER 24, 2006

Adoption of a Resolution adopting the findings with respect to Conditional Use Permit No. 224802;

That Conditional Use Permit No. 224802 is granted to Qualcomm, Incorporated, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

OTHER RECOMMENDATIONS:

Planning Commission on May 25, 2006, voted 6-0-0 to approve; no opposition.

Yeas: Schultz, Garcia, Chase, Griswold, Ontai, Otsuji.
Not present: Steele.

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

STAFF SUPPORTING INFORMATION:

The Qualcomm Building "N" Helistop project proposes to construct a helicopter landing area on the roof of a ten-story, 475,218 square-foot research and development building at 5665 Morehouse Drive, at the intersection of Morehouse Drive and Lusk Boulevard. The ten-story research and development building is currently under construction along with a seven-story parking garage. The San Diego Municipal Code (SDMC) Section 126.0303(c) requires a Conditional Use Permit to be processed for a helicopter landing facility.

FISCAL CONSIDERATION:

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

PREVIOUS PLANNING COMMISSION ACTION:

On May 25, 2006, the Planning Commission voted 5-0-0 to recommend to the City Council approval of the project with one modification to Condition No. 20 of the draft Conditional Use Permit. In summary, the revision to the condition stipulates that the required noise study which must be submitted prior to the end of the first year of operation, must also include an assessment of the number of evening and nighttime operations; helicopter idling times; and, a measurement of a single peak noise event. The draft permit provided for City Council includes the recommended Planning Commission condition of approval.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 19, 2005, the Mira Mesa Community Planning Group voted 12-1-1 to approve the proposed project with the conditions that the approach and departure patterns avoid the Wateridge and Pacific Ridge residential projects to the north; no fueling be permitted; and, the project receive Federal Aviation Administration (FAA) approval. The permit has been conditioned for flight paths to avoid nearby residential areas and no fueling activities will occur at the helistop facility. Also, the Federal Aviation Administration (FAA) has indicated in their letter dated June 29, 2006 that they do not object to the establishment of the landing facility, provided their conditions are met. The FAA conditions have also been included in the draft permit for City Council consideration.

KEY STAKEHOLDERS:

Qualcomm, Incorporated, Owners

Broughton/Waring/ST

NOTE: This activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15311 Accessory Structures.

Staff: Sandra Teasley – (619) 446-5271
Shannon M. Thomas – Deputy City Attorney

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

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:12 p.m. – 2:13 p.m.)

MOTION BY MAINSCHEIN TO CONTINUE TO TUESDAY, OCTOBER 24, 2006, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-336: Upper Voltaire Mixed Use.

Matter of the appeal by Cynthia Conger, Chair for the Peninsula Community Planning Board, of the decision by the Planning Commission approving mixed-use development of 28 for-sale residential units and 6 commercial units on a 0.97 acre site at 4104 Voltaire Street and 4105 Whittier Street within the Peninsula Community Planning Area, CC-3-5 and RM-2-5 zones, and the following overlay zones: Coastal Height Limitation, Airport Approach, Airport Overlay, Airport Environs, and the Community Plan Implementation Overlay Area B. The site is not within the Coastal Overlay Zone.

The project proposes infill construction of 28 residential condominium units and six new commercial units as mixed-use development along a transportation corridor in a transitional area, a potential smart-growth area, and a redevelopment project area. The project proposes 23 two-bedroom units, and five three-bedroom units, in tow-and three-story buildings, totaling 40,355 square feet gross floor area (GFA). Six commercial units would be provided ranging from 902 to 1,583 square feet for a total of 6,646 square feet GFA. Adding other ancillary uses such as parking and storage areas, the project proposes a total of 63,312 GFA for a total lot coverage of 20,354 square feet on a 42,153 square foot (0.97 acre) site. Parking for the project is provided in 71 vehicle parking spaces and six motorcycle spaces in a below-grade parking structure.

The project scope includes public improvements of sidewalk upgrades, and removal of existing curb cuts along Voltaire. Double Acorn style street lights would be provided along Voltaire Street consistent with the Community Plan. The existing bus stop along Voltaire Street would be relocated to the westerly end of the Voltaire right-of-way adjacent to the project site and configured to Americans with Disabilities Act (ADA) specifications.

Traffic improvements associated with the project include a median opening to allow eastbound left turns only into the project driveway along Voltaire, removing the median along Voltaire to provide full access for both the project driveway and San Clemente Street, removing a median and adding a center turn lane (restripe) along Voltaire Street from Wabaska Drive to Catalina Boulevard, removing the existing traffic signal and northbound channelizing island (also known as a “pork chop”) from the intersection of Voltaire Street and Wabaska Drive, installing a all-way stop sign at the intersection of Voltaire Street and Wabaska Drive, and creating (restripe) a ten-foot center turn lane along Famosa Boulevard between Whittier Street and Nimitz Boulevard.

The project site as it exists today includes a commercial building (Dominos Pizza) [built in 1988], two unoccupied single-family houses [built in 1950] at 4105 Whittier Street, and accessory storage buildings [built in 1988] at 4064 Voltaire Avenue. All existing uses are proposed to be removed. The site is bisected by an overhead 69 kV San Diego Gas and Electric (SDG&E) regional distribution power line required by SDG&E to remain overhead, and a 12 kV SDG&E line distribution line to be relocated and undergrounded along Nimitz and Voltaire.

The project site exists in a triangular shape between Whittier and Voltaire Streets at the Nimitz Boulevard overcrossing where Wabaska Drive and San Clemente Street join Voltaire Street. The site includes a portion of formerly vacated 60’ San Clemente Street which was vacated with the construction of Nimitz Boulevard. Associated with the prior street vacation of San Clemente Street on the project site in 1978 a residual 15’ sewer easement of 0.395 acres remains which is proposed to be vacated by Council action in association with this project.

(See Report to the City Council No. 06-136. MND/MMRP/VTM No. 341372/SDP No. 172879/PDP No. 254753/Easement Abandonment No. 341383/Project No. 58800. Peninsula Community Plan Area. District 2.)

STAFF’S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) ADOPTED AS RESOLUTION R-301982

Certifying that the information contained in Mitigated Negative Declaration No. 58800 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the 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 City of San Diego City Council;

That the City of San Diego City 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, a copy of which is attached hereto and incorporated by reference, is hereby approved;

That pursuant to California Public Resources Code, Section 21081.6, the City of San Diego City 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 and incorporated herein by reference;

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

Subitem-B: (R-2007-) DENIED APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION, GRANTED PERMITS, ADOPTED AS RESOLUTION R-301983

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Site Development Permit No. 172879 and Planned Development Permit No. 254753, with appropriate findings to support Council action.

Subitem-C: (R-2007-) DENIED APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION, GRANTED MAP, ADOPTED AS RESOLUTION R-301984

Granting or denying the appeal and upholding or overturning the decision of the Planning Commission in approving the project; and granting or denying Vesting Tentative Map No. 341372, with appropriate findings to support Council action.

Subitem-D: (R-2007-) GRANTED EASEMENT, ADOPTED AS AMENDED AS
RESOLUTION R-301985

Granting or denying Easement Abandonment No. 341383, with appropriate findings to support Council action;

That the portion of Easement Abandonment No. 341383 located within the Peninsula Community Plan area in connection with Vesting Tentative Map No. 341372; Planned Development Permit 254753, and Site Development Permit 172879, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20516-B, marked as Exhibit "B," is ordered vacated together with a revestment of access rights for Voltaire Street;

That said easement abandonment is conditioned upon approval and issuance of Vesting Tentative Map No. 341372; Planned Development Permit 254753, and Site Development Permit 172879. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and 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 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.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on July 13, 2006, voted 6-0 to approve; was opposition.

Ayes: Naslund, Otsuji, Schultz, Garcia, Chase, Ontai

Not present: Griswold

The Peninsula Community Planning Board has recommended denial of the project.

STAFF SUPPORTING INFORMATION:

The project proposes a mixed-use, infill development of 28 for-sale residential units and six ground-floor commercial units on a 0.97 acre site at 4104-64 Voltaire and 4105-07 Whittier Street within the Peninsula Community Planning Area. The site is centrally located in the Peninsula community along a transit corridor, is part of the North Bay Redevelopment Project Area (although not a recipient of Redevelopment Agency funds), and is located in an area designated by the community plan as in transition from residential to multi-family development. The site is also designated as a potential Smart Growth Area by the San Diego Association of Governments (SANDAG).

The project provides 13 surface commercial parking spaces and 71 subsurface parking spaces where 64 spaces total are required. The project scope includes landscaping (exceeding municipal code requirements); public improvements (sidewalk upgrades, curb cut removal along Voltaire Street, bus stop relocation and improvements, fire hydrant installation on Whittier Street, undergrounding of a 12 kV San Diego Gas and Electric distribution line); and street improvements (re-striping and intersection improvements along Voltaire and Whittier Streets). The project would remove a commercial building (Dominos Pizza), two single-family houses, and a storage yard.

The project includes vacation of an un-used 15-foot sewer easement of 0.395 acres to be summarily vacation, subject to City Council approval. The summary vacation was not required to be brought forward to the Planning for a recommendation approval and is before the City Council in conjunction with the appeal.

The project is within the Peninsula Community Plan Implementation Overlay Zone and is designed specifically to conform with the community plan recommendations: (1) the project is below the recommended density (28 dwelling units per acre (du/ac) proposed whereas 29 du/ac allowed), (2) the project provides infill development in a transition area from single to multi-family; (3) the project furthers Redevelopment goals to remove blight and revitalize the Voltaire commercial strip; (4) the project promotes in-fill development along a bus line and within walking distance of local community amenities, and (5) the project provides off-site traffic and public improvements.

The project requests deviations from the requirements of the San Diego Municipal Code (SDMC) for wall height, and reduction in setbacks. Staff supports the deviations due to site restrictions and the desire to bring the project/pedestrian interface as close as possible to the street frontage to encourage pedestrian interaction with the storefronts.

The project is located within the Coastal Height Overlay Zone and therefore complies with the 30 foot coastal height limit.

The project proposes a Floor Area Ratio of 1.5 where 1.76 is allowed. The project has not yet received a consistency determination from the Airport Land Use Commission, although city staff believes the project to be consistent with the San Diego International Airport Airport Land Use Compatibility Plan.

A traffic study was not required for the project since the project scope does not trigger the City of San Diego 1,000 daily trip threshold. However, the applicant elected to prepare a traffic study because of known local community concerns with traffic and circulation. The proposed project is anticipated to generate a net total of 254 daily trips with 15 in the morning peak hour and 23 in the afternoon peak hour. Traffic issues are the largest concern of those opposed to the project and the community disagrees with the methodology and findings of the traffic study. As such, the unanimous approval of the Planning Commission was appealed by the Peninsula Community Planning Board expressing concerns over density and traffic. Staff responses to the issues raised in these appeals are attached within the Report to the City Council.

FISCAL CONSIDERATIONS:

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

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On July 13, 2006, the Planning Commission heard the proposed project and voted unanimously 6-0 to approve staff's recommendation. On October 20, 2005, the Peninsula Community Planning Board heard the proposed project and voted 5-3-0 to recommend denial of the project following a failed motion to approve 3-5-0.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Voltaire Partners, LLC: Michael D. Stevens, and Steven L. Fortner

Waring/Halbert/CW

LEGAL DESCRIPTION:

The project is located at 4104 and 4164 Voltaire Street, 4105 and 4107 Whittier Street on a 42,153 square-foot lot in the Peninsula Community Planning Area, Coastal Height Limitation Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, Community Plan Implementation Overlay Zone Area B, North Bay Redevelopment Area, Council District 2, and is more particularly described as Lots 11, 12, 13, 14, and Parcel 1 in block 6 of Loma Alta.

Staff: Cory Wilkinson– (619) 557-7900

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:13 p.m. – 3:56 p.m.)

Testimony in favor of appeal by Geoff Page, Cynthia Conger and Fae Ryan.

Testimony in opposition of appeal by Michael Stevens, Walter Okitsu, Kirk O’Brien, Charles Mellor, Stephen Manganiello, Matt Kalla, Patti Adams, Andrew Stevens, Geoffrey Stevens, Steven Fortner and John Galt.

MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM A; DENY THE APPEAL AND GRANT THE PERMITS IN SUBITEM B; DENY THE APPEAL AND GRANT THE MAP IN SUBITEM C; AND GRANT THE EASEMENT IN SUBITEM D AS AMENDED TO INCLUDE STOP SIGN ON WABASKA, NOT THE STOP SIGN ON VOLTAIRE, AND THAT THE CENTERLINE IS DONE THROUGHOUT. MAKE PARKING NUMBERS CONSISTENT. INCLUDE ERRATA SHEET TO CLARIFY THE MITIGATED NEGATIVE DECLARATION, AND DIRECT THE CITY ATTORNEY TO PREPARE THE APPROPRIATE RESOLUTIONS. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not-present, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:08 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Young at 4:21 p.m. in honor of the memory of:

Ralph Stewart as requested by Council Member Maienschein; and
Matthews Brown as requested by Council President Pro Tem Young.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:17 p.m. – 4:21 p.m.)