

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, NOVEMBER 13, 2006  
 AT 2:00 P.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 2:02 p.m. Council President Peters recessed the meeting at 3:53 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:59 p.m. with Council Member Hueso not present. The meeting was adjourned by Council President Peters 6:19 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)

FILE LOCATION:            MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Jack Harris of Vista La Mesa Christian Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council President Pro Tem Young.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

- CS-1 *Border Business Park v. City of San Diego***  
**Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794**  
*Otay Acquisitions v. City of San Diego*  
San Diego Superior Court Case No. GIC 753247  
*National Enterprises, Inc. v. City of San Diego*  
San Diego Superior Court Case Nos. GIC 791407; GIC 805465

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

EACA assigned: D. McGrath

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. In closed session, the Executive Assistant City Attorney and retained counsel will update the Mayor and City Council on the status of these matters and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

- CS-2 *William J. McGuigan v. City of San Diego***  
**San Diego Superior Court Case No. GIC849883**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

EACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the Executive Assistant City Attorney and retained outside counsel will update the Mayor and City Council on the litigation's status and discuss settlement of the litigation and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**CS-3 *San Diego Police Officers Association v. Aguirre, et al.* [SDPOA#1]  
United States District Court No. 05 CV 1581**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

EACA assigned: D. McGrath

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief. In closed session the Executive Assistant City Attorney will update the Mayor and City Council on the status of the matter and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**CS-4 *Aaron, et al. v. Aguirre, City of San Diego, et al.*, [SDPOA#3]  
United States District Court Case No. 06 CV 1451**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers against the City Attorney, the City of San Diego and a number of current and former City Council Members and employees. In closed session the Executive Assistant City Attorney will update the Mayor and City Council on the status of the matter and seek additional funding for outside counsel services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**CS-5 Steven A. Sloan, et al. v. City of San Diego  
San Diego Superior Court Case No. GIC 848641**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

DCA assigned: Stiffler

This lawsuit was filed by members of the Canine Unit of the San Diego Police Department seeking to have Canine Care Pay included in Retirement Base Compensation. In closed session the Deputy City Attorney will update the Mayor and City Council on the status of the matter and request retention of outside counsel in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**CS-6 Joseph A. Lopez, et. al. v. City of San Diego  
San Diego Superior Court Case No. GIC 869054**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

DCA assigned: M. Stiffler

This lawsuit was filed by members of the Motorcycle Unit of the San Diego Police Department seeking to have Motorcycle Care Pay included in Retirement Base Compensation. In closed session the Deputy City Attorney will update the Mayor and City Council on the status of the matter and request retention of outside counsel in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**CS-7 *Citizens for Responsible Equitable Environmental Development v. City of San Diego*  
San Diego Superior Court Case No. GIC871259**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

DCA assigned: M. Dickenson

This matter involves a California Environmental Quality Act Petition for Writ of Mandate which challenges the City's approval of condominium conversions. The City Attorney requests that the Mayor and City Council consider a possible settlement of this case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**CS-8 *Michael Shames v. City of San Diego*  
San Diego Superior Court Case No. GIC 831539**

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

DCA assigned: J. Riley

This case involves an alleged over billing of single-family sewer customers in violation of the state constitution and a breach by the City of San Diego of loan and grant contracts from the State of California and the Federal Government. In closed session, the City Attorney will update the City Council related to the mediation process and seek approval of the proposed settlement.



FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

**CS-9 Agency negotiator:** Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli William Gersten, Joe Harris, Rick Reynolds

**Employee organizations:** Municipal Employees Association, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association, AFSCME Local 127

**REFERRED TO CLOSED SESSION OF TUESDAY, NOVEMBER 14, 2006**

DCA assigned: W. Gersten

Discuss with Council the negotiations with all five labor unions (Municipal Employees Association, AFSCME Local 127, Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association) regarding the implementing ordinances for the Mayor's Ballot proposals that would allow for the managed competition of certain City services and also require voter approval for enhancements to employee pension benefits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 4:00 p.m. – 4:00 p.m.)

**Council President Peters closed the hearing.**



ITEM-150: Amendments to the Ethics Commission's Investigative and Enforcement Procedures.

(See memorandum from Stacey Fulhorst dated 8/17/2006, with attachment.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2007-39)                      INTRODUCED TO BE ADOPTED ON TUESDAY,  
NOVEMBER 28, 2006

Introduction of an Ordinance amending Chapter 2, Article 6, Division 4 of the San Diego Municipal Code by amending Sections 26.0402, 26.0404, 26.0406, 26.0407, 26.0408, 26.0411, 26.0413, 26.0414, 26.0415, 26.0421, 26.0422, 26.0431, 26.0445, and 26.0450, all relating to the establishment of the Ethics Commission and to the Ethics Commission's Investigation and Enforcement Procedures.

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS  
COMMITTEE'S RECOMMENDATION:**

On 9/20/2006, Rules voted 5 to 0 to forward all of the recommendations made by the Ethics Commission to the full City Council, with the following amendments:

1. Add language to specifically exclude from appointment to the Commission a person who is a former opponent, or a campaign staff member to a former opponent, of a current elected official;
2. Add language that Commissioners shall not participate in a campaign supporting or opposing a City ballot measure, unless that ballot measure is sponsored by the Ethics Commission; and
3. Add language allowing Commissioners to be selected from registered voters in the County, not just in the City, and provide options with regard to whether at least one Commissioner must have held an elective governmental office.

In addition, direct the Ethics Commission to:

1. Work with the State of California to advance legislation that would allow local candidates to open Legal Defense Funds independent of their campaign committees, which would have the effect of not forcing officeholders to keep their committees open during their entire term; and
2. Provide information on City Charter requirements for equal representation within Council Districts on the Commission.

(Council President Peters, Council President Pro Tem Young, Councilmembers Maienschein, Frye, and Madaffer voted yea.)

**SUPPORTING INFORMATION:**

See attached memo from Ethics Commission Executive Director Stacey Fulhorst.

**FISCAL CONSIDERATIONS:**

None.

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

Approved by Rules Committee on September 20, 2006.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Public discussion at Ethics Commission meetings on June 8, 2006 and July 13, 2006.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

City Officials, persons who participate in City election activities, and lobbyists as they are subject to the Commission's jurisdiction and the amendments would enable the Commission to initiate its own investigations without receipt of a complaint from an outside party. In addition, Ethics Commissioners, because the amendments would affect the appointment process as well as prohibited activities for Commissioners.

Fulhorst

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:34 p.m. – 3:44 p.m.)

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



ITEM-200: Selection of a Council President for the 2007 Annual Year.

(See memorandum from Council President Peters dated 11/1/2006.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-528) ADOPTED AS RESOLUTION R-302037

Selecting, after full discussion and deliberation by the City Council, Councilmember \_\_\_\_\_ as the Council President-elect to begin a one year term commencing on January 1, 2007, as Council President.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. – 2:31 p.m.)

MOTION BY ATKINS TO SELECT COUNCIL MEMBER PETERS AS THE COUNCIL PRESIDENT-ELECT. 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-201: Appointments to the Commission on Gang Prevention and Intervention.

(See memorandum from Mayor Sanders dated 10/30/2006.)

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-438) ADOPTED AS RESOLUTION R-302038

Confirming the following appointments by the Mayor of the City of San Diego, to serve as members of the City of San Diego Commission on Gang Prevention and Intervention, for terms ending as indicated:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
Marilyn Stewart (University City)	District 1 Member	July 1, 2007
Michael J. Sise, M.D.	District 2 Member	July 1, 2007
Elias Vazquez (Chula Vista)	District 3 Member	July 1, 2007
Reverend Harry Cooper, Jr. (Spring Valley)	Chairperson District 4	July 1, 2007
Alicia DeLeon Torres (South Park)	District 5 Member	July 1, 2007
Rosemary Ortega (Linda Vista)	District 6 Member	July 1, 2007
Eugene Johnson (Skyline)	District 7 Member	July 1, 2007
Christopher Yanov (Golden Hill)	District 8 Member	July 1, 2007
Vince Iaria	At Large Member	July 1, 2008

Carl Cohn, PhD (Kensington)	K-12 Education Member	July 1, 2008
Benita Page (Serra Mesa)	Community Based Organization Member	July 1, 2008
Steve Eldred (City of Oceanside)	Public Health Member	July 1, 2008
Kevin Henderson (Mt. Hope)	Social Services Member	July 1, 2008
Conrad Harris (Southcrest)	Reformed Gang Member	July 1, 2008
Gary Gallegos (Tierrasanta)	San Diego Association of Governments (SANDAG)	July 1, 2008
Chief William Landsdowne	Law Enforcement Member	July 1, 2008
Larry Fitch	San Diego Workforce Partnership, Inc. Member	July 1, 2008

Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Reverend Harry Cooper, Jr., Elias Vazquez and Steve Eldred are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Commission, therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:05 p.m.;  
2:07 p.m. – 2:11 p.m.)

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



ITEM-202: Extension of San Diego Auto Connection's Lease at Qualcomm Stadium.

(See Report to the City Council No. 06-162. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-241) ADOPTED AS AMENDED AS RESOLUTION R-302039

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a contract granting to San Diego Auto Connection, Inc., a California corporation, exclusive rights for two (2) years commencing January 1, 2007, to conduct a total of nine (9) automobile sales events per year on the Qualcomm Stadium parking lot, located in San Diego, California, under the terms and conditions set forth in that "Amended and Restated Agreement for Use of the Qualcomm Stadium Parking Lot between the City of San Diego and San Diego Auto Connection."

**STAFF SUPPORTING INFORMATION:**

San Diego Auto Connection (SDAC) has the exclusive right to conduct two new and five used car sales events in the Qualcomm Stadium parking lot and the right to conduct additional events on an availability basis. As consideration for this exclusive right, SDAC pays the City a flat fee of \$391,000 each year during the term of the Contract. The term of the Contract is a three-year period from January 1, 2004 through December 31, 2006, with a two-year option. The granting of the two-year option is at the sole discretion of the City.

In order to solidify long term business planning, SDAC requested that the City exercise the two-year option well in advance of the contract expiration date. In considering the extension, stadium management and the Stadium Advisory Board renegotiated the contract to include the following:

1. The contractually allowable number of events was changed from 7 to 9. In return, the City received the right to charge additional rent for all events over the 9 events in the contract. SDAC's current projection is to have 15 events per year, which will generate additional rental fees exceeding \$100,000 annually.

2. The number of days required for notification to SDAC by stadium management regarding the scheduling of a large scale special event that would impact SDAC's event was revised from 45 to 30 days. This change has given the stadium greater flexibility in scheduling events. It also mitigates potential damages to both parties by redefining the scheduling process.

**FISCAL CONSIDERATIONS:**

The stadium currently receives an annual rental fee of \$391,000. By renegotiating and extending the contract, the City will now receive an estimated annual rental fee of \$500,000. The City also receives substantial income from sales tax on all new and used car sales at Qualcomm Stadium. Sales tax estimates are not available, but extending the contract and increasing the number of sales events will clearly have a positive impact on total sales tax receipts.

Stover/Waring

Staff: Erik Stover - (619) 641-3102  
Brock Ladewig - Deputy City Attorney

FILE LOCATION: LEAS - San Diego Auto Connection, Inc. (61)

COUNCIL ACTION: (Time duration: 4:00 p.m. – 6:19 p.m.)

Motion by Frye to oppose the resolution. Second by Hueso. Failed. Yeas-3, 6, 8.  
Nays-1, 2, 4, 5, 7.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO LIMIT THE NUMBER OF EVENTS TO A MAXIMUM OF TWELVE SALES PLUS THREE RIDE AND DRIVES AND THE CITY SHALL CHARGE ADDITIONAL RENT FOR ALL EVENTS OVER NINE. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-nay.



ITEM-203: Two actions related to Otay Mesa FY 2007 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See Report to the City Council No. 06-160. Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2007, October 18, 2006 Draft. Otay Mesa Community Area. District 8.)



**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2007-444) ADOPTED AS RESOLUTION R-302040

Resolution approving the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment.

Subitem-B: (R-2007-445) RETURNED TO THE MAYOR

Resolution declaring its intention to designate an area of benefit in Otay Mesa and setting the time and place for holding a public hearing thereon.

**STAFF SUPPORTING INFORMATION:**

The Public Facilities Financing Plan details the public facilities that will be needed through the ultimate development of Otay Mesa. Otay Mesa is an area in the earlier stage of development where significant infrastructure construction is yet to occur. This plan revises and updates the Fiscal Year 2005 Plan (R-299535 dated August 3, 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 two separate special interest earning funds for Otay Mesa.

The proposed FY 2007 Otay Mesa Public Facilities Financing Plan identifies significant cost increases to the remaining projects to be funded by the FBA. The cost increases necessitate a revision in the rate of the assessment resulting in an increase of 52%.

Should the City Council not approve the proposed Otay Mesa 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 Otay Mesa Community 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:

<b><u>LAND USE</u></b>	<b><u>CURRENT ASSESSMENT</u></b>	<b><u>PROPOSED ASSESSMENT per UNIT/ACRE in FY 2007</u></b>
SINGLE-FAMILY UNIT	\$13,610	\$20,687
MULTI-FAMILY UNIT	\$9,527	\$14,481
WEST COMMERCIAL ACRE	\$78,260	\$118,954
WEST INDUSTRIAL ACRE	\$27,220	\$41,374
EAST COMMERCIAL ACRE	\$82,217	\$124,970
EAST INDUSTRIAL ACRE	\$27,132	\$41,240
OTAY INTERNATIONAL CENTER (INDUSTRIAL)	\$27,132	\$41,240
OTAY INTERNATIONAL CENTER (BUSINESS)	\$79,749	\$121,218
OTAY INTERNATIONAL CENTER (COMMERCIAL)	\$106,060	\$161,211

**FISCAL CONSIDERATION:**

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

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

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On October 18, 2006, the Otay Mesa Community Planning Group considered the Otay Mesa Public Facilities Financing Plan for Fiscal Year 2007. The planning group voted unanimously to support the financing plan and the increased assessment.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

All property owners with remaining new development are listed on the Otay Mesa Public Facilities Financing Plan, Fiscal Year 2007 Assessment roll, starting on page 249 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.

**NOTE:** This plan is a financing measure and is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

Waring/Anderson/FVJ

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

FILE LOCATION: STRT-FB-6 (33)

COUNCIL ACTION: (Time duration: 3:45 p.m. – 3:52 p.m.)

MOTION BY HUESO TO ADOPT THE RESOLUTION IN SUBITEM A AND RETURN TO THE MAYOR THE RESOLUTION IN SUBITEM B TO ADDRESS THE NOTICING ERROR. 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-204: Three 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.)

**NOTE:** First Public Hearing was held on October 10, 2006, Item 333.

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2007-325) ADOPTED AS RESOLUTION R-302041

Designating an area of benefit in Carmel Valley and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceeding thereto, and ordering of proposed Public Facilities Projects in the matter of one Facilities Benefit Assessment Area.

Subitem-B: (R-2007-327) ADOPTED AS RESOLUTION R-302042

Approving the Development Impact Fee (DIF) schedule for properties within Carmel Valley.

Subitem-C: (R-2007-341) ADOPTED AS RESOLUTION R-302043

Authorizing the Auditor and Comptroller to modify the individual CIP Program Project Budgets to conform with the adopted Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessments.

**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 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:

<b><u>LAND USE</u></b>	<b><u>CURRENT ASSESSMENT</u></b>	<b><u>PROPOSED ASSESSMENT per UNIT/ACRE in FY 2007</u></b>
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: 3:44 p.m. – 3:45 p.m.)

MOTION BY YOUNG 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-250: **Notice** of Pending Final Map Approval – 1617 Brookes Avenue Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1617 Brookes Avenue Condominiums” (T.M. No. 215786/PTS No. 108659), located on the south side of Brookes Avenue between Herbert Street and Park Boulevard in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-251: Notice of Pending Final Map Approval – 3659 Van Dyke Avenue.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3659 Van Dyke Avenue” (T.M. No. 165610/PTS No. 99577), located on the east side of Van Dyke Avenue between Landis Street and Dwight Street in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the

date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-252: Notice of Pending Final Map Approval – Marlborough Villas.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Marlborough Villas” (T.M. No. 273162/PTS No. 109180), located on the northwest corner of Marlborough Avenue and Polk Avenue in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



ITEM-253: **Notice** of Pending Final Map Approval – 4157 - 4163 Mississippi Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4157-4163 Mississippi Street Condominiums” (T.M. No. 142975/PTS No. 101056), located on the east side of Mississippi Street between Howard Avenue and Polk Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-254: **Notice** of Pending Final Map Approval – California Terraces 13 & 14.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “California Terraces 13 & 14” (T.M. No. 6450/PTS No. 100657), located northeasterly of Ocean View Hills Parkway and Otay Mesa Road in the Otay Mesa Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-255: **Notice** of Pending Final Map Approval – Southgate Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Southgate Condominiums” (T.M. No. 106415/PTS No. 92610), located northwesterly of Beyer Way and Coronado Avenue in the Otay Mesa-Nestor

Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:19 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:19 p.m.)