

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 23, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:02 a.m. The meeting was recessed by Council President Peters at 11:11 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:20 a.m. with all Council Members present. Council President Peters recessed the meeting at 11:21 a.m. to convene the Housing Authority. Council President Peters reconvened the regular meeting at 11:28 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:50 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:06 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 2:38 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:45 p.m. with all Council Members present. Council President Peters recessed the regular meeting at 2:46 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 2:50 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 3:48 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 (pr/gS)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Jarvis Ross commented on the Naval Training Center.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Don Stillwell commented on violations of the Brown Act.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:35 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on Iraq and the President’s “State of the Union” address.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:38 a.m.)

PUBLIC COMMENT-4:

Rudy Reyes commented on the use of marijuana for medical purposes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Phil Hart commented on City financing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:47 a.m.)

PUBLIC COMMENT-7:

Tim Clark commented on alternative transportation such as using a skateboard in lieu of a car.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Joy Sunyata commented on appreciating the Council helping her to understand government.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins reminded Council members that their “Budget Memos” were due, and that she had only received two to date.

FILE LOCATION: MINUTES

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

COUNCIL COMMENT-2:

Council Member Young announced that every Friday, from 10:00 a.m. to 2:00 p.m., he is available for questions from the public at his office on the corner of Market and Euclid.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:53 a.m.)

COUNCIL COMMENT-3:

Council Member Frye stated that tomorrow the NR&C Committee was going to discuss the issue of the sewer and water rate increases, and wished to welcome the public and their questions.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:54 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Don Marts Day.

**COUNCILMEMBER FAULCONER'S, COUNCILMEMBER ATKINS', AND
COUNCILMEMBER HUESO'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-704) ADOPTED AS RESOLUTION R-302298

Congratulating and offering appreciation to Don Marts;

Proclaiming January 23, 2007, to be “Don Marts Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:10 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-yea, Hueso-yea.

ITEM-31: The San Diego Buccaneers Day.

**COUNCIL PRESIDENT PRO TEM YOUNG’S, COUNCILMEMBER FAULCONER’S,
AND COUNCILMEMBER FRYE’S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-675) ADOPTED AS RESOLUTION R-302299

Proclaiming January 23, 2007, as “The San Diego Buccaneers Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:21 a.m.)

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

* ITEM-50: Rezoning Rainier Place Located at 4535-4549 Rainier Avenue.

(Navajo Community Plan Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/9/2007, Item 335, Subitem B.
(Council voted 8-0):

(O-2007-48) ADOPTED AS ORDINANCE O-19574 (New Series)

Changing 0.688 acres located at 4535-4549 Rainier Avenue, within the Navajo
Community Plan Area, in the City of San Diego, California, from the RM-1-1 to
RM-3-7 Zone, as defined by San Diego Municipal Code Section 131.0406.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

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

* ITEM 100: Award of Contract to Vulcan Materials Company for Furnishing Asphalt
Concrete Based on Bid No. 8369-07-Q.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-666) ADOPTED AS RESOLUTION R-302300

Authorizing the Chief Operating Officer to accept the low and responsible proposal meeting specifications of Vulcan Materials Company, San Diego, CA, and authorizing the Chief Operating Officer to execute a contract for furnishing asphalt concrete based on Bid No. 8369-07-Q, as may be required for a period of one (1) year beginning from date of award with options to renew the contract for four (4) additional one (1) year periods, for an estimated annual purchase cost of \$2,729,576.88, including sales tax, terms net thirty (30) days; with price escalations not to exceed fifty percent (50%) of prices in effect at the end of each prior contract year;

Authorizing the estimated expenditure of \$2,729,576.88 for Fiscal Year 2007 from Fund No. 50010, Department No. 810, Organization No. 5099, Object Account No. 3231, and Job Order No. 009001, solely and exclusively, for providing funds for said contract;

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

Declaring this activity is not subject to California Environmental Quality Act (CEQA) as provided in Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

Asphalt Concrete is used primarily by Street Division of the General Services Department for maintenance of City streets, and by Water Operations Division of the Water Department for repairing portions of City streets excavated for work on water mains and lateral breaks. The Contractor provides all labor, plant equipment, and materials for mixing aggregate and asphalt binder at their central mixing plants. The mixture is loaded into City trucks or rental trucks and delivered to the designated site. The Contractor will also dispose of the City's demolition asphalt and concrete materials at no additional cost to the City. Four (4) potential bidders were contacted, in addition to the bid being advertised on the City's web site and in the City's official newspaper.

Three (3) bidders responded per the tabulation attached. It is recommended that the contract be awarded to Vulcan Materials Company (San Diego, CA), the low Bidder meeting specifications.

The most recent contract for asphalt concrete was with Logans Marketing (San Diego, CA) for both Sections I and II. The bid prices for Section I Asphalt are approximately 9.6% below the previous contract price. For Section II, Cold Mix, the bid price is approximately 12.5% below the previous contract price. The decline in pricing is due to deleting the third party Logans Marketing as they served as Broker for asphalt concrete manufacturer(s).

FISCAL CONSIDERATIONS:

Authorize the estimated remaining expenditure of \$2,729,576.88 for Fiscal Year 2007, from Fund No. 50010, Department No. 810, Organization No. 5099, Object Account No. 3231 and Job Order No. 009001 primarily to Street Division General Services and Water Departments.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution Number R-295413 was adopted on September 10, 2001 for award of a contract to Logans Marketing for furnishing asphalt concrete for a period of one (1) year beginning August 1, 2002 through July 31, 2003, with options to renew the contract for four (4) additional one (1) year periods.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Four (4) potential bidders were contacted. The bid was advertised in the San Diego Daily Transcript and posted in the City of San Diego's official internet site.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Street Division General Services and Water Departments, and Vulcan Materials Company.

Rimes/Reynold

Aud. Cert. 2700433.

Staff: Tammy Rimes - (619) 236-5921
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

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

* ITEM-101: Sale of Property to Del Mar Union School District.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-697) ADOPTED AS RESOLUTION R-302301

Authorizing the Mayor, or his designee, to accept the offer from the Del Mar Union School District (DMUSD), to purchase approximately a 6-acre parcel of real property (LAND) or a purchase price of \$3,695,000;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a Grant Deed in favor of DMUSD conveying the LAND, comprised of that portion of Fremont, a subdivision of the Northwest Quarter of Section 29, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, according to Map thereof No. 1283, filed in the Office of the County Recorder of San Diego County September 3, 1910;

Authorizing Mayor, or his designee, to execute a Storm Drain and Sewer Easement in favor of the DMUSD affecting that portion of Fremont, a subdivision of the Northwest Quarter of Section 29, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, according to Map thereof No. 1283, filed in the Office of the County Recorder of San Diego County September 3, 1910;

Authorizing the City Auditor and Comptroller to deposit the proceeds of the land sale in the amount of \$3,695,000 into the Capital Outlay Fund, Fund No. 302453, Revenue Account 78335;

Authorizing the City Auditor and Comptroller to transfer \$3,695,000 from the Capital Outlay Fund, Fund No. 302453, Revenue Account 78335 into the Carmel Valley Facilities Benefit Assessment Fund, Fund No. 79008 for the purpose of developing Carmel Valley Community Park South - Neighborhood 8A, CIP-29-764.0, Project 21A-1;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-29-764.0, Project 21A-1, by increasing the budget amount by \$305,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$305,000 from CIP-29-764.0, Carmel Valley Community Park South-Neighborhood #8A, for park development;

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

STAFF SUPPORTING INFORMATION:

The Neighborhood 8A Specific Plan/Precise Plan, dated June 23, 1998, adopted by Ordinance No. O-18572 on September 8, 1998, anticipates the construction of an elementary school by the Del Mar Union School District to be located adjacent to the new Carmel Valley Community Park South, CIP-29-764.0. In accordance with the Specific/Precise plan, the Del Mar Union School District (District) is now offering to purchase the necessary land to accomplish the elementary school site development. The District will require approximately six acres from the City, which were originally provided to the City by Pardee Homes in February 2000 for Open Space/MSCP purposes. Subsequent to the donation, the school/park site designation was approved as a deviation from the open space designation in accordance with the Neighborhood 8A Specific Plan/Precise Plan. Pardee Homes endorsed this deviation in its Agreement for Protection of Environment with the Sierra Club, executed on August 10, 1998, wherein Pardee announces that Parcels A and B, pursuant to the Neighborhood 8A Precise Plan/Specific Plan, are to be utilized for a school/park site.

To satisfy the requirements of the State Board of Education for new elementary school facilities, the District will require approximately six additional acres of joint use athletic fields to accommodate the recreational curriculum of the school. The City and District will mutually benefit from the use of these fields, and the specific terms and conditions are addressed in a 25-year Joint Use Agreement. The District's School Board approved the Joint Use Agreement on June 28, 2006, and Ordinance No. O-2007-43 was introduced to the San Diego City Council, on November 14, 2006, addressing authorization of the Joint Use Agreement. The Ordinance returned to Council on November 27, 2006, for its second reading, was processed and adopted on December 6, 2006, and it shall take effect and be in force thirty days from this date of adoption.

Additionally, in order to serve the new school, the District is asking for a Storm Drain and Sewer Easement across the joint use area of the Community Park. City Park & Recreation has agreed to the easement and, due to the fact that the District will share in the costs to construct and maintain the joint use area, the Park and Recreation Department has agreed to donate the easement on behalf of the City.

The FY 07 Carmel Valley Public Facilities Financing Plan, Project 21A-1, Carmel Valley Community Park South - Neighborhood 8a, estimated the proceeds from the sale of the property for the new elementary school to produce \$3,390,000 for reimbursement to the Carmel Valley FBA. This action will transfer the proceeds of the sale of the property from the Capital Outlay Fund to the Carmel Valley FBA to be used for the park's development. The agreed upon sale price of \$3,695,000 is \$305,000 above the amount identified for Project 21A-1 in the FY 07 Carmel Valley Public Facilities Financing Plan. Due to projected increases in construction costs and necessary slope erosion repair at the park site, the Park and Recreation Department is recommending this additional \$305,000 be appropriated to CIP-29-764.0, Carmel Valley Community Park South-Neighborhood 8A for the park's development.

FISCAL CONSIDERATIONS:

A processing fee of \$1,000 was deposited into Fund 100 for the appraisal review. Del Mar Union School District has offered to purchase the property for the appraised value of \$3,695,000, which will be deposited into a the Capital Outlay Fund, Fund No. 302453, Revenue Account 78335 and then transferred to the Carmel Valley FBA, Fund No. 79008 for the purpose of developing CIP-29-764.0, Carmel Valley Community Park South-Neighborhood 8A.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Ordinance No. O-18572, adopted on September 8, 1998 approves the Carmel Valley Neighborhood 8A Specific Plan/Precise Plan. Resolution R-290604, certified the Environmental Impact Report (EIR) for the Specific Plan/Precise Plan on August 4, 1998. An addendum to the EIR was issued by the City's Environmental Analysis Section of the Development Services Department for the development of the community park, dated September 16, 2005.

A consultant agreement was approved by the Council, Resolution No. R-297406, on December 3, 2002 which provided for the preparation of the park's General Development Plan (GDP). That consultant agreement was amended, Resolution R-299857, on November 22, 2004 to provide construction documents for the park's development.

The consultant agreement was amended a second time, Resolution R-300323, on April 18, 2005, to provide construction documents for the development of the recreation center, CIP-29-407.0, Carmel Valley Community Park South-Recreation Building.

The Public Facilities Financing Plan (PFFP) for FY 2007 was approved by Council Resolution Nos. R-302041, R-302042, and R-302043, on November 13, 2006, and they have been subsequently processed and adopted by the Mayor.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Both the Planning Commission and City Council conducted public hearings regarding the Specific Plan/Precise Plan and amendments to the Progress Guide and General Plan, amendments to the Carmel Valley Community Plan and amendments to the North City Local Coastal Program.

The park's GDP and recreation center design were developed over a period of approximately 18 months and included twelve public meetings, eight of which were through the local Carmel Valley Recreation Council. There were a number of community discussions throughout the development of the GDP. The GDP and recreation center design were approved by the Park and Recreation Board on December 16, 2004.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Del Mar Union School District
Park and Recreation Department
The Carmel Valley and Torrey Hills Communities

Barwick/Wang

Staff: Steve Geitz - (619) 236-6311
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10032

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

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

ITEM-102: Environmental Justice: Context-Sensitive Planning Grant Program to Develop a “Preferred Route to School Plan” and Condition Assessment.

(Encanto, Skyline-Paradise Hills, and Southeastern San Diego Community Areas. District 4.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-685) ADOPTED AS RESOLUTION R-302302

Authorizing the Mayor, or his designee, for and on behalf of the City of San Diego, to make an application to the State of California Department of Transportation (CalTrans) for \$227,000 under the Environmental Justice: Context-Sensitive Planning Grant Program to develop a “Preferred Route to School Plan” and Condition Assessments;

Authorizing the Mayor, or his designee, to take all necessary actions to secure funding from CalTrans for the aforementioned grant;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend an amount not to exceed \$227,000 if grant funding is secured and contingent upon the City Auditor and Comptroller certifying that the necessary funds are, or will be, on deposit in the City Treasury:

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

Declaring that 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 Engineering and Capital Projects Department proposes to seek funding from a Transportation Planning Grant Program administered by the State of California. 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.

If funding is received, planning studies will be undertaken by City staff to develop a preferred route to school plan and condition assessment for eight elementary schools in the Encanto, Skyline-Paradise Hills and Southeastern San Diego areas. These schools were selected based upon the accident history of pedestrians and bicyclists within a half-mile radius.

The eight elementary schools are:

Kennedy

Holly Drive Leadership Academy

Chavez

Baker

Logan

Kimbrough

Emerson/Bandini

Knox

FISCAL CONSIDERATIONS:

This action will authorize the application and acceptance of a grant in the amount of \$227,000 through the Environmental Justice: Context-Sensitive Planning Grant Program. Should the grant be awarded, a subsequent action will be required to establish the project and provide the City's 10% match of \$22,700 which will be available in CIP-68-017.0, School Traffic Safety Improvements.

PREVIOUS COUNCIL COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

If grant funding is received, City staff will embark on an extensive community outreach effort to implement the project.

KEY STAKEHOLDERS:

If grant funding is received, City staff will identify and work with the San Diego Unified School District and the Holly Drive Leadership Academy throughout the process.

Boekamp/Haas

Staff: Deborah VanWanseele - (619) 533-3012.

Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:27 a.m.)

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

* ITEM-103: Ordering Foreclosure Actions Against Delinquent Parcels of Land.

(Black Mountain Ranch Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-669 Cor. Copy) ADOPTED AS RESOLUTION R-302303

Finding that the Mello-Roos Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special tax installments, and hereby orders that the delinquent special tax installments listed on Exhibit A attached hereto, and all future delinquent special tax installments as to such parcels, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof;

Finding that the Mello-Roos Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits authorized by the Council, and hereby authorizes Special Counsel to require payment of all costs and all attorneys fees incurred in the applicable foreclosure lawsuit as a condition of such redemption;

Authorizing and directing City personnel in conjunction with Special Counsel and other City consultants to: a) record applicable notices of intent to remove the delinquent special tax installments from the tax rolls, and b) request that the County Auditor remove current and future delinquent special tax and assessment installments from the tax rolls.

STAFF SUPPORTING INFORMATION:

Certain property owners have become delinquent with respect to the payment of special taxes associated with Community Facilities District No. 2 (Santaluz). Bonds have been issued in connection with this district, and such bonds are secured solely by special taxes levied upon individual properties within the district. The City is compelled under the bond covenants contained within the bond financing documents authorized in connection with the district to commence foreclosure actions against delinquent parcels when certain thresholds are reached, as set forth in the bond documents. The delinquent amounts for each of the parcels listed below and subject to this proposed action have exceeded the delinquency thresholds established under the applicable bond documents.

Community Facilities District No. 2 (Santaluz) - Improvement Area No. 1

<u>Assessor's Parcel No.</u>	<u>Tax Year</u>	<u>Delinquent Installment</u>	<u>Installment Amount (a)</u>	<u>Total Delinquent Amount (a)</u>
269-210-05-00	2005/2006	1 st & 2 nd	\$ 9,809.48	\$ 13,926.34
	2004/2005	1 st & 2 nd	\$ 4,116.86	
269-291-14-00	2005/2006	1 st & 2 nd	\$ 9,809.48	\$ 11,821.81
	2004/2005	2 nd	\$ 2,012.33	

(a) Exclusive of Delinquency and Redemption Penalties

The City has provided each property owner of record of the subject parcels with delinquency notices and has advised each property owner of the City's intention to begin the foreclosure process if payment is not forthcoming. Delinquent amounts remain outstanding for each parcel; therefore, approval of this proposed action to order the filing of a judicial foreclosure lawsuit against each such parcel is recommended. If approved, the City, in conjunction with outside foreclosure counsel, would file the appropriate judicial foreclosure lawsuits and take such other associated actions necessary to collect the delinquent special taxes. A foreclosure lawsuit is terminated at any time before a parcel is sold at a judicial foreclosure sale so long as the delinquent amounts, penalties, and attorneys fees are paid.

FISCAL CONSIDERATIONS:

There will be no fiscal impact to the City as a result of this action. However, this action will facilitate recovery of the delinquent amounts to the Debt Service Fund of the district. All costs related to the foreclosure actions would be reimbursed as part of the delinquency recovery. Certain costs may be interim funded by the City's Special Assessment District Delinquency Fund, and would be subsequently reimbursed upon resolution of the delinquencies.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None related to this proposed action. However, the Council has approved similar actions in the past, most recently Resolution R-301254, dated March 14, 2006, approving foreclosure lawsuits involving other previously delinquent parcels of land within certain of the City's Community Facilities Districts and Special Assessment Districts.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

No outreach required to the general public. However, as described above, subject property owners have been provided with notices regarding their delinquent status and advising them of the City's intention to begin the foreclosure process if payment is not forthcoming.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

- Property owners within the above referenced Community Facilities District who are delinquent in payment of the associated special taxes and therefore subject to this foreclosure action.
- Other property owners within the District whose annual special taxes could potentially be increased to cover the delinquencies, as contemplated under the Mello-Roos Community Facilities Act of 1982.
- Investors who hold the associated bonds of the District who receive principal and interest payments on the bonds payable from the special taxes. The City has covenanted with the bondholders, through the bond documents, to foreclose on delinquent special taxes meeting certain thresholds.

Kommi/Goldstone

Staff: Elizabeth Kelly - (619) 236-6932
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

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

- * ITEM-104: Excusing Councilmember Madaffer from Attending the Rules Committee Meeting of January 10, 2007.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-705) ADOPTED AS RESOLUTION R-302304

Excusing Councilmember Jim Madaffer from attending the regularly scheduled Rules, Finance, & Intergovernmental Relations Committee Meeting of January 10, 2007.

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

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

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

- * ITEM-105: 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-2007-649) ADOPTED AS RESOLUTION R-302305

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: 10:22 a.m. – 10:23 a.m.)

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

- * ITEM-106: 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-2007-686) ADOPTED AS RESOLUTION R-302306

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: 10:55 a.m. – 10:58 a.m.)

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

- * ITEM-107: Award of Contract for Lease of Four (4) Heavy Duty Wheel Tractor Push-Pull Scrapers with Full Maintenance.

(See memorandum from Steven F. Fontana dated 1/16/2007. Miramar Marine Corps Air Station. District 7.)

(Continued from the meeting of January 9, 2007, Item 100, at the request of Councilmember Frye, for further review.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-297) ADOPTED AS RESOLUTION R-302307

Accepting the lowest responsible bid of Hawthorne Machinery Company meeting the specifications of City Request for Bid No. 8229-06-Z for the lease of four heavy duty wheel tractor push-pull scrapers with full maintenance;

Authorizing the Mayor, or his designee, to execute a contract with Hawthorne Machinery Company in connection with the above bid, for a term of one year, with options to renew for four additional one-year periods, as set forth in Request for Bid No. 8229-06-Z and related bid documents;

Authorizing the expenditure of an amount not to exceed \$2,414,087.20, solely and exclusively, to provide funds for the above contract, to be expended as follows: \$796,648.78 from Fund No. 30244, CIP-37-056.0, West Miramar Refuse Disposal Facility-Phase II; and \$1,617,438.42 from Fund No. 41200, Department 752, Refuse Disposal Enterprise Fund;

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

Declaring the above activity is not a project, as defined in CEQA Guidelines Section 15378(b)(2), and is therefore not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City of San Diego's Miramar Landfill receives over 1.4 million tons of trash per year. State and Federal laws mandate that the trash be covered at the close of business each day to ensure public health and safety.

Although a tarping system is utilized at the site to maximize capacity, dirt is still required to help meet the regulatory standards.

These four (4) push-pull scrapers will be utilized to excavate future disposal areas; haul over burden materials to and from stockpiles; and haul daily cover. The Miramar Landfill has implemented an ISO 14001 compliant Environmental Management System (EMS). Per our EMS policy's on-going goal of continuous improvement, the engines in these push-pull scrapers will employ Caterpillar's latest technological innovations; are U.S. EPA Tier III compliant; and will utilize the recently mandated ultra-low sulfur diesel fuel.

FISCAL CONSIDERATIONS:

The proposed lease agreement would require the expenditure of an estimated \$2,414,087.20 during the initial year of the agreement, \$796,648.78 (33%) from CIP-37-056.0, West Miramar Refuse Disposal Facility - Phase II, and \$1,617,438.42 (67%) from Fund 41200, Department 752, Refuse Disposal Enterprise Fund. Excess budgeted funds, if any, would be transferred to the appropriate reserves.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution Number R-298055 was adopted on April 30, 2001, for award of a contract to Hawthorne Machinery Company for furnishing up to six (6) heavy duty wheel tractor scrapers for a period of one (1) year beginning May 1, 2001 through April 30, 2002, with options to renew the contract for four (4) additional one (1) year periods. This contract is currently being extended on a month-to-month basis pending award of a new contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Thirty-nine (39) potential proposers were contacted. The Purchasing and Contracting Department advertised for sealed proposals in the Public Record Reporter for about two weeks, in accordance with SDMC § 22.3211(d). Also, the request was posted in the City of San Diego's official internet site. One (1) bid package was received per the attached bid tabulation sheet.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens of San Diego
Waste Haulers
Hawthorne Machinery Company

Heap/Haas

Aud. Cert. 2700350.

Staff: Steven Fontana - (858) 492-5077
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: LEAS - Hawthorne Machinery Company

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:23 a.m.)

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

ITEM-330: Second Amendment to the Naval Training Center (NTC) Homeless Agreement.

(See Report to the City Council No. 07-018. Peninsula Community Area.
District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-563) CONTINUED TO TUESDAY, FEBRUARY 6, 2007

Approving the Second Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan;

Authorizing the Mayor, or designee, to execute the Second Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan;

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

STAFF SUPPORTING INFORMATION:

The NTC Homeless Agreement is the result of two years of focused subcommittee work and public meetings to provide homeless service providers the opportunity to benefit from the reuse of the former Naval Training Center. The NTC Homeless Agreement, which was approved by the City Council in October 1998 and executed in July 1999, allocated \$7.5 million to the nine homeless service provider members of the Homeless Subcommittee. Over time, three of the organizations have either failed to gain nonprofit status or have ceased to exist, which leaves \$1.3 million allocated to those organizations available for reprogramming. The Agreement identifies the Subcommittee as the City's recognized ad-hoc advisory body to be consulted in carrying out or amending the terms of the Agreement.

The Subcommittee recommends that the City Council reallocate the \$1.3 million among the remaining groups to assist in funding projects that are near completion or being developed by the remaining providers as shown in Attachment 1 and that the Agreement be amended to provide for subsequent agreements between the Redevelopment Agency and the homeless service providers to implement and fund individual projects where the Redevelopment Agency is the source of funds for the project. Each of these requests for funding will be subject to City Council and/or Redevelopment Agency approval.

In July 2005, the City Council approved the First Amendment to the Agreement which authorized the funding of the San Diego Youth and Community Service ("SDYCS") project beyond the boundaries of Council District 2. Similar to the SDYCS project, it is possible that some of the remaining projects to be brought forward under the NTC Homeless Agreement will be located outside the boundaries of Council District 2. The Subcommittee recommends that this use be approved under the proposed Second Amendment to the Agreement.

Therefore, the proposed Second Amendment to the Agreement amends the Agreement (i) to provide for the reallocation of unused funds among the remaining participating homeless service providers, (ii) to permit the participating homeless service providers to use their allocation under the Agreement outside Council District 2, and (iii) to provide for subsequent agreements between the Redevelopment Agency and the homeless service providers to implement and fund individual projects where the Redevelopment Agency is the source of funds for the project.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 20, 1998 the City Council approved the NTC Homeless Agreement. On July 19, 2005 the City Council approved the First Amendment to the NTC Homeless Agreement.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The NTC Reuse process was a very public process. Monthly public meetings were held over a two year period, along with numerous subcommittee meetings.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Homeless Service Providers	Affiliate of	Executive Director/President
Catholic Charities	Roman Catholic Diocese of San Diego	Sister RayMonda Duvall
St. Vincent de Paul	Father Joe's Villages	Father Joe Carroll
Salvation Army	Salvation Army Sierra del Mar Divisional Headquarters	Doug & Diane O'Brien
San Diego Youth & Community Services	San Diego Youth & Community Services	Walter Philips
Veterans Village of San Diego (aka Vietnam Veterans of San Diego)	Veterans Village of San Diego (aka Vietnam Veterans of San Diego)	Al Pavich
Volunteers of America	Volunteers of America of Southwest California	Gerald McFadden

Ostrye/Waring

Staff: Libby Day - (619) 533-5372
Eunice C. Chan - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:51 p.m. – 3:47 p.m.)

Motion by Madaffer to continue to Tuesday, February 6, 2007, for further review. Second by Hueso. Failed. Yeas-1, 4, 7, 8. Nays-2, 3, 5, 6.

Motion by Atkins to adopt. Second by Falconer. Failed. Yeas-2, 3, 5, 6. Nays-1, 4, 7, 8.

MOTION BY FRYE TO CONTINUE FOR TWO WEEKS TO TUESDAY, FEBRUARY 6, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: 1542 Pacific Beach Drive Tentative Map.

Matter of the appeal by Scott Peters from the decision by the Planning Commission denying an application for a Tentative Map, Waiver of Undergrounding and a Coastal Development Permit to convert 6 existing residential units to condominiums on a 9,030 square foot site at 1542 Pacific Beach Drive in the RM-2-5 Zone within the Pacific Beach Community Plan area, Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act on September 1, 2005, and the opportunity to appeal that determination ended September 14, 2005.

(CDP No. 255429/TM-Waiver of Undergrounding No. 251685/Project No. 80551. Pacific Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) GRANTED APPEAL AND GRANTED PERMIT;
ADOPTED AS RESOLUTION R-302309

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 255429, with appropriate findings to support Council action;

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

Subitem-B: (R-2007-) GRANTED APPEAL AND GRANTED MAP;
ADOPTED WITH DIRECTION AS RESOLUTION
R-302310

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map and Waiver of Undergrounding No. 251685, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on November 2, 2006, voted 6-1-0 to deny staff's recommendation; no opposition.

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's denial of a Coastal Development Permit, Tentative Map, and Waiver of Undergrounding of Utilities to allow for the conversion of six existing dwelling units to condominium ownership on a 9,030 square-foot site zoned RM-2-5 at 1542 Pacific Beach Drive within the Pacific Beach Community Planning area.

STAFF RECOMMENDATION:

APPROVE the appeal and approve Coastal Development Permit No. 255429 and Tentative Map and Waiver of Undergrounding No. 251685.

EXECUTIVE SUMMARY:

The '1542 Pacific Beach Drive' project proposes to convert six residential dwelling units to condominium ownership. No physical changes are proposed for the site. The request to waive the undergrounding of existing overhead utilities complies with the City Council's Policy No. 600-25 for the granting of the request. The City Council's regulations for condominium conversions, adopted on June 13, 2006, have not been certified by the California Coastal commission and are not applicable to this project.

The San Diego Housing Commission has determined that an in-lieu fee of \$3,964.00 is required under the City of San Diego Affordable Housing requirements of the Inclusionary Housing Ordinance. All 'findings' for approval of the project by the City Council are contained in the Tentative Map and Coastal Development Permit Resolutions attached to the Report to the Planning Commission No. PC-06-274.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 2, 2006, the Planning Commission voted 6-1 to deny these actions based on Finding No. 2 of the Tentative Map Resolution No. 4168-PC. Finding No. 2 requires the decision-maker to consider the effects of the subdivision on the housing needs of the region balanced against the needs for public services, and fiscal and environmental resources. The Planning Commission requests that applicants voluntarily submit a Building Conditions Report and agree to implement repairs and upgrades accordingly as recommended prior to map recordation. The applicant stated that because of no immediate plans to convert within 5 years, and most likely longer, he did not want to abide by this encumbrance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Pacific Beach Community Planning Committee voted 15-0-0 on November 28, 2005, to approve this application with no conditions or comments.

KEY STAKEHOLDERS:

Matthew S. and Nancy A. Browar, M.S. Browar Family Trust, Owner/Applicant.

Waring/Escobar-Eck/RMK

NOTE: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 1, 2005, and the opportunity to appeal that determination ended September 14, 2005.

Staff: Robert Korch – (619) 446-5229

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:37 p.m.)

Testimony in favor of the appeal by Matt Peterson.

MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE APPEAL AND GRANT THE PERMIT, AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE APPEAL AND GRANT THE MAP WITH DIRECTION TO PROVIDE A BUILDING'S CONDITION REPORT PRIOR TO THE SALE OF THE FIRST CONDOMINIUM UNIT. 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-332: 363 Playa Del Sur Tentative Map.

Matter of the appeal by Scott Peters from the decision by the Planning Commission denying an application for a Tentative Map, Waiver of Undergrounding and a Coastal Development Permit to convert 16 existing residential units to condominiums on a 6,170 square foot site at 363 Playa Del Sur in Zone 4 of the La Jolla Planned District within the La Jolla Community Plan area, Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act on September 6, 2005, and the opportunity to appeal that determination ended September 19, 2005.

(CDP No. 246500/TM-Waiver of Undergrounding No. 243557/Project No. 78405. La Jolla Planned District Plan Area. District 1.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) GRANTED APPEAL AND GRANTED PERMIT;
ADOPTED AS RESOLUTION R-302311

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 246500, with appropriate findings to support Council action;

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

Subitem-B: (R-2007-) GRANTED APPEAL AND GRANTED MAP;
ADOPTED WITH DIRECTION AS RESOLUTION
R-302312

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map and Waiver of Undergrounding No. 243557, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on November 2, 2006, voted 7-0 to deny staff's recommendation; no opposition.

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's denial of a Coastal Development Permit, Tentative Map, and Waiver of Undergrounding of Utilities to allow for the conversion of sixteen existing dwelling units to condominium ownership on a 6,170 square-foot site in Zone 4 of the La Jolla Planned District, at 363 Playa Del Sur within the La Jolla Community Planning area.

STAFF RECOMMENDATION:

APPROVE the appeal and approve Coastal Development Permit No. 243557 and Tentative Map and Waiver of Undergrounding No. 243557.

EXECUTIVE SUMMARY:

The '363 Playa Del Sur' project proposes to convert sixteen residential dwelling units to condominium ownership. No physical changes are proposed for the site. The request to waive the undergrounding of existing overhead utilities complies with the City Council's Policy No. 600-25 for the granting of the request. The City Council's regulations for condominium conversions, adopted on June 13, 2006, have not been certified by the California Coastal commission and are not applicable to this project.

The San Diego Housing Commission has determined that an in-lieu fee of \$113,600 is required under the Coastal Overlay Zone Affordable Housing Replacement regulations. All 'findings' for approval of the project by the City Council are contained in the Tentative Map and Coastal Development Permit Resolutions attached to the Report to the Planning Commission No. PC-06-273.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 2, 2006, the Planning Commission voted 7-0 to deny these actions based on Finding No. 2 of the Tentative Map Resolution No. 4167-PC. Finding No. 2 requires the decision-maker to consider the effects of the subdivision on the housing needs of the region balanced against the needs for public services, and fiscal and environmental resources. The Planning Commission requests that applicants voluntarily submit a Building Conditions Report and agree to implement repairs and upgrades accordingly as recommended prior to map recordation. The applicant stated that because of no immediate plans to convert within 5 years, and most likely longer, he did not want to abide by this encumbrance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The La Jolla Community Planning Association has been apprised of this application through required noticing, distribution of plans, and through copies of Cycle Issues Reports and Letters from City staff. The applicant has stated that they have attempted to contact the planning group without success while the planning group has stated that the applicant simply decided not to obtain a recommendation from the La Jolla Community Planning Association.

KEY STAKEHOLDERS:

Matthew S. and Nancy A. Browar, M.S. Browar Family Trust, Owner/Applicant.

Waring/Escobar-Eck/RMK

NOTE: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 6, 2005, and the opportunity to appeal that determination ended September 19, 2005.

Staff: Robert Korch – (619) 446-5229

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:37 p.m.)

Testimony in favor of the appeal by Matt Peterson.

MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE APPEAL AND GRANT THE PERMIT, AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE APPEAL AND GRANT THE MAP WITH DIRECTION TO PROVIDE A BUILDING'S CONDITION REPORT PRIOR TO THE SALE OF THE FIRST CONDOMINIUM UNIT. 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-333: 949 Opal Street Tentative Map.

Matter of the appeal by Scott Peters of the decision by the Planning Commission denying an application for a Tentative Map, Waiver of Undergrounding and a Coastal Development Permit to convert 5 existing residential units to condominiums on a 6,316 square foot site at 949 Opal Street in the RM-1-1 Zone within the Pacific Beach Community Plan area, Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit.

Should the condominium premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act on August 28, 2005, and the opportunity to appeal that determination ended September 11, 2005.

(CDP No. 250854/TM-Waiver of Undergrounding No. 248796/Project No. 79749. Pacific Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) GRANTED APPEAL AND GRANTED PERMIT;
ADOPTED AS RESOLUTION R-302313

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit No. 250854, with appropriate findings to support Council action;

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

Subitem-B: (R-2007-) GRANTED APPEAL AND GRANTED MAP;
ADOPTED WITH DIRECTION AS RESOLUTION
R-302314

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map and Waiver of Undergrounding No. 248796, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on November 2, 2006, voted 6-1 to deny staff's recommendation;
~~no opposition.~~

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

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's denial of a Coastal Development Permit, Tentative Map, and Waiver of Undergrounding of Utilities to allow for the conversion of five existing dwelling units to condominium ownership on a 6,136 square-foot site zoned RM-1-1 at 949 Opal Street within the Pacific Beach Community Planning area.

STAFF RECOMMENDATION:

APPROVE the appeal and approve Coastal Development Permit No. 250854 and Tentative Map and Waiver of Undergrounding No. 248796.

EXECUTIVE SUMMARY:

The '949 Opal Street' project proposes to convert five residential dwelling units to condominium ownership. No physical changes are proposed for the site. The request to waive the undergrounding of existing overhead utilities complies with the City Council's Policy No. 600-25 for the granting of the request. The City Council's regulations for condominium conversions, adopted on June 13, 2006, have not been certified by the California Coastal commission and are not applicable to this project.

The San Diego Housing Commission has determined that an in-lieu fee of \$3,619.00 is required under the City of San Diego Affordable Housing requirements of the Inclusionary Housing Ordinance. All 'findings' for approval of the project by the City Council are contained in the Tentative Map and Coastal Development Permit Resolutions attached to the Report to the Planning Commission No. PC-06-275.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 2, 2006, the Planning Commission voted 6-1 to deny these actions based on Finding No. 2 of the Tentative Map Resolution No. 4169-PC. Finding No. 2 requires the decision-maker to consider the effects of the subdivision on the housing needs of the region balanced against the needs for public services, and fiscal and environmental resources. The Planning Commission requests that applicants voluntarily submit a Building Conditions Report and agree to implement repairs and upgrades accordingly as recommended prior to map recordation. The applicant stated that because of no immediate plans to convert within 5 years, and most likely longer, he did not want to abide by this encumbrance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Pacific Beach Community Planning Committee voted 15-0-0 on November 28, 2005, to approve this application with no conditions or comments.

KEY STAKEHOLDERS:

Matthew S. and Nancy A. Browar, M.S. Browar Family Trust, Owner/Applicant.

Waring/Escobar-Eck/RMK

NOTE: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 28, 2005, and the opportunity to appeal that determination ended September 11, 2005.

Staff: Robert Korch – (619) 446-5229

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:37 p.m.)

Testimony in favor of the appeal by Matt Peterson.

MOTION BY FAULCONER TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE APPEAL AND GRANT THE PERMIT, AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE APPEAL AND GRANT THE MAP WITH DIRECTION TO PROVIDE A BUILDING'S CONDITION REPORT PRIOR TO THE SALE OF THE FIRST CONDOMINIUM UNIT. 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-S500: Appointment of One Member to the City Council Audit Committee for Calendar Year 2007.

(See memorandums from Council President Peters and Elizabeth Kinsley both dated 1/19/2007. Citywide.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-717) ADOPTED AS RESOLUTION R-302308

Confirming the appointment by the Council President of Councilmember Toni Atkins, to serve as the third member of the Audit Committee, for a term commencing upon confirmation, lasting until January 1, 2008, and until a successor is duly appointed and confirmed, pursuant to Section 22.0101.5 of the Municipal Code of the City of San Diego.

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

FILE LOCATION: MEET

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

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

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: 10:21 a.m. – 10:22 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 3:48 p.m. in honor of the memory of:

Jacquie Stevens as requested by Council Member Madaffer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:47 p.m. – 3:48 p.m.)