

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, JUNE 12, 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 10:00 a.m. Council President Peters recessed the meeting at 11:05 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:11 a.m. with Council Member Atkins not present. The meeting was recessed by Council President Peters at 11:56 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with Council Members Maienschein and Hueso not present. Council President Peters recessed the meeting at 2:03 p.m. to convene into Closed Session. Council President Peters reconvened the meeting at 2:28 p.m. with Council Members Maienschein and Hueso not present and thereafter convened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:35 p.m. with Council Member Hueso not present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the meeting at 2:37 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 2:38 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 3:20 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 3:21 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:30 p.m. with Council President Pro Tem Young and Council Members Maienschein and Hueso not present. Council President Peters recessed the meeting at 4:39 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:44 p.m. with Council President Pro Tem Young and Council Members Maienschein and Hueso not present. The meeting was adjourned by Council President Peters at 5:19 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 (dlc/sr)

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Linda Pennington commented on the "Face Lift" event with the Euclid clean-up project and gave thanks

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

PUBLIC COMMENT-2:

Referred to City Attorney: Homer Barrs commented on the Mission Valley Village Mobile Home Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:40 a.m.)

PUBLIC COMMENT-3:

Joy Sunyata commented on the Red Beret Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:45 a.m.)

PUBLIC COMMENT-4:

Don Stillwell commented on prayer and flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:48 a.m.)

PUBLIC COMMENT-5:

Phil Hart commented on the Sunroad Project and Business Process Reengineering.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:51 a.m.)

PUBLIC COMMENT-6:

Jarvis Ross commented on computer technology.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. – 10:54 a.m.)

PUBLIC COMMENT-7:

Billy Paul commented on the flag salute during Non-Agenda Public Comments, the Mission Bay Park Committee, and the mini dorm issues.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Donald Albright commented on new taxes and maintenance assessment districts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 11:00 a.m.)

PUBLIC COMMENT-9:

Steve Bruce commented on World Summit for children in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:03 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins thanked Community Housing Works for organizing the "Face Lift" event with the Euclid clean-up project.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:35 a.m. – 10:36 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meetings of:

04/23/2007

04/24/2007

FILE LOCATION: MINUTES

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

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



ITEM-31: Barbara Baker Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1187) ADOPTED AS RESOLUTION R-302712

Congratulating and offering appreciation to Barbara Baker, and proclaiming June 12, 2007, as "Barbara Baker Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. – 10:03 a.m.)

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



ITEM-32: Philippine Independence Week.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-926) ADOPTED AS RESOLUTION R-302713

Designating June 9 to June 16, 2007, to be "Philippine Independence Week."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. – 10:10 a.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-not present, Madaffer-yea, Hueso-yea.



ITEM-33: Bob Dingeman Day.

COUNCILMEMBER MAIENSCHHEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1038) ADOPTED AS RESOLUTION R-302714

Proclaiming June 12, 2007, as "Bob Dingeman Day" in the City of San Diego in recognition of the many community services he has provided to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. – 10:19 a.m.)

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

* ITEM-100: Two actions related to Inviting Bids for the Construction of Del Mar Mesa Neighborhood Park Project.

(Del Mar Mesa Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-933) ADOPTED AS RESOLUTION R-302715

Approving the plans and specifications for the construction of Del Mar Mesa Neighborhood Park (Project), as advertised by Purchasing and Contracts, on Work Order No. 295330;

Authorizing the Mayor, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,000,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from CIP-29-533.0, Del Mar Mesa Neighborhood Park, Fund No. 79010, Del Mar Mesa Facilities Benefit Assessment, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K073129)

Subitem-B: (R-2007-1106)

ADOPTED AS RESOLUTION R-302716

Stating for the record that Del Mar Mesa Neighborhood Park is a subsequent discretionary approval of the Project addressed in MEIR, LDR No. 99-0729 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in the final MEIR, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of Del Mar Mesa Neighborhood Park does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

STAFF SUPPORTING INFORMATION:

Del Mar Mesa Neighborhood Park is located in the community of Del Mar Mesa, just east of Carmel Valley. The total park site is 3.96 acres with the useable area being approximately 3.76 acres. The park site is located at just south of the eastern end of Del Mar Mesa Road on Carmel Mountain Road. The park will primarily serve residents of Del Mar Mesa and is the only public park proposed for the community. When the proposed extension of Carmel Mountain Road from Carmel Valley's Neighborhood 10 to Del Mar Mesa Rd. is complete, it is anticipated that residents of Neighborhood 10 may use the park as well.

The General Development Plan for the park was formulated through input gathered at three meetings with the community via the Carmel Valley Recreation Council. It provides for passive picnic areas with shelters, a playground, parking area, walkways, and a small comfort station. The community of Del Mar Mesa is equestrian oriented and a multi-use trail will run along the Carmel Mountain Road frontage of the park. A small area has been set aside within the park to accommodate equestrians that may pass by the park while using the trail system within Del Mar Mesa.

The Specific Plan for the Del Mar Mesa Planning Area was adopted by the City Council on June 27, 2000 and identifies the overall goal of Del Mar Mesa planning efforts as "To preserve the rural Character of Del Mar Mesa while accommodating clustered development and the preservation of open space." Within the Community Design Guidelines portion of the Specific Plan, the overall goal of the community character within Del Mar Mesa is further defined. "Develop the community of Del Mar Mesa as a rural community that emphasizes open spaces, dark night skies, hiking and equestrian trails and sensitively designed developments which compliment the existing topography". To achieve this character, natural materials such as decomposed granite are proposed for the park's walkways and parking lot. Concrete paving will be limited to those areas where necessary for maintenance and accessibility purposes.

Split rail fencing, similar to the fencing along the community's trail system, will be used to separate use areas such as the equestrian area from the parking lot, park turf areas and the playground. Security lighting will be limited to the parking area in order to accommodate the dark night skies identified in the Specific Plan.

FISCAL CONSIDERATIONS:

All approved costs associated with the acquisition, design and construction of this park are funded through the Del Mar Mesa Facilities Benefit Assessment, Fund No. 79010. The cost to operate and maintain this project on an annual basis is estimated at \$65,000. This includes all staffing, labor, material, equipment, supplies, etc. This project is located in a park deficient community and the funding source will be the general fund. A funding request by the department will be made to the Mayor in the budget year the facility goes into operation, anticipated to be FY09.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- Del Mar Mesa Specific Plan adopted by Council, June 27, 2000, O-18821.
- The Del Mar Mesa Specific Plan Master Environmental Impact Report (MEIR), Report No. 95-0353, was certified by the City Council on July 30, 1996, Resolution R-287714. The City Council certified an addendum to the MEIR, Addendum LDR No. 40-0212 on June 27, 2000, R-293414.
- A Park Reimbursement Agreement was approved by Council on May 24, 2004, R-299260.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Project design was reviewed and approved by the following at publicly noticed meetings:
Carmel Valley Recreation Council - 3 public workshops were held for Del Mar Mesa residents; Community Parks 1 Area Committee; Design Review Committee; Park and Recreation Board

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Del Mar Mesa community

LoMedico/Reynolds

Aud. Cert. 2700735.

Staff: Reza Taleghani - (619) 533-3422
Shannon M. Thomas - Deputy City Attorney

FILE LOCATION: W.O. 295330

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-101: Additional Funding and Award for Sidewalk Replacement Group I, FY 07 (Tree Related).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1179) ADOPTED AS RESOLUTION R-302717

Authorizing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Capital Improvement Program budget for Fiscal Year 2007 to increase CIP-59-002.0, Sidewalks Replacement and Reconstruction, by the amount of \$216,730;

Authorizing the City Auditor and Comptroller to transfer the amount of \$216,730 from Street Division General Operating Fund No. 100, to Contributions from General Fund No. 630221, CIP-59-002.0, Sidewalks Replacement and Reconstruction;

Authorizing the Mayor, or his designee, to award the Sidewalk Replacement Project, Group I construction contract to the lowest responsible bidder, in an amount not to exceed \$974,830, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the additional expenditure of an amount not to exceed \$216,730 from Contributions from General Fund No. 630221, CIP-59-002.0, Sidewalks Replacement and Reconstruction, solely and exclusively, to provide additional funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c), as the repair and maintenance of existing sidewalks and gutters.

STAFF SUPPORTING INFORMATION:

On March 27, 2007, the City Council authorized the advertising and award of this Citywide sidewalk replacement contract. The contract includes 341 locations that have been damaged by street trees.

The original bid opening for Sidewalks Replacement Group I contract resulted in three bidders all exceeding the engineer's estimate of \$722,000. The contract was re-bid, and the new bids are being evaluated for compliance with City's Subcontractor Outreach Program. The base bid of the apparent low bidder is \$216,730 over the engineer's estimate. The spread between the apparent low and second low bidder was 9.7%. Construction prices continue to show volatility due to a number of market factors. It is staff's recommendation that this bid be accepted and that Council authorize the staff to transfer additional funds of \$216,730 to award the contract when the apparent responsive, responsible bidder has been determined.

Construction is expected to start in July of 2007 and be completed in December/January of 2008.

FISCAL CONSIDERATIONS:

\$216,730 in funds for this project is available in Street Division Operating Fund 100.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 27, 2007, Resolution R-302495 authorized the advertising and award of the original contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of locations for sidewalk replacement on this contract was previously provided to the Mayor and Council and is unchanged.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens will be notified by the contractor when sidewalk replacement at their property will begin.

Sierra/Haas

Aud. Cert. 27007788.

Staff: Mohammad Sammak - (619) 527-7504
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-102: Contract Change Order No. 2 with Pavement Recycling Systems, Incorporated for the Central Police Garage Remediation Project.

(Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1154) ADOPTED AS RESOLUTION R-302718

Approving Change Order No. 2, dated April 5, 2007, issued in connection with the contract between the City of San Diego and Pavement Recycling Systems, Incorporated, for the Central Police Garage Remediation (Project), said contract having been filed with the Department of Purchasing and Contracting as Document No. K063207; and the changes therein set forth, amounting to a net increase in the contract price in an amount not to exceed \$500,000;

Authorizing the expenditure in an amount not to exceed \$500,000 from CIP-35-082.1, San Diego New Main Library, Fund No. 98808, for the purpose of executing this construction change order, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under LDR No. 41-0980. This activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162.

STAFF SUPPORTING INFORMATION:

In June 2000, the Mayor and Council reviewed several alternative sites and selected the Park to Bay site for the proposed Main Library. The Park to Bay site is adjacent to the main intersection of the Park to Bay link, between 11th and 12th and J and K streets in downtown San Diego. The City Council also authorized the relocation of the existing police garage from the selected library site in October 2000, which was completed in 2005.

Demolition of the vacated police garage occurred in the fall of 2006. This contract provides for the excavation and removal of the contaminated soils left behind by the police garage, to fully remediate the site.

Construction Change Order No. 2 includes extra costs for additional excavation and transportation of roughly 6,000 tons of contaminated soil. The original remediation contract was based upon preliminary environmental testing and assumptions regarding the quantities of contaminated soil to be removed. However, additional contaminated soils and unknown conditions were encountered during excavation and required to be removed in order to clean the site for future use.

FISCAL CONSIDERATIONS:

The total maximum estimated cost of this contract is \$1,233,600.65 of which \$733,600.65 was previously authorized. This action is authorizing a not-to-exceed contract increase of \$500,000 which will be funded by CCDC Fund 98808, CIP-35-082.1, San Diego New Main Library, for this purpose. The expenditure of funds was previously authorized by City Council and the Redevelopment Agency on April 19, 2005, via Resolution R-300359.

PREVIOUS COUNCIL COMMITTEE ACTION:

On June 5, 2000, per R-293252, City Council selected the new site at 12th Street and J Street (the Park to Bay site) and directed the City Manager to take the necessary steps to prepare for locating a New Main Library on the selected site. The City Council also authorized the relocation of the existing Police Garage from the site on October 2, 2000 per R-293901. On May 28, 2002, the City Council certified the Mitigated Negative Declaration (LDR-No. 41-0980) for the development of the Main Library. On April 19, 2005, City Council and the Redevelopment Agency authorized the expenditure of \$3,737,202 for a total of \$6,500,000 of Agency tax increment funds, for the removal of the underground tanks, demolition of the existing Police Garage, clean up and removal of contamination found on the site, and project and construction management costs associated with the New Main Library project development.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Citizen committees have studied possible sites for the new main library through 45 independent studies done over a 35-year period of time. Beginning in 1999, six potential downtown sites were analyzed through a process of public hearings and workshops.

An extensive series of workshops were held with thousands of citizens providing valuable input. Conceptual designs were created for four preferred sites to determine each site's ability to accommodate the expanded library program and future expansion space. In addition, estimates of the cost to develop a library on each of the sites were thoroughly analyzed to allow presentation of initial costs for library buildings that are as comparable in terms of size, configuration, parking capacity, plazas, and building material quality. The last study conducted by a Citizen's Design Review Committee, representing a wide range of community interests and strong political and community support, recommended the Park to Bay site to the Mayor and City Council. The Friends of the Library, comprised of 35 separate Friends groups, endorsed the site, as did the Centre City Development Corporation, which has oversight over planning for the downtown region. Based on this overwhelming support, the Mayor and City Council unanimously approved this site.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The key stakeholder is the contractor Pavement Recycling Systems, who will receive payment for Construction Change Order No. 2. There are no projected financial impacts as no new fees or regulations are proposed as part of this action.

Oskoui/Haas

Aud. Cert. 2700724.

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

FILE LOCATION: CONT. – Pavement Recycling Systems, Inc.

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-103: Ransom Street and Darwin Way Storm Drain Replacement Project.

(Otay Mesa-Nestor Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1143) ADOPTED AS RESOLUTION R-302719

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-11-302.0, Ransom and Darwin Storm Drain Replacement Project, by increasing the budget amount by \$30,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from CIP-13-005.0, Emergency Drainage Projects, to CIP-11-302.0, Ransom and Darwin Storm Drain Replacement Project, within Fund No. 30300, TransNet;

Authorizing the appropriation and expenditure of an amount not to exceed \$30,000 from CIP-11-302.0, solely and exclusively, for the purpose of providing funds for Ransom and Darwin Storm Drain Replacement Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

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

STAFF SUPPORTING INFORMATION:

The condition of the existing corrugated metal pipe (CMP) on Darwin Way (610 linear feet of 42 inch diameter from 120 feet east of Tico Court to Ransom Street) and Ransom Street (490 linear feet of 42 inch diameter from 1080 to 975 Ransom Street) has been deteriorating.

The deterioration has become critical as evident from the sinkhole that was recently reported within the storm drain alignment on Darwin Way. The transfer of the additional \$30,000 from CIP-13-005.0, Emergency Drainage Projects to CIP-11-302.0, Ransom Street and Darwin Way Storm Drain Replacement Project, will be used for the design of the project. The project consists of replacing 1,100 linear feet of 42 inch diameter deteriorated corrugated metal pipe with reinforced concrete pipe.

FISCAL CONSIDERATIONS:

The funds for this action in the amount of \$30,000 are available in CIP-13-005.0, Emergency Drainage Projects, TransNet, Fund 30300.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

KEY STAKEHOLDERS: N/A

Boekamp/Haas

Aud. Cert. 2700749.

Staff: Jamal Batta - (619) 533-3769
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-104: Normal Street Median Improvements – Allocation of Funds.

(Hillcrest and Uptown Community Areas. District 3.)

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1171) ADOPTED AS RESOLUTION R-302720

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-52-769.0, Normal Street Median Improvements (Project);

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget in CIP-52-769.0, Normal Street Median Improvements, by \$228,250 of which \$104,000 is in Fund No. 79512, Development Impact Fees and \$124,250 is in Fund No. 70303, Community Parking District Fund (Uptown CDP);

Authorizing the appropriation and expenditure of an amount not to exceed \$228,250 from CIP-52-769.0, solely and exclusively, for the purpose of engineering and construction funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, from CIP-52-769.0, Normal Street Median Improvements, to the appropriate reserves;

Declaring that this activity is not a “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3). Further environmental analysis will be required prior to authorization of construction contract.

STAFF SUPPORTING INFORMATION:

In cooperation with Uptown Partnership, Inc. (UPI) and Kawasaki, Theilacker, Ueno + Associates (KTU+A) a conceptual design was prepared for improvements to Normal Street between University and Blaine Avenues.

This plan will improve traffic circulation, prevent illegal u-turns, and enhance pedestrian safety. In addition to these traffic and pedestrian related project features, the new landscaped median will include aesthetic enhancements that provide for the creation of fifteen additional parking spaces. The current number of unmetered parking spaces would be decreased by three. However, sixteen new metered spaces, as well as two disabled parking spaces, will be created. The proposed landscaping includes the addition of eighteen trees as well as numerous shrubs and groundcover. This project has been conceptually designed within the guidelines of the Uptown Community Plan.

FISCAL CONSIDERATIONS:

The preliminary cost estimate for CIP-52-769.0, Normal Street Median Improvements, based on conceptual drawings, is \$228,250. Of this, \$104,000 is available in Uptown Development Impact Fees (DIF) Fund and \$124,250 in Uptown Parking District Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The project was presented to the community at KTU+A's office on February 18, 2006. Refinements have since been made to the conceptual design to address the community concerns.

City Engineering staff will continue to work with UPI and all stakeholders for consensus on the final plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Uptown Partnership, Inc., Surrounding Residents and Businesses, Hillcrest Community

Boekamp/Haas

Staff: Dave Zoumaras - (619)533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-105: Bayshore Bikeway Funding.

(Otay Mesa-Nestor Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1076) ADOPTED AS RESOLUTION R-302721

Amending the Fiscal Year 2007 Capital Improvement Program Budget, by adding CIP-58-140.0, Bayshore Bikeway (Project);

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-58-140.0, Bayshore Bikeway, Fund No. 30301, by increasing the budget amount by \$100,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$100,000 within Fund No. 30301, Proposition A Bikeway funds, from Non-CIP Order No. 285036, Bayshore Bikeway Study, to CIP-58-140.0, Bayshore Bikeway, to consolidate funding in the Project;

Authorizing the appropriation and expenditure of an amount not to exceed \$100,000 from Fund No. 30301, Proposition A Bikeway Funds, CIP-58 140.0 Bayshore Bikeway, solely and exclusively, for the purpose of providing funds for Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or designee to take all necessary actions to secure funds from Caltrans in Regional Surface Transportation Program (RSTP) for the Project;

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

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

Authorizing the City Auditor and Comptroller to appropriate and expend an additional \$2,977,000 from CIP-58-140.0, Bayshore Bikeway, RSTP Funds, contingent on appropriate approval and award of one or more contracts for performance of the Project, if said Project will not be performed by City forces, and upon receipt of a fully executed grant agreement;

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

Declaring this activity is not a "project" and is therefore not subject to State CEQA Guidelines Section 15060(c)(3). The environmental review is underway for the Project and the appropriate environmental document will require Council approval.

STAFF SUPPORTING INFORMATION:

The Bayshore Bikeway is a multi-agency project to provide a Class I bicycle path around San Diego Bay from Point Loma to Coronado. The portion of the Bayshore Bikeway within the Otay Mesa-Nestor community will complete the missing segment at the southeast corner of San Diego Bay, from 13th Street at the Imperial Beach City Limit to Main Street at the Chula Vista City Limit.

In December 1994, City Council authorized the application for, and acceptance of, SANDAG bikeway funding in the amount of \$100,000 for the Bayshore Bikeway Feasibility Study. At the time, the study was not included in the Capital Improvement Program budget, and the funds were not expended. This action will consolidate project funding by moving the feasibility study allocation from the non-CIP job order into the CIP where it can be utilized for project design and related studies. The feasibility study for the project was completed in 1999 utilizing alternative funding sources.

Congestion Mitigation Air Quality (CMAQ) funds had been identified by CalTrans for the construction of the Bayshore Bikeway. California State legislative action subsequently de-obligated CMAQ funding in this project. However, construction funding was made available through the Regional Surface Transportation Program. Further Council action approving the environmental document and authorizing the advertisement for bids will be sought before this project begins construction.

FISCAL CONSIDERATIONS:

Current project appropriation is \$916,775. The transfer of \$100,000 of TransNet bike funds will increase available funding in the project to \$1,016,775. When RSTP grant funds of \$2,977,000 are received, total appropriations in CIP-58-140.0, Bayshore Bikeway, will be increased to \$3,993,775.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- R-285036, dated December 5, 1994, authorized the acceptance of \$100,000 in Proposition A Bikeway Funds, Fund 30301, for the Bayshore Bikeway Feasibility Study.
- R-293689, dated August 15, 2000, authorized the acceptance of \$350,000 in CMAQ funding, Fund 38683.
- R-298460, dated October 13, 2003, authorized the transfer of \$50,000, Fund 390055, LTF-SANDAG Claim 228 (FY92) from the Bay Route Bikeway Environmental Study.
- R-300662, dated July 18, 2005, authorized the acceptance of \$500,000 in CMAQ funding, Fund 38683.
- R-301050, dated November 21, 2005, authorized the acceptance of \$179,000 in TDA/LTF funds, Fund 390069 (funds not yet received/appropriated).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Otay Mesa-Nestor Planning Group reviewed and approved the project in 2000.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Kimley Horn, project design consultant
BRG, Inc.
Simon Wong Engineering

Boekamp/Haas

Aud. Cert. 2700704.

Staff: Richard Leja - (619) 533-3764
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-106: Deappropriation of TransNet Commercial Paper.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1078) ADOPTED AS RESOLUTION R-302722

Authorizing the City Auditor and Controller to deappropriate TransNet Commercial Paper, Fund 30306, in the amount of \$8,180,392 on June 30, 2007;

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

STAFF SUPPORTING INFORMATION:

In an effort to better manage TransNet funding for capital improvement projects, a cash management process was implemented in 1997. Cash management is a process in which the City makes money available on an as-needed basis to complete a project.

The City's first priority is to use TransNet cash for projects as much as possible in an attempt to minimize the issuance of Commercial Paper. This is accomplished through a cash management system which identifies projects that require immediate financing and also identifies available cash. Cash is transferred to projects budgeted with Commercial Paper with an immediate financing need. To maintain the balance of appropriations within the capital improvement program budget, an equal amount of commercial paper is then moved to the cash funded project. This cash management process continues throughout the year which reduces the use of debt and maximizes the use of available cash. This process avoided debt service costs to be incurred by the City.

There is currently \$9,656,425 of TransNet Commercial Paper appropriations from prior years which was carried over in the Fiscal Year 2007 Capital Improvements Program budget. As a result of our cash management process, it is recommended that \$8,180,392 of prior year commercial paper be deappropriated this fiscal year. The remaining prior year commercial paper balance of \$1,476,033 is needed to sustain current project funding levels.

FISCAL CONSIDERATIONS:

There will be no fiscal impacts to projects as a result of this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Prior actions to deappropriate TransNet Commercial Paper, Fund 30306: R-301607 on June 27, 2006; R-300515 on June 13, 2005; R-299357 on June 21, 2004; R-298124 on June 24, 2003; R-296728 on June 24, 2002; R-295078 on June 19, 2001; and R-293352 on June 20, 2000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not applicable.

KEYSTAKEHOLDER AND PROJECTED IMPACTS: Not Applicable.

Boekamp/Haas

Aud. Cert. 2700763.

Staff: Dave Zoumaras - (619) 533-3318
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-107: Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1040) ADOPTED AS RESOLUTION R-302723

Authorizing the Fiscal Year 2007 Capital Improvement Program Budget to be amended by adding CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements (Project);

Authorizing the Fiscal Year 2007 Capital Improvements Program Budget to be increased by \$460,000 in CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements, Fund No. 630221;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$460,000 from Fund No. 100, General Services, Storm Water Pollution Prevention Division Operating Fund to CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements, Fund No. 630221, for the purpose of funding the Project;

Authorizing the appropriation and expenditure of an amount not to exceed \$460,000 from CIP-12-161.0, Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements, Fund No. 630221, solely and exclusively, for the purpose of providing funds for the Project provided that proper procedures are followed and that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 existing facilities.

STAFF SUPPORTING INFORMATION:

The purpose of this project is to televise the approximately 13 miles of drainage CMP that have been identified to be in CITY non-right-of-way. This project will identify the sites at high risk to property and other elements for immediate repair/replacement or re-alignment. The resulting product will be an identification of the deficient systems and a ranking to identify the critical drainage projects. Afterwards, storm drain projects will be initiated based on the ranking and funding availability.

FISCAL CONSIDERATIONS:

The Storm Water Pollution Prevention Division's Fiscal Year 2007 approved budget includes \$460,000 for Televising (CCTV) and Evaluation of Storm Drain Corrugated Metal Pipes (CMP) in Easements. Funds in the amount of \$460,000 for this action are available in Fund 100, General Services, Storm Water Pollution Prevention Division Operating Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approved Fiscal Year 2007 budget for Storm Water Pollution Prevention Division.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: City of San Diego.

Aud. Cert. 2700699.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-108: Annual Review of the North City West (Carmel Valley) School Facilities Master Plan, Fiscal Year 2005-2006.

(See letter from Rodger Smith dated 3/28/2007. Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1102) ADOPTED AS RESOLUTION R-302724

Accepting the annual review of the Fiscal Year 2005-2006 North City West (Carmel Valley) School Facilities Master Plan;

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

STAFF SUPPORTING INFORMATION:

The North City West School Facilities Master Plan was adopted by City Council Resolution R-255381 on November 17, 1981. The Joint Powers Agency titled "North City West School Facilities Financing Authority" was adopted by the City Council on July 5, 1983, by Resolution R-2588833. The Mello-Roos Community Financing District No. 1 was formed on August 8, 1988, to supplement the financing of school facilities in Carmel Valley (formerly North City West). The Mello-Roos District covers 96% of the then remaining undeveloped residentially zoned land in Carmel Valley. The remaining 4% continues to be subject to the direct deposit fee established by the original Master Plan and updated periodically with City Council approval. The direct deposit fee schedule was last revised on May 7, 2002 - to remain in effect through Fiscal Year 2010.

The Master Plan indicated that an annual review by the City Council shall be performed in consultation with the Joint Powers Agency (JPA). The purpose of the review is to "evaluate the needed school facilities, and to reevaluate the costs and deposits for the program". The Joint Powers Agency has performed its annual review and summarized its findings in the attached letter dated March 28, 2007.

The member districts of the Joint Powers Agency have been evaluating school facilities needs in view of class size reductions and increased enrollments. Consequently, it has been determined that additional facilities will be needed beyond those provided for in the Master Plan. These requirements are outlined in the report and include an additional two elementary schools. However, because these additional facilities are financed entirely through the JPA, there is no impact on City funding sources.

FISCAL CONSIDERATION:

None to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Previous City Councils have accepted the annual reports as submitted.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The City is a member of the Joint Powers Agency along with the three school districts and has the responsibility to review compliance with the North City West School Facilities Master Plan.

Anderson/Waring

Staff: Megan Sheffield - (619) 533-3678
Elizabeth Coleman - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

* ITEM-109: Settlement of Injury and Property Damage Claims of Jill Shina.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1084) ADOPTED AS RESOLUTION R-302725

A Resolution approved by the City Council in Closed Session on Tuesday, March 20, 2007, by the following vote: Council President Peters-yea; Faulconer-not present; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the sum of \$69,999.99 to be paid from the Water Utility Fund 41500 in settlement of each and every claim against the City, its agents and employees, arising from the litigation;

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$69,999.99 payable to Laureti & Sidiropoulos, APLC and Jill Shina.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims brought by Jill Shina as a result of an automobile accident involving a City vehicle.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Water Utility fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In the Closed Session Meeting of March 20, 2007, the City Council voted unanimously in Item CS-4 Jill Shina v. City of San Diego, San Diego Superior Court Case No. GIC 861123, to accept Plaintiffs 998 offer to settle the litigation in the amount of \$69,999.99. The motion was made by Councilmember Madaffer with a second by Councilmember Hueso. It passed 7 to 0. Councilmember Faulconer was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Bych/Goldstone

Aud. Cert. 2700713.

Staff: James Coldren – (619) 236-5598
Robert J. Walters – Deputy City Attorney

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:19 a.m.)

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

ITEM-330: Barrio Logan Public Facilities Financing Plan Fiscal Year 2007.

(See Barrio Logan Public Facilities Financing Plan Report for June 2007 and Barrio Logan Public Facilities Financing Plan Draft for May 2007. Barrio Logan Community Area. District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1103) CONTINUED TO TUESDAY, JUNE 26, 2007

Approving the Barrio Logan Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the Barrio Logan Community and establishing new Development Impact Fees for all property within the Barrio Logan Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/11/2007, LU&H voted 3 to 0 to approve. (Councilmembers Atkins, Young, and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

Development Impact Fees (DIF) were established in 1987 by the City Council to mitigate the impact of new development in urbanized communities. Fees were based on the facility needs of each community. This plan updated the existing Public Facilities Needs List adopted in 1987.

The draft FY 2007 Barrio Logan Public Facilities Financing Plan describes the public facilities that will be needed for the Barrio Logan Community as it develops according to the Community Plan. Since Barrio Logan is an urbanized community, most of the community facilities and infrastructure are already in place. A majority of the remaining needed facilities are in the categories of transportation, park improvements, a library and a fire station.

The proposed fees reflect the current costs of the facilities identified in the Barrio Logan Community Plan and are necessary to maintain existing levels of service in the community. A summary of the proposed impact fees for Barrio Logan is as follows:

Residential Units

Transportation	\$2114 per unit
Park & Recreation	\$7195 per unit
Library	\$ 434 per unit
Fire	\$ 457 per unit
TOTAL FEE	\$10,200 per unit

Commercial and Industrial

Transportation	\$302 per trip
Fire	\$457 per 1,000 SF of gross bldg area

The total impact fee for residential development will increase from \$920 to \$10,200 per dwelling unit, primarily due to the adjusted needs and costs for park and recreation facilities. The estimated cost for eligible transportation facilities has increased from \$3,900,000 to \$14,247,200. An increase in the transportation fee from \$51 to \$302 per trip reflects project costs and administrative costs associated with plan reviews, impact fee collection and with financing plan preparation. The estimated cost for park facilities increased from \$780,000 to \$9,753,000, resulting in a fee increase from \$560 to \$7,195. This increase is a more accurate reflection of acreage requirements and costs to meet population based park needs within the community. A Library fee of \$434 per residential unit has been added to cover the community's share of the new Logan Heights Branch Library. A Fire fee has been added to build a new station within the community, that fee is \$457/1000 square feet.

Projected cost for all projects is \$46,108,200. Eligible project costs in the amount of \$30,438,130 will serve as the basis for the development impact fees, which will be collected at the time building permits are issued. Since these costs are for projects which will benefit both the existing community and future development, costs will be shared and new development is only expected to provide their pro-rata share for DIF eligible projects. Those portions of project costs not funded by new development through impact fees will need to be identified by future City Council actions in conjunction with the adoption of Annual Capital Improvements Program Budgets.

Alternative: Do not approve the proposed Financing Plan and Development Impact Fee Schedule. This is not recommended because the new fees will ensure that new development continues to contribute its fair share for facilities identified in the Community Plan.

In the absence of these fees, alternative funding sources would have to be identified to fund new development's share of identified facilities.

FISCAL CONSIDERATION:

Adoption of this financing plan will continue to provide new development's share of funding for the required public facilities.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Barrio Logan Public Facilities Financing Plan was approved by the Land Use & Housing Committee on April 11, 2007.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

Barrio Logan does not currently have a recognized Community Planning Group.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

Developers of new projects on vacant sites will be subject to a higher impact fee than currently exists.

Anderson/Waring

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:28 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, JUNE 26, 2007, TO ALLOW FULL COUNCIL TO BE PRESENT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-not present.



ITEM-331: Appointments and Reappointments to the Mission Bay Park Committee.

(See memorandum from Mayor Sanders dated 5/10/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1127 Cor. Copy 3) ADOPTED AS RESOLUTION R-302726

Confirming the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Mission Bay Park Committee, for terms as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Mike Dukor (Mission Beach, District 2) (Replacing Bob Otillie, who does not seek reappointment)	At Large	March 1, 2009
Monica Fuentes (Serra Mesa, District 6) (Replacing Ryan Levinson, whose term expired)	Council District 6 Representative	March 1, 2009
Greg Peterson (Mission Beach, District 2) (Replacing, Mike Pallamary, who has resigned)	At Large	March 1, 2009
Bill Bushe Ocean Beach, District 2) (Replacing Mindy Pellessier, whose term expired)	Ocean Beach Planning Board	March 1, 2008
Jim Greene (Pacific Beach, District 2) (Replacing Moshen Khaelghi, whose term expired)	Mission Bay Hotel Lessee Representative	March 1, 2008
Mort McCarthy (County of San Diego) (Replacing Ted Jardine, whose term expired)	Non-Hotel Lessee	March 1, 2008

Billy Paul (Clairemont, District 6) (Replacing Chris Rink, whose term expired)	Clairemont Mesa Planning Group	March 1, 2008
Karl Jaedtke (Pacific Beach, District 2) (Reappointment)	Council District 2 Representative	March 1, 2009
Judith Swink (Ocean Beach, District 2) (Reappointment)	Council District 2 Representative	March 1, 2009
Richard Miller (North Park, District 3) (Reappointment)	Environmental Organization - Sierra Club	March 1, 2008
Donald Peterson (Pacific Beach, District 2) (Reappointment)	Stakeholder - OBMAC	March 1, 2008
Margaret Pamela Glover (Mission Bay, District 2) (Reappointment)	Mission Beach Precise Planning Board	March 1, 2008

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:26 a.m.)

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



ITEM-332: Appointments to the San Diego County Water Authority Board of Directors.

(See memorandum from Mayor Sanders dated 5/18/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1169) ADOPTED AS RESOLUTION R-302727

Confirming the following appointments by the Mayor of the City of San Diego, to serve as members of the San Diego County Water Authority Board of Directors, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Joseph W. Craver (Point Loma, District 2) (Replacing Bernie Rhinerson, who has resigned)	March 7, 2010
Kenneth R. Williams (La Jolla, District 1) (Replacing Benjamin A. Haddad, who has resigned)	July 15, 2010

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 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-333: Appointment of Susan S. Gonick to the San Diego City Employees' Retirement System Board of Administration (SDCERS).

(See memorandum from Mayor Sanders dated 5/7/2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1083) ADOPTED AS RESOLUTION R-302728

Confirming, after a full and complete public discussion and deliberation, the appointment by the Mayor of the City of San Diego of Susan S. Gonick, to serve as a member of the San Diego City Employees' Retirement System Board of Administration (SDCERS), for a term as indicated below:

<u>NAME</u>	<u>TERM ENDING</u>
Susan S. Gonick (Downtown San Diego-District 2) (Replacing Richard M. Kipperman, whose term expired)	March 31, 2011

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:27 a.m.)

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



ITEM-334: Inviting Bids for the Construction of West Miramar Landfill Phase II – Module E Project.

(Miramar Marine Corps Air Station. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1043) ADOPTED AS RESOLUTION R-302729

Approving the plans and specifications for construction of the West Miramar Landfill Phase II - Module E Project;

Authorizing and directing the Purchasing Agent to publish, in accordance with law, notice to contractors calling for bids for the work described above, in accordance with the plans and specifications referred to above;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a construction contract to, and execute the contract with, the lowest responsible and reliable bidder, for the above West Miramar Landfill Phase II - Module E Project, in an amount not to exceed \$7,290,880; contingent on the City Council's approval of the project's inclusion in the Fiscal Year 2008 Capital Improvement Program budget and Annual Appropriation Ordinance; and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to add CIP-37-056.9, West Miramar Landfill Liner Module E;

Authorizing the City Auditor and Comptroller to transfer the amount of \$9,045,715 within Refuse Disposal Enterprise Fund No. 41201, to CIP-37-056.9, West Miramar Landfill Liner Module E, to be transferred as follows:

\$2,990,000, from CIP-32-024.0, South Miramar Landfill Slopes, of which \$1,500,000 is contingent on the City Council's approval of the Fiscal Year 2008 Capital Improvement Program budget and the Appropriation Ordinance;

\$1,000,000 from CIP-32-010.0, Unclassified Disposal Site Closure;

\$664,000 from CIP-32-019.0, South Miramar Landfill Improvements;

\$300,000 from CIP-32-023.0, South Chollas Landfill Photovoltaic Project; and

\$4,091,715 from main CIP-37-056.0, West Miramar Refuse Disposal Facility Phase II;

Authorizing the expenditure of an amount not to exceed \$9,045,715 from Refuse Disposal Enterprise Fund No. 41201, CIP 37-056.9, West Miramar Landfill Liner Module E, solely and exclusively to provide funds for the above project construction, contingency, and related costs, of which \$1,500,000 is contingent on the City Council's approval of the Fiscal Year 2008 Capital Improvement Program budget and the Annual Appropriation Ordinance; and provided that the City Auditor and Comptroller furnishes one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

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

Declaring that the above activity is not a separate project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c) because this activity is a subsequent discretionary approval of a project which was adequately addressed in Negative Declaration DEP No. 95-0272, which was reviewed and considered by the City Council, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

STAFF SUPPORTING INFORMATION:

The 801 acre West Miramar Landfill Refuse Disposal Facility is located east of I-805, south of the United States Marine Corps' Miramar Air Station, and north of State Route 52. The Environmental Services Department operates the Miramar Landfill under a lease from the United States of America which is administered by the United States Navy. Landfilling operations began in 1982 and are scheduled to continue through 2011 or later.

In 1991, Congress passed the Resource Conservation and Recovery Act (RCRA). A portion of the act (Part 257-258, 40 CFR) referred to as "Subtitle D" affects all landfills accepting municipal solid waste after October 9, 1993, by requiring the installation of composite liners. The purpose of this action is to approve plans and specifications, authorize the transfer and expenditure of funds required to construct the Federally mandated improvements for Module E, and authorize the Mayor, or his designee, to advertise for bids, and subsequently award and execute a contract with the lowest responsible and reliable bidder. The improvements to be constructed include a composite liner system and leachate collection system. This will be the sixth of six (6) modules for the West Miramar Landfill Phase II location.

FISCAL CONSIDERATIONS:

The total estimated cost for the West Miramar Refuse Disposal Facility Phase II - Module E project is \$9,045,715. The estimated construction cost of the West Miramar Refuse Disposal Facility Phase II - Module E is \$7,290,800. The remaining \$1,754,915 is for related costs. An amount of \$4,954,000 is being requested to be transferred from various other CIP projects within the Environmental Services Enterprise Fund 41201. Of these monies, \$1,500,000 is available contingent upon the passage of the FY 08 Capital Improvement Program Budget and the Appropriation Ordinance. The remaining \$4,091,715 is being requested to be transferred from the West Miramar Refuse Disposal Facility Phase II project within the Environmental Services Enterprise Fund 41201.

Due to the tremendous increase in the cost of geosynthetics (driven by oil prices) and construction in general, the following transfers need to occur to adequately fund this regulatory required, mandated project:

- The largest portion of this transfer will be \$2,990,000 from CIP-32-024.0, South Miramar Landfill Slopes Project. The schedule for this project will be delayed and the project will be re-funded in future years;
- An additional \$1,000,000 will be transferred from CIP-32-010.0, Unclassified Disposal Site Closure. This project is substantially completed and this amount is excess to project needs;
- The \$664,000 being transferred from CIP-32-019.0, South Miramar Landfill Improvements is a successfully completed project that no longer requires funding; and
- The final \$300,000 is from CIP-32-023.0, Chollas Photovoltaic Project. Negotiations are currently underway with a privatizer to completely fund (permit, construct and operate) this project with no expenditures from the City.
- The transfer of \$4,091,715 from CIP-37-056.0. is a continuing appropriation from prior projects within this CIP that are substantially completed.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The City Council certified DEP No. 91-0653 AND approved the Miramar Landfill Development Plan on December 5, 1994 as Resolution Numbers R-285061 and R-285063, respectively. This construction project conforms to these documents and is totally within designated landfill areas.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None. There are no known groups expressing either support or opposition to this project.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Citizens of San Diego; Waste Haulers; Bryan A. Stirrat & Associates, Landfill Design Consultant.

Heap/Haas

Aud. Cert. 2700758.

Staff: Kip Sturdevan - (858) 573-1214
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: CONT-West-Tech Contracting, Inc.

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:45 a.m.)

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

ITEM-335: Initiation of Amendments to the Navajo and Tierrasanta Community Plans for Subareas A and B of the Grantville Redevelopment Project Area.

(Navajo and Tierrasanta Community Plan Areas. District 7.)

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1079) ADOPTED AS RESOLUTION R-302730

Initiating the amendment to the Progress Guide and General Plan to incorporate the plan amendment for Subareas A and B of the Grantville Redevelopment Project Area for the preparation of a comprehensive master plan that addresses land use, circulation, parks and open spaces, public facilities and urban design.

SUPPORTING INFORMATION:

The Grantville area of the Navajo and Tierrasanta communities was established as a Redevelopment Project Area in May, 2005. The redevelopment area consists of three Subareas A, B and C. For the purposes of developing a long-range plan for the redevelopment area, staff recommends focusing on plan preparation and implementation for Subareas A and B, only. Successful revitalization of the Grantville area requires a comprehensive approach to planning. The development of a master plan would ensure that the full range of plan development and implementation issues related to community revitalization in the Grantville area are analyzed. A master planning process would evaluate:

- Determination of future land uses and intensities of commercial, residential and industrial uses (including the potential for retention of existing industrial uses in the area)
- The provision of adequate infrastructure
- Improvements to traffic circulation
- The potential need for additional local serving streets.
- Transit-oriented development around the Grantville trolley station
- Ensuring successful connections to and from the trolley station to the community
- Creating linkages to San Diego State University
- The San Diego River as a public open space amenity
- Strategy for financing and developing public facilities such as parks, libraries, police, and fire facilities
- Development of design guidelines to ensure the implementation of high quality architecture, site planning and urban design in projects

The plan amendment initiation process is identified in Section 122.0103(a) of the Land Development Code, which states that the City Council may initiate an amendment to a land use plan by adopting a resolution. The plan amendment would address land use, circulation, parks and open space, public facilities and urban design through the preparation of a comprehensive master plan for Subareas A and B of the Grantville Redevelopment Project Area.

FISCAL CONSIDERATIONS:

Funding for the planning effort in Subarea A would come from Community Development Block Grant (CDBG) funds appropriated through Council District 7. The CDBG funds can be used for planning purposes within non-qualifying areas such as Grantville. In addition, it is expected that

the redevelopment project area would be able to contribute \$150,000. Agency funds would not be available until the validation action is resolved and the current trial date for this is June 2007.

The cost associated with processing the community plan amendment for Subarea B will be paid for by Superior Ready Mix. Of the 395 acres within Subarea B, 370 acres are owned by Superior Ready Mix. For Subarea B, Superior Ready Mix is prepared to submit a development project application and open a deposit account through the Development Services Department (DSD).

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

An initial public information meeting was held on December 4, 2005 to share ideas with community groups and interested citizens and property owners.

KEY STAKEHOLDERS and PROJECTED IMPACTS (if applicable):

The Navajo and Tierrasanta Community Planning Groups, business and property owners in the Grantville area, and interested citizens. The projected impacts are unknown at this "time but will be discovered during the environmental analysis phase of the work program, if initiated.

Wilson/Faucett

FILE LOCATION: Land – Navajo & Tierrasanta Community Plan Area (10)

COUNCIL ACTION: (Time duration: 11:45 a.m. – 11:55 a.m.)

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



ITEM-336: Approval of the Issuance of 2007 Tax Allocation Bonds, Notes or Loans in the Total Amount of \$42,000,000 to Finance and Refinance Portions of the Costs of Three Redevelopment Projects.

(See Southeastern Economic Development Corporation Report SEDC-07-004 and Independent Budget Analyst Report No. 07-51. Southeastern San Diego Community Area. Districts 4 and 8.)

(Continued from the meetings of May 15, 2007, Item 331, and May 22, 2007, Item S501, last continued at the request of staff, for further review.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1075) ADOPTED AS RESOLUTION R-302735

Approving the issuance and sale by the Redevelopment Agency of the City of San Diego of Tax Allocation Bonds, notes or loans in one or more series to finance and refinance portions of the costs of three Redevelopment Projects in the City of San Diego known as the Southcrest Redevelopment Project, the Central Imperial Redevelopment Project, and the Mount Hope Redevelopment Project; subordinating certain payments therefrom; and approving related matters.

NOTE: See the Redevelopment Agency Agenda of June 12, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:20 p.m. – 3:21 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-nay, Madaffer-yea, Hueso-not present.



ITEM-337: Three actions related to Greater Golden Hill Maintenance Assessment District.

(Greater Golden Hill Maintenance Assessment District Community Area. Districts 3 and 8).

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1156 Cor. Copy) ADOPTED AS RESOLUTION R-302731

Resolution of Intention to form the Greater Golden Hill Maintenance Assessment District and to levy and collect Fiscal Year 2008 Annual Assessments on the Greater Golden Hill Maintenance Assessment District.

Subitem-B: (R-2007-1157) ADOPTED AS RESOLUTION R-302732

Initiating proceedings for the formation of the Greater Golden Hill Maintenance Assessment District.

Subitem-C: (R-2007-1158) ADOPTED AS RESOLUTION R-302733

Approving the Engineer's Report submitted in connection with the proposed formation of the Greater Golden Hill Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

The City Council is being asked to authorize the following actions by resolution:

1. Propose the formation of the Greater Golden Hill Maintenance Assessment District; and Preliminarily approving the Engineer Report.
2. Authorize the intention to levy and collect assessments for Fiscal Year 2008, establish the maximum authorized assessments, and set maximum assessment indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U) not to exceed 5%.
3. Authorize the mailing of ballots to all property owners subject to assessment.
4. Establish the time and place for a public hearing to count ballots; and

Upon affirmative findings at the public hearing on July 30, 2007

5. Authorize the consideration of protests, ordering the formation of the District, approve the Assessment Engineer's Report, confirm assessments, and order the improvements, maintenance, and/or services.
6. Approving the annual budget for the Greater Golden Hill Maintenance Assessment District in Fiscal Year 2008.
7. Authorize the City Auditor and Comptroller to establish an interest-bearing fund for the District.
8. If a weighted majority of returned ballots opened following the public hearing select the Greater Golden Hill Community Development Corporation, a non-profit Section 501(c)(3) organization, to administer the contracts for goods and services, authorize the Mayor or his designee to negotiate a contract with the Greater Golden Hill Community Development Corporation pursuant to Municipal Code § 65.0212-65.0214.

STAFF RECOMMENDATION:

Approve the requested actions listed above.

EXECUTIVE SUMMARY:

Recent efforts to form a potential Maintenance Assessment District in the Greater Golden Hill community began in early 2006 when the Greater Golden Hill Community Development Corporation (GGHCDC) received Community Development Block Grant (CDBG) Funds from Council Offices to explore the possible formation of a MAD. In the fall of 2006, the GGHCDC held two (2) community meetings open to residents and to the public. Public notices of these meetings were distributed and posted within the community. Nearly 100 residents attended these two community meetings. The purpose of these two (2) community meetings was to seek community input on how to make the Greater Golden Hill area safer and cleaner. Property owners and residents told the GGH CDC that they supported forming a MAD to fund services to make Greater Golden Hills cleaner, safer & greener. The public workshops resulted in the GGHCDC generating two (2) public mailings and surveys to gauge support for a potential Maintenance Assessment District among the 3,550 Greater Golden Hill property owners. Of the 650 surveys returned to date by property owners, support was expressed by 75% of property owners for forming a MAD in Greater Golden Hill. Extensive input was received from property owners who would be impacted by the proposed District as to the scope of and frequency of services desired within the community.

The GGHDC's outreach efforts included: 1) two noticed public workshops; 2) mail surveys to all property owners who would be impacted by the proposed assessment; 3) personal visits and telephone calls with property owners; 4) e-mail notices to impacted property owners.

Additional public outreach was made by Greater Golden Hill CDC Board members who appeared under public comments before the Greater Golden Hill Planning Committee at its meeting of Tuesday, March 11, 2007 to update Planning Group members on the survey mailings and possible MAD formation efforts. A more detailed informational presentation on the potential formation of a MAD was made before the Greater Golden Hill Planning Committee at its regularly scheduled monthly meeting of Tuesday, April 11, 2007. Additional community meetings and informational mailings will be made by the Greater Golden Hill CDC over the coming months to contact each and every property owner prior to and during the public balloting period.

The City staff has retained SCI Consulting Group to prepare an Engineer's Report for the requested District. This report summarizes the proposed district, describes requested services/associated costs, provides an assessment diagram and apportions property owner assessments based on the level of benefit received. District proponents had the opportunity to review and comment on the Engineer's Report.

The City Council is being asked to authorize the eight (8) requested actions cited above, with authorizations for actions 5 through 8 contingent upon affirmative findings at the public hearing scheduled for July 30, 2007. If the City Council approves the requested actions, ballots describing the proposed district and the associated assessments will be mailed to all property owners of record within the proposed district boundaries. Property owners can mail or deliver the ballots to the City Clerk.

Interested parties may comment at the July 30, 2007 public hearing regarding the proposed District. Ballots will be counted at the conclusion of the hearing. If a majority of property owners support formation of the District in accordance with State law, the City Council has the discretion to establish the District and levy assessments beginning in Fiscal Year 2008 as described in the Assessment Engineer's Report.

FISCAL CONSIDERATIONS:

The annual assessment for City owned property will be \$35,160.29. Approximately \$488,890 will be assessed and collected in the Greater Golden Hill Maintenance Assessment District in FY 2008 ranging from \$36.03 to \$9,594.68 per parcel. The proposed assessments will fund an increased level of enhanced services within the District boundaries. If the District is approved by benefiting property owners, assessments will be levied and collected to fund the annual budget.

	<u>FY 07-08</u>	<u>Maximum Authorized</u>
REVENUES		
Assessments	\$488,890	\$488,890
Interest	\$0	\$0
TOTAL REVENUES	<u>\$488,890</u>	<u>\$488,890</u>
 ACTIVITIES AND SERVICES EXPENSES		
Personnel	\$0	\$0
Contractual	\$326,500	\$326,500
Utilities	\$5,000	\$ 5,000
Incidentals/Administration	\$136,340	\$136,340
Contingency Reserve	\$21,050	\$ 21,050
TOTAL EXPENSES	<u>\$488,890</u>	<u>\$488,890</u>
BALANCE	<u>\$0</u>	<u>\$0</u>

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The outreach efforts include: 1) two noticed public workshops; 2) mail surveys to all property owners who would be impacted by the proposed assessment; 3) personal visits and telephone calls with property owners; 4) e-mail notices to impacted property owners.

Additional public outreach was made by Greater Golden Hill CDC Board members who appeared under public comments before the Greater Golden Hill Planning Committee at its meeting of Tuesday, March 11, 2007 to update Planning Group members on the survey mailings and possible MAD formation efforts. A more detailed informational presentation on the potential formation of a MAD was made before the Greater Golden Hill Planning Committee at its regularly scheduled monthly meeting of Tuesday, April 11, 2007. Additional community meetings and informational mailings will be made by the Greater Golden Hill CDC over the coming months to contact each and every property owner prior to and during the public balloting period.

Upon preliminary approval of the Engineer's report by the City Council, notices/ballots will be prepared and mailed to all property owners of the District who will ultimately vote whether or not they support the formation of the District. Property owners will also vote whether the Greater Golden Hill Community Development Corporation, a non-profit, Section 501(c)(3) organization, or the City should administer the contracts for goods and services for the District.

If this action is approved, a public hearing will be scheduled where public testimony will be heard by the City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS :

Key stakeholders include the Greater Golden Hill business community, property owners and residents within the contemplated district. The Greater Golden Hill Community Development Corporation will manage the District if approved by property owner ballot.

Kessler/Waring/LO

Staff: Luis Ojeda – (619) 236-6475
Elizabeth Coleman - Deputy City Attorney

FILE LOCATION: STRT-M-511 FY2008 (34)

COUNCIL ACTION: (Time duration: 11:11 – 11:36 a.m.)

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

ITEM-338: Core District Streetlights Phase II Project - Request to Bid the Installation of Streetlights - Core Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project and Request to Bid the Installation of Litter Receptacles in the East Village Redevelopment District of the Expansion Sub Area and the Columbia and Marina Sub Areas of the Centre City Redevelopment Project.

(See Centre City Development Corporation Report CCDC-07-18/CCDC-07-08. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1080) ADOPTED AS RESOLUTION R-302736

Finding and determining that the installation of streetlights and litter receptacles for which the Agency proposes to pay is of benefit to the Project Area; and

Finding and determining that no other reasonable means for financing the Project is available; and

Finding and determining that the Project will assist in eliminating one or more blighting conditions inside the Project Area, and that the Project is consistent with the Centre City and Horton Implementation Plans for July 2004-2009, on file in the Office of the Secretary to the Agency pursuant to California Health and Safety Code Section 33490. All of the above findings are more fully described in Attachment A hereto.

SUPPORTING INFORMATION:

The Project is the last of a two-phase program to update and install streetlights in the Core Redevelopment District. The Project calls for the installation of 110 new streetlights and the retrofitting of 16 streetlights. Older lights in poor condition will be replaced and existing high voltage wiring will be converted to safer low voltage circuits. The installation of 215 new litter receptacles and the removal of 150 litter receptacles is a component of this project.

FISCAL CONSIDERATIONS:

Funds are available in the amount of \$1,431,000 in the Fiscal Year 2007 Columbia/Core Redevelopment District Budget for Public Improvements and in the Areawide - Public Infrastructure.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On March 28, 2007, the Corporation Board approved this item unanimously.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Project is the last of a two-phase program and the first phase was widely praised by businesses and by the Downtown San Diego Partnership as a catalyst in dramatically changing the landscape of the Core District to becoming a safer place to live, work and visit. The installation of litter receptacles has been discussed by staff to the East Village Association and at numerous Downtown Partnership meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders for the project are businesses and residents located in the Project Area along with visitors of downtown.

Anderson/Graham/Diekman

NOTE: See the Redevelopment Agency Agenda of June 12, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:35 p.m.)

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

ITEM-339: Two actions related to Cortez Hill Family Center Phase Two Request to Bid Construction Cortez Redevelopment District of the Expansion Sub Area of the Centre Redevelopment Project.

(See Centre City Development Corporation Report No. CCDC-07-13/
CCDC-07-07. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1086) ADOPTED AS RESOLUTION R-302737

Authorizing the transfer of \$150,753 from City Fund No. 10249 to Redevelopment Agency Fund No. 98881 for construction of the Phase Two Project;

Finding and determining that the construction of the on-site and off-site improvements in the Cortez Redevelopment District for which the Agency proposes to pay are of benefit to the Project Area, that it finds and determines that no other reasonable means for financing the proposed construction for which the Agency proposes to pay is available to the community, and that it finds and determines that the proposed construction will assist in eliminating blighting conditions inside the Project Area;

Finding and determining that the construction of said on-site and off-site improvements are consistent with the Implementation Plan adopted for the Project Area by the Agency on June 21, 1994, as Document No. 2141, pursuant to California Health and Safety Code Section 33490. All of the above findings are more fully described in Attachment A hereto;

Consenting to the payment by the Agency for all of the costs of the construction identified above.;

Authorizing the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency;

Declaring that the total amount for the contract and agreement shall not exceed Four Million One Hundred Thousand Dollars (\$4,100,000).

Subitem-B: (R-2007-1087) ADOPTED AS RESOLUTION R-302738

Stating for the record that the information contained in the EA/IS, and FONSI/ND, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of NEPA and CEQA would warrant any additional environmental review in connection with approval of construction of the Cortez Hill Family Center Project (Phase Two).

SUPPORTING INFORMATION:

In 2001, the City of San Diego acquired a former Days Inn Motel located at 1449 Ninth Avenue in the Cortez Hill neighborhood to create a transitional housing facility for up to 150 persons. The converted motel has no dining facility or playground space for the families. To address some inadequacies on the site, the Development Permit issued by the Corporation in 2001 required that the City construct a new two-story building in the former motel pool area to include multi-purpose rooms, dining facilities, children's play areas, staff offices/conference rooms and new resident processing areas. In December 2004, the City's Community and Economic Development Department requested that the Corporation take over project management responsibility for the Project as City staff was unable to complete the project due to inadequate staffing and budget levels. The Project will provide much-needed amenities to the residents and will fulfill a promise to neighborhood property owners, developers and residents who supported the development.

FISCAL CONSIDERATIONS:

The total estimated construction cost of the Project is approximately \$4,100,000. Funds are available in the amount of \$4,100,000 in the Fiscal Year 2007 Centre City Low and Moderate Income Housing Fund.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On March 28, 2007, the Corporation Board of Directors unanimously approved the item.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Project updates have been provided to the Centre City Advisory Committee (the "CCAC"), the Cortez Hill Residents' Group, and the Corporation Board and Committees at various points in the project development. Support is strong, especially from the affordable housing community. The Cortez Hill community is anxious to have this project completed, which will fulfill the commitment made by the City in 2001.

Royal/Graham/Yee

NOTE: See the Redevelopment Agency Agenda of June 12, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:37 p.m. – 2:38 p.m.)

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



ITEM-340: Promenade at Rio Vista Tentative Map, Project No. 105158.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development and c/o Cory J. Briggs, Briggs Law Corporation, concerning the determination by City staff that the request to convert 970 existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA). The 15.67-acre site is located at 8405 Rio San Diego Drive in the MV-M/SP Zone of Mission Valley Planned District, the First San Diego River Improvement Project area, and the Rio Vista West Specific Plan area, within the Mission Valley Community Plan Area.

It should be noted that the decision of whether to approve or deny the above referenced Tentative Map will be made at a future hearing. That hearing will be publicly noticed in accordance with the San Diego Municipal Code. The purpose of this appeal hearing is only to consider the matter of the environmental determination.

(See Report to the City Council No. 07-101. Mission Valley Community Plan Area. District 6.)

(R-2007-1249) DENIED THE APPEAL AND UPHELD THE ENVIRONMENTAL DETERMINATION; ADOPTED AS RESOLUTION R-302739

According to the San Diego Municipal Code Section 112.0520, the City Council shall consider the appeal and shall, by a majority vote:

- 1) Deny the appeal, uphold the *environmental determination* and adopt the CEQA findings of the previous decision-maker, where appropriate; or
- 2) Grant the appeal and make a superceding *environmental determination* or CEQA findings; or
- 3) Grant the appeal, set aside the *environmental determination*, and remand the matter to the previous decision-maker, in accordance with Section 112.0520, to reconsider the *environmental determination* that incorporates any direction or instruction the City Council deems appropriate.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Affirm the Development Services Department's environmental determination of exemption prepared for the two tentative maps for condominium conversions within the Carmel Valley and Mission Valley Community Plan areas. The projects are known as Signature Point Tentative Map (Project No. 120250) and Promenade at Rio Vista Tentative Map (Project No. 105158).

STAFF RECOMMENDATIONS:

1. **Deny** the appeals and uphold the Environmental Determinations.
2. Make an express finding that the information provided by the appellant and his experts should be excluded from the record because it is argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

EXECUTIVE SUMMARY:

Note that these are two condominium conversion appeals similar to the batches of 76 such appeals heard and denied by the City Council on July 31, 2006, and the 18 such appeals heard and denied by the City Council on March 20, 2007. These two appeals were filed after the public noticing of the March 20, 2007, appeals, and were therefore not included within that batch. Accordingly, the Executive Summary, Staff Report, and Attachments are nearly identical to those already provided in the prior hearing.

Denial of the appeals would allow the applicants to continue processing their Tentative Map requests through the discretionary hearing process.

Basis for Appeal: The appellant's form-letter appeal generally states: "The determination that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) is wrong. The project does not qualify for exemption under the CEQA Guidelines. Furthermore, the project does not qualify for exemption under the CEQA Guidelines based on exceptions to exemption arising from the cumulative and other potentially significant adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing."

Staff Response: Staff conducted the initial reviews of the proposed Tentative Maps in accordance with the process set forth in Sections 15060 and 15061 of the California Environmental Quality Act (CEQA) Guidelines and determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines, and using the City's CEQA Significance Thresholds. Several issues were considered during the reviews, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions.

To date, no substantial evidence has been identified by or presented to staff that would support a fair argument that these particular condominium conversions could result in significant physical impacts on the environment, either singly or cumulatively. Staff therefore determined that the projects would not result in a direct or reasonably foreseeable indirect physical change in the environment. City staff have determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and these determinations were appealed to the City Council by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. The individual dates of environmental determinations and appeals are listed in the table in Attachment 1.

Staff agrees that limited availability of affordable housing in the City of San Diego is an issue of concern. However, the concerns with condominium conversions are policy issues within the purview of City Council. Revisions to appropriate policies and regulations are a better and more direct way to address the concerns raised by the Land Use and Housing Committee about condominium conversions. Significant revisions to the Condominium Conversion regulations were unanimously approved by the City Council on January 24, 2006 and June 13, 2006. While

staff did evaluate the potential for physical impacts related to condominium conversions, it should be noted that the burden of proving that a categorical exemption has been inappropriately applied is on the appellant. The appellant has not proved his argument. The subject projects do not include any physical changes in the environment that would not otherwise be exempt, or any intensification of use. There is no evidence that any growth inducement or cumulative impacts would result.

FISCAL CONSIDERATIONS:

Due to this general single-issue, staff has consolidated the format in this one appeal request. The processing of each individual project to a decision will be charged to a deposit account established by the applicant. Should the City Council remand the matter back to the Development Services Department, or direct a Program Environmental Impact Report be prepared, significant costs could be incurred.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

These same types of appeals were scheduled before the City Council on July 31, 2006. On that date, there were 76 appeals scheduled; the City Council concurred with staff and denied all 76 of the appellant's appeals. Furthermore, a second batch of these same types of appeals were scheduled before the City Council on March 20, 2007. On that date, there were 18 appeals scheduled; the City Council concurred with staff and denied all 18 of the appellant's appeals.

Planning Commission Decision: The Planning Commission has not acted on this issue of the appeals of the environmental determinations of exemption for condominium conversions.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The issue of the appeal of the environmental determination has not been presented to community planning groups.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Please reference the attached spreadsheet for property owners. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.

Waring/Escobar-Eck/MB

Staff: Martha Blake – (619)446-5375
Karen Heumann – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:08 p.m. – 5:12 p.m.)

Testimony in opposition by Joy Sunyata, Richard Schulman, and Joiel Roth.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION DENYING THE APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-not present.



ITEM-341: Signature Pointe Tentative Map, Project No. 120250.

Matter of the appeal by Citizens for Responsible Equitable Environmental Development and c/o Cory J. Briggs, Briggs Law Corporation, concerning the determination by City staff that the request to convert 261 existing residential dwelling units to condominium ownership is exempt from the California Environmental Quality Act (CEQA). The 16.70-acre site is located at 13008 Signature Point in the MF-3 Zone of Carmel Valley Planned District, within the Carmel Valley Community Plan Area.

It should be noted that the decision of whether to approve or deny the above referenced Tentative Map will be made at a future hearing. That hearing will be publicly noticed in accordance with the San Diego Municipal Code. The purpose of this appeal hearing is only to consider the matter of the environmental determination.

(See Report to the City Council No. 07-101. Carmel Valley Community Plan Area. District 1.)

(R-2007-1250) DENIED THE APPEAL AND UPHELD THE ENVIRONMENTAL DETERMINATION; ADOPTED AS RESOLUTION R-302740

According to the San Diego Municipal Code Section 112.0520, the City Council shall consider the appeal and shall, by a majority vote:

- 1) Deny the appeal, uphold the *environmental determination* and adopt the CEQA findings of the previous decision-maker, where appropriate; or
- 2) Grant the appeal and make a superceding *environmental determination* or CEQA findings; or
- 3) Grant the appeal, set aside the *environmental determination*, and remand the matter to the previous decision-maker, in accordance with Section 112.0520, to reconsider the *environmental determination* that incorporates any direction or instruction the City Council deems appropriate.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Affirm the Development Services Department's environmental determination of exemption prepared for the two tentative maps for condominium conversions within the Carmel Valley and Mission Valley Community Plan areas. The projects are known as Signature Point Tentative Map (Project No. 120250) and Promenade at Rio Vista Tentative Map (Project No. 105158).

STAFF RECOMMENDATIONS:

1. **Deny** the appeals and uphold the Environmental Determinations.
2. Make an express finding that the information provided by the appellant and his experts should be excluded from the record because it is argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

EXECUTIVE SUMMARY:

Note that these are two condominium conversion appeals similar to the batches of 76 such appeals heard and denied by the City Council on July 31, 2006, and the 18 such appeals heard and denied by the City Council on March 20, 2007. These two appeals were filed after the public noticing of the March 20, 2007, appeals, and were therefore not included within that batch. Accordingly, the Executive Summary, Staff Report, and Attachments are nearly identical to those already provided in the prior hearing.

Denial of the appeals would allow the applicants to continue processing their Tentative Map requests through the discretionary hearing process.

Basis for Appeal: The appellant's form-letter appeal generally states: "The determination that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) is wrong. The project does not qualify for exemption under the CEQA Guidelines. Furthermore, the project does not qualify for exemption under the CEQA Guidelines based on exceptions to exemption arising from the cumulative and other potentially significant adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing."

Staff Response: Staff conducted the initial reviews of the proposed Tentative Maps in accordance with the process set forth in Sections 15060 and 15061 of the California Environmental Quality Act (CEQA) Guidelines and determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines, and using the City's CEQA Significance Thresholds. Several issues were considered during the reviews, including traffic, parking, and visual quality. Physical impacts related to the loss of affordable housing was also raised as a question to be considered by the department in the evaluation of all of the discretionary condominium conversions.

To date, no substantial evidence has been identified by or presented to staff that would support a fair argument that these particular condominium conversions could result in significant physical impacts on the environment, either singly or cumulatively. Staff therefore determined that the projects would not result in a direct or reasonably foreseeable indirect physical change in the environment. City staff have determined that the projects are exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), and these determinations were appealed to the City Council by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. The individual dates of environmental determinations and appeals are listed in the table in Attachment 1.

Staff agrees that limited availability of affordable housing in the City of San Diego is an issue of concern. However, the concerns with condominium conversions are policy issues within the purview of City Council. Revisions to appropriate policies and regulations are a better and more direct way to address the concerns raised by the Land Use and Housing Committee about condominium conversions. Significant revisions to the Condominium Conversion regulations were unanimously approved by the City Council on January 24, 2006 and June 13, 2006. While

staff did evaluate the potential for physical impacts related to condominium conversions, it should be noted that the burden of proving that a categorical exemption has been inappropriately applied is on the appellant. The appellant has not proved his argument. The subject projects do not include any physical changes in the environment that would not otherwise be exempt, or any intensification of use. There is no evidence that any growth inducement or cumulative impacts would result.

FISCAL CONSIDERATIONS:

Due to this general single-issue, staff has consolidated the format in this one appeal request. The processing of each individual project to a decision will be charged to a deposit account established by the applicant. Should the City Council remand the matter back to the Development Services Department, or direct a Program Environmental Impact Report be prepared, significant costs could be incurred.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

These same types of appeals were scheduled before the City Council on July 31, 2006. On that date, there were 76 appeals scheduled; the City Council concurred with staff and denied all 76 of the appellant's appeals. Furthermore, a second batch of these same types of appeals were scheduled before the City Council on March 20, 2007. On that date, there were 18 appeals scheduled; the City Council concurred with staff and denied all 18 of the appellant's appeals.

Planning Commission Decision: The Planning Commission has not acted on this issue of the appeals of the environmental determinations of exemption for condominium conversions.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The issue of the appeal of the environmental determination has not been presented to community planning groups.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Please reference the attached spreadsheet for property owners. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.

Waring/Escobar-Eck/MB

Staff: Martha Blake – (619)446-5375
Karen Heumann – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:12 p.m. – 5:17 p.m.)

Testimony in opposition by Joy Sunyata.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION DENYING THE APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-not present.



ITEM-342: Ordinance Amending Condominium Conversion Regulations.

To consider ordinances amending Chapter 14, Article 4, Division 5 of the Land Development Code regarding condominium conversions. The amendment addresses limitations on the number of dwelling units to be processed as condominium conversions in a year, conditions under which specified improvements can be deferred, and other related modifications.

The proposed amendments to the Land Development Code constitute an amendment to City of San Diego's Local Coastal Program (LCP) and must be certified by the California Coastal Commission to be effective in the Coastal Overlay Zone. The LCP amendment will not become effective within the Coastal Overlay Zone until unconditionally certified by the California Coastal Commission. If you wish to be noticed of the Coastal Commission hearing on this issue, prior to the close of the City Council public hearing, you must submit a request in writing to City of San Diego, Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101, Attention: Dan Joyce.

(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; and introduce the ordinance in Subitem C:

Subitem-A: (R-2007-1013) CONTINUED TO TUESDAY, JULY 24, 2007

Adoption of a Resolution of the Council of the City of San Diego adopting the settlement agreement reached between the petitioners and the City in the four condominiums conversion lawsuits.

Subitem-B: (R-2007-1164) CONTINUED TO TUESDAY, JULY 24, 2007

Adoption of a Resolution stating for the record that the amendments to the Land Development Code by Ordinance Number O-_____ are a subsequent discretionary approval of the Project addressed in Environmental Impact Report No. 96-0333, and therefore this action is not a separate project under CEQA Guideline Sections 15060(c)(3);

Stating for the record that the information contained in the Environmental Impact Report No. 96-0333, Addendum to EIR No. 96-0333, and Environmental Impact Report Addendum No. 100693, including any comments received during the public review process, have been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the amendments to the Land Development Code by Ordinance Number O-_____, do not involve any new direct, indirect, cumulative impacts, substantial changes, or new information of substantial importance that would warrant any additional environmental review, new CEQA findings, or a Statement of Overriding Consideration.

Subitem-C: (O-2007-132) CONTINUED TO TUESDAY, JULY 24, 2007

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 14, Article 4, Division 5 of the San Diego Municipal Code by amending Sections 144.0501, 144.0503, and 144.0507; And adding Sections 144.0506, 144.0510, and 144.0511; All relating to condominium conversion regulations.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Adopt and implement the Settlement Agreement in Citizens for Responsible Equitable Environmental Development v. City of San Diego Superior Court Case No. GIC871259; Affordable Housing Coalition of San Diego County, et al. v. City of San Diego, et al., Court of Appeal Case No. D049665 (Superior Court Case No. 857723); Citizens for Responsible Equitable Environmental Development, et al. v. City of San Diego, et al., Court of Appeal Case No. D049637 (Superior Court Case No. GIC858098); and Citizens for Responsible Equitable Environmental Development, et al., v. City of San Diego Superior Court Case No. GIC876017 by considering three amendments to the Condominium Conversion Regulations.

STAFF RECOMMENDATION:

Adopt the resolutions.

EXECUTIVE SUMMARY:

On March 27, 2007, the City Council entered into a Settlement Agreement which requires the Council to docket amendments of the Condominium Conversion Regulations for consideration at a public hearing.

The amendments include (1) a prohibition on the conversion of more than 1,000 rental housing units to condominiums per calendar year, (2) a requirement that City, prior to approval of any application for the conversion of rental housing units to condominiums, survey the tenants of the units and issue an annual report on the results of the surveys, and (3) a provision allowing the approval of a final subdivision map, notwithstanding that fact that certain required improvements have not yet been completed, provided that a certified copy of a recorded covenant and restriction has been provided to the City which ensures completion of such improvements will be made prior to sale of a unit. If the City Council adopts the amendments, the Petitioner will dismiss Affordable Housing Coalition of San Diego County, et al. v. City of San Diego, et al., Court of Appeal Case No. D049665 (Superior Court Case No. 857723), will accept \$75,000 as attorneys fees, and will not seek fees from the City in any of the other matters.

FISCAL CONSIDERATIONS:

If the amendments are adopted, the Settlement Agreement in the above-referenced matters limits the amount of attorneys' fees to be paid to petitioner to \$75,000. This eviscerates the risk of a vastly higher fee award if petitions were to prevail in these matters and substantially reduces the amount of resources necessary to defend these actions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council authorized the approval of a settlement agreement in Closed Session on March 27, 2007, by allowing the following vote: The motion was made by Councilmember Donna Frye with a second by Councilmember Toni Atkins. It passed 6 to 0 with Council President Scott Peters and Council President Pro Tem Tony Young absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Before the City and the Petitioners entered into the above-referenced Settlement Agreement, all parties to the lawsuits as well as some non-parties who have interests in condominium conversions generally were involved in settlement discussions. When global negotiations failed, the City and the Petitioners entered into a Settlement Agreement. Subsequently, many of the condominium converters who were parties to one or more of the lawsuits entered into a separate Settlement Agreement with the Petitioners.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

If these amendments are adopted, the number of tenants displaced by condominium conversions will be significantly reduced.

Furthermore, the City will significantly reduce its potential liability for past and future approvals of condominium conversions by the use of the existing facilities exemption to the California Environmental Quality Act and will avoid the need to expend substantial City resources opposing the lawsuits.

Aud. Cert. 2700797.

Heumann/MRD

NOTE: This activity is covered under Environmental Impact Report No. 96-0333, as well as addendums to that EIR. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately cover this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

Staff: Dan Joyce – (619) 446-5388
Malinda R. Dickenson – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:31 p.m. – 5:01 p.m.)

Testimony in Opposition by Matt Adams, Rafael Muilenburg, and Chris Christensen.

Testimony in Favor by Joy Sunyata, Michelle Krug, Cory Briggs, Theresa Quiroz, Gregg Robinson, Rocky Neptun, Richard Lawrence, Ann Menasche, Donald Davis, Ardelle Matthews, Arlen Shire, Linda Hermanson, Jewell Hooper, Mary Jo O'Brien, Connie Soucy, Stephen Whitburn, Kathleen MacLeod, Betty Bacon, Katheryn Rhodes, and Kathy Evans-Calderwood.

MOTION BY FRYE TO CONTINUE TO TUESDAY, JULY 24, 2007, TO ALLOW FULL COUNCIL TO BE PRESENT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-not present.

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: 11:03 a.m. – 11:03 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:19 p.m. in honor of the memory of:

Helen Cushman as requested by Council Member Atkins.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:17 p.m. - 5:19 p.m.)