

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 25, 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 10:01 a.m. Council President Peters recessed the meeting at 10:56 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:01 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:59 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council Member Hueso not present. Council President Peters recessed the regular meeting at 2:06 p.m. to simultaneously convene the Redevelopment Agency and the regular meeting. Council President Peters recessed the meeting at 3:08 p.m. for the purpose of a break. Council President Peters reconvened the regular meeting at 3:12 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:54 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:58 p.m. with all Council Members present and thereafter recessed the regular meeting to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:59 p.m. with all Council Members present and thereafter convened the Housing Authority. Council President Peters reconvened the regular meeting at 5:11 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 5:14 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-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on alcohol in Pacific Beach and supporting Kevin Faulconer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. – 10:29 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on the financial crisis in San Diego and the Iraq War.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:32 a.m.)

PUBLIC COMMENT-4:

Lynn Rowland commented on last weeks' Council item regarding the Amicus Brief.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:33 a.m.)

PUBLIC COMMENT-5:

Mignon Scherer commented on water conservation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:37 a.m.)

PUBLIC COMMENT-6:

Sunshine Horton announced a community walk for her birthday.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-7:

Phil Hart commented on home foreclosures and the Gay Pride Parade.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-8:

Ted Cook gave thanks to San Diego City Council for the Amicus Brief participation.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Barbara Winton commented on traffic fines.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:47 a.m.)

PUBLIC COMMENT-10:

Jarvis Ross commented on parking concerns at Shoreline Plaza.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:51 a.m.)

PUBLIC COMMENT-11:

Katheryn Rhodes commented on the Bayshore Bikeway Project.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-12:

Referred to City Attorney: Jerry Butkiewicz commented on the living wages with Prudential.

FILE LOCATION: AGENDA

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

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-30: Crossroads Foundation Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-55) ADOPTED AS RESOLUTION R-303022

Commending the Crossroads Foundation for its services to the San Diego community;

Proclaiming September 25, 2007, to be "Crossroads Foundation Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m. – 10:05 a.m.)

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



ITEM-50: Tobacco Retailer Ordinance – Version D, Relating to Requirements for Permits

for Tobacco Project Sales. (Citywide.)

(See Independent Budget Analyst Report No. 07-85 and letter from Judy Strang dated 9/10/2007 [not available at the Committee]; Report from the City Attorney dated 6/29/2006; E-mail from Molly Bowman dated 7/12/2006; letter from Auday P. Arabo, Esq. dated 7/12/2006; City Manager Report No. 05-091; and Reports from the City Attorney dated 5/4/2007, 3/23/2007, 4/8/2005, and 4/7/2005 [not available at the Committee].)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 9/10/2007,
Item 150. (Council voted 7-0. Council President Peters not present):

(O-2007-128 Rev.) CONTINUED TO TUESDAY, OCTOBER 16, 2007

Amending Chapter 3, Article 3, of the San Diego Municipal Code by adding Division 45, Sections 33.4501 to 33.4518, titled "Permits for Tobacco Product Sales," relating to requirements for permits for tobacco product sales. State Assembly Bill 71, codified in California Business and Professions Code section 22971.3, created a state licensing program for the sale of tobacco products, and authorizes local governments to adopt their own ordinances to provide for the suspension or revocation of a local license for any violation of a state tobacco control law. This ordinance provides for local regulation of tobacco retail businesses by requiring police permits. The intent is to discourage violations of law prohibiting the sale or distribution of tobacco products to minors to protect their health, welfare, and safety. It is also the intent that all costs associated with the administration and enforcement of this Division be borne by tobacco retailer applicants and permittees. It is further the intent that recoveries hereunder shall be used to pay the costs of enforcement of this Division.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:21 a.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, OCTOBER 16, 2007, FOR FURTHER REVIEW. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-51: Installation of Angle Parking on 15th Street Between Broadway and "E" Streets. (Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-25) INTRODUCED, TO BE ADOPTED ON
TUESDAY, OCTOBER 9, 2007

Introduction of an Ordinance authorizing the creation of an angle parking zone on 15th Street between Broadway and "E" Streets, pursuant to the authority conferred by and in accordance with the provisions of California Vehicle Code Section 22503 and the San Diego Municipal Code Section 86.03;

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

Authorizing the expenditure of \$3,615 for the installation of angle parking on 15th Street between Broadway and "E" Streets, solely and exclusively, for this Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

This action will authorize the installation of angle parking on the west side of 15th Street between Broadway and "E" Streets. This action is in accordance with Municipal Code Section 86.03, and California Vehicle Code Section 22503.

15th Street between Broadway and "E" Streets is a two-lane 52-foot wide two-way street with parking permitted on both sides of the street. It is located within the vicinity of East Village. In their efforts to increase the available parking, the San Diego Police Department has requested the conversion of the west side of this segment of 15th Street from parallel to angle parking.

This section of 15th Street is currently a parking meter zone in effect from 8 AM to 6 PM, Sundays and certain holidays excepted, and will remain as a parking meter zone if the angle parking is installed. The installation of angle parking would result in a net gain of eight parking spaces and the installation of eight additional parking meters. The existing single-head parking meters will be replaced with double-head parking meters to accommodate the 20 new angle parking spaces. One disabled parking space will also be installed, thus complying with Federal ADA regulations and Council Policy 500-08.

FISCAL CONSIDERATIONS:

\$3,615. The cost of the ten double head parking meters will be shared on a 55%-45% basis between the City and the Community Parking District (District One) administered by the Centre City Development Corporation. The City's share (\$2,818) will be from the General Services Department's budget. It is expected that the eight new meters will increase revenues by \$2,582 per year.

The striping of the angle parking spaces will be completed by the City of San Diego Street Division at a cost of \$797. General funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs to complete this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The adjacent property on this block of 15th Street is the San Diego Police Department. Both the S.D.P.D. and the Downtown Parking Management Group (DPMG) are in support of this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The San Diego Police Department, East Village residents, the public visiting the SDPD Headquarters and the DPMG will benefit from increased parking.

Boekamp/Jarrell

Aud. Cert. 2800159.

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:23 a.m.)

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

- * ITEM-52: Installation of Angle Parking on the East Side of San Diego Avenue Between West Washington Street and India Street. (Uptown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-23) INTRODUCED, TO BE ADOPTED ON
TUESDAY, OCTOBER 9, 2007

Introduction of an Ordinance authorizing the creation of an angle parking zone on the east side of San Diego Avenue between West Washington Street and India Street, pursuant to the authority conferred by and in accordance with the provisions of California Vehicle Code Section 22503 and the San Diego Municipal Code Section 86.03;

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

Authorizing the expenditure of \$8,932 for the installation of angle parking on the east side of San Diego Avenue between West Washington Street and India Street, solely and exclusively, for this Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

STAFF SUPPORTING INFORMATION:

This action will authorize the installation of angle parking on the east side of San Diego Avenue between West Washington Street and India Street. This action is in accordance with Municipal Code Section 86.03, and California Vehicle Code Section 22503.

San Diego Avenue between West Washington Street and India Street is a three-lane 52-foot wide one-way street with parking permitted on both sides of the street. It is located adjacent to a commercial strip with a high parking demand. The Uptown Partnership formed a technical advisory committee composed of residents, businesses, and Transportation Engineering staff to identify traffic and parking issues in the area and to develop solutions. In its effort to increase the available parking and address speeding concerns, the committee recommended, among other things, the conversion of this segment of San Diego Avenue from parallel to angle parking.

The installation of angle parking at this location will result in a net gain of nine parking spaces, one of which will be a disabled parking space in compliance with Federal ADA regulations and Council Policy 500-08. The proposed angle parking will also require the removal of one of three existing travel lanes. The remaining two lanes will be adequate to accommodate the daily traffic volumes on this section of San Diego Avenue. The proposed angle parking in combination with the required lane reduction is also expected to result in a traffic calming effect.

The segment of San Diego Avenue, where the angle parking is proposed, is currently a parking meter zone in effect from 8 AM to 6 PM, Sundays and certain holidays excepted. The parking meter zone will remain in effect after the installation of angle parking and the existing parking meters will be reconfigured to accommodate the new angle parking zone. Eight additional parking meters will also be installed adjacent to the gained parking spaces.

FISCAL CONSIDERATIONS:

\$8,932. The cost of reconfiguring the existing parking meters and the installation of eight additional parking meters will be shared on a 55%-45% basis between the City and Uptown Partnership, Inc., which serves as the Community Parking District for Uptown. The City's share (\$5,924) will be funded from the General Services Department's budget. It is expected that the eight new meters will increase revenues to the City by \$2,982 per year.

The installation of the angle parking spaces; the signage and striping required for the lane removal to accommodate the new angle parking; and the installation of a disabled parking space will be completed by the Street Division at a cost of \$3,008. General funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs to complete this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The property owner adjacent to this segment of San Diego Avenue has signed a petition in favor of the proposed angle parking. In addition, the Uptown Partnership Board of Directors, the Mission Hills Business Improvement District, and the Uptown Planners are all in support of this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Area businesses, business patrons, area residents, and the Uptown Partnership will benefit from the increased parking.

Boekamp/Jarrell

Aud. Cert. 2800160.

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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-53: Installation of Angle Parking on West Side of Kettner Boulevard Between Kalmia Street and Ivy Street. (Centre City Community Area. District 2.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-26) INTRODUCED, TO BE ADOPTED ON
TUESDAY, OCTOBER 9, 2007

Introduction of an Ordinance authorizing the creation of an angle parking zone on the west side of Kettner Boulevard between Kalmia Street and Ivy Street, pursuant to the authority conferred by and in accordance with the provisions of California Vehicle Code Section 22503 and the San Diego Municipal Code Section 86.03;

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

Authorizing the expenditure of \$2,453 for the installation of angle parking on the west side of Kettner Boulevard between Kalmia Street and Ivy Street, solely and exclusively, for this Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

This action will authorize the installation of angle parking on the west side of Kettner Boulevard between Kalmia Street and Ivy Street. This action is in accordance with Municipal Code Section 86.03, and California Vehicle Code Section 22503.

Kettner Boulevard between Kalmia Street and Ivy Street is a three-lane 51 foot wide one-way street with parking permitted on both sides of the street. It is located within the vicinity of Little Italy. In their efforts to increase the available parking, the Little Italy Association has requested the conversion of the west side of this segment from parallel to angle parking. This action has been supported by a petition of 75% of adjacent business properties on these blocks of Kettner Boulevard between Kalmia Street and Ivy Street.

This section of Kettner Boulevard is currently a 2 hour parking un-metered zone in effect 8 AM to 6 PM, Monday through Saturday and will remain as a parking un-metered zone if the angle parking is installed. The installation of angle parking would result in a net gain of six (6) parking spaces. Two disabled parking blue zones will be installed, thus complying with Federal ADA regulations and Council Policy 500-08. The proposed angle parking will also require reducing the travel lanes on this segment of Kettner Boulevard from 3 lanes to 2 lanes. The remaining two lanes will be adequate to accommodate the daily traffic volumes on this section of Kettner Boulevard.

FISCAL CONSIDERATIONS:

\$2,453. The striping of the angle parking spaces will be completed by the City of San Diego Streets Division at a cost of \$2,453, and it will be completed within the Streets Division existing budgeted resources. General funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs to complete this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

75% of adjacent business properties on these blocks of Kettner Boulevard between Kalmia Street and Ivy Street submitted a petition in support of the proposed angle parking. In addition, the Downtown Parking Management Group (DPMG) and the Little Italy Association are in support of this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Adjacent businesses and Little Italy parking users in the vicinity of Kettner Boulevard will benefit by additional parking.

Oskoui/Jarrell

Aud. Cert. 2800157.

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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-54: Amending the San Diego Municipal Code by Adding Section 54.0110 Entitled “Unauthorized Encroachments Prohibited”. (Citywide.)

STAFF’S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-3) INTRODUCED, TO BE ADOPTED ON
TUESDAY, OCTOBER, 9, 2007

Introduction of an Ordinance amending Chapter 5, Article 4, Division 1, of the San Diego Municipal Code by adding Section 54.0110 entitled “Unauthorized Encroachments Prohibited”, relating to prohibiting unauthorized encroachments on public property or in the public right-of-way;

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

STAFF SUPPORTING INFORMATION:

One of the functions of the Environmental Services Department's (ESD) Code Enforcement Section is to enforce encroachments of refuse and recycling dumpsters or bins in public rights-of-ways. Due to the revisions to in the Land Development Code, Municipal Code Section 62.0306 "Unauthorized Encroachments Prohibited" was repealed on November 28, 2005 by O-19446 n.s.; effective February 9, 2006. This section was the principal encroachment enforcement code section for ESD. There is currently no enforcement code section which states that it is unlawful for persons to place dumpsters in the public rights-of-way without an encroachment permit.

In order to eliminate potential safety hazards and liability associated with these types of encroachments, ESD recommends that a new code section (SDMC 54.0110) be added to Chapter 5 (Public Safety, Morals & Welfare), Article 4 (Public Hazards and Public Nuisances), Division 1 (General Provisions). As with the inadvertently deleted code section, the new code section also addresses any other unauthorized object on public property or in the public right-of-way which is not a facility or structure as those terms are used in the Land Development Code. These objects would include, but not be limited to, such items as skate board ramps and basketball apparatus, which are the responsibility of other City Departments.

FISCAL CONSIDERATIONS:

No fiscal impact.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Municipal Code Section 62.0306 "Unauthorized Encroachments Prohibited" was repealed on November 28, 2005 by O-19446 n.s.; effective February 9, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Heap/Haas

Staff: Nancy Lovell - (619) 573-1206
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 a.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. 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-100: Contributions Agreement with Caltrans for Improvements to Pomerado Road/Miramar Road/I-15 Interchange. (Scripps Miramar Ranch Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-186) ADOPTED AS RESOLUTION R-303023

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with Caltrans, for improvements under the terms and conditions set forth in the Agreement;

Authorizing the appropriation and expenditure of an amount not to exceed \$250,000 from Job Order No. 296705, Caltrans Contribution Agreement for I-15, Fund No. 39300, I-15 Improvements Fund, solely and exclusively, for the purpose of providing 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 allow remaining interest and any future interest accrued in Fund No. 39300, I-15 Improvements Fund, to be used for transportation-related projects within the Scripps Ranch Miramar Ranch North communities to be determined in future fiscal years;

Declaring that this activity is covered under the MND and FONSI for I-15 Managed Lanes Project, SCH#2002101112. 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 of the prior environmental document adequately covered this activity as part of the previously-approved project, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

Caltrans is currently planning major highway improvements to Interstate 15 from State Route 163 to State Route 56. As part of these improvements, Caltrans will restripe westbound Pomerado Road at the Interstate 15 overpass, and will modify the on-ramp from westbound Pomerado Road to southbound Interstate 15. These improvements are being made at the request of the Scripps Miramar Ranch community planning group. Developer funds have been deposited into the I-15 Improvements Fund (39300) for this purpose and are part of the Scripps Miramar Ranch Public Facilities Financing Plan (PFFP). By entering into this Contribution Agreement with Caltrans for the interchange improvements, the City will be obligating \$250,000 from the I-15 Improvements Fund for the project.

FISCAL CONSIDERATIONS:

\$250,000 will be expended from the I-15 Improvements Fund (39300) for this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

These improvements were requested by the Scripps Miramar Ranch community planning group.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Residents of the Scripps Miramar Ranch community will obtain improved access across Interstate 15 at Pomerado Road/Miramar Road, and improved access to Interstate 15 southbound as a result of the project.

Boekamp/Haas

Aud. Cert. 2800178.

Staff: Larry Van Wey - (619) 533-3005
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

- * ITEM-101: Twenty-Five Year Lease Agreement with San Dieguito River Valley Regional Open Space Park Joint Powers Authority for Lake Hodges Reservoir Bicycle and Pedestrian Bridge. (Lake Hodges and Rancho Bernardo Community Areas. District 5.)

(See Report to the City Council No. 07-146.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-199) ADOPTED AS RESOLUTION R-303024

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a 25-Year Lease Agreement with the San Dieguito River Valley Regional Open Space Park Joint Powers Authority for the construction, maintenance, and operation of the Lake Hodges Reservoir Pedestrian/Bicycle Bridge under the terms and conditions set forth in the City of San Diego Lease Agreement (Lease);

Authorizing the City Auditor and Comptroller to accept the Lease rent payments and deposit them in Water Department Fund 41500.

STAFF SUPPORTING INFORMATION:

The San Dieguito River Park Open Space Joint Powers Authority (JPA) proposes to construct and operate the Lake Hodges Reservoir pedestrian/bicycle bridge to allow for a recreational and transportation route for people to cross Lake Hodges Reservoir and the San Dieguito River Valley. The bridge is a component of the San Dieguito River Park's 55-mile-long trail network and will provide direct access for pedestrians and bicyclists to the planned Coast to Crest Trail from the south side of the lake. The bridge is to be used by pedestrians and bicyclists and their leashed dogs. No equestrian or motorized uses will be allowed. Fishing is also specifically prohibited. The bridge will include locking gates at each end to prohibit access between the hours of 9:00 PM and 6:00 AM.

BACKGROUND:

The JPA proposes to construct the 990-foot-long, 14-foot-wide pedestrian/bicycle bridge and related trail connections across Lake Hodges Reservoir linking the Lake Hodges Reservoir North Shore Trail with the Bernardo Bay trail staging area and Piedras Pintadas Trail. The bridge location is approximately 1,000 feet west of Interstate 15 as it passes over Lake Hodges Reservoir.

The project site is located on land owned by the City of San Diego Water Department and is within the San Dieguito River Park Focused Planning Area. The bridge is identified as a top priority "Programmed Bikeway Project" Class I bicycle transportation facility in the City's Bicycle Master Plan (2002). The project would be constructed by the JP A with funds from the Federal Highway Administration Transportation Enhancement Activity grant administered by the California Department of Transportation, District 11.

The bridge will have a 14-foot wide outside dimension, with 12-foot-wide interior clearance for bicyclists and pedestrians. It will also have a 10-foot high clearance at flood conditions, allowing boats to safely pass underneath. It is proposed as a "stress ribbon" design with two piers in the lake and concrete abutments at either end. The bridge will be constructed by a series of pre-cast concrete panels strung on cables anchored into the two bridge abutments. The bridge platform will be supported by two piers in the lake, which will widen at each pier to create two 24-foot wide belvederes for interpretive displays and bench seating. Two seating areas overlooking the lake will be installed at the north and south ends.

The term of the proposed lease is twenty-five (25) years. Staff determined the property to be of nominal rental value. Accordingly, an annual rent equivalent to the current non-profit lease administration fee of \$2,970 per year has been agreed, which will be used to offset the City's costs associated with administering this lease. The rent will be adjusted annually in accordance with the Consumer Price Index. The lease provides for the preparation of an emergency response plan, required by the California Department of Public Health, to protect water quality in the unlikely event of a water contamination incident. There are also stringent daily cleaning specifications and monitoring specifications in the lease, which is in accordance with the City's Domestic Water Supply Permit.

FISCAL CONSIDERATIONS:

Initial rent of \$2,970 annually, will be deposited into the Water Department Fund 41500. On the anniversary date of each lease year the rent shall be adjusted upward per Consumer Price Index.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In May 2005, a Mitigated Negative Declaration was approved by the JPA Board of Directors. In September 2005, the San Diego City Council approved the Site Development Permit.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

In June 2006, the San Pasqual/Lake Hodges Planning Group voted 7-6-0 to recommend approval of the concept plan for the bridge. In August 2006, the Rancho Bernardo Planning Board voted 21-0-0 to recommend approval of the proposed lease.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

San Dieguito River Valley Regional Open Space Park Joint Powers Authority, a Joint Powers Authority composed of public agencies pursuant to California Government Code section 6500, et seq.

Barwick/Murray

Staff: Gary Jones - (619) 236-6264

Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: LEAS – San Dieguito River Valley Regional Open Space
Park Joint Powers Authority

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-102: Second Amendment to Agreement for As-Needed Archaeological Monitoring for Underground Utilities Conversion. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-129) ADOPTED AS RESOLUTION R-303025

Authorizing the Mayor to execute, for and on behalf of the City, a Second Amendment to the Agreement with Laguna Mountain increasing the maximum contract amount \$750,000, from \$650,000 to \$1,400,000, for a period of up to five years from the original date of execution, June 1, 2005, for consultant services under the terms and conditions set forth in the Agreement, on file in the Office of the City Clerk as Document No. RR C-13294;

Authorizing the appropriation and expenditure of an amount not to exceed \$750,000, from CIP-37-033.8, Consultant Review for Various Underground Projects, Fund 30101, Underground Surcharge-CIP, solely and exclusively, for the purpose of providing funds for executing this Second Amendment to the Agreement, 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 funds, if any, 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).

STAFF SUPPORTING INFORMATION:

On June 2005, after a competitive interview process for an as-needed archaeological monitoring consultant for the Utilities Undergrounding Program, the firm Laguna Mountain was awarded a two year contract, not to exceed \$250,000. Prior to that time, archeological needs were contracted out on a project by project basis. The as-needed contract serves to streamline the archeological monitoring needs of the Utilities Undergrounding Construction Program. Amendment No.1, dated November 28, 2005, was required due to archaeological finds which required extensive unanticipated monitoring and mitigation requirements.

To continue with the management of archaeological monitoring and mitigation needs of the program, it is most efficient to amend the existing contract for an additional three years, which will cover approximately 14 projects.

FISCAL CONSIDERATIONS:

Funds in an amount not to exceed \$750,000 are available in CIP-37-033.8, Consultant Review for Various Underground Projects, for this agreement.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On November 28, 2005, per Resolution Number 301072, the City Council authorized to execute a first amendment to the Agreement with Laguna Mountain Environmental, Inc., increasing the maximum contract amount from \$250,000 to \$650,000.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Citywide Community and Public Outreach has been in effect for all Underground Utilities Conversion projects.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Laguna Mountain Environmental, Inc. and City of San Diego.

Oskoui/Haas

Aud. Cert. 2800105.

Staff: Afshin Oskoui - (619) 533-3102
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-103: First Amendment to Agreement with Kimley-Horn, Inc. for Balboa Avenue Corridor Improvements. (Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1175) ADOPTED AS RESOLUTION R-303026

Authorizing the Mayor to execute, for and on behalf of the City, a First Amendment to an Agreement with Kimley-Horn increasing the maximum contract amount \$24,700 from \$24,800 to \$49,500, for preliminary engineering services for the Balboa Avenue Corridor Improvements Project, CIP-52-274.0, (Project) under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$24,700 from CIP-52-274.0, Balboa Avenue Corridor Improvements Project, Fund No. 38978, for the First Amendment to the Agreement with Kimley-Horn for the above referenced Project;

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

STAFF SUPPORTING INFORMATION:

In May 2001, the City entered into a Cooperative Agreement with the State of California to transfer State Route 274 to the City of San Diego. State Route 274 consists entirely of Balboa Avenue from Interstate 5 to Interstate 15. As part of the Cooperative Agreement, Caltrans provided funding to bring Balboa Avenue up to City standards. The City awarded a consultant contract to Kimley-Horn and Associates, Inc. to analyze existing and future traffic conditions on Balboa Avenue between I-805 and I-15, and to identify potential improvements. The contract amendment will include the preliminary engineering and the prioritization of the recommended improvements.

FISCAL CONSIDERATIONS:

The original contract agreement with Kimley-Horn, Inc. was for \$24,800. The contract amendment #1 with Kimley-Horn, Inc. for preliminary engineering is for \$24,700, for a total expenditure of \$49,500. Funds for the action are available in Fund 38978, CIP-52-274.0

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council Resolution R-294888 dated May 22, 2001, authorized the Cooperative Agreement with the State of California and acceptance of funding for Capital Improvements and maintenance on State Route 274.

Council Resolution R-298114 dated June 24, 2003, authorized the transfer of \$275,000 from CIP-52-274.0 to CIP-52-496.0, Balboa Avenue Streetscape Improvements.

Council Resolution R-300893 dated October 10, 2005, authorized the transfer of \$1,070,855 from CIP-52-274.0 to CIP-52-496.0, Balboa Avenue Streetscape Improvements and \$500,000 to special interest bearing funds for the maintenance of Balboa Avenue Streetscape Improvements.

Council Resolution R-301364 dated April 26, 2006 authorized the transfer, appropriation, and expenditure of \$550,000 from CIP-52-274.0 to CIP-52-496.0.

Council Resolution R-302335 dated February 14, 2007, authorized the transfer of \$300,000 from CIP-52-274.0 to CIP-52-496.0, Balboa Avenue Streetscape Improvements to special interest bearing funds for the maintenance of Balboa Avenue Streetscape Improvements and \$130,000 to CIP-52-496.0

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Kearny Mesa Planning Group

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Kearny Mesa Community,

Kimley- Horn, Inc.

Boekamp/Haas

Aud. Cert. 2700726.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-104: **NOTE:** This item has been taken off the docket.

* ITEM-105: North Park Main Street/University Streetscape Improvements. (Greater North Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-204) ADOPTED AS RESOLUTION R-303027

Amending the Fiscal Year 2008 Capital Improvements Program Budget for CIP-39-207.0, North Park Main Street/University Avenue Streetscape Improvements (Project), Fund No. 79502, North Park Developer Impact Fees, by increasing the budget amount by \$250,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$250,000 from CIP-39-207.0, North Park Main Street/University Avenue Streetscape Improvements, Fund No. 79502, North Park Development Impact Fees, solely and exclusively, for the purpose of providing 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, 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 North Park Main Street/University Avenue Streetscape Improvements project will provide enhanced sidewalks, new curb and gutter, traffic calming measures, and landscape at locations along University Avenue between 28th Street and Granada Avenue, and on 30th Street between University Avenue and North Park Way.

The plans for this project were originally prepared by Earth Tech Consultants in the early 1990s. However, due to unavailability of funding, the project was put on hold. In 2004, the City re-entered into an agreement with Earth Tech Consultants to finalize the plans and specifications for this project.

However, due to further funding unavailability, the project was put on hold again until adequate funds for construction were identified. \$60,000 was requested and approved by Council Action Resolution No. 302871 on July 24, 2007. An additional \$250,000 is being requested to fully fund the project and allow City staff to proceed with advertising, awarding and construction activities. Specifically, these funds will be used to contribute towards the construction costs of the improvement project. Construction is scheduled to begin in early January, 2008.

FISCAL CONSIDERATIONS:

Funds for this action in the amount of \$250,000 are available in Fund 79502, North Park Development Impact Fees. Current funding in the amount of \$319,337.40 for this project is available from Fund 18521, HUD Section 108 Public Improvements, as well as \$60,000 from Fund 79502, Development Impact Fees, AC No. 2700829.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Item 102, Resolution No. R-302871, was approved on July 24, 2007, authorizing the increase, appropriation, and expenditure of \$60,000 from Fund 79502 to supplement funding for this project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Engineering and Capital Projects' staff have worked closely with the North Park Main Street Design Committee, community members, and Council District 3 staff throughout the design phase, and will continue to do so once in construction.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: City of San Diego; Greater North Park Community.

Projected Impacts: The approval of this action will make funding available so that the City can begin the award and construction phases of the project.

Boekamp/Haas

Aud. Cert. 2800151.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

- * ITEM-106: 6th Avenue Storm Drain Easement Acquisition. (Midtown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-179) ADOPTED AS RESOLUTION R-303028

Authorizing the Mayor to accept Grant of Easement Document by Windmill Construction Company/Promontory Point LLC, granting a drainage easement across portions of Lots 28 and 29 of Fleisher's Addition to San Diego, according to Map thereof, No. 811, filed in the Office of the County Record;

Authorizing the City Auditor and Comptroller to disburse \$2,500, from CIP-13-005.0 (JO 130082), 6th Avenue Drain Replacement, for acquisition of the property rights required for completion of the project.

STAFF SUPPORTING INFORMATION:

As part of the settlement agreement between the City and Sleepy Hollow Apartments, the City agreed to construct new drainage facilities at and adjacent to the 6th Avenue cul-de-sac. The improvements include an enlargement of the storm drain (replace existing storm drain) to increase ability to collect water draining downhill on 6th Avenue, replacing existing underground pipe with a larger pipe, and installation of new and larger diameter drainage pipe running down slope at the foot of the Sleepy Hollow Apartment driveway. The down slope portion of the construction requires acquisition of easement rights on adjoining land for the construction of an extended drain pipe and "headwall" improvements just above CalTrans right of way.

FISCAL CONSIDERATIONS:

\$2,500 for acquisition of property rights.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

City of San Diego Water Department
Sleepy Hollow Apartments owner

Repair and improvements to the existing storm drain will result in the increased collection of storm water runoff into drainage facilities resulting in increase protection of the adjacent apartments from flooding.

Barwick/Anderson

Aud. Cert. 2800194.

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

FILE LOCATION: F-10154

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-107: Establishment of a Commercial Vehicle Prohibition on Riviera Drive. (Pacific Beach Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-184) ADOPTED AS RESOLUTION R-303029

Authorizing the Mayor to establish a prohibition of commercial vehicles with a rated capacity of five tons or more on Riviera Drive between Pacific Beach Drive and Ingraham Street;

Authorizing the expenditure of \$900 from Fund 100, solely and exclusively, for this Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Declaring that this activity is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

This action will prohibit commercial vehicles with a rated capacity of five tons or more from using Riviera Drive between Pacific Beach Drive and Ingraham Street. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. Council approval is required according to Municipal Code Section 85.04.

This proposal was initiated by residents along Riviera Drive who expressed concerns with trucks shortcutting on Riviera Drive to access the commercial zones to the north and west of this street. Riviera Drive is a two lane collector street with 100% residential frontage. Alternative routes to access the commercial areas are Ingraham Street and West Mission Bay Drive which are both major streets with fronting commercial facilities.

FISCAL CONSIDERATIONS:

The fiscal impact is estimated to be \$900. Funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs in order to complete this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This proposal is supported by residents along Riviera Drive and the Pacific Beach Community Planning Committee voted unanimously to support this action with a 12-0-0 vote.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Oskoui/Jarrell

Aud. Cert. 2800158.

Staff: Deborah Van Wanseele - (619) 533-3012
Michael P. Calabrese – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-108: California Wellness Foundation Grant Application. (Mira Mesa, Linda Vista, and South Bay Community Areas. Districts 5, 6, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-151) ADOPTED AS RESOLUTION R-303030

Authorizing the Mayor (or his designee), for and on behalf of the City of San Diego, to apply for, accept, appropriate and expend the grant funds from the California Wellness Foundation in an amount not to exceed \$225,000;

Authorizing the Mayor (or his designee), to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the grant;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend these grant funds;

Declaring that any resources received under the grant shall be used to supplement and not to supplant expenditures controlled by this body; and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

STAFF SUPPORTING INFORMATION:

The Commission on Gang Prevention and Intervention has been working on strategic goals and action plans for impacting gang activity in the City of San Diego.

The California Wellness Foundation invited the Commission to submit a grant that was due August 15, 2007. The FUNDING is based on the critical nature of the gang problem, the design of the program, the ability of the program to demonstrate competencies as well as monitor and provide outcomes and evaluation.

Funding from the California Wellness Foundation will permit the Commission to: 1) support 3 communities with high gang crime where no resources for collaboration are available to address the problem; 2) facilitate development of coordinated and collaborative-based strategies to address needs identified by residents in the 3 target communities, and 3) utilize the expertise of a highly experienced professional to analyze gang problems in San Diego and the target communities, and to establish and maintain gang research/data system. This is the work that will be undertaken with a TCWF grant.

FISCAL CONSIDERATIONS:

There is no non-federal match or cost share required for grants from the California Wellness Foundation and covered by this resolution. The Commission has applied for \$225,000 for 36 months.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Not applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Identified below.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The targeted grant application will impact the areas in Linda Vista, Mira Mesa and South Bay where there is a high gang activity.

The youth and families of these neighborhoods will benefit from an increase in resources in the focus area.

Sharpe-Underwood/Olen

Staff: Lynn Sharpe-Underwood - (619) 236-5936
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-109: Acquisition/Donation of a 2.55 Acre Parcel within Black Mountain Park to the City of San Diego. (Rancho Peñasquitos Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-119) ADOPTED AS RESOLUTION R-303031

Authorizing the Mayor, or his designee, to accept a donation by the Fisher and Gabrielson Family Trusts of a 2.55 acre parcel within the Black Mountain Park.

STAFF SUPPORTING INFORMATION:

The Fisher and Gabrielson Family Trusts have chosen to generously donate a 2.55 acre parcel to the City of San Diego. This parcel is one of the last remaining private holdings within the Black Mountain Park area.

FISCAL CONSIDERATIONS: Donation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Over the past ten years Council has approved various actions authorization acquisition of land for inclusion into the Black Mountain Park/Open Space areas.

Barwick/Anderson

Staff: David Sandoval - (619) 236-5548
Todd Bradley - Deputy City Attorney

FILE LOCATION: F-10155

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-110: Trader Joe's Day.

COUNCILMEMBER'S FAULCONER AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-190) ADOPTED AS RESOLUTION R-303032

Commending Trader Joe's for its service to the City of San Diego;

Proclaiming September 13, 2007, to be "Trader Joe's Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-111: Fraternal Order of Eagles Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-191) ADOPTED AS RESOLUTION R-303033

Congratulating and commending the Fraternal Order of Eagles for success over the past 105 years and its service to the San Diego community;

Proclaiming September 7, 2007, to be "Fraternal Order of Eagles Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-112: Rancho Bernardo's 45th Birthday Celebration.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-192) ADOPTED AS RESOLUTION R-303034

Proclaiming September 8, 2007, to be "Rancho Bernardo's 45th Birthday Celebration" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

* ITEM-113: Gary Powers Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-200) ADOPTED AS RESOLUTION R-303035

Proclaiming September 17, 2007, as "Gary Powers Day" in the City of San Diego in recognition of his many outstanding contributions and service to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:05 a.m. – 10:06 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-yea, Madaffer-yea, Hueso-not present.

ITEM-201: Approval of Participation and Administration Agreements in San Diego City Employees' Retirement System (SDCERS) Group Trust.

(Continued from the meetings of June 18, 2007, Item 200; June 26, 2007, Item S400; July 10, 2007, Item 339; September 4, 2007, Item 330; and September 10, 2007, Item S400; last continued at the request of Roxanne Parks, Chief Compliance Officer from SDCERS, for further review.)

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:

Take the following actions:

(R-2008-280) ADOPTED WITH DIRECTION AS RESOLUTION
R-303037

Approving the attached Participation and Administration Agreement between SDCERS and the Unified Port District; and

Approving the attached Participation and Administration Agreement between SDCERS and the Airport Authority; and

Approving the attached Participation and Administration Agreement between SDCERS and the City of San Diego;

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

SUPPORTING INFORMATION:

Along with the City, the Port and the Airport Authority participate in SDCERS under City Charter Section 149 and San Diego Municipal Code Sections 24.1801 et seq. These provisions allow a public agency to contract with SDCERS to participate in the SDCERS Trust Fund, after the City Council makes a finding that the public agency is eligible and approves the contract between the agency and SDCERS. In 2002, the City Council found that the Port and the Airport Authority were eligible to participate in SDCERS under Charter Section 149, and approved the initial contracts between SDCERS and each agency.

Under Charter Section 149 and Municipal Code Section 24.1806, all funds contributed by a contracting public agency and its employees must be held in trust and used only to pay benefits and necessary expenses related to administering the retirement benefits of that agency.

In order to carry out the intent of these provisions, and prevent the use of any contracting agency's plan assets to pay the liabilities associated with another agency's plan, tax counsel advised SDCERS to establish a Group Trust, within which SDCERS would administer each public agency's plan as a separate trust. Based on this advice, on March 16, 2007, the SDCERS Board unanimously approved a "Declaration of Trust" establishing the SDCERS Group Trust

effective July 1, 2007. At that same time, the Board unanimously approved the three attached Participation and Administration Agreements with the City, the Port and the Airport Authority.

The Port and Airport Authority Boards have unanimously approved their respective Participation and Administration Agreements. Municipal Code Section 24.18020(j) requires that the Participation and Administration Agreements between SDCERS and each contracting public agency be approved by the City Council by Resolution.

A Council vote to approve the Participation and Administration Agreements of the City, Port, and Airport will ensure that the plan assets associated with each plan sponsor currently participating in SDCERS are unavailable to satisfy the liabilities of each other plan sponsor's plan. Both the Port and Airport Boards have made it clear that the participation of their assets in the SDCERS Group Trust is critical to their continued participation in SDCERS. If the City Council does not approve their Participation and Administration Agreements, the Port and Airport may be forced to seek out another pension alternative to SDCERS.

FISCAL CONSIDERATIONS:

There is no financial impact associated with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the City, Port, and Airport Authority, as well as their employees and retirees. Council approval of the three SDCERS Group Trust Participation and Administration Agreements will assure the employees and retirees of all three agencies that the assets in their retirement plans are safe from claims by or against the other SDCERS-administered plans.

Hebrank/Wescoe

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:12 p.m. – 4:52 p.m.)

MOTION BY MADAFFER TO ADOPT TO APPROVE THE PARTICIPATION AND ADMINISTRATION AGREEMENT BETWEEN SDCERS AND THE UNIFIED PORT DISTRICT; APPROVE THE PARTICIPATION AND ADMINISTRATION AGREEMENT BETWEEN SDCERS AND THE AIRPORT AUTHORITY; AND THE PARTICIPATION AND ADMINISTRATION AGREEMENT BETWEEN SDCERS AND THE CITY OF SAN DIEGO. DIRECT THE CITY ATTORNEY TO PREPARE THE APPROPRIATE RESOLUTIONS. IN ADDITION, SDCERS WILL WORK WITH THE INDEPENDENT BUDGET ANALYST ON A STATUS REPORT ON THE ITEMS LISTED IN 2A THROUGH D IN THE LETTER FROM FOLEY & LARDNER, LLP, AND PRESENT TO COUNCIL. SUBJECT TO REVIEW IN 30 DAYS BY MACIAS AND GINI AND THE CITY'S ACTUARIAL CONSULTANT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-330: Resolution to Protect San Onofre State Beach and Other California State Park Lands.

(See memorandum from City Attorney dated 6/27/2007.)

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

Adopt the following resolution:

(R-2007-984) ADOPTED AS RESOLUTION R-303036

Declaring that the City of San Diego endorses the Commission's November 18, 2005 resolution;

Supporting additional examination and implementation of feasible alternative transportation projects, including improvements to Highway 5 that do not impact San Onofre State Beach, or other park lands, and beaches.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:58 a.m.)

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

ITEM-331: Funding Public Improvements for University Avenue Sidewalk Design, Repair, and Installation Project in the Crossroads Redevelopment Project Area. (Mid-City and Eastern Area Community Areas. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-131) ADOPTED AS RESOLUTION R-303038

Finding and determining that the design, repair and installation of sidewalks within the Crossroads Redevelopment Project Area, for which the Agency proposes to contribute funding, is consistent with the Implementation Plan for the Project Area adopted pursuant to Community Redevelopment Law Section 33490; is of benefit to the Crossroads Redevelopment Project Area; that no other reasonable means of financing the Project is available to the community; and that payment of funds for the costs of the Project will assist in the elimination of one or more blighting conditions inside the Project Area;

Authorizing the Mayor, or his designee, to accept Agency funds into Fund 10274 from Crossroads Redevelopment Project Area for the City's design, repair and installation of sidewalks within the Crossroads Redevelopment Project Area;

Authorizing the addition of CIP-52-761-0, University Avenue Sidewalks, to FY 2008 Capital Improvements Program;

Approving a \$500,000 increase in Fiscal Year 2008 Capital Improvements Program budget CIP-52-761.0, University Avenue Sidewalks, Fund No. 10274, Crossroads Redevelopment Project Area;

Authorizing the City Auditor and Comptroller to appropriate and expend funds up to \$500,000 from Fund 10274, Crossroads Redevelopment Project Area, CIP-52-761.0, University Avenue Sidewalks, for design, repair and installation of sidewalks along University Avenue from 54th Street to 68th Street, contingent upon the City Auditor and Comptroller certifying that funds for this action are available;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

The requested actions will provide for the design, installation and repair of approximately 16,000 feet of concrete sidewalk, curb and gutters along both sides of University Avenue from 54th Street to 68th Street within the Crossroads Redevelopment Project Area. Portions of University Avenue east of 54th Street to the City of La Mesa are without sidewalks. The lack of sidewalks has contributed to the existence of blight, crime and unsafe pedestrian conditions within a transit/commercial corridor. New sidewalks will be constructed in these areas. In other portions of University Avenue, existing sidewalks have settled and cracked and are in need of repair or replacement in order to provide safe pedestrian access to commercial establishments and transit. The repaired or replaced sidewalks will create a safe, walkable environment for Eastern Area residents, visitors, and merchants, and help generate economic vitality for this vital commercial/transit corridor and remove blight.

Pursuant to California Community Redevelopment Law (CCRL) Section 33445, the Agency is legally authorized to pay for the installation of public improvements if special findings can be made by the Agency. Special Findings provides the necessary findings to satisfy the requirements under CCRL Section 33445.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$3,000,000. It is anticipated that \$3,000,000 will be available overtime from Agency funds and other funding sources to finance the design, repair and installation of sidewalks (CIP-52-761.0). Currently, there is \$500,000 of Agency funding available for design work to begin for this project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This project implements the goals and recommendations of the Mid-City Community Plan and the Crossroads Redevelopment Plan and is in conformance with the City's Progress Guide and General Plan.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Crossroads PAC will be asked to make a recommendation regarding the funding for this project at their August 23, 2007 meeting. Staff will inform the Agency of their recommendation.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Business and property owners along University Avenue that are east of 54th Street to the City of La Mesa.

Weinrick/Anderson

Staff: Tracy Reed - (619) 236-6543
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of September 25, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:58 p.m. – 4:58 p.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-332: Funding Public Improvements for Streetlight Installation Project in the San Ysidro Redevelopment Project Area. (San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-175) ADOPTED AS RESOLUTION R-303039

Finding and determining that the installation of streetlights within the San Ysidro Redevelopment Project Area, for which the Agency proposes to contribute funding, is consistent with the Implementation Plan adopted pursuant to Community Redevelopment Law, Section 33490; is of benefit to the San Ysidro

Redevelopment Project Area; that no other reasonable means of financing the improvements is available to the community; and that payment of funds for the costs of the improvements will assist in the elimination of one or more blighting conditions inside the Project Area;

Authorizing the Mayor, or designee, to accept up to \$600,000 from San Ysidro Redevelopment Funds from the Agency for the purpose of the installation of streetlights within the San Ysidro Redevelopment Project Area;

Approving a \$600,000 increase in Fiscal Year 2008 Capital Improvements Program budget CIP-52-293.0, Fund 10269;

Authorizing the appropriation and expenditure of \$600,000 from CIP-52-293.0, Fund 10269, Redevelopment Agency Contributions to San Ysidro Projects, contingent upon the City Auditor and Comptroller first certifying funds for this action are available;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

The requested actions will allow for the installation, replacement, and upgrade of various streetlights within the San Ysidro Redevelopment Project Area. Construction for the installation of approximately 100 new streetlights may begin in late 2008, with a total project cost of up to \$600,000.

San Ysidro has a deficient inventory of streetlights which has contributed to the existence of blight and unsafe lighting conditions within the community. The new streetlights will remove blight and create a safe, walkable environment for San Ysidro residents, visitors, and merchants, and help generate economic vitality for this small border community.

Agency staff has been working with community representatives and the office of Council District 8 to identify areas in San Ysidro that are in need of new streetlights. It is proposed that a \$600,000 increase to CIP-52-293.0's budget be approved for the planning and installation of streetlights throughout the San Ysidro Redevelopment Project Area. General target areas for new streetlights will include areas surrounding local schools, community centers, and transit stops.

Subsequent to the public hearing, specific sites for new lights shall be identified through coordination between the Agency, City, and community representatives from organizations including the San Ysidro Planning and Development Group and San Ysidro Business Association.

Finally, pursuant to California Community Redevelopment Law (CCRL) Section 33445, the Agency is legally authorized to pay for the installation of public improvements if special findings can be made by the Agency. Special Findings provides the necessary findings to satisfy the requirements under CCRL Section 33445.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$600,000 - to be funded by San Ysidro tax increment.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

1. Numerous meetings with San Ysidro Business Association (SYBA) for identification of streetlight deficiencies.
2. San Ysidro Planning and Development Group - September 18, 2007 meeting; A verbal report regarding the group's vote will be provided at the hearing.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

None with this action.

Weinrick/Anderson

Staff: Robert Chavez - (619) 236-6263
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of September 25, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:59 p.m. – 4:59 p.m.)

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



ITEM-333: Amendments to the Condominium Conversion Regulations of the Land Development Code and Local Coastal Program. (Citywide)

To consider an ordinance **previously submitted to the City Council (O-2007-132)** amending the Land Development Code, specifically the Condominium Conversion Regulations in Chapter 14, Article 4, Division 5 of the San Diego Municipal Code, and the Local Coastal Program. These amendments would place a limitation on the number of dwelling units that can be approved as condominium conversions in a year; provide conditions under which otherwise required improvements can be deferred; and require the City to survey the tenants of the dwelling units proposed to be converted. An alternative version of the same ordinance (**O-2007-132.Version B**), was also submitted to address concerns raised by the Planning Commission and is more specifically described below.

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.

* Unless otherwise noticed or stated on the record at the hearing, if the ordinance is approved and introduced by the City Council, it will automatically be scheduled for a hearing by the City Council for final passage at 10:00 a.m. on the Tuesday two weeks after the subject hearing.

(Continued from the meeting of June 12, 2007, Item 342 at the request of Councilmember Frye to allow full Council to be present; Motion by consent to return to the Mayor at the meeting of July 24, 2007, Item 330.)

NOTE: Hearing open. Public testimony taken on 6/12/2007.

STAFF'S RECOMMENDATION:

Adopt the resolutions in subitems A and B; and introduce the ordinance in either subitem C or subitem D (The primary distinctions between **O-2007-132** and **O-2007-132.Version B** are that Version B: **(1)** does not allow for self-certification of any deferred improvements under SDMC section 144.0507(g)(2); **(2)** further clarifies the purpose and use of the Housing Commission's survey under SDMC sections 144.0510 and 144.0511; and **(3)** under Section 4 of the ordinance, the deferred improvements provisions in SDMC section 144.0507(g) shall apply only to projects for which an application has been deemed complete on or after the effective date of this ordinance):

Subitem-A: (R-2007-1013) NOTED AND FILED

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 condominium conversion lawsuits.

Subitem-B: (R-2007-1164) NOTED AND FILED

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) NOTED AND FILED

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.

or

Subitem-D: (O-2007-132 Version B) NOTED AND FILED

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 amendments to the Condominium Conversion Regulations.

STAFF RECOMMENDATION:

Adopt the resolutions. Adopt ordinance.

EXECUTIVE SUMMARY:

On March 27, 2007, the City Council entered into a Settlement Agreement that 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.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Actions:

On March 27, 2007, the Council authorized the approval of a settlement agreement in closed session by 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.

On June 12, 2007, during a noticed public hearing, the Council continued the matter to July 22, 2007 to provide staff additional time to assess whether the 1,000 dwelling unit limitation should apply at the time the application was submitted, or at the time the project was considered by the Planning Commission.

On July 24, 2007, during a noticed hearing, the Council withdrew this item pursuant to a recommendation by the City Attorney that the matter first be heard by the Planning Commission. At the request of Councilmember Madaffer, the City Attorney subsequently prepared and delivered to all the Councilmembers and the Mayor a memorandum setting forth the specific reasons for the request.

Planning Commission Recommendations (9/6/2007):

On September 6, 2007, the Planning Commission voted to recommend the Council not adopt the ordinance as proposed. During a lengthy discussion of the three main components of the ordinance, the general areas of concern included: (1) the lack of a study underlying the reasoning for the 1,000 unit figure, including a community-based analysis of the current rental

stock; (2) the lack of specifics relating to the Housing Commission survey, including the actual use and purpose of the survey; and (3) that the deferred improvements provision inadequately protected the buying public by allowing for self-certification, and the notion that if early displacement of renters is a concern that the Council pursue other avenues to address that, including: (a) potential requirements for offsite relocation while the improvements are underway, and /or (b) researching other ways of addressing the issue through avenues more consistent with current practices such as potential extensions of tentative maps, timing of tentative maps, and recordation of final maps.

The general sentiment with regard to any caps on the number of dwelling units to be converted into condominiums was that the process not be time driven because “the best projects” would not necessarily move forward, just those that were first in line.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Notwithstanding the above, 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 are expected to 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.

Auditor Certificate #2700797

Anderson/Dickenson

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 Section 15060(c)(3) and 15378(c).

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 3:07 p.m.)

Testimony in Opposition by Evelyn Heidelberg, Dan Floit, Jeremy Cowan, Jerry Livingston, Chris Christensen, and Maurice “Moe” Rosenberg.

Testimony in Favor by Cory Briggs, Barbara J. Winton, Joy Sunyata, and Carol Miller.

MOTION BY MADAFFER TO REJECT THE ADOPTION OF THE RESOLUTIONS IN SUBITEMS A AND B, REJECT THE ORDINANCES IN SUBITEMS C AND D; REJECT THE SETTLEMENT AGREEMENT; AND REFER THE ITEM BACK TO CLOSED SESSION. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.



ITEM-334: Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document Mitigated Negative Declaration No. 54384. (Mission Valley Community Plan Area. District 6.)

As a property owner, tenant, or person who has requested notice, or interested citizen, you should know that a public hearing will be held by the City Council to consider an environmental determination appeal on an application for a Site Development Permit to construct an approximate 10,000 square foot office building on an approximate five-acre site containing environmentally sensitive lands, located east of the southerly terminus of Scheidler Way, south of the 3300 block of Camino Del Rio South in the MV-CO Zone of the Mission Valley Planned District. Matter of the appeal filed by Randy Berkman, Lynn Mulholland, James A. Peugh, and Ellen Shively and others applies only to the environmental determination.

(See Report to City Council 07-122.)

(Continued from the meeting of July 31, 2007, at the request of Councilmember Frye for further review.)

NOTE: Hearing closed.

According to the San Diego Municipal Code (SDMC), Land Development Code, Section 112.0520(d)(1)-(3), 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;
- (2) Grant the appeal and make a superseding 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 SDMC section 112.0520(f), to reconsider the environmental determination that incorporates any direction or instruction the City Council deems appropriate.

If the City Council denies the appeal or grants the appeal under section 112.0520(d)(2), the lower decision-maker's decision to grant the entitlements, approval or City authorization, shall become effective immediately.

If the City Council grants the appeal under section 112.0520(d)(3), the lower decision-maker's decision to grant the entitlements, approval or City authorization shall be deemed vacated and the lower decision maker shall reconsider its environmental determination and its decision to grant the entitlements, approval or City authorization, in view of the action and, where appropriate, any direction or instruction from the City Council.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A:

(R-2007-) CONTINUED TO TUESDAY, OCTOBER 23, 2007,
AT 2:00 P.M.

Adoption of a Resolution granting or denying the appeal and upholding or overturning the Planning Commission's decision certifying the Mitigated Negative Declaration, Project No. 54384; and certifying the associated Mitigation, Monitoring and Reporting Program;

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

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

Subitem-B:

(R-2007-) CONTINUED TO TUESDAY, OCTOBER 23, 2007,
AT 2:00 P.M.

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (Mission Valley Planned District) Permit No. 158004.

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

OTHER RECOMMENDATIONS:

Planning Commission on June 15, 2006, voted 4-2 to deny the appeal and approve staff's recommendation; was opposition.

Ayes: Schultz, Ontai, Otsuji, and Steele
Nays: Chase, Garcia
Not present: Griswold

The Mission Valley Community Planning Organization on September 7, 2005 voted to recommend approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This action is the appeal of the environmental document, Mitigated Negative Declaration No. 54384, prepared for a 10,000 square-foot office building located at 3517 Camino del Rio South in the Mission Valley Community Plan area.

STAFF RECOMMENDATION:

DENY the appeal and **UPHOLD** the Environmental Determination (Mitigated Negative Declaration No. 54384).

EXECUTIVE SUMMARY:

On September 26, 2006, the City Council voted 7-0-0 with Councilmember Maienschein absent) to approve a prior appeal of Mitigated Negative Declaration No. 54384 and remanded the issue back to the Planning Commission to reconsider the project.

As a part of the motion to approve the appeal, the City Council directed staff to “review alternatives that would reduce impacts” associated with the development. This direction was a result of public testimony wherein, it was discussed that previous project design alternatives had been submitted, reviewed and subsequently rejected by Development Services during the project review phase of the entitlement process. The Council felt that the public should be made aware of those project alternatives and have had the opportunity to comment on them. The Council therefore instructed staff to include an alternatives analysis and mandated that the revised document be recirculated for public review.

The MND was revised and recirculated pursuant to the Council direction. Various project designs were summarized along with the staff determinations that precluded these designs from further consideration. Some of the designs lessen certain impacts such as visual affect, building scale, brush management and grading. However, these resulted in increased impacts on the hillside including a higher degree of non-compliance with the Mission Valley Planned District Ordinance and the Mission Valley Community Plan. On May 17, 2007, the project, and the revised Mitigated Negative Declaration were reconsidered by the Planning Commission. The Commission unanimously voted to certify the environmental document and approve the project. On May 27, 2007, the environmental document was again appealed to the City Council.

The appeal asserts that the alternative designs the Council requested should not have included previous project designs already reviewed by the staff but rather, new design alternatives that further reduce the project's environmental impacts. This was not the staff interpretation of the motion. The environmental document that is the subject of this appeal is a Mitigated Negative Declaration. This type of environmental document does not typically include an analysis of project alternatives however; the staff revised the document to include an array of project designs that covered the basic design and siting options available for the property. Each of the previous designs offered potential reductions in certain impacts while at the same time created additional impacts that were considered to be of greater significance. Staff was able to conclude that the proposed design was preferable to the alternatives in that the overall project provided the least potential impacts to the site and all of the impacts identified could be mitigated to a level below significant. Additional appeal issues contend factual error, new information and that the findings cannot be supported. These issues are discussed in the Report to City Council.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On June 15, 2006, the Planning Commission denied an appeal of a Hearing Officer decision, certified Mitigated Negative Declaration (MND) No. 54384 and approved the Pacific Coast Office Building project. On June 29, 2006, the environmental document was appealed to the City Council. On September 26, 2006, the City Council upheld the environmental appeal and remanded the issue back to the Planning Commission for reconsideration. On May 17, 2007, the Planning Commission reheard the item, certified the Mitigated Negative Declaration and approved the project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 17, 2007, the Planning Commission voted 5-0-0, with Commissioner Garcia absent to approve the project. On September 7, 2005, the Mission Valley Community Planning Organization voted 15-0-0 to recommend approval of the project. On January 3, 2006, the Normal Heights Planning Group voted 10-0-0 to recommend denial of the project. This appeal was filed by individuals representing: Friends of San Diego, the River Valley Preservation Project, University Heights Planning Committee and the San Diego Chapter of the Sierra Club.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Dr. Robert Pollack, Pacific Coast Office Building LLC, Applicant

Escobar-Eck/Waring/PH

LEGAL DESCRIPTION:

The project is located just east of the terminus of Scheidler Way, in the Mission Valley Planned District within the Mission Valley Community Planning area (Lot 1 of Nagel Tract Unit No. 2 Subdivision, Map 4737).

Staff: Patrick Hooper – (619) 557-7992

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:52 p.m. – 4:54 p.m.)

MOTION BY MADAFFER TO CONTINUE THIS ITEM TO TUESDAY, OCTOBER 23, 2007, AT 2:00 P.M., FOR FURTHER REVIEW. 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-335: Stebbins Residence, demolition of an existing one story duplex, and the construction of a three story-single family residence. Located at 5166 West Point Loma Boulevard. (Ocean Beach Community Area. District 2.)

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission’s decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above an 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076.)

(Continued from the meetings of May 22, 2007, Item 334, and June 19, 2007, Item 331, September 4, 2007, Item 335 last continued at the request of Councilmember Faulconer, for further review.)

NOTE: Hearing open. No testimony taken on 5/22/07. Hearing open. No testimony taken on June 19, 2007. Hearing open. No testimony taken on 9/04/07.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A:

(R-2007-) CONTINUED TO TUESDAY, OCTOBER 30, 2007,
AT 2:00 P.M.

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 51076, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

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

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

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

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

Subitem-B:

(R-2007-) CONTINUED TO TUESDAY, OCTOBER 30, 2007,
AT 2:00 P.M.

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

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

Subitem-C:

(R-2007-) CONTINUED TO TUESDAY, OCTOBER 30, 2007,
AT 2:00 P.M.

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, with appropriate findings to support Council action;

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

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2007, voted 6-0-1 to approve; with opposition.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund
(One vacancy)

The Ocean Beach Community Planning Group has been notified of this project and has not taken a position.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

EXECUTIVE SUMMARY

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas. The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007, to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007 Planning Commission hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

LEGAL DESCRIPTION:

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:06 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY OCTOBER 30, 2007, AT 2:00 P.M., FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S500 Issuance of Multifamily Housing Revenue Bonds for Bay Vista. (Encanto Community Area. District 4.)

(See San Diego Housing Commission Report HAR07-026.)

(Continued from the meeting of September 18, 2007, Item 334, at the request of Council President Pro Tem Young, for further review.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-173 Cor.Copy) ADOPTED AS RESOLUTION R-303040

Approving the issuance of not to exceed \$27,000,000 aggregate principal amount of multifamily housing revenue bonds (Bonds) by the Housing Authority of the City of San Diego, to finance the acquisition and rehabilitation of a multifamily rental housing project in the City of San Diego, pursuant to Section 147(f) of the Internal Revenue Code of 1986;

Declaring the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds.

SUPPORTING INFORMATION:

Bay Vista is an existing 268-unit affordable housing complex located at 4888 Logan Avenue. The project includes 100 two-bedroom and 168 three-bedroom units in 32 buildings. Bay Vista also includes three playgrounds, a community room, and an on-site daycare facility. The property was built in 1969 by a non-profit affiliate of St. Paul United Methodist Church. St. Paul's has owned and operated Bay Vista since its opening and has recently agreed to sell the property to Amerland Group, LLC (Amerland).

Amerland intends to acquire Bay Vista, preserve and extend the affordable rents, and substantially rehabilitate the property. Amerland is a San Diego-based company founded in 2001 by Ruben Islas and Jules Arthur. The firm specializes in the creation and maintenance of affordable multifamily housing. Amerland currently owns 15 affordable housing developments totaling over 2,500 units.

Through the Housing Commission's Bond Program, rents on all the units will be restricted at 50% and 60% of the Area Median Income (AMI) (\$35,100 and \$49,150 for a family of four) for a minimum of 55 years. However, Amerland will also be seeking a 20-year extension of the HUD Section 8 contract to ensure that tenants will continue to pay 30% of their incomes toward rent after the acquisition and rehabilitation of the project.

The total development cost of the project is estimated to be approximately \$33 million. Other sources of permanent funds for the project will include federal tax credits, a deferred developer fee, and income from operations. The developer currently proposes to issue the bonds through a private placement. The bonds would meet all the requirements of the Housing Commission's Multifamily Housing Revenue Bond Program policy and would fully comply with the City's ordinance on bond disclosure.

FISCAL CONSIDERATIONS:

There are no fiscal impacts to the Housing Commission, City, or Housing Authority associated with the requested actions. Approval of the bond inducement and TEFRA resolutions do not commit the Housing Authority to issue bonds. The bonds would not constitute a debt of the City of San Diego. If bonds are ultimately issued for the project, the bonds will not financially obligate the City, the Housing Authority or the Housing Commission because security for the repayment of the bonds will be limited to specific private revenue sources. Neither the faith and credit nor the taxing power of the City or the Authority would be pledged to the payment of the bonds. The developer is responsible for the payment of all costs under the financing, including the Housing Commission's annual administrative fee.

PREVIOUS HOUSING AUTHORITY and/or COMMITTEE ACTIONS: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Amerland will present their proposal for Bay Vista to the Encanto Community Planning Group in the near future.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The residents of Bay Vista are stakeholders. Amerland will acquire and rehabilitate the project. The seller of the property is a non-profit established by St. Paul's United Methodist Church. Amerland has selected Red Capital Markets as the tax credit investor for the project.

Fisher/Morris

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:11 p.m. – 5:12 p.m.)

MOTION BY YOUNG 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-S501: Proposed 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project and Amendments to the Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and the Mitigation Monitoring and Reporting Program of the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area – Areawide. (Districts 2 and 8.)

(See Centre City Development Corporation Report CCDC-07-29/CCDC-07-15.)

(Only portions were continued from the meeting of July 31, 2007, Item 341, at Councilmember Faulconer’s request. Motion to delete the definition of “Condo-Hotel” in Subitem D until staff gathers further information and reports back in two months. In Subitem C, include information from the Errata Sheet which deletes the sentence referring to the map. Continued the public hearing on the Historical Resources Item to September 25, 2007.)

NOTE: Hearing open. Testimony taken on 7/31/2007.

CENTRE CITY DEVELOPMENT CORPORATION’S RECOMMENDATION:

Resolutions on Subitems A and B were adopted on July 31, 2007; Ordinances in Subitems C and D were adopted on September 4, 2007:

Subitem-A: (R-2008-65) CONTINUED TO OCTOBER 30, 2007
PREVIOUSLY ADOPTED AS RESOLUTION R-302930

Approving the proposed amendments to the Downtown Community Plan;

Declaring that the provisions of the Downtown Community Plan and amendments shall not be applicable within the Coastal Zone until the day the California Coastal Commission unconditionally certifies the Downtown Community Plan, as amended, as a local coastal amendment; and until such certification, the provisions of the 1992 Centre City Community Plan, and all amendments thereto, shall be applicable within the Coastal Zone. If the Downtown Community Plan is not certified, or is certified with conditions or modifications by the California

Coastal Commission and such conditions or modifications are not accepted by the City of San Diego, the provisions of the Downtown Community Plan shall be null and void within the Coastal Zone and the provisions of the 1992 Centre City Community Plan, and all amendments thereto, shall be applicable in the Coastal Zone.

Subitem-B: (R-2008-66) CONTINUED TO OCTOBER 30, 2007
PREVIOUSLY ADOPTED AS RESOLUTION R-302931

Certifying that the Redevelopment Agency has reviewed and considered information contained in the proposed addendum to the final environmental impact report (final EIR) for the Centre City Redevelopment Project, the Downtown Community Plan, the Centre City Planned District Ordinance and the Tenth Amendment to the Redevelopment Plan for Centre City Redevelopment Project with respect to the Proposed 11th amendment to the Redevelopment Plan for the Centre City Redevelopment Project and amendments to the Downtown Community Plan and Centre City Planned District Ordinance.

Subitem-C: (O-2008-6) CONTINUED TO OCTOBER 30, 2007
PREVIOUSLY ADOPTED AS ORDINANCE
O-19663 (NEW SERIES)

Introduction of an Ordinance approving and adopting the proposed 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, for the purpose of making necessary changes to consolidate the land use and project maps in order to create consistency among planning documents.

Subitem-D: (O-2008-9 Rev.1) CONTINUED TO OCTOBER 30, 2007
PREVIOUSLY ADOPTED AS ORDINANCE
O-19664 (NEW SERIES)

Introduction of an Ordinance Amending Sections 156.0302, 156.0303, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314 and 156.0315, and Substituting New Figure B, in Chapter 15, Article 6, Division 3, relating to Land Use, FAR Bonus Programs, Urban Design, Procedures/Calculations, Parking, and Signs pertaining to revising the Centre City Planned District Ordinance.

NOTE: This is a Joint Public Hearing with the Redevelopment Agency. See the Redevelopment Agency Agenda of September 25, 2007 for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:08 p.m.)

Testimony in Opposition by Joy Sunyata.

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, OCTOBER 30, 2007, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:14 p.m. in honor of the memory of:

Dr. John Lincoln Stewart at the request of Council President Peters.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 5:12 p.m. – 5:14 p.m.)