

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 30, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:00 a.m. Council President Peters recessed the meeting at 11:26 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:32 a.m. with Council Member Maienschein not present. The meeting was recessed by Council President Peters at 12: 04 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:05 p.m. with Council Member Maienschein and Council Member Hueso not present. Council President Peters recessed the meeting at 4:16 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:28 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:30 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:33 p.m. with Council Member Maienschein not present and thereafter to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 4:38 p.m. with Council Member Maienschein not present and thereafter to convene a Special Meeting of the Housing Authority and thereafter reconvened the regular meeting jointly with the Housing Authority with Council Member Maienschein not present. Council President Peters recessed the joint meeting with the Housing Authority at 4:40 p.m. to reconvene the regular meeting with Council Member Maienschein not present. Council President Peters recessed meeting at 4:59 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:04 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:54 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:56 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:17 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-not present-Excused by R-303305-due to Witch Creek
Fires

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-2:

Phil Hart commented on the San Diego wildfires.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:57 a.m.)

PUBLIC COMMENT-3:

James Hartline commented on the Human Relations Commission.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-4:

Mignon Scherer commented on global warming.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:01 a.m.)

PUBLIC COMMENT-5:

Rod McDougal commented on domestic partnership.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:03 a.m.)

PUBLIC COMMENT-6:

Connie Ellis invited all to attend Fiesta de la Cudrilla; a square dance festival.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. - 11:08 a.m.)

PUBLIC COMMENT-7:

Julie Smith invited all to attend Hallelujah Hoedown on Halloween in the Qualcomm parking lot.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:10 a.m.)

PUBLIC COMMENT-8:

Erin Brown and Gracelynn West commented on the Children's Pool in La Jolla.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-9:

Ron Boshun commented on the actions of Police Chief Lansdowne.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. - 11:13 a.m.)

PUBLIC COMMENT-10:

Martha Walsh commented on global warming suggesting solar panels for all buildings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:16 a.m.)

PUBLIC COMMENT-11:

Elinor Rector commented on the fires in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:19 a.m.)

PUBLIC COMMENT-12:

Katheryn Rhodes commented on the density bonus.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:20 a.m. – 11:22 a.m.)

PUBLIC COMMENT-13:

Thomas Glasser commented on a fire to his property.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:23 a.m. - 11:26 a.m.)

COUNCIL COMMENT:

None.

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Beverly Shroeder Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-311) ADOPTED AS RESOLUTION R-303100

Proclaiming October 30, 2007 to be "Beverly Shroeder Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:34 a.m.)

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



ITEM-31: Gordon Brown Day.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-230) ADOPTED AS RESOLUTION R-303101

Proclaiming October 30, 2007 to be "Gordon Brown Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:44 a.m.)

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

ITEM-32: Rod Luck Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-254) RETURNED TO MAYOR

Proclaiming October 30, 2007, as "Rod Luck Day" in the City of San Diego in recognition of the many community services he has provided to the citizens of San Diego.

FILE LOCATION: MEET

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

MOTION BY COMMON CONSENT TO RETURN TO MAYOR'S OFFICE. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-50: Tobacco Retailer Ordinance – Version E. (Citywide.)

(See Report from City Attorney Aguirre dated October 5, 2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/16/2007, Item 51. (Council voted 8-0):

(O-2008-34) ADOPTED AS ORDINANCE O-19674 (New Series)

Amending Chapter 3, Article 3, of the San Diego Municipal Code by adding Division 45, Sections 33.4501 to 33.4519, titled "Permits for Tobacco Products Sales," relating to requirements for a Police permit for Tobacco Retailers. State Assembly Bill 71, the Cigarette and Tobacco Products Licensing Act of 2003, codified in California Business and Professions Code Section 22971.3, creates 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. 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 administration and enforcement of this Division.

FILE LOCATION: MEET

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

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

* ITEM-51: Extension of the Downtown Parking Pilot Program.

(See memorandum from William Anderson dated 10/11/2007. Cortez Hill, Downtown, East Village, Little Italy, and the Marina Community Areas. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/16/2007, Item S501.
(Council voted 8-0):

(O-2008-49) ADOPTED AS ORDINANCE O-19675 (New Series)

Amending Chapter 8, Article 6, Division 11, of the San Diego Municipal Code, by amending Section 86.11, relating to Parking Meter Rates, to establish a range for hourly parking meter rates from \$0.50 to \$1.25 within the Downtown Parking Pilot Program, as described in Resolution No. R-299867, effective November 22, 2004 and terminating on April 30, 2009;

Instructing the City Clerk to remove Section 86.11(c) from the text of the Municipal Code on the termination date.

FILE LOCATION: MEET

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

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

* ITEM-52: Amendment to the Election Campaign Control Ordinance.

(See memorandum from Guillermo Cabrera and Stacey Fulhorst dated 9/25/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/9/2007, Item 57. (Council voted 7-0. Councilmember Hueso not present.)

(O-2008-32) ADOPTED AS ORDINANCE O-19676 (New Series)

Amending Chapter 2, Article 7, Division 29 of the San Diego Municipal Code by amending Section 27.2930, relating to the Election Campaign Control Ordinance. The proposed amendment would require candidates and committees to disclose the cumulative amount of contributions received from each contributor for each election.

FILE LOCATION: MEET

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

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

* ITEM-53: Request to Exempt Two Assistant Investment Officer Positions from the Classified to Unclassified Service.

(See memorandums from Rich Snapper dated 9/13/2007 and David B. Wescoe dated 8/15/2007.)

(Continued from the meeting of October 16, 2007, Item 52, at the request of Councilmember Frye, for further review.)

SAN DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-37) INTRODUCED, TO BE ADOPTED ON
TUESDAY, NOVEMBER 13, 2007

Introduction of an ordinance exempting two positions of Assistant Investment Officers for the San Diego City Employees' Retirement System from the Classified Service, pursuant to Section 117(a) 17 of the City Charter.

SUPPORTING INFORMATION:

On September 6, 2007, the Civil Service Commission reviewed a request from the Retirement Administrator to exempt two Assistant Investment Officer positions from the classified to unclassified service. These positions will work in the San Diego City Employees' Retirement System, Investment Division and will report to the Deputy Chief Investment Officer (Program Manager). The positions will have primary responsibility for the administration of SDCERS' investment program through the monitoring of external investment managers to ensure that investment activity and performance complies with SDCERS' Board Investment Policy, Goals and Objectives.

Wescoe

FILE LOCATION: NONE

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

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



ITEM-100: South Chollas Landfill Slope Modification Project. (Chollas View Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-323) ADOPTED AS RESOLUTION R-303132

Authorizing the City Auditor and Comptroller to transfer \$250,000 from CIP-32022.0, Arizona Landfill Gas Utilization, to CIP-32-020.0, South Chollas Landfill Improvements, all within Refuse Disposal Enterprise Fund 41201 for the purpose of additional contingency and revegetation efforts in connection with the South Chollas Landfill Slope Modification Project;

Authorizing the expenditure of an amount not to exceed \$250,000 from CIP-32-020.0, solely and exclusively to provide funds for additional contingency and revegetation costs in connection with the South Chollas Landfill Slope Modification Project, an amount of \$3,361,702 having previously been authorized by Resolution RR-301068 and RR-302047, for a total project cost of \$3,611,702;

Declaring that this activity is not a separate project under the California Environmental Quality Act Guidelines sections 15060(c)(3) and 15378(c) because this activity is a subsequent discretionary approval of the Project adequately addressed in Negative Declaration LDR File No. 42-0126, which was reviewed, considered, and certified by the City Council per Resolution R-301069, adopted on November 28, 2005, and this subsequent discretionary approval does not involve any change in circumstance, additional information, or project change which warrants additional environmental review.

STAFF SUPPORTING INFORMATION:

The South Chollas Landfill was operated by the City of San Diego from 1951 through 1981. The Environmental Services Department is tasked with ensuring regulatory compliance at this inactive landfill site. One of those requirements is to maintain sufficient protective cover so that in place refuse does not become a public nuisance or contaminate ground or surface waters. A construction contract was entered into with 3-D Enterprises in April of 2007 to stabilize the slope along State Route 94 by constructing an earth soil buttress key at the base of the slope and provide additional soil cover to the majority of the slope to ensure compliance with existing regulations.

A vegetative layer and hydro seeding is scheduled at the completion of earth moving activities to minimize erosion and provide additional habitat for endangered wildlife species.

The earthwork portion of the project is nearly complete, but additional funding is still required to complete the project. Due to the unknown nature of landfills, a slight design variation and an increase in earthwork quantities is required to complete project design standards.

FISCAL CONSIDERATIONS:

Funds to be transferred are available in the Arizona Landfill Gas Utilization CIP-32-022.0. These funds are not needed in FY 2008 based on the latest design estimates. Studies are currently underway to determine the feasibility of a privatizer to permit, construct, and possibly operate a cogeneration facility with minimal expenditures from the City. With this action, these funds are being reallocated for contingency and native species revegetation efforts on the South Chollas Slopes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

RR-301068 adopted on November 28, 2005, approved the plans and specifications, certified the Negative Declaration (LDR File No. 42-0126) and authorized \$1,900,500 for this project. RR-302047 adopted on November 22, 2006, authorized the transfer of funds and accepted the low bid of 3-D Enterprises of \$2,459,812.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None. There are no known groups expressing support or opposition to this project. When complete, it will increase the useable flat area for the current RFP for recreational purposes issued by the Real Estate Assets Department.

KEY STAKEHOLDERS:

Oak Park and Chollas View Residents
3-D Enterprises (Contractor)
Cutting Edge Grading (Subcontractor)
Elken Contracting, Inc. (Subcontractor)
Fusco Engineering (Subcontractor).

Heap/Hass

Aud. Cert. 2800254.

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:08 p.m.)

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

* ITEM-101: Cops 2007 Community Policing Development Recruitment and Hiring.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-225) ADOPTED AS RESOLUTION R-303102

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and certifying that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

STAFF SUPPORTING INFORMATION:

The U.S. Department of Justice (USDOJ), Office of Community Oriented Policing Services (COPS) has published a solicitation for 2007 Community Policing Development: Recruitment and Hiring grant programs.

The San Diego Police Department faces a severe sworn workforce shortage, excessive attrition, increasingly competitive recruitment competition, and a severe budget crisis. In order to expand our Community Policing excellence by attracting high quality candidates in sufficient numbers to enable us to maintain our high selection standards, SDPD has prepared a grant proposal requesting \$190,946 in grant funds to 1) develop a state of the art, interactive Website; 2) travel out-of-region to conduct recruitment and testing of a wider pool of candidates; and 3) implement innovative recruitment strategies.

Our goals are a budgeted strength staff that is representative of the community in terms of gender, culture and race; enhanced Community Policing; and better overall police services through recruitment tactics that attract quality individuals. A police force that mirrors the community it serves is better able to relate to, empower, and gain the trust of residents. The requested resources will greatly assist in building a strong, qualified, ethnically diverse City of San Diego police force.

FISCAL CONSIDERATIONS:

None. There is no cash match requirement, and no requirement to continue grant activities or expenditures after grant funds are exhausted.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

A Website Consultant will be selected by open bidding if this proposal is selected by COPS for funding.

Lansdowne/Olen

Staff: Donna J. Warlick - (619) 531-2221
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

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

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

- * ITEM-102: One Year Extension of the Project Area Committee - Centre City Redevelopment Project. (Districts 2 and 8).

(See Centre City Development Corporation Report No. CCDC-07-21.)

CENTER CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-300) ADOPTED AS RESOLUTION R-303103

Extending the Centre City Project Area Committee for one year from November 1, 2007 through October 31, 2008;

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

STAFF SUPPORTING INFORMATION:

Pursuant to State Redevelopment Law, the PAC is subject to one-year extensions by the legislative body. Pursuant to this section, the PAC must receive authorization annually for one year extensions.

FISCAL CONSIDERATIONS:

None.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On September 19, 2007, the Centre City Development Corporation Board unanimously approved the one-year extension of the PAC from November 1, 2007 through the end of October 31, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 13, 2007, the Centre City Advisory Committee ("CCAC")/PAC voted unanimously to recommend the approval of a one-year extension of the PAC.

BACKGROUND:

The PAC was established in 1990 in conformance with California Community Redevelopment Law to advise the Redevelopment Agency on issues related to the expansion of the Redevelopment Project Area and the implementation of the Redevelopment Plan.

The PAC represents various downtown civic, charitable, and cultural organizations and six specific downtown neighborhoods. In November 2001, the Council approved a council policy and by laws for the development of a CCAC which provides for the CCAC and PAC to function as concurrent operating committees.

This provides for representation for all areas of Centre City and preserved the integrity of the PAC for those matters that, pursuant to Redevelopment Law, require the input of a PAC. Administratively, items are heard and discussed jointly, but votes are tallied and reported for the CCAC and PAC separately.

ENVIRONMENTAL IMPACT:

This activity is not a project, and therefore not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15060(c)(3).

CONCLUSION:

The PAC is subject to California Community Redevelopment Law, Article 6.5, that states that throughout the period of preparation of the redevelopment plan and after the adoption of the redevelopment plan the PAC term shall be for a three-year period and subject to one-year extensions by the legislative body. Pursuant to this section, the PAC must receive authorization annually for one-year extensions. The Council has granted one-year extensions for the PAC since 1996.

Diekman/Graham

FILE LOCATION: MEET

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

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

- * ITEM-103: Ratification of the 2007 City Heights Redevelopment Project Area Committee (PAC) Election. (City Heights Community Area. Districts 3, 4, and 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-351) ADOPTED AS RESOLUTION R-303104

Approving as constituting a representative PAC, the City Heights Redevelopment Project Area Committee consisting of persons named on Exhibit "A", as the list of Project Area Committee (PAC) members receiving the highest number of votes, including those members noted by the City Clerk's verification of the election results of October 8, 2007;

Finding that the election results of October 8, 2007 are valid and binding in accordance with the procedures so adopted by Resolution No. R-298199;

Directing the Redevelopment Agency of the City of San Diego to consult with and obtain the advice of the PAC pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Section 33000 et seq.);

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

STAFF SUPPORTING INFORMATION:

Council authorized a one-year extension of the PAC and directed Redevelopment Agency staff to notice and conduct an election for the City Heights Redevelopment Area PAC in 2007 by Resolution No. R-302841 on July 26, 2007.

On October 8, 2007, the City Heights PAC conducted its Annual Election and meeting in accordance with the PAC Formation Procedures and PAC Bylaws. Eight vacancies were available to be filled at the Annual Election. The vacant categories included: two (2) Residential Tenants, two (2) Residential Owner Occupants, one (1) Business Owner with a business located south of Polk Avenue, and three (3) Community Organization At-Large representatives (must be residents of the Project Area).

The Redevelopment Agency staff made it a priority to ensure that all residents of the City Heights Project Area were informed of the PAC Election. Approximately 27,000 election notices and project area maps were mailed to all residential owner-occupants, property owners, tenants, businesses and community organizations. The mailing also included information about the PAC, redevelopment, and existing and proposed projects for the area. In addition, to the mailing, notices were posted in the City Heights Library, City Heights Metro Career Center, and the Albertsons grocery store.

The results of the October 8, 2007 PAC Election are listed in Exhibit A.

At the time of the writing of this report, no protests or communications regarding the City Heights PAC election have been received. If any protests or communications are submitted, they will be reported to the Council and made available for public review at the Public Hearing. In accordance with the PAC Formation Procedures, City Council ratification of the Annual Election results is required.

FISCAL CONSIDERATIONS:

None. Administration of the Project Area Committee is funded through the Redevelopment Agency Annual Project Budget.

PREVIOUS AGENCY and/or COUNCIL ACTION:

Council authorized a one-year extension of the PAC and directed Redevelopment Agency staff to notice and conduct an election for the City Heights Redevelopment Area PAC in 2007 by Resolution No. R-302841 on July 26, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Approximately 27,000 election notices and project area maps were mailed to all residential owner-occupants, property owners, tenants, businesses and community organizations. Notices were posted in the City Heights Library, City Heights Metro Career Center and the Albertsons grocery store.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The City Heights community.

Weinrick/Anderson

Staff: Melissa Garcia - (619) 236-6547
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: MEET

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

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

* ITEM-104: Drainage Easement Vacation in Parcel 2 of Parcel Map No. 16694.
(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-287) ADOPTED AS RESOLUTION R-303105

Vacating the portion of drainage easement located within Parcel 2 of Parcel Map No. 11694, as more particularly described in the legal description marked as Exhibit "A", and shown on Drawing No. 20658-B, marked as Exhibit "B", to unencumber this property and facilitate development of the site under the procedure for the summary vacation of easements, pursuant to the San Diego Municipal Code Section 125.1010(c) et seq., California Streets and Highways Code Section 8330 et seq.

STAFF SUPPORTING INFORMATION:

This project is located in the Otay Mesa Community Plan area, south of Via de la Amistad between Paseo de las Americas and Enrico Fermi Drive. This project consists of vacating a portion of a drainage easement that was granted at no cost to the City by separate document recorded March 12, 1987 as File/Page No. 87-128739 of Official Records. This easement is over five years old and has not been used for the purpose for which it was dedicated. Grading and drainage plans as shown on Engineering Drawing No. 34412-D have been submitted for development of a five-building 11 unit business park on this site. In order to develop the site and construct the proposed buildings, it is necessary to modify the drainage system as it was originally designed and vacate a portion of the existing drainage easement. The new plans state that all drainage on this parcel will be private. There is no present or prospective public use of the portion of the existing easement in its present location.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Mr. Jose Luis Andreau

Manis/Anderson

Staff: G. Bollenbach - (619) 446-5417
Rachel Lipsky - Deputy City Attorney

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

FILE LOCATION: F-10207

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

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

* ITEM-105: Flood Water Storage Easements Vacation. (Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-286) ADOPTED AS RESOLUTION R-303106

Vacating the flood water storage easements located within Parcels 1, 2, and 3 of Parcel Map 19476, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20609-B, marked as Exhibit "B," to unencumber this property under the procedure for the summary abandonment of easements, pursuant to San Diego Municipal Code Section 125.1010(c) et seq., California Streets and Highways Code Section 8330 et seq.

STAFF SUPPORTING INFORMATION:

The flood water storage easements being vacated are shown on Engineering Drawing No. 20609-B. They are on private property and were acquired at no cost to the City. These easements have been superseded by easements of approximately equal value as shown on Engineering Drawing No. 20530-B by deed recorded January 12, 2007 per Document No. 2007-0027424. There are no other public facilities located within the easements, and there are no present or anticipated future uses for the easements in their present locations.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Brown Field Business L.P.

Manis/Murray

Staff: G. Bollenbach - (619) 446-5417
Rachel Lipsky - Deputy City Attorney

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

FILE LOCATION: F-10208

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

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

* ITEM-106: Lobbyist Registration Fees Placed in City Rate Book.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-322) ADOPTED AS RESOLUTION R-303107

Directing the City Clerk to place the currently established lobbyist registration fees in the City Rate Book:

| | |
|--|---------|
| Annual Lobbyist Registration: | \$40.00 |
| Pro-rated Registration after October 1: | \$20.00 |
| Annual Client Registration: | \$15.00 |
| Pro-rated Client Registration after October: 1 | \$10.00 |

SUPPORTING INFORMATION:

On Tuesday, July 31, 2007, Council adopted O-19656, amending SDMC Chapter 2, Article 7, Division 40 relating to the municipal lobbying ordinance. In part, the update required removing the Lobbyist Registration fee from the SDMC and placing it in the City Official Rate Book.

The requested resolution is in accordance with Administrative Regulation 95.25.

The current Lobbyist Registration Fees (paid per annum) are listed below:

| | |
|---|---------|
| Lobbyist Registration: | \$40.00 |
| Pro-rated Registration after October 1: | \$20.00 |
| Client Fee: | \$15.00 |
| Pro-rated Client Fee after October 1: | \$10.00 |

The fees for CY 2008 will remain the same and be placed in the City Official Rate Book. The City Clerk will review the fees annually, as per Administrative Regulation 95.25, and bring forward to Council any requested adjustments to the fees.

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Passage of revised Lobbyist Ordinance on July 31, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Registered Lobbyists.

Maland

FILE LOCATION: MEET

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

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

* ITEM-107: Disability Employment Awareness Month.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-342) ADOPTED AS RESOLUTION R-303108

Proclaiming October 2007 to be “Disability Employment Awareness Month” in the City of San Diego and commending all citizens and City staff for their commitment to the rights and needs of citizens with disabilities.

FILE LOCATION: AGENDA

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

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

* ITEM-108: National Arts and Humanities Month.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-343) ADOPTED AS RESOLUTION R-303109

Proclaiming the month of October 2007, to be "National Arts and Humanities Month" in San Diego and calling upon our citizens to celebrate and promote the arts and culture in our nation.

FILE LOCATION: AGENDA

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

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

* ITEM-109: Marshall H. Roth Day.

COUNCILMEMBER HUESO'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-303) ADOPTED AS RESOLUTION R-303110

Proclaiming September 24, 2007, to be "Marshall H. Roth Day" in the City of San Diego and commending Mr. Roth for his outstanding service and commitment to the people of Barrio Logan.

FILE LOCATION: AGENDA

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

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

* ITEM-110: Latino HIV/AIDS Awareness Day.

COUNCILMEMBER HUESO’S RECOMMENDATION:

Adopt the following resolution:

(R-2008-304) ADOPTED AS RESOLUTION R-303111

Proclaiming October 15, 2007, to be “Latino HIV/AIDS Awareness Day” in the City of San Diego.

FILE LOCATION: AGENDA

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

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

* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY’S ACTION IS:

Adopt the following resolution:

(R-2008-273) ADOPTED AS RESOLUTION R-303112

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L- State of Emergency Regarding the discharge of raw sewage form Tijuana, Mexico

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

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

* ITEM-112: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-295) ADOPTED AS RESOLUTION R-303113

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L- State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

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

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

* ITEM-113: Declaring a Continued State of Emergency Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-356) ADOPTED AS RESOLUTION R-303114

Declaring a Continued State of Emergency Regarding the Landslide on Mount Soledad.

FILE LOCATION: GEN'L-State of Emergency Regarding the Landslide on Mount Soledad

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

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

ITEM-330: Six actions related to Extension of Time Limits for Gateway Center West, Mount Hope, Southcrest, Central Imperial, Central Imperial 2, and Central Imperial 3 Redevelopment Project Areas. (Southeastern San Diego Community Area. Districts 4 and 8.)

(See Southeastern Economic Development Corporation Report No. SEDC-07-011.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2008-41 Cor. Copy) INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending the Redevelopment Plan for the Gateway Center West Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and Section 33333.6(e)(2)(d)(i)(ii) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Gateway Center West Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Gateway Center West Redevelopment Project area shall expire on November 17, 2019.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Gateway Center West Redevelopment Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Gateway Center West Redevelopment Project Area or November 17, 2029.

Subitem-B: (O-2008-42)

INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending the Redevelopment Plan for the Mount Hope Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and Section 33333.6(e)(2)(d)(i)(ii) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Mount Hope Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Mount Hope Redevelopment Project area shall expire on November 22, 2025.

- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Mount Hope Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Mount Hope Redevelopment Project Area or November 22, 2035.

Subitem-C: (O-2008-43)

INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending the Redevelopment Plan for the Southcrest Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Southcrest Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Southcrest Redevelopment Project Area shall expire on April 14, 2027.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Southcrest Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Southcrest Redevelopment Project Area or April 14, 2037.

Subitem-D: (O-2008-44)

INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending the Redevelopment Plan for the Central Imperial Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Central Imperial Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Central Imperial Redevelopment Project Area shall expire on September 14, 2033.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Central Imperial Redevelopment Project Area beyond ten years from the date of termination of the effectiveness of the Redevelopment Plan for the Central Imperial Redevelopment Project Area or September 14, 2043.

Subitem-E: (O-2008-45)

INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending the Redevelopment Plan for the Central Imperial 2 Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Central Imperial 2 Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Central Imperial 2 Redevelopment Project Area shall expire on December 10, 2027.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Central Imperial 2 Redevelopment Project Area beyond fifteen years from the date of termination of the effectiveness of the Redevelopment Plan for the Central Imperial 2 Redevelopment Project Area or December 10, 2042.

Subitem-F: (O-2008-46)

INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending the Redevelopment Plan for the Central Imperial 3 Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline;

Declaring that in accordance with California Health and Safety Code Section 33333.6(e)(2)(c) and notwithstanding any other provision in the Redevelopment Plan, the City Council hereby amends the Redevelopment Plan for the Central Imperial 3 Redevelopment Project Area as stated herein by adoption of this Ordinance, and establishing the following limitations:

- a) Plan Effectiveness. The term of plan effectiveness for the Central Imperial 3 Redevelopment Project Area shall expire on November 14, 2031.
- b) Repayment of Indebtedness: Receipt of Property Taxes. Subject to the provisions of paragraphs (g) and (h) of Section 33333.6 of the California Health and Safety Code, no indebtedness shall be repaid from the division and allocation of taxes to the Agency from the Central Imperial 3 Redevelopment Project Area beyond fifteen years from the date of termination of the effectiveness of the Redevelopment Plan for the Central Imperial 3 Redevelopment Project Area or November 14, 2046.

SUPPORTING INFORMATION:

In September 2003, SB 1045 was passed which mandated a \$135 million statewide funding shift in Fiscal Year 2003-04 from redevelopment agencies to the Educational Revenue Augmentation Fund (ERAF) to balance the State Budget. To offset the loss of tax increment revenue diverted to ERAF, the bill included a provision allowing agencies to adopt by ordinance one year extensions of redevelopment plans and the date all debt must be repaid to receive tax increment.

Additionally, on August 5, 2004, SB 1096 was passed which provided up to 2 years additional extension, for ERAF payments made in FY 2004-05 and FY 2005-06. To qualify for the 2 years extension, under SB 1096, the Redevelopment Plan's effective life would have to be less than 20 years from the 2004-05 and 2005-06 ERAF payments. Hence, Gateway Center West and Mount Hope Project Area Plans qualify for the additional two-year extension. The amendment in Mount Hope where it has a surety in-lieu of a cash-funded debt service reserve, the extra 3 years are attractive to the bond insurers who would look to tax increment to reimburse for a draw on the surety reserve.

Approval of the requested actions would extend the time limits of the effectiveness of the redevelopment plans and the dates all debt must be paid.

CONCLUSION:

There is no assurance that in the future the Legislature will eliminate the Agency's ability to extend the time limits of the effectiveness of the redevelopment plans. By proceeding to adopt the ordinances today, the Agency is protected from any possible legislative changes in the future that will preclude the Project Areas to receive additional tax increment to pay debt.

FISCAL CONSIDERATION: None with this action.

PREVIOUS COUNCIL ACTIONS:

On April 4, 2006, the City Council approved an ordinance to extend the time limits of the effectiveness of the Centre City and Horton Plaza Project Areas. Additionally, on June 20, 2006, the City Council approved ordinances to extend the time limit of the effectiveness of the Barrio Logan, City Heights, College Grove, College Community, Naval Training Center, North Bay, North Park and San Ysidro Redevelopment Plans.

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

Notification to the affected taxing agencies and public noticing will be completed at least 20 days before the adoption date of Ordinances extending by one year the time limits for the effectiveness of the Central Imperial, Central Imperial 2 & 3, Southcrest, Gateway Center West and Mount Hope Redevelopment Plans and the date all debt must be repaid to receive tax increment; and under the SB 1096 the City Council adoption Ordinances extending additional year of the time limits for the effectiveness of the Gateway Center West and Mount Hope Redevelopment Plans and the date all debt must be repaid to receive tax increment.

KEY STAKEHOLDERS:

All affected taxing agencies.

Smith

NOTE: See the Redevelopment Agency Agenda of October 30, 2007, for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:33 p.m. - 4:33 p.m.)

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

ITEM-331: Six-Year Lease Between the City of San Diego and Ruffin-SD, LLC, for an Office Space (Kearny Mesa Space) located at 9370 Chesapeake Drive, Suite 100.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-35) INTRODUCED, TO BE ADOPTED
TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego (City), a six-year lease between Ruffin-SD, LLC, a California limited liability company, as lessor, and the City, as tenant, relating to the leasing of approximately 14,358 square feet of office space (Kearny Mesa Space) located at 9370 Chesapeake Drive, Suite 100, San Diego, California 92123, under the terms and conditions set forth in that Standard Multi-Tenant Office Lease – Gross;

Authorizing and directing the City Auditor and Comptroller to expend up to Three Hundred Forty-Five Thousand Dollars (\$345,000) in Fiscal Year 2008 from the General Services Department, Storm Water Pollution Prevention Division Operating Fund (#100) for costs associated with leasing the Kearny Mesa Space.

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

STAFF SUPPORTING INFORMATION:

Recognizing the financial implications of increasing storm water regulations, the Mayor recommended, and the City Council approved, a \$10 million increase in the budget for the Storm Water Pollution Prevention Division (SWPPD) for Fiscal Year 2008. With the expansion of this program, staffing at 19 positions in Fiscal Year 2006 will nearly triple by the end of Fiscal Year 2008. As such, SWPPD's existing space at 20th and B Street can no longer accommodate the Division's office space needs.

The Division began a search of available space in June 2007 and located suitable space that will meet its various needs.

The 14,358 square ft. office space is on the first floor of a centrally located building at 9370 Chesapeake Drive with good parking and freeway access an important feature for SWPPD as the division code enforcement officers investigate reports of storm water violations throughout the City.

The lease will be in place for six years and will meet the Division's current staffing needs in addition to its projected growth through Fiscal Year 2010. Comparable space in the Kearny Mesa office market for rent plus utilities ranges from \$2.15 per square foot per month for the leased space to a high of \$2.80. The lease will commence upon completion of improvements to the space, estimated to be December 31, 2007. Construction of improvements to SWWPD's specifications will commence upon execution of the lease. These improvements are projected to be within the improvement allowance of \$15/sf that is provided by the landlord as part of the lease agreement. This action would approve the use of an estimated \$345,000 to cover the costs of rent through the end of FY 08, in addition to computer and telephone connections and other moving costs.

FISCAL CONSIDERATIONS:

The City will expend funds in an amount not to exceed \$345,000 from the General Services Department, Storm Water Pollution Prevention Division Operating Fund (#100) for the purposes of entering into a six year lease with Ruffin-SD LLC.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item will be heard at NR&C on October 24, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Ruffin-SD LLC

Sierra/Haas

Aud. Cert. 2800252.

Staff: Chris Zirkle - (619) 525-8644
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:24 p.m. - 2:25 p.m.)

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



ITEM-332: Funding for the Barrio Logan Redevelopment Project Area. (Barrio Logan and North Park Community Areas. Districts 3 and 8.)

(See Redevelopment Agency Report No. RA-07-30/RTC-07-161.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-332) RETURNED TO THE MAYOR

Accepting a Sales Tax loan repayment from the Redevelopment Agency in the amount of \$675,000 from the North Park Redevelopment Project Area to the City Sales Tax Fund No. 10227;

Authorizing the transfer of \$675,000 from the City Sales Tax funds to the Redevelopment Agency for the Barrio Logan Project Area as an interest bearing Sales Tax loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the aforementioned transfer from the City as an interest bearing Sales Tax loan to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the Barrio Logan Redevelopment Project Area;

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:

The Barrio Logan Redevelopment Project Area is experiencing cash flow difficulties due to extended litigation expenses. The proposed reloan will stabilize the Project Area's cash flow.

FISCAL CONSIDERATIONS:

The proposed reloan to Barrio Logan will be accomplished by the repayment of existing debt (debt to the City) from the North Park Redevelopment Project Area. The North Park Redevelopment Project Area will repay \$675,000 of debt owed to Fund 10227 (Sales Tax Revenue).

This fund transfer is made possible without impacting the project area work plan because tax increment revenue is expected to exceed the budget forecast.

Interest on the loan to the Barrio Logan Redevelopment Project area will be charged at the Prime Rate+2% as specified by City Council Resolution R-284215.

PREVIOUS AGENCY COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Due to the timing of this proposal and the desire to enable the Barrio Logan Redevelopment Project Area to have cash for business transactions as soon as possible, it was not possible to formally present this proposal to the North Park Project Area Committee (PAC). Staff however, has briefed the PAC leadership on this proposal.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

As the reloan is being made possible through over-budget revenue, the North Park Redevelopment Project Areas is able to pay off project-area debt to the City and simultaneously provide needed cash to the Barrio Logan Redevelopment Project Area without compromising the North Park work plan. Thus, the residents and businesses of the North Park Redevelopment Project Area will experience no adjustment to the level of redevelopment activities underway within the community. Additionally, the residents and businesses of the Barrio Logan Redevelopment Project Area will benefit from the continuation of redevelopment efforts within the community.

Weinrick/Anderson

Staff: Scott Mercer - (619) 236-6242
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of October 30, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:23 p.m.)

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



ITEM-333: Two actions related to San Ysidro Public Facilities Financing Plan, FY 2008. (San Ysidro Community Area. District 8.)

(See Report to the City Council No. 07-167; Draft San Ysidro Public Facilities Financing Plan for Fiscal Year 2008; and City Planning and Community Investment's Executive Summary Sheet dated 8/28/2007.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-326) ADOPTED AS RESOLUTION R-303133

Approving the document titled, "San Ysidro Public Facilities Financing Plan, Fiscal Year 2008";

Declaring that this activity is not subject to CEQA pursuant to Sate Guidelines Section 15060(c)(3).

Subitem-B: (R-2008-327) ADOPTED AS RESOLUTION R-303134

Approving the San Ysidro Public Facilities Financing Plan, rescinding the existing Development Impact Fees for the San Ysidro Community and establishing new Development Impact Fees for all property within the San Ysidro Community;

Declaring that this activity is not a “project” as defined in the California Environmental Quality Act (CEQA) Guidelines section 15378; thus, it is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3);

Declaring that any judicial action or proceeding to attack, review, set aside, void or annul this resolution shall be brought within 120 days.

LAND USE AND HOUSING COMMITTEE’S RECOMMENDATION:

On 9/19/2007, LU&H voted 4 to 0 to approve. (Councilmembers Atkins, Young, Madaffer, and Hueso voted yea.)

SUPPORTING INFORMATION:

Development Impact Fees (DIF) were established in 1987 by the City Council to mitigate the impact of new development in urbanized communities. Fees were based on the facility needs of each community. This plan updates the existing San Ysidro Public Facilities Financing Plan last updated and adopted November 1991 (R-279054).

The draft FY 2008 San Ysidro Public Facilities Financing Plan describes the public facilities that will be needed for the San Ysidro Community as it develops according to the existing Community Plan. San Ysidro is an urbanized community; most of the community facilities and infrastructure are already in place. The remaining needed facilities are in the categories of transportation, park improvements, library and fire. The proposed fees reflect the current costs of the facilities identified in the San Ysidro Community Plan and are necessary to maintain existing levels of service in the community. A summary of the proposed impact fees for San Ysidro is as follows:

| <u>Residential Units</u> | | <u>Commercial and Industrial</u> | |
|--------------------------|-------------------------|----------------------------------|--------------------|
| Transportation | \$2,453 per unit | Transportation | \$350 per trip |
| Park & Recreation | \$4,684 per unit | Fire | \$23 per 1,000 SF |
| Library | \$1,867 per unit | | of gross bldg area |
| Fire | \$ 23 per unit | | |
| TOTAL FEE | \$9,027 per unit | | |

The total impact fee for residential development will increase from \$3,486 to \$9,027 per dwelling unit, primarily due to the adjusted needs and increased costs for transportation and park and recreation facilities. The estimated cost for eligible transportation facilities has increased

from \$6,254,700 to \$73,178,519. An increase in the transportation fee from \$483 to \$2,453 per residential unit reflects project costs and administrative costs associated with plan reviews, impact fee collection and with financing plan preparation. The estimated cost for park facilities increased from \$2,197,708 to \$36,878,200, resulting in a fee increase from \$2,427 to \$4,684. This increase is a more accurate reflection of acreage requirements and costs to meet population based park needs within the community. A library fee of \$1 ,867 per residential unit has been added to cover the community's share of a new San Ysidro Branch Library. The estimated cost is \$14,700,000. The estimated cost for fire facilities in the San Ysidro Community is \$600,000. The fire fee is \$23/1000 square feet.

Projected cost for all projects is \$183,117,760. Eligible project costs in the amount of \$125,356,719 will serve as the basis for the development impact fees, which will be collected at the time building permits are issued. Since these costs are for projects which will benefit both the existing community and future development, costs will be shared and new development is only expected to provide their pro-rata share for DIP eligible projects. Those portions of project costs not funded by new development through impact fees will need to be identified by future City Council actions in conjunction with the adoption of Annual Capital Improvements Program Budgets.

Alternative: Do not approve the proposed Financing Plan and Development Impact Fee Schedule. This is not recommended because the new fees will ensure that new development continues to contribute its fair share for facilities identified in the Community Plan. In the absence of these fees, alternative funding sources would have to be identified to fund new development's share of identified facilities.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The San Ysidro Public Facilities Financing Plan is scheduled for the Land Use & Housing Committee meeting on September 19, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 21, 2007, the San Ysidro Community Planning Group unanimously approved the draft San Ysidro Public Facilities Financing Plan with a vote of 12-0-0.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

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

Gabriel/Anderson

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:25 p.m.)

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



ITEM-334: The Rehabilitation and Refinancing Loan Agreements for the Mayberry Townhomes. (Southeastern San Diego Community Area. District 4.)

(See Southeastern Economic Development Corporation Report No. SEDC-07-007.)

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

Adopt the following resolution:

(R-2008-340) ADOPTED AS RESOLUTION R-303135

Finding and determining that based upon the information set forth in Attachment No. 1, the use of funds from the Southcrest Redevelopment Project Area's Low and Moderate Income Housing Set Aside Fund outside the Southcrest Redevelopment Project Area to provide for the residential and property rehabilitation, and to provide for a loan refinancing for the Development will be of benefit to the Southcrest Redevelopment Project Area;

Declaring that this activity is not a "project" and is therefore exempt from CEQA pursuant to the State CEQA Guidelines Sections 15301(a) and (d).

SUPPORTING INFORMATION:

The Mayberry Townhomes multi-family rental development is located at 4328-4490 Mayberry Street in the Southcrest community of San Diego, It is owned by the Metropolitan Area Advisory Committee on Anti-Poverty of San Diego County, Inc., (MAAC Project). The project consists of 18 buildings on three acres. Sixty-nine of the units are restricted to very low, low and moderate-income families.

DISCUSSION

Funding Request - The Mayberry Townhomes, LP, whose general partner is MAAC Project have requested funding for the rehabilitation of the property and for the refinancing of an existing higher interest loan.

MAYBERRY TOWNHOMES – FINANCING SUMMARY

| <u>Current Financing</u> | | <u>Proposed Financing</u> | |
|---|-------------|-----------------------------------|------------------|
| ARCS/Tax Exempt Bonds | \$3,400,000 | ARCS/Tax Exempt Bonds | \$3,400,000 |
| ARCS Commercial Loan | \$1,900,000 | ARCS Commercial Loan | \$1,900,000 |
| Low Income Investment Fund (LIIF) | \$770,957 | Agency Refinancing Loan | \$799,957 |
| Wells Fargo | \$500,000 | Wells Fargo | \$500,000 |
| San Diego Housing Commission | \$670,000 | San Diego Housing Commission | \$670,000 |
| | | Agency Rehabilitation Loan | |
| | | (rounded) | \$799,370 |
| Total Proposed Agency Assistance (rounded) | | \$1,599,327 | |
| Per Unit | | \$22,848 | |

Refinance Loan - The totals loan request is approximately \$799,956.80, with annual debt service to the Agency in the amount of \$28,000.

Rehabilitation Loan - Total approximately \$799,370 for repair and construction to the interior of the units and the common areas. Annual payments to be made from the residual receipts, 50% to Mayberry Townhomes, LP, and 50% distributed pro-rata to the Housing Commission and the Agency.

The proposed budget for the rehabilitation work includes painting, plumbing, electrical, flooring, kitchen, and bathroom repairs, roof, landscaping and asphalt repair, along with soft costs including construction management, relocation, and contracts.

FISCAL CONSIDERATION:

Funds requested totaling \$1,599,327, are included in the FY 07/08 SEDC Project Budget and funded from the 2007 Southcrest Tax Allocation Bonds.

COMMUNITY PARTICIPATION & PUBLIC OUTREACH EFFORTS:

On May 30, 2007, the SEDC Board of Directors voted to recommend to the Agency approval of the rehabilitation and refinancing loan agreements to fund the residential rehabilitation and loan refinancing for the Mayberry Townhomes located at 44th and Mayberry Streets.

On June 15, 2007, the San Diego Housing Commission approved the revisions to the terms of the Housing Commission loan to allow for the Agency loans and approved the pro-rata sharing of residual receipts payments.

KEY STAKEHOLDERS:

The key stakeholders are current and future very low, low and moderate-income residents of the Mayberry Town homes, residents of the Southcrest Redevelopment Project Area, and the MAAC Project.

FINDINGS:

The Findings of Benefit, Attachment A contain the proposed findings with respect to the benefits of the assistance for the rehabilitation and refinancing for the Mayberry Townhomes development located at 44th and Mayberry Streets.

Smith/Brooks

NOTE: See the Redevelopment Agency Agenda and Housing Authority Agenda of October 30, 2007, for companion items.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:38 p.m. - 4:38 p.m.)

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



ITEM-335: Owner Participation Agreement and Associated Actions for the Boulevard Apartments Project in the North Park Redevelopment Project Area. (North Park Community Area. District 3.)

(See Redevelopment Agency Report No. 07-29/RTC-07-159.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-331) ADOPTED AS RESOLUTION R-303136

Declaring that the Council has received and heard all oral and written objections to the proposed Owner Participation Agreement, and to other matters pertaining to the Project, and that all such oral and written objections are overruled;

Finding and determining that all consideration to be paid pursuant to the Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project Area;

Approving the Owner Participation Agreement which establishes the terms and conditions for the development and implementation of the Project;

Declaring that a copy of the Owner Participation Agreement, when executed by the Redevelopment Agency, shall be placed on file in the Office of the City Clerk; and

Finding that the Agreement is a subsequent discretionary approval of the Project No. 55461 addressed in the EIR and not a separate project under the California Environmental Quality Act (CEQA) and CEQA Guidelines Sections 15060(c)(3) and 15378(c); and

Finding that this subsequent discretionary approval of the Agreement does not involve a change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

STAFF SUPPORTING INFORMATION:

An Owner Participation Agreement ("OPA") is proposed to authorize and obligate the Redevelopment Agency to assist the Boulevard Apartments project by providing financial assistance with a residual receipts loan in an amount not to exceed \$2,400,000. The developer is S.V.D.P. Management, Inc., dba Father Joe's Villages (the "Developer"). The Developer has proposed the development of a 24-unit affordable housing project consisting of new rental apartments for very low-income (30%-40% AMI) families.

The Project is proposed to be developed on a 0.24-acre site located at 3133 and 3137 E1 Cajon Boulevard, within the North Park Redevelopment Project Area. Surrounding development includes commercial uses to the east and west, a mix of commercial and residential uses to the north and a multi-family residential development to the south. The project site is currently developed with two wood-framed structures that have been vacant for over 10 years and will be demolished. S.V.D.P. Management, Inc. owns the property; therefore, no additional property acquisition is necessary for project implementation.

The Project is proposed to include a new, approximately 27,977 sq. ft. four-story building with 24 affordable for-rent residential units, 2,063 sq. ft. of commercial space and a 17-space parking garage on the project site. The 24 residential units would consist of 3 one-bedroom units, 18 two-bedroom units and 3 three-bedroom units. Each unit will feature a private balcony. Amenities will include a landscaped roof deck with barbecue facilities, patio cover, picnic tables and a children's recreation/play area, as well as a ground-floor community room for educational programs, enrichment classes and community meetings. The Project Site is fully entitled.

FISCAL CONSIDERATIONS:

The Project's pro forma has been analyzed by Agency staff and the Agency's financial consultant, Keyser Marston Associates. Estimated costs, financing assumptions, and deal terms have been negotiated and are proposed in the OPA in accordance with the Affordable Housing Collaborative Program financing guidelines. The total project cost is \$11,652,000. The Developer proposes to finance the project with a combination of low-income housing tax credits, state and federal loan programs (AHP and MHP) and Agency financing. The Developer has pledged to fund any remaining gap of the project cost. The Agency subsidy will be in the form of a long-term (55 years) residual receipts loan to cover direct costs. The proposed Agency financing for the Project is \$2,400,000, which represents a maximum subsidy of \$100,000 per unit or \$50,000 per bedroom. It is proposed that Agency funding be paid from the North Park Housing line of credit via the Housing Opportunity Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

On July 24, 2007, the City Council adopted a resolution approving the issuance of preliminary bonds by the Housing Authority for the purpose of financing the construction of the Boulevard Apartments.

OTHER RECOMMENDATIONS:

On September 13, 2007, the Agency's Affordable Housing Collaborative Executive Loan Committee voted 3-1 to recommend that the subsidy not be approved due to concerns that the total cost per unit appears high in comparison to other projects. This project has higher costs due to several factors including: 1) The North Park Community Plan requires commercial space on the ground floor from lot line to line which requires that the project provide greater fire protection in the walls and doors due to the close proximity of the adjacent commercial building; 2) the need to locate the play area on the landscaped roof deck due to lot size constraints; and 3) the size of the project at 24 units eliminates the opportunity for economies of scale. While this project may have a high per unit cost compared to other projects, it fulfills the objectives of the Redevelopment Plan, requires no land acquisition, and provides benefits to the community by adding new housing for very low income families who are formerly homeless or at risk of being homeless. The project provides space for educational programs and enrichment classes as well as a safe and secure play area for children. It is a well designed project located on a major transportation corridor providing access to jobs and services and will serve as a catalyst for additional improvements on the eastern edge of the Project Area. The proposed Agency subsidy of \$100,000 per unit is consistent with other similar projects, and the developer is leveraging a number of other financing sources with their own funds to cover the remaining project costs.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On April 19, 2005, the Greater North Park Community Planning Group voted 6-5-2 to recommend approval of the project, including the requested parking deviation, with the condition the applicant provide explicit documentation that there is a 50-year agreement specifying St. Vincent de Paul as the manager and operator of the property. On March 15, 2007, with a vote of 5-0-2, the Planning Commission approved the site development permit for the project. On January 11, 2005, the North Park Project Area Committee (PAC) requested that the project proposal be presented for a formal recommendation once specific obligations between the developer and the Agency were negotiated. On October 9, 2007, the North Park Project Area Committee (PAC) voted 10-0-0 to recommend the approval of the \$2,400,000 expenditure from the North Park Housing Line of Credit via the Housing Opportunity Fund for the Boulevard Apartments project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The Project is expected to provide significant community enhancement and valuable affordable housing for the North Park community.

Weinrick/Anderson

Staff: Michael Lengyel - (619) 236-6269
Kendall D. Berkey - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of October 30, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:28 p.m. -4:30 p.m.)

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



ITEM-336: Franks Right-of-Way Vacation. Vacate an excess right-of-way on east side of property located at 7767 Exchange Place; Approve Coastal Development Permit. (La Jolla Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying a request for a Coastal Development Permit and Public Right-of-Way Vacation to vacate an approximately 13 foot wide portion of excess right-of-way along the east side of Exchange Place. The property is located at 7767 Exchange Place in the RS-1-7 Zone, Coastal Development Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the La Jolla Community Planning Area.

(CDP No. 414404/Public Right-of-Way Vacation No. 408389/Project No. 120296.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2008-306 Cor. Copy) GRANTED PERMIT; ADOPTED AS
RESOLUTION R-303137

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference with respect to Coastal Development Permit No. 414404;

That Coastal Development Permit No. 414404 is granted to Irwin Franks, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-B: (R-2008-307 Cor. Copy) ADOPTED AS RESOLUTION R-303138

Adoption of a Resolution certifying findings with respect to Public Rights-of-Way Vacation No. 408389;

That this public right-of-way, more particularly described in the legal description marked as Exhibit "A," and shown on Engineering Drawing No. 20649-B, marked as Exhibit "B," and on file in the Office of the City Clerk which are by this reference incorporated herein and made a part hereof, is ordered vacated;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

That this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301, 15304 and/or 15305 of the State CEQA Guidelines.

OTHER RECOMMENDATIONS:

The La Jolla Community Planning Association has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Vacation of a portion of Exchange Place.

STAFF RECOMMENDATION:

- 1. APPROVE** Coastal Development Permit No. 414404, and
- 2. APPROVE** a Resolution to allow Street Vacation No. 408389.

EXECUTIVE SUMMARY:

The proposed Vacation is a portion of the public right-of-way along the east side of Exchange Place, located at 7767 Exchange Place. The proposed area to be vacated is approximately 125 foot long and varies between 9 to 12 feet in width. The vacation of this portion of Exchange Place is necessary for the property owner/applicant in order to allow completion of pending remodel of their existing residence. The area of the proposed vacation is excess right-of-way, and is enclosed by a site wall within an area which appears as part of the property owner's front yard. The portion to be vacated has not been utilized by vehicular or pedestrian activity for well over fifty years.

The proposed Vacation will not alter vehicular, pedestrian and bicycle use along this portion of Exchange Place.

The area of the Vacation is within the required setback for the existing residence, thus no public view that is identified within the La Jolla/La Jolla Shores Local Coastal Plan will be negatively impacted. The Vacation does not need to include any reservation for General Utility, Pedestrian or Non-Motor Vehicular Easements.

The Street Vacation qualifies as a summary vacation and a Planning Commission Recommendation is not required for this action. The Street Vacation may be summarily vacated as it does not contain public facilities, and the portion of the street to be vacated is excess and is not required for present or future use.

Exchange Place has been constructed to its ultimate width and the reservation area is no longer needed. The portion of the Exchange Place to be vacated is not a part of the Transportation Element of the General Plan or La Jolla/La Jolla Shores Local Coastal Program and will not be detrimentally affected by the vacation.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant through a deposit account.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The street vacation qualifies as a summary vacation and a Planning Commission Recommendation is not required for this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 1, 2007, the La Jolla Community Planning Association voted 12-0-0 to recommend approval of the proposed action without recommended conditions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Irwin Frank, Property Owner

Anderson/Boekamp/GG

LEGAL DESCRIPTION:

The subject site is located on the east side of Exchange Place with an unimproved portion of Exchange Place to the south side of the property. The project site is located at 7767 Exchange Place, in the RS-1-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone and within the La Jolla Community Plan area.

The project site is legally described as Lot 9, Block 47, La Jolla Park, Map No. 352.)

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301, Existing Facilities.

Staff: Glenn Gargas – (619) 446-5142
Shirley Edwards – Deputy City Attorney

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

FILE LOCATION: J-2979 (39)

COUNCIL ACTION: (Time duration: 4:40 p.m. - 4:41 p.m.)

MOTION BY FAULCONER TO GRANT THE PERMIT IN SUBITEM A AND TO ADOPT THE RESOLUTION IN SUBITEM B. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-337: 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, June 19, 2007, Item 331, September 4, 2007, Item 335, September 25, 2007, Item 335, last continued at the request of Councilmember Faulconer, for further review.)

NOTE: Hearing open. No testimony taken on 5/22/07, 6/19/07, 9/4/07, and 9/25/07.

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: CONTINUED TO TUESDAY, NOVEMBER 13, 2007

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: CONTINUED TO TUESDAY, NOVEMBER 13, 2007

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: CONTINUED TO TUESDAY, NOVEMBER 13, 2007

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: 2:21 p.m. - 2:21 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, NOVEMBER 13, 2007, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-338: Two actions related to City Recycling Ordinance.

(See Report to the City Council No. 07-148; and Report to the City Council No. 07-166 [not available at Committee].)

TODAY'S ACTIONS ARE:

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

Subitem-A: (O-2008-30)

INTRODUCED WITH DIRECTION, TO BE
ADOPTED ON TUESDAY, NOVEMBER 13, 2007

Introduction of an Ordinance amending Chapter 6, Article 6 of the San Diego Municipal Code by adding Division 7, Sections 66.0701, 66.0702, 66.0703, 66.0704, 66.0705, 66.0706, 66.0707, 66.0708, 66.0709, 66.0710, 66.0711, 66.0712, 66.0713, 66.0714, 66.0715, 66.0716, 66.0717, and 66.0718, all relating to recycling for residential facilities, commercial facilities mixed use facilities, and special events. This ordinance establishes recycling requirements for residential facilities, commercial facilities (including City buildings), mixed use facilities, and special events within the City. These requirements are intended to increase recycling of recyclables such plastic, glass, and metal containers; cardboard; paper; newspaper; and other recyclables otherwise destined for disposal, so as to reuse these recyclables and conserve landfill capacity.

Subitem-B: (R-2008-321)

ADOPTED AS RESOLUTION R-303115

Authorizing the Mayor to establish cost recovery fees for processing applications for exemptions from recycling requirements and applications to become a Certified Recyclable Materials Collector in connection with the City Recycling Ordinance, and directing that these fees be filed in the Ratebook of City Fees and Charges in the Office of the City Clerk;

Declaring that this activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15273(a)(1) because it constitutes the establishment of new fees for the purposes of meeting operating expenses associated with implementing and enforcing the requirements of the City Recycling Ordinance.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/26/2007, NR&C voted 4 to 0 to forward the ordinance to the full City Council with direction to include specific guidelines regarding enforcement, in addition to a grace period after the 90 days for enforcement, and to provide a description of the process of appeal to the City Council. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

The proposed Ordinance addresses recycling for commercial (including City buildings), multi-family, and single family sectors, as well as special events. The proposed Ordinance is designed to distribute responsibility for recycling to all sectors of the community. Recycling requirements would be phased in as follows:

Single family residents

- Existing City recycling collection customers - January 1, 2008;
- Existing City refuse collection customers without recycling collection - as funding is available and containers are provided;
- Privately serviced residents - by the 90th day after final passage of the Ordinance.

Multi-family residential facilities

- 100 units or more - by the 90th day after final passage of the Ordinance;
- 50 units or more - by January 1, 2009;
- Less than 50 units - by January 1, 2010.

Commercial facilities

- 20,000 square feet or more - by the 90th day after final passage of the Ordinance;
- 10,000 square feet or more - by January 1, 2009;
- Less than 10,000 square feet - by January 1, 2010.

Mixed use facilities would comply with either the multi-family or commercial facility requirements depending upon the predominant use of the facility based on square footage. Effective 90 days after final passage of the Ordinance, special events requiring a permit from the City would be required to provide recycling containers next to each refuse container.

Facility owners/operators/managers would be responsible for providing on-site recycling services, signage for collection areas, and informing residents/tenants about the program. ESD would provide downloadable signage and educational materials on its website.

Occupants of commercial, mixed use, and multi-family residential facilities would be required to participate in the recycling program provided. Franchised haulers and Recyclable Materials Collectors would be required to provide signage on all recycling containers they service, deliver recyclable materials to recycling facilities and file annual reports with ESD so compliance can be monitored. Facilities that choose to self-haul their recyclables would also be required to file annual reports with ESD. To simplify reporting requirements and inform the public about recycling service providers, ESD proposes a voluntary certification program for recyclable materials collectors. Applicants for such a certificate would be charged a \$130 application processing fee.

While education would be the initial focus of enforcement, compliance is the goal, and potential penalties would be the same as those for violations of other Municipal Code provisions. Multi-family residential, commercial, and mixed use facilities generating six cubic yards or less per week of refuse and recyclable materials combined would be exempt, otherwise they would be required to participate in a recycling program. In addition, temporary one-year exemptions may be granted at the discretion of the ESD Director's designee after payment of a \$130 processing fee. Notification of approval or denial of an exemption would be in writing and appealable to the ESD Director. For further detail about the proposed ordinance or its requirements please refer to Report to Council No. 07-166.

FISCAL CONSIDERATIONS:

ESD would need to hire 3.50 full time equivalents at an estimated cost of \$300,000 annually to implement the Ordinance. Costs to handle increased recycling tonnage from City curbside customers are estimated at \$500,000 to \$2.5M annually. Costs to City facilities to comply with the Ordinance include an initial expenditure to purchase recycling bins and increased collection costs during the first year or two. Since recyclable collection is generally less costly than refuse collection, collection costs are expected to fall once appropriate service levels are established.

When fully implemented (FY 2011), annual fiscal impacts to the City are estimated to be \$4.0M-\$4.7M, consisting of \$400K - \$900K in increased costs and lost revenues to the General Fund (GF), \$1.3M - \$2.6M in increased costs and lost revenues to the Recycling Fund (RF), and \$1.7M in deferred Refuse Disposal Fund (RDF) revenues. The FY 2008 and FY 2009 fiscal impacts to the RF and RDF will be absorbed within the current appropriated funds, except for additional personnel expenses, which will be partially offset by cost recovery fees for exemptions and certification applications. ESD will bring forward recommended mitigation for the RF, RDF and GF in mid FY 2009 for FY 2010 and beyond, after assessing the success and needs of the Ordinance.



ITEM-339: 15th and Commercial – Centre City Conditional Use Permit/Variance No. 2007-24 to Amend and Supersede Conditional Use Permit 88-1224 to Reconstruct an Existing Transitional Housing Facility and Add Residential and Educational Uses. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

(See Centre City Development Corporation Report No. CCDC-07-19.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-330) CONTINUED TO TUESDAY, NOVEMBER 13, 2007

Adopting the following findings with respect to Centre City Conditional Use Permit/Variance No. 2007-24 under San Diego Municipal Code (SDMC) Sections 126.0305 and 126.0805:

- 1. That there are special circumstances or conditions applying to the land or premises for which the Variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zoning regulations.**
Development of this site is constrained by the two seismic faults located just east of mid-block on Commercial Street, as well as a previously existing SDG&E easement at the southeast corner. The faults and the easement are both non-buildable areas and result in the project not being able to meet streetwall development standards along 89 feet of the 201-foot length of the Commercial Street frontage and all 100 feet of the 16th Street frontage. The project proposes a one-story building outside these setbacks to occupy 32 feet of the Commercial Street frontage. At 18 feet in height along this frontage, the one-story building does not meet the minimum 45-foot streetwall height established by the Centre City Planned District Ordinance (PDO). Additional floor levels are not needed for this facility and are limited by the relatively small size of the development footprint (between the no-build zones).

2. **That the circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the Variance granted by the City is the minimum Variance that will permit the reasonable use of the land or premises.** The no-build setbacks restrict the use of a significant portion of the project site. The one-story building is proposed to provide necessary additional floor area for the child day care facility that cannot be accommodated in the main building because building code restrictions do not allow building area for toddlers to be above grade level. This building assists the project in meeting streetwall development standards along the length of the project site where possible. The Variance relating to streetwall height is the minimum required to allow use of this portion of the development site.
3. **That the granting of the Conditional Use Permit Variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety or welfare. The Variance only results in an aesthetic impact, which is not detrimental to the public health, safety or welfare.** The intent of streetwall development standards is to enhance the pedestrian realm by providing a consistent, activated and attractive streetwall in all new development. Given the reduced developable area, the project strives to meet the intent of these standards by providing an attractive landscaped fence along the perimeter adjacent to the no-build zones and enclosed building area, where feasible, and by incorporating an attractive design for the one-story building to be compatible with the redeveloping context of the neighborhood. Furthermore, the project as a whole provides members of our community with needed services and living facilities, and the hours of operation and conditions of approval will further ensure that the use is not a detriment to the public health, safety, and welfare of the surrounding neighborhood.
4. **That the granting of the Conditional Use Permit Variance will not adversely affect the applicable land use plan.** The granting of the Conditional Use Permit Variance does not adversely affect the applicable land use plan, including the San Diego Downtown Community Plan and the Centre City Planned District Ordinance, as the uses in the project are allowable with approval of a Conditional Use Permit or are allowed by right, and the granting of the Variance would only provide relief from strict application of the minimum streetwall height standard in order to allow additional building area within a constrained development site.

Furthermore, the project replaces a deteriorating building that currently provides the same uses as those in the project and which are allowed in this land use district with approval of a Conditional Use Permit, and provides a new facility that improves the living conditions of the transitional residents, including upgraded day care facilities for their children, and increases the supply of affordable housing in this vicinity.

5. **That the proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The project will continue operations and programs that have existed on-site and complied with the regulations affecting the site for thirty years. The facility is designed, and will continue to operate, in conformance with the regulations of the City's Land Development Code and the Centre City Planned District Ordinance.
6. **That the proposed use is appropriate at the proposed location.** The project replaces an aged facility that is currently located on this site and operates in conjunction with the adjacent programs and facilities at the JKC, which are both covered under a single Conditional Use Permit. The site is within the Mixed Commercial District which allows the use with approval of a Conditional Use Permit.

The above findings are supported by the minutes, plans and exhibits, all of which are incorporated herein by this reference.

Granting Centre City Conditional Use Permit/Variance No. 2007-24 (Permit) to S.V.D.P. Management, Inc. (Permittee), subject to and under the terms and conditions set forth in the Permit, which shall amend and supersede Conditional Use Permit 88-1224, based on the findings adopted by the Council;

Declaring that this activity is covered under the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Redevelopment Project, which was certified by the Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006, and the Addendum to the FEIR for the 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District

Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Redevelopment Project certified by the Redevelopment Agency by Resolution R-04193 and by the City Council by R-302932 on July 31, 2007. This activity is adequately addressed in the environmental documents noted above and the secondary study prepared for this project reveals there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, this activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3), 15180, and 15378(c).

SUPPORTING INFORMATION:

S.V.D.P. Management Inc. has submitted a request to amend Conditional Use Permit ("CUP") 88-1224 to build a 12-story, 142-foot tall building on the south end of the block bounded by Imperial Avenue and 15th 16th and Commercial streets. The existing CUP encompasses the entire block to allow an emergency center for the homeless, including meals, showers, permanent and temporary housing, and related support programs at the Joan Kroc Center ("JKC") and Bishop Maher Center ("BMC") buildings located on-site. The proposed project will replace the existing BMC building that provides transitional housing facilities (150 beds) in a 12-story building, accommodate the child day care center facilities currently located at the JKC, and add 64 income-restricted Living Units (plus one manager's unit). The project will not increase the number of beds associated with the existing transitional housing on this site. The project includes a variance from the minimum streetwall height development standard for a one-story building located between two non-buildable setbacks (seismic fault and pre-existing utility easement).

FISCAL CONSIDERATIONS:

None at this time. However, the applicant has inquired about possible Redevelopment Agency financial assistance as part of the project funding, which is currently being reviewed by CCDC staff. The applicant requests review of this CUP/Variance at this time based on the merits of the request and without consideration of potential financial assistance in order to maintain already secured funding for the child day-care component of the project. Any consideration of Agency funding of the project will be brought forward to the Agency at a late date with a full analysis of any such request.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On September 19, 2007, the Centre City Development Corporation voted unanimously to recommend approval of the project to the City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Centre City Advisory Committee ("CCAC"), downtown's Community Planning Group and Project Area Committee, reviewed the project at its September 8, 2007 meeting and voted unanimously to support the project. The East Village Association ("EVA") reviewed the project at its July meeting and voted to support the project. EVA recommended adding a condition of approval to the CUP to expand security camera monitoring on the adjoining streets.

Drolet/Graham/Richter

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 4:41 p.m. - 4:43 p.m.)

MOTION BY HUESO TO CONTINUE TO TUESDAY, NOVEMBER 13, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-340: 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-07-29b/CCDC-07-15b and 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. Continued from the meeting of September 25, 2007, Item S501, at the request of Councilmember Faulconer, for further review.)

NOTE: Testimony taken on 7/31/2007.

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

NOTE: The City Council previously approved amendments to the various documents on July 31 and September 4. Today's recommended actions are as follows:

Subitem-A:

Approving proposed amendments to the Downtown Community Plan, specifically Chapters 3 and 9;

Subitem-B:

Approving proposed amendments to the Centre City Planned District Ordinance, specifically Sections 156.0303; 156.0304; 156.0307; 156.0308; 156.0309; 156.0310; 156.0311; 156.0313; 156.0314; 156.0315.

Subitem-C:

Approving amendments to the Marina Planned District Ordinance, specifically Sections 1511.0401; 1511.0402; 1511.0403; 1511.0404.

SUPPORTING INFORMATION:

Centre City Development Corporation (CCDC) is proposing specific amendments to the land development regulations for the Downtown Community Planning Area, including the Downtown Community Plan, the Centre City Planned District Ordinance, and the Marina Planned District Ordinance. The purpose of these proposed amendments include providing better implementation of the policies of the Downtown Community Plan, creating consistency among planning documents, streamlining documents, enhancing the historic preservation goals of the City, and minor clean-ups.

FISCAL CONSIDERATIONS: None.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On May 30, 2007, the CCDC Board of Directors voted 5-0 to support the proposed amendments.

PLANNING COMMISSION RECOMMENDATION:

On June 28, 2007, the Planning Commission held a public hearing to consider the amendments and voted 4-0 to recommend approval of the various amendments as recommended by staff and the CCDC Board.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 23, 2007, the Centre City Advisory Committee (CCAC), downtown's community planning group, and the Project Area Committee (PAC) voted unanimously to support these amendments. Since the beginning of the year, staff has held public workshops for the proposed amendments before the CCAC and its subcommittees, the CCDC Board and its subcommittees, and the Planning Commission.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The proposed amendments affect land use regulations throughout the downtown planning area, and therefore affect property owners, businesses, developers, residents, and visitors to the area.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:39 p.m. - 4:39 p.m.)

MOTION BY FAULCONER TO APPROVE STAFF'S RECOMMENDATION.*

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

*Resolutions and ordinances are being prepared for this item by the City Attorney's Office.

ITEM-S30: Amy Finley Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-310) CONTINUED TO TUESDAY, NOVEMBER 6, 2007

Proclaiming October 23, 2007, to be "Amy Finley Day" in the City of San Diego.

FILE LOCATION: NONE

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

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, NOVEMBER 6, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S31: Navajo Canyon Republican Women Federated Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-213) CONTINUED TO TUESDAY, NOVEMBER 20, 2007

Recognizing and saluting the members of Navajo Canyon Republican Women Federated (NCRWF) for their exemplary record of volunteer service and proclaiming October 23, 2007, to be "Navajo Canyon Republican Women Federated Day" in the City of San Diego.

FILE LOCATION: NONE

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

MOTION BY MADAFER TO CONTINUE TO TUESDAY, NOVEMBER 20, 2007, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-S50: Second Amendment to the Agreement with Boyle Engineering Corporation for State Route 56. (Rancho Peñasquitos Community Area. District 1.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2008-48 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
TUESDAY, NOVEMBER 20, 2007

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with Boyle Engineering Corporation (Agreement), for the study of additional bike path connection alternatives under the terms and conditions in the Agreement;

Authorizing the expenditure of an amount not to exceed \$17,518 from CIP-58-176.0, Darkwood Canyon Connector Study for SR56 Bike Path, Fund No. 30301, Transnet Bike, and \$47,293 from CIP-58-171.0, SR56 Interchange, Fund No. 30301, Transnet Bike, solely and exclusively, for the purpose of providing funds for State Route 56, providing that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

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

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

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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



ITEM-S100: Inviting Bids for the Construction of Pipeline Rehabilitation Phase F-1 Project. (Citywide. Districts 2, 3, and 6.)

(See Metropolitan Wastewater Department's 7/24/2007 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-125) ADOPTED AS RESOLUTION R-303142

Approving the plans and specifications for the construction of Pipeline Rehabilitation Phase F-1 (the Project), on Work Order No. 140421;

Authorizing the Mayor, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project (the Contract), provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under the Contract are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$5,981,429 from Sewer Fund 41506, CIP-46-050.0, Annual Allocation Pipeline Rehabilitation, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (b), as the repair and maintenance of an existing facility. (BID-K084111C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/5/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Maienschein, and Frye voted yea. Councilmember Hueso not present.)

FILE LOCATION: CONT-Southwest Pipeline and Trenchless Corp.(W.O. 140421)

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

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

ITEM-S101: Inviting Bids for the 7th and Brookes Accelerated Sewer Replacement Project.
(Uptown Community Area. District 3.)

(See Metropolitan Wastewater Department's 7/5/2007 Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-126)

ADOPTED WITH DIRECTION AS
RESOLUTION R-303143

Approving the plans and specifications for the 7th and Brookes Accelerated Sewer Replacement Project (the Project), on Work Order No. 140131;

Authorizing the Mayor, after advertising for bids in accordance with law, to award a contract to, and execute a contract with, the lowest responsible and reliable bidder for the Project (the Contract) provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under the Contract are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,967,700 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWW Trunk Sewers, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c). This activity is a subsequent discretionary approval covered under Project No. 84655, 7th and Brookes Sewer Replacement, Maintenance and Emergency Access Plan, MND, dated July 27, 2006. 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 pursuant to CEQA Guidelines Section 15162. (BID-K083676)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/5/2007, NR&C voted 3 to 0 to approve. (Councilmembers Faulconer, Maienschein, and Frye voted yea. Councilmember Hueso not present.)

FILE LOCATION: CONT-Cass Construction, Inc. (W.O. 140131)

COUNCIL ACTION: (Time duration: 2:14 p.m. - 2:19 p.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION TO STAFF TO RESOLVE THE PROBLEM OF STANDING WATER IN THE CANYON. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S102: Two actions related to Otay Mesa Trunk Sewer Department of Transportation (Caltrans) Utility Agreements 31766 and 31768 and Certification of Otay Mesa Trunk Sewer Environmental Impact Report. (Otay Mesa and San Ysidro Community Areas. District 8.)

(See Metropolitan Wastewater Department's 7/25/2007 Executive Summary Sheet; and CD containing Environmental Impact Report.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2008-292) ADOPTED AS RESOLUTION R-303144

Approving the California Department of Transportation Utility Agreement Nos. 31766 and 31768 (Caltrans Agreement Nos. 31766 and 31768), for the relocation of existing and construction of new portions of the City's Otay Mesa Trunk Sewer System, under the terms and conditions set forth in Caltrans Agreement Nos. 31766 and 31768 and authorizing the Mayor, or his designee, to execute the agreements on behalf of the City;

Authorizing the expenditure of an amount not to exceed \$3,904,918 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWW Trunk Sewers, Caltrans/State Route 905 Otay Mesa Trunk Sewer Project, for the purpose of providing funds for Caltrans Agreement Nos. 31766 and 31768;

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

Subitem-B: (R-2008-293) ADOPTED AS RESOLUTION R-303145

Certifying that Environmental Impact Report, Project No. 40246, dated September 15, 2005, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.); that the report reflects the independent judgment of the City of San Diego as Lead

Agency; and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council;

Adopting 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, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk 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.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/26/2007, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

FILE LOCATION: MEET

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

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

* ITEM-S103: Reprogramming of Community Development Block Grant (CDBG) Funds for City Council Districts 1, 2, 3, 4, 5, 7, 8, and Citywide. (Districts 1, 2, 3, 4, 5, 7, 8, and Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-308) ADOPTED AS RESOLUTION R-303116

Approving reprogramming of CDBG funds for Council Districts 1, 2, 3, 4, 5, 7, 8, and Citywide, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor or his designee to negotiate and execute agreements with those CDBG-funded projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG funds for the CDBG-funded projects approved for funding.

Staff: Scott Kessler - (619) 236-6405
Michael D. Newmeyer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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



* [ITEM-S104](#): Grant Application for the Construction of Park De La Cruz/38th Street Canyon and Future Phases & Teralta Neighborhood Park - Development. (Mid-City (City Heights) Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-285) ADOPTED AS RESOLUTION R-303117

Authorizing the Mayor, or his representative, to make application to the State of California under the State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program for \$200,000 for the development and construction of Teralta Neighborhood Park-Development;

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the State of California under the State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program for \$200,000 for the development and construction of Teralta Neighborhood Park-Development;

Authorizing the City Auditor and Comptroller to establish two separate, special interest bearing funds for the deposit of grant funds;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds contingent upon receipt of a fully executed grant agreement;

Amending the Fiscal Year 2008 Capital Improvements Program Budget for CIP-29-685.0, Teralta Neighborhood Park-Development, with State of California, State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program funding, by increasing the budget amount by \$200,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$200,000 from CIP-29-685.0, Teralta Neighborhood Park-Development, from State of California, State Transportation Improvement Program (STIP), SANDAG Smart Growth Incentive Program funding, for the development and construction of Teralta Neighborhood Park-Development, contingent upon receipt of a fully executed grant agreement/program supplement;

Authorizing the expenditure of \$1,400,000 from CIP-29-684.0, Park De la Cruz/38th Street Canyon and Future Phases and \$800,000 from CIP-29-685.0, Teralta Neighborhood Park – Development, for the purpose of construction of Park de La Cruz/38th Street Canyon and Future Phases & Teralta Neighborhood Park - Development, contingent upon the City Auditor and Comptroller certifying that funds are or will be available;

Authorizing the Mayor, or his representative, to execute a construction contract with the lowest responsible and reliable bidder for an amount not to exceed \$2,200,000, contingent upon the City Auditor and Comptroller certifying that funds are available;

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 project has been previously exempted under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304 (Minor Alterations to Land).

Staff: Darren Greenhalgh - (619) 573-5019
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

- * ITEM-S105: Grant Application to U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for 2007 Community Policing Development Grant: Redundant California Law Enforcement Telecommunications System (CLETS) Message Switch Computer Systems.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-223) ADOPTED AS RESOLUTION R-303118

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

Staff: Donna J. Warlick - (619) 531-2221
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S106: Grant Application to U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for 2007 Community Policing Development: Violent Crime and Gangs Grant Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-227) ADOPTED AS RESOLUTION R-303119

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

Staff: Donna J. Warlick - (619) 531-2221
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S107: Media Based Public Education Preventing Crime and Drug Abuse 2007 Byrne Grant.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-224) ADOPTED AS RESOLUTION R-303120

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by this body.

Staff: Donna Warlick - (619) 531-2221
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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



* [ITEM-S108](#): Gang Suppression Grant 2007 BJA Byrne Discretionary Grant Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-229) ADOPTED AS RESOLUTION R-303121

Authorizing the Mayor, or his designee, including the Chief of Police, for and on behalf of the City of San Diego, to submit an application for, accept, expend and manage the grant funds and program for the purposes stated in the application;

Declaring that this authority includes the execution of all aspects of fund and program operation, including any amendments, extensions, augmentations, or renewals from the U.S. Department of Justice for identical or closely related purposes; and to certify that the City will comply with all applicable statutory or regulatory requirements;

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

Declaring that this authorization shall be valid for a period of up to five years, provided funding for this purpose is made available by the U.S. Department of Justice;

Declaring that any resources received hereunder shall be used to supplement and not to supplant expenditures controlled by this body.

Staff: Donna Warlick - (619) 531-2221
Mary T. Nuesca - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S109: Grant from Indian Gaming Local Community Benefit Committee for Procurement of Digital Download Microwave Equipment for the Fire-Rescue Department.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-262) ADOPTED AS RESOLUTION R-303122

Authorizing the Mayor, or his designee, to accept \$535,498 of funding from the Indian Gaming Local Community Benefit Committee (IGLCBC) to be deposited into Fund 10264, for the procurement of digital download microwave equipment to implement, Phase 3 of the Regional Command and Control Communications Project for the Fire-Rescue Department;

Authorizing the City Auditor and Comptroller to appropriate and expend grant funds from Fund 10264, for the procurement of digital download microwave equipment for the Fire-Rescue Department's Air Operations Division.

Staff: Brian Fennessy - (619) 533-4407
William Gersten - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S110: Accept H.U.D. Healthy Homes Demonstration Grant. (Districts 3, 4, 6, 7, and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-219) ADOPTED AS RESOLUTION R-303123

Authorizing the Mayor or his designee to negotiate, execute an agreement for, and accept grant funding in the amount of \$999,913 from the U.S. Department of Housing and Urban Development (HUD) in connection with the Healthy Homes Demonstration Grant, to be used for identifying and eliminating housing conditions that contribute to children's disease and injury;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend HUD grant award funds in the amount of \$999,913 to be used for the above purposes, subject to execution of a grant agreement by the Mayor or designee;

Authorizing the City Auditor and Comptroller to establish an interest bearing account for the deposit of such grant funds consistent with the grant requirements;

Declaring that the public outreach associated with the above activity is not a project and, therefore, is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(3). The proposed implementation of various health-related modifications to existing structures is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301.

Staff: Alan Johanns - (858) 573-1262
Grace C. Lowenberg - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S111: Federal FY 2006 and FY 2007 Emergency Management Performance Grants.
(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-257) ADOPTED AS RESOLUTION R-303124

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security, for and on behalf of the City, to apply for, accept and expend grant funds from the Federal FY 2006 and FY 2007 Emergency Management Performance Grants as the City's authorized agent;

Authorizing the Mayor, Chief Operating Officer, or the Deputy Chief Operating Officer for Public Safety/Homeland Security to take all necessary steps to secure the grant funds, and to negotiate and execute all agreements necessary to comply with the Emergency Performance Grant.

Staff: Donna Faller - (619) 533-6763.
Nooria Faizi - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S112: Grant of Easement to SDG&E for Conlon Property. (Lake Morena Community Area – Unincorporated San Diego County.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-267) ADOPTED AS RESOLUTION R-303125

Authorizing the Mayor, or his designee, to execute for and on behalf of the City of San Diego, an Easement granting to SDG&E an easement and right-of-way in, upon, under and across that certain City-owned real property located adjacent to Morena Reservoir;

Authorizing the City Auditor and Comptroller to accept an easement fee in the amount \$1,150 and deposit it into the appropriate account.

Staff: Lane MacKenzie - (619) 236-6050.
Brock Ladewig - Deputy City Attorney

FILE LOCATION: F-10209

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S113: Flood Water Storage Easement Vacation in Lots 6 and 7 of Martinez Ranch
Business Park Map No. 12488. (Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-187) ADOPTED AS RESOLUTION R-303126

Vacating the flood water storage easements located within Lots 6 and 7 of Martinez Ranch Business Park Map No. 12488, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20701-B, marked as Exhibit "B," to unencumber this property under the procedure for the summary vacation of easements, pursuant to San Diego Municipal Code Section 125.1010(c) et seq., California Street and Highways Code Section 8330 et seq.

Staff: G. Bollenbach - (619) 466-5417
Rachel C. Lipsky - Deputy City Attorney

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

FILE LOCATION: F-10210

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S114: Sewer Easement Vacation in Lot 6 of Siempre Viva Business Park Map No. 12659. (San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-288) ADOPTED AS RESOLUTION R-303127

Vacating the sewer easement located within Lots 6 and 7 of Siempre Viva Business Park Map No. 12659, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20727-B, marked as Exhibit "B," to unencumber this property under the procedure for the summary vacation of easements, pursuant to the San Diego Municipal Code Section 125.1010(c) et seq., California Streets and Highways Code Section 8330 et seq.

Staff: G. Bollenbach - (619) 466-5417
Rachel Lipsky - Deputy City Attorney

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

FILE LOCATION: F-10211

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S115: Lead Poisoning Prevention Awareness Week.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-320) ADOPTED AS RESOLUTION R-303128

Proclaiming the week of October 21, 2007 to be "Lead Poisoning Prevention Awareness Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S116: Alzheimer's Disease Awareness Month.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2008-237) ADOPTED AS RESOLUTION R-303129

Proclaiming November 2007 to be "Alzheimer's Disease Awareness Month" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:50 a.m.)

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

* ITEM-S117: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1235) RETURNED TO MAYOR

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: MEET

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

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

* ITEM-S118: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-272) RETURNED TO MAYOR

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: MEET

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

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



[ITEM-S150](#): Comprehensive Lead Paint Hazard Prevention.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S
RECOMMENDATION:**

Take the following actions:

(O-2007-97) RETURNED TO MAYOR

Receive, for the sole purpose of developing associated cost recoverable fees identified in Items 2 & 3 below, the proposed Lead Hazard Prevention and Control Ordinance (Ordinance) amending Abatement of Lead Hazards sections 54.1001 et seq. of the San Diego Municipal Code as recommended by the Land Use and Housing Committee on August 4, 2004;

Request the Mayor to develop for Council consideration a proposal to increase fees for the following permit categories for structures built before January 1, 1979: (a) Building Permit for Residential Room Addition; (b) Building Permit for Residential Remodel; (c) Building Permit for Non-residential Addition/Alterations; (d) Building Permit for Commercial Tenant Improvement; and (e) Demolition/Removal Permit, on a cost-recovery basis, for lead enforcement in connection with sections 54.1005, 54.1006 of the proposed Ordinance;

Request the Mayor to develop for Council consideration a proposal to establish a cost recovery application filing fee for a lead-safe or lead-free certificate for lead education and enforcement in connection with section 54.1010 of the Ordinance;

Request that consideration of cost recoverable fees together with introduction of the proposed Lead Hazard Prevention and Control Ordinance as recommended by the LU&H Committee be docketed for Council consideration within 90 days.

FILE LOCATION: MEET

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

MOTION BY COMMON CONSENT TO RETURN TO MAYOR. Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S200: City Reserve Policy.

(See Report to the City Council No. 07-163 (not available at Committee); Independent Budget Analyst Report No. 07-90; memorandum from Jay M. Goldstone dated 9/26/2007; and memorandum from Jay M. Goldstone dated 10/12/2007 (not available at Committee).)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2008-55) INTRODUCED, TO BE ADOPTED ON
TUESDAY, NOVEMBER 13, 2007

Approving the City of San Diego's Reserve Policy and amending Ordinance No. O-19652 entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2007-2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," and authorizing and directing the City Auditor and Comptroller to establish an Appropriated Reserve (Department 602) in the General Fund and transferring and appropriating \$7,000,000 from the General Fund Unallocated Reserve to Department 602 to establish an Appropriated Reserve for Fiscal Year 2008.

BUDGET AND FINANCE COMMITTEE'S RECOMMENDATION:

On 9/26/2007, Budget voted 5 to 0 to recommend the proposed Reserve Policy to the full City Council with the following changes/additions: 1) that the second sentence on page 5, in the section on Dedicated Reserves, which reads as follows be deleted: "These funds shall automatically carry over to future budget years and not require any further appropriation of funds by the City Council as long as the funds are used for the pre-identified purpose(s)." The Chief Financial Officer is requested to suggest alternative language for the Council's consideration when it takes up the proposed Reserve Policy; and 2) that all recommendations by the

Independent Budget Analyst be included in the policy. (Councilmembers Peters, Faulconer, Atkins, Frye, and Madaffer voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:32 a.m. – 11:46 a.m.)

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



ITEM-S201: Hold Public Hearing on San Pasqual Groundwater Management Plan (GMP). (San Pasqual and Rancho Bernardo Community Areas. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-316) ADOPTED AS RESOLUTION R-303130

Declaring that the City Council has received the Draft San Pasqual Groundwater Management Plan (Draft GMP);

Authorizing the Mayor or his designees to notice a public hearing pursuant to Government Code Section 6066 to consider comments on the Draft GMP and to consider the adoption of the San Pasqual Groundwater Management Plan within 35 days of the hearing;

Declaring that the public hearing for the City Council to consider the adoption of the San Pasqual Groundwater Management Plan will be held during the regularly scheduled City Council Meeting of November 13, 2007;

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15262 and this determination is based on CEQA Guidelines section 15004 which provides direction to lead agencies on the appropriate timing for environmental review. This project will require further review under the provisions of CEQA.

Staff: Marsi A. Steirer - (619) 533-4112
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:47 a.m. – 11:55 a.m.)

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

ITEM-S250: **Notice** of Pending Final Map Approval – The Vista at Rancho Bernardo.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “The Vista at Rancho Bernardo” (T.M. No. 8529/PTS No. 93304), located southeasterly of Rancho Bernardo Road and Via del Campo in the Rancho Bernardo Community Plan area in Council District 5, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

ITEM-S251: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the February 5, 2008 election:

| <u>DAY</u> | <u>DATE</u> | <u>DAYS BEFORE ELECTION</u> | <u>EVENT</u> |
|------------|-------------|-------------------------------------|---|
| Friday | 9/14/2007 | 144 | LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee |
| Wednesday | 9/19/2007 | 139 | Rules Committee review |
| Monday | 9/24/2007 | 134 | Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee (<i>NB: E-127 is 10/1/2007, a legislative recess</i>) |
| Monday | 10/8/2007 | 120 | Council adopts propositions for ballot; directs City Attorney to prepare ordinances |
| Monday | 10/29/2007 | 99 | Council adopts ordinances prepared by City Attorney |
| Friday | 11/9/2007 | 88 | Last day for City Clerk to file with Registrar of Voters all elections material |

Monday 11/26/2007 71 Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

ITEM-S330: Orcutt Avenue Street Vacation. A public Right-of-Way Vacation of unimproved Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road. (Navajo Community Plan Area. District 7.)

Matter of approving, conditionally approving, modifying, or denying Public Right-of-Way Vacation No. 164400 of unimproved Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, reserving a general utility and access easement over the vacated street, within the Navajo Community Planning area. No development is proposed with this project.

(Public R-O-W Vacation No. 164400. Project No. 56280.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-269 Cor. Copy)

RETURNED TO MAYOR

Adoption of a Resolution vacating and reserving there from a public utility and access easement for the continued use and maintenance of the public facilities together with ingress and egress for that purpose the street easement located within Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20337-B, marked as Exhibit "B," and on file in the Office of the City Clerk;

That said street vacation is conditioned upon completion of all of the following:

- (a) Construction of a 5-foot sidewalk within the 10-foot curb-to-property line along the area to be vacated to match the existing sidewalk on Friars Road and Mission Gorge Road to the satisfaction of the City Engineer;

- (b) The recordation of an Encroachment Maintenance and Removal Agreement for the private facilities within the general utility and access easement to include a masonry wall, sewer laterals, parking lot, landscaping, and irrigation within the vacated Orcutt Avenue public right-of-way.

In the event these conditions are not completed with two years following the adoption of the resolution, then this resolution shall become void and be of no further force or effect.

That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15305, Minor Alteration in Land Use Limitations.

Staff: Leslie Goossens – (619) 446-5431
Rachel Lipsky – Deputy City Attorney

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

FILE LOCATION: MEET

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

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



ITEM-S331: 15640 Bernardo Tentative Map, application for a Tentative Map to convert 316 existing apartment units into condominiums, including a request for a Right-of-Way Vacation and an Easement Abandonment within the Rancho Bernardo Community Plan. (Rancho Bernardo Community Plan Area. District 5.)

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map to convert 316 residential units to condominiums including a request for a Right-of-Way Vacation and an Easement Abandonment on a 27.05 acre site at 15640 Bernardo Center Drive in the RM-1-1 Zone within the Rancho Bernardo Community Plan. The proposed right-of-way vacation is for an unused and unimproved triangular sliver of a future street reservation adjacent to Camino del Norte. The easement abandonment is for a portion of a general utility easement within the residential complex.

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

(Tentative Map No. 352695/Easement Abandonment No. 366059/Public Right-of-Way Vacation No. 366060/Project No. 106141.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-263)

CONTINUED TO TUESDAY, DECEMBER 4, 2007

Adoption of a Resolution approving the findings with respect to Tentative Map No. 352695, Public Right-of-Way Vacation No. 366060, and Easement Vacation No. 366059;

That pursuant to SDMC section 125.0941, the Council approves the findings for the Public-Right-of-Way Vacation;

That pursuant to SDMC section 125.1040, the Council approves the findings for the Easement Abandonment;

That Tentative Map No. 352695, Easement Abandonment No. 366059 and the Public Right-of-Way Vacation No. 366060 is granted to EQR Deerwood Vista, Inc., Applicant/Subdivider and Project Design Consultants, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

NOTE: This activity is exempt from CEQA pursuant to Section 15301(k) of the State CEQA Guidelines (Existing Facilities.)

Staff: Patrick Hooper – (619) 557-7992
Andrea Dixon – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:21 p.m. - 2:21 p.m.)

MOTION BY HUESO TO CONTINUE TO TUESDAY, DECEMBER 4, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S332: Netta Terrace, Project No. 2250. Approve, conditionally approve, modify or deny a Public Right-Of-Way Vacation, Tentative Map, Planned Development Permit and a Site Development Permit for the creation of seven (7) residential lots from one (1) existing lot. (Planning Commission Report PC-07-085. Southeastern San Diego Community Plan Area. District 4.)

Matter of approving, conditionally approving, modifying or denying a Public Right-Of-Way Vacation, Tentative Map, Planned Development Permit and a Site Development for the creation of seven (7) residential lots from one (1) existing lot, with deviations to the lot standards, hardscape requirements and for wetland deviations. No development is proposed at this time. The vacant, 1.96-acre site is located on the north side of Cervantes Avenue, just west of South 58th Street (unimproved) and immediately south of an existing subdivision located on Radio Court, in the SF-10,000 Zone of the Southeastern San Diego Planned District in the Southeastern San Diego Community Plan Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2008-279) CONTINUED TO TUESDAY NOVEMBER 13, 2007

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration LDR No. 2250, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a planned development permit/site development permit, tentative map and public right-of-way vacation for the Netta Terrace project;

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

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

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

Subitem B: (R-2008-271) CONTINUED TO TUESDAY, NOVEMBER 13, 2007

Adoption of a resolution following findings with respect to Tentative Map and Public Right-of-Way Vacation No. 463163:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code (LDC) Section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code(LDC Section 125.0440(b) except as allowed by Planned Development Permit No. 463165 and Site Development Permit No. 463166.
3. The site is physically suitable for the type and density of development (LDC Section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC Section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC Section 125.0440(e) and Subdivision Map Act Section 66474(f).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC Section 125.0440(f) and Subdivision Map Act Section 66474(g).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC Section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC Section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The property contains a right-of-way and/or easement which must be vacation to implement the Final Map in accordance with San Diego Municipal Code Section 125.0430.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Declaring that pursuant to California Government Code Section 66434(g), portions of South 58th Street, located within the project boundaries as shown in Tentative Map No. 463163, shall be vacated, contingent upon the recordation of the approved final map for the project;

Declaring that Tentative Map and Public Right-of-Way Vacation No. 463163 is granted to Sedlack Development Co., L.C., Applicant/Subdivider and Grabhorn Engineering Corporation, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

Subitem C: (R-2008-278) CONTINUED TO TUESDAY, NOVEMBER 13, 2007

Adoption of a resolution following findings with respect to Planned Development Permit No. 463165/Site Development Permit No. 463166;

The findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Declaring that Planned Development Permit No. 463165/Site Development Permit 463166 is granted to Sedlack Development Co., L.P., Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Staff: Sandra Teasley – (619) 446-5271
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:22 p.m. - 2:23 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, NOVEMBER 13, 2007, FOR FURTHER REVIEW. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-recused, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

"This item was continued entirely, or in part, from the July 31 hearing. Whether the item was continued in full or in part is in dispute. That dispute will be resolved by Item S500 and S501. Therefore, this item will be heard in its entirety or just a portion based on the result of the above."



ITEM-S333: Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

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. Mission Valley Community Plan Area. District 6.)

(Continued from the meeting of July 31, 2007, ITEM 330; and September 25, 2007, ITEM 334; last continued at the request of Council President Peters, 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: CONTINUED TO TUESDAY, DECEMBER 4, 2007

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: CONTINUED TO TUESDAY, DECEMBER 4, 2007

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.

Staff: Patrick Hooper – (619) 557-7992

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:04 p.m. - 5:53 p.m.)

Testimony in favor by Randy Berkman, Gayle Thompson, Mary Jay Slupe, Jim Baross, and Jim Peugh.

Testimony in opposition by Mike McDade.

Motion by Frye that City Council has reviewed and considered the Initial Study, the Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program [collectively, the MND] for this project and has fully considered all information and evidence as found in the record.

The City Council further finds that the Mitigated Negative Declaration has not been prepared in compliance with the California Environmental Quality Act [CEQA] nor in compliance with the State CEQA Guidelines.

The City Council finds that the Mitigated Negative Declaration fails to adequately identify, consider, and analyze the potential significant adverse environmental impacts, fails to adequately mitigate potential significant adverse impacts, fails to analyze and provide all feasible mitigation measures and fails to adequately analyze and address feasible alternatives.

The City Council further finds that a fair argument, based upon substantial evidence in the record, has been made that the project may cause significant adverse environmental impacts that have not been fully mitigated and thus an Environmental Impact Report is warranted.

The City Council further finds, for the reasons explained below, that substantial evidence in the record establishes the following potential significant adverse environmental impacts that have not been fully mitigated:

1. Impacts to Aesthetics, Loss of Steep Slopes and Building Incompatibility:

(a) The project exceeds the City's allowable height and bulk regulations and bulk of the existing patterns of development in the vicinity of the project by a substantial margin. The project is located in a highly visible area, on the steep slopes of Mission Valley, and would strongly contrast with surrounding development and/or natural topography through excessive height and bulk.

(b) The project would result in the physical loss, isolation or degradation of a community identification symbol or landmark, which is identified in the General Plan, applicable Community Plan, or local coastal program. Specifically, the Mission Valley Community Plan identifies the "linear greenbelt and natural form of the southern hillsides" as a community landmark and calls it out for preservation. This greenbelt is located above the 150-foot contour line and is located within the steep slopes of the southern hillside where this project will encroach. The Mission Valley Planned District Ordinance also prohibits development over the 150-foot contour line to protect steep slopes. By allowing development above the 150-foot contour line, the project results in the physical loss of steep slopes in the linear greenbelt, which are identified in the Mission Valley Community Plan.

(c) The project significantly conflicts with height, bulk and/or coverage regulations of the zone, particularly in that it encroaches into designated open space and the open space easement, and it would be developed over the 150-foot contour line.

2. Inconsistency with Mission Valley Community Plan

(a) According to the Mission Valley Community Plan, "[d]evelopment oriented toward the valley and accessed by roads from the Valley floor should not extend above the 150-foot elevation contour." The Mission Valley Community Plan states that one of its objectives is to "[p]reserve as open space those hillsides characterized by steep slopes or geological instability in order to control urban form, insure public safety, provide aesthetic enjoyment, and protect biological resources." The inconsistency with the goals, objectives, and guidelines of the Mission Valley Community Plan should be addressed in the CEQA document for this project and fully mitigated. It was not. Under CEQA, the following are significant land use impacts:

- (1) Inconsistency/conflict with the environmental goals, objectives, or guidelines of the community or general plan is a significant environmental impact. The project is inconsistent with the Mission Valley Planned District Ordinance in that the Ordinance prohibits development above the 150-foot contour line. Furthermore, the project conflicts with the environmental goals of both the community and the general plan because it encroaches on designated open space.
- (2) Development or conversion of a general plan or community plan designated open space to a more intensive land use is a significant environmental impact. The project provides for development in designated open space to a more intensive land use; a large percentage of the building footprint encroaches into the open space.

3. Impacts to Traffic and Average Daily Trips

In determining the Average Daily Trips [ADTs] for this project, steep hillsides were improperly included in the calculation of the allowable ADTs. The San Diego Municipal Code expressly prohibits the inclusion of steep hillsides in the calculation of ADTs. Section 1514.0301(d)(1)(A) and (C) states, "Land acreage within a steep hillside shall not be used to calculate the ADT allocation." Furthermore, Table 1514-03A of the Municipal Code emphasizes, "Excluding acreage within steep hillsides." This is significant because, per the City's Significance Determination Thresholds, traffic impacts are evaluated by the number of average daily trips [ADTs] created by a project. If the steep hillsides are excluded from the ADT calculation for this project, the ADT allowance is exceeded and reveals significant traffic impacts. The majority of this project is located in steep hillsides. Exceeding the ADT allowance would also require an exception to the Planned District Ordinance [PDO] regulations or an amendment to the Mission Valley Community Plan as per San Diego Municipal Code Section 1514.0303.

4. Brush Management Impacts

As the steep slopes where this project will be located contain sensitive biological resources including rare, threatened, and/or endangered plant and/or animal species and their habitat and because fire may have a substantial adverse affect on human beings, the lack of brush management is by definition a significant environmental impact under CEQA Guidelines Section 15065 subsections (a) and (d). This project has no brush management requirement and instead relies solely on fireproof building materials and a sprinkler system in order to address fire safety. No report was conducted by a fire behavior analyst and no written opinion was obtained from the

Fire Chief as to the Adequacy of the Alternative measures as required by the San Diego Municipal Code. Under the San Diego Municipal code Section 142.0142, brush management is required for all development adjacent to open space. This Municipal Code provision applies to this project. The Municipal Code also mandated two zones around this project's structures. Zone One extends 35 feet beyond the structure and must be free of habitable structures and must be irrigated, among other requirements. Zone Two extends 65 feet beyond Zone One and provides for thinning of natural habitat. These requirements may be modified upon written opinion of the Fire Chief, based upon a fuel-load model report conducted by a certified fire behavior analyst, among other requirements. This project fails to meet these Municipal Code requirements.

The City Council has considered the appeal and grants the appeal, sets aside the Mitigated Negative Declaration, and retains jurisdiction remanding the project back to staff with the following instruction: (1) prepare an Environmental Impact Report that fully addresses the potential adverse environmental impacts identified in this determination, (2) where necessary, prepare a Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations, and (3) upon completion of the Environmental Impact Report return to City Council so that City Council may determine whether to certify the Environmental Impact Report, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations. Second Young. Failed. Yeas-2346; Nays-178; Not Present-5

MOTION BY HUESO TO CONTINUE TO TUESDAY, DECEMBER 4, 2007, FOR FULL COUNCIL TO BE PRESENT FOR THE HEARING, AT 2:00 P.M. TIME CERTAIN. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-S500](#): Reconsideration of the vote taken on the Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S
RECOMMENDATION:**

Take the following actions:

Subitem-A: WAIVED

Waiving the Permanent Rules of the City Council, Section 22.0101.5 of the San Diego Municipal Code.

NOTE: 6 votes required.

Subitem-B: RECONSIDERED

Reconsidering the vote taken on July 31, 2007, Item 330, Pacific Coast Office Building, PTS Project No. 54384, Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

NOTE: If the matter is to be reconsidered, time has been reserved for Item S501 to be heard following this item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:43 p.m. - 4:56 p.m.)

MOTION BY FRYE TO WAIVE THE PERMANENT RULES OF THE CITY COUNCIL IN SUBITEM A. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY FRYE TO RECONSIDER THE VOTE TAKEN ON JULY 31, 2007, REGARDING ITEM 330. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S501: Reconsideration of the vote taken on the Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S
RECOMMENDATION:**

WITHDRAWN; THIS ITEM WAS ADDRESSED AS
PART OT ITEM S333

Reconsider the July 31, 2007 Item 330: Reconsideration of the vote taken on the Pacific Coast Office Building, PTS Project No. 54384. Appeal of the Environmental Document, Mitigated Negative Declaration No. 54384.

Due to the fact that Councilmember Frye made the motion with the intent: IN ACCORDANCE WITH THE SAN DIEGO MUNICIPAL CODE SECTION 112.0520 SUBSECTION D THAT COUNCIL GRANT THE APPEAL, SET ASIDE THE MITIGATED NEGATIVE DECLARATION AND DIRECT THE CITY ATTORNEY TO RETURN WITH FINDINGS TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT FOR THE CITY COUNCIL TO CONSIDER ON SEPTEMBER 25TH.

However, when Council President Peters seconded the motion, his intent was: TO DECLARE THE PUBLIC HEARING CLOSED AND CONTINUE THE ITEM TO THE 25TH OF SEPTEMBER IN ORDER FOR THE CITY ATTORNEY TO RETURN WITH FINDINGS FOR THE CITY COUNCIL TO CONSIDER.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 5:56 p.m. - 5:56 p.m.)



ITEM-S502: Approval of Council Minutes.

(Continued from the meeting of October 16, 2007, Item 30, minutes of July 31, 2007, at the request of Councilmember Frye, for reconsideration.)

TODAY'S ACTION IS:

APPROVED

Approval of Council Minutes for the meeting of:

07/31/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:02 p.m. - 6:14 p.m.)

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



ITEM-S503: Reconsideration of Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

COUNCILMEMBER FRYE'S RECOMMENDATION:

Take the following actions:

Subitem-A: WAIVED

Waiving the Permanent Rules of the City Council, Section 22.0101.5 of the San Diego Municipal Code.

NOTE: 6 votes required.

Subitem-B: RECONSIDERED

Reconsidering the Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.) (Item 330 on 10/16/2007.)

NOTE: If the matter is to be reconsidered, time has been reserved for the item to be heard this afternoon (Tuesday, October 30, 2007).

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:26 p.m. - 3:58 p.m.)

MOTION BY FRYE TO WAIVE THE PERMANENT RULES OF THE CITY COUNCIL IN SUBITEM A. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY FRYE TO RECONSIDER THE SITE LOCATION OF THE SINGLE ADULT SHELTER FY 2008 HOMELESS EMERGENCY WINTER SHELTER PROGRAM, ITEM 330 ON NOVEMBER 16, 2007. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-S504: Reconsideration of the Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.)

COUNCILMEMBER FRYE'S RECOMMENDATION:

Reconsider the Site Location of the Single Adult Shelter FY 2008 Homeless Emergency Winter Shelter Program. (Citywide.) (This item was originally docketed as Item 330 on 10/16/2007.)

(See Report to the City Council No.07-138; Site Reviewed for Winter Homeless Shelter Location dated 8/29/2007; memorandum from Scott Kessler, Deputy Director of Economic Development Division, dated October 8, 2007, providing additional information on locations; and memorandum from Councilmember Hueso dated 9/11/2007.)

(Continued from the meeting of September 11, 2007, at Councilmember Hueso's recommendation, to identify additional alternative locations.)

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2008-169 Rev.) ADOPTED WITH DIRECTION AS
RESOLUTION R-303087

Designating a site location of the Single Adult Shelter for the FY 2008 Homeless Emergency Winter Shelter Program from the following alternative sites:

- Newton Avenue at 16th Street (1535 Newton Avenue) in the East Village Community;
- Enterprise Street between Jessop and Midway, across from the Midway Post Office in the Point Loma Community; or

- Park Boulevard at President's Way in the former Navy Hospital's lower parking lot in the Balboa Park Area.

NOTE: Proposed additional new sites for Council consideration:

- Tailgate Park – K Street / 12th Avenue / 13th Street / 14th Street / Imperial Avenue (Downtown San Diego)*
- Vacant city lot bounded by G Street / Market / 11th Avenue / Park Blvd. (Downtown San Diego)

* Unknown at this time, potential loss of revenue for the City regarding the Rugby Sevens Tournament held at Petco Park, February 9th and 10th, 2008 with Tailgate Park used for the event parking.

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

STAFF SUPPORTING INFORMATION:

On September 11, 2007, City Council was presented with three options for the location of the FY 2008 Homeless Emergency Winter Shelter Program's Single Adult Program: the Ex-Navy Hospital lower parking lot (at Balboa Park), Enterprise Street between Jessop Lane and Midway Boulevard (Pt. Loma), and 16th Street at Newton Avenue (Downtown San Diego). City Council voted at the September 11th meeting to continue the item until October 16, 2007 with direction to the City Attorney's Office to review any applicable state laws that may prohibit the City from citing the Homeless Emergency Winter Shelter Single Adult Program due to registered sexual offenders or other issues. During discussion at the City Council meeting, the Council requested that Homeless Services pursue any additional locations that may be available.

After the September 11th City Council meeting City staff once again reached out to City departments and identified eleven (11) additional potential locations with assistance from CCDC. Homeless Services quickly reviewed these sites for the minimum requirements. Of the eleven (11) sites, nine (9) sites were eliminated mostly due to the minimum size required for the sprung tent structure. The following two (2) sites were identified as possible locations for the site: Tailgate Park - K Street / 12th Avenue / 13th Street / 14th Street / Imperial Avenue (Downtown San Diego)* and the vacant city lot bounded by G Street / Market / 11th Avenue / Park Blvd. (Downtown San Diego).

The following minimum requirements were used to evaluate potential sites for the location of the Single Adult Program's homeless shelter sprung structure:

- The footprint of the single adults' shelter sprung structure is 60' x 180'. For purposes
- of conducting shelter operations, a minimum area of 65' (width) x 500' (length), or larger of paved, flat, relatively level space to accommodate the needed infrastructure for sanitation (showers, toilets and washing areas), food service and medical support;
- Proximity (easy walking distance) to public transportation or mass transit;
- Availability of electrical and water hookups;
- Near "core City area"; and
- Minimal disruption to the surrounding area.

FISCAL IMPACT:

There is no impact to the General Fund from this action. However, additional infrastructure costs would result in the need to adjust the designated line items included in the existing FY 2008 Homeless Emergency Winter Shelter Program budget.

* Unknown at this time, potential loss of revenue for the City regarding the Rugby Sevens Tournament held at Petco Park, February 9th and 10th, 2008 with Tailgate Park used for the event parking.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Continued from City Council meeting of September 11, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses in downtown area of East Village community and residents and businesses in the Midway area.

Kessler/Anderson

Staff: Sharon Johnson - (619) 533-6525

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:59 p.m. - 4:16 p.m.)

MOTION BY FAULCONER TO ADOPT THE RESOLUTION WITH DIRECTION TO SELECT TAILGATE PARK AS THE TEMPORARY WINTER SHELTER SITE FOR FY 2008. DIRECT THE MAYOR OR DESIGNEE TO ENTER INTO AN AGREEMENT FOR A TERM LIMITED TO ONE YEAR; PROVIDE INDEMNIFICATION FROM THE CITY FOR LIABILITY ON THE SITE; TO PROVIDE FOR FULL-TIME SECURITY TO BE PAID FOR AT PRIVATE EXPENSE; PROVIDE TWO EXTRA POLICE OFFICERS DURING THE RUGBY TOURNAMENT; PROVIDE SECURITY FENCING/SCREENING TO PREVENT OVERFLOW TO BARRIO LOGAN. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.



* [ITEM-S505](#): Two actions related to Waiver of City Fees Associated with City of San Diego 2007 Wildfire Damages. (Rancho Bernardo Community Area. District 5.)

(See Report to the City Council No. 07-175.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2008-373) ADOPTED WITH DIRECTION AS
RESOLUTION R-303131

Waiving demolition permit and building permit fees and provide vouchers for recycling of source separated concrete slabs and bricks, and for disposal of un-recyclable debris associated with the demolition of fire damaged or destroyed building property within the City.

Designating fire reconstruction permit applications resulting from the 2007 wildfires to be the highest priority for expedited development review of building permits in the City.

STAFF SUPPORTING INFORMATION:

The recent wildfires resulted in significant property destruction and damage within the City of San Diego. Latest damage assessments indicate that 362 homes were destroyed and another 62

homes sustained fire damage in Rancho Bernardo; property damage was also sustained in the San Pasqual Valley.

Following the Cedar Fire, the City Council adopted Resolution R-298600 which waived demolition permit fees and waste disposal fees at the Miramar Landfill, and reimbursed costs of recycling concrete slabs and bricks, all associated with the demolition of fire damaged or destroyed buildings within the City. The Resolution also waived building permit fees and gave priority to permit applications for reconstruction of such buildings. The General Fund reimbursed the Development Services Department (DSD) and Environmental Services Department (ESD) Enterprise funds for this waiver and reimbursement program. The same permit fee waivers are being recommended for those property owners affected by this year's fire. Similar relief is proposed for recycling mixed construction and demolition waste, concrete slabs and bricks, and unrecyclable debris generated as a result of the demolition related to the damaged residences, with a new emphasis on recycling.

DISCUSSION:

The resolution provides for waiver of demolition permit fees, a voucher program for waste disposal fees at the Miramar Landfill, recycling fees at City approved facilities, and waiver of building permit fees associated with the demolition of fire damaged or destroyed buildings within the City.

Building Permit and Demolition Permit Fees:

Development impact fees, water and sewer connection fees, and capacity fees will not be charged for new structures replacing those destroyed in the fire because there are no new development impacts to the community and reconstructed buildings can use their existing water and sewer connection. Fire reconstruction related demolition permits will be administered as a no-charge administrative process.

Waste Disposal and Recycling Vouchers:

The resolution provides for the provision of vouchers for waste disposal fees at the Miramar Landfill, and recycling costs at City approved facilities associated with the demolition of fire damaged or destroyed building property within the City of San Diego. Unless otherwise directed by the City Council, these vouchers will only apply to fire-related debris generated in the City of San Diego during the demolition phase.

Given the expected volume of concrete slab and brick debris which can be recycled at several facilities around the region; and soft, above slab debris which can be recycled at a recently opened mixed C & D recycling facility; recycling of these materials should be implemented in conjunction with any disposal fee voucher for Miramar Landfill. Currently, it is common practice in the industry to recycle these materials at privately operated facilities. Providing only disposal fee waivers for C & D waste disposed to Miramar Landfill will reduce the incentive for

haulers to recycle these materials at local recycling facilities. In order to demonstrate good faith efforts to comply with State waste diversion mandates and to comply with its own C & D policy, the City will provide vouchers to offset the cost paid at approved facilities to recycle these materials and not allow the material to be disposed of in the City's landfill. The ESD is coordinating with private concrete recyclers to determine if they will provide free recycling for concrete slabs and chimney, garden, and wall paver materials delivered to their families.

FISCAL CONSIDERATIONS:

Based on the results of the Cedar fire, it is estimated that the combined cost of waiving building and demolition permit fees and the voucher program for waste disposal fees and recycling costs totals \$2.3 million. The estimated impact by fiscal year is \$1.7 million in FY 2008 and \$580,000 in FY 2009.

Plan check and building inspection services due to the reconstruction of fire destroyed buildings will be provided by current staff.

PREVIOUS COUNCIL/COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH: None.

ENVIRONMENTAL IMPACT:

The proposed waiver of permit and waste disposal fees are exempt from CEQA Pursuant to Section §15061 (b) (3).

CONCLUSION:

The passage of the resolution will provide all building owners who were affected by the 2007 wildfires relief from building and demolition permit costs needed to rebuild or repair buildings. It will also establish a voucher program for waste disposal and recycling costs for the demolition of buildings that were destroyed or damaged within the City.

Based on City Council approval, staff will work closely with affected property owners and any homeowners associations in each affected community to assist in the rebuilding process.

ALTERNATIVE:

Do not waive fees and provide recycling vouchers for all owners of fire destroyed or damaged structures but instead waive fees only for homeowners who are uninsured or underinsured. This will require an amendment to the resolution.

Boekamp/Heap/Anderson

FILE LOCATION: MEET

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

MOTION BY MAIENSCHIN TO ADOPT AND DIRECT STAFF TO DEVELOP A WASTE MANAGEMENT REGULATION WHICH WOULD PROHIBIT DISPOSAL OF CONCRETE BRICKS AND SLABS TO MIRAMAR LAND FILL. THAT MATERIAL WILL BE GOING TO CONCRETE RECYCLERS IN THE REGION.

Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

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

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

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:45 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:17 p.m. in honor of the memory of.

Sally Jones as requested by Council Member Faulconer.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 6:14 p.m. - 6:17 p.m.)