

THE CITY OF SAN DIEGO, CALIFORNIA
 MINUTES FOR REGULAR COUNCIL MEETING
 OF
 TUESDAY, OCTOBER 21, 2008
 AT 9:00 A.M.
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:01 a.m. The meeting was recessed by Council President Peters at 11:30 a.m.

The meeting was reconvened by Council President Peters at 2:05 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 2:27 p.m. to convene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:34 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:36 p.m. to reconvene the Redevelopment Agency. Council President Peters reconvened the regular meeting at 2:37 p.m. with all Council Members present. Council President Peters recessed the meeting at 3:58 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:06 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:19 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:24 p.m. with Council Member Faulconer and Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:57 p.m.

ATTENDANCE DURING THE MEETING:

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

(8) Council Member Hueso-present

Clerk-Maland (dlc/mz)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

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

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:49 a.m.)

PUBLIC COMMENT-2:

Nancelle Lauffer commented on the homeless, poor and mentally ill.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:53 a.m.)

PUBLIC COMMENT-3:

Cricket Bradburn commented on the poor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. – 10:56 a.m.)

PUBLIC COMMENT-4:

Tom Condelles commented on complaints with the Metropolitan Transit System.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-5:

Phil Hart commented on the budget and ethics.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-6:

Tim Clark commented on alternative transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:06 a.m.)

PUBLIC COMMENT-7:

April Valdez commented on pancreatic cancer.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. - 11:09 a.m.)

PUBLIC COMMENT-8:

Izean Rim Jr. commented on public safety.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. - 11:09 a.m.)

PUBLIC COMMENT-9:

Gary Abbamonte and Salvatore D'Anna commented on the Hyatt Mission Bay Lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:09 a.m. - 11:12 a.m.)

PUBLIC COMMENT-10:

Joy Sunyata commented on the budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:12 a.m. - 11:15 a.m.)

PUBLIC COMMENT-11:

Joey Rocano commented on a waiver.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:19 a.m. - 11:22 a.m.)

PUBLIC COMMENT-12:

Cynthia Conger commented on City planning.

FILE LOCATION: AGENDA

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

PUBLIC COMMENT-13:

Elinor Rector commented on culture issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:26 a.m. - 11:28 a.m.)

PUBLIC COMMENT-14:

David Ross commented on the displaced in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:29 a.m. - 11:29a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Young thanked the San Diego Fire Department for their prompt service taking care of a recent fire in his community.

FILE LOCATION: MINUTES

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

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



[ITEM-30:](#) Bird Rock Leaders Day.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2009-440) ADOPTED AS RESOLUTION R-304270

Commending the Bird Rock (BR) community leaders and citizens, for their contributions, ideas and commitment to foster and maintain a solid neighborhood identity and promote sustainable development;

Proclaiming October 21, 2008, to be "Bird Rock Leaders Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:27 a.m.)

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



[ITEM-31:](#) Rancho Bernardo Local Assistance Center Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-438) ADOPTED AS RESOLUTION R-304271

Proclaiming October 21, 2008, as "Rancho Bernardo Local Assistance Center Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:01 a.m. – 10:19 a.m.)

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



[ITEM-32:](#) Keith Rhodes Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-302) ADOPTED AS RESOLUTION R-304272

Proclaiming October 21, 2008, to be "Keith Rhodes Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:33 a.m.)

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

- * ITEM-50: Contract Change Order No. 2 with Nature's Image, Inc., for the Rancho Mission Canyon Wetland Enhancement Project. (Navajo Community Area. District 7.)

(See Metropolitan Wastewater Department's 7/22/2008, Executive Summary Sheet.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2008, Item 51. (Council voted 8-0):

(O-2009-38) ADOPTED AS ORDINANCE O-19790 (New Series)

Authorizing the Mayor, or his designee, to execute Contract Change Order No. 2 and approving Contract Change Order No. 2 to the contract with Nature's Image, Inc. for the Rancho Mission Wetland Enhancement, under the terms and conditions to provide a time extension of 1512 days and to add an additional \$262,078.76 to the contract;

Authorizing an amount not to exceed \$262,078.76 from Sewer Fund 41506, Dept. 776, Org. 725, solely and exclusively, to provide funds for Change Order No. 2;

Declaring that the above activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c). This activity is a subsequent discretionary approval covered under Program EIR, PTS No. 6020, dated December 15, 2003. This 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.

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

FILE LOCATION: CONT – NATURE’S IMAGE, INC.

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

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-51: New Lease Agreement with Rancho De La Loma, LLC. (San Pasqual Valley Community Area. District 5.)

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2008, Item 52. (Council voted 8-0):

(O-2009-45) ADOPTED AS ORDINANCE O-19791 (New Series)

Authorizing the Mayor, or his designee, to execute a 15-Year Percentage Lease with Rancho De La Loma, LLC for approximately 64 acres located in the San Pasqual Valley Agricultural Preserve.

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

FILE LOCATION: LEASE – RANCHO DE LA LOMA, LLC.

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

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-52: Agreement with NextG Networks, Inc., for the Conversion of Overhead Facilities to Underground Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2008, Item 53. (Council voted 8-0):

(O-2009-25) ADOPTED AS ORDINANCE O-19792 (New Series)

Authorizing the Mayor to execute, for and on behalf of the City, an Agreement with NextG Networks, Inc., for an amount not to exceed \$500,000 for the relocation of overhead facilities to underground service, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

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

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

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-53: Exempting a Program Manager Position from the Classified Service in the Library Department.

(See memoranda from Hadi Dehghani dated 7/17/2008 and 6/27/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2008, Item 54. (Council voted 8-0):

(O-2009-37) ADOPTED AS ORDINANCE O-19793 (New Series)

Exempting from the Classified Service a Program Manager Position in the Library Department and declaring it to be in the Unclassified Service of the City of San Diego, pursuant to Section 117(a)17 of the City Charter, after having been reviewed and commented upon favorably by the Civil Service Commission on July 3, 2008, as meeting the Charter criterion for exemption from the classified service, and after having considered and reviewed the Report thereon from the Personnel Director to the Council President and City Council dated July 17, 2008.

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-54: Amendments to San Diego Municipal Code Sections 26.0701-26.0730, Commission for Arts and Culture. (Citywide.)

(See Report to the City Council No. 08-136; Amended/Proposed version of SDMC 26.0701 et seq., and strike-out version, dated May 29, 2008; Commission for Arts and Culture PowerPoint; S.D. Arts and Culture Policy Recommendations with CPI's August 28, 2007, report; and Report from the City Attorney dated 9/4/2008.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2008, Item 55. (Council voted 8-0):

(O-2009-21 Cor. Copy) ADOPTED AS ORDINANCE O-19794
(New Series)

Amending Chapter 2, Article 6, Division 7, of the San Diego Municipal Code, by amending Section 26.0701 through Section 26.0704; by amending and renumbering Section 26.0705 to Section 26.0721, Section 26.0706 to Section 26.0714, Section 26.0707 to Section 26.0715, Section 26.0708 to Section 26.0716, Section 26.0709 to Section 26.0717, Section 26.0710 to Section 26.0718, Section 26.0711 to Section 26.0719 and Section 26.0712 to Section 26.0720; and by adding Section 26.0713 through Section 26.0728, all relating to the Commission for Arts and Culture. These amendments and additions: (1) set forth and clarify the respective duties and functions of the Commission, the Executive Director, and Commission staff; (2) formally establish the Executive Director as the steward for the City's art collection; (3) improve the process for acquiring and documenting art; and (4) clarify conflict of interest requirements and appointment procedures for Commissioners.

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-55: Amendments to the Election Campaign Control Ordinance and Municipal Lobbying Ordinance.

(See memorandum from City Attorney dated 10/1/2008; memorandum from Ethics Commission's dated 8/20/2008; Ethics Commission's Update of Proposed Amendments dated 9/2/2008; and memorandum from Guillermo Cabrera and Stacey Fulhorst dated 9/12/2008.)

CITY COUNCIL'S RECOMMENDATION:

On October 6, 2008, Item 151, Council voted as follows:

1. Motion by Councilmember Frye, second by Councilmember Young, to introduce the ordinance with the exception of the third filing report and the contribution limit changes. (Council voted: Unanimously; all present.)
2. Motion by Councilmember Frye second by Councilmember Atkins, to adopt the third campaign filing report recommendation. (Council voted: 1, 2, 3, 5, 6-yea; 4, 7, 8-nay.)
3. Motion by Councilmember Hueso second by Council President Pro Tem Madaffer, to increase the campaign contribution limits to \$500 (increasing lobbyist fundraising disclosure or Profession Expense Fund contribution limits accordingly.) (Council voted: 1, 2, 4, 7, 8-yea; 3, 5, 6-nay.)

Adopt the following ordinance which was introduced as amended on 10/6/2008, Item 151:

(O-2009-42 Rev.) ADOPTED AS ORDINANCE O-19795 (New Series);
RECOMMENDATION NO. 2 RECONSIDERED IN
AFTERNOON MEETING

Amending Chapter 2, Article 7, Division 29 of the San Diego Municipal Code by amending Sections 27.2903, 27.2911, 27.2912, 27.2916, 27.2917, 27.2924, 27.2925, 27.2930, 27.2935, 27.2936, 27.2937, 27.2938, 27.2939, 27.2945, and 27.2960; retitling and amending Sections 27.2965, 27.2966, 27.2967, 27.2968, and 27.2969; and amending Section 27.2971, relating to the City of San Diego Election Campaign Control Ordinance; and amending Chapter 2, Article 7, Division 40 of the San Diego Municipal Code by amending Section 27.4002, relating to Campaign Fundraising Disclosures under the City's Municipal Lobbying Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:37 a.m.;
6:47 p.m. – 6:49 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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.

MOTION BY MADAFFER TO RECONSIDER COUNCIL RECOMMENDATION NO. 2 RELATING TO THE THIRD CAMPAIGN FILING REPORT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY FRYE TO ADOPT COUNCIL RECOMMENDATION NO. 2 RELATING TO THE THIRD CAMPAIGN FILING REPORT. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-yea, Madaffer-nay, Hueso-nay.

- * ITEM-56: Nancy Ridge Business Park, Project No. 114358. Rezone located on the south side of Nancy Ridge Drive, south of Carroll Canyon Road intersections, and north of the Coaster railway. (Mira Mesa Community Plan Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2008, Item 335, Subitem C. (Council voted 8-0):

(O-2009-40) ADOPTED AS ORDINANCE O-19796 (New Series)

Rezoning 13.95 acres located within the Mira Mesa Community Plan Area from the AR-1-1 Zone into the IL-2-1 Zone, as defined by San Diego Municipal Code Section 131.0603; And repealing Ordinance No. 18451 (New Series), adopted December 9, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

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

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. 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-100: Inviting Bids for the Slurry Seal, Group I, Fiscal Year 2009 Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-320) ADOPTED AS RESOLUTION R-304273

Approving the plans and specifications for Slurry Seal, Group I, Fiscal Year 2009 (Project), on Work Order No. 576510;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the above Project to the lowest responsible and reliable bidder in an amount not to exceed \$5,785,500;

Authorizing the expenditure of an amount not to exceed \$6,090,000, solely and exclusively, to provide funds for the above contract, contingency, and related costs, to be expended as follows: \$5,800,000 from Street Division General Fund No. 100 and \$290,000 from Underground Surcharge Fund No. 30101, CIP-37-028.0, Annual Allocation - Utilities Underground Program;

Authorizing the Mayor, or his designee, to exercise an option to extend the contract to slurry seal additional streets in an amount not to exceed \$5,785,500, contingent on the availability of additional funding and provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c) as the repair, maintenance, or minor alteration of existing streets, sidewalks, gutters, and similar facilities.
(BID-K094471)

STAFF SUPPORTING INFORMATION:

This Slurry Seal Contract is the second of the FY 2009 Street Resurfacing Maintenance Contracts, and will provide for the repair and slurry sealing of 67.3 miles of asphalt streets. Of this total, 64.1 miles are part of the City's Street Maintenance Program for FY 2009 and 3.2 miles are part of the City's Utilities Underground Program in partnership with the Engineering and Capital Projects Department. Locations for the Annual Street Maintenance Program are chosen through the use of pavement condition surveys and the City's pavement management system using the following criteria: age, oxidation, cracking, amount of patching, street classifications and average daily traffic, and avoiding conflicts with any planned underground utility work.

Slurry seal is a pavement surface treatment applied as part of a comprehensive pavement maintenance program. It is used on streets which are in good condition to protect them from deterioration. Any failed areas of the pavement will be removed and repaired prior to application of slurry seal. The Street Division uses rubberized emulsion aggregate slurry (REAS). This type of slurry seal coating lasts longer, resists damage from water, and retains its black color longer. Slurry sealing, when used in a timely manner, can be very effective in reducing the future need for more expensive pavement repairs.

The list of streets in this Slurry Seal Plan for FY 2009 is attached, but may be revised prior to award of contract in order to avoid any construction conflicts. Construction for this Project is expected to begin in April 2009, and take approximately 9 months to complete. In addition to the construction contract costs of \$5,785,500, and project contingency costs of \$121,800, the following administrative costs are also included: \$90,000 for project management, and \$92,700 for construction management, for a total project cost of \$6,090,000.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages does not apply to this contract (No State or Federal Funding sources).

Goals: 21% Mandatory Subcontractor Participation Goal, 7% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 13% Advisory Participation Goal Other Business Enterprise (OBE).

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

FISCAL CONSIDERATIONS:

Funding in the amount of \$6,090,000 is available as follows: \$5,800,000 is allocated from Prop 1B into Street Division General Fund 100, and \$290,000 from CIP-37-028.0, Annual Allocation, Utilities Underground Program, Underground Surcharge Fund 30101.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of streets to receive slurry seal is part of the FY 2009 Resurfacing Plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

After the Contract is awarded, citizens will be notified by the contractor when slurry sealing will begin on their specific street.

Sierra/Jarrell

Aud. Cert. 2900207.

Staff: Kim LaSelle - (619) 527-5455
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: CONT-American Asphalt South, Inc.

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-101: Inviting Bids for the Construction of South Mission Valley Trunk Sewer Project. (Mission Valley Community Area. Districts 2, 3, 6, and 7.)

(See Engineering and Capital Projects Department's 7/16/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-200) ADOPTED AS RESOLUTION R-304274

Approving the plans and specifications for the construction of the South Mission Valley Trunk Sewer (Project) on Work Order No. 176831;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to establish contract funding phases and execute a construction contract with the lowest responsible and reliable bidder, provided that the City Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to transfer an amount not to exceed \$2,426,797 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement to Sewer Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$14,823,637, of which \$14,246,137 is from Sewer Fund 41506, CIP-40-931.0, South Mission Valley Trunk Sewer, for the purpose of providing funds for this Project's construction, contingency and related costs, and \$577,500 is from Sewer Fund 41506, CIP-46-193.0, Annual Allocation-Muni Pooled Contingency, for the purpose of providing funds for this Project's contingency and related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the necessary funds for expenditure under established contract funding phases 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;

Stating for the record that the information contained in the Mitigated Negative Declaration No. 22528, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines Section 15162 would warrant any additional environmental review in connection with approval of the Project;

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. (BID-K092192C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/23/2008, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Faulconer, Atkins, and Frye voted yea.)

SUPPORTING INFORMATION:

The South Mission Valley Trunk Sewer, originally installed in 1947, is located in the Mission Valley Community along Interstate 8 between Morena Boulevard and Interstate 15 and consists of four phases. This project, South Mission Valley Trunk Sewer, is the first phase of this trunk sewer replacement and consists of approximately 3,000 feet of 42" diameter trunk sewer along Interstate 8 between Hotel Circle Place and Taylor St., and approximately 600 feet of 24" diameter trunk sewer at the I-8/I-15 Interchange.

It includes those portions of the trunk sewer in deteriorated conditions, and also replacement of the downstream portion to increase capacity. The EPA requires completion of this project by October 2011.

This request includes the transfer of FY2009 budget from CIP-44-001.0, Annual Allocation-Sewer Main Replacement to CIP-40-931.0, South Mission Valley Trunk Sewer. Currently, there are no Sewer Group Projects scheduled and prepared to encumber this funding.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goals: 14% Mandatory Subcontractor Participation Goal, 5% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 8% Advisory Participation Goal Other Business Enterprise (OBE).

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the Orange County Register, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$15,816,663.35. Funding of \$2,262,971 was previously authorized by Council (R-296104), Council (R-294804) and O-19701 for consultant services and related costs for South Mission Valley Trunk Sewer Projects Phases I, II, III and IV. Of this amount, \$993,026.35 was authorized for South Mission Valley Trunk Sewer (Phase I).

Additional funding of \$14,246,137 will be available in the Enterprise Fund, CIP-40-931.0, South Mission Valley Trunk Sewer, Fund 41506, Sewer, of which \$2,426,797 was transferred from CIP-44-001.0, Annual Allocation-Sewer Main Replacement, Fund 41506, Sewer, and \$577,500 will be available in CIP-46-193.0, Annual Allocation-Muni Pool Contingency, Fund 41506, Sewer, for this purpose.

This project cost may be reimbursed approximately 80% by current or future debt financing. This project is scheduled to be phase-funded over two fiscal years from FY2009 to FY2010. Contingent upon availability of funds, the City Comptroller will issue an Auditor Certificate for each Phase of the Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

On May 1, 2001, Council (R-294804) and February 25, 2002, Council (R-296104) executed an Agreement with Hirsch and Company for \$118,000 for pre-design and \$954,971 for design, respectively. On January 8, 2008, Council (O-19701) executed a First Amendment to the Agreement with RBF Consulting for \$394,148 and authorized additional related in-house costs for \$795,852.

The Committee on Natural Resources and Culture on July 23, 2008, consent motion by Councilmember Atkins, second by Council President Peters. Vote to approve 4-0.

The request to transfer \$2,426,797 from the Annual Allocation-Sewer Main Replacement, Fund 41506 to Sewer CIP-40-931.0, South Mission Valley Trunk Sewer, Fund 41506, was approved by IROC on September 8, 2008.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the original design phase, this project had been presented to the Mission Valley Community Council and Mission Valley Tourism Council on four (4) separate occasions from 2001 to 2004. A more recent presentation to the Mission Valley Community Council was made on April 2, 2008, and a presentation to the Mission Valley Tourism Council is scheduled for August 7, 2008. Residents and businesses will be notified by the City's Engineering & Capital Projects Department at least one (1) month before construction begins and by the contractor at least ten (10) days before construction begins through hand distribution of notices.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The key stakeholders are identified as public and municipality. The Project impacts include improved capacity for the new trunk sewer.

Boekamp/Jarrell

Aud. Cert. 2900133.

FILE LOCATION: CONT-HPS Mechanical, Inc.

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-102: Inviting Bids for Asphalt Overlay Group I, Fiscal Year 2009 Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-321) ADOPTED AS RESOLUTION R-304275

Approving the plans and specifications for Asphalt Overlay, Group I, Fiscal Year 2009 (Project), on Work Order No. 576510;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award a contract for the above project to the lowest responsible and reliable bidder in an amount not to exceed \$9,911,419;

Authorizing the expenditure of an amount not to exceed \$10,396,419, solely and exclusively, to provide funds for the above contract, contingency, and related costs, to be expended as follows: \$10,396,419 from Prop 1B Fund No. 38941, CIP-59-001.0, Annual Allocation - Resurfacing City Streets; \$80,000 from Sewer Revenue Fund No. 41506; and \$47,000 from Water Department Fund No. 41500;

Authorizing the Mayor, or his designee, to exercise an option to extend the contract for asphalt overlay of additional streets in an amount not to exceed \$9,911,419, contingent on the availability of additional funding and provided that the City Comptroller furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

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

Declaring that this activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(c) as the repair, maintenance, or minor alteration of existing streets, sidewalks, gutters, and similar facilities.
(BID-K094467C)

STAFF SUPPORTING INFORMATION:

This Asphalt Overlay Contract is the first of the Fiscal Year 2009 street resurfacing maintenance contracts, it will provide for the repair and resurfacing of 24.5 miles of asphalt streets. Locations for the Annual Street Maintenance Program are chosen through the use of pavement condition surveys, and the City's pavement management system using the following criteria: age, oxidation, cracking, amount of patching, street classifications and average daily traffic, and avoiding conflict with any planned underground utility work. Failed areas of the pavement will be removed and repaired prior to resurfacing and asphalt adjacent to curbs and gutters will be milled down to maintain proper curb heights and drainage. Approximately 65,593 tons of asphalt will be removed and recycled for use in other street maintenance activities. This contract also includes the installation of curb ramps, which will be placed at affected locations in compliance with ADA requirements.

The list of streets included in this Fiscal Year 2009 resurfacing contract is attached, but may be revised prior to award of the contract in order to avoid any construction conflicts that may arise. Construction for this project is expected to begin in February 2009 and take approximately eight months to complete. In addition to the construction contract costs of \$9,911,419 and the project contingency of \$194,000 the following administrative costs are also included: \$97,000 for project management, \$194,000 for construction management, for a total project cost of \$10,396,419.

EOUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego - Prevailing wages does not apply to this contract (No State or Federal Funding sources).

Goals: 31% Mandatory Subcontractor Participation Goal, 10% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 20% Advisory Participation Goal Other Business Enterprise (OBE).

Other: Prior to award, a workforce report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the Plan and adherence to the Nondiscrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bids in the San Diego Daily Transcript, the City of San Diego's website, and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or email.

FISCAL CONSIDERATIONS:

Funding in the amount of \$10,396,419 for the contract and related administration costs is available as follows: \$10,269,419 from Prop 1B funding in the Annual Allocation 59-001.0; \$80,000 from Sewer Revenue Fund 41506; \$47,000 from Water Department Fund 41500.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The list of streets to receive overlay is part of the Fiscal Year 2009 resurfacing program.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

After the contract is awarded, citizens will be notified by the contractor when paving will begin on their specific street.

Sierra/Jarrell

Aud. Cert. 2900231.

Staff: Ikhlass Shamoun - (619) 527-7511
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: W.O. 576510

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-103: Inviting Bids for an As-Needed Contractor for the Native Habitat/Landscape Maintenance. (Citywide.)

(See Metropolitan Wastewater Department's 8/13/2008, Executive Summary Sheet.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-249 Cor. Copy 2) ADOPTED AS RESOLUTION R-304276

Approving the contract documents and technical specifications for General Requirements Contract 2009 H (GRC 2009 H) for an as-needed contractor for Native Habitat/Landscape Maintenance for the Metropolitan Wastewater Department and all other facilities Citywide, on Work Order No. 764830;

Authorizing the Mayor, or his designee, after advertising for bid in accordance with law to execute GRC 2009 H with the lowest responsible and reliable bidder for a minimum of \$50,000 and not to exceed amount of \$1,000,000 for an initial one year with the option to extend the term of the contract for an additional year and an additional \$1,000,000;

Declaring that exercising the option to extend the term of GRC 2009 H is contingent on future City Council approval;

Authorizing the expenditure of a total amount not to exceed \$1,000,000 from all potential City sources with a minimum of \$50,000 from Sewer Revenue Fund 41506, solely and exclusively, to provide funds for GRC 2009 H;

Declaring that prior to the award of each task order under the contract, the City Auditor must first provide one or more certificates demonstrating that the necessary funds are, or will be, on deposit in the City Treasury;

Declaring that the above activity is not a project and is therefore not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15060(c)(2). Future projects utilizing this contract will be subject to further environmental review;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K094504C)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/10/2008, NR&C voted 3 to 0 to return to the NR&C Committee for the second authorization of \$1 million. (Councilmembers Peters', Faulconer and Frye, voted yea. Councilmember Atkins not present.)

SUPPORTING INFORMATION:

This action requests the authorization to execute an As-Needed General Requirements Contract (GRC) which will be used for Citywide construction of Native Habitat/Landscape Maintenance; for an amount not less than \$50,000 and not to exceed \$1,000,000, with a contract duration of one (1) year with the option to extend the contract one (1) additional year and for an additional \$1,000,000.

This GRC will provide for Native Habitat/Landscape Maintenance and construction at various locations Citywide. Specific locations will be identified and will be approved on a task order by the task order basis. The Native Habitat/Landscape Maintenance and construction is most often a result of regulatory requirements.

The existing GRC for Native Habitat/Landscape Maintenance and construction expired in February 2008. This GRC allows for an efficient and effective method of performing the work quickly and cost effectively. A GRC is a competitively bid contract which includes all of the typical work activities conducted by a specific trade construction contractor. The contractor bids unit prices on various items of work which are not for a specific project. A contract is awarded to the lowest responsible bidder.

Tasks issued under this contract would include landscape and habitat maintenance activities as a result of our extensive, ongoing canyon maintenance and long term access program. This contract will provide landscape maintenance, construction, repairs, installation, irrigation, and erosion control; collect native seeds as-needed; procure and apply appropriate herbicides and pesticides as necessary; repair or restore native habitat, and assume maintenance activities of existing City projects. This work may require grading, excavation, weeding, planting, disposal or recycling of greenery, refuse removal and disposal, hydro-seeding, various forms of fencing, signage, and other miscellaneous tasks. This work will be assigned based on the type of work, location, and necessity.

In addition, Municipal Code Section 22.3104, Task Orders, sets the maximum work to be authorized for each GRC Task Order as not to exceed \$500,000 except in the case of an emergency affecting the health, safety, property, or when authorized by City Council.

EQUAL OPPORTUNITY CONTRACTING:

This Agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. O-18173, Sections 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

Funding Agency: City of San Diego- Prevailing wages will apply only to projects that use state and/or federal funding.

Other: Workforce Report to be submitted prior to contract award-Equal Opportunity may be required after Workforce Report Analysis. Staff will monitor plan and adherence to Nondiscrimination Ordinance.

FISCAL CONSIDERATIONS:

The funding for these projects will be available in various City Departments' Operating and/or CIP budgets. In this contract the City agrees to issue at least one task order with a minimum aggregate value of \$50,000. Funding for the minimum guaranteed amount of \$50,000 is available in Sewer Revenue Fund 41506, for this purpose.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council had previously approved the Landscape/Habitat Maintenance GRC 2006 "L" (R-300678). This recent action was reviewed and approved by the Natural Resources and Culture Committee on September 10, 2008, with the direction that staff was to return to City Council for approval to exercise the option for the second year of the contract.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City staff will work with the community during the performance of these projects.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Ferrier/Barrett

FILE LOCATION: CONT-NATIVE LANDSCAPE

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-104: Water and Sewer Group Job 770 – Easement Acquisition. (City Heights Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-375) ADOPTED AS RESOLUTION R-304277

Authorizing the Mayor, or his designee, to accept a Grant of Easement, granting an easement for sewer purposes across portions of Lot 4 of Clifford Point, according to Map thereof, No. 3171, filed in the Office of the County Recorder, January 6, 1955;

Authorizing the City Comptroller to disburse \$44,000 from CIP-44.001.0/44-227.8 Annual Allocation-Sewer Main Replacement, Fund 41506 for acquisition and other related costs.

STAFF SUPPORTING INFORMATION:

Group Job 770 is a sewer and water main replacement project located in the City Heights community. The project calls for the installation of 2,808 lineal feet of 8-inch sewer mains and 678 linear feet of water mains located mostly in the streets within the City Heights Community area. The purpose of the project is to relocate the sewer and water main from the environmentally sensitive canyon abutting the east side of Redwood Street.

A portion of the new line crosses private property located at 3122 Belle Isle Drive. Construction will include directional drilling (underground boring), which will not directly impact the surface of the private property except in the event of a blockage. This action will allow for the acceptance of the deed for the easement required for the completion of construction.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City staff met with property owner to discuss the Project and the need for an easement across this property and described the construction method (underground boring) used to minimize impact to the property.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Neighborhood property owners
Improved access outside of the canyon areas

Barwick/Anderson

Staff: Lane Mackenzie - (619) 236-6050
Todd Bradley - Deputy City Attorney

FILE LOCATION: DEED F-10300

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-105](#): Accepting the Rose Creek Watershed Opportunities Assessment. (Clairemont Mesa, University, and Pacific Beach Community Areas. Districts 2 and 6.)

(See City Attorney's Draft Resolution; Rose Creek Watershed Alliance's 6/20/2008, Power Point; City of San Diego's Proposed City Policy Regarding Restoration of City-Owned Lands for Conservation Purposes; Rose Creek Watershed Opportunities Assessment; and Councilmember Frye's 2/28/2007, memorandum.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-164) ADOPTED AS RESOLUTION R-304278

Accepting the Assessment as information for planning activities related to portions of the Watershed within the City of San Diego's land use jurisdiction;

Finding 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).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/20/2007, NR&C voted 4 to 0 to approve the Rose Creek Watershed Opportunities Assessment as a guidance document for City activities in the watershed and schedule it for City Council approval by September 4, 2007. Direct the City Attorney to draft a Resolution of support for City Council approval and to approve the draft Resolution supporting the application by San Diego Earthworks for state grant funds to remove invasive exotic plants from the Rose Creek Watershed and schedule the Resolution for City Council approval by September 4, 2007. Direct the City Attorney to revise the draft Resolution into the appropriate format for City Council approval. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

On 3/21/2007, NR&C voted 4-0 to: 1) Conceptually approve the Rose Creek Watershed Opportunities Assessment as a guidance document for City activities in the watershed; 2) schedule the Assessment to return to the committee after review through Development Services within 60 days; 3) form a subcommittee of District Two and District Six to work with the Rose Creek Watershed Alliance and the Mission Bay Committee, and others, to begin formulating a plan to create wetlands in Mission Bay proposed in the 1994 Mission Bay Plan for the mouth of

Rose Creek, and authorize the subcommittee to send letters in support of funding for this effort; 4) direct the Rose Creek Watershed Alliance to provide for wide distribution of the draft restoration policy to City staff and interested parties for comment, and return with revisions to the Natural Resources and Culture Committee for future action; and 5) request the Rose Creek Watershed Alliance to report back to the Natural Resources and Culture Committee with the results of the Rose Creek Maintenance Assessment District Survey. (Councilmembers Faulconer, Maienschein, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

The Rose Creek Watershed is a 36-square mile area that extends from the MCAS Miramar, east of I-15, through San Clemente and Rose canyons and south along the east side of I-5, ultimately draining into Mission Bay Park via Pacific Beach. The watershed contains recreational opportunities, biological diversity and aesthetic beauty.

Unfortunately, the watershed faces many difficult challenges, as do other watersheds at the edge wildlands/urban interfaces. Non-native invasive species have spread from private property and/or other up-stream sources and overrun many native areas. Urban problems such as crime and vagrancy are acute in the lower watershed. While the overall health of the watershed is better than many urban-wildland watersheds in Southern California, portions of lower Rose Creek, in particular, are unhealthy, unsafe and a detriment to water quality in Mission Bay and the ocean. This Assessment includes recommendations to enhance the watershed, to make it a safer and healthier place for residents and visitors alike. It is the Rose Canyon Watershed Alliance's (Alliance) hope that the Assessment will engage and inform the public, guide volunteers and professionals, and build policy level support within the appropriate public and private agencies to enhance and preserve the watershed.

FISCAL IMPACT: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Approved by Natural Resources and Culture Committee on 3/21/2007 and 6/20/2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Alliance is a 13-member stakeholders group formed to help guide the Assessment. Alliance members include public and non-profit organizations working to improve the quality of life in the Rose Creek Watershed. Three public workshops have been held and the Alliance has received input from various City of San Diego departments with interest in the Rose Creek Watershed.

STAKEHOLDERS AND PROJECTED IMPACTS:

The Alliance is supportive of this action. No environmental impacts would be associated with adopting the plan as informational and guidance for future activities within the watershed.

LoMedico/Heap

FILE LOCATION: MEET

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

MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-106: Conflict of Interest Code for the Airports Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-203) ADOPTED AS RESOLUTION R-304279

Adopting a Conflict of Interest Code for the Airports Department consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Airports Department as adopted, be placed on file in the Office of the City Clerk;

Designating that the persons whose positions are designated in the revised Conflict of Interest Code for the Airports Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Airports Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes, as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Airports Code has been created to reflect the restructuring that moved Airports Division from Real Estate Assets Department (READ) into a stand-alone division within the Public Works group in Fiscal Year 2009. The Airport Operations Manager and Noise Abatement Officer positions, formerly included in the READ, Airport Division's code have been transferred to the Airports Code. Under the restructure, the following positions have been transferred from READ to Airports: Airports Development Coordinator (formerly Supervising Property Agent); Deputy Director, Airports; and Property Agent. The Senior Civil Engineer has been removed from the code because it no longer exists in Airports. The Airports Code has also been revised to reflect the addition of the Management Analyst.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Tussey/Jarrell

Staff: Mike Tussey - (858) 573-1441
Sharon B. Spivak - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-107: Conflict of Interest Code for the Office of the Chief Information Officer.
(Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-205) ADOPTED AS RESOLUTION R-304280

Adopting a Conflict of Interest Code for the Office of the Chief Information Officer, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of the Chief Information Officer as adopted, be placed on file in the Office of the City Clerk;

Designating that the persons whose positions are in the revised Conflict of Interest Code for the Office of the Chief Information Officer shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission

Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Office of the Chief Information Officer becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of Local Conflict of Interest Codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Office of the CIO Code has been revised to include new positions which had not been previously designated, remove positions previously designated but now more appropriately included in other City department's Conflict of Interest Codes, and to update the required filing categories for each designated position.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Stapleton

Staff: Maria Mendoza - (619) 533-3440
Sharon B. Spivak - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-108: Conflict of Interest Code for the Real Estate Assets Department. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-222) ADOPTED AS RESOLUTION R-304281

Adopting a Conflict of Interest Code for the Real Estate Assets Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Real Estate Assets Department as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Real Estate Assets Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Real Estate Assets Department becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Real Estate Assets Department code has been revised as follows:

Appendix A - Position(s) Removed: Deputy Director, Airports; Airport Operations Manager; Noise Abatement Officer; Senior Civil Engineer (Airports). Airports no longer reports to the Real Estate Assets Department, it is now under Public Works.

Appendix A - Position(s) Added: Asset Manager; Principal Appraiser.

Appendix B - Revisions/Additions: There are no longer 4 categories. Category 2, which previously pertained to Airports, has been removed and all other categories renumbered to reflect the current reporting relationships in the Real Estate Assets Department.

Category 3 “Consultants” - Paragraph 2, line 1: Airport Operations Manager was removed.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): N/A

Barwick/Anderson

Staff: James F. Barwick - (619) 236-6145
Sharon B. Spivak - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-109: Conflict of Interest Code for the Commission for Arts and Culture. (Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-231) ADOPTED AS RESOLUTION R-304282

Adopting a Conflict of Interest Code for the Commission for Arts and Culture, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Commission for Arts and Culture as adopted, be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the revised Conflict of Interest Code for the Commission for Arts and Culture shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Commission for Arts and Culture becomes effective upon the date of adoption of this resolution.

STAFF SUPPORTING INFORMATION:

The revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008.

The Commission for Arts and Culture code has been revised to combine board and staff positions on the same conflict of interest code and update the required filing categories.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Hamilton/Dubick

Staff: Victoria L. Hamilton - (619) 236-6770
Sharon B. Spivak - Deputy City Attorney

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-110: Proposed Revisions for Conflict of Interest Code for the City Attorney's Office. (Citywide.)

(See Report from the City Attorney dated 8/25/2008.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-206) ADOPTED AS RESOLUTION R-304283

Adopting a Conflict of Interest Code for the City Attorney's Office, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Declaring that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the City Attorney's Office as adopted be placed on file in the Office of the City Clerk;

Designating that the persons whose positions are in the revised Conflict of Interest Code for the City Attorney's Office shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements;

Declaring that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the City Attorney's Office becomes effective upon the date of adoption of this resolution.

FILE LOCATION: MEET

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-111: Rails-to-Trails Conservancy Day on Behalf of the Active Transportation 2010 Campaign.

(See Council President Peters' 8/25/2008, memorandum.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-319) ADOPTED AS RESOLUTION R-304284

Supporting and endorsing the City of San Diego's participation in the 2010 Campaign for Active Transportation, which has a goal of doubling federal funding for trails, walking and biking in the next federal transportation reauthorization;

Proclaiming October 20, 2008, to be "Rails-to-Trails Conservancy Day" in the City of San Diego.

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

On 9/3/2008, Rules voted 5 to 0 to support the Active Transportation 2010 Policy and forward Council President Peters' resolution to the full City Council for approval. (Councilmembers Peters, Young, Frye, Madaffer, and Hueso voted yea.)

FILE LOCATION: AGENDA

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-112: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-40) ADOPTED AS RESOLUTION R-304285

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

FILE LOCATION: Gen'l – State of Emergency Regarding the Wildfires

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-113: 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-2009-58) ADOPTED AS RESOLUTION R-304286

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

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-114: 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-2009-2) ADOPTED AS RESOLUTION R-304287

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

FILE LOCATION: Gen'l – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-115: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2009-10) ADOPTED AS RESOLUTION R-304288

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: Gen'l – State of Emergency Regarding the Landslide on Mount Soledad

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

CONSENT MOTION BY MADAFFER TO ADOPT THE RESOLUTION. 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-330: Salk Institute. A request for a Vesting Tentative Map (VTM), Master Planned Development Permit (MPDP), Coastal Development Permit (CDP), Site Development Permit (SDP), Amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment, and Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, to demolish the West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet) and construct the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000 square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet), for a total of 476,000 square-feet of building area, on a 26.3-acre site located at 10010 North Torrey Pines Road. (La Jolla Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying an application for a Vesting Tentative Map (VTM), Master Planned Development Permit (MPDP), Coastal Development Permit (CDP), Site Development Permit (SDP), Amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment, and Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, to demolish the West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet) and construct the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000 square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet), for a total of 476,000 square feet of building area, on a 26.3-acre site located at 10010 North Torrey Pines Road in the RS 1-7, Coastal Overlay (Coastal Commission Appealable Area), Parking Impact Overlay, Community Plan Implementation Overlay Zone – Area A (CPIOZ-A), Coastal Height Limitation Overlay Zones, First Public Roadway, within the University Community Plan and the North City Local Coastal Program. Environmental Impact Report No. 44675. Report No. PC-08-083.

The decision by the City Council is appealable to the California Coastal Commission. Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. Phone: (619) 767-2370. Appeals must be filed within 10 working days of the Coastal Commission receiving a notice of final action from the City. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager, Laura C. Black, 1222 First Avenue, MS 501, San Diego, CA 92101.

(EIR Project No. 44675/MMRP/Findings and Statement of Overriding Considerations/VTM No. 369518 with Easement Abandonment No. 130269/MPDP No. 561577/CDP No. 126996/SDP No. 127002 an Amendment to CDP/HRP/CUP No. 90-1140/MHPA Boundary Line Adjustment.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2009-337) ADOPTED AS RESOLUTION R-304289

Adoption of a Resolution certifying Environmental Impact Report LDR No. 44675 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 said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval;

That pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091, the City Council adopts the findings made with respect to the project;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding Considerations, with respect to this project;

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;

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.

Subitem-B: (R-2009-281) ADOPTED AS RESOLUTION R-304290

Adoption of a Resolution approving Vesting Tentative Map No. 369518 and Easement Abandonment No. 130269 for Salk Institute Project No. 44675.

Subitem-C: (R-2009-325) ADOPTED AS RESOLUTION R-304291

Adoption of a Resolution granting Coastal Development Permit No. 126996, Site Development Permit No. 127002, Master Planned Development Permit No. 561577, Multi-Habitat Planning Area Boundary Line Adjustment, and amendment to Coastal Development/Hillside Resource Protection/Conditional Use Permit No. 90-1140 for the Salk Institute Project.

OTHER RECOMMENDATIONS:

Planning Commission on September 4, 2008, voted 4-0-3 to approve.

Ayes: Griswold, Golba, Ontai, Schultz
Not present: Naslund, Otsuji, Smiley

The University Community Planning Group has recommended approval of this project, by a vote of 13-0-0.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of the phased expansion of the existing Salk Institute, located at 10010 North Torrey Pines Road, west of North Torrey Pines Road and south of Torrey Pines Scenic Drive within the University Community Plan Area.

STAFF RECOMMENDATIONS:

1. Certify Environmental Impact Report No. 44675, adopt the Mitigation Monitoring and Reporting Program, and adopt the applicant's Findings and Statement of Overriding Considerations.
2. Approve Vesting Tentative Map No. 369518, Master Planned Development Permit No. 561577, Coastal Development Permit No. 126996, Site Development Permit No. 127002, an amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment No. 130269, Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment.

EXECUTIVE SUMMARY:

The original Salk Institute Campus was approved by Planning Commission on March 3, 1961, under a Conditional Use Permit (CUP) No. 3841, with the first buildings completed in 1965. The Salk Institute Campus has expanded since the approval of CUP No. 3841, through six amendments, with the most recent amendment approving the East Building, which was approved on May 30, 1991. Currently, approximately 18.4 acres of the site is developed with approximately 289,800 square-feet of scientific research and support facilities. On February 27, 1991, the San Diego Historic Sites Board voted to include the Salk Institute as Historic Site No. 304 in the San Diego Historical Resources Register on the basis of its association with Louis Kahn and Jonas Salk for its “architectural significance.”

The project proposes a phased expansion to the existing Salk Institute Campus. The proposed project includes the demolition of the West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet) and the phased construction of the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet), for a total of 476,000 square feet of building area upon completion. The Salk Institute is located on a 26.3-acre site, currently improved with approximately 289,800 square feet of development, at 10010 North Torrey Pines Road in the RS 1-7, Coastal Overlay (Coastal Commission Appealable Area), Parking Impact Overlay, Community Plan Implementation Overlay Zone – Area A (CPIOZ-A), Coastal Height Limitation Overlay Zones, First Public Roadway, within the University Community Plan and the North City Local Coastal Program. The proposed development would provide on-site parking through the construction of two new underground parking garages near the locations of existing on-site surface parking lots. Proposed Lot No. 3 will provide approximately 7.1-acres into a conservation easement to preserve the existing habitat.

The project is within the Torrey Pines Subarea of the University Community Plan and is designated for Scientific Research uses. The development intensity element allows 500,000 square-feet of Scientific Research uses. When the site is completely developed from this phased expansion, the campus will have 476,000 square feet of scientific research uses.

The project is requesting a deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC 131.0444[b]) for the Salk Community Center Building. However, this building, and all others proposed in the Master Plan will comply with the City’s Coastal Height Limit Overlay Zone requirements within SDMC 132.0505. Environmental Impact Report (EIR) No. 44675 has been prepared for the Project.

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 4, 2008, the Planning Commission voted to approve the project on consent by a vote of 4-0. On July 8, 2008, the University Community Planning Group voted 13-0-0 to recommend approval, with no conditions. On July 24, 2008, the Historical Resources Board voted 5-4 to recommend approval of the supplemental historical findings for the Site Development Permit. On November 13, 2007, the San Diego County Regional Airport Authority, Airport Land Use Commission determined that the project is consistent with the Marine Corps Air Station Miramar Land Use Compatibility Plan.

KEY STAKEHOLDERS:

The Salk Institute for Biological Studies, Garry Van Gerpen, Director of Facilities Services Mark Rowson, Land Development Strategies, Inc.

Anderson/Broughton

LEGAL DESCRIPTION:

The Project is located at 10010 North Torrey Pines Road, north of Salk Institute Road, within the Coastal Zone and the University Community Planning Area, City of San Diego.

Staff: Laura Black – (619) 446-5112
Nina Fain – Deputy City Attorney

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:25 p.m.)

Testimony in favor by Dr. Marsha Chandler, Mark Rowson, Joe Panetta, Lisa Ross, Deborah Knight, Michael Beck and Erv Wheeler.

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



ITEM-331: Quarry Falls. Project No. 49068. Mission Valley Community Plan Amendment and General Plan Amendment and Progress Guide Amendment, Specific Plan, Site Development Permit, Master Planned Development Permit, Vesting Tentative Map and Conditional Use Permit. The 230.5-acre site is located on the north side of Friars Road between I-805 and Mission Center Road and south of Phyllis Place. (Mission Valley and Serra Mesa Community Plan Areas. District 6.)

Matter of approving, conditionally approving, modifying, or denying a Mission Valley Community Plan Amendment and General Plan and Progress Guide Amendment, Specific Plan, Site Development Permit, Master Planned Development Permit, Vesting Tentative Map and Conditional Use Permit (Process 5) to amend Conditional Use Permit No. 82-0315 and 5073. The 230.5-acre site is located on the north side of Friars Road between I-805 and Mission Center Road and south of Phyllis Place. Rezoning would occur from RS-1-7, MVPD-MV-M and MVPD-MV-M/SP to the proposed OP-2-1, RS-1-7, RM-1-1, RM-2-4, RM-3-7, RM-3-8, RM-3-9, RM-4-10, CC-3-5, and IL-3-1 Zones within the Mission Valley and Serra Mesa Community Plan Areas and would include the phased redevelopment of a mining, extraction and processing use to land uses and development consistent with the Quarry Falls Specific Plan, including a maximum of 4,780 residential units; 900,000 square feet of combined commercial retail and office with the ability to transfer unused trips from residential land use to increase the final commercial development intensity; approximately 17.5 acres of public population-based parks, civic uses, open space and trails; and an optional school site.

(See Report to City Council No. 08-138/PEIR No. 49068/MMRP/GP and MVCP No. 183189/VTM No. 183196/MPDP No. 183193/SDP No. 183192/CUP and Reclamation Plan Amendment No. 183194.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, D, and E; introduce the ordinance in Subitem F; and take the action in Subitem G:

Subitem-A: (R-2009-417) ADOPTED AS RESOLUTION R-304292

Adoption of a Resolution certifying and approving Program Environmental Impact Report (PEIR) No. 49068 and adopting the findings; the Mitigation, Monitoring, and Reporting Program; and the Statement of Overriding Considerations for the Quarry Falls project;

That it is certified, that PEIR No. 49068, 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 said PEIR, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of a Community Plan Amendment, General Plan Amendment, Rezone, Specific Plan, Master Planned Development Permit, Site Development Permit, Vesting Tentative Map, Conditional Use Permit/Reclamation Plan Amendment, and a Mission Valley Public Facilities Financing Plan Amendment for the Quarry Falls Project;

That pursuant to California Public Resources Code Section 21081 and California Code of Regulations Section 15091, the City Council adopts the findings made with respect to the Project, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

That pursuant to California Code of Regulations Section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

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;

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.

Subitem-B: (R-2009-412) ADOPTED AS RESOLUTION R-304293

Adoption of a Resolution adopting amendments to the Mission Valley Community Plan and the General Plan and adopting the Quarry Falls Specific Plan for the Quarry Falls, Project No. 49068.

Subitem-C: (R-2009-414 Cor. Copy) ADOPTED AS RESOLUTION R-304294

Adoption of a Resolution approving Vesting Tentative Map No. 183196 for Quarry Falls, Project No. 49068;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 183196 is granted to Quarry Falls, LLC, a California Limited Liability Company, subject to the conditions attached hereto and made a part of hereof.

Subitem-D: (R-2009-415 Cor. Copy) ADOPTED AS RESOLUTION R-304295

Adoption of a Resolution granting the Development Permit No. 183192 and Master Plan Development Permit No. 183193 for Quarry Falls, Project No. 49068;

That the recommendation of the Planning Commission is sustained, and Site Development Permit No. 183192 and Master Planned Development Permit No. 183193 is granted to Quarry Falls, LLC, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

Subitem-E: (R-2009-416 Cor. Copy) ADOPTED AS RESOLUTION R-304296

Adoption of a Resolution granting Conditional Use Permit No. 183194 for Quarry Falls, Project No. 49068;

That the recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 183194 is granted to Quarry Falls, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

Subitem-F: (O-2009-46) INTRODUCED, TO BE ADOPTED MONDAY,
NOVEMBER 10, 2008

Introduction of an Ordinance of the Council of the City of San Diego rezoning 225 acres located north of Friars Road, south of Phyllis Place, between Mission Center Road and Interstate 805 within the Mission Valley Community Plan Area from the RS-1-7, MVPD-MV-M, and MVPD-MV/SP Zones to the OP-2-1, RS-1-7, RM-1-1, RM-2-4, RM-3-7, RM-3-8, RM-3-9, RM-4-10, CC-3-5, and IL-3-1 Zones, as defined by San Diego Municipal Code Sections 131.0202, 131.0403, 131.0406, 131.0507, and 131.0603 and repealing Ordinance Nos. O-17499 (New Series) and O-13457 (Old Series) adopted August 22, 1990 and March 17, 1932 respectively, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-G: (R-2009-541) ADOPTED AS RESOLUTION R-304297

Initiating amendments to the Serra Mesa Community Plan and General Plan to add a Phyllis Place road connection to the project;

Directing the City Attorney to prepare the proper resolution according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on September 18, 2008, voted 4-0-3, to approve Items 1 through 5.

Ayes: Schultz, Griswold, Ontai, Golba

Not present: Naslund, Otsuji, Smiley

Also on September 18, 2008, Planning Commission voted on Item 6, to recommend initiation of a Community Plan Amendment for Serra Mesa to include a road connection to Phyllis Place which failed by a vote of 3-1-3.

Ayes: Griswold, Ontai, Golba

Nay: Schultz

Abstaining: Naslund, Otsuji

Not Present: Smiley

The Mission Valley and the Serra Mesa Community Planning Groups have recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of the Quarry Falls Specific Plan and related actions to allow the redevelopment of an existing mining site with a maximum of 4,780 residential units, a maximum of 900,000 square feet of commercial retail/office with the ability to transfer unused trips from residential land use to increase the final commercial development intensity, including approximately 17.5 acres of public population-based parks, civic uses, open space and trails, and an optional school site located on a 230.5 acre site bounded by I-805 to the east, Friars Road to the south, Mission Center Road to the west and Phyllis Place to the north, in the Mission Valley and Serra Mesa Community Plan Areas.

STAFF RECOMMENDATION:

1. **Certify** Environmental Impact Report No. 49068, **adopt** the Mitigation Monitoring and Reporting Program, and **adopt** the Findings and Statement of Overriding Considerations; and
2. **Adopt** the Rezoning Ordinance No. O-183191; and
3. **Approve** amendments to the General Plan and the Mission Valley Community Plan No. 183189; and

4. **Approve** the Quarry Falls Specific Plan, Vesting Tentative Map No. 183196, Master Planned Development Permit No. 183193, and Site Development Permit No. 183192; and
5. **Approve** the Conditional Use Permit and Reclamation Plan Amendment No. 183194; and
6. **Initiate** a Community Plan Amendment for Serra Mesa to include a road connection to Phyllis Place.

EXECUTIVE SUMMARY:

The Quarry Falls project proposes to develop a maximum of 4,780 residential units, a maximum of 900,000 square feet of combined commercial retail/office, with the ability to transfer unused trips from residential land use to increase the final commercial development intensity, public parks, and open space on a 230.5-acre site that currently includes an active mining site where sand and gravel resources are approaching depletion. As an end use of the mining operations, an integrated mix of land uses surrounding a system of parks, open spaces and activity areas will be developed in a phased manner as depletion of resources occurs and mining ceases. Proposed land uses will be linked with an internal pedestrian and trail system and connected to adjacent areas by an internal roadway network. Land uses will include approximately 17.5 acres of public population-based parks, civic uses, open space and trails, and an optional school site.

The Staff Recommendation No. 6 above is not part of the proposed project. The applicant studied the road connection in the Environmental Impact Report and Traffic Study and Staff believes the road is a benefit to the region as a whole as it would provide less impacts and better connectivity between communities and to Interstate 805. In 2003 the Serra Mesa initiation request was denied by Planning Commission and City Council. The Mission Valley Unified Planning Committee's motion included language in favor of the connection whereas the Serra Mesa Planning Group is against the connection.

FISCAL CONSIDERATIONS: No cost to the City. A deposit account funded by the applicant recovers all costs associated with the processing of the project application.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 18, 2008, the Planning Commission voted 4-0-3, to recommend approval of Staff Recommendation Nos. 1-5. A second vote on Recommendation No. 6, to recommend City Council initiate a Community Plan Amendment for Serra Mesa to include a road connection to Phyllis Place, did not pass by a vote of three in favor and one opposed, with two abstaining and one absent.

On June 4, 2008, the Mission Valley Unified Planning Committee (MVUPC) voted 11-4-0 to recommend approval of the project. The MVUPC recommendation was based upon the inclusion of a road connection to Phyllis Place and additional development design standards which have been added to the Specific Plan. On June 19, 2008, the Serra Mesa Planning Group (SMPG) voted 9-3-0 to recommend approval of the project. The SMPG recommendation was based upon prohibiting the road connection to Phyllis Place, additional mitigation at the Phyllis Place/Murray Ridge Road and I-805 interchanges, and preserving neighborhood character by maintaining Murray Ridge Road with one travel lane in each direction.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable): Quarry Falls, LLC, Sudberry Properties, Vulcan Materials Company

Broughton/Anderson

LEGAL DESCRIPTION:

The project site is located in the Mission Valley and Serra Mesa Communities, bordered on the south by Friars Road, on the north by Phyllis Place (within the Serra Community Plan Area), on the east by I-805 Freeway, and on the west by Mission Center Road (portion of Pueblo Lots 1109, 1173, 1174, 1182, 1183, 1184, and 1186 of Miscellaneous Map No. 36.)

Staff: Jeannette Temple – (619) 557-7908
Nina M. Fain – Deputy City Attorney

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

FILE LOCATION: SUBITEMS A, B, C, D & G: MEET
SUBITEM F: NONE

COUNCIL ACTION: (Time duration: 2:36 p.m. – 3:58 p.m.;
4:05 p.m. – 6:48 p.m.)

Testimony in opposition by Lynn Mulholland, Craig Sherman, Dustin Young, Tom Mullaney, Duncan Mc Fetridge, Mignon Scherer, Don Stillwell, Jennifer White, Mary Slupe, Gail Thompson, Gary Eisenbooth, Susan Shean and Kathy Evans-Calderwood.

Testimony in favor by Tom Sudberry, Marco Sessa, Pat Grant, Gary Gallegos, Jim Peugh, Rev. Rickey Laster, Scott Whitley, Rob Hutsel, Todd Philips, Jim Schmidt, Angelika Villagrana, James Sperbeck, Tom Leech, Dicken Hall, Stephen Kapp, Jamie Moody, Sherm Harmer, Ed Mrack, Harry Huntsman, Gina Cord, Floyd Morrow, Nathaniel Cohen, Thomas Kaye, Kurt Tellefsen, Dorothy Surdi, Cindy Moore, Jacquelin Ander, Doreen Gorostiza, James Feinberg, Chris Duggan and Linda Kaufman.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, D AND E; AND TO INTRODUCE THE ORDINANCE IN SUBITEM F. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

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



ITEM-332: Request to Bid Installation of Traffic Signals at Six Downtown Intersections-Areawide. (District 2.)

(See Centre City Development Corporation's Report No. CCDC-08-33/CCDC-08-20.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-411) ADOPTED AS RESOLUTION R-304298

Finding and determining that the installation of six traffic signals will benefit the Centre City Redevelopment Project or the immediate neighborhood in which the Project is located;

Declaring that no other reasonable means of financing the installation of the six traffic signals is available to the community;

Declaring that the payment of funds will assist in improving pedestrian/vehicular safety, and improved pedestrian/vehicular traffic flows inside the Project Area;

Declaring that the Project is consistent with the Implementation Plan adopted for the Project Area pursuant to Health and Safety Code 33490;

Declaring that all of the findings set forth herein above are more fully described in the Findings of Benefit attached hereto as Attachment "A" and incorporated herein by this reference;

Declaring that this activity is categorically exempt from review under the California Environmental Quality Act (CEQA), Class 1 pursuant to CEQA Guidelines Section 15301.

SUPPORTING INFORMATION:

The Corporation proposes to install traffic signals at the following six Downtown intersections:

- Front and Cedar Streets;
- Market and Union Streets;
- Market Street and Third Avenue;
- Market Street and Ninth Avenue;
- Park Boulevard and Island Avenue; and
- Park Boulevard and J Street.

Each of the intersections is experiencing increased vehicle and pedestrian flows. In the growing Downtown neighborhoods, it is becoming increasingly difficult for pedestrians to cross busy streets safely. Based on public input and requests for safe intersections for pedestrian traffic, staff has identified the six locations above as prime locations for traffic signal installation.

FISCAL CONSIDERATIONS:

Agency funds in the amount of \$407,058 are available in the Fiscal Year 2009 ("FY 09") Cortez Budget for traffic signals; \$596,354 in the FY 09 Marina Budget for traffic signals; and \$759,588 in the FY 09 East Village Budget for traffic signals, for a total amount of \$1,763,000.

CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:

On September 24, 2008, the Corporation unanimously approved the proposed Project.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 19, 2008, the proposed Project was unanimously approved by the Centre City Advisory Committee as part of the FY 08-09 Budget for Redevelopment Projects administered by the Corporation.

Yee/Kaiser/Anderson

NOTE: See the Redevelopment Agency Agenda of October 21, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:36 p.m.)

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



ITEM-333: First Amendment to Amended Cooperation Agreement with the Redevelopment Agency for 252 Corridor Park Improvements Phase II Project. (Southeastern San Diego Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-27) ADOPTED AS RESOLUTION R-304299

Declaring that making the necessary findings of benefit to the 252 Corridor Park Improvements - Phase II work (Project), as provided in the First Amendment to the Amended Cooperation Agreement, will be of benefit to the Southcrest Redevelopment Project Area, that there are no other reasonable means of financing the improvements, that the improvements will assist in the elimination of blight, and that the Project is consistent with the implementation plan;

Authorizing the Mayor, or his representative, to execute the First Amendment to Amended Cooperation Agreement between the City of San Diego and the Redevelopment Agency of the City of San Diego, for 252 Corridor Park Improvements - Phase II, under the terms set forth in the Agreement;

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from the Redevelopment Agency of the City of San Diego, for this Project;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund in Fund 10267, RDA Contributions - SC, for the deposit of the Redevelopment Agency funding;

Authorizing the City Auditor and Comptroller to accept an amount not to exceed \$1,600,000 from the Redevelopment Agency, into Fund 10267, RDA Contributions – SC;

Authorizing the addition of CIP-29-970.0, 252 Corridor Park Improvements - Phase II, to the Fiscal Year 2008 Capital Improvements Program;

Authorizing an increase in the amount of \$1,600,000 in the Fiscal Year 2008 Capital Improvements Program Budget in CIP-29-970.0, 252 Corridor Park Improvements - Phase II, Fund No. 10267, RDA Contributions-SC;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$1,600,000 from CIP-29-970.0, 252 Corridor Park Improvements - Phase II, Fund No. 10267, RDA Contributions-SC, for the purpose of design and construction of improvements at the 252 Corridor Park;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3). This action authorizes the Mayor to execute a contribution agreement with the Redevelopment Agency of the City of San Diego. This action also authorizes the transfer of funds from the Redevelopment Agency of the City of San Diego to the City of San Diego. Any future activity involving construction associated with this action will be subject to a separate environmental review as required by CEQA.

STAFF SUPPORTING INFORMATION:

252 Corridor Park Phase I is located at 1375 Rigel Street, in the community of Southcrest, located in the Southeastern San Diego Community Planning Area. In 2003, the Southeastern Economic Development Corporation (SEDC), on behalf of the Redevelopment Agency of the City of San Diego (Agency), deeded approximately 8.547 acres of land to the City of San Diego as part of a Cooperation Agreement. SEDC, through the Redevelopment Agency, also provided \$500,000 to the City at that time for development of Phase I Park Improvements.

Phase I Park Improvements were completed and opened to the public in May 2006 and comprise approximately 2.72 acres. Amenities constructed in Phase I include: a comfort station, children's play areas, benches, picnic areas with barbecues, a parking lot, a jogging trail with exercise stations, and a pedestrian bridge over Chollas Creek leading to the Phase II area of the park.

Phase II Park Improvements will comprise approximately 5.827 acres. SEDC and the City have determined that a mix of active uses and passive uses is appropriate for Phase II of the park. Of the total 5.827 acres available for Phase II, a portion of the site has been developed as the Chollas Creek enhancement/revegetation area, and is available for passive park use. The remaining acreage remains useable and developable for active park use.

Specific project amenities for active use areas in Phase II of the park may include picnic shelters, children's play areas, walkways, fencing, an amphitheater, open turf areas, security lighting, and other site furnishings or amenities.

Specific project amenities in passive use areas of the park may include, but are not limited to, additional revegetation areas along Chollas Creek, interpretive signage, viewing platforms and split rail fencing. Final park amenities will be determined through a public input process pursuant to Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects.

FISCAL CONSIDERATIONS:

The 252 Corridor Park Improvements - Phase II project funding is \$1,600,000, to be authorized by the execution of the First Amendment to Amended Cooperation Agreement between the City of San Diego and the Redevelopment Agency of the City of San Diego. This funding is identified for design and construction of Phase II of the project. Project funding for Phase II Park Improvements will be added to CIP-29-970.0, 252 Corridor Park Improvements - Phase II, in phases pursuant to the First Amendment to Amended Cooperation Agreement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

252 Corridor Park Improvements - Phase I:

- April 11, 2000, Council Action accepting \$500,000 from SEDC for development of Phase I of the park, Resolution R-292980.
- December 8, 2003, Council Action authorizing the application for the State grant for \$2,500,000, Resolution R-298701.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Informal presentations have been made to the Southcrest Recreation Council and St. Judes Organizing Committee. However, the park design process will be consistent with Council Policy 600-33, Community Notification and Input for City-Wide Park Development Projects.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include the community of Southcrest, the Southcrest Recreation Council, and the Southeastern Economic Development Corporation.

FINDINGS OF BENEFIT:

The Findings of Benefit are contained in Attachment One (1).

Anderson

Staff: Deborah Sharpe - (619) 525-8261
Shannon Thomas - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of October 21, 2008, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. – 2:35 p.m.)

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



ITEM-S500: Ocean View Village, Project No. 96580. Site Development Permit, Vesting Tentative Map and Rezone to construct 143 residential units, 40 commercial units and 24 industrial units, on a 10.4 acre site located at 996 Otay Valley Road. (Otay Mesa Community Plan Area. District 8.)

Matter of approving, conditionally approving, modifying or denying a Site Development Permit, Vesting Tentative Map and Rezone to construct 143 residential units, 40 commercial units and 24 industrial units, on a 10.4-acre site located at 996 Otay Valley Road. The Site Development Permit is for Steep Hillside, Sensitive Biological Resources and seven Deviations to development

regulations for Affordable Housing. The Vesting Tentative Map is for a subdivision for condominium construction. The site was previously regulated under CUP 88-0498 as an Auto Dismantling Center. The property proposes redevelopment from this auto dismantling use to the approved land uses. The project was reviewed in the Affordable Housing Expedite Program and will provide 15 of the residential units as affordable in accordance with the Inclusionary Housing Ordinance.

The project is located in the AR-1-1 Zone, Airport Influence Area, and Airport Environs Overlay Zone, of the Otay Mesa Community Plan. The Rezone is to change the AR-1-1 Zone to RM-2-4, CN-1-2 and IL-2-1 in accordance with the adopted Robinhood Ridge Precise Plan and Community Plan.

(Continued from the meetings of October 6, 2008, Item 201, and October 14, 2008, Item S500; last continued at the request of Councilmember Hueso, for further review).

STAFF'S RECOMMENDATION:

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

Subitem-A: (R-2009-315) CONTINUED TO MONDAY,
DECEMBER 1, 2008

Adoption of a Resolution certifying that the information contained in Addendum to Environmental Impact Report No. 98-0189, 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 said 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 Rezone Ordinance, Site Development Permit, and Vesting Tentative Map for Ocean View Village project;

Subitem-D: (O-2009-41 Cor. Copy) CONTINUED TO MONDAY,
DECEMBER 1, 2008

Introduction of an Ordinance changing 10.4 acres located at 996 Otay Valley Road, within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 zone into the RM-2-4, CN-1-2 and IL-2-1 zones, as defined by the San Diego Municipal Code Sections 131.0406, 131.0502, 131.0603; and repealing Ordinance No. O-10862 (New Series), adopted June 29, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

OTHER RECOMMENDATIONS:

Planning Commission on July 24, 2008, voted 5-1-1 to recommend that the City Council certifies Addendum No. 96580 to Environmental Impact Report No. 98-0189; adopt the Mitigation Monitoring and Reporting Program; and approve Site Development Permit No. 320732, Vesting Tentative Map No. 314829 and Rezone Ordinance No. 314830 as presented in Report No. PC-08-085.

Additional recommendations to provide Photovoltaic Panels for either the Residential or Commercial/Industrial area that would meet the Expedite Program requirements of Council Policy No. 900-14, and provide for a reclaimed water service if a reclaimed water service is available in the future.

Ayes: Golba, Naslund, Otsuji, Schultz, Ontai
Nays: Griswold
Not present: Smiley

The Otay Mesa Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a new mixed use development consisting of 143 residential units, 40,678 square feet of commercial, and 37,850 square feet of industrial uses on a 10.4 acre site located at 996 Otay Valley Road, within the Otay Mesa Community planning area.

STAFF RECOMMENDATION:

Recommend that the City Council certify Addendum No. 96580 to Environmental Impact Report No. 98-0189, adopt the Mitigation, Monitoring and Reporting Program; and approve Site Development Permit No. 320732, Vesting Tentative Map No. 314829 and Rezone Ordinance No. 314830.

EXECUTIVE SUMMARY:

The Ocean View Village project is a request for a Site Development Permit, Vesting Tentative Map and Rezone to construct 143 residential units, 40 commercial units and 24 industrial units on a 10.4 acre site located at 996 Otay Valley Road. The project is located in the AR-1-1 Zone, Airport Influence Area, and Airport Environs Overlay Zone, of the Otay Mesa Community Plan. The Site Development Permit is for Steep Hillside, Sensitive Biological Resources and seven Deviations to development regulations for Affordable Housing. The seven Deviations to development regulations are being requested as part of the affordable/in-fill housing and sustainable building regulations for setbacks, street frontage, drive aisle driveway width, retaining wall height, off-street loading spaces, and structure height. The Vesting Tentative Map is for a subdivision for condominium construction. The Rezone is to change the AR-1-1 Zone to RM-2-4, CN-1-2 and IL-2-1 in accordance with the adopted Robinhood Ridge Precise Plan and Community Plan.

The site was previously regulated under CUP 88-0498 as an Auto Dismantling Center. The property proposes redevelopment from this auto dismantling use to the proposed land uses. The project was reviewed in the Affordable Housing Expedite Program and will provide 15 of the residential units as affordable in accordance with the Inclusionary Housing Ordinance.

The project has not been controversial and there were no speaker slips in opposition at either of the two Planning Commission hearings. The project was docketed for Planning Commission on July 17th and trailed to July 24th. The Planning Commission recommended the City Council require two conditions; 1) provide photovoltaic panels (solar energy) on the roof for either the Residential or Commercial/Industrial area that would meet the Sustainable Expedite Program requirements of Council Policy 900-14, and 2) a condition to provide for a reclaimed water service if a reclaimed water service is available in the future.

The owner/applicant recommends an alternative to both of the Planning Commission conditions. There is no current reclaimed water service to the project area; therefore staff could not condition the project to connect to a reclaimed water service at this time. There are no Municipal Code provisions that require projects to install photovoltaic panels. The applicant has volunteered to provide 10% of the residential units as Affordable Housing. As an alternative to the condition to provide a future reclaimed water service, the owner/applicant agrees to provide this service for

landscaping. As an alternative to the condition to provide photovoltaics, the owner/applicant agrees to build the commercial/industrial structures to LEED standards and impose specified sustainable design and development conditions on the residential portion of the project.

FISCAL CONSIDERATIONS:

All staff costs associated with processing this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Planning Commission: The Planning Commission recommended the City Council approve the project on July 24, 2008, by a vote of 5-1-1 with two recommendations: 1) The project be required to provide Photovoltaic Panels for either the Residential or Commercial/Industrial area that would meet the Expedite Program requirements of Council Policy 900-14; and 2) Add a Condition to provide for a reclaimed water service if a reclaimed water service is available in the future.

Community Planning Group: The Otay Mesa Community Planning Board voted 13-1-1 on September 20, 2006, to recommend approval of the project, with additional landscape recommendations that were incorporated into the design.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Owner: Melvyn V. Ingalls.

Applicant: M. W. Steele Group, Inc.

Broughton/Anderson/DM

LEGAL DESCRIPTION:

The project site is legally described as the southeast quarter of the southwest quarter of the northeast quarter of Section 29, Township 18 South, Range 1 West, San Bernardino Meridian, County of San Diego.

NOTE: The City of San Diego, as Lead Agency under California Environmental Quality Act (CEQA) and State CEQA Guidelines has prepared and completed Addendum No. 96580 to Environmental Impact Report No. 98-0189, and the Mitigation, Monitoring and Reporting Program (MMRP) covering this activity.

Staff: Diane Murbach – (619) 446-5042
Marianne Greene – Deputy City Attorney

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

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:46 a.m.)

MOTION BY HUESO TO CONTINUE TO MONDAY, DECEMBER 1, 2008, FOR NOTICING PURPOSES. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, 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: 6:49 p.m. – 6:50 p.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:57 p.m. in honor of the memory of:

George Lin as requested by Council Member Maienschein; and
Victor Player as requested by Council Member Young.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:53 p.m. – 6:57 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego