

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 9, 2009
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Hueso at 2:00 p.m. Council President Hueso recessed the meeting at 4:40 p.m. for the purpose of a break. Council President Hueso reconvened the meeting at 4:46 p.m. with all council members present. Council President Hueso recessed the meeting at 5:53 p.m. for the purpose of a break. Council President Pro Tem Faulconer reconvened the meeting at 5:58 p.m. with Council President Hueso, Council Member DeMaio, and Council Member Emerald not present. The meeting was adjourned by Council President Pro Tem Faulconer at 6:17 p.m. to convene in Closed Session.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Lightner-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Gloria-present
 - (4) Council Member Young-present
 - (5) Council Member DeMaio-present
 - (6) Council Member Frye-present
 - (7) Council Member Emerald-present
 - (8) Council Member Hueso-present
- Clerk-Maland (sr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Lightner-present
- (2) Council Member Faulconer-present
- (3) Council Member Gloria-present
- (4) Council Member Young-not present
- (5) Council Member DeMaio-present
- (6) Council Member Frye-present
- (7) Council Member Emerald-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



ITEM-10: INVOCATION

Invocation was given by Liz Maland, City Clerk.

FILE LOCATION: MINUTES



ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Young.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:

CS-1 Agency Negotiators: William Kay, Timothy Davis, Scott Chadwick, Judy von Kalinowski, Thom Harpole, Kim Nguyen, Woo-Jin Shim, Lourdes Silva, Valerie VanDeweghe, Javier Mainar, Brian Fennessy, David Ramirez, Robert Kanaski, Paul Cooper, Jan Goldsmith, Tanya Tomlinson, Joan Dawson, William Gersten, Lori Thacker

Employee Organizations: Local 145 International Association of Firefighters
AFL-CIO, San Diego Police Officers Association,
Municipal Employees Association, AFSCME Local 127
AFL-CIO and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 10, 2009

DCA Assigned: J. Dawson

Discussion with the Mayor and City Council pending contract negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, Municipal Employees Association, AFSCME Local 127 and the Deputy City Attorney's Association).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:05 p.m. - 6:06 p.m.)

Council President Pro Tem Faulconer closed the hearing.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-2 *Friends and Concerned Citizens of University City, et al. v. City of San Diego*
San Diego Superior Court Case No. 37-2007-00078058-CU-TT-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 10, 2009

This litigation is regarding a proposed development at Costa Verde. Outside Counsel requests that the Mayor and City Council consider a proposed settlement of the matter in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:05 p.m. - 6:06 p.m.)

Council President Pro Tem Faulconer closed the hearing.

CS-3 *Valerie O'Sullivan v. City of San Diego*
San Diego Superior Court Case No. GIC 826918;
California Court of Appeal Case No. D053230

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 10, 2009

DCA Assigned: G. Schaefer

A Superior Court Judge rendered a judgment against the City and ordered the City to restore Children's Pool Beach to its 1941 configuration. After the judgment was affirmed on appeal, the Superior Court awarded additional attorneys' fees and costs to the Plaintiff totaling \$431,835.77 and the City Council voted to appeal this award. The City Attorney intends to present to the Mayor and City Council for its consideration a settlement offer that was made by the Plaintiff for settlement of the attorneys' fees and costs award. The City Attorney also needs to discuss in Closed Session with the City Council and the Mayor the status of the proceedings in Superior Court, including a pending request by the Plaintiff for a preliminary injunction against the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:05 p.m. - 6:06 p.m.)

Council President Pro Tem Faulconer closed the hearing.

CS-4 *McGuigan v. City of San Diego*
San Diego Superior Court Case No. GIC 849883

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 10, 2009

DCA Assigned: W. Chung

McGuigan v. City of San Diego is an action related to underfunding of the City's Pension Plan. In Closed Session, the City Attorney will brief the Mayor and City Council on the status of the litigation and strategy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:05 p.m. - 6:06 p.m.)

Council President Pro Tem Faulconer closed the hearing.

CS-5 *Jacqueline Lindsay v. City of San Diego*

San Diego Superior Court Case No. 37-2007-00081422-CU-WT-CTL

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 10, 2009

DCA Assigned: W. Chung

Jacqueline Lindsay v. City of San Diego is an action by former Deputy City Attorney Jacqueline Lindsay against the City of San Diego and based upon allegations of disability discrimination and wrongful discharge. In Closed Session, the City Attorney will brief the Mayor and City Council on the status of the litigation and strategy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:05 p.m. - 6:06 p.m.)

Council President Pro Tem Faulconer closed the hearing.

CS-6 *James M. Chapin and Penney Castleman v. Michael Aguirre and City of San Diego*

United States District Court Case No. 05CV1906R (POR)

REFERRED TO CLOSED SESSION OF TUESDAY, MARCH 10, 2009

DCA Assigned: W. Chung

James M. Chapin and Penney Castleman v. Michael Aguirre and City of San Diego is a wrongful termination case arising from both of Plaintiffs prior employment as former Deputy City Attorneys. In Closed Session, the Deputy City Attorney and Outside Counsel retained by the City will brief the Mayor and City Council on the matter and present a settlement offer made by Plaintiffs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:05 p.m. - 6:06 p.m.)

Council President Pro Tem Faulconer closed the hearing.



ITEM-200: Amendment No. 1 to Agreement with Malcolm Pirnie, Inc., for Engineer's Statement of Feasibility for 2009 Bond Offerings for the Metropolitan Wastewater Department. (Clairemont/Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-894) ADOPTED AS RESOLUTION R-304706

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Amendment to the Agreement with Malcolm Pirnie, Inc., for completion of the Engineer's Statement of Feasibility in connection with the Metropolitan Wastewater Department 2009 Bond Offering, under the terms and conditions set forth in Amendment No. 1;

Authorizing the expenditure of an amount not to exceed \$90,484 from Sewer Fund No. 41509, solely and exclusively, to provide funds for the above Amendment No. 1;

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

STAFF SUPPORTING INFORMATION:

On July 8, 2008, the City of San Diego entered into an Agreement with Malcolm Pirnie, Inc. (City Document C-14649) to perform an Engineer's Statement of Feasibility for the Metropolitan Wastewater Department's 2009 Bond Offering.

The City and Consultant concur, that an extension/continuation of the Scope of Work is required, and mutually desire to amend the Agreement for the not-to-exceed amount of \$90,484 via Amendment No. 1.

Said action will increase the total Agreement value to \$247,229, thus providing the assistance needed to complete the following tasks:

- Update the 2008 technical information:
 - 2008 data throughout technical report
 - 2008 regulatory compliance evaluation for Task Chapter 2.3
- Update the 2008 financial information:
 - Provide an "Additional Bonds Test" (ABT) as outlined in the Master Installment Purchase Agreement. This will include an update to Task 6.3, Forecast Opinion.
- Finalize the report:
 - Two (2) MWWD conference calls to discuss the updated draft report and receive internal review comments. Incorporate comments and reissue Draft Report for external review.
 - Two (2) external conference calls to discuss the updated draft report and receive external comments. Incorporate comments and finalize report.
 - Prepare report in final format suitable for publication and distribution. This report will be presented prior to the Rating Agency meetings.
 - At City's discretion, attend and present pertinent information at three (3) Rating Agency meetings by up to two (2) Malcolm Pirnie representative.

FISCAL CONSIDERATIONS:

The total not-to-exceed amount of this request is \$90,484 and is available in the MWWD operating budget, Sewer Fund 41509.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

Citizens of San Diego and the Participating Agencies who are impacted by sewer rates and ongoing maintenance and rehabilitation of the Metropolitan Wastewater System.

Ferrier/Barrett

Aud. Cert. 2900610.

Staff: Jeanne Cole - (858)292-6313
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:59 p.m. – 6:05 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Gloria. Passed by the following vote:
Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-not present.



ITEM-201: Acceptance of Destination Lindbergh Report. (Downtown, Point Loma, and Mission Hills Community Areas. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-918 Rev. Copy) ADOPTED AS AMENDED WITH DIRECTION AS
RESOLUTION R-304707

Accepting the "Destination Lindbergh Report;"

Directing the Intergovernmental Relations Department to seek funding for short-term solutions needed to address off-airport traffic and circulation mitigation measures related to the Airport.

STAFF SUPPORTING INFORMATION:

In 2008, the Regional Airport Authority issued a draft EIR for their Phase Airport Master Plan. The City and SANDAG expressed significant concern about the environmental impacts of proposed build out, in particular traffic circulation impacts to the streets in and around the airport. Because the parties wished to avoid litigation amongst public agencies, the three parties agreed to a Memorandum of Agreement ("MOA") in May 2008, in order to allow sufficient time to study the longer term development for the Airport and to implement a process by which the parties could work together cooperatively. The first outcome of that cooperative effort is the report the Council is being asked to accept. The process outlined in the MOA seeks comment from the City on the report before it is sent to the Airport Authority for final approval.

FISCAL CONSIDERATIONS:

No fiscal impact.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Destination Lindbergh Plan was brought to Rules as an informational item.

FISCAL CONSIDERATIONS:

No fiscal impact.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Not Applicable.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Not Applicable.

Nelson/Michell

Staff: Job Nelson - (619) 236-5980
Brock Ladewig - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:01 p.m. – 4:03 p.m.)

MOTION BY YOUNG TO ADOPT THE RESOLUTION AND ACCEPT THE “DESTINATION LINDBERGH REPORT”; WITH DIRECTION TO FORWARD COUNCIL COMMENTS TO THE NEXT AIRPORT AUTHORITY BOARD MEETING. Second by Gloria. Passed by the following vote: Lightner-yea, Faulconer-nay, Gloria-yea, Young-yea, DeMaio-yea, Frye-nay, Emerald-yea, Hueso-yea.

MOTION BY YOUNG TO ADOPT THE RESOLUTION WITH DIRECTION TO THE INTERGOVERNMENTAL RELATIONS DEPARTMENT TO SEEK FUNDING FOR SHORT-TERM SOLUTIONS NEEDED TO ADDRESS OFF-AIRPORT TRAFFIC AND CIRCULATION MITIGATION MEASURE RELATED TO THE AIRPORT. AMEND BY CHANGING THE LANGUAGE IN THE RESOLUTION AS FOLLOWS: “WHEREAS, UNDER THE MOU THE CITY WILL WORK COOPERATIVELY WITH THE AIRPORT AUTHORITY TO SEEK FUNDING...” Second by Gloria. Passed by the following vote: Lightner-nay, Faulconer-nay, Gloria-yea, Young-yea, DeMaio-yea, Frye-nay, Emerald-yea, Hueso-yea.



ITEM-202: Wastewater System – Sewer Revenue Bonds and Sewer Revenue Refunding Bonds. (Citywide.)

(See Reports to the City Council No. 09-016 and 09-017; and memorandum from Lakshmi Kommi dated 2/19/2009.)

STAFF’S RECOMMENDATION:

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

Subitem-A: (O-2009-103) INTRODUCED AS AMENDED; TO BE ADOPTED
TUESDAY, MARCH 24, 2009

Introduction of an Ordinance (I) Approving the form and authorizing the execution and delivery of (a) Indentures, (a) Supplemental Indentures, (c) Supplements to Master Installment Purchase Agreement, (d) Bond Purchase Agreements (e) Escrow Agreements, and (f) Continuing Disclosure Certificates; (II) Approving and authorizing the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of its (a) Sewer Revenue Bonds in an aggregate principal amount not to exceed \$259,000,000 to refinance existing subordinated notes, (b) Sewer Revenue Bonds in an aggregate principal amount not to exceed \$168,000,000 to finance new facilities of the Wastewater System, (c) Sewer Revenue Refunding Bonds in an aggregate principal amount not to exceed \$900,000,000 to refund all or a portion of existing senior debt to achieve savings, (d) Sewer Revenue Bonds in an aggregate principal amount not to exceed \$65,100,000 to fund certain debt service reserve funds; and (III) Approving certain other agreements and actions in connection therewith pursuant to Section 99 of the Charter of the City of San Diego.

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

Subitem-B: (R-2009-890) ADOPTED AS RESOLUTION R-304708

Authorizing the City Attorney, or his specified designee, to retain Nixon Peabody LLP as bond counsel for the City and the Authority (Bond Counsel) and Hawkins Delafield & Wood LLP as disclosure counsel for the City and the Authority (Disclosure Counsel) in connection with the Sewer Bond and Sewer Refunding Bond Series 2009A, under such contracts or other arrangements as the City Attorney, or his specified designee, shall approve as being in the best interests of the City.

Such contracts or other arrangements shall be in an amount not to exceed \$231,000 plus reasonable out-of-pocket expenses not to exceed \$5,000 for Bond Counsel and in an amount not to exceed \$250,000 plus reasonable out-of-pocket expenses not to exceed \$5,000 for Disclosure Counsel;

All actions heretofore taken by any officers, employees or agents of the City with respect to activities involving Bond Counsel or Disclosure Counsel are hereby approved, confirmed and ratified; and the Chief Operating Officer or the Chief Financial Officer and any such other officers, employees or agents of the City as may be authorized by the Mayor, the Chief Operating Officer or the Chief Financial Officer are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions, including, without limitation, payment of necessary and appropriate fees and expenses, which they, or any of them, may deem necessary or advisable to consummate the transactions referenced herein in accordance with this Resolution.

STAFF SUPPORTING INFORMATION:

The proposed financing plan for the Wastewater System contemplates several components - the refinancing of the short-term Subordinated Sewer Revenue Notes, Series 2007, to pay down \$223.8 million in principal outstanding due May 15, 2009, ("Note Repayment"); up to \$168 million in new money bonds that generates net proceeds for the financing of Wastewater Capital Improvement Projects through June 2011 ("New Money"); the refunding of eligible maturities of the outstanding Sewer Revenue Bonds, Series 1993, 1995, 1997 A and B and 1999 A and B

("Outstanding Senior Bonds") that provide at least 3% net present value savings ("Economic Refunding"). The Note Repayment and New Money components will make up the Sewer Revenue Bonds ("Sewer Bonds") and the Economic Refunding component will make up the Sewer Revenue Refunding Bonds ("Sewer Refunding Bonds"). In addition, the financing plan includes, if necessary, cash funding the reserve fund of a portion of the Outstanding Senior Bonds that is currently supported by a surety policy backed by Ambac.

The legal documents seek authorization for the issuance of both the Sewer Bonds and Sewer Refunding Bonds, which may be executed in two or more financings, which will begin with Series 2009A to be executed by or before May 15, 2009.

The authorizing ordinance submitted for the City Council's approval includes approval of the form of the operative legal documents listed below and any other actions of the Mayor or his designees that may be necessary to issue the bonds - Supplements to the Master Installment Purchase Agreement, the Indenture and Supplemental Indentures, Continuing Disclosure Certificates, Bond Purchase Agreements, the Escrow Agreements. Staff will return to the City Council requesting approval of the Preliminary Official Statement prior to issuance of the bonds. It is currently contemplated that the Sewer Bonds, Series 2009A, ("2009A Bonds") will include the Note Repayment and New Money components. Staff will be requesting the City Council to authorize the Preliminary Official Statement (POS) for the 2009A Bonds in the second week of April 2009. The POS for subsequent issuances beyond the 2009A Bonds will be brought to the City Council for approval via resolution prior to the sale of each series of bonds.

FISCAL CONSIDERATIONS:

Based on interest rates as of February 11, 2009, the annual estimated debt service for the 2009A Bonds is an estimated \$29.1 million over a 30-year term. The total costs of issuance, which includes fees for financing and legal services, and the underwriter's discount is estimated at \$2.3 million. Pursuant to the Debt Policy, the Outstanding Senior Bonds, or selected maturities thereof, will only be refunded if the net present value of savings is at least 3% of the refunded bonds. Staff will monitor the interest rates closely to identify opportunities to refund the Outstanding Senior Bonds to maximize the debt service savings. The costs of issuance associated with subsequent financing tranches will be funded from the respective bond proceeds.

EQUAL OPPORTUNITY CONTRACTING: See Attached.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The short-term Subordinated Sewer Revenue Notes, Series 2007, were approved by City Council on April 9, 2007.



ITEM-203: Initiation of Land Use Plan Amendments and Zoning Actions for Implementation of Airport Land Use Compatibility Plans. (Barrio Logan, Black Mountain Ranch, Carmel Mountain Ranch, Carmel Valley, Centre City, City Heights, Clairemont Mesa, College Area, Del Mar Mesa, East Elliott, Eastern Area, Encanto, Greater Golden Hill, Kearny Mesa, Kensington-Talmadge, La Jolla, Linda Vista, Midway/Pacific Highway Corridor, Mira Mesa, Miramar Ranch North, Mission Beach, Mission Valley, Navajo, Normal Heights, North Park, Ocean Beach, Old Town San Diego, Otay Mesa, Otay Mesa-Nestor, Pacific Beach, Pacific Highlands Ranch, Peninsula, Rancho Bernardo, Rancho Encantada, Rancho Peñasquitos, Sabre Springs, San Ysidro, Scripps Miramar Ranch, Serra Mesa, Skyline-Paradise Hills, Southeastern San Diego, Tierrasanta, Tijuana River Valley, Torrey Highlands, Torrey Hills, Torrey Pines, University, and Uptown Community Areas. Districts-All.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2009-896) ADOPTED AS RESOLUTION R-304709

Authorizing initiation of amendments to the following land use plans as necessary: General Plan, Barrio Logan Community Plan, Black Mountain Ranch Subarea Plan, Carmel Mountain Ranch Community Plan, Carmel Valley Community Plan, Centre City Community Plan, Clairemont Mesa Community Plan, College Area Community Plan, Del Mar Mesa Specific Plan, East Elliott Community Plan, Greater Golden Hill Community Plan, Kearny Mesa Community Plan, La Jolla Community Plan, Linda Vista Community Plan, Mid City Communities Plan, Midway/Pacific Highway Corridor Community Plan, Mira Mesa Community Plan, Miramar Ranch North Community Plan, Mission Beach Community Plan, Mission Valley Community Plan, Navajo Community Plan, North Park Community Plan, Ocean Beach Precise Plan, Old Town San Diego Community Plan, Otay Mesa Community Plan, Otay Mesa-Nestor Community Plan, Pacific Beach Community Plan, Pacific Highlands Ranch Subarea Plan, Peninsula Community Plan, Rancho Bernardo Community Plan, Rancho Encantada Precise Plan, Rancho Peñasquitos Community Plan, Sabre Springs Community Plan, San Ysidro Community Plan, Scripps Miramar Ranch Community Plan, Serra Mesa Community Plan, Skyline-Paradise Hills

Community Plan, Southeastern San Diego Community Plan, Tierrasanta Community Plan, Tijuana River Valley Local Coastal Program Land Use Plan, Torrey Highlands Subarea Plan, Torrey Hills Community Plan, Torrey Pines Community Plan, University Community Plan, and Uptown Community Plan, pursuant to the Land Use and Community Planning Element of the General Plan;

Authorizing the work to process zoning actions as necessary related to the implementation of ALUCP's adopted by the San Diego County Regional Airport Authority, pursuant to Section 123.0103.

STAFF SUPPORTING INFORMATION:

In accordance with state law, the San Diego County Regional Airport Authority adopts Airport Land Use Compatibility Plans (ALUCP) that reflect the projected use of local airports and establish compatibility requirements for surrounding land uses. New development must comply on the date of adoption by the Airport Authority, despite any inconsistencies with local land use plans or zoning. (See list of communities that must comply with the adopted ALUCP for MCAS Miramar as of October 2, 2008.) Incorporation of brief policy statements into community plans, amendment of the Land Development Code, and zoning/rezoning of properties are expected to facilitate implementation of ALUCP policies for communities throughout the City with airport influence areas, including those surrounding MCAS Miramar.

The City Council is being asked to initiate the process for amending land use plans consistent with the Land Use and Community Planning Element of the General Plan to address changes in land use or density/intensity ranges, and associated policies, maps, and diagrams. In accordance with Municipal Code Section 123.0103, the City Council is also being asked to authorize staff preparation of future zoning actions that may include application of new airport related overlay zoning, and/or rezoning of properties to remove existing overlay zoning. This initiation action would not commit the City Council to adoption of plan amendments or zoning actions, but instead would allow staff to begin preparation of documents as necessary to facilitate implementation of adopted ALUCP's. Amendments to land use plans or the Land Development Code, or rezoning of property would occur as part of a separate action with additional public noticing, community input, and public hearings before the Planning Commission and City Council.

If the City Council does not adopt the Resolutions, the City would still be required by federal and state law to comply with the adopted Airport Land Use Compatibility Plans. In that case, the Airport Authority would not likely find the City's land use plans or zoning code consistent with adopted ALUCP policies. All permit applications for development within an airport influence area would continue to be forwarded to the Airport Authority for review. However, without amendments to applicable land use plans or zoning regulations, the applicability of adopted ALUCP policies and requirements to individual parcels would remain unclear and the development process would become unnecessarily complicated counter to City goals.

Staff is in the process of translating ALUCP policies into the City's regulatory format to facilitate implementation. As associated implementing documents are brought forward to the City Council for approval, the Council may consider whether to modify and/or overrule adopted ALUCP policies.

ENVIRONMENTAL IMPACT:

This activity is not a "project" and is therefore not subject to CEQA Guidelines Section 15060(c)(3).

FISCAL CONSIDERATIONS:

This project would be partially funded as an overhead expense in the Development Services budget (enterprise fund) as associated with preparation of regulations through the Land Development Code implementation work program. The remaining portion, associated with the long range planning function of the City Planning & Community Investment Department, would be covered by the City's general fund.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

Not applicable.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Informational reports regarding the Airport Land Use Compatibility Plan adoption process were presented to the Land Use & Housing Committee on November 28, 2005, (Report 05-236), February 1, 2006, (Overview issues for 2006), and May 21, 2008 (May 13, 2008, Memorandum).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The MCAS Miramar ALUCP was adopted by the Airport Land Use Commission in October 2008, through a public process. The Airport Land Use Commission is in the process of updating other ALUCP's applicable within the City of San Diego including Montgomery Field, Brown Field, and the San Diego International Airport. City staff has participated in the ALUCP update process and has provided status updates at various public forums including Council Committee,

Community Planners Committee, Technical Advisory Committee, Code Monitoring Team, and planning group meetings. Initiation of plan amendments and zoning actions by the City Council will allow staff to begin the process for implementation of the Airport Land Use Compatibility Plan's as they become adopted. Additional outreach efforts will occur during preparation of the amendments to existing land use plans and the Land Development Code.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

As a result of new Airport Land Use Compatibility Plans, communities throughout the City will be subject to additional limitations related to noise, safety, airspace protection, and overflight notification. Future land use plan amendments and zoning actions would help clarify applicable airport related policies and regulations for all stakeholders within the airport influence areas of MCAS Miramar, Montgomery Field, Brown Field, and the San Diego International Airport. The Airport Technical Advisory Group (ATAG) is a key stakeholder group, assembled by the Airport Authority, to participate in the process.

Broughton/Goldstone

Staff: Amanda Lee - (619) 446-5367
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:03 p.m. – 4:40 p.m.)

MOTION BY YOUNG TO ADOPT. Second by DeMaio. Passed by the following vote: Lightner-yea, Faulconer-yea, Gloria-yea, Young-yea, DeMaio-yea, Frye-yea, Emerald-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Pro Tem Faulconer at 6:17 p.m. to convene into Closed Session in honor of the memory of:

Raymond Bradbury Graber at the request of Council Member Frye;
Michael James Sapp at the request of Liz Maland, City Clerk; and
John Delotch at the request of Council Member Young.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:06 p.m. – 6:17 p.m.)