

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, FEBRUARY 26, 2008 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7532. Internet access to the agenda is available at:  
<http://sdhc.net/AuthorityAgenMinRpts.shtml>

ITEM-300:                               ROLL CALL.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

ITEM-30:                               Peace Corps Week.  
COUNCIL PRESIDENT PETERS’ RECOMMENDATION: Adopt the resolution.

ITEM-31:                               Dream House San Diego Day.  
COUNCILMEMBER FRYE’S RECOMMENDATION: Adopt the resolution.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUEST FOR CONTINUANCE**

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50:           Modify Purpose of Automated Container Fund to Accommodate Replacement Automated Refuse Container Program.  
STAFF'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100:         Consultant Agreement with Alta Planning and Design for the Pedestrian Master Plan Phases 2 and 3. (Citywide.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-101:         Lease Agreement with Heartland Automotive Services II, Inc. for the Operation of an Automotive Maintenance and Repair Facility Located at 1005 B Street. (Centre City [Downtown] Community Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-102:         Community Parking District Advisory Board Conflict of Interest Code. (City Heights, Normal Heights, Kensington, North Park, Golden Hills, Pacific Beach, Uptown, Old San Diego, Centre City, and La Jolla Community Areas. Districts 1, 2, 3, and 7.)  
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-103:         Our Lady of the Sacred Heart Catholic School Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-104:         READ/San Diego Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-105:         Excusing Councilmember Ben Hueso from attending the February 4 and 5, 2008 Council Meetings.  
COUNCILMEMBER HUESO'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-330: Proposition 1C – Transit Oriented Development Housing Fund (TOD).  
(Southeastern San Diego and Centre City Community Areas. Districts 2  
and 8.)  
STAFF'S RECOMMENDATION: Adopt the resolution.

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-331: Amending the San Diego Municipal Code Related to the Child Protection  
Act Regulating the Proximity of Sex Offenders to Children's  
Facilities/Keep Children Safe Initiative.  
PUBLIC SAFETY AND NEIGHBORHOOD SERVICES  
COMMITTEE'S RECOMMENDATION: On 11/16/2005, PS&NS voted  
3 to 0 to accept the Committee Consultant's recommendation to direct the  
City Attorney to draft an ordinance that prohibits sex offenders from being  
on or within 300 feet of a public or private school for children, a center or  
facility that provides day care or children's services, libraries, a video  
arcade, a playground, park or an amusement center. Forward this issue to  
Council within 60 days with direction to include the Police Department,  
the Probation Department, and the District Attorney, San Diego Housing  
Commission and any affected agencies in the discussion to hear their  
perspective regarding enforcement issues and Section 8 participation of  
sex offenders. Direct the City Attorney to report back to Council regarding  
more aggressive living restrictions, legal issues with respect to current  
state law allowing local governments to include additional restricted sites  
and what their parameters are, and direction to return to Council with a  
draft ordinance.

Special Hearings, Discussion

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-332: Contracted Emergency Medical and Fire Dispatch Services Between the  
City of San Diego and the City of Chula Vista.  
STAFF'S RECOMMENDATION: Hold the first public hearing.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-333: Navy Broadway Complex. Appeal of Environmental Determination.  
(Marina and Columbia Sub Areas of the Centre City Redevelopment  
Project. District 2.)  
CENTRE CITY DEVELOPMENT CORPORATION'S  
RECOMMENDATION: Take the actions.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDERS OF BUSINESS

ITEM-30: Peace Corps Week.

[▶ View referenced exhibit back-up material.](#)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-670)

Commending the Peace Corps for their dedicated service to the world's communities;

Proclaiming February 25 through March 3, 2008, to be "Peace Corps Week" in the City of San Diego.

ITEM-31: Dream House San Diego Day.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-646)

Proclaiming February 26, 2008, to be "Dream House San Diego Day" in the City of San Diego, and commending the building team of Alec Schiffer, Todd Johnson, Michael Anderson, and Drew Corley for creating a product of which the entire City can be proud.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

ORDINANCES TO BE INTRODUCED:

Item 50.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, and 105.



ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- \* ITEM-50: Modify Purpose of Automated Container Fund to Accommodate Replacement Automated Refuse Container Program.

[▶ View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2008-105)

Introduction of an ordinance declaring that retroactive to January 1, 2008, the purpose of the Automated Container Fund is hereby modified to include (1) receipt of replacement automated refuse container fees, including any corresponding delivery fees; (2) receipt of interest earned on said fee revenues; and (3) expenditure or transfer of funds as necessary to cover expenses of administering the replacement automated refuse container program such as expenses for purchase, delivery, handling, repair, and/or replacement of automated refuse containers together with associated labor, materials, and equipment;

Declaring that this 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:**

Ordinance O-17763 adopted on May 5, 1992 established Automated Container Fund 10509 for the purpose of funding an automated refuse collection program in the City of San Diego. The fund has been used to purchase automated refuse containers utilized in the collection of refuse by City forces.

On November 20, 2007, the City Council adopted Resolution No. R-303202, which revised the automated refuse container policy to return responsibility to City resident and small business customers to furnish replacement automated refuse containers at their own expense and established a cost recovery fee for replacement automated refuse containers to be charged to those customers who chose to acquire their replacement container from the City. The action authorized the City Auditor and Comptroller to deposit the Automated Refuse Container Replacement fees, including corresponding delivery fees, into Fund 10509, the Automated Container Fund, for the purpose of administering the Automated Refuse Container Replacement program.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-50: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The action also authorized the City Auditor and Comptroller to transfer funds from Fund 10509 to the appropriate accounts to offset costs incurred in the General Fund to purchase, deliver, repair and/or replace automated refuse containers and to administer the Automated Refuse Container Replacement program.

The purpose of the existing Automated Container Fund should be modified to include the receipt of fees for replacement automated refuse containers, receipt of interest earned on that fee revenue, and expenditure or transfer of funds as necessary for purposes of the replacement automated refuse container program, retroactive to January 1, 2008.

FISCAL CONSIDERATIONS:

The Automated Refuse Container Fee is anticipated to generate approximately \$500,000 in Fiscal Year 2008 with an effective date of January 1, 2008, and approximately \$1M per fiscal year thereafter, depending upon the failure rate of containers and the number of customers who choose to acquire a replacement container from the City. This action is revenue neutral as the funds reimburse the purchase of additional automated containers and reimburse costs to administer the program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Ordinance No. O-17763 adopted May 5, 1992 established the Automated Container Fund. Resolution R-303202 authorized the City Auditor and Comptroller to deposit the Automated Refuse Container Replacement fees, including corresponding delivery fees, into Fund 10509, the Automated Container Fund, for the purpose of administering the Automated Container Replacement program. The action also authorized the Comptroller to transfer funds from Fund 10509 to the General Fund to purchase, deliver, repair and/or replace automated refuse containers to administer the Automated Container Replacement Program.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Gonaver/Heap

Staff: Charles Woolever - (858) 526-2355  
Grace C. Lowenberg - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Consultant Agreement with Alta Planning and Design for the Pedestrian Master Plan Phases 2 and 3. (Citywide.)

[▶ View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-651 Cor. Copy)

Authorizing the City Auditor and Comptroller to de-appropriate the amount of \$41,897 from JO 299014, Pedestrian Master Plan FY05, with funds to be returned to Fund No. 390068, TDA-SANDAG Bike Lane Claim FY05;

Authorizing the City Auditor and Comptroller to de-appropriate the amount of \$149,538.30 from JO 300372, Pedestrian Master Plan Phase 2 FY06, with funds to be returned to Fund No. 390069, TDA-SANDAG Bike Lane Claim FY06;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2008 Capital Improvements Program Budget in CIP-58-200.0, Pedestrian Master Plan Phase 3, by \$191,435.30 of which \$41,897 is from Fund 390068, Pedestrian Master Plan FY05 and \$149,538.30 is from Fund 390069, Pedestrian Master Plan Phase 2 FY 06;

Authorizing the City Auditor and Comptroller to appropriate and expend \$191,435.30 from CIP-58-200.0 of which \$41,897 was transferred from Fund 390068, Pedestrian Master Plan FY05 and \$149,538.30 was transferred from Fund 390069, Pedestrian Master Plan Phase 2 FY 06;

Authorizing the Mayor, or his designee, to execute an agreement with Alta Planning and Design to provide transportation and planning services for the Pedestrian Master Plan Phases 2 & 3 in an amount not to exceed \$319,000, from CIP-58-200.0;

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

Declaring that this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 because it is a project involving only feasibility or planning studies for possible future actions.

**STAFF SUPPORTING INFORMATION:**

The City is developing a Pedestrian Master Plan to guide the way the City plans and implements pedestrian projects. The Plan will have two parts: the Citywide Framework and the Community Pedestrian Plans. The Framework will serve as the basis for identifying and prioritizing pedestrian projects in every community. The Community Pedestrian Plans will contain the pedestrian routes and a prioritized list of pedestrian projects for each community. The City completed Phase 1 of the project which resulted in the Citywide Implementation Framework Report dated December 2006.

Phases 2 and 3 of the project will (1) continue development of the Plan in the top seven ranked communities in the City (excluding Centre City) based on a pedestrian priority model developed during Phase 1, (2) develop policy direction for the City to address access compliance in the public right of way, and (3) finalize the Citywide Framework based on lessons learned in the first seven communities. Remaining communities will be addressed in future phases of the project to be funded by annual allocations anticipated from SANDAG. The City conducted a competitive bidding process and selected Alta Planning & Design to provide the professional transportation planning and community outreach services needed for Phases 2 and 3.

Subconsultant Utilization

In keeping with the City's policy to voluntarily provide subcontracting opportunities to all interested and qualified firms, Alta Planning + Design has retained the following subconsultants as members of their consultant team in connection with this project: Boyle Engineering, Cityworks, and WalkSanDiego.

Equal Opportunity Contracting

Funding Agency: City  
Goals: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)  
Subconsultant Participation: \$115,490 Other Firms (36.19%)

FISCAL CONSIDERATIONS:

To date, the City of San Diego has received a total of \$450,000 in grant funding from the San Diego Association of Governments (SANDAG) to develop a Pedestrian Master Plan for the City. These funds are primarily used to pay consultants.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

City project management is funded through TransNet and the General Fund and is included in the City Planning & Community Investment department budget. Remaining funds received from SANDAG in previous grant cycles (\$41,897 from Fund 390068, Pedestrian Master Plan FY05 and \$149,538.30 from Fund 390069, Pedestrian Master Plan Phase 2 FY06), will be transferred into CIP-58-200.0, Pedestrian Master Plan Phase 3 recently established for this project.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Resolutions Number R-299014 (March 29, 2004), R-300372 (May 3, 2005), and R-301870 (September 19, 2006) provided authority to apply to SANDAG for grants to develop the Pedestrian Master Plan Phases 1, 2, and 3, respectively; to add to the CIP, Project 58-200.0, Pedestrian Master Plan - Phase 3; to increase the 2007 CIP by \$150,000, to accept, appropriate and expend all monies; and to establish interest bearing accounts.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

This project will include two meetings and one workshop for each of the seven community planning areas included, meetings with the Community Planners Committee and the Project Working Group established during Phase 1, and stakeholder outreach to develop policy direction for addressing access compliance in the public right of way.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Alta Planning & Design will be the prime consultant for this project. Sub-consultants will include Boyle Engineering, CityWorks, and WalkSanDiego. Other key stakeholders include the Community Planning Groups, the Community Planners Committee (CPC), Disability Services Disability Inclusion Group, the San Diego Disability Action Coalition, Business Improvement Districts, and other community and neighborhood organizations in the seven community planning areas to be studied. There is no projected impact.

McCullough/Anderson

Aud. Cert. 2800560.

Staff: Maureen Gardiner - (619) 236-7225  
Nina M. Fain - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: Lease Agreement with Heartland Automotive Services II, Inc. for the Operation of an Automotive Maintenance and Repair Facility Located at 1005 B Street. (Centre City [Downtown] Community Area. District 2.)

[▶ View referenced exhibit back-up material.](#)

(See Report to the City Council No. 08-016.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-665)

Authorizing the Mayor, or his designee, to execute and deliver, for and on behalf of the City of San Diego, a 10-year Lease Agreement with Heartland Automotive Services II, Inc., for the operation of an automotive maintenance and repair facility (i.e., a "Jiffy Lube" franchise) at 1005 B Street, San Diego, California, under the terms and conditions set forth in that Lease Agreement;

Authorizing and directing the City Auditor and Comptroller to accept rents pursuant to the Lease and deposit them in General Fund 100.

**STAFF SUPPORTING INFORMATION:**

PROPOSED LEASE SUMMARY:

1. Tenant: Heartland Automotive Services, the largest Jiffy Lube franchise in the country.
2. Location: 1005 B Street, the southeast corner of 10th & B Street in downtown.
3. Lease Area: 5,000 square feet
4. Use: Operation of an automotive maintenance and repair facility (Jiffy Lube franchise).
5. Term of Lease: Year-to-year with automatic annual extensions for a maximum of ten (10) years with early termination allowed upon 180-day written notice by either party.
6. Rent: Percentage rent of twelve percent (12%) of gross income, minus certain discounts, refunds, taxes and other minor deductions, with a \$67,200 annual minimum rent to be paid in monthly installments of \$5,600. The greater of the percentage or minimum rent amounts is the actual rent realized by the City.
7. Next Rent Review: None due to year-to-year nature of the agreement.
8. Improvement Summary: 984-square foot block building with two work bays, storage and office space areas.
9. Council District: 2
10. Comments: The year-to-year lease term basis will afford the City maximum flexibility.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

11. Map of Leasehold - Attached Exhibit "A"
12. Pictures of Leasehold - Attached Exhibit "B"

**CURRENT LEASE SUMMARY:**

Same as above except:

1. Term of Lease: Seven (7) years with an 18 month notice early termination provision.
2. Lease Expiration Date: September 30, 2004. Lease currently on holdover.
3. Rent:
  - a. 10% of gross income from minor tune-ups, lubrication, repair, sale of minor automotive parts, accessories and related goods.
  - b. 50% of food and beverage machines income, and commissions from telephone equipment paid to Lessee.
  - c. 20% of income from Lessee-owned machines.
  - d. 10% of all other authorized activities.
  - e. 20% from any unauthorized activities.

Current minimum rent is \$33,140.16, adjusted every two and a half years to 80% of the annual average rent of the proceeding two years. Rent paid by Heartland to the City in fiscal year (FY) 2006 was \$70,238.48 and in FY 2007 \$60,869.82. Although food and beverage machine income is included in the percentage rent scale, there are, in fact, no food or beverage machines on the premises. There also are no pay phones or unauthorized activities.

**FISCAL CONSIDERATIONS:**

The annual minimum rent the City will receive is \$67,200, an increase of \$34,059.84 over the current annual minimum rent of \$33,140.16. The projected percentage rent in Year One is \$84,000; as compared to the previous percentage rent of \$60,869.82, an increase of \$23,130.18. The Real Estate Assets Department projects the percentage rent will increase to over \$98,000 annually during the term of the lease, a substantial increase in rental income. The rent derived from this lease will be deposited in General Fund 100.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The City of San Diego will benefit by receipt of substantially increased annual rental proceeds. Since this is a lease renewal involving an existing facility, no new impacts are anticipated.

Barwick/Anderson

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

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Community Parking District Advisory Board Conflict of Interest Code. (City Heights, Normal Heights, Kensington, North Park, Golden Hills, Pacific Beach, Uptown, Old San Diego, Centre City, and La Jolla Community Areas. Districts 1, 2, 3, and 7.)

[▶ View referenced exhibit back-up material.](#)

(See City Attorney's Report to the City Council dated 2/12/2008.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-673)

Approving the model code set forth at California Code Regulations Title 2, § 18730, together with Appendix A and Appendix B, as the listed Community Parking District Advisory Boards' Conflict of Interest Code;

Adopting Appendix A and B, the Community Parking District Advisory Boards' Code;

Stating that the persons whose positions are designated in the amended Conflict of Interest Code shall file their statements of economic interest with the City Clerk;

Stating 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 Community Parking District Advisory Boards becomes effective upon the date of final passage of this resolution, and shall remain effective until and unless the Fair Political Practices Commission determines that no such code is required for the Community Parking District Advisory Boards;

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



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**SUPPORTING INFORMATION:**

The City Attorney recently opined that the La Jolla CPD Advisory Board is subject to the Political Reform Act's conflict of interest regulations and disclosure requirements. By extension, each of the other five CPD's would be subject to such regulations and requirements. Pursuant to the San Diego Municipal Code, the City Council is vested with the authority to review and adopt conflict of interest codes for the City's boards and commissions. Upon adoption of such a code by the City Council, the members are required to file financial disclosure forms. The level of disclosure required by each reporting individual is based on the responsibilities and authority of the particular board or commission on which the individual serves.

The conflict of interest code offered for Council consideration as part of this action pertains to the City's six Community Parking District Advisory Boards. The manner of organization of one or more of the boards, including the La Jolla CPD advisory board, raises a unique legal issue that the City Attorney addresses in his report.

Calabrese

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: Our Lady of the Sacred Heart Catholic School Day.

[▶ View referenced exhibit back-up material.](#)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-636)

Commending Our Lady of the City of the Sacred Heart Catholic School for its service to the City Heights community and 80 years success in education;

Proclaiming February 2, 2008, to be "Our Lady of the Sacred Heart Catholic School Day" in the City of San Diego.

\* ITEM-104: READ/San Diego Day.

[View referenced exhibit back-up material.](#)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2008-629)

Commending READ/San Diego for 20 years of outstanding service to the San Diego Community through its efforts to improve adult literacy;

Proclaiming February 1, 2008, to be "READ/San Diego Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: Excusing Councilmember Ben Hueso from Attending the February 4 and 5, 2008 Council Meetings.

▶ [View referenced exhibit back-up material.](#)

**COUNCILMEMBER HUESO'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-662)

Excusing Councilmember Ben Hueso from attending the regularly scheduled City Council Meeting of February 4 and 5, 2008, due to illness.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-330: Proposition 1C – Transit Oriented Development Housing Fund (TOD).  
(Southeastern San Diego and Centre City Community Areas. Districts 2 and 8.)

[▶ View referenced exhibit back-up material.](#)

(See Report to the City Council No. 08-017.)

**STAFF’S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-709 Cor. Copy)

Authorizing the Mayor, and/or his designee, to express the City’s support for, the four (4) projects recommended as eligible for Proposition 1 C-TOD funds by the Infrastructure Bond Task Force, including the Comm22 project, the 15<sup>th</sup> and Commercial project, the 7<sup>th</sup> and Market Street project and the 1050 B Street project;

Authorizing the Mayor, and/or his designee, to apply to the State Department of Housing and Community Development (HCD) for Proposition 1C-TOD funds to support infrastructure improvements for the Comm22 project located at 22<sup>nd</sup> Street and Commercial, adjoining the Logan Heights and Sherman Heights communities, and the 15<sup>th</sup> and Commercial and the 7<sup>th</sup> and Market Street projects located in the Centre City community;

Authorizing the Mayor, and/or his designee, to take all necessary actions to secure funding from the HCD for the aforementioned infrastructure improvement projects;

Authorizing the City Auditor and Comptroller to accept Proposition 1C-TOD grant funds, should such funding be secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grant funds, should they be secured;

Declaring that this activity has been determined by the City not to constitute a “project” and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3). Any construction activities related to this approval shall be subject to environmental review by the City.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-331: Amending the San Diego Municipal Code Related to the Child Protection Act Regulating the Proximity of Sex Offenders to Children's Facilities/Keep Children Safe Initiative.

[▶ View referenced exhibit back-up material.](#)

(See Report from the City Attorney and City of National City Council Agenda Statement.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2008-89)

Introduction of an Ordinance amending Chapter 5, Article 8, of the San Diego Municipal Code by adding Division 6, titled Child Protection Act, and by adding Sections 58.0601, 58.0602, 58.0603, 58.0604, 58.0605, 58.0606, 58.0607, 58.0608, and 58.0609, all related to the Child Protection Act. The purpose of this ordinance is to protect children from registered sex offenders by restricting them from being within 300 feet of places where children gather: amusement centers, arcades, childcare facilities, libraries, playgrounds, parks, and schools, and to add those locations to the 2000 foot restriction contained in Penal Code Section 3003.5.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:**

On 11/16/2005, PS&NS voted 3 to 0 to accept the Committee Consultant's recommendation to direct the City Attorney to draft an ordinance that prohibits sex offenders from being on or within 300 feet of a public or private school for children, a center or facility that provides day care or children's services, libraries, a video arcade, a playground, park or an amusement center. Forward this issue to Council within 60 days with direction to include the Police Department, the Probation Department, and the District Attorney, San Diego Housing Commission and any affected agencies in the discussion to hear their perspective regarding enforcement issues and Section 8 participation of sex offenders. Direct the City Attorney to report back to Council regarding more aggressive living restrictions, legal issues with respect to current state law allowing local governments to include additional restricted sites and what their parameters are, and direction to return to Council with a draft ordinance. (Councilmembers Atkins, Young, and Madaffer voted yea.)

ADOPTION AGENDA, DISCUSSION, HEARINGS

SPECIAL HEARINGS:

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-332: Contracted Emergency Medical and Fire Dispatch Services Between the City of San Diego and the City of Chula Vista.

► [View referenced exhibit back-up material.](#)

**STAFF'S RECOMMENDATION:**

Hold the first public hearing:

(O-2008-113)

Authorizing the City Auditor and Controller to add 4.0 positions to the San Diego Fire-Rescue Department (Dept. 120) and to receive from the City of Chula Vista up to \$460,000 and transfer, appropriate, and expend this money for the San Diego Fire-Rescue Department (Dept. 120) for the additional positions;

Authorizing the City Auditor and Controller to receive up to \$360,000 from the City of Chula Vista and transfer, appropriate, and expend this money for the San Diego Fire Rescue Department (Dept. 120) for the one-time expenses necessary to assume responsibility for Chula Vista fire dispatch services, specifically hardware, software, and radios;

Authorizing the Mayor, or his designee, to negotiate and execute an agreement consistent with the notice of intent executed on December 17, 2007 between the Cities of Chula Vista and San Diego;

Amending ordinance No. O-19652 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2008 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" by increasing San Diego Fire-Rescue Department (Dept. 120) by 4.0 positions and \$460,000 for salary and fringe for the balance of FY 2008, and by an additional \$360,000 for the aforementioned onetime expenditures.

**STAFF SUPPORTING INFORMATION:**

In August 2007, due to their impending financial issues, the City of Chula Vista included the closure of their Fire Communications Center which has been operational since 2004 on their cut list. CVFD performed substantial research on the capabilities, technology and staffing models of both Heartland Communications Fire Authority and San Diego Fire-Rescue Department (SDFD) Communications Center.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

SPECIAL HEARINGS: (Continued)

ITEM-332: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

After careful consideration, the recommendation of the CVFD and confirmed by the Chula Vista City Council was to contract dispatching services to SDFD Communications Center. This decision will allow the City of Chula Vista to transition a vital public safety function and generate a substantial continual budgetary savings. CVFD estimates that any potential impact to services to the community with respect to this transition can be mitigated by the service level capability that will be acquired at SDFD. Operationally, this will benefit the fire-fighting region by combining forces between the two largest cities in the county. This is a giant step towards inter-operability and regionalization of resources. Though they will remain two separate agencies, CVFD and SDFD will respond together more often, train together and provide each other with resources that they cannot always provide for themselves.

SDFD currently provides fire and medical dispatch service to 47 fire stations within the City of San Diego and 3 fire stations in the City of Poway (as a contract agency). SDFD currently dispatches approximately 108,500 incidents and processes nearly 140,000 emergency phone calls annually. CVFD responds to 15,400 emergencies a year servicing over 240,000 residents in a 52 square mile area. To accommodate the additional call volume, SDFD will need four FTE (Full Time Equivalent) dispatcher positions. The consolidation of dispatching will increase the effectiveness of automatic aid between the south San Diego units and Chula Vista fire stations. This change will foster a much-desired regional approach to emergency management and create a system that is more efficient and responsive—for less money.

FISCAL CONSIDERATIONS:

One-time costs for installation of hardware, software and radio consoles (approximately \$360,000) will be fully paid by the City of Chula Vista. FY08 costs for personnel (approximately \$160,000 assuming a March 4th transition) will be paid by the City of Chula Vista. Future contract value is \$460,000 per year for five years. This includes cost for 4 FTE benefited Dispatcher Positions (with salary/differential/overhead and fringe), software maintenance fees for all computer interfaces and on-going radio costs. Should the contract end, the normal City position reduction process would be used to eliminate dispatcher positions.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Approval at the Chula Vista City Council meeting with opportunity for public comment was held on December 11, 2007.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

SPECIAL HEARINGS: (Continued)

ITEM-332: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

SDFD Communications Staff, SDFD Senior Staff, SDFD Operations Personnel  
Significant Milestones:

Week of December 17, 2007 - Both Fire Departments, the SD Director of Purchasing and Contracting and SDFD's Deputy City Attorney representative signed a letter of intent to transition the dispatch services by March 4, 2008. This allowed implementation work to be started while the formal contract was being written and approved.

Week of January 1, 2008 - Sales order with TriTech Software Systems was signed. This allowed work to begin on the technology interfaces that was necessary for dispatching CVFD. Concurrently, the scope of work for moving CVFD's Regional Communications System (RCS) radio consoles was drafted by Motorola with help from the City's Communications Division and the County's RCS personnel.

February 5-7, 2008 - Conducted interviews to hire four new dispatchers as hourly employees (filling existing hourly vacancies). The new hires will begin their training on a part time basis. These four hourly employees will become the four Full Time Equivalent (FTEs) that are being funded by the Chula Vista Dispatch contract. Their training will be well underway when the additional workload begins on March 4, 2008.

January and February 2008 - Existing SDFD dispatchers are receiving radio and policy training which will cover the skills necessary to work the dedicated Chula Vista position. February 2008 - Scope of Work and Two-Party Agreement is being jointly drafted by attorneys and FD staff from both entities. Both parties are willing to transition the dispatching services on March 4, 2008 operating under the signed letter of intent.

Mid-February 2008-hardware and software installation and testing for both computer and radio equipment will be on-going from mid-February through the beginning of March.

March 4, 2008 - Projected transition date of dispatch services for Chula Vista Fire Department by the City of San Diego (Go-live).

Maniar/Olen

Staff: Susan Infantino - (858) 573-1301  
David M. Stotland - Deputy City Attorney

**NOTE:** Today's action is the first public hearing. See the docket of Tuesday, March 4, 2008, for the second public hearing and the introduction and adoption of the ordinance.



ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

▶ [View referenced exhibit back-up material \(Part 1 of 10\) \(Part 2 of 10\) \(Part 3 of 10\) \(Part 4 of 10\) \(Part 5 of 10\) \(Part 6 of 10\) \(Part 7 of 10\) \(Part 8 of 10\) \(Part 9 of 10\) \(Part 10 of 10\)](#)

ITEM-333: Navy Broadway Complex. Appeal of Environmental Determination. (Marina and Columbia Sub Areas of the Centre City Redevelopment Project. District 2.)

Matter of the Appeals of the Environmental Determination by the Centre City Development Corporation (“CCDC”) on November 28, 2007 regarding the Navy Broadway Complex project by 1) the San Diego Navy Broadway Complex Coalition and 2) Katheryn Rhodes and Conrad Hartsell. The appeals consist of challenges to the Determination that no further environmental review is required for the project under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.).

The Navy Broadway Complex is a nearly 15-acre site bounded by Broadway to the north, Pacific Highway to the east and Harbor Drive to the West and south (E, F, and G streets, which are currently closed to public use, pass through the site). The property is owned by the U.S. Navy and is the subject of a 1992 Development Agreement with the City of San Diego, which provides for allowable development on the property of 3.25 million square feet of development including up to 1,650,000 square feet of office uses (including a new Navy Administration Building), 1,220,000 square feet of hotel uses, 25,000 square feet of “independent” retail uses (i.e., not associated with primary hotel or office uses), 55,000 square feet of public attraction (e.g., museum or similar) space, and a 1.9 acre Public Park at the foot of Broadway. The City Council certified an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for this project on October 20, 1992 (“1992 Final EIR/EIS”). The project is located within the Centre City/Downtown Community Planning Area.

(See Report to the City Council No. CCDC-08-03.)

**CENTRE CITY DEVELOPMENT CORPORATION’S RECOMMENDATION:**

Take one of the following actions:

Deny the appeal by the San Diego Navy Broadway Complex Coalition and Katheryn Rhodes and Conrad Hartsell, M.D.;

Uphold the environmental determination that no additional environmental review is necessary for the proposed Navy Broadway Complex project; and

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

Make an express finding that the information submitted by the appellants does not constitute substantial evidence of substantial changes in the project or the circumstances under which the project is undertaken, or new information of substantial importance concerning the project, that would suggest the project will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

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

**Or**

Grant the appeal, set aside the environmental determination, and direct CCDC and/or DSD to conduct additional environmental review with direction or instruction to the City Council as deemed appropriate;

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

**Or**

Grant the appeal and direct CCDC and/or DSD to prepare a new environmental document pursuant to Public Resources Section 21166. If Council chooses this alternative, CCDC respectfully requests that Council identify which subsection(s) of Section 21166 applies and what evidence exists that would lead to the preparation of a new environmental document;

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

**SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

San Diego City Council (“City Council”) denial of the appeal thereby upholding CCDC’s determination that, pursuant to Public Resources Code Section 21166, no additional environmental review is necessary for the proposed Navy Broadway Complex project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

EXECUTIVE SUMMARY:

The issue before the City Council is the appeal of the environmental determination made by CCDC on November 28, 2007, that based on all the information in the record, including DSD's *Navy Broadway Complex-Superseding Master Plan CEQA 21166 Evaluation*, dated November 27, 2007, no Subsequent or Supplemental EIR is required for the NBC project.

In 1992, the City Council certified the 1992 Final EIR/EIS and adopted a Mitigation and Monitoring Program to govern the implementation of the Navy Broadway Complex project. In or around October 2006, the DSD conducted a CEQA evaluation of the NBC project for CCDC that considered whether any of the criteria set forth in Public Resources Code Section 21166, governing the preparation of subsequent or supplemental environmental impact reports, was present with respect to first proposed master plan submitted to CCDC for the implementation of the Navy Broadway Complex project. The review was limited to consideration of CEQA issues associated with the project and previously certified applicable environmental documents. After consideration of the project, the 1992 Final EIR/EIS, and several applicable certified environmental documents for other projects in the vicinity, DSD concluded that the Navy Broadway Complex project was adequately addressed in these prior environmental documents and that no additional environmental review was required. DSD's Section 21166 evaluation is summarized in a memorandum dated October 19, 2006 ("DSD CEQA Consistency Analysis"). On October 25, 2006, CCDC adopted the DSD CEQA Consistency Analysis. Two separate appeals were filed to the City Council challenging the DSD CEQA Consistency Analysis and CCDC's approval and adoption thereof. Following a public hearing, the City Council denied both appeals on January 9, 2007, and upheld the environmental determinations.

On July 2, 2007, the private developer for the project submitted a new master plan ("Superseding Master Plan") and also Phase I Buildings Basic/Schematic Drawings (of Blocks 2 and 3) for the Navy Broadway Complex (Phase I Buildings). The Superseding Master Plan and Phase I Buildings replace and supersede the First Master Plan, which had been approved by CCDC, and previous building schematics, which had been submitted to CCDC, but not approved. On July 25, 2007, the CCDC Board of Directors adopted findings, based on all the information in the record, including the DSD CEQA Consistency Analysis and information provided by CCDC staff, including an "Initial Study" that the DSD CEQA Consistency Analysis continues to be adequate with respect to the Superseding Master Plan and that, pursuant to Public Resources Code Section 21166, no further subsequent or supplemental EIR is required for the project. (CCDC Resolutions 2007-1 through 2007-5 (executed July 25, 2007).)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Two appeals were filed to the San Diego City Council challenging CCDC's July 25, 2007, determination that no Subsequent or Supplemental EIR was required for the project. The appeals were scheduled to be heard by the City Council on November 6, 2007. On November 5, 2007, the San Diego City Attorney submitted a memorandum to the San Diego Mayor and City Council advising that DSD must perform a Public Resources Code, Section 21166 analysis for the Superseding Master Plan and Phase I Buildings before CCDC may make its consistency determination pursuant to Section 5.2 of the Navy Broadway Complex Agreement and on that basis advised the City Council to grant the appeals. At the November 6, 2007 City Council hearing on the appeals, the City Council voted to continue the hearing to December 4, 2007 in order to further consider the San Diego City Attorney's November 5, 2007 memorandum.

At the December 4, 2007 public hearing to consider the appeals of CCDC's July 25, 2007 determination, based upon all relevant information, evidence and testimony considered by the City Council at this appeal hearing, the City Council concluded, upheld and found that there is substantial evidence to support the position that the 1990 EIR/EIS prepared for the Project and the subsequent environmental documents prepared for other projects in the vicinity, which were identified in the DSD CEQA Consistency Analysis and the information provided by CCDC staff, adequately addressed the potential environmental issues associated with the NBC Project and no additional environmental review was required pursuant to Public Resources Code Section 21166. (City Council Resolution 2008-495.)

Prior to the December 4, 2007, hearing and pursuant to the City Attorney's recommendation that DSD perform a consistency determination for the Superseding Master Plan and Phase I Buildings, on November 27, 2007, DSD issued a new "Superseding Master Plan CEQA 21166 Evaluation" for the NBC, which concluded that no Subsequent or Supplemental EIR is required for the NBC project as modified by the Superseding Master Plan. On November 28, 2007, the CCDC Board adopted the analysis and conclusions of DSD's November 27, 2007 Superseding Master Plan CEQA 21166 evaluation. The Board also re-approved its consistency determination for the Superseding Master Plan and Phase I Buildings (Blocks 2 and 3) pursuant to the NBC Development Agreement. (CCDC Resolutions 2007-6 through 2007-7 (executed November 28, 2007).

On December 7, 2007, the Briggs Law Corporation filed an appeal to the City Council of CCDC Board's November 28, 2007 decisions to adopt the November 27, 2007 DSD Superseding Master Plan CEQA 21166 Evaluation and to re-approve its consistency determination for the Superseding Master Plan and Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B of the NBC project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The appeal was filed on behalf of the San Diego Navy Broadway Complex Coalition and Kathryn Rhodes and Conrad Hartsell, M.D, all of whom were the appellants in the previous appeal of CCDC's determination that no Subsequent or Supplemental EIR is required for the NBC project. The appeal does not raise any new issues as compared to the appeals denied by the City Council on December 4, 2007. Unlike the previous appeals, the Appeal does not raise any objections based on parking standards, the location of the museum, Coastal Commission review, or financial impacts. Instead, the Appeal focuses on seismic safety laws, alleging that CCDC violated CEQA, the Alquist-Priolo Earthquake Fault Zoning Act, and the Seismic Hazard Mapping Act in taking action on the matters that were the subject of item 11 on the CCDC Board's meeting agenda for November 28, 2007.

The 1992 Final EIR/EIS and subsequent environmental documents prepared for other projects in the vicinity adequately address the potential environmental issues associated with the current plan for the NBC project. None of the conditions outlined in Public Resources Section 21166 that would require additional environmental review for the NBC project are met. Therefore, no additional environmental review is required. In addition, the information provided by appellants does not rise to the level of substantial evidence supporting a conclusion that the project may result in new or substantially more severe significant impacts beyond those previously disclosed.

FISCAL CONSIDERATIONS: None.

**CENTRE CITY DEVELOPMENT CORPORATION RECOMMENDATION:**

On November 28, 2007, the Centre City Development Corporation Board adopted:

A Resolution (R-2007-06) finding that based on all of the information in the record, the Board adopts the analysis and conclusions of the November 27, 2007 "Superseding Master Plan CEQA 21166 Evaluation" performed and prepared by the San Diego Development Services Department for the Navy Broadway Complex; and that based on all the information in the record, including the November 27, 2007 "Superseding Master Plan CEQA 21166 Evaluation" performed and prepared by the San Diego Development Services Department for the Navy Broadway Complex, no Subsequent or Supplemental EIR is required for the Navy Broadway Complex Project pursuant to Public Resources Code, Section 21166 and California Code of Regulations, Title 14, Sections 15162 and 15163; and

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

A Resolution (No. R-2007-07) finding that CCDC Resolution R-2007-06 regarding the November 27, 2007 “Superseding Master Plan CEQA 21166 Evaluation” performed and prepared by the San Diego Development Services Department for the Navy Broadway Complex, the recitals and findings contained therein and attachments thereto, are incorporated into CCDC Resolution No. R-2007-07 by reference as though fully set forth in full; that the CCDC staff recommendation for the consistency determination for the Superseding Master Plan is re-approved and incorporated into CCDC Resolution No. R-2007-07 as though set forth in full, and that based thereon, the Board finds that the Superseding Master Plan submission is consistent with the Development Plan and Urban Design Guidelines as defined in the NBC Agreement and attached thereto; that the CCDC staff recommendation on the consistency determination for Basic Concept/Schematic Drawings for Buildings 2A, 2B, 3A and 3B of the Navy Broadway Complex Project are re-approved and incorporated into CCDC Resolution R-2007-07 as though set forth in full, and that based thereon, the Board finds that the Buildings 2A, 2B, 3A and 3B Basic Concept/Schematic Drawings submissions are consistent with the Development Plan and Urban Design Guidelines as defined in the Navy Broadway Complex Agreement and attached thereto; and the following requirement is retained as a condition of this consistency determination:

Indemnification:

That Manchester Pacific Gateway (“DEVELOPER”) shall protect, defend, indemnify, and hold the Centre City Development Corporation (“CCDC”), its appointed officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with the consistency determination issued by CCDC for development of the Navy Broadway Complex and Navy Administration Building, located within the Marina and Columbia Sub Areas of the Centre City Redevelopment Project, in the City of San Diego. Such indemnification shall include all costs and expenses of investigating and defending against same, including without limitation, attorney fees and costs, provided, however, that DEVELOPER’S duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of CCDC, its appointed officials, officers, representatives, agents and employees.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

CCDC may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CCDC chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, developer shall pay all of the costs related thereto, including without limitation, reasonable attorney fees and costs. This indemnification shall survive all applicable statutes of limitation.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On October 20, 1992, the City Council certified the EIR/EIS for the Navy Broadway Complex project. On October 25, 2006, CCDC adopted a resolution accepting the DSD CEQA Analysis prepared for the Navy Broadway Complex project, dated October 19, 2006. On January 9, 2007, the City Council upheld the DSD CEQA Analysis adopted by CCDC on October 25, 2006 that the Navy Broadway Complex project is adequately addressed by prior environmental documents and no new environmental review is required. On July 25, 2007, CCDC adopted findings that the DSD CEQA Analysis continues to be adequate with respect to the Superseding Master Plan and Phase I Buildings for the Navy Broadway Complex project and that no further environmental review is required pursuant to Public Resources Code section 21166. On December 4, 2007, the City Council upheld the DSD CEQA Analysis adopted by CCDC on July 25, 2007 that the Navy Broadway Complex project is adequately addressed by prior environmental documents and no new environmental review is required.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Community participation occurred with the processing of the 1990 EIR/EIS, which was certified in 1992 at a public hearing. CEQA does not require public review with an evaluation conducted pursuant to Public Resources Code Section 21166. The October 25, 2006, CCDC meeting in which CCDC adopted the DSD CEQA Consistency Analysis was a public meeting and testimony was taken on the topic. The January 9, 2007 and December 4, 2007 City Council Meetings in which the City Council denied the appeals as to the DSD CEQA Consistency Analysis and the action taken by CCDC in adopting that analysis were noticed public meetings and testimony was taken on the topic at both meetings.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**SUPPORTING INFORMATION:** (Continued)

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Appellants: 1) The San Diego Navy Broadway Complex Coalition and 2) Katheryn Rhodes and Conrad Hartsell, M.D.

Owner: United States Navy

Applicant: Manchester Financial Group

FISCAL IMPACT: None.

Sanchez/Graham

Staff: Eli Sanchez – (619) 533-7121

Huston Carlyle – Deputy City Attorney

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT