

SABRE SPRINGS PLANNING GROUP
SABRE SPRINGS MAINTENANCE ASSESSMENT DISTRICT

November 19, 2008

6:30 P.M.

Carmel Mountain Ranch/Sabre Springs Recreation Center

- 1. Call to order**
- 2. Maintenance Assessment District (MAD) Report** – *Joe Henderson, City of San Diego Open Space Division*
- 3. Approval of meeting minutes (May 21, July 16, September 17 and October 1)**
- 4. Changes to the Agenda**
- 5. Chair's Report**
 - Community Planners Committee
 - MCAS Miramar Community Leaders Forum
 - City's Mid-Year Budget Adjustments
- 6. Public Comment**
- 7. Police Report**
- 8. Reports from Offices of Elected Officials**
 - A. 75th State Assemblyman George Plescia's Office – *Liz Saidhkanian*
 - B. County Supervisor Pam Slater-Price's Office – *Mark Olson*
 - C. Mayor Jerry Sanders' Office – *Stephen Lew*
 - D. Councilmember Brian Maienschein's Office – *Councilmember Brian Maienschein*
- 9. Community Planner's Report**
- 10. Information Items**
 - A. Caltrans I-15 Widening Project (South Segment) Update and Use of Recycled Water for Landscape Irrigation on North Segment – *Donna Ascano Peterson and Stephen Alvarez, Caltrans/SANDAG*
 - B. City's Drought Response Ordinance – *Joey Jacoby, city of San Diego Water Department*
 - C. Update on Sunrise Senior Center Project – *Anders Plett, Sunrise Senior Living, Inc.*
 - D. Update on planning group website – *Craig Levitt*
 - E. Possible Locations for Off-Leash Dog Facility in Sabre Springs – *Craig Balben*
- 11. Action Items**
 - A. Recognition of the Hamels family for their contributions to the community and declaration of November 19 as Hamels Day in Sabre Springs – *Craig Balben*
 - B. Discussion of Oversized Vehicle Ordinance and possible action by planning group – *Chair will briefly discuss the history of the ordinance and lack of action by city council to approve it at their October 28 meeting and allow possible action by planning group.*
 - C. Creation of a MAD subcommittee – *Chair will introduce goals and purpose for creation of a MAD subcommittee of the planning group.*
 - D. Creation of a bylaws subcommittee – *Chair will introduce goals and purpose for creation of a bylaws subcommittee of the planning group.*

12. Next Meeting: January 21, 2009 at 6:30 p.m., Carmel Mountain Ranch/Sabre Springs Recreation Center

13. Adjournment

If you have questions about this meeting, please call Craig Balben, Chairman, Sabre Springs Planning Group at 858-486-1583.

This information will be made available in alternative formats upon request. To request an agenda format, or to request a sign language or oral interpreter for the meeting, call 235-5200 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are available for the meeting upon request.

ORDINANCE NO. O-_____ (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 38, SECTIONS 67.3801, 67.3802, 67.3803, 67.3804, 67.3805, 67.3806, 67.3807, 67.3808, 67.3809, 67.3810, 67.3811, and 67.3812 ADOPTING AN ORDINANCE RELATING TO WATER USE RESTRICTIONS AND DROUGHT RESPONSE PROGRAM

WHEREAS, Article 10, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare; and

WHEREAS, reduced water use through conservation provides significant energy and other environmental benefits, can help protect water quality, and reduce greenhouse gas emissions; and

WHEREAS, improvements in technology and management practices offer the potential for increasing water conservation in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses; and

WHEREAS, growing population, climate change, and the need to protect California's fish and wildlife make it essential that the city manage its water resources as efficiently as possible; and

WHEREAS, water conservation is consistent with the City's 2008 General Plan Update; and

WHEREAS, regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provides an effective and immediately available means of conserving water; and

WHEREAS, California Water Code Sections 375 et seq. authorize water suppliers to adopt and enforce a comprehensive water conservation program; and

WHEREAS, adoption and enforcement of a comprehensive drought response program will allow the City of San Diego to delay or avoid implementing measures such as water rationing or more restrictive water use regulations pursuant to a declared water shortage emergency as authorized by California Water Code Sections 350 et seq.; and

WHEREAS, San Diego County is a semi-arid region and local water resources are scarce. The region is dependent upon imported water supplies provided by the San Diego County Water Authority, which obtains a substantial portion of its supplies from the Metropolitan Water District of Southern California. Because the region is dependent upon imported water supplies,

weather and other conditions in other portions of this State and of the Southwestern United States affect the availability of water for use in San Diego County; and

WHEREAS, the San Diego County Water Authority has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of the Water Authority's programs to provide a reliable supply of water to meet the needs of the Water Authority's 24 member public agencies, including the City of San Diego. The Water Authority's Urban Water Management Plan also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the San Diego County Water Authority's Urban Water Management Plan; and

WHEREAS, as anticipated by its Urban Water Management Plan, the San Diego County Water Authority, in cooperation and consultation with its member public agencies, has adopted a Drought Management Plan, which establishes a progressive program for responding to water supply limitations resulting from drought conditions. This ordinance is intended to be consistent with and to implement the Water Authority's Drought Management Plan; and

WHEREAS, the Water Authority's Drought Management Plan contains four levels containing regional actions to be taken to lessen or avoid supply shortages. This ordinance contains drought response levels that correspond with the Drought Management Plan levels; and

WHEREAS, the City of San Diego, due to the geographic and climatic conditions within its territory and its dependence upon water imported and provided by the San Diego County Water Authority, may experience shortages due to drought conditions, regulatory restrictions enacted upon imported supplies and other factors; has adopted an Urban Water Management Plan that includes water conservation as a necessary and effective component of its programs to provide a reliable supply of water to meet the needs of the public within its service territory; and has adopted an Urban Water Management Plan which also includes a contingency analysis of actions to be taken in response to water supply shortages. This ordinance is consistent with the Urban Water Management Plan adopted by the City of San Diego; and

WHEREAS, the water conservation measures and progressive restrictions on water use and method of use identified by this ordinance provide certainty to water users and enable City of San Diego to control water use, provide water supplies, and plan and implement water management measures in a fair and orderly manner for the benefit of the public.

NOW, THEREFORE, the San Diego City Council does ordain as follows:

SECTION 1.0 DECLARATION OF NECESSITY AND INTENT

(a) This ordinance establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within the City of San Diego Water Department service area in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and

welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.

(b) In addition to the general provisions of Section 3.0, this ordinance establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available water supplies.

(c) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures. Drought response condition Levels 2 or higher become increasingly restrictive in order to attain escalating conservation goals.

(d) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this ordinance are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as provided in City of San Diego Administrative or Municipal Code.

SECTION 2.0 DEFINITIONS

(a) The following words and phrases whenever used in this chapter will have the meaning defined in this Section:

1. “Grower” refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. “Grower” does not refer to customers who purchase water subject to the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs.

2. “Water Authority” means the San Diego County Water Authority.

3. “DMP” means the Water Authority’s Drought Management Plan in existence on the effective date of this ordinance and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.

4. “Metropolitan” means the Metropolitan Water District of Southern California.

5. “Customer” means any person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by the City of San Diego.

6. “Drought” will mean any shortage in water supply based upon expected

demands that are caused by hydrological, environmental, legislative, judicial actions, or by infrastructure failure.

7. Unless otherwise specified, “Water” will refer to potable water.

8. “Water Conservation” means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

9. Unless otherwise indicated “Days” are defined as Calendar Days.

SECTION 3.0 WATER WASTE PROHIBITIONS

The following restrictions will be in effect at all times:

1. A customer will not let water leave the customer's property by drainage onto adjacent properties or public or private roadways or streets or gutters due to excessive irrigation and/or uncorrected leaks.
2. A customer will not fail to repair or stop a water leak.
3. A customer will not use a running hose to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate safety or sanitation hazards, unless connected to a water efficient device such as a commercial water broom.
4. A customer will not overfill swimming pools and spas.
5. A customer will not use non-recirculating decorative water fountains.
6. Vehicle washing can only be done in a commercial car wash or using a hose with an automatic shutoff nozzle or hand held container.
7. Single pass-through cooling systems as part of new water service connections will be prohibited. Non-recirculating systems in all new conveyer car wash and commercial laundry systems will also be prohibited.
8. Restaurants and other food establishments will only serve and refill water upon request.
9. Guests in hotels, motels, and other commercial lodging establishments will be provided the option of not laundering towels and linens daily.

SECTION 4.0 APPLICATION

(a) The provisions of this ordinance apply to any customer in the use of any water provided by the City of San Diego.

(b) This ordinance is intended solely to further the conservation of water. It is not intended to implement or replace any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff.

(c) Nothing in this ordinance is intended to affect or limit the ability of the City of San Diego to declare and respond to an unforeseeable disaster or water emergency such as an earthquake, aqueduct break, or other major disruption in the water supply. The Mayor, or his designee, is authorized to implement the emergency provisions of sections 1.0 through 12.0. Public notice will follow enactment of said provision.

(d) The provisions of this ordinance do not apply to use of water from private wells or to recycled water, or the use of fully permitted greywater systems.

(e) Nothing in this ordinance will apply to use of water that is subject to a special supply program, such as the Metropolitan Interim Agricultural Water Program or the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A customer using both water subject to a special supply program and other water provided by the City of San Diego is subject to this ordinance in the use of that other water.

(f) The use of potable water for industrial manufacturing, processing, or research and development is exempt from the water use restrictions during Drought Response Levels 1 and 2, if all of the following conditions are met as certified by the Water Department: 1) the business is one of the types of businesses described in categories 2000 through 3999, 7390, and 8730 of the Standard Industrial Classification Code, a copy of which is on file with the Office of the City Clerk as Document No. 00-18596-1; 2) the business is located in an area where reclaimed water is available; 3) the business uses reclaimed water on its premises to the full extent possible; and 4) the business participates in all applicable City water conservation programs that are considered Best Management Practices by the California Urban Water Conservation Council. A list of the City's water conservation programs that are Best Management Practices is on file with the Office of the City Clerk as Document No. 00-18596-2.

SECTION 5.0 DROUGHT RESPONSE LEVEL 1 – DROUGHT WATCH CONDITION

(a) A Drought Response Level 1 condition is also referred to as a “Drought Watch” condition. The Mayor may recommend and, upon Resolution of the City Council, declare a drought response Level 1 when there is a reasonable probability, due to drought, that there will be a supply shortage and that a consumer demand reduction of up to 10% is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon such declaration, the Mayor may take action to implement the Voluntary Level 1 conservation practices identified in this ordinance.

(b) During a Level 1 Drought Watch condition, City of San Diego will increase its public education and outreach efforts to increase public awareness of the need to implement the following water conservation practices.

1. Irrigate residential and commercial landscapes, including golf courses, parks, school grounds and recreation fields, only before 10 a.m. and after 6 p.m. except for renovation or repair of system with operator present.

2. Use a hand-held hose equipped with a positive shut-off nozzle or hand held container or a garden hose sprinkler system on a timer to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.

3. Irrigate nursery and commercial grower's products only before 10 a.m. and after 6 p.m. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a hand held container, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time.

4. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only before 10:00 a.m. or after 6:00 p.m. with a hand-held container or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes which do not use partially recirculated water will be reduced in volume by an amount determined by the City Council. Mobile equipment washings are exempt from these regulations where the health, safety and welfare of the public are contingent upon frequent vehicle cleanings, such as garbage trucks and vehicles to transport food products, livestock and perishables.

5. Customers will repair or stop all water leaks upon discovery or within five (5) days of notification by the City of San Diego.

6. Use recycled or non-potable water for construction purposes when available.

7. Use of water from fire hydrants will be limited to fire fighting, meter installation by the Water Department as part of its Fire Hydrant Meter Program, and related activities or other activities necessary to maintain the health, safety and welfare of the citizens of San Diego.

8. Construction operations receiving water from a fire hydrant meter or water truck will not use water beyond normal construction activities, consistent with Section 3.0 and that required by regulatory agencies. Construction projects requiring watering for new landscaping materials should adhere to the designated irrigation hours of before 10:00 a.m. and after 6:00 p.m.

SECTION 6.0 DROUGHT RESPONSE LEVEL 2 – DROUGHT ALERT CONDITION

(a) A Drought Response Level 2 condition is also referred to as a "Drought Alert" condition. The Mayor may recommend and, upon Resolution of the City Council, declare a drought response Level 2 when, due to drought, a consumer demand reduction of up to 20% is

required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration of Drought Response Level 2, the Mayor shall take action to implement the Mandatory Level 2 conservation practices identified in this ordinance.

(b) All City of San Diego water customers will comply with Level 1 Drought Watch water conservation practices during a Level 2 Drought Alert, and will also comply with the following conservation measures:

1. Limit all landscape irrigation to no more than three (3) assigned days per week on a schedule established by the Mayor, or designee, and posted by the City of San Diego. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the Mayor or designee and posted by the City of San Diego. This Section will not apply to commercial growers or nurseries, nor to the irrigation of golf course greens and tees.

2. Limit lawn watering and landscape irrigation using sprinklers to no more than ten (10) minutes maximum per watering station per assigned day. This provision does not apply to landscape irrigation systems using water efficient devices, including drip/micro-irrigation systems and stream rotor sprinklers.

3. Landscaped areas, including trees and shrubs not irrigated by a landscape irrigation system governed by 6(b)(2) shall be watered no more than three assigned days per week by using a hand held container, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation (soaker hose.)

4. Repair or stop all leaks upon discovery or within seventy-two (72) hours of notification by the City of San Diego.

5. Stop operating ornamental fountains except to the extent needed for maintenance.

(c) The City of San Diego may establish a water allocation per customer account served by the City of San Diego. If the City of San Diego establishes a water allocation it will provide notice of the allocation. Following the effective date of the water allocation as established by the City of San Diego, any customer that uses water in excess of the allocation will be subject to a penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage will be in addition to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 7.0 DROUGHT RESPONSE LEVEL 3 – DROUGHT CRITICAL CONDITION

(a) A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. The Mayor may recommend and, upon Resolution of the City Council, declare a drought response Level 3 when, due to drought, there will be a supply shortage and that a consumer demand reduction of up to 40% is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration of drought response Level 3,

the Mayor shall take action to implement the Mandatory Level 3 conservation practices identified in this ordinance.

(b) All City of San Diego water customers will comply with Level 1 Drought Watch and Level 2 Drought Alert water conservation practices during a Level 3 Drought Critical condition and will also comply with the following additional mandatory conservation measures:

1. Limit all landscape irrigation to no more than two (2) assigned days per week on a schedule established by the Mayor or designee and posted by the City of San Diego. During the months of November through May, landscape irrigation is limited to no more than once per week on a schedule established by the Mayor or designee and posted by the City of San Diego. This Section will not apply to commercial growers or nurseries, nor to the irrigation of golf course greens.

2. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this ordinance.

3. Customers will repair or stop all water leaks upon discovery or within forty-eight (48) hours of notification by the City of San Diego.

4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.

(c) Upon the declaration of a Drought Response Level 3 condition requiring a 30% or greater demand reduction, new potable water services, temporary or permanent water meters, and statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be allowed only under the following circumstances:

1. A valid building permit has been issued for the project; or

2. The project is necessary to protect the public's health, safety, and welfare; or

3. The number of new fire hydrant meters will not exceed the existing number of currently authorized fire hydrant meters. A new fire hydrant meter will be issued only when an old meter is returned; or

4. The applicant provides substantial evidence satisfactory to the City of San Diego of an enforceable commitment that the new water demands for the project will be offset prior to the provision of new water meter(s). Such offset shall be in the form of additional water conservation measures, the provision of recycled water use in place of existing potable water demands, or other such offsets developed and approved by the City.

This provision will not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted.

(d) Upon the declaration of a Drought Response Level 3 condition, City of San Diego will suspend consideration of annexations to its service area.

(e) The City of San Diego may establish or modify a water allocation per customer served by the City of San Diego Water Department. If the City of San Diego establishes a water allocation it will provide notice of the allocation. Following the effective date of the water allocation as established by the City of San Diego, any customer that uses water in excess of the allocation will be subject to a penalty for each billing unit of water in excess of the allocation. The penalty for excess water usage will be in addition to any other remedy or penalty that may be imposed for violation of this ordinance.

SECTION 8.0 DROUGHT RESPONSE LEVEL 4 – DROUGHT EMERGENCY CONDITION

(a) A Drought Response Level 4 condition is also referred to as a “Drought Emergency” condition. The Mayor may recommend and, upon Resolution of the City Council, declare a water shortage emergency pursuant to California Water Code Section 350 and declare a drought response Level 4 when there is a reasonable probability that there will be a supply shortage and that a consumer demand reduction of more than 40% is required in order to ensure that sufficient supplies will be available to meet anticipated demands. Upon such resolution, the Mayor shall enter into Drought Response Level 4 and take action to implement the Mandatory Level 4 conservation practices identified in this ordinance and on the grounds provided in California Water Code Section 350.

(b) All customers using City of San Diego water will comply with conservation measures required during Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical conditions and will also comply with the following additional mandatory conservation measures:

1. Stop all landscape irrigation, except crops and landscape products of commercial growers and nurseries. This restriction will not apply to the following categories:

A. Maintenance of trees and shrubs that are watered no more than 2 assigned days per week on a schedule assigned by the Mayor or designee and posted by the City of San Diego, and by using a hand held container, hand-held hose with an automatic shut-off nozzle, or low-volume non-spray irrigation;

B. Maintenance of existing landscaping necessary for fire protection;

C. Maintenance of existing landscaping for erosion control;

D. Maintenance of plant materials identified to be rare, protected by Council Policy or essential to the well being of rare animals;

E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation does not exceed two (2) days per week according to the schedule established under Section 7(b)(1);

F. Watering of livestock; and

G. Public works projects and actively irrigated environmental mitigation projects.

2. Customers will repair or stop all water leaks upon discovery or within twenty-four (24) hours of notification by the City of San Diego.

3. Stop filling or refilling residential pools and spas.

4. No new agreements will be entered into to provide water to customers or agencies outside of the City of San Diego.

5. The Mayor may implement additional measures which are necessary to ensure water availability for public health, safety, sanitation and fire suppression purposes.

SECTION 9.0 PROCEDURES FOR DETERMINATION AND NOTIFICATION OF DROUGHT RESPONSE LEVEL

(a) The existence of a Drought Response Level 1 condition may be declared upon recommendation by the Mayor and resolution by the City Council upon a written determination of the existence of the facts and circumstances supporting the determination. A copy of the written determination will be filed with the City Clerk. The Mayor or designee will publish a notice of the determination of existence of Drought Response Level 1 condition in one or more newspapers, including a newspaper of general circulation within the City of San Diego. The City of San Diego may also post notice of the condition on their website.

The Water Department will monitor the projected supply and demand for water during periods of emergency or drought and will recommend to the Mayor or designee the extent of the conservation required. Thereafter, the Mayor will recommend to the City Council the implementation or termination of the appropriate Level of water conservation in accordance with the applicable provisions of Sections of this Municipal Code.

(b) The existence of Drought Response Level 2 or Level 3 conditions may be declared upon recommendation by the Mayor and resolution by the City Council. The mandatory conservation measures applicable to Drought Response Level 2 or Level 3 conditions will take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the City of San Diego will publish a notice giving the extent, terms and conditions respecting the use and consumption of water a minimum of one time for three consecutive days in a newspaper used for publication of official notices. If the City of San Diego establishes a water allocation, it will provide notice of the allocation. Water

allocation will be effective on the fifth (5) day following the date of the notice or at such later date as specified in the notice.

(c) The existence of a Drought Response Level 4 condition may be declared upon recommendation by the Mayor and resolution by the City Council and in accordance with the procedures specified in California Water Code Sections 351 and 352. The mandatory conservation measures applicable to Drought Response Level 4 conditions will take effect on the tenth (10) day after the date the response level is declared. Within five (5) days following the declaration of the response level, the City of San Diego will publish a notice giving the extent, terms and conditions respecting the use and consumption of water in a newspaper used for publication of official notices. If the City of San Diego establishes a water allocation, it will provide notice of the allocation. Water allocation will be effective on the fifth (5) day following the date of the notice or at such later date as specified in the notice.

(d) The City of San Diego may declare an end to Drought Response Levels 1, 2, 3 and 4 upon recommendation of the Mayor and resolution by the City Council at any regular or special City Council meeting held in accordance with State law.

SECTION 10.0 HARDSHIP VARIANCE

(a) If, due to unique circumstances, a specific requirement of this ordinance would result in undue hardship to a customer using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water uses, then the customer may apply for a variance to the requirements as provided in this Section.

(b) The variance may be granted or conditionally granted, only upon a written finding of the existence of facts demonstrating an undue hardship to a customer using City of San Diego water or to property upon which City of San Diego water is used, that is disproportionate to the impacts to City of San Diego water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a variance will be a form prescribed by the City of San Diego and will be accompanied by a non-refundable processing fee in an amount set by resolution of the City of San Diego.

2. Supporting Documentation. The application will be accompanied by photographs, maps, drawings, or other pertinent information as applicable, including a written statement of the applicant.

3. Approval Authority. The Mayor or designee will exercise approval authority and act upon any completed application no later than 30 days after submittal and may approve, conditionally approve, or deny the variance. The applicant requesting the variance will be promptly notified in writing of any action taken. Unless specified otherwise at the time a variance is approved, the variance applies to the subject property during the term of the mandatory drought response.

4. Required Findings for Variance. An application for a variance will be denied unless the approving authority finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the City of San Diego, all of the following:

A. That the variance does not constitute a grant of special privilege inconsistent with the limitations upon other City of San Diego customers.

B. That because of special circumstances applicable to the property or its use, the strict application of this ordinance would have a disproportionate impact on the property or use that exceeds the impacts to customers generally.

C. That the authorizing of such variance will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the City of San Diego to effectuate the purpose of this chapter and will not be detrimental to the public interest.

D. That the condition or situation of the subject property or the intended use of the property for which the variance is sought is not common, recurrent or general in nature.

5. No relief will be granted to any customer for any reason in the absence of a showing by the customer that the customer has achieved the maximum practical reduction in water consumption in the customer's residential, commercial, industrial, institutional, agricultural or governmental water consumption.

SECTION 11.0 VIOLATIONS AND PENALTIES

It will be unlawful for any customer, corporation or association to violate the provisions of this Municipal Code. Violations of these provisions will be a misdemeanor subject to penalties provided in San Diego Municipal Code Section 12.0201. The Water Department can alternatively seek injunctive relief in the Superior Court pursuant to San Diego Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter 1. In addition to any other remedies which the Water Department may have for the enforcement of this Division, service of water will be discontinued or appropriately limited through the installation of flow-restricting devices to any customer who willfully uses water in violation of any provision of this Division.

If any provision, Section, Subsection, sentence, clause or phrase of this Municipal Code, or the application of same to any customer or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the invalidity of the remaining portions of this Municipal Code will not be affected, it being the intent of the City Council in adopting this Municipal Code that no portions, provisions, or regulations contained herein will become inoperative, or fail by

reason of the unconstitutionality of any other provision hereof, and all provisions of this Municipal Code are declared to be severable for that purpose.

Code compliance officers/code compliance supervisors of The City of San Diego are hereby authorized, empowered and given the duty to enforce provisions of the San Diego Municipal Code and misdemeanors designated in the State Codes to issue citations for violations of said Codes under the provisions of Sections 836.5 and 853.6 of the Penal Code of the State of California when violations occur in the City of San Diego.

SECTION 12.0 EFFECTIVE DATE

This ordinance is effective immediately upon adoption or as otherwise established by State law for the City of San Diego.

-- END---

TR 305,204
R-Slip 05-0809-261

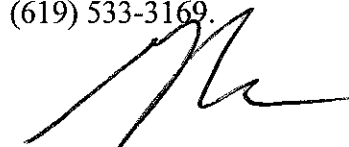
October 14, 2008

This is in response to Mr. Balben's request of Councilmember Brian Maienschein's office for the installation of angle parking on Evening Creek North and South.

Our evaluation has determined that the total number of on street parking spaces could be increased with the installation of angle parking on Evening Creek Drive. We have measured the pavement width on Evening Creek Drive, North and South, at 50 feet curb to curb. At this width, angle parking can be installed on one side of the street.

We have included a map showing the affected properties and petitions for gathering the required signatures. In order to proceed with angle parking the petition must show support of 75% or more of the adjacent property owners. Please return the signed petitions to the Transportation Engineering Division at 1010 Second Avenue, Suite 800 San Diego, CA 92101.

If Mr. Balben has any questions concerning this matter, he may contact Steve Denny at (619) 533-3169.



Gary Pence
Senior Traffic Engineer

SCD:BD:sg

Enclosures

ANGLE PARKING PETITION

Return to: Transportation Engineering Division
1010 Second Avenue, Ste. 800
San Diego CA 92101-4907
Tel: (619) 533-3126
Fax: (619) 533-3131

Submitted by: _____
(Name)

(Address -- include Zip Code)

(Phone number)

WE, THE UNDERSIGNED OWNERS/MANAGERS/TENANTS request that angle parking be established on the _____
 removed _____ between
_____ side(s) of _____
(North-South-East-West) (Street Name)
_____ and _____
(Street name) (Street Name)

NOTE: Only the property owner, manager or tenant may sign. In cases of collective ownership, a representative of the homeowners association may sign.

PROPERTY ADDRESS	NAME (Print)	NAME (Signature)	ADDRESS
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RULES AND REGULATIONS FOR ANGLE PARKING

Angle parking is authorized by the San Diego Municipal Code only where lines indicating such parking are marked on the street by the City. Angle parking requires sufficient street width to provide for vehicle storage, maneuvering, and through Traffic. Angle parking should not be installed if the street is a classified major street, carries heavy traffic volumes, or has high speeds. Please note that 20 feet of red curb is required at each driveway in order to preserve access when there is angle parking, thus angle parking on blocks with numerous driveways may actually reduce the number of parking spaces. Angle parking should only be considered when there will be an increase in parking spaces. Property ownerships may be obtained from the County Assessor's office located in the County Administration Building, 1600 Pacific Highway. The average time for processing the request is 60 days.

This information is available in alternative formats upon request.



Citizens' Assistance
RouteSlip
City of San Diego

Originating Office:
Council - District 5

Staff:
Gabrielle Alves

Phone:
(619) 236 7309

Route Slip Number:
05-08-09-261

Date Routed: 09/15/2008

Close Date:

CITIZEN'S NAME/ADDRESS MAKING COMPLAINT OR INQUIRY.

Craig L. Balben
13045 Evening Creek Drive S Unit 45
San Diego, CA 92128-8119

EMAIL: clbalben@yahoo.com

WORK TELEPHONE:

HOME TELEPHONE:
858 486-1583

SUBJECT OF COMPLAINT OR INQUIRY:

Parking: Parking on Evening Creek Drive

LOCATION OF COMPLAINT OR INQUIRY:

Evening Creek North and South

Type of response:

- Send electronic copy with attachments of your reply to Citizens' Assistance for forwarding to the originating office.
 Mail department letter directly to citizen, and send an electronic copy to Citizens' Assistance for forwarding to the originating office.

Details of complaint or inquiry:

Constituent would like to see angled parking on Evening Creek North and South to increase capacity and discourage oversized vehicles from parking on the street.ok/lr

DEPARTMENTS

E&CP-TE

Interim Due Date: 09/22/2008

Final Due Date:

Extension:

OPA / 10/14/08

Route Slip Coordinator 236-6970, M.S. 56C

Biljana Dekic

533-4842

TR305, 204

Department Response:

- Reply below and/or attached sheets.
 Operational changes may be considered and/or instituted as a result of inquiry. Details are included in response.

Department File No.:

- Attached see copies of letter sent to citizen.
 Council Policy, City Charter provision or ordinances were involved in this matter. References to the appropriate documents are included in response.

Details of department's response:

Response By:

Dept./Phone:

Date:



THE CITY OF SAN DIEGO

September 18, 2008

TR 305,204
R-Slip 05-0809-261

Craig L. Balben
13045 Evening Creek Drive S. Unit 45
San Diego, CA 92128-8119

Dear Mr. Balben:

Thank you for contacting the City of San Diego. The concern you submitted on September 15, 2008, was routed to the Transportation Engineering Operations Division for follow up. We will be investigating your concerns and will let you know the results of our investigation by October 14, 2008.

If you have any questions or need additional information regarding this concern, please call Biljana Dekic, Associate Engineer – Traffic, at (619) 533-4842.

Sincerely,

Sonia M. Graciano
Engineering & Capital Projects
Transportation Engineering Operations Division
1010 Second Avenue, Suite 800
San Diego CA 92101
(619) 533-3126

cc: Lyndsey Rower, Route Slip Coordinator, City of San Diego



Transportation Engineering Division • Engineering and Capital Projects

1010 Second Avenue, Suite 800 • San Diego, CA 92101

Tel (619) 533-3126 Fax (619) 533-3131