

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Georgette Gómez • Ninth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

Jennifer Campbell • Second District
Christopher Ward • Third District
Monica Montgomery • Fourth District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
Vivian Moreno • Eighth District

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, January 08, 2019

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 08, 2019, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

NOTE: The City Council will meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed Session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **PUBLIC FACILITIES FINANCING 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 Bret Bartolotta at (619) 533-5894. Internet access to the agenda is available at:

<https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa>

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

11/12/2018 Adjourned

11/13/2018

11/15/2018

11/19/2018 Adjourned

11/26/2018 Adjourned

11/27/2018 Adjourned (Added 01/02/18)

12/03/2018

12/04/2018

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 50: Proposed Ban on Polystyrene Foam and Restrictions on Single Use Plastics in the City of San Diego.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was amended by interlineation by Council action at the time of introduction on 10/15/2018, Item 200, Subitem A. (Council voted 5-3, Councilmember Kersey-nay, Councilmember Cate-nay, Councilmember Sherman-nay, Councilmember Alvarez-not present):

Proposed amendments to the Municipal Code that prohibits the distribution of egg cartons, food service ware, and food trays which are made in whole or in part from polystyrene foam, prohibits the use of coolers, ice chests, pool or beach toys, or dock floats, mooring buoys, or navigation markers made with polystyrene foam, unless those items are encased in a non-polystyrene foam material, and prohibits the use of these egg cartons, food service ware, food trays, coolers, ice chests, pool or beach toys, dock floats, mooring buoys, or navigation markers in City facilities. In addition, the amendments prohibit the City from purchasing food service ware made in whole or in part from polystyrene foam and the distribution of plastic eating utensils for takeout food, unless requested by the customer, and the distribution of plastic straws for all orders of prepared food, unless requested by the customer.

(O-2019-50 Rev. Copy)

Ordinance amending the Municipal Code by adding new Section 22.0518, amending Chapter 4, Article 4, Division 2 by repealing Sections 44.0226, 44.0227, 44.0228, and 44.0229, by amending Chapter 6, Article 6, by adding new Division 9, Titled "Single Use Plastic Reduction", and by adding new Sections 66.0901, 66.0902, 66.0903, 66.0904, 66.0905, 66.0906, and 66.0907, all relating to Single Use Plastic Reduction.

Committee Actions Taken: N/A

Council District 3: Brian Elliott, (619) 235-5271

City Attorney Contact: Shannon Thomas

Item 51: Creation of a Mobility Board for the City of San Diego to advise the Mayor and City Council on the City's multi-modal transportation network.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/04/2018, Item 330. (Council voted 8-0, Councilmember Zapf-not present):

(O-2019-78 Rev. Cor. Copy)

Ordinance amending the San Diego Municipal Code to add sections that establish the Mobility Board, and to repeal sections that established the Bicycle Advisory Board and the Parking Advisory Board.

Committee Actions Taken: N/A

Council District 3: Kathleen Ferrier, (619) 236-6633

City Attorney Contact: Sharon Spivak

Item 52: Approval of the First Amendment to the Cooperative Procurement Contract between the City of San Diego and Insight Public Sector, Inc., for Technology Products, Services, Solutions and Related Products and Services.

Total Estimated Cost of Proposed Action and Funding Source:

This cooperative procurement Contract is As-Needed, and increases the not-to-exceed amount by \$7,600,000, from \$3,000,000 to \$10,600,000. As-needed purchases will be made, Citywide, from General and Non-General Fund sources.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/04/2018, Item 331. (Council voted 8-0, Councilmember Zapf- not present):

(O-2019-69)

Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement between the City of San Diego and Insight Public Sector, Inc., for Technology Products, Solutions and Services and Related products and Services to increase the not-to-exceed amount of the Agreement.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Department of Information Technology: Shawn Killpack, (619) 533-3059

City Attorney Contact: Steven Lastomirsky

Item 53: 11th Update relating to California Coastal Commission's Modification to the Land Development Code and Local Coastal Program relating to Brush Management Zone Two Reduction.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 1, 2, 6, 8.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/11/2018, Item 335. (Council voted 9-0):

To consider approval of an ordinance that amends the Municipal Code Chapter 14, Article 2, Division 4 to include a modification imposed by the Coastal Commission as part of their action on September 14, 2018, to conditionally certify the City's proposed Local Coastal Program Amendment. The amendment proposed in the 11th Update to allow brush management reduction in Zone Two by 1 ½ feet for each 1 foot of increase in Zone One would be limited to a maximum reduction of 30 feet of Zone Two width in the Coastal Overlay Zone.

(O-2019-55)

Ordinance amending the San Diego Municipal Code regarding brush management in the Coastal Overlay Zone.

Committee Actions Taken: N/A

Planning: Edith Gutierrez, (619) 236-6521

City Attorney Contact: Shannon M. Thomas

Item 54: Exemption of a Program Coordinator Position in the Fleet Operations Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

This position is supported by the FY 2019 Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/04/2018, Item 50. (Council voted 9-0):

(O-2019-79)

Ordinance authorizing the exemption of one Program Coordinator position in the City's Fleet Operations Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on November 13, 2018. This Program Coordinator position will oversee and ensure overall functionality of the City's Fleet Focus Enterprise Asset Management. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Fleet Services: Matthew Cleary, (619) 527-5410

City Attorney Contact: Joan F. Dawson

Item 55: **Extension of Banking Services Contract (Bank of America).**

Total Estimated Cost of Proposed Action and Funding Source:

If the requested Contract extension is approved, an additional \$937,500 would be required to increase the not-to-exceed amount for the full five (5) month Contract extension period and would be funded by the General and Enterprise Funds.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/04/2018, Item 51. (Council voted 9-0):

(O-2019-74)

Ordinance approving an amendment to the Banking Services Contract with Bank of America for five (5) months, with month-to-month termination options, to expire on April 26, 2019 and increase the not-to-exceed (NTE) amount by \$937,500.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Office of the City Treasurer: Kent Morris, (619) 533-6253

City Attorney Contact: Jennifer L. Berry

Item 56: First Amendment to Contract between the City of San Diego and Burke, Williams, & Sorensen, LLP, to provide labor negotiation consultant services.

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the First Amendment to the Agreement with Burke, Williams, & Sorensen, LLP, for labor negotiation consultant services, increasing the not-to-exceed amount by \$715,650 for a total not-to-exceed Contract amount of \$2,715,650 with the expenditures to be made according to the most current available FTE allocation schedule. Please see attachment.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/04/2018, Item 52. (Council voted 9-0):

(O-2019-71)

Ordinance approving the First Amendment to the Contract between the City of San Diego and Burke, Williams & Sorensen, LLP, which is on file in the Office of the City Clerk, extending the previously approved Contract for negotiation services, set to expire on June 19, 2019, for up to one additional year under specified terms, and with a total amount to be paid under the Contract and First Amendment of no more than \$2,715,650; authorizing the Mayor to execute the First Amendment; and authorizing the Chief Financial Officer to expend and appropriate an amount not-to-exceed \$715,650 for additional expenditures under the Contract and First Amendment, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal years and upon the Chief Financial Officer first furnishing one or more certificates stating that funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Human Resources: Karyn Baker, (619) 533-3843

City Attorney Contact: Joan F Dawson

Item 57: First Amendment to Reimbursement Agreement with Kilroy Realty Corporation for Torrey Meadows Drive (Formerly Street "B") Overcrossing Design Work in the Torrey Highlands Community.

Total Estimated Cost of Proposed Action and Funding Source:

Reimbursement of \$1,297,715 from the Torrey Highlands FBA Fund 400094, WBS No. S-10015, of which \$956,082 has already been reimbursed pursuant to the original Reimbursement Agreement.

Council District(s) Affected: 5.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/11/2018, Item 50. (Council voted 9-0):

(O-2019-59)

Ordinance authorizing the First Amendment to a Reimbursement Agreement with Kilroy Realty Corporation for Torrey Meadows Drive (Formerly Street "B") overcrossing design work in the Torrey Highlands Community.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Planning/Facilities Financing: Angela Abeyta, (619) 533-3674

City Attorney Contact: Kate Malcolm

Item 58: First Amendment to the Agreement with Rick Engineering Company (RICK) for professional services for the design and construction support, Contract No. H146287, of the 30th Street Pipeline Replacement Project.

Total Estimated Cost of Proposed Action and Funding Source:

The total estimated cost of this amendment is \$395,000. The total cost of the Agreement is \$1,995,000; funding of \$1,600,000 was previously authorized by Council Action (1472), R-309797. Funding of \$395,000 for this action is available in CIP S-12010, 30th Street Pipeline Replacement, Fund 700010, Water Utility CIP.

Council District(s) Affected: 3, 8.

Proposed Actions:

Adopt the following ordinance which was introduced on 12/11/2018, Item 51. (Council voted 9-0):

(O-2019-73)

Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 1 to the Contract with Rick Engineering Company for additional professional services in an amount not-to-exceed \$395,000, and to extend the term of the Agreement an additional 19 months, in connection with the Design of 30th Street Pipeline Replacement Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Public Works: Akram Bassyouni, (619) 533-3616

City Attorney Contact: Pedro De Lara, Jr.

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Accept and Expend Trade Corridor Enhancement Program Grant Funding for the Otay Mesa Truck Route (Phase IV) Project.

Total Estimated Cost of Proposed Action and Funding Source:

The Capital Improvement Program Budget for CIP S-11060, Otay Mesa Truck Route Phase 4 Project, will increase in an amount not-to-exceed \$6,000,000 from the 2018 Trade Corridor Enhancement Program, Fund 600001. These funds will be utilized for the Construction phase of work.

Council District(s) Affected: 8.

Proposed Actions:

(R-2019-278 Cor. Copy) (Rev. 01/03/19)

Resolution authorizing the Mayor, or his designee, to make applications to the Trade Corridor Enhancement Program and take all necessary actions to secure funding in an amount not-to-exceed \$6,000,000 for CIP S-11060 for the Otay Mesa Truck Route Phase IV Project.

Committee Actions Taken: N/A

Transportation & Storm Water: Patrick Hadley, (619) 527-5405

City Attorney Contact: Miguel Merrell

Item 101: Settlement of Valerie Brown v. City of San Diego, et al., San Diego Superior Court Case No. 37-2017-00017538-CU-PA-CTL. Claim No. 14117.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$125,000 will be paid from the Public Liability Fund No. 720045.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-281)

Resolution authorizing the settlement of Valerie Brown v. City of San Diego, San Diego Superior Court Case No. 37-2017-00017538-CU-PA-CTL, for personal injuries she sustained when a San Diego Police Department police cruiser collided with her motorcycle on August 27, 2016. Claim No. 14117.

Committee Actions Taken: N/A

Office of the City Attorney: Catherine Richardson, (619) 533-4713

Item S500: Resolution excusing Councilmember Cate from City Council and Committee meetings.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: 6.

Proposed Actions:

(R-2019-306)

Resolution Excusing Councilmember Chris Cate from Attending Meetings.

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

Committee Actions Taken: N/A

*Council District 6: James Hauser, (619) 533-6465
City Attorney Contact: Sharon Spivak*

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

NOTE: The following Proclamations will NOT be presented in Council Chambers.

Item 30: The Casbah's 30th Anniversary.

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming January 14, 2019, to be "Casbah's 30th Anniversary" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

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.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 330: An Ordinance Amending Chapter 14 of the San Diego Municipal Code by Adding New Article 12 Relating to Energy Efficient Building Benchmarking Regulations.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Staffing cost has already been included in the Fiscal Year 2019 proposed Budget. Additional costs will be funded through the Local Government Partnership Grant. Estimated additional cost for the first year of implementation is \$100,000 and estimated additional costs for the following years of supporting the program are \$50,000 to \$55,000.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-75)

Introducing an Ordinance with certain exceptions, requires owners of commercial buildings of 50,000 square feet or more and owners of multi family residential buildings with more than 17 units to perform annual energy use benchmarking assessments and to report results to the City as a local Program Administrator under Assembly Bill 802.

6 votes per Charter Section 11 and Assembly Bill 802 which provides authority for adoption of local ordinances for building energy benchmarking.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 12, 2018.

ACTION: Motion by Councilmember Cate, second by Chair Alvarez, to forward to the full City Council with no recommendation and direction to the City Attorney to incorporate within the ordinance the following changes:

1. Add a specific time range regarding when a building owner could be fined for non-compliance under Section 1412.0112 and establish a three-year grace period that allows for the City to perform outreach and education;

2. After two years, the City shall re-examine the types and sizes of buildings that are required to file reports under this ordinance.

VOTE: 4-0; Alvarez-yea, Sherman-yea, Cate-yea, Gómez-yea.

Sustainability Dept.: Aaron Lu, (858) 573-1291

City Attorney Contact: Frederick Ortlieb

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Approval of Contract between the City of San Diego and Platinum Advisors, LLC for State Legislative and Executive Branch Consulting Services and Representation.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

This Contract is for an amount not-to-exceed \$168,000 per year for a term of three (3) years with the option to extend this Contract for two (2) additional one (1) year periods. Funding for this Agreement will come from the General Fund, Municipal Wastewater Fund, Development Services Fund, and the Environmental Services Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-301)

Resolution authorizing the Mayor, or his designee, to enter into a Contract with Platinum Advisors, LLC, in in the amount of \$168,000 per year for 3 years for a total of \$504,000, to provide State Legislative and Executive Branch Consulting Services and Representation.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on December 6, 2018.

ACTION: Motion by Councilmember Kersey, second by Councilmember Bry, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Bry-yea, Ward-yea, Kersey-yea, Alvarez-not present.

Government Affairs: Patrick Bouteller, (619) 236-6597

City Attorney Contact: Catherine Morrison

Item 332: Approval of Contract between Squire Patton Boggs (US) LLP for Federal Legislative and Executive Branch Consulting Services and Representation.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

This Contract is for an amount not-to-exceed \$168,000 annually for a term of three (3) years with the option to extend this Contract for two (2) additional one (1) year periods. Funding for this agreement will come from the General Fund, Municipal Wastewater Fund, and the Environmental Services Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-300)

Resolution authorizing the Mayor, or his designee, to enter into a Contract with Squire Patton Boggs (US) LLP, in the amount of \$168,000 per year for three (3) years for a total of \$504,000, for Federal Legislative and Executive Branch Consulting Services and Representation.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on December 6, 2018.

ACTION: Motion by Councilmember Kersey, second by Councilmember Bry, to recommend Council approval of Staff's proposed action.

VOTE: 3-0; Bry-yea, Ward-yea, Kersey-yea, Alvarez-not present.

Government Affairs: Patrick Bouteller, (619) 236-6597

City Attorney Contact: Catherine Morrison

Item 333: Approval of a Fire Station Purchase Agreement for construction of the UCSD Fire Station, an Option to Purchase Agreement for Torrey Pines Center South, and a Third Amendment to the Ground Lease between City and The Regents of the University of California.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Please see Fiscal Considerations section of the Staff Report.

Council District(s) Affected: 1.

Proposed Actions:

Subitem-A: (R-2019-303)

Resolution authorizing the Mayor to execute three Agreements that will provide for the transfer of property from Regents of California to the City for the purpose of building a fire station, Grant Regents an option to purchase the City-owned real property known as Torrey Pines Center South (TPCS), and amend the lease between the City and Regents for TPCS, and all related actions.

Subitem-B: (R-2019-304)

Resolution Adopting Mitigated Negative Declaration No. 619013 and Adopting the Mitigation, Monitoring, and Reporting Program for the new fire station near the University of California San Diego Project.

Subitem B is not subject to Mayoral veto.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on December 5, 2018.

ACTION: Motion by Vice Chair Bry, second by Councilmember Gómez, to recommend Council approval of staff's proposed action.

VOTE: 3-0; Cate-yea, Bry-yea, Gómez-yea, Zapf-not present.

Real Estate Assets: Roswitha Sanchez, (619) 236-6721

City Attorney Contact: Melissa Ables

See the PFFA Agenda of January 8, 2019, for a companion item.

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 334: Morena Apartment Homes, Project No. 526167.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

None, all costs associated with processing this item are paid through a deposit account funded by the applicant.

Council District(s) Affected: 2.

Proposed Actions:

Project would allow the removal of the existing Coastal Trailer Villa Recreational Vehicle Park and six residential units to construct 150 multi-family condominium units with pool and recreation facilities, including deviations from the development regulations, on a 6.21-acre site located at 1579-1645 Morena Boulevard, in the RS-1-7 and CC-4-2 zones, in the Clairemont Mesa Community Plan area. The required approvals include a General Plan Amendment, Community Plan Amendment, Rezone, Land Development Code and Local Coastal Program Amendment, Vesting Tentative Map, Site Development Permit and Planned Development Permit, and certification of an Environmental Impact Report.

Subitem-A: (R-2019-237)

Resolution certifying the Environmental Impact Report No. 526167 and adopting the Mitigation, Monitoring, and Reporting Program for the Morena Apartment Homes.

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

Subitem A is not subject to the Mayor's Veto

Subitem-B: (R-2019-234)

Resolution approving an Amendment to the General Plan to Redesignate Land Located at 1579-1645 Morena Boulevard from Commercial Employment, Retail and Services, and Residential to a Residential Designation and an Amendment to the Clairemont Mesa Community Plan to Redesignate Land from Low Density Residential, Mobilehome Park, and General Commercial to Medium Density Residential.

Subitem B is not subject to the Mayor's Veto.

Subitem-C: (O-2019-64)

Introduction of an Ordinance changing 6.92 acres Located at 1579-1645 Morena Boulevard, within the Clairemont Mesa Community Plan area, from the RS-1-7 and CC-4-2 ZONES into the RM-2-5 ZONE and Repealing Ordinances No. O-85 AND No. O-17372 (New Series), Adopted November 21, 1932 and October 16, 1989, of the Ordinances of the City of San Diego insofar as the Same Conflicts Herewith.

Subitem C is not subject to the Mayor's Veto.

Subitem-D: (O-2019-70)

Introduction of an Ordinance amending Chapter 13, Article 2, Division 7 of the San Diego Municipal Code by Amending Section 132.0702 and Diagram 132-07A to remove the Site Located at 1579-1645 Morena Boulevard from the Mobilehome Park Overlay Zone.

Subitem D is not subject to the Mayor's Veto.

Subitem-E: (R-2019-235)

Resolution adopting Vesting Tentative Map No. 1868551 for Morena Apartment Homes – Project No. 526167.

Subitem E is not subject to the Mayor's Veto.

Subitem-F: (R-2019-236)

Resolution granting Site Development Permit No. 1868547 and Planned Development Permit No. 1868549 for Morena Apartment Homes – Project No. 526167.

Subitem F is not subject to the Mayor's Veto.

Committee Actions Taken: N/A

Development Services: Paul Godwin, (619) 446-5190

City Attorney Contact: Corrine Neuffer

Item 335: Appeal of the Environmental Determination for MPF (Marijuana Production Facility) 3279 National Avenue - Project No. 585635.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 8.

Proposed Actions:

Appeal of Environmental Determination for proposed Neighborhood Development Permit (NDP) and Conditional Use Permit (CUP) to operate a Marijuana Production Facility (MPF) within an existing building, with requested deviations from the development regulations pertaining to separation requirements. This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 11, 2018. The scope of the subject hearing only includes the environmental determination, and not the NDP and CUP. The site is located at 3279 National Avenue in the IL-3-1 Zone, the Transit Priority Area Overlay Zone, and the San Diego Promise Zone, within the Southeastern San Diego Community Plan Area. The project is in conformance with the criteria of the Affordable Housing/Infill Projects and Sustainable Buildings Expedite Program.

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal, the City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal and approve the environmental determination; or

(2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(f);

Directing the City Attorney to prepare the appropriate Resolution according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental determination and associated project at a subsequent public hearing.

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

Committee Actions Taken: N/A

Development Services: Firouzeh Tirandazi, (619) 446-5325

City Attorney Contact: Jeremy Jung

Item 336: Appeal of the Environmental Determination for MPF (Marijuana Production Facility) 8390 Miramar Place - Project No. 585648.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 1.

Proposed Actions:

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Marijuana Production Facility (MPF) in suites A-C within an existing 16,752 square-foot building located on a 0.72-acre site at 8390 Miramar Place, within the University Community Plan area. This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 23, 2018. The only issue before the Council is the appeal of the environmental determination, and not the CUP project itself. After the City Council's consideration of the CEQA determination appeal, the project as a whole will be considered during a subsequent public hearing.

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal, the City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal and approve the environmental determination that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 (Existing Facilities);
or

(2) By a majority vote, grant the appeal and set aside the environmental determination in accordance with San Diego Municipal Code Section 112.0520(f);

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental determination and associated project at a subsequent public hearing.

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

Committee Actions Taken: N/A

Development Services: Firouzeh Tirandazi, (619) 446-5325

City Attorney Contact: Noah Brazier

Item 337: Appeal of the Environmental Determination for MPF (Marijuana Production Facility) 1028 Buenos Avenue, Suite B - Project No. 585598.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 2.

Proposed Actions:

Appeal of the Environmental Exemption determination pursuant to California Environmental Quality Act (CEQA) Section 15332 (In-Fill Development), for the proposed Conditional Use Permit (CUP) to operate a 9,698 square-foot Marijuana Production Facility within an existing 16,542 square-foot building located at 1028 Buenos Avenue, Suite B. The 0.74-acre site is located in the IL-3-1 Zone, Federal Aviation Authority (FAA) Part 77 Noticing Area, Airport Influence Area (San Diego International Airport – Lindbergh Field Review Area 2), Community Plan Implementation Overlay Zone – Type A (CPIOZ-A), and Transit Priority Area, and Parking Impact Overlay Zone (Campus) of the Linda Vista Community Plan area.

The project was determined to be categorically exempt from CEQA on October 24, 2018. The scope of the subject hearing only includes the environmental determination and not the CUP.

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal, the City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal and approve the environmental determination that the project is exempt from the California Environmental

Quality Act (CEQA) pursuant to Guidelines Section 15332 (Infill Development); or

(2) By a majority vote, grant the appeal and set aside the environmental determination in accordance with San Diego Municipal Code Section 112.0520(f);

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental determination and associated project at a subsequent public hearing.

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

Committee Actions Taken: N/A

Development Services: Sammi Ma, (619) 236-7390

City Attorney Contact: Lindsey Sebastian

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT