

CITY OF SAN DIEGO COUNCIL DOCKET



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Andrea Tevlin
Independent
Budget Analyst

Mara Elliott
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building
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Tuesday, January 31, 2017

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 31, 2017, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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.

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 from 11:00 a.m. – 12:00 p.m. (Public Comment on Closed Session items will be taken during the 10:00 a.m. Council session.) Copies of the Closed Session agenda are available in the Office of the City Clerk.~~
(Rev. 1/26/17)

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) 578-7564. Internet access to the agenda is available at:
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/CEREMONIAL ITEMS

NOTE: The following Proclamations will be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion.

ITEM-30: Point Loma Junior Pee Wee Pointers Day.

PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER ZAPF:

Proclaiming January 31, 2017, to be "Point Loma Junior Pee Wee Pointers Day" in the City of San Diego.

ITEM-31: Bonnie J. Stone Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT COLE:

Proclaiming January 31, 2017, to be "Bonnie J. Stone Day" in the City of San Diego.

ITEM-32: Rabbi Leonard Rosenthal Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming January 31, 2017, to be "Rabbi Leonard Rosenthal Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

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 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 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK 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, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-330: Informational Report about the San Diego Housing Commission's Growing Economic and Community Impact on San Diego. (Citywide.)

ITEM DESCRIPTION:

An informational report will be presented about the San Diego Housing Commission's economic impact on the City of San Diego and County of San Diego over the past eight Fiscal Years, from Fiscal Year 2008 (July 1, 2007 - June 30, 2008) through Fiscal Year 2015 (July 1, 2014 - June 30, 2015).

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Informational item only. No action is necessary.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This report was presented to the San Diego Housing Commission Board of Commissioners on October 7, 2016, and the Committee on Smart Growth and Land Use of the City Council of the City of San Diego on November 16, 2016.

Davis/Graham

Primary Contact\Phone: Maria Velasquez\619-578-7550

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

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

ITEM-331: Authorization to enter into an agreement between San Diego County Water Authority and City of San Diego for design, construction, operation, and maintenance of San Diego 27 Flow Control Facility. (Miramar Community Area. District 5.)

ITEM DESCRIPTION:

This action is to approve the subject agreement between the City of San Diego and the San Diego County Water Authority (SDCWA) which will allow for the City to pay the costs incurred by SDCWA for the administration, design, construction, and construction management of the San Diego 27 Flow Control Facility (SD27FCF) in an amount not to exceed \$400,000. The agreement term will exceed 5 years.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-95)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute an agreement between the City of San Diego and the San Diego County Water Authority to pay the costs incurred by SDCWA for the administration, design, construction, and construction support of the San Diego 27 Flow Control Facility in an amount not to exceed \$400,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$400,000 from A-BJ.00001 Annual Allocation Water Pump Station Restoration (B-17004 Miramar PS Flow Control Facility Agreement), Fund 700010, Water Utility CIP Fund, for the purpose of paying the San Diego County Water Authority for the administration, design, construction, and construction support of the San Diego 27 Flow Control Facility, contingent upon the City Comptroller furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City of San Diego will pay the actual costs incurred by the San Diego County Water Authority for the administration, design, construction, and construction support of the San Diego 27 Flow Control Facility (SD27FCF), for the amount not to exceed \$400,000. All ownership, operation, and maintenance costs for SD27FCS shall be borne by SDCWA. Funding is available in Water Fund 700010.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Amen/Gomez

Primary Contact\Phone: Isam Hireish\619-527-3156, MS 43
Secondary Contact\Phone: Greg Cross\619-527-7432, MS 43
City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-332: Amendment to the Municipal Code and the Local Coastal Program to address the Adult Use of Marijuana Act amendments and Medical Marijuana Consumer Cooperatives. (Citywide.)

ITEM DESCRIPTION:

Amendments to the Land Development Code and the Local Coastal Program to add a new retail sales use, marijuana outlet. A marijuana outlet will be permitted to sell recreational and medicinal marijuana with a Conditional Use Permit. It will generally be subject to the regulations currently applied to medical marijuana consumer cooperatives with some modifications and additional regulations. Regulations are also proposed to prohibit cultivation, testing, and distribution of marijuana and marijuana by-products. Additionally, amendments are proposed to the Government Code to add restrictions on marijuana at special events and to the Health and Sanitation Code to address marijuana and marijuana outlets.

STAFF'S RECOMMENDATION:

Introduce the ordinances in Subitems A, B, and C; and adopt the resolution in Subitem D:

Subitem-A: (O-2017-93)

Introduction of an Ordinance amending Chapter 4, Article 2, Division 7 of the San Diego Municipal Code by amending Section 42.0709; amending Chapter 11, Article 3, Division 1 by amending Section 113.0103; amending Chapter 11, Article 3, Division 2 by amending Section 113.0225; amending Chapter 12, Article 6, Division 3 by amending Section 126.0303; amending Chapter 13, Article 1, Division 1 by amending Section 131.0112; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Sections 131.0322 and 131.0323; amending Chapter 13, Article 1, Division 4 by amending Section 131.0422; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 14, Article 1, Division 5 by adding new Section 141.0504, by renumbering Section 141.0504 to Section 141.0505, Section 141.0505 to Section 141.0506, Section 141.0506 to Section 141.0507, and Section 141.0507 to Section 141.0508; amending Chapter 14, Article 1, Division 6 by repealing Section 141.0614; amending Chapter 15, Article 1, Division 1 by amending Section 151.0103; amending Chapter 15, Article 2, Division 3 by amending Section 152.0312; amending Chapter 15, Article 3, Division 3 by amending Sections 153.0309 and 153.0310; amending Chapter 15, Article 6, Division 3 by amending Section 156.0308; amending Chapter 15, Article 14, Division 3 by amending Section 1514.0305, all relating to Marijuana Regulations.

Subitem-B: (O-2017-94)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 40 of the San Diego Municipal Code by amending Section 22.4033; amending Chapter 4, Article 2, Division 13 by retitling the Division, amending Sections 42.1301 and 42.1302, repealing Section 42.1303, retitling and renumbering Section 42.1304 to Section 42.1303, and adding new section 42.1304; amending Chapter 4, Article 3, Division 10 by amending Sections 43.1002 and 43.1005, all relating to Marijuana Regulations.

Subitem-C: (O-2017-92 Cor. Copy 1) (Rev. 1/30/17)

Introduction of an Ordinance amending Chapter 4, Article 2, Division 15 of the San Diego Municipal Code by amending Sections 42.1501, 42.1502, 42.1504, 42.1505, 42.1506, 42.1507, 42.1508, and 42.1509, and by repealing Section 42.1503, all relating to Marijuana.

Subitem-D: (R-2017-335)

Adoption of a Resolution determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3);

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Costs associated with implementation of the proposed amendments will be covered by project applicants.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On November 16, 2016, the Committee on Smart Growth and Land Use voted 3-0 to recommend the City Council adopt a temporary moratorium on recreational marijuana related businesses and person outdoor growing of recreational marijuana. On December 13, 2016, the City Council voted 9-0 to approve a Temporary Moratorium on Recreational Marijuana Related Businesses. The City Council action did not include a ban on personal outdoor cultivation.

Murphy/Graham/dn

Primary Contact\Phone: Dan Normandin\619-446-5388, MS 413

Secondary Contact\Phone: Jeff Murphy\619-236-6057, MS 413

City Attorney Contact: Thomas, Shannon

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-350: **Notice** of pending Final Map Approval - St. Andrews Otay Mesa Center.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "St. Andrews Otay Mesa Center" (Resolution No. R-310690 and T.M. No. 1279297/PTS No. 360649) located South of Otay Mesa Road, East of Alisa Court, and West of Otay Mesa Center Road in the IL-3-1 and Community Plan Implementation Overlay Zone (CPIOZ) Zones within the Otay Mesa Community Plan. The property is legally described as Parcels 1 and 2 in the City of San Diego, County of San Diego, State of California, according to Map No. 21121, filed in the Office of the San Diego County Recorder, April 16, 2014, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct. Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT