

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Georgette Gómez • Ninth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

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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

Monday, February 04, 2019

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, FEBRUARY 04, 2019, AT 2:00 PM
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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

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

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

INFORMATIONAL ITEMS

Item 200: City Council Training: Ralph M. Brown Act.

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

Council District(s) Affected: Citywide.

Proposed Actions:

This is an informational item only. The City Attorney last provided Brown Act training to the full Council in January 2017. This updated training provides an overview of the Brown Act and its applicability to the City Council and Committees.

Committee Actions Taken: N/A

Office of the City Attorney: Prescilla Dugard, (619) 533-5993

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 201: Proposed Amendments to Rules Governing Post Employment Lobbying Activities.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-88)

Introduction of an Ordinance amending Chapter 2, Article 7, Division 35 of the San Diego Municipal Code by amending Section 27.3550, relating to lobbying activities of former city officials.

Committee Actions Taken: N/A

Ethics Commission: Stacey Fulhorst, (619) 533-3477

City Attorney Contact: Joan F. Dawson

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 202: Appeal of the Environmental Determination MPF (Marijuana Production Facility) 7955 Arjons Drive - Project No. 602575.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 6.

Proposed Actions:

Appeal of the Environmental Exemption determination pursuant to California Environmental Quality Act (CEQA) Section 15303(c), New Construction or Conversion of Small Structures, for the proposed Conditional Use Permit to operate a Marijuana Production Facility within an existing Suite "A," comprising of an operational area of 4,576 square feet within an existing 19,971 square-foot industrial building. The project site is located on a 0.91-acre site at 7955 Arjons Drive in the IL-2-1 Zone within the Mira Mesa Community Plan area. Project operations would include the cultivation, trimming, and distribution of cannabis products to State of California licensed outlets.

The project was determined to be categorically exempt from CEQA on November 14, 2018. The scope of the subject hearing only includes the environmental determination and not the Conditional Use Permit.

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 15303 (New Construction or Conversion of Small Structures); 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: Tim Daly, (619) 446-5356

City Attorney Contact: Lindsey Sebastian

Item 203: Birmingham Drive Public Right-of-Way Vacation – Project No. 576547.

Total Estimated Cost of Proposed Action and Funding Source:

The project cost to vacate the public right-of-way is paid by the applicant.

Council District(s) Affected: 7.

Proposed Actions:

Public Right-of-Way Vacation to vacate a portion of unimproved Birmingham Drive consisting of 6,430 square-feet; reserve a general utility and access easement consisting of 3,312 square-feet; and vacate a temporary road easement consisting of 6,459 square-feet. The 0.3-acre site is located at the intersection of Birmingham Drive and Birmingham Way in the CO-1-2 zone of the Serra Mesa Community Plan area.

Subitem-A: (R-2019-335)

Resolution determining that the Birmingham Drive Public Right-Of-Way Vacation Project (Project No. 576547) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines;

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.

Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2019-334)

Resolution approving Right-Of-Way Vacation No. 2231450 summarily vacating a portion of unimproved Birmingham Drive consisting of 6,430 square-feet; reserving a general utility and access easement consisting of 3,312 square-feet; and vacating a temporary road easement consisting of 6,459 square-feet.

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

Committee Actions Taken: N/A

Development Services: Angela Nazareno, (619) 446-5277

City Attorney Contact: Lindsey Sebastian

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 taken toward the end of the Monday afternoon Council session.

PUBLIC NOTICES

Items are listed under Public Notices as a matter of public record only. This item does not require Council action and there is no public testimony.

Item 250: City Council Committee Priorities: Economic Development and Intergovernmental Relations Committee. (Rev. 1/30/19)

NON-AGENDA ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT