CITY OF SAN DIEGO
COUNCIL DOCKET

COUNCIL PRESIDENT
Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM
Mark Kersey • Fifth District

COUNCILMEMBERS
Barbara Bry • First District
Lorie Zapf • Second District
Christopher Ward • Third District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District
Georgette Gomez • Ninth District

Andrea Tevlin
Independent
Budget Analyst

Mara Elliott
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, April 25, 2017
AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 25, 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.

**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**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**
The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

03/13/2017 - Adjourned
03/14/2017
ADOPTION AGENDA, CONSENT ITEMS

The Consent items are considered to be routine, and the environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Salary Ordinance for Fiscal Year 2018.

ITEM DESCRIPTION:

The Salary Ordinance establishes compensation schedules of all officers and employees of the City of San Diego (City) for Fiscal Year 2018, whether they are represented by one of the City’s recognized employee organizations or unrepresented.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was amended by interlineation at time of introduction on 4/10/2017, Item 200. (Council voted 9-0):

(O-2017-124 Rev.)

Establishing a schedule of compensation for officers and employees of the City of San Diego for Fiscal Year 2018.
* ITEM-51: Amendments to the Municipal Code to Encourage Safe Operation of Unmanned Aircraft Systems Pursuant to FAA Rules. (Citywide.)

**ITEM DESCRIPTION:**

This amends Chapter 5, Article 2, of the San Diego Municipal Code by adding Division 54, Sections 52.5401, 52.5402, 52.5403, 52.5404, 52.5405, 52.5406, 52.5407, and 52.5408, all relating to Unmanned Aircraft Systems.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/10/2017, Item 150. (Council voted 9-0):

(O-2017-35)

Amending Chapter 5, Article 2, of the San Diego Municipal Code by adding new Division 54, Sections 52.5401, 52.5402, 52.5403, 52.5404, 52.5405, 52.5406, 52.5407, and 52.5408, relating to Unmanned Aircraft Systems.
* ITEM-52: Police Department’s Proposed Burglary and Panic Alarm Systems Ordinance Changes and Fee, Fine, and Penalty Schedule Modifications. (All Districts.)

ITEM DESCRIPTION

The San Diego Police Department (Department) is requesting the following amendments to the Burglary and Panic Alarm System ordinance and fee schedule in order to operate more efficiently within the alarm industry, minimize officer out-of-service time by reducing the number of false alarm calls, more effectively capture accurate cost recovery revenue, and protect public health and safety.

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/10/2017, Item 151, Subitem A. (Council voted 6-3; Councilmember Zapf-nay, Councilmember Ward-nay, and Councilmember Alvarez-nay):

(O-2017-123)

Amending Chapter 3, Article 3, Division 37 of the San Diego Municipal Code by retitling the Division; by adding a new Section 33.3701; by amending and renumbering Section 33.3701 to Section 33.3702, Section 33.3702 to Section 33.3703, and Section 33.3703 to Section 33.3704; by retitling, amending, and renumbering Section 33.3704 to Section 33.3705, Section 33.3705 to Section 33.3706, Section 33.3706 to Section 33.3707, and Section 33.3707 to Section 33.3708; by amending and renumbering Section 33.3708 to Section 33.3709; by retitling, amending, and renumbering Section 33.3709 to Section 33.3710, Section 33.3710 to Section 33.3711, and Section 33.3711 to Section 33.3712; by amending and renumbering Section 33.3712 to Section 33.3713, Section 33.3713 to Section 33.3714, Section 33.3714 to Section 33.3715, and Section 33.3715 to Section 33.3716; by retitling, amending, and renumbering Section 33.3716 to Section 33.3717, Section 33.3717 to Section 33.3718, and Section 33.3718 to Section 33.3719, Section 33.3719 to Section 33.3720, Section 33.3720 to Section 33.3721, Section 33.3721 to Section 33.3722, Section 33.3722 to Section 33.3723, and Section 33.3723 to Section 33.3724; by adding new Sections 33.3725 and 33.3726; by adding new Sections 33.3725 and 33.3726; amending Chapter 5, Article 5, Division 99 by amending Section 55.9902, all relating to alarm regulations.

**ITEM DESCRIPTION:**

Introduce the ordinance containing San Diego Municipal Code (SDMC) amendments to Chapter 2, Article 7, Division 1: Elections - General, Chapter 2, Article 7, Division 5: Ballots for Measures, Chapter 2, Article 7, Division 10: Initiative and Chapter 2, Article 7, Division 11 Referendum.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/11/2017, Item 332. (Council voted 9-0): 

(O-2017-125)

Amending Chapter 2, Article 7, Division 1 of the San Diego Municipal Code by amending Section 27.0103 and retitling and amending Section 27.0108; amending Chapter 2, Article 7, Division 5 by amending Section 27.0502; amending Chapter 2, Article 7, Division 10 by retitling and amending Section 27.1037 and amending Section 27.1050; and amending Chapter 2, Article 7, Division 11 by retitling and amending Section 27.1133, all relating to Candidate and Ballot Measure Elections.
* ITEM-54: Pacific Highlands Ranch Units 8 and 9. (Pacific Highlands Ranch Subarea Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

Approval of all actions necessary for the construction of 515 single-family dwelling units (451 previously approved and 64 additional units) comprised of 547 parcels to include 515 residential lots, two Multiple Habitat Planning Area (MHPA) open space lots, four water quality basin lots, 23 home owners association lots, one recreation center lot, and two private driveway lots.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/11/2017, Item 334, Subitem B. (Council voted 8-0. Councilmember Cate not present):

(O-2017-119)

Changing 254 acres located at the northwest corner of Pacific Highlands Ranch and Carmel Valley Road, within the Pacific Highlands Ranch Subarea Plan Area, in the City of San Diego, California, from the OC, RS-1-11, and RS-1-13 Zones into the RS-1-11, RS-1-12, RS-1-13 and RS-1-14 Zones, as defined by San Diego Municipal Code Chapter 13, Article 1, Division 4; and repealing Ordinance No. O-18580 (new series), adopted September 8, 1998, insofar as the same conflict therewith.

**NOTE:** This item is not subject to the Mayor’s veto.
* ITEM-55: North Park Zoning Correction and Land Development Code Amendments related to Parking Regulations. (Citywide.)

**ITEM DESCRIPTION:**

This item is a zoning correction to the North Park Community Planning Area to implement the Residential - Very High (55-73 du/acre) community plan land use designation, consistent with the North Park Community Plan. Areas designated Residential - Very High (55-73 du/acre) would be rezoned from the RM-3-8 Zone to the RM-3-9 Zone. In addition, this item includes an amendment to the Land Development Code Parking Regulations to include previously omitted parking ratios for the CN-1-4 and CN-1-5 Zones.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 4/11/2017, Item 336, Subitems A and B. (Council voted 8-0. Councilmember Cate not present):

Subitem-A: (O-2017-122)

Changing 131.7 Acres located within the North Park Community Plan Area, in the City of San Diego, California, from the RM-3-8 Zone to the RM-3-9 Zone, and repealing Ordinance No. O-20753, adopted December 1, 2016, of the ordinances of the City Of San Diego in so far as the same conflicts herewith.

Subitem-B: (O-2017-121)

Amending Chapter 14, Article 2, Division 5 of the San Diego Municipal Code by amending Section 142.0530, relating to Parking Regulations in the Commercial Neighborhood Zones.
ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

* ITEM-60: Carmel Creek Neighborhood Park and Solana Highlands Neighborhood Park Joint Use Agreements. (Carmel Valley Community Area. District 1.)

ITEM DESCRIPTION:

This item is for the approval of the Joint Use Agreements with the Solana Beach School District for portions of Carmel Creek Neighborhood Park and Solana Highlands Neighborhood Park. The Agreements will provide for the maintenance, operation and use of the joint use areas within these neighborhood parks.

STAFF'S RECOMMENDATION:

Introduce the ordinances in Subitems A and C; and adopt the resolutions in Subitems B and D:

Subitem -A:  (O-2017-106)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute the Community Recreation Joint Use Agreement, between the City of San Diego and the Solana Beach School District, for the joint use of portions of the Carmel Creek Neighborhood Park.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B:  (R-2017-402)

Determining that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for City staff’s request to execute the Community Recreation Joint Use Agreement between the City of San Diego and the Solana Beach School District for the Carmel Creek Neighborhood Park and Carmel Creek School, and determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

Subitem-C:  (O-2017-107)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute the Community Recreation Joint Use Agreement, between the City of San Diego and the Solana Beach School District, for the joint use of portions of the Solana Highlands Neighborhood Park and the Solana Highlands School.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.
Subitem-D: (R-2017-403)

Determining that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for City staff’s request to execute the Community Recreation Joint Use Agreement between the City of San Diego and the Solana Beach School District for the Solana Highlands Neighborhood Park and Solana Highlands School, and determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
The City currently owns and maintains both Joint Use Areas. No additional maintenance or fiscal obligations, above what is currently and has been incurred by the City, will be assumed by approval of this action. The Solana Beach School District will continue to reimburse the City for 50% of the maintenance costs of the Joint Use Areas for both Carmel Creek and Solana Highlands. In addition, the Solana Beach School District will continue to reimburse the City for 25% of the utility (water) costs of the Joint Use Areas for both Carmel Creek and Solana Highlands.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
A Joint Use Agreement between the City of San Diego and Solana Beach School District was entered into in July of 1994, for Carmel Creek Neighborhood Park (City Resolution/Ordinance 00-18083) and in June of 1987, for Solana Highlands Neighborhood Park (Resolution/Ordinance R-269013).

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on February 8, 2017.

ACTION: Motion by Councilmember Bry, second by Councilmember Ward, to recommend Council introduce the ordinance and approve the Agreement.

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

Field/Graham

Primary Contact\Phone: Casey Smith\619-235-1130
Secondary Contact\Phone: Sharon Ferguson\619-235-1151
City Attorney Contact: Mendoza, Hilda R.
ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-100: Amendment to City Contract Agreement for Security Guard Services at Various Sites (Bid No. 10028480-13-Q). (Citywide.)

ITEM DESCRIPTION:

This action is to amend the Security Guard Services Contract with Locator Services, Inc., dba Able Patrol & Guard (Able Patrol). The amendment is to increase the City-wide contract limit for security services by $1,111,823 over a two year period. The increase is primarily for library branches and the Central Library to accommodate extended hours, address increased public safety incidents and special events occurring in and around the downtown Central Library, and to support additional events held in conjunction with various Library outreach and programs.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-424)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a first amendment of that Agreement with Locator Services, Inc. dba Able Patrol & Guard, which was approved by Resolution R-308850, for the purpose of increasing the compensation limits to a not to exceed cost (including living wage increases) of: $2,759,125 for the fourth option year, and $2,522,072 for the fifth option year, resulting in a total not to exceed cost of $11,229,024 for the entire term of that Agreement, and otherwise modify that Agreement pursuant to the terms and conditions contained in that first amendment; all other terms and conditions of that Agreement remain unchanged;

Authorizing the Chief Financial Officer to expend the following amounts for the provision of security guard services pursuant to that first amendment of that Agreement with Locator Services, Inc. dba Able Patrol & Guard, which was approved by Resolution R-308850, up to: $2,759,125 for Fiscal Year 2017 (fourth option year), and $2,522,072 for Fiscal Year 2018 (fifth option year), from Fund Numbers 100000, 200308, 700036, and 200300, for a total not to exceed amount of $11,229,024 for the entire term of that agreement, reflecting a net total increase to the not to exceed amount for Fiscal Year 2017 of $690,983 from Fund Number 100000, and a net total increase to the not to exceed amount for Fiscal Year 2018 of $420,840 from Fund Number 100000, contingent upon the adoption of the Annual Appropriations Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
This action is to amend the Security Guard Services Contract by an increase to the annual not-to-exceed amount for FY2017 from $2,068,142 to $2,759,125, an overall net increase of $690,983 for the Library, and for FY2018 from $2,101,232 to $2,522,072, an overall net increase of $420,840 for the Library. A budget expense adjustment is not requested with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
On December 17, 2013, the City Council approved the initial award recommendation for Bid No. 10028480-13-Q – Security Guard Services at Various City Sites.

Resolution Number R-308850 was approved on March 25, 2014, authorizing Agreement No. 4600002003.

On March 8, 2017, the Amendment to the City Contract Agreement for Security Guard Services at Various Sites (Bid No. 10028480-13-Q) was reviewed at the Budget and Government Efficiency Committee meeting with unanimous support to recommend Council to adopt the resolution and approve the Agreement.

ACTION: Motion by Councilmember Sherman, second by Councilmember Gomez, to recommend Council adopt the resolution and approve the Agreement.

VOTE: 4-0; Bry-yea, Sherman-yea, Cate-yea, Gomez-yea.

Primary Contact\Phone: Raul Gudino\619-236-5889
Secondary Contact\Phone: Misty Jones\619-236-5843
City Attorney Contact: Dwyer, Jon D.
* ITEM-101: Authorization to Execute a Construction Change Order with USS Cal Builders, Inc., for the Old Otay Mesa Road Westerly Project. (Otay Mesa and Otay Mesa-Nestor Community Areas. District 8.)

**ITEM DESCRIPTION:**

This Council action will authorize the approval to execute Change Order No. 1 for a total of $2,622,741.12. Approximately 2,550 linear feet (LF) of 24” steel water main and appurtenances will be installed as a Construction Change Order.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-488)

Authorizing the Mayor, or his designee, to execute Change Order No. 1 to the construction Contract with USS Cal Builders, Inc., for the Old Otay Mesa Road Westerly Project, for an amount not to exceed $2,622,741.12, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed $2,622,741.12 from CIP A-KA.00003, Large Diameter Water Transmission PPL (B-16167, Otay Mesa 680 Zone 24-inch Loop Pipeline), Fund 700010, Water Utility CIP, for the purposes of funding the aforementioned Change Order No. 1, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action authorizes a $2,622,741.12 Construction Change Order to provide necessary additional construction activities for CIP A-KA.00003, Large Diameter Water Transmission PPL, (B16167, Otay Mesa 680 Zone 24-inch Loop Pipeline). The maximum total construction contract shall not exceed $11,576,570.62. Change Order No. 1 will be funded from CIP A-KA.00003, Large Diameter Water Transmission PPL (B-16167, Otay Mesa 680 Zone 24-inch Loop Pipeline), Fund 700010, Water Utility CIP.
PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
The Consultant Agreement was approved by the City Council on March 26, 2010, by Resolution No. 305678.

Certification of the Mitigated Negative Declaration No. 287806, and Adoption of the Mitigation Monitoring and Reporting Program (MMRP); Approval of Site Development Permit No. 1013229, Open Space Easement Vacation No. 1322903; and Adoption of an Ordinance to allow road improvements through dedicated parkland, pursuant to City Charter Section 55, was approved by the City Council on September 16, 2014, by Resolution No. 309227.

Infrastructure Committee approved the First Amendment to the consultant Agreement on March 11, 2015.

The First Amendment to the consultant Agreement was approved on May 21, 2015, by Ordinance No. 00-20478.

Infrastructure Committee approved the Second Amendment to the consultant Agreement on December 7, 2016.

The Second Amendment to the consultant Agreement was approved at its first reading on January 10, 2017, and was also approved at the second reading on January 24, 2017.

This item was heard at the Infrastructure Committee meeting on March 22, 2017.

ACTION: Motion by Vice-Chair Ward, second by Councilmember Gomez, to adopt the resolutions.

VOTE: 3-0; Kersey-yea, Ward-yea, Gomez-yea, Zapf-not present.

Gibson/Gomez

Primary Contact\Phone: Akram Bassyouni\619-533-3616, MS 908A
Secondary Contact\Phone: Daniel Nutter\619-533-7492, MS 908A
City Attorney Contact: Jung, Jeremy A.
* ITEM-102: Report from Real Estate Assets Department requesting Council authorization for a 10 Year Lease between the City of San Diego and Irwantio, Inc., (dba Burgerim) for a Retail Kiosk located at Horton Plaza Urban Park. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Approve a ten (10) year Lease with Irwantio, Inc., a California corporation, doing business as Burgerim (“Burgerim”) for the occupancy of a retail kiosk at Horton Plaza Urban Park, at the corner of 4th Avenue and Broadway, San Diego, CA 92101.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution;

(R-2017-490)

Authorizing and directing the Mayor, or his designee, to facilitate the execution of the approved ten (10) year Lease between the City of San Diego, acting by and through its agent, Horton Plaza Services, Inc., and Irwantio, Inc., for the use and occupancy of a retail kiosk at Horton Plaza Urban Park, located at the Southwest corner of 4th Avenue and Broadway, San Diego, California.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**
Per the Programming Agreement, Program Manager, Successor Agency and City acknowledge their mutual objective of (i) maximizing the activation of the Plaza Property with events and (ii) that there be Retail Uses and Events that generate revenues sufficient to at least offset all Program Manager Costs and agree that the policies and procedures regarding planning, development, marketing scheduling, managing, supporting, coordinating and programming the Plaza Property and setting of Use Fees will be established to serve that objective.

Proceeds remaining after payment of Program Manager’s Costs (“Excess Use Fees”) are to be allocated by Program Manager to Program Manager and City as follows: fifty (50%) percent to the Program Manager as Program Manager’s Fee and, fifty (50%) percent to the City to be deposited into the Property Capital Reserves Account Fund 400669 for the restricted purpose of paying the cost of Property Capital Repairs and Replacements when needed.
PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
RR-306544, dated January 16, 2011, authorizing Cooperation Agreement between the City and Agency for the Purpose of Improving Horton Park and a Portion of Horton Plaza, and providing for the Maintenance, Operation and Programming of the Area.

This item was heard at the Smart Growth and Land Use Committee meeting on April 12, 2017.

ACTION: Motion by Councilmember Cate, second by Councilmember Alvarez, to recommend Council adopt the resolution.

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

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A
City Attorney Contact: Bevier, Debra J.
* ITEM-103: Community Projects, Programs, and Services Funding Allocation to the San Diego California Prosperity Foundation for the California Board of Equalization Connecting Women to Power Business Conference. (Citywide.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council Districts 2, 5, 6, and 7, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the San Diego County Prosperity Foundation for an amount not to exceed $12,000, for the California Board of Equalization Connecting Women to Power Business Conference.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-474 Cor. Copy)

Declaring that the allocation described in this resolution is made for a public purpose;

Waiving Council Policy 100-06, Section 3(g), which provides: “An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased;”

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2017 City Council Allocations Agreement between the City of San Diego and the San Diego California Prosperity Foundation (Agreement) in an amount not to exceed $12,000 for the project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed $1,000 from Council District 2: Community Projects, Programs and Services budget Fund No. 100000, Cost Center No. 1102110002; $2,500 from Council District 5: Community Projects, Programs and Services budget Fund No. 100000, Cost Center No. 1105110005; $2,500 from Council District 6: Community Projects, Programs and Services budget Fund No. 100000, Cost Center No. 1106110006; and $6,000 from Council District 7: Community Projects, Programs and Services budget Fund No. 100000, Cost Center No. 1107110007, for a total of $12,000, all to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
$12,000 in Community Projects, Programs, and Services Funding from the following fund/cost centers:

$1,000 from CD 2: Fund No. 100000/Cost Center No. 1102110002
$2,500 from CD 5: Fund No. 100000/Cost Center No. 1105110005
$2,500 from CD 6: Fund No. 100000/Cost Center No. 1106110006
$6,000 from CD 7: Fund No. 100000/Cost Center No. 1107110007,

for the purpose of funding the California Board of Equalization Connecting Women to Power Business Conference.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Tetlow

Primary Contact\Phone: Barrett Tetlow\619-236-6677, MS 10A
Secondary Contact\Phone: Courtney Thomson\619-236-5918, MS 10A
City Attorney Contact: Berry, Jennifer L.
* ITEM-104:  Modification of Resolution R-310926 regarding the approved settlement of personal injury claim of Randy Edelbrock.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Randy Edelbrock as the result of a falling tree branch at Chicano Park, San Diego. The settlement in the sum of $75,000 to resolve all claims brought by Randy Edelbrock was approved and passed with Resolution Number R-310926. Section 3 of Resolution Number R-310926 needs to be changed pertaining to the issuance of the settlement checks only.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-496)

Authorizing the City Comptroller to issue the following checks for the total sum of $75,000:

(1) a check in the amount of $57,867.30 made payable to San Diego Injury Law Center and Randy Edelbrock, and (2) a check in the amount of $17,132.70 made payable to Department of Health Care Services, referencing DHCS Account Number: C96016913D-001;

Acknowledging that all other provisions in Resolution Number R-310926 remain in effect.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**
Settlement amount of $75,000 will be paid from the Public Liability Fund No. 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
The item was approved in Closed Session on October 4, 2016.

Karlin

Primary\City Attorney Contact\Phone: Rayna Stephan\619-533-5818
* ITEM-105: Appointments and Reappointments to the San Diego City Employees' Retirement System (SDCERS) Board of Administration.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-498)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the San Diego City Employees' Retirement System Board of Administration, for terms ending as indicated:

<table>
<thead>
<tr>
<th>NAME</th>
<th>TERM ENDING</th>
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<tbody>
<tr>
<td>Roberta Spoon</td>
<td>March 31, 2021</td>
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<td>(La Mesa)</td>
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<td>(Filling the seat previously held by Edward Kitrosser, who is termed out)</td>
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<td>George C. Kenney</td>
<td>March 31, 2021</td>
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<tr>
<td>(Carmel Valley, District 1)</td>
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<td>(Filling the vacancy in the seat previously held by K. Denise Thompson)</td>
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<tr>
<td>Carol Broad</td>
<td>March 31, 2021</td>
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<td>(La Jolla, District 1)</td>
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<td>(Reappointment)</td>
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<td>Athanasios Prevolos</td>
<td>March 31, 2021</td>
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<td>(Spring Valley)</td>
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Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration, it is determined that Roberta Spoon and Athanasios Prevolos are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the SDCERS Board of Administration.
* ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2017-218)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.
PROCLAMATIONS/CEREMONIAL ITEMS

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


PRESENTED BY COUNCILMEMBER BRY, COUNCILMEMBER WARD, AND COUNCILMEMBER GOMEZ:

Proclaiming Wednesday, April 26th, 2017, to be “DENIM DAY 2017” in the City of San Diego.

ITEM-31: Reading Awareness Month.

PRESENTED BY COUNCILMEMBER ZAPF:

Proclaiming May 2017, to be "Reading Awareness Month" in the City of San Diego.

ITEM-32: National Community Service Month.

PRESENTED BY COUNCIL PRESIDENT PRO TEM KERSEY AND COUNCILMEMBER CATE:

Proclaiming April 2017, to be "National Community Service Month" in the City of San Diego.

NOTE: The following Proclamations will NOT be presented in Council Chambers. They will be approved by Unanimous Consent unless pulled for discussion.

ITEM-33: Jerry Handfield Day.

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming April 13, 2017, to be “Jerry Handfield Day” in the City of San Diego.
ITEM-34: Urban Mo’s Bar and Grill Day.

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming April 25, 2017, to be “Urban Mo’s Bar and Grill Day” in the City of San Diego.

ITEM-35: PowerTalk 21 Day.

COUNCIL PRESIDENT COLE'S RECOMMENDATION:

Proclaiming April 21, 2017, to be “Mothers Against Drunk Driving Day" in the City of San Diego.

ITEM-36: Lao Community Cultural Center of San Diego Day.

COUNCIL PRESIDENT COLE'S AND COUNCILMEMBER GOMEZ'S RECOMMENDATION:

Proclaiming April 8, 2017, to be "Lao Community Cultural Center of San Diego 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
RESOLUTIONS:

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


ITEM DESCRIPTION:

The proposed actions will approve funding allocation recommendations for the City's Fiscal Year 2018 Community Development Block Grant (CDBG) Program and accept, appropriate and expend the anticipated U.S. Department of Housing and Urban Development (HUD) CDBG, Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) Fiscal Year 2018 Annual Entitlement Allocations. Additional proposed actions will approve the City of San Diego's FY 2018 Annual Action Plan and a Substantial Amendment to the FY 2015-FY 2019 Consolidated Plan.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-499)

Authorizing the Chief Financial Officer to accept Fiscal Year 2018 Community Development Block Grant (CDBG) Entitlement Funds from Housing and Urban Development (HUD) in the total amount provided in the final Program Year 2017/Fiscal Year 2018 CDBG Grant Agreement between the City and HUD, estimated at $10,352,384, and appropriate and expend such funds for the Projects and Programs approved for Fiscal Year 2018 CDBG entitlement funding in this Resolution, contingent upon Fiscal Year 2018 CDBG Entitlement Grant funding being secured by the City;

Approving the funding recommendations for the City’s Fiscal Year 2018 CDBG Program detailed in Attachment 1 (Fiscal Year 2018 Public Services), Attachment 2 (Fiscal Year 2018 Public Services – Challenge Grant), Attachment 3 (Fiscal Year 2018 Community/Economic Development Projects), Attachment 4 (Fiscal Year 2018 Nonprofit Capital Improvement Projects), Attachment 5 (Fiscal Year 2018 Nonprofit Sustainability Projects), and Attachment 6 (Fiscal Year 2018 City Capital Improvement Projects) to the Staff Report, contingent upon the Chief Financial Officer certifying that Fiscal Year 2018 CDBG Funds are available;
Approving the allocation of Fiscal Year 2018 CDBG Entitlement funding to the Housing Commission in a total amount not to exceed $1,318,078 for the homeless programs identified in the Fiscal Year 2018 Action Plan and listed in Attachment 7 (Fiscal Year 2018 CDBG Homeless Set-Aside Projects) to the Staff Report, in accordance with Council Policy 700-02, contingent upon the Chief Financial Officer certifying that Fiscal Year 2018 CDBG Entitlement Grant Funds are available;

Approving the allocation of Fiscal Year 2018 CDBG Program Income for the City's Fiscal Year 2018 CDBG Reinvestment Initiative Programs, as described in Attachment 8 (Fiscal Year 2018 CDBG Reinvestment Initiative Programs) to the Staff Report, contingent upon the Chief Financial Officer certifying that Fiscal Year 2018 CDBG Program Income funds are available;

Authorizing the Chief Financial Officer to accept, appropriate, and expend Fiscal Year 2018 HOME Funds from HUD in the total amount provided in the final Program Year 2017/Fiscal Year 2018 HOME Program Grant Agreement between the City and HUD, estimated at $3,889,156, for the City’s Fiscal Year 2018 HOME Program, contingent upon Fiscal Year 2018 HOME Entitlement Grant funding being secured by the City;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2017 HOME Funds by $21,979 and accept, appropriate, and expend up to $21,979 in additional Fiscal Year 2018 HOME Funds from HUD for the City’s Fiscal Year 2018 HOME Program, contingent upon the Chief Financial Officer certifying that such Fiscal Year 2018 HOME Funds are available;

Authorizing the Chief Financial Officer to accept, appropriate, and expend Fiscal Year 2018 Emergency Solution Grant (ESG) Funds from HUD in the total amount provided in the final Program Year 2017/Fiscal Year 2018 ESG Grant Agreement between the City and HUD, estimated at $942,974, for the City’s Fiscal Year 2018 ESG Program, contingent upon Fiscal Year 2018 ESG Entitlement Grant funding being secured by the City;

Authorizing the Mayor, or designee, to negotiate and enter into subrecipient agreements on behalf of the City with those nonprofit and governmental organizations whose projects or programs are approved in this Resolution for CDBG funding and identified in the Fiscal Year 2018 Action Plan, contingent upon the Chief Financial Officer certifying that the funds are available;

Authorizing the Mayor, or designee, to enter into a second amendment to that certain Fiscal Year 2016 Emergency Solutions Grant (ESG) Subrecipient Agreement between the City of San Diego and the San Diego Housing Commission, effective July 2, 2015, to extend the term of the Agreement through Fiscal Year 2018;
Authorizing the Mayor, or designee, to enter into a second amendment to that certain Amended and Restated Fiscal Year 2016 CDBG and General Fund Agreement between the City of San Diego and the San Diego Housing Commission, effective September 15, 2015, to extend the term of the agreement through Fiscal Year 2018;

Authorizing the Mayor, or designee, to enter into a second amendment to that certain Fiscal Year 2016 Home Investment Partnerships Grant (HOME) Subrecipient Agreement between the City of San Diego and the San Diego Housing Commission, effective July 2, 2015, to extend the term of the Agreement through Fiscal Year 2018;

Authorizing the Chief Financial Officer to accept repayments from the Successor Agency under the Redevelopment Agency (RDA) Agreements in a total amount not to exceed $17,656,000, as and to the extent approved by the California Department of Finance, as CDBG “Program Income” under Title 24 Code of Federal Regulations Section 570.500, in the following amounts:

a. $500,000 included in the Successor Agency’s Ninth “Recognized Obligation Payment Schedule” submitted to the California Department of Finance for the second half of Fiscal Year 2016 (ROPS 9),
b. $8,000,000 included in the Successor Agency’s Tenth “Recognized Obligation Payment Schedule” submitted to the California Department of Finance for Fiscal Year 2017 (ROPS 10), and
c. $9,156,000 included in the Successor Agency’s Eleventh “Recognized Obligation Payment Schedule” submitted to the California Department of Finance for Fiscal Year 2018 (ROPS 11);

Authorizing the Chief Financial Officer to appropriate and expend a total amount not to exceed $17,656,000 of Program Income, as approved by the California Department of Finance on ROPS 9, ROPS 10, and ROPS 11, for projects approved for CDBG funding in this Resolution, contingent upon the Chief Financial Officer certifying that such funds are available;

Authorizing the Mayor, or designee, to negotiate and enter into a Memorandum of Understanding with the San Diego Workforce Partnership (Workforce Partnership) establishing both a Code San Diego Program and an Internship Program (described in Attachment 8 to the Staff Report) and providing for the Workforce Partnership to administer such programs, contingent upon the Chief Financial Officer certifying that funds are available;
Authorizing the Chief Financial Officer to:

a. Appropriate and expend $1,230,110.73 [$462,710.19 (general) and $767,400.54 (Fiscal Year 2018 Successor Agency repayment)] of Program Income in Fund 600100;

b. Transfer appropriations of $57,159 of Fiscal Year 2016 Unobligated CDBG Program in Fund 600000, Grant 1000003-2016, IO UC1000003-16 and $1,231,443.27 of Fiscal Year 2017 Unobligated CDBG Program in Fund 600000, Grant 1000003-2017, IO UC1000003-17;

c. Appropriate and expend $3,416,287 of the Fiscal Year 2018 CDBG Program Funds to increase the Fiscal Year 2018 CIP Program Budget in Fund 600000, Grant 1000003-2018, CDBG 2018, contingent upon certification of fund availability by the Chief Financial Officer;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2018 CIP Program Budget in Fund 600000, Grant 1000003-2018, up to $5,935,000, contingent upon Council adoption of the Fiscal Year 2018 Appropriation Ordinance, Fiscal Year 2018 CDBG Grant funding being secured by the City, and the Chief Financial Officer certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer, for the following stand-alone CIPs:

a. Park de la Cruz Community Center and Gym Building – S16059 ($3,700,000)

b. Bay Terraces Community (Senior) Center – S16060 ($500,000)

c. Memorial Community Park Playground ADA Upgrades – S16020 ($1,300,000)

d. Silver Wing Park Ballfield Lighting Phase II – S16051 ($435,000)

Authorizing the Mayor, or designee, to reprogram CDBG funds allocated to a City CIP in any fiscal year prior to Fiscal Year 2018 to any other existing or future City CIP, consistent with the applicable Annual Action Plan and Consolidated Plan, if the Mayor, or designee, determines that both: (1) because such prior fiscal year City CIP is not expending the CDBG funds (Entitlement Grant or Program Income) allocated to it within a certain time period, the City is at risk of being subject to corrective action by HUD pursuant to Title 24 Code of Federal Regulations Section 570.902 for failing to carry out CDBG activities in a timely manner; and (2) CDBG funds are available in Fiscal Year 2018 to replace the reprogrammed funds for future pursuit of the City CIP from which CDBG funds are reprogrammed. Authorizing the Chief Financial Officer, upon such a determination by the Mayor, or designee, to appropriate and expend the CDBG funds allocated to a CIP in any fiscal year prior to FY 2018 to any other existing or future CIP, consistent with the applicable Annual Action Plan and Consolidated Plan, for the purpose of reprogramming CDBG funds;

Authorizing and directing the Mayor, or designee, to stabilize the City’s Fiscal Year 2018 CDBG Program at $12,500,000 by using Fiscal Year 2018 Program Income, to the extent that the City’s CDBG Entitlement Grant amount is less than $12,500,000, to completely fund the activities listed in Attachments 1 through 7 to the Staff Report, with the activities listed in Attachment 8 to the Staff Report being funded in the order listed in Attachment 8, as and to the extent that any remaining Fiscal Year 2018 Program Income is available to fund such activities;
Authorizing the Chief Financial Officer to increase appropriations in Unobligated CDBG for Program Income revenue;

Authorizing the Chief Financial Officer to transfer balances from declined, completed, or ineligible projects to Unobligated CDBG;

Approving the Fiscal Year 2018 Second Substantial Amendment to the City’s Fiscal Year 2015-2019 Consolidated Plan, in substantially the form of Attachment 9 to the Staff Report;

Approving the City’s Fiscal Year 2018 Annual Action Plan, in substantially the form of Attachment 10 to the Staff Report;

Authorizing the Mayor, or designee, to make non-substantive revisions to the City’s Fiscal Year 2018 Annual Action Plan and the Fiscal Year 2018 Second Substantial Amendment to the City’s Fiscal Year 2015-2019 Consolidated Plan to finalize such plans and ensure that all approved activities and all public comments about such plans received by the City during the 30-day public comment period for the plans are included in the final plans, as applicable, and is further authorized to submit both final plans to HUD for approval.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**
These actions result in no fiscal impact to the City’s General Fund. All funding referenced in the requested actions originates from the U.S. Department of Housing and Urban Development (HUD).

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
On December 6, 2016, the City Council considered and approved the Reinvestment Initiative.

On March 22, 2017, the Infrastructure Committee recommended approval of the Community Development Block Grant funding for the City CIPs.

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on April 5, 2017.

**ACTION:** Motion by Councilmember Ward, second by Councilmember Bry, to recommend Council adopt the resolution.

**VOTE:** 4-0; Cate-yea, Bry-yea, Zapf-yea, Ward-yea.

Caldwell/Graham

Primary Contact\Phone: Michele Marano\619-236-6381, MS 56D
Secondary Contact\Phone: Stephen Maduli-Williams\619-533-6510, MS 56D
City Attorney Contact: Williams, Delmar G.
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-331: Towne Centre Drive Project. (University Community Plan Area. District 1.)

ITEM DESCRIPTION:

The Towne Centre Drive Project proposes demolition of an existing 47,091 square-foot office building, development of a 150,000 square-foot office building with structured parking on a 3.9-acre site located at 9455 Towne Centre Drive in the University Community Plan Area. The Project requires approval of Community Plan Amendments, a Planned Development Permit and a Site Development Permit. The project also proposes for an off-site parcel in Subarea 37 of the University Community Plan to be rezoned from IP-1-1 to OP-2-1, the designation of that parcel hanged from Scientific Research to Open Space, and that parcel donated to the City of San Diego for Rose Canyon Park.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in subitems A, B, C, and F; and introduce the ordinances in subitems D and E:

Subitem-A: (R-2017-483)

Adoption of a Resolution certifying that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council of the City of San Diego in connection with the approval of the Project;

Adopting the Declaration on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment;

Adopting the Mitigation, Monitoring, and Reporting Program, or alterations to implement the changes to the Project as required by this City Council of the City of San Diego in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A, pursuant to CEQA 21081.6;
That the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk;

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, after the final passage of all project approvals analyzed in the Mitigated Negative Declaration.

NOTE: This subitem is not subject to the Mayor’s veto.

Subitem-B: (R-2017-484)

Adopting of a Resolution adopting the amendment to the General Plan for the City of San Diego;

Adopting the amendment to the University Community Plan, a copy of which is on file in the Office of the City Clerk.

NOTE: This subitem is not subject to the Mayor’s veto.

Subitem-C: (R-2017-485)

Adoption of a Resolution adopting the findings with respect to Planned Development Permit No. 1586342 and Site Development Permit No. 1586343; which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 1586342 and Site Development Permit No. 1586343 to Kilroy Realty, L.P., a Delaware Limited Partnership, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

NOTE: This subitem is not subject to the Mayor’s veto.

Subitem-D: (O-2017-127)

Introduction of an Ordinance setting aside and dedicating 2.7 Acres located southeasterly of Nobel Drive and Shoreline Drive, west Of Interstate 805, and North of Rose Canyon open space, in the University Community Plan Area, in the City of San Diego, California, as Park Land.
Subitem-E:  (O-2017-126)

Introduction of an Ordinance changing 2.7 acres located southeasterly of Nobel Drive and Shoreline Drive, west of Interstate 805, and north of Rose Canyon Open Space, in the University Community Plan Area, in the City of San Diego, California, from the Ip-1-1 Zone (Industrial Park) Into the Op-2-1 Zone (Open Space-Park), as defined by San Diego Municipal Code Section 131.0602; and repealing Ordinance No. 17989 (New Series), Adopted September 27, 1993, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-F:  (R-2017-495)

Adopting the amendment to the General Plan;

Adopting the amendment to the University Community Plan, a copy of which is on file in the Office of the City Clerk;

That this Resolution shall be effective 80 days after the filing of the Notice of Determination for Mitigated Negative Declaration No. 291342.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
None with this action. All cost associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
None with this action.

Vacchi/Graham/md

Primary Contact\Phone: Morris Dye\619-446-5201, MS 301
Secondary Contact\Phone: PJ FitzGerald\619-446-5107, MS 501
City Attorney Contact: Thomas, Shannon
The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-332: Appeal of the Arco Murphy Canyon Road Planned Development Permit and Conditional Use Permit Amendments. (Kearny Mesa Community Plan Area, District 6.)

(Continued from the meeting of February 14, 2017, Item 334, at the request of staff for further review.)

(Continued from the meeting of March 7, 2017, Item 331, at the request of staff for further review.)

ITEM DESCRIPTION:

Appeal of the Process Four Planning Commission October 13, 2016, approval of Conditional Use Permit and Planned Development Permit amendments for the expansion of the existing service station (from 8 fueling stations to 12 fueling stations) and new automated carwash located on previously graded and improved portions of a 4.84-acre site located at 3770 Murphy Canyon Road. The canopy expansion will protect the four additional fueling stations and align with the existing canopy over existing stations. The existing canopy encroachment was approved under the prior entitlements which must be amended to allow additional expansion into the street yard side setback (observe a 6′-6″ setback, where 15′ is required).

TODAY’S ACTIONS ARE:

Take the following actions:

According to San Diego Municipal Code Section 112.0508(e), Power to Act on Appeal, the City Council shall consider the appeal and may affirm, reverse, or modify the Planning Commission’s decision to approve Conditional Use Permit (CUP) No. 724693 (amending CUP No. 89-1234) and Planned Development Permit (PDP) No. 724731 (amending Planned Industrial Development (PID)) No. 89-0949;

Directing the City Attorney to prepare the appropriate Resolutions according to Section 40 of the City Charter.

NOTE: This item is not subject to the Mayor’s veto.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
None with this action.

Vacchi\Graham\fm

Primary Contact\Phone: Francisco Mendoza\619-446-5433, MS 301
Secondary Contact\Phone: Morris Dye\619-446-5201, MS 301
City Attorney Contact: Vonblum, Heidi

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT