

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherri Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

## COUNCILMEMBERS

**Lorie Zapf • Second District**  
**Todd Gloria • Third District**  
**Myrtle Cole • Fourth District**  
**Mark Kersey • Fifth District**  
**Chris Cate • Sixth District**  
**Scott Sherman • Seventh District**  
**David Alvarez • Eighth District**

**Andrea Tevlin**  
**Independent**  
**Budget Analyst**

**Jan Goldsmith**  
**City Attorney**

**Liz Maland**  
**City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Monday, October 17, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, OCTOBER 17, 2016, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**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 based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON PUBLIC SAFETY AND LIVABLE NEIGHBORHOODS, RESOLUTIONS:

ITEM-150: Proposed Response to Grand Jury Report “Citizen Oversight Boards of Police Behavior”. (Citywide.)

**ITEM DESCRIPTION:**

1. Approve and adopt the proposed response to the 2015/2016 San Diego County Grand Jury Report entitled “Citizen Oversight Boards of Police Behavior” (which was filed May 15, 2016) as prepared by the Independent Budget Analyst (IBA).
2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 28, 2016.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2017-170)

Approving and adopting the City of San Diego's response to the 2015-2016 San Diego County Grand Jury Report titled “Citizen Oversight Boards of Police Behavior,” as set forth in Independent Budget Analyst (IBA) Report No. 16-32 Rev., dated October 3, 2016;

Authorizing and directing the Council President, on behalf of the Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than October 28, 2016.

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

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The Office of the Independent Budget Analyst (IBA) worked collaboratively with the Mayor's Office to develop a proposed joint Council/Mayoral response to the Grand Jury report, which addresses the three findings and three recommendations.

The proposed City response was presented at the Public Safety and Livable Neighborhoods Committee meeting on September 28, 2016.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Cole, to approve the following changes:

- The response to Finding 02 was changed from "disagree" to "partially disagree"
- The response to Recommendation 16-27 was changed from "will not be implemented because it is not warranted" to "requires further analysis"
- The response to Finding 03 was changed from "disagree" to "agree"
- The response to Recommendation 16-28 was changed from "will not be implemented because it is not warranted" to "requires further analysis"

**VOTE:** 3-0, Emerald-yea, Gloria-yea, Cole-yea, Cate-not present.

Following the Committee action, the Office of the IBA revised the proposed City response to incorporate the changes above. The response narratives were updated to reflect Committee discussion. For recommendations that "require further analysis," we suggest (and the revised proposed response states) that related policy discussions take place at a future meeting of the City Council's Rules Committee.

See IBA Report No. 16-32 Rev. and attachments for strikeout and "clean" versions of the revised proposed City response.

Kawar

Primary Contact\Phone: Chris Olsen\619-236-6446  
Secondary Contact\Phone: Lisa Byrne\619-236-5917  
City Attorney Contact: Gersten, William J.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: 2015-16 City of San Diego Pavement Condition Report.

**ITEM DESCRIPTION:**

Report detailing the results of the 2015/2016 Street Condition Assessment and staff recommendations going forward for street resurfacing program.

**STAFF'S RECOMMENDATION:**

Informational item only.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This informational report was presented at the Infrastructure Committee meeting on September 22, 2016.

McFadden/Gomez

Primary Contact\Phone: Kristy Reeser\619-527-7504, MS 44

Secondary Contact\Phone: Joshua Lahmann\619-527-7509, MS 44

ITEM-201: Fiscal Year 2016 Year-End Financial Performance Report 16-080.

**ITEM DESCRIPTION:**

Financial Management and the Office of the City Comptroller has created a Fiscal Year 2016 Year-End Financial Performance Report (FY 2016 Performance Report) to accompany the June, 2016 Charter 39 Report. The FY 2016 Performance Report is intended to provide City Council and the public a detailed comparison of actual (un-audited) revenue and expenditure activity compared to the Fiscal Year 2016 year-end projections.

**STAFF'S RECOMMENDATION:**

Informational item only.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None, this is an informational report only.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This informational item was presented at the Budget and Government Efficiency Committee meeting on October 5, 2016, and will be heard at City Council on October 17, 2016.

McCraner/Lewis

Primary Contact\Phone: Vanessa Montenegro\619-566-6371, MS 8A

Secondary Contact\Phone: Marissa Perez\619-533-6385, MS 8A

City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-202: Spectrum III and IV - Project No. 422478. (University Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

Approval of all actions necessary for the demolition and construction of two research and development buildings on a 13.77-acre site located at 3115-3215 Merryfield Row in the University Community Plan Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-132)

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 422478/SCH No. 2016061047, 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 the Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Declaring that the City Council finds 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, and therefore, that said Declaration is hereby adopted;

Adopting the Mitigation, Monitoring, and Reporting Program, or alterations to implement the changes to the Project as required by this City Council, in order to mitigate or avoid significant effects on the environment, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit A;

Declaring 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, 202 C Street, San Diego, CA 92101;

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.

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

Subitem-B: (R-2017-133)

Adoption of a Resolution adopting the findings with respect to Coastal Development Permit No. 1580366 and Site Development Permit No. 1580368 (amendment to Coastal Development Permit No. 1447486, Site Development Permit No. 1447488, and Coastal Development Permit/Hillside Review Permit No. 96-7939), which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Coastal Development Permit No. 1580366 and Site Development Permit No. 1580368 are hereby granted to ARE-SD REGION 23, LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

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

Subitem-C: (R-2017-135)

Adoption of a Resolution adopting the following findings with respect to Tentative Map No. 1580398, which are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Vacating portions of four 24-foot wide water easements located within the project boundaries as shown in Tentative Map No. 1580398, contingent upon the recordation of the approved Parcel Map for the project, which are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Granting Tentative Map No. 1580398 and Easement Vacation No. 1580371, to ARE-SD REGION 23, LLC, a Delaware Limited Liability Company, Subdivider and Permittee, subject to the attached conditions which are made a part of this Resolution by this reference.

**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/JAP

Primary Contact\Phone: Jeffrey A. Peterson\619-446-5237, MS 501

Secondary Contact\Phone: William J. Zounes\619-687-5942, MS 501

City Attorney Contact: Vonblum, Heidi

**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 Comment is taken toward the end of the Monday afternoon Council session.

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-250: **Notice** of Pending Final Map Approval - Stevenson.

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 "Stevenson" (Planning Commission No. 4786-PC and V.T.M. 1475178/PTS No. 421571) located at 4520 Pocahontas Avenue at the intersection with Joplin Avenue, legally described as a portion of Pueblo Lots 1226 and 1227 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, in the City of San Diego, County of San Diego, State of California, within the Clairemont Mesa Community Plan area and is in the RS-1-7 and RS-1-1 zones, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer 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 Engineer 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 Engineer 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.

ITEM-251: [Qualcomm Stadium and Petco Park City Suites.](#)

The list of ticket users for the City Suites at Qualcomm Stadium and Petco Park will be posted on the City Clerk's website quarterly. This information will also be available for viewing by the public in the Office of the City Clerk.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT