

**REVISED**

# **CITY OF SAN DIEGO COUNCIL AGENDA**



## **COUNCIL PRESIDENT**

**Sean Elo-Rivera • Ninth District**

## **COUNCIL PRESIDENT PRO TEM**

**Joe LaCava • First District**

## **COUNCILMEMBERS**

**Jennifer Campbell • Second District**

**Stephen Whitburn • Third District**

**Vacant • Fourth District**

**Marni von Wilpert • Fifth District**

**Kent Lee • Sixth District**

**Raul A. Campillo • Seventh District**

**Vivian Moreno • Eighth District**

**Charles Modica**

**Independent**

**Budget Analyst**

**Mara W. Elliott**

**City Attorney**

**Diana J. S. Fuentes**

**City Clerk**

**City Administration Building**

**City Council Chambers- 12th Floor**

**202 C Street San Diego, CA 92101**

**Virtual Participation: <https://sandiego.zoomgov.com/j/1607807743>**

**To join by telephone: Dial 1-669-254 5252 + input Webinar ID: 160 780 7743**

**TUESDAY, JANUARY 09, 2024, AT 10:00 AM and 2:00 PM**

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Cần dịch vụ thông dịch để phát biểu ý kiến trước công chúng, xin hãy liên hệ với City Clerk (Thư Ký Thành Phố) theo số (619) 533-4000 hoặc email đến [cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov). Thành phố cam kết sẽ giải quyết các yêu cầu thông dịch một cách nhanh chóng để gia tăng sự tham dự của công chúng. [Để biết thêm thông tin về cách tham gia và đưa ra ý kiến về một mục tại các cuộc họp của Hội đồng, xin vui lòng nhấp vào liên kết dưới đây.](#)

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“ການຮ້ອງຂໍບໍລິການນາຍແປພາສາເພື່ອສະເໜີຄໍາຄິດເຫັນຕໍ່ສາທາລະນະອາດສາມາດເຮັດໄດ້ໂດຍການຕິດຕໍ່ຫາ **City Clerk** ທີ່ (619) 533-4000 ຫຼືສົ່ງອີເມວຫາ: [cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov). **City** ມີຄວາມມຸ່ງມັ້ນທີ່ຈະແກ້ໄຂຄໍາຮ້ອງຂໍໃຫ້ແປພາສາຢ່າງໄວເພື່ອໃຫ້ປະຊາຊົນມີສ່ວນຮ່ວມສູງສຸດ.”  
[ສໍາລັບຂໍ້ມູນເພີ່ມເຕີມກ່ຽວກັບວິທີການເຂົ້າຮ່ວມ ແລະ ສະແດງຄໍາຄິດເຫັນກ່ຽວກັບລາຍການການປະຊຸມສະພາ ກະລຸນາກົດລິງຄ໌ຕໍ່ໄປນີ້](#)

**NOTICE:** THE CITY COUNCIL MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY STAFF DO NOT LIMIT ACTIONS THAT THE CITY COUNCIL MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS OF STAFF AS DETERMINATIVE OF THE ACTION THE CITY COUNCIL MAY TAKE ON A PARTICULAR MATTER.

**TUESDAY, JANUARY 09, 2024 AT 10:00 AM**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**REQUEST FOR CONTINUANCE BY A COUNCILMEMBER FOR ITEMS SCHEDULED DURING THE MORNING MEETING**

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed are considered to be routine, and the environmental documents have been considered.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

**Item 50: First Amendment to the Consulting Agreement with Nathan Page for the Cañon Street Pocket Park Public Art Project (H176929).**

Total Estimated Cost of Proposed Action and Funding Source:

This action appropriates \$6,600 from the Peninsula Urban Community Development Impact Fees (DIF) Fund, for a total project amount of \$36,600.

Council District(s) Affected: 2.

Proposed Actions:

(O-2024-32)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Consulting Agreement with artist Nathan Page, extending the Consulting Agreement through May 1, 2026, in connection with the Cañon Street Pocket Park Public Art Project.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken:

This item was heard at the Economic Development & Intergovernmental Relations Committee meeting on December 6, 2023.

**ACTION:** Motion by Committee Member Campbell, second by Committee member Lee, to recommend Council approval of staff's proposed actions.

**VOTE:** 3-0; Campillo-yea, Campbell yea, Lee-yea.

*Commission for Arts and Culture: Christine Jones, (619) 236-6661*

*City Attorney Contact: Ken So*

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

**Item 51: Approval of the Second Amendment to the Contract and Master Service Agreement Between the City of San Diego and zColo, LLC for CoLocation Services.**

Total Estimated Cost of Proposed Action and Funding Source:

This action increases the not-to-exceed amount of the contract by \$900,000 from \$3,100,000 to \$4,000,000. Expenditures will be made, Citywide, from General and Non-General fund sources, as needed.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/5/2023, Item 50 (Council voted 8-0, District 4-Vacant):

(O-2024-44)

Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement with zColo, LLC, for data center colocation services.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on November 17, 2023.

ACTION: Motion by Chair Montgomery Steppe, second by Vice Chair Moreno, to recommend Council approval of staff's proposed actions.

VOTE: 3-0; Montgomery Steppe-yea, Moreno-yea, LaCava-yea, Lee-not present.

*Department of Information Technology: Jonathan Behnke, (619) 533-3637  
City Attorney Contact: Steven Lastomirsky*

**Item 52: Establishment of Kearny Mesa and San Ysidro Community Parking Districts.**

Total Estimated Cost of Proposed Action and Funding Source:

No budgetary adjustments are included as part of this action. Future funding for the community parking districts will be considered as part of the Fiscal Year 2025 annual budget process.

Council District(s) Affected: 6, 8.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/5/2023, Item 60, Subitem B, (Council voted 8-0, District 4-Vacant):

(O-2024-40)

Ordinance of the Council of the City of San Diego establishing parking meter zones in Kearny Mesa and San Ysidro Community Parking Districts.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on October 20, 2023.

ACTION: Motion by Committee Member Montgomery Steppe, second by Committee Member von Wilpert, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Lee-yea, LaCava-yea, Montgomery Steppe-yea, von Wilpert-yea.

*Sustainability and Mobility: Krystal Ayala, (619) 236-7079*

*City Attorney Contact: Kate Malcolm*

**Item 53: Second Amendment to Agreement with Colantuono, Highsmith & Whatley to Provide Continued Legal Services as Panel Outside Counsel.**

Total Estimated Cost of Proposed Action and Funding Source:

The proposed Second Amendment to the LSA is an increase of \$250,000, for a contract total amount not-to-exceed \$750,000. Funding will come from Municipal Sewer for time spent on Allred, or from Water Fund for time spent on Patz.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/5/2023, Item 331, (Council voted 8-0, District 4-Vacant):

(O-2024-35 Cor. Copy)

Ordinance authorizing the Second Amendment to the legal services agreement between the City and Colantuono, Highsmith & Whatley, PC to increase the total not-to-exceed amount to \$750,000 from \$500,000. The \$250,000 increase is necessary to continue work the Law Firm is currently performing on behalf of the City, which includes defending the City in the active litigation matter Allred v. City of San Diego, a Proposition 218 case challenging the City's fee structure for the Industrial Wastewater Control Program. The firm will also assist the City in defending the lawsuit Patz v. City of San Diego, a case challenging the City's tiered rate structure for water rates.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken: N/A

*Office of the City Attorney: M. Travis Phelps, (619) 533-5800*

*City Attorney Contact: M. Travis Phelps*

**Item 54:           Modification Five to the Ground Lease between the City of San Diego and the United States of America for the Miramar Landfill.**

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this action.

Council District(s) Affected: 6.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/11/2023, Item 600, (Council voted 8-0, District 4-Vacant):

(O-2024-47)

Ordinance approving a Fifth Modification to the Ground Lease with the United States Department of the Navy for the Miramar Landfill

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken: N/A

*Department of Real Estate and Airport Management: Karen Johnson, (619) 236-6191*

*City Attorney Contact: Frederick M. Ortlieb*

**Item 55: Approval of the Joint Use Agreements Between the City and San Diego Unified School District for Audubon K-8, Dana Middle, Garfield Elementary, Language Academy, Marston Middle, and Standley Middle Schools.**

Total Estimated Cost of Proposed Action and Funding Source:

The City's annual maintenance of these joint use facilities per the terms of the agreements is included in the current Parks and Recreation Annual Department Budget.

The City's one-time expense for the Language Academy synthetic turf replacement project is included in the Parks and Recreation FY 24 Annual Department Budget.

Council District(s) Affected: 2, 3, 4, 6, 9.

Proposed Actions:

Adopt the following Ordinance which was introduced on 12/12/2023, Item 60, Subitem A, (Council voted 8-0, Distric 4- Vacant):

(O-2024-45 Cor.Copy)

Ordinance authorizing the Mayor, or his designee, to enter into Agreements with the San Diego Unified School District to provide operation, maintenance, and use of joint use facilities at 6 schools in San Diego (Audubon K - 8, Dana Middle School, Garfield Elementary School, Marston Middle School, Stanley Middle School, and the Language Academy).

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken:

This item was heard at the Community and Neighborhood Services Committee meeting on November 02, 2023.

ACTION: Motion by Committee Member Whitburn, second by Vice Chair Elo-Rivera, to recommend Council approval of staff's proposed actions.

VOTE: 3-0; Campbell-yea, Elo-Rivera-yea, Whitburn-yea, Campillo-not present.

*Parks & Recreation: Shannon Scoggins, (619) 236-6894*

*City Attorney Contact: Catherine Morrison*

**Item 56: Recommend Adoption of the Proposed Amendments to the Land Development Code, Local Coastal Program, and Resolution R-313282 (Neighborhood Enhancement Fund) to Implement Housing Action Package 2.0.**

Total Estimated Cost of Proposed Action and Funding Source:

Costs associated with implementation of this ordinance would be covered by project applicants.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was amended by council action by interlineation at the time of introduction on 12/12/2023, Item 335, Subitem A, (Council voted 7-1, Councilmember Campbell-nay, District 4-Vacant):

This action proposes the adoption of the Housing Action Package 2.0 (HAP 2.0). HAP 2.0 amends the San Diego Municipal Code by implementing recently adopted state law, revising accessory dwelling unit regulations, and amending existing affordable housing programs, including, but not limited to, Complete Communities Housing Solutions, to encourage new homes on public and private land and for a variety of housing product types, including families, students, and individuals. HAP 2.0 also phases out previously conforming incompatible uses located near residential uses within the San Diego Promise Zone. Ordinance amending the Land Development Code and Local Coastal Program, Resolution amending the Neighborhood Enhancement In Lieu Fee, and Resolution determining the approval of amendments revising the City's Accessory Dwelling Unit Home Density Program is exempt from the California Environmental Quality Act pursuant to Section 15282(h).

(O-2024-41 Rev. Cor.Copy 3)

Ordinance amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; amending Chapter 12, Article 7, Division 1 by amending Section 127.0108 and adding Section 127.0112; amending Chapter 13, Article 1, Division 4 by amending Sections 131.0420, 131.0422, and 131.0449; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 7 by amending Section 131.0707; amending Chapter 14, Article 1, Division 3 by retitling and amending Sections 141.0302 and 141.0305 and adding Section 141.0319; amending Chapter 14, Article 2, Division 5 by amending Sections 142.0501, 142.0505, 142.0520, and 142.0525, retitling and

amending Section 142.0528, amending Section 142.0530, and retitling and amending Section 142.0531; amending Chapter 14, Article 2, Division 6 by amending Section 142.0640; amending Chapter 14, Article 2, Division 13 by amending Section 142.1304; amending Chapter 14, Article 3, Division 7 by amending Sections 143.0720, 143.0740, 143.0745, and 143.0746, and adding Section 143.0747; amending Chapter 14, Article 3, Division 8 by amending Sections 143.0810, 143.0815, 143.0820, 143.0830, 143.0840, 143.0850, and 143.0860; amending Chapter 14, Article 3, Division 10 by amending Sections 143.1005, 143.1010, 143.1015, and 143.1025; amending Chapter 14, Article 3, Division 12 by amending Sections 143.1201 and 143.1203, repealing Section 143.1205, and amending Sections 143.1207 and 143.1212; amending Chapter 14, Article 4, Division 5 by amending Section 144.0505, all relating to the Homes for All of Us: Housing Action Package 2.0 Land Development Code Amendment.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on September 21, 2023.

ACTION: Motion by Committee Member Whitburn, second by Committee Member Lee. to recommend Council approval of staff's proposed actions with the following amendments:

1. The development impact fees for dwelling units that do not exceed 500 square feet in the proposed SDMC Sec. 143.1010(f) will take effect on January 1, 2025. However, the fee rates for units containing at least three bedrooms will take effect at the otherwise applicable earlier effective date.

2. City staff conduct a study to determine the environmental and economic effect of the following:

A comparison of the effect of proposed distance requirements for previously conforming and incompatible uses in revisions to Municipal Code Section §127.0112(a) to the distance requirements of 300 ft., 500 ft. and 1000 ft., as proposed by Environmental Health Coalition.

A comparison of the effect of the proposed list of previously conforming and incompatible uses near sensitive receptors in revisions to Municipal Code Section §127.0112(a) to additional uses as listed, as proposed by Environmental Health Coalition:

Warehouses; Distribution facilities; Heavy/light Manufacturing; Welding; Commercial/Personal Vehicle Repair and Maintenance; Recycling facilities (medium to small); Agricultural processing; Building supplies and equipment.

3. A comparison of the proposed sensitive receptors to an expanded list that includes schools, daycares, parks and medical facilities, as proposed by Environmental Health Coalition.

VOTE: 4-0; Moreno-yea, LaCava-yea, Whitburn-yea, Lee-yea.

*Planning: Jeffrey Ryan, (619) 533-3945*

*City Attorney Contact: Lauren Hendrickson*

## ADOPTION AGENDA

### CONSENT, RESOLUTIONS TO BE ADOPTED:

**Item 100: Settlement of Samuel Ellis v. City of San Diego, San Diego Superior Court Case No. 37-2022-00032566-CU-PO-CTL, Claim No. 29108.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$275,000.00 will be paid from Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-233)

Resolution authorizing the settlement of Samuel Ellis v. City of San Diego, San Diego Superior Court Case No. 37-2022-00032566-CU-PO-CT, related to claim of personal injury arising from an alleged dangerous condition in front of 3059 Ocean View Boulevard in the City of San Diego on September 11, 2021. Risk Claim No. 29108.

Committee Actions Taken: N/A

*Office of the City Attorney: Dave E. Abad, (619) 533-5821*

*City Attorney Contact: Dave E. Abad*

**Item 101: Settlement of Brookie Rocha v. City of San Diego, et al., United States District Court Case No. 23cv00885-CAB-JLB, Claim No. 29254.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$78,000.00 will be paid from Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-227)

Resolution authorizing the settlement of Brookie Rocha v. City of San Diego, et al., United States District Court, No. 23cv00885-CAB-JLB, alleging injuries as a result of a failure to provide medical care following the application of pepper spray on March 7, 2022. Claim No. 22819.

Committee Actions Taken: N/A

*Office of the City Attorney: Jacqueline J. McQuarrie, (619) 533-5910*  
*City Attorney Contact: Jacqueline J. McQuarrie*

**Item 102: Appointment to the Balboa Park Committee.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: Outside City Limits

Proposed Actions:

(R-2024-266)

Resolution confirming the Mayor's appointment of Timothy Shields to the Balboa Park Committee for a term ending March 1, 2025.

Committee Actions Taken: N/A

*Office of Boards and Commissions: Chida Warren-Darby, (619) 533-3940*  
*City Attorney Contact: Kathy Steinman*

**Item 103: Declaring a Continued State of Emergency Regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.**

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

Council District(s) Affected: N/A

Proposed Actions:

(R-2024-250)

Declaring a Continued State of Emergency regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.

Committee Actions Taken: N/A

*City Attorney Contact: Noah J. Brazier*

**Item S502: Amendments to the Appointments of Mayor Todd Gloria and Councilmembers to SANDAG Regional Planning Committee for Calendar Year 2024. (Added 1/4/24)**

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-282)

Resolution of the Council of the City of San Diego amending appointments to the SANDAG Regional Planning Committee for Calendar Year 2024.

Committee Actions Taken: N/A

*Council President's Office: Luz Anaya Luna, (619) 236-6699*

*City Attorney Contact: Heather Ferbert*

**NON-AGENDA COMMUNICATIONS FROM MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY CLERK, CITY ATTORNEY**

**PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED AT THE MEETING)**

**Item 30: Zeta Phi Beta Sorority, Incorporated Day.**

**COUNCIL PRESIDENT ELO-RIVERA'S RECOMMENDATION:**

Proclaiming January 19, 2024, to be "Zeta Phi Beta Sorority, Incorporated Day" in the City of San Diego.

**Item 31: San Diego District Tennis Association 50th Anniversary Month.**

**COUNCIL PRESIDENT PRO TEM LACAVA AND COUNCILMEMBER CAMPBELL'S RECOMMENDATION:**

Proclaiming the month of January 2024, to be "San Diego District Tennis Association 50th Anniversary Month" in the City of San Diego.

**Item S500: Casbah Day. (Added 1/3/24)**

**MAYOR GLORIA AND COUNCILMEMBER CAMPBELL'S RECOMMENDATION:**

Proclaiming January 12, 2024, "Casbah Day" in the City of San Diego.

**Item S501: This item has been removed from the Agenda. (Rev. 1/5/24)**

**Item S504: Jodee Brentlinger Day. (Added 1/4/24)**

**COUNCIL PRESIDENT PRO TEM LACAVA'S RECOMMENDATION:**

Proclaiming January 2, 2024 to be "Jodee Brentlinger Day" in the City of San Diego.

**Item S505: 50th Annual Christmas Tree Recycling Month. (Added 1/4/24)**

**COUNCIL PRESIDENT PRO TEM LACAVA'S RECOMMENDATION:**

Proclaiming December 26, 2023 – January 23, 2024 to be "50th Annual Christmas Tree Recycling Month" in the City of San Diego.

**Item S506: San Diego Karen New Year Day. (Added 1/5/24)**

MAYOR GLORIA, COUNCIL PRESIDENT ELO-RIVERA, AND COUNCILMEMBER LEE'S RECOMMENDATION:

Proclaiming January 11, 2024, to be the "San Diego Karen New Year Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**ITEMS PULLED FROM CONSENT BY COUNCILMEMBERS**

**INFORMATION AND ADOPTION AGENDA ITEMS (10AM SESSION)**

**Item 330: Authorization for the retention of Nixon Peabody LLP as Outside Counsel for Legal Matters Related to the City's Sewer Utility.**

**This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.**

Total Estimated Cost of Proposed Action and Funding Source:

Compensation for as-needed outside counsel (OC) services in an amount not-to-exceed \$560,000 over the 5-year term of the agreement will be payable from bond proceeds as a cost of issuance whenever possible, otherwise, the Sewer Enterprise Fund will bear the responsibility of paying invoices for OC services.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-267)

Resolution authorizing the retention of Nixon Peabody LLP as Outside Counsel.

Committee Actions Taken: N/A

*Office of the City Attorney: David Powell, (619) 235-5894*

*City Attorney Contact: David Powell*

**Item 331: Authorization for the Library Department to Accept, Appropriate, and Expend Grant Funding From the California State Library for Construction of the New Oak Park Branch Library.**

**This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.**

Total Estimated Cost of Proposed Action and Funding Source:

\$9,090,913.00 of awarded State of California Grant funds will be deposited in and expended from Fund 600001 (Grant Funds State) for construction of CIP S-22011 (Oak Park Branch Library).

Council District(s) Affected: 4.

Proposed Actions:

(R-2024-265)

Resolution authorizing the Mayor or designee to make application to the California State Library and take all necessary actions to secure funding in an amount not-to-exceed \$9,090,913 in Fund 600001, for the construction of a new Oak Park Branch Library;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget, and to accept, appropriate and expend an amount not-to-exceed \$9,090,913, for the purpose of constructing a new Oak Park Branch Library, contingent upon receipt of a fully executed Grant Agreement if the Grant funding is secured.

Committee Actions Taken: N/A

*Library: Raul Gudino, (619) 236-5889*

*City Attorney Contact: Ken So*

**Item 332: Authorize a Grant Agreement with the State Coastal Conservancy (SCC) to Accept Grant Funding for the Coastal Resilience Master Plan.**

**This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.**

Total Estimated Cost of Proposed Action and Funding Source:

City Council authorization to accept this grant will result in grant funding up to, and not exceeding, \$1,072,000 of SCC grant funds to support additional development and outreach for the City's Coastal Resilience Master Plan. The City will provide \$100,400 in matching funds, which is anticipated to be met with in-kind staff time matching funds from the City Planning Department's General Fund budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-272)

Resolution authorizing the acceptance, appropriation, and expenditure of State Coastal Conservancy grant funds for the Coastal Resilience Master Plan.

Committee Actions Taken: N/A

*Planning/Environmental Analysis: Jordan Moore, (619) 236-5061*

*City Attorney Contact: Lindsey H. 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 Rule 2.7.2, Non-Agenda Public Comment is 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. Additionally, non-agenda public comment during the 10am session may be limited to 30 minutes at the discretion of the Council President for meeting management purposes. If some Non-Agenda Public Comment is trailed, any remaining speakers will be given an opportunity to speak during the 2pm session after Council concludes the Information and Adoption agenda items for the day.

**TUESDAY, JANUARY 09, 2024 AT 2:00 PM**

**ROLL CALL**

**REQUEST FOR CONTINUANCE BY A COUNCILMEMBER FOR ITEMS TRAILED FROM MORNING OR ITEMS SCHEDULED FOR AFTERNOON SESSION**

**ADOPTION AGENDA, DISCUSSION ITEMS**

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

**Item S503:** **Resolution in Support of California Proposition 1, the Behavioral Health Services Program and Bond Measure, on the March 2024 Statewide Election. (Added 1/4/24)**

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

Total Estimated Cost of Proposed Action and Funding Source:

N/A

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-274)

Resolution supporting California Proposition 1, The Behavioral Health Services Program and Bond Measure, on the March 2024 Statewide Election.

Committee Actions Taken: N/A

*Council District 7: Carrie Shah, (619) 533-5906*

*City Attorney Contact: Jose A Garcia*

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

**Item 333: All Peoples Church - Project No. 636444.**

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

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 7.

Proposed Actions:

General Plan and Community Plan Amendment; Planned Development Permit; Site Development Permit; Tentative Map; Revestment of Access Rights; and Easement Vacations to allow for the construction and operation of a 54,476-square-foot (SF), two-story church building and a 71,010 SF, two-level parking garage and surface parking areas on an approximately 5.99-acre site. The church use includes a 900-seat sanctuary space with accessory uses (i.e., Sunday school classrooms, offices, and a multi-purpose room/gym), and various site improvements, such as a traffic signal, hardscape improvements, landscaping, and utility connections (All Peoples Church Project).

Subitem-A: (R-2024-241 **Cor. Copy** **(Rev. 1/3/24)**)

Resolution Certifying Environmental Impact Report No. 636444/SCH No. 2021100394 and Adopt Findings, and a Mitigation, Monitoring, and Reporting Program for the All Peoples Church Project.

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

Subitem-B: (R-2024-240)

Resolution approving an Amendment to the General Plan and the Navajo Community Plan for the All Peoples Church Project.

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

Subitem-C: (R-2024-242)

Resolution granting Site Development Permit and Planned Development Permit for the All Peoples Church Project.

**Subitem-C is not subject to the Mayor's veto.**

Subitem-D: (R-2024-239 **Cor. Copy**) **(Rev. 1/3/24)**

Resolution approving the Tentative Map No. 2490918 with Easement Vacations No.2292340 and revestment of access rights for the All Peoples Church Project. (Rev. 1/4/24)

**Subitem-D is not subject to the Mayor's veto.**

Committee Actions Taken: N/A

*Development Services: Martha Blake, (619) 446-5375*

*City Attorney Contact: Shannon Eckmeyer*

## **NON-AGENDA ITEMS**

## **ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

## **ADJOURNMENT**

**HOW TO SPEAK TO A PARTICULAR ITEM OR DURING NON-AGENDA PUBLIC COMMENT:**

Members of the public shall be given the opportunity to address the Council. The Council President may reduce the amount of time available to each speaker to appropriately manage the meeting and ensure the Council has time to consider all the agenda items. A member of the public may only provide one comment per agenda item.

Pursuant to the Levine Act (Gov't Code Section 84308), any party to a permit, license, contract (other than competitively bid, labor or personal employment contracts) or other entitlement before the Council is required to disclose on the record any contribution, including aggregated contributions, of more than \$250 made by the party or the party's agents within the preceding 12 months to any Council Member. Participants and agents are requested to make this disclosure as well. The disclosure must include the name of the party or participant and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made.

**In-Person Comment on Agenda Items**

Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In person testimony will conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if they represent an organization or another person.

For meeting management during the Minutes, Proclamations, and Consent portions of the agenda, speakers will have one (1) minute per item and up to a maximum of three (3) minutes if there are three (3) or more items in that portion of the agenda.

For discussion and information items each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding them time. These speaker slips should be submitted together at one time to the City Clerk. The Council President may also limit organized group presentations of five or more persons to 15 minutes or less.

**Virtual Public Comment on Agenda Items**

Members of the public may participate virtually (by telephone or internet streaming) as indicated below. Speakers who wish to provide virtual public comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first.

For meeting management during the Minutes, Proclamations, and Consent portions of the agenda, speakers will have one (1) minute per item and up to a maximum of three (3) minutes if there are three (3) or more items in that portion of the agenda.

For discussion and information items each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes. Speakers participating virtually may not allocate their time to other speakers and may not share video or visual aids (i.e. pdf, ppt, docs) during their comment period.

**Quasi-Judicial Items.** Organized group presentations for quasi-judicial items will be allowed up to 15 minutes per side to speak either for or against an item for a total of 30 minutes. If more than one group on the same side requests an organized presentation, the 15 minutes will be divided between each group for that side. Please contact the Project Manager as listed as the primary contact on the staff report for that item to indicate your desire to present.

### **Non-Agenda Public Comment**

Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of the Council President's discretion for a given agenda. In order to ensure that the Council has time to consider all agenda items, Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis, however, 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. A member of the public may only provide one non-agenda comment per agenda.

### **In-Person Non-Agenda Public Comment**

Each speaker who wishes to address the Council must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of in-person testimony. In-person testimony shall conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if representing an organization or another person.

### **Virtual Non-Agenda Public Comment**

Speakers who wish to provide virtual Non-Agenda Public Comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first. Those participating virtually may not share video or visual aids (i.e. pdf, ppt, docs) during their non-agenda comment period.

**Please note:** On Tuesdays, Non-Agenda Public Comment is taken during the 10am session, but some Non-Agenda Public Comment may be trailed, at the Council President's discretion for meeting management purposes.

### **Comment on Agenda Items, Non-Agenda Public Comment, and Closed Session Public**

**Comment** may also be submitted using the [webform](#) indicating the comment type and item number (if relevant) for which you wish to submit your comment. Comments received by 8:00 AM the day of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after 8:00 AM the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

**Written Materials.** Instead of submitting written materials as an attachment to the webform you may submit via U.S. Mail to the City Clerk's attention at 202 C Street, MS2A San Diego, CA 92101. Materials submitted via U.S. Mail must be received one business day prior to the meeting to be distributed to the City Council. Comments received via U.S. Mail on the day of the meeting will be submitted into the written record for the relevant item.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Spectrum or Channel 99 for AT&T U-Verse, or [view the meetings online \(link is external\)](#)