

# **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 Gómez • Ninth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Mara W. Elliott  
City Attorney**

**Liz Maland  
City Clerk**

<b>Council Chambers, 12<sup>th</sup> Floor, City Administration Building</b>
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**Monday, September 11, 2017**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, SEPTEMBER 11, 2017, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

**ALTERNATE FORMATS**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

**SENATE BILL 343 (LATE-ARRIVING MATERIALS)**

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled "SB 343." Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

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

**REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**ADOPTION AGENDA, DISCUSSION ITEMS**

**ADOPTION AGENDA**

**DISCUSSION, NOTICED HEARINGS:**

**Item 200:        **Amendment to the Municipal Code and the Local Coastal Program to  
Address the Adult Use of Marijuana Act.****

**Total Estimated Cost of Proposed Action and Funding Source:**

Costs associated with implementation of the regulations will be borne by future project applicants.

**Council District(s) Affected:** Citywide.

**Proposed Actions:**

Introduce the following ordinances in Subitem A and B from Option 1 OR adopt the following resolution in Subitem C and introduce the following ordinances in Subitem D and E from Option 2:

Subitem-A:    (O-2018-5)

Introduction of an Ordinance amending Chapter 4, Article 2, Division 15 of the San Diego Municipal Code by amending Sections 42.1501, 42.1502, 42.1504, 42.1506, 42.1507, 42.1508, and 42.1509, and adding new Section 42.1510;

Amending the definition of marijuana, specifying that the transportation of marijuana and marijuana products is allowed between state licensed marijuana facilities, and making non-substantive amendments.

Subitem-B: (O-2018-6)

Introduction of an Ordinance amending Chapter 13, Article 1, Division 1 of the San Diego Municipal Code by amending Section 131.0112; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Section 131.0422; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 13, Article 2, Division 15 by amending Sections 132.1510 and 132.1515; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238, and amending Chapter 15, Article 6, Division 3 by amending Section 156.0308;

Allowing testing labs in specified zones and to include marijuana outlets as a conditional use in the Central Urbanized Planned District.

OR

Subitem-C: (R-2018-23)

Adoption of a Resolution determining the adoption of an Ordinance allowing marijuana production facilities pursuant to a discretionary permit that will then be subject to review, pursuant to the California Environmental Quality Act (CEQA), is exempt from CEQA pursuant to Business and Professions Code Section 26055(h).

Subitem-D: (O-2018-7)

Introduction of an Ordinance amending Chapter 4, Article 2, Division 15 of the San Diego Municipal Code by amending Sections 42.1501, 42.1502, 42.1504, 42.1506, 42.1507, 42.1508, and 42.1509, and adding new Section 42.1510;

Amending the definition of marijuana; creating permitting and operational requirements for marijuana production facilities, as defined; specifying that the transportation of marijuana and marijuana products is allowed between state licensed marijuana facilities; and making non-substantive amendments.

Subitem-E: (O-2018-8)

Introduction of an Ordinance amending Chapter 11, Article 3, Division 2 of the San Diego Municipal Code by amending Section 113.0225; amending Chapter 12, Article 6, Division 3 by amending Section 126.0303; amending Chapter 12, Article 7, Division 1 by amending Section 127.0109; amending

Chapter 13, Article 1, Division 1 by amending Section 131.0112; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Section 131.0422; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 13, Article 2, Division 15 by amending Sections 132.1510 and 132.1515; amending Chapter 14, Article 1, Division 5 by amending Section 141.0504; amending Chapter 14, Article 1, Division 10 by adding new Section 141.1004 and by renumbering Section 141.1004 to 141.1005, Section 141.1005 to 141.1006, Section 141.1006 to 141.1007, Section 141.1007 to 141.1008, Section 141.1008 to 141.1009, and Section 141.1009 to 141.1010; amending Chapter 14, Article 3, Division 1 by amending Section 143.0111; amending Chapter 15, Article 1, Division 1 by amending Section 151.0103; amending Chapter 15, Article 2, Division 3 by amending Section 152.0312; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238; amending Chapter 15, Article 6, Division 3 by amending Section 156.0308;

Allowing testing labs in specified zones; marijuana production facilities, as described in specified zones with a Conditional Use Permit approved in accordance with Process Three; and adding marijuana outlets as a conditional use in the Central Urbanized Planned District.

Committee Actions Taken:

N/A

*Docket Office: Edith Gutierrez, (619) 236-6521*

*City Attorney Contact: Shannon M. Thomas*

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is taken toward the end of the Monday afternoon Council session.

## **PUBLIC NOTICES**

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

### **Item 250: Notice of Pending Final Map Approval - La Jolla Commons III.**

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 "La Jolla Commons III" (Resolution No. R-308757 and V.T.M. 1153096/PTS No. 324553) located at 4727 Executive Drive, Southeast corner of Executive Drive and Judicial Drive, in the CV-1-2 and IP-1-1 Zones, the Community Plan Implementation Overlay Zone (CPIOZ Type A), the North University City Facilities Benefit Area (FBA), the Parking Impact Overlay Zone (Campus Impact Area) within the University Community Plan Area, a copy of which is available for public viewing at the office of the San Diego City Clerk. The property is legally described as Lots 1 through 5 of the Resubdivision of La Jolla Commons, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 15848, filed in the office of the San Diego County Recorder. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

**Item 251: Notice of Pending Final Map Approval - Ticonderoga Homes.**

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Ticonderoga Homes " (T.M. No. 1438817, PTS No. 495976) located east of Morena Boulevard, on the south side of Ticonderoga Street and north of Baker Street, in the RS-1-7 zone, within the Clairemont Mesa Community Plan Area Council District 2, 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 Frederick R. LePage (619) 446-5434.

**Item 252: Notice of Pending Final Map Approval - Southview East.**

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Southview East " (T.M. No. 1299345, PTS No. 528248) located on Airway Road east of Caliente Avenue in the AR-1-1 zone, within the Otay Mesa Community Plan area Council District 8, 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 Frederick R. LePage (619) 446-5434.



**Item 253: Notice of Pending Final Map Approval - Meadowood II.**

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 "Meadowood II " The project site is located at 13855 Rancho Santa Fe Farms Road in the RS 1-14 Zone within the Pacific Highlands Ranch Subarea Plan (Vesting Tentative Map No. 1511589). Located in City Council District 1; the property legally described as Parcel A & Parcel 1 of Parcel Map 12337, in the City of San Diego, County of San Diego, State of California filed in the office of the County Recorder of an Diego County, September 24, 1982 as File no. 82-296204 of Official Records.

Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

**NON-AGENDA ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**