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CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

COUNCILMEMBERS

Kevin Faulconer • Second District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Lorie Zapf • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Tuesday, October 22, 2013

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 22, 2013, 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, ranging from five business days to two weeks. 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.

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

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:

09/09/2013

09/10/2013

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: National Community Planning Month.

PRESENTED BY COUNCIL PRESIDENT PRO TEM LIGHTNER:

Proclaiming October 2013, to be "National Community Planning 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-31: CyberFest 2013 Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming October 10, 2013, to be "CyberFest 2013 Day" in the City of San Diego.

ITEM-32: Tasha Williamson Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming October 10, 2013, to be "Tasha Williamson Day" in the City of San Diego.

ITEM-33: Sheet Metal Workers' International Association Local 206 Day.

COUNCILMEMBER COLE'S AND COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming October 14, 2013, to be "Sheet Metal Workers' International Association Local 206 Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports 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 form prior to the start of the meeting.

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, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject.

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

- * ITEM-50: Authorization of an Ordinance exempting positions from the Classified Service as approved by the Civil Service Commission on August 1, 2013, in the Financial Management and Human Resources Departments.

ITEM DESCRIPTION:

Authorize an Ordinance exempting six Program Coordinator positions from the Classified Service as approved by the Civil Service Commission on August 1, 2013, in the Financial Management and Human Resources Departments.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/8/2013, Item 50. Council voted 7-0. (Council President Gloria and Councilmember Emerald not present):

(O-2014-43 Cor. Copy)

Declaring that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated August 6, 2013, which documents that, on August 1, 2013, the City's Civil Service Commission reviewed and favorably commented on a proposal from the HR Department Director to exempt from the City's Classified Service four (4) Program Coordinator positions in the Financial Management Department to manage the coordination and development of the capital improvement and operational budgets; to perform budget monitoring, projections, and multi-year financial forecasting; and to develop and implement policies such as the Citywide budget balancing solutions; and two (2) Program Coordinator positions in the HR Department to negotiate adopted Managed Competition plans and efficiencies throughout the City.

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City four (4) Program Coordinators in the Financial Management Department and two (2) Program Coordinators in the HR Department, performing the duties set forth in the August 6, 2013, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

* ITEM-51: Metropolitan Airpark, Project No. 208889. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

The Metropolitan Airpark would develop a master planned, four-phase development of aviation and non-aviation areas on approximately 331 acres of the 880 acres of Brown Field Municipal Airport within the Otay Mesa Community Planning area. The project requires the adoption of an Ordinance and approval of Easement Vacations, Tentative Map Waiver and Site Development Permit with one deviation to allow impacts to wetlands.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/7/2013, Item 201, Subitem A. (Council voted 8-0. Council President Gloria not present):

(O-2014-32 Cor. Copy)

Exempting the development of approximately 331 acres at Brown Field Airport from the payment of Facilities Benefit Assessments.

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-60: Authorize a First Amendment to the Agreement with AMEC Environment and Infrastructure, Inc. (AMEC) for As-Needed Storm Water Environmental Monitoring Services for the Transportation and Storm Water Department (TSWD) Storm Water Division.

ITEM DESCRIPTION:

The item will authorize the Amendment of an existing Agreement with AMEC Environment and Infrastructure, Inc. (AMEC) for As-Needed Storm Water Environmental Monitoring Services by removing an annual expenditure limit of \$3 million per contract year, and extending the term of the Agreement approximately four months to coincide with the end of Fiscal Year 2016. These changes will allow the Storm Water Division to maximize the use of the services under the Agreement, and optimize the issuance of task orders and completion of the deliverables with budget authorized for services under this Agreement in Fiscal Year 2016.

STAFF'S RECOMMENDATION:

Introduce the following ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2014-20)

Introduction of an Ordinance, authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute the First Amendment to the Agreement with AMEC Environment and Infrastructure, Inc. (AMEC) for As-Needed Storm Water Environmental Monitoring Services, for an additional period of approximately four months, extending the term to June 30, 2016, and removing the annual expenditure limitation set forth in R-306396, under the terms and conditions set forth in the First Amendment to the Agreement;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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

Subitem-B: (R-2014-62)

Declaring that the First Amendment to the Agreement is statutorily exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. The First Amendment with AMEC Environment and Infrastructure, Inc. (AMEC) would extend the expiration of the Original Agreement from March 9, 2016, to June 30, 2016, at no additional cost to the City. In addition, the First Amendment would remove the \$3 million expenditure limitation per contract year, but maintain the previous Council authorization of \$15 million of total expenditures for this Agreement (R-306396). If approved, this extension would provide additional time to complete task orders issued in Fiscal Year 2016, as well as provide flexibility of issuing additional task orders in future Fiscal Years 2014, 2015, and 2016, to match storm water and program needs, and meet regulatory mandates.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On November 20, 2010, the Council authorized the Original Agreement for \$15,000,000, Resolution No. R-306396.
- This item was heard at the Natural Resources and Culture Committee meeting on September 25, 2013, and approved to be forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Emerald, second by Councilmember Zapf, to approve staff recommendation.

VOTE: 4-0; Alvarez-yea, Sherman-yea, Emerald-yea, Zapf-yea.

McFadden/Chadwick

Primary Contact\Phone: Ruth Kolb\858-541-4328, MS 1900
Secondary Contact\Phone: Kris McFadden\858-541-4320, MS 1900
City Attorney Contact: Stroud, Heather L.

* ITEM-61: Authorize First Amendment to the Agreement with TetraTech Inc., for As-Needed Storm Water Engineering Consulting Services.

ITEM DESCRIPTION:

This item will authorize the Amendment of an existing Agreement with TetraTech Inc., for As-Needed Storm Water Engineering Consulting Services by extending the term of the Agreement by approximately one and a half years to the end of Fiscal Year 2015. These changes will allow the Storm Water Division to maximize the use of the services under the Agreement, and continue critical work in progress for ongoing projects and planning efforts until June 30, 2015.

STAFF'S RECOMMENDATION:

Introduce the following ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2014-42)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, for and on behalf of the City, to execute the First Amendment to the Agreement with TetraTech Inc., for As-Needed Storm Water Engineering Consulting Services for an additional period of approximately one and a half years, extending the term to June 30, 2015, under the terms and conditions set forth in the First Amendment to the Agreement;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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

Subitem-B: (R-2014-177)

Declaring that the First Amendment to the Agreement is statutorily exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. The First Amendment to the Agreement TetraTech Inc., would extend the term of the Original Agreement from January 21, 2014, to June 30, 2015. If approved, this extension would provide additional time to complete task orders initiated in Fiscal Year 2014 supporting efforts underway to address new permit and regulatory requirements, at no additional cost to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On December 2, 2008, City Council authorized the Agreement with TetraTech Inc., with Resolution No. R-304456.

- This item was heard at the Natural Resources and Culture Committee meeting as Item No. 6 on September 25, 2013, and approved by the Committee to be forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Emerald, second by Councilmember Zapf, to approve staff recommendation.

VOTE: 4-0; Alvarez-yea, Sherman-yea, Emerald-yea, Zapf-yea.

Sturdevan/Chadwick

Primary Contact\Phone: David Wells\858-541-4339, MS 1900

Secondary Contact\Phone: Kris McFadden\858-541-4325, MS 1900

City Attorney Contact: Stroud, Heather L.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Community Projects, Programs, and Services Funding Allocation to Economic Development Corporation San Diego County for Brookings Metropolitan Export Initiative. (Citywide.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 5, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Economic Development Corporation San Diego County, for an amount not to exceed \$20,000 for Brookings Metropolitan Export Initiative.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-214)

Declaring that the allocation described herein is made for a public purpose;

Waiving Council Policy 100-06, 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 Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City, an Agreement with the Economic Development Corporation San Diego County, in an amount not to exceed \$20,000 for the project described herein, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$20,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1105110005, 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 in the City Treasury.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$20,000 in Council Community Projects, Programs, and Services Funding from Fund No. 100000, Cost Center No. 1105110005, will be used for Brookings Metropolitan Export Initiative.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Graham

Primary Contact\Phone: Tiffany Vinson\619-236-7018

City Attorney Contact: Bradley, Catherine M.

* ITEM-101: Housing-Related Parks Grants. (Barrio Logan and Linda Vista Community Areas. Districts 7 and 8.)

ITEM DESCRIPTION:

Two actions related to the Housing-Related Parks Program, administered by the California Department of Housing and Community Development (HCD). Sub-Item A: Execution of a Sole Source Agreement with the Urban Corps of San Diego for park improvements at Chicano Park; and Sub-Item B: Application to HCD to secure Housing-Related Parks Round Three grant funds for the design and construction of the Linda Vista Skate Park Project.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-205)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute a Sole Source Agreement with the Urban Corps of San Diego for an amount not to exceed \$1,088,200, to implement a Housing-Related Parks Grant for Recreational Improvements to Chicano Park;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,088,200 from Grant No. 1000360-2012, Housing Related Parks Grant Round 2, Fund No. 600001, Grant State Fund, for the purpose of executing this Agreement;

Authorizing the Chief Financial Officer to take all necessary actions in connection with the 2011 Housing-Related Parks Grant for Recreational Improvements to Chicano Park.

Subitem-B: (R-2014-206)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to make application to the California Department of Housing and Community Development, and to take all necessary actions to secure funding for an amount not to exceed \$3,000,000 in State Housing-Related Parks Round Three Funds for the purpose of park and recreation improvements at Linda Vista Community Park;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$3,000,000 of Housing-Related Parks Round Three grant funds, if the grant funding is secured and upon receipt of a fully executed grant agreements;

Authorizing the Chief Financial Officer to establish a special interest-bearing account, if required.

Subitem-C: (R-2014-216)

Declaring that the portions of the Urban Corps of San Diego for recreational improvements to Chicano Park (Project) that relate to planning and design are statutorily exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No matching funds required. Upon approval of the design of park improvements at Chicano Park and the design of the Linda Vista Skate Park, staff will provide the estimated annual operational and maintenance costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 12, 2012, the City Council approved Council Resolution No. R-307304, authorizing the City's 2011 Housing-Related Parks (Round Two) grant application.

Tomlinson/Chadwick

Primary Contact\Phone: Brian Schoenfisch\619-533-6457, MS 413

City Attorney Contact: Thomas, Shannon M.

* ITEM-102: FY 2013 Urban Area Security Initiative Grant Program. (Citywide.)

ITEM DESCRIPTION:

This item is to authorize the City to apply, accept, appropriate and expend up to \$16,873,461 in grant funds from the FY 2013 Urban Area Security Initiative (UASI) Grant Program. The City of San Diego is the Urban Area UASI grant administrator, and as such will execute all Agreements necessary to comply with the FY 2013 UASI Program. The funding will be used to support Homeland Security Strategy investments.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-212 Cor. Copy)

Authorizing and directing the Mayor, Council President in his capacity under Charter Section 265(i), Chief Operating Officer, Chief Financial Officer, Fire Chief, or Office of Homeland Security Program Manager, for and on behalf of the City, to apply for, accept, appropriate, and expend up to \$16,873,461 in grant funds from the FY 2013 Urban Area Security Initiative Grant Program as the City's authorized agent, and to execute all Agreements necessary to comply with the FY 2013 Urban Area Security Initiative Program.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The U.S. Department of Homeland Security provides Urban Area Security Initiative (UASI) grants through the California Office of Emergency Services, which grants them to the City of San Diego to administer for the entire San Diego Urban Area (SDUA). The UASI Grant Program enhances the City's and the region's security and public safety at no cost to the City. There is no non-federal match or cost share required for grants under the UASI Program. However, these grants are reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement. For this requested action, the total amount expended will not exceed \$16,873,461 which includes additional state grant retention funds and spent over multiple fiscal years. Expenditures will be initially sourced from the City's General Fund, and then reimbursed from the federal FY 2013 UASI Grant Program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Public Safety and Neighborhood Services Committee meeting on September 18, 2013, and forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Zapf, second by Councilmember Emerald, to approve.

VOTE: 4-0; Emerald-yea, Zapf-yea, Kersey-yea, Cole-yea.

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Javier Mainar\619-533-4301

City Attorney Contact: Brazier, Noah J.

* ITEM-103: Grant acceptance from the Southern California City Clerks Association (SCCCA) for the purchase of an Assistive Listening Device System.

ITEM DESCRIPTION:

Approve resolution.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-211)

Authorizing the City Clerk to apply for, accept, and take all necessary actions to secure funding of a grant in an amount not to exceed \$1,000 from the Southern California City Clerks Association (SCCCA) to fund the purchase of an Assistive Listening Device System;

Authorizing the City Clerk to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$1,000 from Fund 600002 for the above-described purpose, provided that the Chief Financial Officer first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This project is funded through the award of a Grant from the Southern California City Clerks Association (SCCCA). Reimbursement by the SCCCA of up to \$1000 will be provided to the City Clerk upon issuing receipt of purchase.

Project Description: The City Clerk has won a grant to purchase an Assistive Listening Device System (ALD) which will provide hearing-impaired individuals greater access to public meetings held in Council Chambers. The ALD may be used to help people hear speech through public address (PA) systems such as the one used in chambers. The ALD device is usually used as a system where the audio source is broadcast wirelessly over an FM frequency. The person who is listening may use a small FM receiver to tune into the signal and listen at their preferred volume.

The grant was awarded to the City Clerk on June 26, 2013. We are required to provide receipts of assistive listening device purchase by September 1, 2014, in order to receive the grant reimbursement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Tridae Hughes\619-533-6476, MS 2A
Secondary Contact\Phone: George Biagi\619-533-4024, MS 2A
City Attorney Contact: Spivak, Sharon B.

- * ITEM-104: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-81 Cor. Copy)

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

- * ITEM-105: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-09)

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.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

NOTE: This item may be taken in the morning session if time permits.

ITEM-330: Second Amendment to Joint-Use Agreement for Richard Henry Dana Center, also known as Dana Middle School to remove a 3.5-acre baseball field from the joint-use area. (Peninsula Community Area. District 2.)

ITEM DESCRIPTION:

Authorizing the Mayor, or his representative, to introduce an ordinance to amend the Joint-Use Agreement between the City and San Diego Unified School District for the Richard Henry Dana Center, aka Dana Middle School, to remove the existing 3.5-acre baseball field from the current joint-use area.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-48)

Introduction of an Ordinance authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, a Second Amendment to the Agreement (Richard Henry Dana Center also known as Dana Middle School).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Should the proposed ordinance be adopted, the currently budgeted 0.20 Grounds Maintenance Worker position and the non-personnel expenses associated with the baseball field will be distributed to other Park and Recreation facilities within the Peninsula community.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Natural Resources and Culture Committee meeting on September 25, 2013, where it was forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Emerald, second by Councilmember Zapf, to approve the proposed Second Amendment to the Joint-Use Agreement.

VOTE: 4-0; Alvarez-yea, Sherman-yea, Zapf-yea, Emerald-yea.

LoMedico/Chadwick

Primary Contact\Phone: Jim Winter\619-235-5257, MS 35

Secondary Contact\Phone: Stacey LoMedico\619-236-6643, MS 37C

City Attorney Contact: Vacchi, Robert A.

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: Mission Gorge Rezone, Project No. 278133. (Navajo Community Plan Area. District 7.)

ITEM DESCRIPTION:

This action is for a proposed Mission Gorge Rezone project located at 6736 Mission Gorge Road which would rezone a 0.43-acre vacant site from RS-1-1 to RM-3-7. No development is proposed at this time. The development potential could include a maximum of 18 residential dwelling units.

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2014-39)

Introduction of an Ordinance approving the rezone of 0.43 acres located at 6736 Mission Gorge Road, within the Navajo Community Plan Area, in the city of San Diego, California, from the existing RS-1-1 Zone into the RM-3-7 Zone as defined by San Diego Municipal Code Section 131.0406 (Rezone No. 977263); and repealing Ordinance No. O-16069 (New Series), adopted on October 31, 1983, of the ordinances of the city of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2014-170 Cor. Copy) (Rev. 10/16/13)

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 2100 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 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 after final passage of the ordinance rezoning the site from the existing RS-1-1 Zone into the RM-3-7 Zone.

NOTE: This item is not subject to the Mayor's veto. (Rev. 10/16/13)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. All costs associated with the processing of this project are paid for through a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Tomlinson/Chadwick /md

Primary Contact\Phone: Morris Dye\619-446-5201, MS 501
Secondary Contact\Phone: Sandra Teasley\619-446-5271, MS 501
City Attorney Contact: Amanda L. Guy

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

ITEM-332: Land Development Code Amendments Related to Appeals of Environmental Determinations. (Citywide.)

ITEM DESCRIPTION:

This item is a request for approval of amendments to the Land Development Code to clarify which environmental determinations are appealable, how the public is noticed of their right to appeal an environmental determination, and the timing for when an appeal of an environmental determination must be filed. The amendments also clarify details regarding the location where the Notice of Right to Appeal an environmental determination must be posted, who the notice must be distributed to, and the timing and duration required for availability of the notice.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-44)

Introduction of an Ordinance amending Chapter 11, Article 2, Division 3 of the San Diego Municipal Code by amending Section 112.0310; amending Chapter 11, Article 2, Division 5 by amending Sections 112.0511 and 112.0520; amending Chapter 11, Article 3, Division 1 by amending Section 113.0103; amending Chapter 12, Article 8, Division 2 by amending Sections 128.0202, 128.0203, 128.0207, 128.0208, 128.0209, and 128.0210, all relating to procedures and appeals of environmental determinations under the California Environmental Quality Act.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Costs associated with implementation of the proposed amendments will be covered by project applicants. The proposed amendment to require a NORA for statutory exemptions may result in an increase in the number of environmental appeals filed, which has the potential to add costs for the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 9, 2013, the Rules and Economic Development Council Committee received a presentation from the Development Services Department regarding environmental noticing. The Committee requested that staff return within 90 days with a draft ordinance. On March 20, 2013, the Committee recommended approval of the ordinance with direction that the ordinance be revised to require preparation of a Notice of Right to Appeal an environmental determination for statutory exemptions. The Committee also requested that a fiscal analysis be included to analyze costs borne by the applicants and City for the additional notices, which staff concluded to be insignificant since the bulk of the noticing can be done electronically via email.

Westlake/Chadwick /al

Primary Contact\Phone: Amanda Lee\619-446-5367, MS 501

Secondary Contact\Phone: Cathy Winterrowd\619-446-5217, MS 501

City Attorney Contact: Shannon M. Thomas

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT