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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 29, 2013
2:00 PM**

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 29, 2013, AT 2:00 PM
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 2:00 p.m. The City Council will meet in Closed Session from 1:00 p.m. – 2:00 p.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:

09/16/2013

09/17/2013

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Walter Francis Ekard Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Recognizing Walt Ekard for his outstanding service, leadership, and commitment to public service, and proclaiming October 29, 2013, to be "Walter Francis Ekard Day" in the City of San Diego.

ITEM-31: Roz King Day.

PRESENTED BY COUNCILMEMBER COLE:

Proclaiming October 29, 2013, to be "Roz King Day" in the City of San Diego.

ITEM-32: Serra Mesa Food Pantry Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming October 29, 2013, to be "Serra Mesa Food Pantry Day" in the City of San Diego.

ITEM-33: Domestic Violence Awareness Month.

PRESENTED BY COUNCILMEMBER EMERALD:

Proclaiming October 2013, to be "Domestic Violence Awareness 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-34: 6th Annual Fall Fest on Avenida de la Playa Day.

COUNCILMEMBER LIGHTNER'S RECOMMENDATION:

Proclaiming October 24, 2013, to be "6th Annual Fall Fest on Avenida de la Playa Day" in the City of San Diego.

ITEM-35: Challenged Athletes Foundation Tour de Cove "Birthday Bash" Day.

COUNCILMEMBER LIGHTNER'S RECOMMENDATION:

Proclaiming October 20, 2013, to be "Challenged Athletes Foundation Tour de Cove 'Birthday Bash' 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.

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, CONSENT ITEMS

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

- * ITEM-50: An Ordinance Amending the Permanent Rules of Council Relating to Council Committees, Communication Requests to Council, and Related Municipal Code Sections Impacted by Committee Name Changes. (Citywide.)

ITEM DESCRIPTION:

Requesting that the City Council adopt:

- 1) An Ordinance amending Chapter 2, Article 2, Division 1, Section 22.0101, of the San Diego Municipal Code, relating to procedure for Council meetings and changes to the City Council Standing and Special Committees; and
- 2) Additional amendments to the Municipal Code due to Committee name changes.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/15/2013, Item 335. (Council voted 9-0):

(O-2014-47 Rev.)

Amending the San Diego Municipal Code, by amending Chapter 2, Article 2, Division 1, Section 22.0101, Division 22, Section 22.2203; and Division 30, Section 22.3004; by amending Chapter 2, Article 6, Division 00, Sections 26.04 and 26.16; Division 16, Section 26.1605; Division 19, Section 26.1903; Division 20, Section 26.2003; and Division 21, Section 26.2113; by amending Chapter 3, Article 3, Division 45, Section 33.4519; by amending Chapter 6, Article 3, Division 2, Section 63.0201; and by amending Chapter 8, Article 5, Division 00, Section 85.06; all relating to procedure for Council meetings and changes to the City Council Standing and Special Committees;

This Ordinance makes changes to Chapter 2, Article 2, Division 1, Section 22.0101 of the San Diego Municipal Code, which contains the Permanent Rules of the Council (Rules). The primary purpose of this ordinance is to amend Rule 6 to change the names and responsibilities of the Council Standing Committees to ensure that the committees continue to reflect the City Council's top policy priorities and are administered to reflect best practices. The changes to the Standing Committees make it necessary to also amend Rule 9 and Rule 10 of Section 22.0101, and various other sections in the San Diego Municipal Code to reflect the new names and responsibilities. The ordinance also removes the language in Section 22.0101, Rule 2.7, relating to communication requests to the Council and non-agenda comment because the Brown Act and other provisions in the Rules already provide for such communications and comments.

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

* ITEM-51: Agreement with Trussell Technologies, Inc., for Water Treatment Research Consulting Services, Amendment No. 1. (Citywide.)

ITEM DESCRIPTION:

An Ordinance authorizing the execution of an Amendment to the Agreement with Trussell Technologies, Inc., for consulting services for water treatment research services that will extend the contract by 19 months, from a five (5)-year duration to a six (6)-year and seven (7)-month duration, and allow for additional funding of \$735,000 for a new total not to exceed amount of \$3,735,000. Expenditure limit previously authorized by the City Council was \$3 million. Staff has identified task orders to be issued by December 10, 2013, on the existing contract totaling \$2,629,658. Additional task orders after December 10, 2013, are estimated to cost \$1,105,000, increasing the total contract amount to \$3,735,000.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/15/2013, Item 60, Subitem A. (Council voted 8-0. Council President Gloria not present):

(O-2014-45 Cor. Copy)

Authorizing the Council President, in his capacity under San Diego Charter Section 265(i), or his designee, to approve and execute, for and on behalf of the City, an Amendment to the Agreement with Trussell Technologies, Inc., to extend the expirations of the Agreement by an additional 19 months and for an additional amount of \$735,000, for a new amount not to exceed \$3,735,000, for as-needed water treatment research services, under the terms and conditions set forth in the First Amendment to Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$735,000 for the purpose of funding the above First Amendment, to be expended as follows: \$367,500 from Water Operating Utility Fund No. 700011 and \$367,500 from Metro Sewer Utility Fund No. 700001, for a total not to exceed amount of \$3,735,000, provided that the Chief Financial Officer furnishes one or more certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the City Treasury.

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

- * ITEM-52: Palm Avenue Interstate 805 Interchange Project - Second Amendment to Agreement with Simon Wong Engineering, Inc., for an Extension of Time. (Otay Mesa, and Otay Mesa - Nestor Community Areas. District 8.)

ITEM DESCRIPTION:

This action will authorize the Second Amendment to Agreement with Simon Wong Engineering, Inc., for an extension of time for the Palm Avenue Interstate 805 Interchange Project.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/15/2013, Item 61, Subitem A. (Council voted 8-0. Council President Gloria not present):

(O-2014-33)

Authorizing and directing the Council President, or his designee, in his capacity under Charter Section 265(i), to execute, for and on behalf of the City, the Second Amendment to an Agreement with Simon Wong Engineering, Inc., for the purposes of providing additional time for extensive reviews and coordination of the Palm Avenue Interstate 805 Interchange Project (Project) at no additional cost to the City, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Council President shall deem necessary from time to time in order to carry out the purposes and intent of this Project and 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.

- * ITEM-53: California Department of Public Health Safe Drinking Water State Revolving Fund Loan Application for the Alvarado 2nd Extension Pipeline and Morena Boulevard Cast Iron Replacement Project. (Citywide. District 2.)

ITEM DESCRIPTION:

Council authorization to apply for, accept, appropriate and expend funds from the California Department of Public Health (CDPH) Safe Drinking Water State Revolving Fund (SDWSRF) for the Alvarado Second Extension Pipeline and Morena Boulevard Cast Iron Replacement Project; and take related actions.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/15/2013, Item 62, Subitem A. (Council voted 8-0. Council President Gloria not present):

(O-2014-35)

Authorizing the Council President, in his capacity under San Diego Charter Section 265(i), or his designee, to execute, for and on behalf of the City, a Safe Drinking Water State Revolving Fund Loan (SDWSRF), Funding Agreement, Amendments, Reimbursement Claims, Final Release Form, and any other necessary documents, and to take related actions to secure funding for the Alvarado Second Extension Pipeline and the Morena Boulevard Cast Iron Replacement (Project No. 3710020-068);

Authorizing the Council President, in his capacity under San Diego Charter Section 265(i), or his designee, to dedicate revenues from the City's Water Fund Rates, charges, and assessments on parity with all other parity obligations of the Water Enterprise Fund in an amount sufficient to repay the SDWSRF loan for the Project, with this dedication to remain in full force and effect under such Funding Agreements are fully discharged, unless modification or change of such dedication is approved by the State of California, Department of Public Health. If for any reason said sources of revenue prove insufficient to satisfy the debt service of the SDWSRF loan, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet this loan obligation and to operate and maintain the Project;

Authorizing the City Engineer, or other registered engineer designated by the Council President, to execute the Budget and Expenditure Summary, Claim Reimbursement, and Certificate of Project Completion forms;

Authorizing the City Engineer, or other registered engineer designated by the Council President, to certify that the Project is complete and ready for final inspection;

Authorizing the Chief Financial Officer to apply for, accept, appropriate and expend an amount not to exceed \$64,000,000 in State Revolving Fund Loan funds for reimbursement to the Water Fund, contingent on the City Comptroller certifying that the funds are available and contingent on the loan being secured and contingent on the adoption of the applicable Annual Appropriation Ordinance and funding being provided in the applicable fiscal year budget;

Authorizing repayment of the \$64,000,000 SRF Loan over twenty years at the rate of 1.7875 percent interest.

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

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

- * ITEM-54: First Amendment to Lease at 525 B Street, San Diego, CA 92101. (Downtown Community Area. District 3.)

ITEM DESCRIPTION:

Authorization to enter into a First Amendment to an Office Lease at 525 B Street, San Diego, CA 92101, granting the City an early-termination right.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-50)

Introduction of an Ordinance authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute and deliver that certain First Amendment to Lease between Hines 525 B Street LP, a Delaware limited partnership, as landlord, and the City of San Diego, as tenant.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If the City exercises its early-termination right, the City would have to pay the Landlord a lease termination fee equal to the unamortized balance of the cost of the Landlord-provided tenant improvements.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

San Diego Ordinance O-20273, July 9, 2013, authorizing the original six-year lease.

Barwick/Chadwick

Primary Contact\Phone: Jim Barwick\619-236-6144, MS 51A
Secondary Contact\Phone: Brock Ladewig\619-236-6311, MS 51A
City Attorney Contact: Bevier, Debra J.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Arts, Culture, and Community Festivals Funding Allocation to Scripps Mesa Fireworks, Inc., for the Scripps Mesa 4th of July Fireworks show. (District 6.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 6, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Scripps Mesa Fireworks, Inc. for an amount not to exceed \$5,000, for the Scripps Mesa 4th of July Fireworks Show.

Declaring that Scripps Mesa Fireworks project located on the Mira Mesa High School campus in Mira Mesa is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15304, as it is a minor temporary use of land having negligible or no permanent effects on the environment.

Declaring that the Council of the City of San Diego has determined that an exception to the exemption as set forth in California Environmental Quality Act (CEQA) Guidelines Section 15300.2 does not apply.

COUNCILMEMBER ZAPF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-156)

Declaring that the allocation described herein will assist Scripps Mesa Fireworks, Inc. (SMFI) in producing the Project;

Waiving Section 3(g) of Council Policy 100-23, which provides that an organization may not apply to receive funding for an event or program which has already occurred, nor any goods, supplies or materials 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 SMFI in an amount not to exceed \$5,000 for the Project, in accordance with the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000 from the Transient Occupancy Tax Fund No. 200205, Cost Center 1414111217, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2014-157)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304(e) and that an exception to the exemption does not apply;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$5,000 in Arts, Culture, and Community Festivals from Fund No. 200205, Cost Center No. 1414111217, will be used for the purchase of fireworks for the 4th of July show in Mira Mesa.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nelson

Primary Contact\Phone: Kenneth Nakayama\619-236-6616
City Attorney Contact: Bartolotta, Brett A.

* ITEM-101: Strategic Growth Council Urban Greening Planning Program Grant Applications. (Grantville and Uptown Community Areas. Districts 3 and 7.)

ITEM DESCRIPTION:

This action is seeking authorization to apply for grant funding under the Urban Greening Planning Program administered by the California Strategic Growth Council (SCG). If awarded, grant funding would be used to create an urban greening plan for the Grantville area of the Navajo Community, and to prepare an urban greening plan for Reynard Way within the Uptown Community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-207)

Authorizing and directing the Mayor, or designee, to make an application for the Grantville Urban Greening Plan and the Reynard Way Urban Greening Plan to secure funding for an amount of up to \$500,000 in Urban Greening Planning funds;

Certifying that the City understands the assurances and certification in the application;

Certifying that the City will have sufficient funds to develop the plans; or will secure the resources to do so;

Certifying that the City will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1;

Appointing the Mayor, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for development of the aforementioned plans;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$500,000, if the grant funding is secured;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grant funds, if the grant funding is secured;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$500,000 from Fund 600001, if the grant funding is secured.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Any funds received would be used for planning efforts in Grantville and Uptown. A local match is not required.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Tomlinson/Chadwick

Primary Contact\Phone: Melissa Garcia\619-236-6173, MS 413

Secondary Contact\Phone: Nancy Bragado\619-533-4549, MS 413

City Attorney Contact: Guy, Amanda L.

* ITEM-102: FY 2013 Emergency Management Performance Grant Program. (Citywide.)

ITEM DESCRIPTION:

This action seeks authorization to apply for, accept, appropriate, and expend \$178,370 in FY 2013 Emergency Management Performance Grant (EMPG) Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services. This funding will support Emergency Operations Center (EOC) equipment enhancements, emergency management training activities, and one Non-General Fund position for ongoing EOC coordination and planning.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-234)

Authorizing and directing the Council President acting pursuant to Charter Section 265(i), or his designee, to apply for and accept \$178,370 in FY 2013 Emergency Management Performance Grant (EMPG) No. 1000027-2013 Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements;

Authorizing and directing the Chief Financial Officer to appropriate and expend \$178,370 in FY 2013 Emergency Management Performance Grant No. 1000027-2013 Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The FY 2013 Emergency Management Performance Grant (EMPG) Program requires a dollar-for-dollar cash or in-kind match by the City. Federal Emergency Management Agency (FEMA) administers cost sharing requirements in accordance with the 44 Code of Federal Regulations (CFR) Section 13.24. The City's required 100% match of its FY 2013 EMPG Program allocation is available from the Office of Homeland Security (OHS) FY 2014 General Fund budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763, MS 615H
Secondary Contact\Phone: Javier Mainar\619-533-4301
City Attorney Contact: Brazier, Noah J.

* ITEM-103: FY 2013 State Homeland Security Grant Program. (Citywide.)

ITEM DESCRIPTION:

This action seeks authorization to apply for, accept, appropriate, and expend \$261,042 in FY 2013 State Homeland Security Grant Program (SHSP) Grant No. 1000031-2013 funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-233)

Authorizing and directing the Council President acting pursuant to Charter Section 265(i), or his designee, to apply for, and accept \$261,042 in FY 2013 State Homeland Security Grant Program Grant No. 1000031-2013 funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements;

Authorizing and directing the Chief Financial Officer to appropriate and expend \$261,042 in FY 2013 State Homeland Security Grant Program Grant No. 1000031-2013 funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all agreements necessary to comply with the grant requirements.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no non-federal match or cost share required for participation in the State Homeland Security Grant Program (SHSP). However, this grant is reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement. Expenditures will be initially sourced from the City's General Fund, and then reimbursed from federal FY 2013 SHSP funding.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763, MS 615H
Secondary Contact\Phone: Javier Mainar\619-533-4301
City Attorney Contact: Brazier, Noah J.

- * ITEM-104: Excusing Councilmember Mark Kersey from the Monday, September 30, 2013, and Tuesday, October 1, 2013, Council Meetings; and the October 2, 2013, Budget and Finance Committee Meeting.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-228)

Excusing Councilmember Mark Kersey from attending the City Council meetings of September 30, 2013, and October 1, 2013; and the Budget and Finance Committee meeting of October 2, 2013, due to his participation in the One Region, One Voice Program.

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

- * ITEM-105: Excusing Councilmember Marti Emerald from attending the October 8, 2013, morning session of Council due to illness.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-226)

Excusing Councilmember Marti Emerald from attending the morning session of the regularly scheduled Council meeting of October 8, 2013, due to illness.

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

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: La Jolla Childrens' Pool Beach Seasonal Closure, Project No. 225045. (La Jolla Community Plan Area. District 1.)

ITEM DESCRIPTION:

This action would close the La Jolla Children's Pool Beach seasonally from December 15 to May 15 each year through approval of a Community Plan/ Local Coastal Program Amendment and Ordinance and the designation of the beach as an Environmentally Sensitive Habitat Area (ESHA) and adoption of the associated Negative Declaration No. 225045.

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; and introduce the ordinance in Subitem B:

Subitem-A: (R-2014-198)

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

Adopting said Declaration, on the basis of the entire record, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment;

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 amending the San Diego Municipal Code to prohibit public access to the La Jolla Childrens' Pool annually during harbor seal pupping season (December 15 – May 15).

Subitem-B: (O-2014-38)

Introduction of an Ordinance amending Chapter 6, Article 3, Division 10 of the San Diego Municipal Code by amending Section 63.0102, relating to the use of the La Jolla Childrens' Pool, which Ordinance shall not take effect until a permit for its use is issued by the California Coastal Commission.

Subitem-C: (R-2014-199)

Adoption of a Resolution adopting the amendments to the La Jolla Community Plan and Local Coastal Program, a copy of which is on file in the Office of the City Clerk;

Declaring that the Council adopts an amendment to the General Plan for the City of San Diego to incorporate the above amended plan;

Declaring that the La Jolla Community Plan, Local Coastal Program Land Use Plan, and General Plan amendments approved herein are not effective until the La Jolla Community Plan and Local Coastal Program Land Use Plan are unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$60,000 in processing costs covered from Park and Recreation Department Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Approval of R-305837 on May 17, 2010.

Tomlinson/Chadwick /md

Primary Contact\Phone: Morris Dye\619-446-5201, MS 501

Secondary Contact\Phone: Mike Westlake\619-46X-5220, MS 501

City Attorney Contact: Thomas, Shannon M.

ITEM-331: Knoepfli Public Right-of-Way Vacation, Project No. 280211. (Kensington-Talmadge Mid City Community Plan Community Plan Area. District 9.)

ITEM DESCRIPTION:

A Public Right-of-Way Vacation with reservation of easement on portions of 52nd Street, north of Contour between 4604 52nd Street and 4595 Contour Boulevard that will include a 60 feet by 125 feet vacated street portion with a 10 foot by 125 foot easement reservation for an existing storm drain.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-220)

Adoption of a Resolution vacating a portion of 52nd Street, (Right-of-Way Vacation No. 984229) with reservation of easement, Project No. 280211;

Vacating that Right-of-Way Vacation No. 984229, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36975-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

Declaring that the City of San Diego reserves and excepts from Right-of-Way Vacation No. 984229 a permanent easement for storm drain easement purposes;

Declaring that the easements reserved herein are in, under, over, upon, along and across that portion of 52nd Street, vacated by this Document, and as shown on Drawing No. 36975-B, marked as Exhibit "B;"

Directing Development Services Department to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Tomlinson/Chadwick /td

Primary Contact\Phone: Tim Daly\619-446-5356, MS 501

Secondary Contact\Phone: Michelle Sokolowski\619-446-5278, MS 501

City Attorney Contact: Amanda L. Guy

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT