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CITY OF SAN DIEGO COUNCIL DOCKET



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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

Monday, December 16, 2013

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 16, 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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: City Auditor's Performance Audit on the Transportation & Storm Water Department's Utilities Undergrounding Program.

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit on the Transportation & Storm Water Department's Utilities Undergrounding Program.

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on October 7, 2013.

ACTION: Motion by Councilmember Sherman, second by Committee Member Hebrank, to accept the report and forward to the full Council.

VOTE: 5-0; Faulconer-yea, Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Chris Kime\619-533-3039, MS 605B

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Consideration of Nominees for Appointment to the Ethics Commission.

ITEM DESCRIPTION:

The Council is being requested to appoint one nominee to the Elective Governmental Office Category and three additional nominees to the Ethics Commission. Nominees are listed along with the requirement category they would fulfill. The three Commissioners who are continuing to serve, in terms that will not expire until 2015, include two attorneys (meeting that requirement), two Democrats, and one person registered as Decline to State. Please note that no more than three members of the Commission shall be registered with the same political party.

(Rev. 12/11/13)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2014-365 Cor. Copy)

Council confirmation of **one** of the following **nominees** by the Council of the City of San Diego, in compliance with San Diego Charter Section 41, **to be appointed** to serve as a member of the Ethics Commission, for a term expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Clyde Fuller	Elective Governmental Office/Republican	June 30, 2017
William Howatt	Elective Governmental Office/Independent	June 30, 2017
Laura Hammes	Elective Governmental Office/Republican	June 30, 2017

NOTE: The nominees not selected in Sub-item A can then be considered in Sub-item B.

(Rev. 12/11/13)

Subitem-B: (R-2014-366)

Council confirmation **of three** of the following **nominees** by the Council of the City of San Diego, in compliance with San Diego Charter Section 41, **to be appointed** to serve as members of the Ethics Commission, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Andrew Poat	Independent	June 30, 2017
Alex Kreit	Democrat	June 30, 2017
Gregory Zinser	Republican	June 30, 2017
Ryan Thomas Darby	Republican	June 30, 2017

(Rev. 12/11/13)

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that _____ is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Committee, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

ITEM-202: Consideration of Nominees for Appointment to the Commission for Arts and Culture.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-256)

Council confirmation of the following reappointments and appointment by the Council of the City of San Diego, in compliance with San Diego Charter Section 43(c), to serve as members of the Commission for Arts and Culture, for terms expiring as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Laurie Mitchell (Bankers Hill, District 3) (Reappointment)	August 31, 2015
John Venekamp (Rancho Santa Fe) (Reappointment)	August 31, 2015
Joanne Hayakawa (Scripps Ranch, District 5) (Reappointment)	August 31, 2015
Larry Baza (North Park, District 3) (Reappointment)	August 31, 2015
Macedonia Arteaga Jr. (El Cerrito, District 9) (Filling the seat previously held by Lewis Klein, who is termed out)	August 31, 2015

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that John Venekamp is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

ITEM-203: Consideration of Nominees for Appointment to the Balboa Park Committee.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-294)

Council confirmation of the following appointments and reappointments by the Council of the City of San Diego, in compliance with San Diego Charter Section 43(c), to serve as members of the Balboa Park Committee, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Diana Clark (Downtown, District 3) (Filling the vacant seat previously held by Ricardo Flores)	Centre City Planning Group (Downtown Community Planning Council)	March 1, 2014
Jerelyn Dilno (Kensington, District 9) (Reappointment)	District 3 Representative	March 1, 2015
Michael Singleton (Mission Hills, District 3) (Reappointment)	District 3 Representative	March 1, 2015
Luanne Kanzawa (Chula Vista) (Reappointment)	Representative of Small or Mid-Sized Institution in Balboa Park	March 1, 2015
Dr. Micah Parzen (Sunset Cliffs, District 2) (Filling the seat previously held by Dr. Mick Hager)	Representative of Large Institution in Balboa Park	March 1, 2015

Johanna Schiavoni
(North Park, District 3)
(Filling the seat previously
held by Minnie Rzeslawski)

District 3 Representative

March 1, 2015

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Luanne Kanzawa is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Committee, therefore, a conscious exception to Council Policy 000-13.

ITEM-204: Adoption of the FY 2015 - FY 2019 Consolidated Plan Goals.

ITEM DESCRIPTION:

The United States Department of Housing and Urban Development (HUD) requires local jurisdictions to prepare a Consolidated Plan (Con Plan) in order to receive federal housing and community development funding for all HUD entitlement grants. There are four federal entitlement programs that must be addressed in the City of San Diego's Consolidated Plan: Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). This action will approve and adopt the FY 2015-FY 2019 Consolidated Plan goals.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-363 Cor. Copy) (Rev. 12/12/13)

Adopting that the following goals for FY 2015 - FY 2019 Consolidated Plan:

- (1) Enhance the City's economic stability and prosperity by increasing opportunities for job readiness and investing in economic development programs;
- (2) Strengthen neighborhoods by investing in the City's critical public infrastructure needs;
- (3) Improve housing opportunities by creating and preserving affordable rental and homeowner housing in close proximity to transit, employment and community services;
- (4) Assist individuals and families to stabilize in permanent housing after experiencing a housing crisis or homelessness by providing client-appropriate housing and supportive service solutions;
- (5) Invest in community services and non-profit facilities that maximize impact by providing new or increased access to programs that serve highly vulnerable populations such as youth, seniors and food insecure household; and
- (6) Meet the needs of persons with HIV/AIDS and their families through the provision of housing, health, and support services.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No fiscal impact to the General Fund with this item.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 18, 2013, the Public Safety and Neighborhood Services Committee discussed an informational item regarding the FY15 Application Process, including activities related to updating the goals.

Westlake/Chadwick

Primary Contact\Phone: Sima Thakkar\619-236-5902

Secondary Contact\Phone: Michele St. Bernard Marano\619-236-6381

City Attorney Contact: Malcolm, Katherine Anne

ITEM-205: Proposed Zero Waste Objective for the City of San Diego.

ITEM DESCRIPTION:

The City of San Diego's Environmental Services Department is proposing the adoption of a Zero Waste Objective for the City, with an initial goal of diverting 75% of waste generated in the City from landfill disposal by 2020 and a goal of zero waste by 2040.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-247)

Adopting a Zero Waste objective for the City of San Diego with an initial goal of diverting 75% of waste generated in the City from landfill disposal by 2020 and a goal of Zero Waste by 2040, via the elimination of waste from landfill disposal and the diversion of recyclable materials to reprocessing into usable forms with minimal transport, energy use, and harm to society and the environment;

Directing the Environmental Services Department to develop a Zero Waste Plan in 2014 that establishes a framework for, and provides guidance in, the City's planning and decision-making process so as to achieve the City's Zero Waste objective, and return to the Natural Resources and Culture Committee with the draft plan.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Natural Resources and Culture Committee meeting on November 6, 2013. A zero waste plan will be brought forward in the spring, and foam recycling will be incorporated.

ACTION: Motion by Councilmember Sherman, second by Councilmember Zapf, to approve staff recommendation with the added requirement that foam recycling be incorporated into the proposed zero waste objective plan for the City.

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

A zero waste plan will be brought forward in the spring, and foam recycling will be incorporated.

Sierra/Chadwick

Primary Contact\Phone: Meghan Cannis\858-492-5009
City Attorney Contact: Lowenberg, Grace C.

ADOPTION AGENDA, DISCUSSION, HEARINGS
NOTICED HEARINGS:

ITEM-206: The Watermark, Project No. 180357. (Miramar Ranch North Community Plan Area. District 5.)

ITEM DESCRIPTION:

The project proposes a Rezone, Vesting Tentative Map, Public Right-of-Way Vacation, Easement Vacations and amendments to the General Plan, the Miramar Ranch North Community Plan, Planned Development Permit and Conditional Use Permit for the redevelopment of approximately 22 of the 34.5-acre site for the construction of a variety of retail stores, restaurants, office buildings, a five level parking structure, a movie theater and a hotel for a total of approximately 602,000 square feet including deviations to the development regulations. The project site is located at 10137 Scripps Gateway Court directly to the east of the Scripps Poway Parkway off ramp of Interstate 15.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B, D, E, F, and introduce the ordinance in Subitem C:

Subitem-A: (R-2014-291)

Adoption of a Resolution certifying that the Report 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 Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, 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 the Findings made with respect to the Project, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, which are attached hereto as Exhibit A;

Adopting the Statement of Overriding Considerations with respect to the Project, which are attached hereto as Exhibit A;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the 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 B;

Declaring that the Report 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 a portion of the site from the existing IP-2-1 Zone into the CR-2-1 Zone.

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

Subitem-B: (R-2014-334)

Adoption of a Resolution adopting an amendment to the General Plan and Miramar Ranch North Community Plan to redesignate a 22.42 acre area located at 10137 Scripps Gateway Court from Industrial to Regional Commercial and to remove the Prime Industrial Land designation from the area for the Watermark Project, contingent upon final of the Ordinance rezoning a portion of the site from the existing IP-2-1 Zone into the CR-2-1 Zone, a copy of which is on file in the Office of the City Clerk.

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

Subitem-C: (O-2014-68)

Introduction of an Ordinance approving the rezone of 22.42 acres located at 10137 Scripps Gateway Court, within the Miramar Ranch North Community Plan Area, in the City of San Diego, California, from the IP-2-1 Zone into the CR-2-1 Zone, as defined by San Diego Municipal Code Section 131.0503; and repealing Ordinance No. 15612 (New Series), adopted November 16, 1981, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

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

Subitem-D: (R-2014-296)

Adoption of a Resolution approving Vesting Tentative Map No. 651698, including Public Right-of-Way and Easement Vacations for the Watermark Project, Project No. 180357-MMRP;

Adopting findings with respect to Vesting Tentative Map No. 651698, which are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Vacating all of Scripps Gateway Court as well as landscaping, drainage, sewer, water, and access easements, located within the project boundaries as shown in Vesting Tentative Map No. 651698, contingent upon the recordation of the approved Final Map for the project, and that the findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

Granting Vesting Tentative Map No. 651698 including Public Right-of-Way and Easement Vacations, to Scripps Highlands Partners, LLC, based on the Findings hereinbefore adopted by the City Council, contingent upon final passage of the Ordinance rezoning a portion of the site from the existing IP-2-1 Zone into the CR-2-1 Zone, and subject to the attached conditions which are made a part of this Resolution by this reference.

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

Subitem-E: (R-2014-332)

Adoption of a Resolution approving Planned Development Permit No. 651597 and Conditional Use Permit No. 651699 for the Watermark Project, Project 180357;

Adopting findings with respect to Planned Development Permit No. 651597 and Conditional Use Permit No. 651699 (amendment to CUP No. 174323 and PDP No. 17234 and PDP No. 99-1027), which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 651597 and Conditional Use Permit No. 651699, to Scripps Highlands Partners, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit, which is made a part of this Resolution, contingent upon final passage of the Ordinance rezoning a portion of the site from the existing IP-2-1 Zone into the CR-2-1 Zone.

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

Subitem-F: (R-2014-335)

Adoption of a Resolution 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 an Indemnification Agreement regarding Discretionary Permits for the Environmental Review of the Watermark Project, Project No. 180357, with Scripps Highlands Partners, LLC, on file in the Office of the City Clerk

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action; the costs of processing the project have been paid by the applicant through a deposit account.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Tomlinson/Chadwick /rm

Primary Contact\Phone: Renee Mezo\619-446-5001, MS 501

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

City Attorney Contact: Heidi Vonblum

ITEM-207: Morrell Street Vacation, Project No. 315688. (Pacific Beach Community Plan Area. District 2.)

ITEM DESCRIPTION:

Request for a Public Right-of-Way Vacation and a Coastal Development Permit to vacate a 10-foot segment of Morrell Street located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue within the Pacific Beach Community Planning Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-343)

Adoption of a Resolution vacating a portion of Morrell Street public right-of-way vacation No. 1103410 with reservation of easement located at 4214 and 4216 Morrell Street and 1976 Oliver Avenue between Oliver Avenue and an unnamed alley declaring the easements reserved herein are in, under, over, upon, along, and across that portion of Morrell Street, vacated by this document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37483-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

Subitem-B: (R-2014-337)

Adoption of a Resolution with respect to Coastal Development Permit No. 1200871 which is supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Coastal Development Permit No. 1200871 to Marquez Family Trust, representing themselves and three other property owners all of whom will be affected by the vacation and who have given their permission to process the application and assigned Morrell Family Trust to sign said permit on their behalf

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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: N/A

Tomlinson\Chadwick\st

Primary Contact\Phone: Sandra Teasley\619-446-5271, MS 501

City Attorney Contact: Heidi K. Vonblum

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

PUBLIC NOTICES:

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

ITEM-250: Submission of Ballot Proposals for the June 3, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE JUNE 3, 2014 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2014, election*:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/10/14	144	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	1/15/14	139	Committee review.
Monday	1/27/14	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	1/27/14	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	2/10/14	113	Council adopts ordinances prepared by City Attorney.
Friday	3/7/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	3/20/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

***NOTE: This calendar is contingent upon City Council adoption of the Calendar Year 2014 Legislative Calendar.**

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT