

[Click here to open printable agenda](#)

# 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, 12<sup>th</sup> Floor, City Administration Building**

**Monday, February 24, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, FEBRUARY 24, 2014, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> 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, HEARINGS

NOTICED HEARINGS:

ITEM-200: La Jolla Commons III, Project No. 324553. (University Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

A General Plan (GP) and University Community Plan Amendment (CPA), Planned Development Permit (PDP), amendment to Planned Development Permit No. 252591 and Vesting Tentative Map (VTM), amendment to Vesting Tentative Map No. 340259 to change the land use designation from Residential, Visitor Commercial, Office, and Industrial to Visitor Commercial, Office, and Industrial and for the construction of a new building with three optional uses including Office, Hotel or a combination of Office/Hotel, located on a vacant 1.68 acre site at 4727 Executive Drive within the University Community Plan Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-423)

Adoption of a Resolution certifying Addendum to Environmental Impact Report No. 99-0762, and Addendum No. 79804; adopting the Mitigation Monitoring and Reporting Program, which is attached hereto as Exhibit A, for La Jolla Commons III, Project No. 324553;

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.

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

Subitem-B: (R-2014-422)

Adoption of a Resolution approving the amendments to the University Community Plan, a copy of which is on file in the Office of the City Clerk;

Adopting an amendment to the General Plan for the City of San Diego to incorporate the above amended plan.

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

Subitem-C: (R-2014-424)

Adoption of a Resolution certifying findings with respect to Planned Development Permit No. 1153095, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 1153095 to HSPF La Jolla Commons III Investors LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

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

Subitem-D: (R-2014-425)

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 1153096, which are supported by the minutes, maps and exhibits, all of which are herein incorporated by this reference;

Granting Vesting Tentative Map No. 1153096 to HSPF La Jolla Commons III Investors LLC, based on the Findings hereinbefore adopted by the City Council, 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.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All costs associated with the processing this project has been paid by the applicant through a deposit account.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi/Villa/lb

Primary Contact\Phone: Laura Black\619-236-6357 MS 501  
Secondary Contact\Phone: Jeffrey Peterson\619-446-5237 MS 501  
City Attorney Contact: Corrine L. Neuffer

ITEM-201: La Jolla Childrens' Pool Beach Seasonal Closure, Project No. 225045. (La Jolla Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

The project proposes a Community Plan/Local Coastal Program Amendment and Ordinance to prohibit public access to the Children's Pool Beach seasonally during Harbor seal pupping season from December 15 to May 15 annually.

**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 Cor. Copy) (Rev. 2/19/14)**

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:**

\$25,000 in processing costs covered from Park and Recreation Dept. budget.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Approval of R-305837 on May 17, 2010.

Vacchi/LoMedico/md

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

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

City Attorney Contact: Shannon Thomas

**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.

ITEM-251: Arguments Supporting or Opposing Propositions

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal Primary Election to be held on Tuesday, June 3, 2014, the City Clerk has fixed 5:00 p.m. on Thursday, March 20, 2014, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk or at <http://www.sandiego.gov/city-clerk/forms/pdf/argumentsigform.pdf>.)

San Diego Municipal Code Section 27.0512 provides the priority for selection if more than one argument is submitted for, or against, any measure.

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-252: Primary Election Public Exam Period.

January 24, 2014

Pursuant to San Diego Municipal Code Section 27.0403, candidate statements, the propositions and related ballot materials for said candidate races and propositions, to be submitted to the voters within the City of San Diego at the election of June 3, 2014, will be available for public examination for ten (10) calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document</u>	<u>Start Date</u>	<u>End Date</u>
Candidate Statements of Qualification <b>and</b> Designations of Principal Profession or Occupation	March 7, 2014	March 16, 2014
Ordinances calling election <b>and</b> Ordinances placing measures on the ballot	March 10, 2014	March 20, 2014
City Attorney's impartial analysis, ballot title and summary, <b>and</b> Mayor/IBA/City Auditor's fiscal analysis	March 18, 2014	March 27, 2014
Ballot arguments	March 21, 2014	March 30, 2014

For additional information regarding this matter, please contact the Office of the City Clerk at (619) 533-4000.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT