

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
TUESDAY, MARCH 11, 2014
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-S501: Update to the Otay Mesa Community Plan and Associated Documents. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

The City of San Diego commenced an update to the Otay Mesa Community Plan in 2001. The plan is a comprehensive update to the adopted plan and addresses substantial land use changes, both locally and regionally that have occurred over the past 30 years, including the loss of designated industrial and residential land resulting from adoption of the Multiple Species Conservation Program (MSCP) in 1997. The update is guided by the policy direction in the General Plan and reflects new citywide policies and programs from the General Plan. Included as part of the plan update is a revised community plan, new zoning regulations, an update to the public facilities financing plan and a Programmatic Environmental Impact Report.

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, E, and F, and introduce the ordinances in Subitems C and D:

Subitem A: (R-2014-524 Cor. Copy)

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 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;

Adopting the Findings made with respect to the Project, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, which is attached hereto as Exhibit B;

Adopting the Statement of Overriding Considerations with respect to the Project, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15093, which is attached hereto as Exhibit C;

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 at 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 Ordinances associated with the Project.

Subitem B: (R-2014-400)

Adoption of a Resolution declaring that the Otay Mesa Community Plan Update incorporates each of the policies of the City of San Diego's 2008 General Plan that the City Council has determined are mandatory and fundamental to advancement of the General Plan's goals as they apply to the Otay Mesa community;

Adopting amendments to the Otay Mesa Community Plan that implement the comprehensive update thereto, with a copy of said update being on file in the Office of the City Clerk, and that it adopts corresponding amendments to the General Plan;

Declaring that prior to becoming effective, this Resolution shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination;

Declaring that if the SDCRAA finds this Resolution consistent with the Airport Land Use Compatibility Plan (ALUCP) for Brown Field Airport, this Resolution shall take effect and be in force on the thirtieth day from and after the finding of consistency, except that the provisions of this Resolution inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment;

Declaring that if the SDCRAA determines that this Resolution is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCP for Brown Field Airport, the Resolution shall be submitted to the City Council for reconsideration;

Declaring that if the SDCRAA determines that this Resolution is conditionally consistent with the ALUCP for Brown Field Airport, but that consistency is subject to proposed modifications, the City Council may amend this Resolution to accept the proposed modifications, and this Resolution as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Resolution as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment;

Declaring that a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code Section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operator for the Brown Field Airport; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and any final decision to overrule a determination of inconsistency shall require a two thirds vote;

Declaring that if the City Council makes a final decision to overrule a determination of inconsistency, this Resolution shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Resolution inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Subitem C: (O-2014-87)

Introduction of an Ordinance amending Chapter 13, Article 1, Division 5 of the San Diego Municipal Code by amending Section 131.0531; amending Chapter 13, Article 1, Division 6 by amending Sections 131.0602, 131.0622, 131.0623, 131.0631, 131.0643, and 131.0665 and adding Section 131.0606; amending Chapter 13, Article 2, Division 14 by amending Section 132.1402, retitling Diagram 132-14A from College Area Community Plan Implementation Overlay Zone to Clairemont Mesa Community Plan Implementation Overlay Zone, deleting Diagram 132-14B titled College Area Community Plan Implementation Overlay Zone, and adding a new Diagram 132-14B titled Otay Mesa Community Plan Implementation Overlay Zone; amending Chapter 14, Article 2, Division 5 by amending Section 142.0530; amending Chapter 15, Article 17, Division 1 by repealing Sections 1517.0101, 1517.0102, 1517.0103, and 1517.0104; amending Chapter 15, Article 17, Division 2 by repealing Sections 1517.0201, 1517.0202, 1517.0203, 1517.0204, and 1517.0205; amending Chapter 15, Article 17, Division 3 by repealing Sections 1517.0301, 1517.0302, 1517.0303, 1517.0304, 1517.0305, and 1517.0306; amending Chapter 15, Article 17, Division 4 by repealing Sections 1517.0401, 1517.0402, 1517.0403, and 1517.0404, relating to the Otay Mesa Community Plan Update and making corrections to the Community Plan Implementation Overlay Zone Diagrams.

Subitem-D: (O-2014-88)

Introduction of an Ordinance changing 5,051 acres located at Otay Mesa, within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the Otay Mesa Development District Industrial and Commercial Subdistricts into the OC, AR-1-1, CC-2-3, IH-1-1, IL-2-1, IL-3-1, IP-1-1, IP-3-1, and IBT-1-1, and repealing Ordinance Nos. O-16290 adopted October 1, 1984, O-17984 adopted September 13, 1993, O-19216 adopted September 29, 2003, and O-20086 adopted September 28, 2011, of Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-E: (R-2014-414 Cor. Copy) (Rev. 3/10/14)

Adoption of a Resolution approving the document titled, "Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2014" (Financing Plan), a copy of which is on file in the Office of the City Clerk;

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program project budgets to reflect the Financing plan provided funding is available for such action.

Directing the Chief Financial Officer to establish an interest bearing fund for the Otay Mesa Facilities Benefit Assessment;

Directing the Chief Financial Officer to establish an interest bearing fund for the Otay Mesa Development Impact Fee. (Rev. 3/10/14)

Subitem-F: (R-2014-412 Cor. Copy)

Adoption of a Resolution declaring that the foregoing recitals are true and correct and incorporated fully herein by this reference;

Pursuant to San Diego Municipal Code Section 61.2200 et seq., the Council declares its intention to designate an area of benefit within Otay Mesa to finance the cost of the public facilities projects identified in the Financing Plan, which is incorporated into this Resolution by reference;

The Council shall hold a public hearing to consider the designation of the area of benefit as proposed in this Resolution at 10:00 a.m., or as soon thereafter as the matter may be heard on April 22, 2014, at the Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California;

Authorizing and directing the City Clerk to give notice of the public hearing described in paragraph 3 of this Resolution by publishing this Resolution in the San Diego Daily Transcript at least two weeks before the date set forth herein and by mailing copies of this Resolution to each owner of property located within the proposed area of benefit at the addresses shown on the last equalized property tax assessment roll, or as otherwise known to the City Clerk pursuant to San Diego Municipal Code Section 61.2205

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Second Amendment to the Environmental Consultant Contract and an update on the status of the Otay Mesa Community Plan update was heard by the Land Use and Housing Committee September 14, 2011. By a 4-0 vote, Land Use and Housing recommended approval of the consultant contract amendment.

Tomlinson/Villa/tm

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City Attorney Contact: Shannon Thomas

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-S502: Appointment to the San Diego County Water Authority Board of Directors.

ITEM DESCRIPTION:

This action is to confirm the appointment of Halla Razak, Public Utilities Department Director, to the City of San Diego's vacant seat on the San Diego County Water Authority.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-547)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the San Diego County Water Authority Board of Directors, for the term ending as indicated:

NAME

TERM ENDING

Halla Razak
(La Jolla, District 1)
(Filling the seat previously
held by Roger Bailey)

February 24, 2019

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**RESOLUTIONS: (Rev. 3/7/14)**

ITEM-S503: Citywide Tree Services Contract Within the Right-of-Way
(RFP 10043529-14-W). (Citywide.)

ITEM DESCRIPTION:

This action would authorize a Citywide service contract for the purpose of providing tree maintenance services within the City of San Diego right-of-way. The contract would be in an amount not to exceed \$6,715,085 over a five-year period beginning in Fiscal Year 2014 and ending in Fiscal Year 2019.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-471)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Atlas Environmental Services, Inc., for tree services within the City right-of-way, having an initial term of one year, under the terms and conditions set forth in the Agreement;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, up to four one-year contract extension options with Atlas Environmental Services, Inc., under the terms and conditions set forth in the Agreement, contingent upon adoption of the annual Appropriation Ordinance for the applicable fiscal year and provided that the Chief Financial Officer provided first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$6,715,085 over five years (\$394,000 in FY 2014; \$1,306,250.00 in FY 2015; \$1,436,250.00 in FY 2016; \$1,447,085.00 in FY 2017; \$1,417,541.00 in FY 2018; and \$713,959.00 in FY 2019), with an amount not to exceed \$5,615,000 coming from General Fund 100000 and with an amount not to exceed \$1,100,085 coming from the Underground Surcharge Fund 200217 in the Transportation & Stormwater Department 2116, solely and exclusively to provide funds for ROW Tree Maintenance and related costs, provided that the Chief Financial Officer furnishes one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2014-480)

Determining that an exception to the exemption as set forth in California Environmental Quality Act (CEQA) Guidelines Section 15300.2 does not apply.

Directing the City Clerk to file a Notice of Exemption regarding the project with the Clerk of the Board of Supervisors for the County of San Diego.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total contract cost over the maximum term is \$6,715,085. Funding is available in the General Fund operating budget of the Street Division (Transportation & Storm Water Department) and the Underground Surcharge Fund of the Utilities Undergrounding Program for Fiscal Year 2014, and is contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal years, as follows:

FY14- \$ 84,000 Underground Surcharge Fund; \$ 310,000 General Fund
FY15- \$236,250 Underground Surcharge Fund; \$1,070,000 General Fund
FY16- \$226,250 Underground Surcharge Fund; \$1,210,000 General Fund
FY17- \$237,085 Underground Surcharge Fund; \$1,210,000 General Fund
FY18- \$207,541 Underground Surcharge Fund; \$1,210,000 General Fund
FY19- \$108,959 Underground Surcharge Fund; \$ 605,000 General Fund

The total contract cost is contingent upon the approval of future contract extension options.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council authorized a citywide tree services contract for 50 Maintenance Assessment Districts (MAD) administered by the Park & Recreation Department (Council Resolution R-308687) on 1/2/2014.

Sturdevan/Heinrichs

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