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# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Todd Gloria • Third District**

## COUNCIL PRESIDENT PRO TEM

**Sherri Lightner • First District**

## COUNCIL MEMBERS

**Edward Harris • 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**

**Tuesday, April 29, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, APRIL 29, 2014, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**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:

03/24/2014  
03/25/2014  
03/31/2014 - Adjourned  
04/01/2014 - Adjourned

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: National Travel and Tourism Week.

**PRESENTED BY MAYOR FAULCONER:**

Proclaiming May 3-11, 2014, to be "National Travel and Tourism Week" in the City of San Diego.

ITEM-31: SCORE San Diego 50th Anniversary.

**PRESENTED BY COUNCIL PRESIDENT PRO TEM LIGHTNER:**

Proclaiming April 29, 2014, to be "SCORE San Diego Day" in the City of San Diego.

ITEM-32: Travelers Aid Society of San Diego Week.

**PRESENTED BY COUNCILMEMBER KERSEY:**

Proclaiming May 3-11, 2014, to be "Travelers Aid Society of San Diego Week" in the City of San Diego.

ITEM-33: Mental Health Awareness Month.

**PRESENTED BY COUNCILMEMBER ZAPF:**

Proclaiming May, 2014, to be "Mental Health 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: PowerTalk 21 Day.

**COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:**

Proclaiming April 21, 2014, to be "PowerTalk 21" Day in the City of San Diego.

ITEM-35: 50th Anniversary of the La Jolla Historical Society.

**COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:**

Proclaiming May 3, 2014, to be "La Jolla Historical Society Day" in the City of San Diego.

ITEM-36: George Takei Day.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Proclaiming April 17, 2014, to be "George Takei Day" in the City of San Diego.

ITEM-37: Administrative Professionals Day.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Proclaiming April 23, 2014, to be "Administrative Professionals Day" in the City of San Diego.

ITEM-38: Ernest J. Reyes Day.

**COUNCILMEMBER ALVAREZ'S RECOMMENDATION:**

Proclaiming March 29, 2014, to be "Ernest J. Reyes 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 TO BE INTRODUCED:**

- \* ITEM-50: An Ordinance amending Chapter 2, Article 4, Division 8, of the San Diego Municipal Code by amending Section 24.0801 relating to the City Employees' Retirement System.

**ITEM DESCRIPTION:**

Amend Chapter 2, Article 4, Division 8, of the San Diego Municipal Code by amending Section 24.0801, relating to the City Employees' Retirement System.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-101)

Introduction of an Ordinance amending Chapter 2, Article 4, Division 8, of the San Diego Municipal Code by amending Section 24.0801, relating to the City Employees' Retirement System. This Ordinance amends San Diego Municipal Code Section 24.0801 by adding a paragraph that reads as follows: "All net investment and other actuarial experience gains and losses of the City's Defined Benefit Pension plan shall be included in the calculation of the unfunded actuarial accrued liability (UAAL) and included in the amortized portion of the City's employer contribution to SDCERS."

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** None.

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

This item was considered in Closed Session on October 15, 2013, and November 21, 2013.

Bamberg

Primary Contact\Phone: Bill Gersten\619-533-5876

Secondary Contact\City Attorney\Phone: Donald R. Worley\619-533-5875

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

- \* ITEM-51: Authorize a Second Amendment to the 2007 San Diego Regional Storm Water Copermittees Memorandum of Understanding.

**ITEM DESCRIPTION:**

This item will authorize a one-year extension of the 2007 San Diego Regional Storm Water Copermittee's Memorandum of Understanding (2007 MOU) with other Copermittee's from May 8, 2014, until August 31, 2015. The recently adopted Municipal Separate Storm Sewer System (MS4) Permit, San Diego Regional Water Quality Control Board Order No. R9-2013-001 (MS4 Permit) requires the continuation of ongoing programs through the end of Fiscal Year 2015, when the programs are scheduled to end or are replaced by new programs required by the new MS4 Permit. Approval of this extension to the 2007 Copermittee MOU will allow the City to share costs for continuation of these mandated programs, such as water quality monitoring.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 04/15/2014, Item 50. (Council voted 8-0. Councilmember Alvarez not present):

(O-2014-94)

Authorizing the Mayor, or his designee, to execute a Second Amendment to the 2007 Memorandum of Understanding (MOU) to extend the term until August 31, 2015, under the terms and conditions set forth in the Second Amendment to 2007 MOU;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,185,004, from Fund 100000-General Fund, 2116-Transportation and Storm Water Department, for cost sharing under the Second Amendment to the 2007 MOU, contingent upon the adoption of the Fiscal Year 2015 Appropriation Ordinance, and contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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-52: Proposed Revisions to the Municipal Code Concerning the Approval of Purchase Requisitions and Contract Award Thresholds.

**ITEM DESCRIPTION:**

Purchasing and Contracting is recommending several revisions be made to the Municipal Code with regards to dollar thresholds for contracts and formal and informal bid processes.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 04/14/2014, Item 200. (Council voted 9-0):

(O-2014-97)

Amending Chapter 2, Article 2, Division 5, of the San Diego Municipal Code, by amending Section 22.0505, and amending Chapter 2, Article 2, Division 32, of the San Diego Municipal Code, by amending Sections 22.3203, 22.3204, 22.3205, 22.3206, 22.3208, and 22.3210, relating to the Purchasing Agent's responsibilities and the procurement process to be used based on the estimated amount of the goods and services contract;

The ordinance amends Section 22.0505 of the San Diego Municipal Code, to allow the Purchasing Agent, head of each department, or designee, to approve requisitions for goods in an amount not to exceed \$25,000. All requisitions for goods in excess of \$25,000 must be authorized by the Purchasing Agent. The ordinance amends Section 22.3203, relating to the procurement process to be used based on the estimated amount of the goods and services contract as follows: (1) for contracts greater than \$25,000, but equal to or less than \$50,000, the Purchasing Agent is required to seek competitive prices either orally or in writing; (2) for contracts greater than \$50,000, but equal to or less than \$150,000, the Purchasing Agent may award the contract but must solicit written price quotations from at least five potential sources; and (3) for contracts greater than \$150,000, but equal to or less than \$1,000,000, the Purchasing Agent may award the contract only after advertising for sealed bids or proposals for a minimum of one day in the City official newspaper at least ten days before bids or proposals are due;

Section 22.3204 is amended to prohibit the Purchasing Agent from subdividing two or more purchases of goods or services for an expenditure of \$150,000 or more if the purpose is to avoid the bidding requirements of the San Diego Municipal Code and the City Charter. This ordinance amends Sections 22.3205 and 22.3206 to make non-substantive changes to conform the language and formatting. The ordinance amends Section 22.3208 to allow the Purchasing Agent to award contracts for \$25,000 or less without advertisement or a competitive bidding process. Section 22.3208 is amended further to allow annual blanket purchases orders for expenditures greater than \$25,000 without a competitive bidding process provided the expenditures are required by City forces for immediate completion of work in progress, not normally kept in City stores, and less \$150,000. Section 22.3210 is amended to increase the threshold dollar amount that the Purchasing Agent is allowed to award contracts for services to any agency or non-profit without City Council approval. This ordinance amends the threshold dollar amount from \$500,000 to \$1,000,000 per fiscal year.

\* ITEM-53: Salary Ordinance for Fiscal Year 2015.

**ITEM DESCRIPTION:**

Salary Ordinance establishing the schedule of compensation for officers and employees of the City of San Diego for Fiscal Year 2015.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 04/15/2014, Item 330. (Council voted 9-0):

(O-2014-99)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2015.

- \* ITEM-54: Centre City Planned District Ordinance, Marina Planned District Ordinance, Gaslamp Quarter Planned District Ordinance and Local Coastal Program Amendment No. 2013-02 - Downtown Community Plan Area - Public Hearing. (Districts 3 and 8.)

**ITEM DESCRIPTION:**

The proposed Amendments to the Centre City Planned District Ordinance (CCPDO), Marina Planned District Ordinance (MPDO), and Gaslamp Quarter Planned District Ordinance (GQPDO) are intended to simplify land development regulations and increase predictability in their application within the DCP area. The proposed Amendments to the CCPDO include numerous modifications to the land use and development standards for downtown including, but not limited to: 1) Land Use; 2) Permit Process; 3) Development Regulations including: a) an increase in the required amount of Pet Open Space; and, b) modifications to the regulations pertaining to Roof-Top Mechanical Screening; 4) Separately Regulated Uses including amendments to the provisions related to: a) Live Entertainment; b) On and Off-Premise Alcohol Sales; and, c) Outdoor Activities; 5) Parking Regulations establishing downtown as a low-parking demand area for the purposes of calculating the reduced parking demand requirements for affordable housing; and, 6) Clean-up and Mapping to enhance organization and clarify language in the CCPDO. In addition, minor revisions to the MPDO and GQPDO are being proposed to change references from Centre City Development Corporation (CCDC) to Civic San Diego ("CivicSD").

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 04/15/2014, Item 331, Subitems A, B, and C. (Council voted 9-0):

Subitem-A: (O-2014-95)

Amending Chapter 15, Article 7, Division 1, of the San Diego Municipal Code, by amending Sections 157.0103 and 157.0104; by amending Chapter 15, Article 7, Division 2, by amending Sections 157.0201, 157.0202, 157.0203, 157.0204 and 157.0205; by amending Chapter 15, Article 7, Division 3, by amending Section 157.0305; by amending Chapter 15, Article 7, Division 4, by amending Sections 157.0401 and 157.0402, all relating to the Gaslamp Quarter Planned District.

Subitem-B: (O-2014-96)

Amending Chapter 15, Article 11, Division 2, of the San Diego Municipal Code, by amending Sections 1511.0201, 1511.0202, 1511.0203, and 1511.0204; by amending Chapter 15, Article 11, Division 3, by amending Section 1511.0302; by amending Chapter 15, Article 11, Division 4, by amending Sections 1511.0401 and 1511.0404, all relating to the Marina Planned District.

Subitem-C: (O-2014-98 Cor. Copy)

Amending Chapter 15, Article 6, Division 3, of the San Diego Municipal Code, by amending Sections 156.0302, 156.0303, 156.0304, 156.0305, 156.0306, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, 156.0314, 156.0315, and Figures B, C, and D, all relating to the Centre City Planned District Ordinance.

ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:

\* ITEM-100: Resolution in support of the Pure Water San Diego Program. (Citywide.)

**ITEM DESCRIPTION:**

Council resolution in support of the Public Utilities Department's Pure Water San Diego Program, which is envisioned to be an approximate 20-year program for creating a safe and reliable local water supply, while reducing the Point Loma Wastewater Treatment Plant's ocean discharges and accomplishing secondary equivalency.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2104-536)

Approving and supporting the City's efforts to develop an implementation strategy to accomplish secondary equivalency at the Point Loma Wastewater Treatment Plant through implementation of potable reuse, known as the "Pure Water San Diego" Program;

Declaring that the implementation strategy should include, but not be limited to, planning and preliminary design of facilities, engaging key regulatory agencies to develop a modified National Pollution Discharge Elimination System (NPDES) permit renewal application which secures long-term compliance with discharge standards at the Point Loma Wastewater Treatment Plant through potable reuse and secondary equivalency, developing a legislative strategy to authorize secondary equivalency under the Clean Water Act, and establishing a financing plan and cost-sharing principles with other public agencies that use the City's wastewater system;

Approving and supporting the City's efforts to develop the budget, structure, staffing, contracts, regulatory packages, legislative strategy, and public outreach programs necessary to support Pure Water San Diego;

Directing the Mayor, or his designee, to present a report on the status of the Pure Water San Diego implementation strategy at a meeting of the City Council prior to the City's submission of the modified NPDES permit renewal application in January 2015.

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

Not applicable at this time. Any future contracts or expenditures of funds related to the Pure Water San Diego Program will require future council approval.

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

- On July 17, 2012, the City Council received the Recycled Water Study (R-307585).
- On April 23, 2013, Council accepted the Project Report (R-308121).
- On July 31, 2013, staff provided a 90-day update, pursuant to Council's acceptance of the Project Report to the Natural Resources and Culture Committee (now the Committee on the Environment).
- This item was heard at the Committee on the Environment meeting on March 26, 2014, and forwarded to the full Council.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf to approve and move the resolution forward to the full City Council.

**VOTE:** 3-0-1; Alvarez-yea, Sherman-yea, Zapf-absent, Emerald-yea.

Sasaki/Heinrichs

Primary Contact\Phone: Marsi Steirer\619-533-4112, MS 906

Secondary Contact\Phone: Bob Mulvey\858-292-6418, MS 901A

City Attorney Contact: Zeleny, Thomas C.

\* ITEM-101: Sales Tax, Use Tax, Property Tax Audit and Recovery, and Information Services.  
(Citywide.)

**ITEM DESCRIPTION:**

This action would authorize the one-year agreement with four additional one-year option periods between the City and HdL Companies (HdL) to provide sales, use, and property tax audit and recovery, and information services for a contingency fee on new sales, use, and property tax revenue recovered by the consultant. This action would also authorize HdL to examine, on the City's behalf, confidential taxpayer information contained in the records of the State Board of Equalization (BOE), and authorize the Mayor, COO, CFO or other officer of the City to represent the City with authority to examine BOE records pertaining to sales and use taxes collected for the City by BOE.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-655 Cor. Copy) (Rev. 4/28/14)

A Resolution by the Council of the City of San Diego as follows:

1. That the Mayor, Chief Operating Officer, Chief Financial Officer, or other officer or employee of the City designated in writing by the Chief Financial Officer to the State Board of Equalization (hereafter referred to as Board), (~~each, an Authorized Representative~~) are hereby appointed to represent the City with authority to examine sales and use tax records of the Board pertaining to sales and use taxes collected for the City by the Board, pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales and use taxes by the Board, pursuant to that contract;
2. That the Mayor, Chief Operating Officer, Chief Financial Officer, or other officer or employee of the City designated in writing by the Chief Financial Officer to the Board, are hereby appointed to represent the City with authority to examine sales and use tax records of the Board for purposes related to the following governmental functions of the City:
  - a. Detect, document and assist in correcting sales and use tax reporting errors of business that, based on the location of their activities, are not properly registered with the City;
  - b. Detect, document and assist in correcting the reporting of businesses that are improperly reporting sales tax as use tax, resulting in a reduction in sales tax revenue to the City;

- c. Detect, document and assist in correcting sales and use tax reporting errors or omissions and thereby generate previously unrealized revenue for the City;
- d. Provide the City with business-to-business use tax monitoring; and
- e. Provide geo-coding in order to allow City staff to complete analyses of specific geographic areas by type and economic activity.

The information obtained by examination of Board records shall be used only for those governmental functions of the City listed above.

3. That the HdL Companies is hereby designated to examine the sales and use tax records of the Board pertaining to sales and use taxes collected for the City by the Board. The consultant designated by this section meets all of the following conditions:

- a) has an existing contract with the City to examine those sales and use tax records;
- b) is required by that contract to disclose information contained in, or derived from, those sales and use tax records only to the Authorized Representatives under Section 1 of this resolution to examine the information.
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- d) is prohibited by that contract from retaining the information contained in, or derived from those sales and use tax records, after that contract has expired.

The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales and use taxes by the Board, pursuant to the contract between the City and the Board;

4. That the Mayor, or his designee, is hereby authorized and directed to enter into an Agreement with the HdL Companies to provide sales tax, use tax, and property tax audit and information services on a contingency fee basis substantially under the terms and conditions in the Agreement, and with any recommended changes deemed to be necessary or appropriate by the City Attorney;

~~5. That this resolution supersedes all prior resolutions of the City Council of the City of San Diego adopted, pursuant to subdivision (b) of Revenue and Taxation Code Section 7056. (Rev. 4/28/14)~~

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The original bids submitted by both companies were very competitive and included price proposals of 18% contingency fee from MuniServices and 15% from HdL for sales and use tax

audit service. For property tax audit service, MuniServices proposed a 25% contingency fee and HdL proposed a \$40,000 annual fee. The City's Evaluation Committee reviewed the financial impact of these proposals and offered both companies the opportunity to submit a Best and Final Offer (BFO) for this RFP. MuniServices lowered the sales and use tax audit contingency fee from 18% to 17% and property tax audit fee from 25% to 17%. HdL's BFO offered a tiered contingency fee structure (see below) for sales and use tax audit services and lowered the property tax audit fee from \$40,000 to \$36,000 annually. For individual petitions for high-value sales and use tax recoveries and significant one-time allocation adjustments, the City will pay HdL for recovered sales and use tax revenue based on a tiered contingency fee structure:

- 15% of the first \$1,000,000 of sales and use tax revenues recovered.
- 10% for \$1,000,001 to \$2,500,000.
- 5% for \$2,500,001 and higher.

The City will pay HdL a contingency fee for retroactive back quarter reallocations and allocations received in the first six consecutive reporting quarters starting with the correction of the misallocation.

MuniServices generated on average approximately \$2-\$4 million in new (recovered) revenue per year for the City by performing the sales and use tax audit services and the City paid a contingency fee of 18% to the company. It is expected that HdL would continue to generate at least the same amount of new revenue per year for the City by performing these services.

By providing property tax audit services, MuniServices generated on average approximately \$350,000 in new revenue per year for the City, and it is expected that HdL would continue to generate at least the same amount of new revenue per year for the City by performing these services.

By selecting HdL as its consultant for sales, use, and property tax audit services, the City will save at least approximately \$80,000 annually as a result of a lower contingency fee for sales, use, and property tax audit services.

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

This item was heard at the Budget and Government Efficiency Committee meeting on April 16, 2014.

**ACTION:** Motion by President Pro Tem Lightner, second by Council President Gloria, to recommend approval of staff's recommendation and forward the item to full City Council.

**VOTE:** 3-0-2; Gloria-yea, Alvarez-absent, Lightner-yea, Kersey-yea, Zapf-absent.

Kumits/Lewis

Primary Contact\Phone: Irina Kumits\619-235-5714  
Secondary Contact\Phone: Matt Vespi\619-236-6882  
City Attorney Contact: Will, Brant C.

- \* ITEM-102: Community Projects, Programs and Services Funding Allocation to the Mission Hills Town Council for 2014 Mission Hills Concerts in the Park. (Mission Hills Community Area. District 3.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 3, along with the authorization from the City Council are requested to allow the Mayor, or his Designee, to enter into an Agreement with the Mission Hills Town Council in an amount not to exceed \$5,000 for 2014 Mission Hills Concerts in the Park.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-654)

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

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Mission Hills Town Council, in an amount not to exceed \$5,000 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 \$5,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center No. 1103110003, to provide funds for the above-referenced Agreement, contingent upon the Chief Financial Officer first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$5,000 in Council Community Projects, Programs, and Services Funding from Fund No. 100000, Cost Center No. 1103110003, will be used for 2014 Mission Hills Concerts in the Park.

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

Fox

Primary Contact\Phone: Courtney Thomson\619-236-65981, MS 10A

Secondary Contact\Phone: Lori Witzel\619-236-66442, MS 10A

City Attorney Contact: Bradley, Catherine M.

\* ITEM-103: Grant of Emergency Access Easement on Torrey Pines Road to the Regents of the University of California. (La Jolla Community Area. District 1.)

**ITEM DESCRIPTION:**

This action will grant an Emergency Access Easement crossing City property to Regents of the University of California for emergency only access off Torrey Pines Road.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-645 Cor. Copy)

Authorizing and directing the Mayor, or his designee, to execute an Emergency Access Easement Deed in favor of the Regents of the University of California, affecting a portion of Pueblo Lot 1299, according to miscellaneous map thereof No. 36 filed in the Office of the County Recorder of San Diego County, November 14, 1921, in the City of San Diego, County of San Diego, State of California; the compensation for said easement rights, which is \$2,500.00, shall be deposited into Capital Outlay Fund 400002.

Subitem-B: (R-2014-644 Cor. Copy)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the City's request to grant an Emergency Access Easement Deed in favor of the Regents of the University of California in order to provide the University of California emergency access for vehicle and fire purposes only over a 15-foot strip of City-owned real property along a portion of Torrey Pines Road and has determined that said activity is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City will receive \$2,500 for the easement. The \$2,500 will be deposited into Capital Outlay Fund 400002.

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

Land Use and Housing Committee June 13, 2012. Dedication of a portion of Torrey Pines Road was denied. Committee suggested access be pursued off Expedition Way.

Geitz/Sturak

Primary Contact\Phone: April McCusker\619-236-6987

City Attorney Contact: Bevier, Debra J.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Formation of Five Kensington/Talmadge Maintenance Assessment Districts.  
(Kensington/Talmadge Community Plan Area. District 9.)

**ITEM DESCRIPTION:**

This City Council action is to start the process to form five new maintenance assessment districts (MADs) to construct and maintain lighting improvements in the public right-of-ways within the Kensington/Talmadge Community. These five MADs would be known as Kensington Heights, Kensington Manor, Kensington Park – North, Talmadge Park – North, and Talmadge Park South MADs in Fiscal Year 2015. Under the guidelines of Proposition 218, all property owners receiving a direct and special benefit from the improvements within the district have an opportunity to vote in favor or in opposition to the formation of this maintenance assessment districts. This request for new district formations is community driven.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-603)

Adoption of a Resolution by the City Council of the City of San Diego, as follows:

The City Council declares its intent to order the formation of a maintenance assessment district to be designated the Kensington Heights Maintenance Assessment District (District) and to levy and collect annual assessments within the District for Fiscal Year 2015;

The City Council declares its intent to levy and collect annual assessments on parcels within the District to pay a prescribed portion of the costs of future improvements, maintenance, and services as described in the Engineer's Report for the District;

The Engineer's Report contains a full and detailed description of the improvements, maintenance, and services; the boundaries of the District; and the proposed assessments upon assessable lots and parcels of land with the District;

Notice is hereby given, that June 24, 2014, at 2:00 p.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, 12th Floor, San Diego, California, is fixed as the time and place where the City Council shall conduct a public hearing on the question of the formation of the District and the levy of the proposed assessments. The public hearing may be continued from time to time as necessary;

The City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five (45) days before the date of the public hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in California Government Code Sections 53750-53756;

The City Council authorizes the Mayor or his designee to vote on behalf of the City affirmatively on any ballot the City receives for the levy assessment on any City-owned parcel within the District.

Subitem-B: (R-2014-604)

Adoption of a Resolution by the City Council of the City of San Diego, as follows:

The City Council declares its intent to order the formation of a maintenance assessment district to be designated the Kensington Manor Maintenance Assessment District (District) and to levy and collect annual assessments within the District for Fiscal Year 2015;

The City Council declares its intent to levy and collect annual assessments on parcels within the District to pay a prescribed portion of the costs of future improvements, maintenance, and services as described in the Engineer's Report for the District;

The Engineer's Report contains a full and detailed description of the improvements, maintenance, and services; the boundaries of the District; and the proposed assessments upon assessable lots and parcels of land within the District;

Notice is hereby given, that June 24, 2014, at 2:00 p.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, 12th Floor, San Diego, California, is fixed as the time and place where the City Council shall conduct a public hearing on the question of the formation of the District and the levy of the proposed assessments. The public hearing may be continued from time to time as necessary;

The City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five (45) days before the date of the public hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in California Government Code Sections 53750-53756;

The City Council authorizes the Mayor or his designee to vote on behalf of the City affirmatively on any ballot the City receives for the levy assessment on any City-owned parcel within the District.

Subitem-C: (R-2014-605)

Adoption of a Resolution by the City Council of the City of San Diego, as follows:

The City Council declares its intent to order the formation of a maintenance assessment district to be designated the Kensington Park-North Maintenance Assessment District (District) and to levy and collect annual assessments within the District for Fiscal Year 2015;

The City Council declares its intent to levy and collect annual assessments on parcels within the District to pay a prescribed portion of the costs of future improvements, maintenance, and services as described in the Engineer's Report for the District;

The Engineer's Report contains a full and detailed description of the improvements, maintenance, and services; the boundaries of the District; and the proposed assessments upon assessable lots and parcels of land with the District;

Notice is hereby given, that June 24, 2014, at 2:00 p.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, 12th Floor, San Diego, California, is fixed as the time and place where the City Council shall conduct a public hearing on the question of the formation of the District and the levy of the proposed assessments. The public hearing may be continued from time to time as necessary;

The City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five (45) days before the date of the public hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in California Government Code Sections 53750-53756;

The City Council authorizes the Mayor or his designee to vote on behalf of the City affirmatively on any ballot the City receives for the levy assessment on any City-owned parcel within the District.

Subitem-D: (R-2014-606)

Adoption of a Resolution by the City Council of the City of San Diego, as follows:

The City Council declares its intent to order the formation of a maintenance assessment district to be designated the Talmadge Park-North Maintenance Assessment District (District) and to levy and collect annual assessments within the District for Fiscal Year 2015;

The City Council declares its intent to levy and collect annual assessments on parcels within the District to pay a prescribed portion of the costs of future improvements, maintenance, and services as described in the Engineer's Report for the District;

The Engineer's Report contains a full and detailed description of the improvements, maintenance, and services; the boundaries of the District; and the proposed assessments upon assessable lots and parcels of land with the District;

Notice is hereby given, that June 24, 2014, at 2:00 p.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, 12<sup>th</sup> Floor, San Diego, California, is fixed as the time and place where the City Council shall conduct a public hearing on the question of the formation of the District and the levy of the proposed assessments. The public hearing may be continued from time to time as necessary;

The City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five (45) days before the date of the public hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in California Government Code Sections 53750-53756;

The City Council authorizes the Mayor or his designee to vote on behalf of the City affirmatively on any ballot the City receives for the levy assessment on any City-owned parcel within the District.

Subitem-E: (R-2014-607)

Adoption of a Resolution by the City Council of the City of San Diego, as follows:

The City Council declares its intent to order the formation of a maintenance assessment district to be designated the Talmadge Park-South Maintenance Assessment District (District) and to levy and collect annual assessments within the District for Fiscal Year 2015;

The City Council declares its intent to levy and collect annual assessments on parcels within the District to pay a prescribed portion of the costs of future improvements, maintenance, and services as described in the Engineer's Report for the District;

The Engineer's Report contains a full and detailed description of the improvements, maintenance, and services; the boundaries of the District; and the proposed assessments upon assessable lots and parcels of land with the District;

Notice is hereby given, that June 24, 2014, at 2:00 p.m., or as soon thereafter as it may be heard, in the City Council Chambers of the City Administration Building, 202 C Street, 12<sup>th</sup> Floor, San Diego, California, is fixed as the time and place where the City Council shall conduct a public hearing on the question of the formation of the District and the levy of the proposed assessments. The public hearing may be continued from time to time as necessary;

The City Clerk is directed to cause a notice of the hearing and assessment ballots to be mailed at least forty-five (45) days before the date of the public hearing, postage prepaid, to all affected property owners, whose names and addresses appear on the last equalized County Assessment Roll, all in the manner and form provided for in California Government Code Sections 53750-53756;

The City Council authorizes the Mayor or his designee to vote on behalf of the City affirmatively on any ballot the City receives for the levy assessment on any City-owned parcel within the District.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Proposed Assessment to Property Owners:

Kensington Heights	\$40,802
Kensington Manor	\$24,690 (External Benefit \$579)
Kensington Park-North	\$17,407 (External Benefit \$354)
Talmadge Park-North	\$10,858
Talmadge-South	\$16,605 (External Benefit \$441)

General Benefit/External Benefits approximate total \$1,374. The maximum authorized assessment is proposed to be indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U). The City owns a total of five parcels resulting in no initial General Fund impact.

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

Tomlinson/Chadwick /ps

Primary Contact\Phone: Paul Sirois 619-685-1307, MS 5D  
Secondary Contact\Phone: Rosa Lopez\619-685-1316, MS 5D  
City Attorney Contact: Daphne Z. Skogen

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

ITEM-331: FY 2015 Business Improvement District Budgets - Annual Appropriation Process. (Centre City [Downtown, Gaslamp, East Village, Little Italy] College, Gr. North Park [North Park, El Cajon Bl Gateway], La Jolla, Mid-City [Adams Av, El Cajon Bl Central, City Heights], Mission Beach, Ocean Beach, Old San Diego [Old Town], Pacific Beach, San Ysidro, Southeastern SD [Diamond], Uptown [Hillcrest, Mission Hills] Community Plan Areas. Districts 1, 2, 3, 4, 8 and 9.)

**ITEM DESCRIPTION:**

Designate the Advisory Boards for each BID, approve the FY2015 BID Budget Reports, and declaring intent to levy and collect BID assessments for FY2015 and to hold a noticed public hearing on May 20, 2014.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem A: (R-2014-648)

Adoption of a Resolution appointing the following organizations as the Associations and advisory boards for their respective Districts for the period of July 1, 2014 through June 30, 2015, pursuant to California Streets and Highways Code Section 36530 and Council Policy 900-07:

<b><u>Association</u></b>	<b><u>Business Improvement District</u></b>
Adams Avenue Business Association, Inc.	Adams Avenue
City Heights Business Association	City Heights
College Area Economic Development Corporation	College Area
Diamond Business Association dba Southeastern Business District	Diamond
Downtown San Diego Partnership, Inc.	Downtown
East Village Association, Inc.	East Village

El Cajon Boulevard Business Improvement Association	El Cajon Gateway
El Cajon Boulevard Business Improvement Association	El Cajon Central
Gaslamp Quarter Association, Inc.	Gaslamp
Hillcrest Business Improvement Association, Inc.	Hillcrest
La Jolla Village Merchants Association	La Jolla
Little Italy Association	Little Italy
Mission Hills Business Improvement District	Mission Hills
North Park Organization of Businesses, Inc.	North Park
Ocean Beach Merchant's Association, Inc.	Ocean Beach
Old Town San Diego Chamber of Commerce	Old Town
The Pacific Beach Community Development Corporation dba Discover Pacific Beach	Pacific Beach
San Ysidro Improvement Corporation	San Ysidro

Subitem B: (R-2014-649)

Adoption of a Resolution approving the Fiscal Year Budget Reports for each of the following Districts as further described in paragraph 2 of this Resolution: Adams Avenue; City Heights; College Area; Diamond; Downtown; East Village; El Cajon Boulevard Central; El Cajon Boulevard Gateway; Gaslamp; Hillcrest; La Jolla; Little Italy; Mission Hills; North Park; Ocean Beach; Old Town; Pacific Beach; and San Ysidro;

The Districts to be assessed and their respective locations are as follows:

**Adams Avenue** - generally from the 2400 to the 4248 block of Adams Avenue; and all adjacent side-streets from the 4600 to the 4799 block of those side-streets

**City Heights** – generally from the 3300 to the 4799 block of University Avenue; and all adjacent side-streets from the 3800 to the 4099 block of those side-streets.

**College Area** – generally from the 5400 to the 7400 block of El Cajon Boulevard; all adjacent streets from the 5400 to the 7400 block El Cajon Boulevard; and certain other streets in the vicinity of San Diego State University.

**Diamond** – generally that area within the diamond formed by the following four points: the 1900 block of Euclid Avenue to the north; the 1000 block of Euclid Avenue South to the south; the 6900 block of Imperial Avenue to the east; and the 3900 block of Market Street to the west.

**Downtown** – generally that area within the following boundaries: Ash Street to the north; E Street to the south; Tenth Avenue to the east; and First Avenue to the west.

**East Village** – generally that area within the following boundaries: Interstate 5 to the north and to the east; Newton Avenue to the south; and Seventh Avenue to the west.

**El Cajon Boulevard Central** – generally from the 3300 to the 5399 block of El Cajon Boulevard; all adjacent side-streets from 33rd Street to 47th Street between the 4200 to the 4399 block of those side-streets; and all adjacent side-streets from Euclid Avenue to Dayton Street between the 4300 and the 4499 block of those side-streets.

**El Cajon Boulevard Gateway** – generally from the 1800 to the 3299 block of El Cajon Boulevard; and all adjacent side-streets from the 4200 to the 4399 block of those side-streets.

**Gaslamp** – generally that area within the following boundaries: Broadway to the north; the San Diego and Arizona East Railway right-of-way to the south; Sixth Avenue to the east; and Fourth Avenue to the west.

**Hillcrest** – generally that area within the following boundaries: Montecito Street to the north; Upas Street to the south; Park Boulevard to the east; and Front Street to the west.

**La Jolla** – generally from 200 to 1445 Prospect Street; Ivanhoe Avenue, Herschel Avenue, Girard Avenue, and Fay Avenue between Torrey Pines Road and Pearl Street; and from 1100 block of Torrey Pines Road to the 400 block of Pearl Street toward La Jolla Boulevard, including 7345 to 7607 La Jolla Boulevard.

**Little Italy** – generally that area within the following boundaries: Laurel Street to the north; “A” Street to the south; Interstate 5 and Front Street to the east; and North Harbor Drive to the west.

**Mission Hills** – generally from 818 to 1112 Fort Stockton Drive, including all adjacent side-streets from Stephens Street to Albatross Street; 228 to 1794 Washington Street; the 300 to the 1025 block of University Avenue; 328 to 1753 West Lewis Street; and 3033 to 3753 India Street.

**North Park** – generally from 2750 to 3299 University Avenue, including all adjacent side-streets between the 3800 and the 3999 block of those side-streets; 2750 to 3299 Lincoln Avenue; and 2850 to 3299 North Park Way.

**Ocean Beach** – generally from the 4800 to the 5099 block of Newport Avenue; portions of the 4700 to the 5099 block of Narragansett Avenue, Niagara Avenue, and Santa Monica Avenue; and portions of Sunset Cliffs Boulevard, Cable Street, Bacon Street, and Abbot Street between 1769 and 1976 of those streets.

**Old Town** – generally that area within the following boundaries: Interstate 5 to the north; Pacific Highway to the south; Washington Boulevard to the east; and Rosecrans Street to the west.

**Pacific Beach** – generally that area within the following boundaries: Garnet Avenue and Balboa Avenue to the north; the 700 to the 1099 block of Turquoise Street to the northwest; Grand Avenue to the south, including Ingraham Street and all adjacent side-streets from the 3400 block to Grand Avenue; Interstate 5 to the east; and the 4100 to 5199 block of Mission Boulevard and all adjacent side-streets to the west.

**San Ysidro** – generally that area within the following boundaries: the 930 block of West San Ysidro Boulevard to the northwest; the U.S.-Mexico border to the southeast; East Beyer Boulevard to the east; and Willow Road to the southwest.

Authorizing the proposed improvements and activities by the ordinance (including any amendment to such ordinance);

The full and detailed Fiscal Year 2015 Budget Reports for each of the above Districts, including a description of each District, the boundaries of each District (including any benefit zones), the proposed assessments to be levied upon the businesses within each

District, as well as the improvements and activities to be undertaken within each District during Fiscal Year 2015, are on file and available for review at the Office of the City Clerk:

<b><u>Business Improvement District</u></b>	<b><u>Document No.</u></b>
Adams Avenue	RR-_____
City Heights	RR-_____
College Area	RR-_____
Diamond	RR-_____
Downtown	RR-_____
East Village	RR-_____
El Cajon Boulevard Central	RR-_____
El Cajon Boulevard Gateway	RR-_____
Gaslamp	RR-_____
Hillcrest	RR-_____
La Jolla	RR-_____
Little Italy	RR-_____
Mission Hills	RR-_____
North Park	RR-_____
Ocean Beach	RR-_____
Old Town	RR-_____
Pacific Beach	RR-_____
San Ysidro	RR-_____
El Cajon Boulevard Gateway	RR-_____
Gaslamp	RR-_____

Hillcrest	RR-_____
La Jolla	RR-_____
Little Italy	RR-_____
Mission Hills	RR-_____
North Park	RR-_____
Ocean Beach	RR-_____
Old Town	RR-_____
Pacific Beach	RR-_____
San Ysidro	RR-_____

Subitem C: (R-2014-650)

Adoption of a Resolution declaring the intention of the City Council to continue to levy and collect an assessment from businesses within each of the specified Business Improvement Districts in the City of San Diego for the period of July 1, 2014 through June 30, 2015 (Fiscal Year 2015);

There are no substantial changes proposed to be made to the improvements and activities authorized within the Districts;

The full and detailed Fiscal Year 2015 Budget Reports describing each specified District, including a full and detailed description of the improvements and activities to be provided in Fiscal Year 2015, the boundaries of the District and any benefit zones within each District, and the proposed assessments to be levied upon the businesses within each District for Fiscal Year are on file and available for review at the Office of the City Clerk;

<b><u>Business Improvement District</u></b>	<b><u>Document No.</u></b>
Adams Avenue	RR-_____
City Heights	RR-_____
College Area	RR-_____
Diamond	RR-_____

Downtown	RR-_____
East Village	RR-_____
El Cajon Boulevard Central	RR-_____
El Cajon Boulevard Gateway	RR-_____
Gaslamp	RR-_____
Hillcrest	RR-_____
La Jolla	RR-_____
Little Italy	RR-_____
Mission Hills	RR-_____
North Park	RR-_____
Ocean Beach	RR-_____
Old Town	RR-_____
Pacific Beach	RR-_____
San Ysidro	RR-_____

Notice is hereby given that May 20, 2014, at 10:00 a.m., or as soon thereafter as it may be heard, in the Council Chambers of the City Administration Building, located at 202 "C" Street, 12th Floor, San Diego, California, is fixed as the time and place for a public hearing (Public Hearing) when and where any and all interested persons having a desire to be heard may appear and state their views for or against the levy of the proposed assessment with respect to each District;

At the Public Hearing, written or oral protests may be made against the continuation of each District, the extent of each District, the furnishing of specified types of improvements or activities within each District, or the levying of the proposed assessments within each District. Such protests shall comply with California Streets and Highway Code Sections 36524 and 36525;

Directing the City Clerk to give notice of the Public Hearing by publication, pursuant to California Streets and Highways Code Section 36534(b).

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City does not retain any of the assessments for administrative or other purposes but undertakes the associated administration with existing budgeted staff. All of the assessments are remitted to the BID funds and therefore, there is no net fiscal impact to the General Fund.

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

On May 13, 2013, Council approved the FY2014 Budget Reports and levying of associated assessments for these BIDs: Adams Avenue, City Heights, College Area, Diamond, Downtown, East Village, El Cajon Blvd Central, El Cajon Blvd Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro (Resolutions R-308143 and R-308144 date of final passage May 24, 2013). This action was also heard at ED&IR on March 12, 2014 and forwarded to the full Council.

Fulton\Villa\am

Primary Contact\Phone: Alicia Martinez-Higgs\619-236-6488, MS 501

Secondary Contact\Phone: Meredith Dibden Brown\619-236-6485, MS 501

City Attorney Contact: Adam R. Wander

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-332: Black Mountain Open Space Park Natural Resource Management Plan, Project No. 266083. (Rancho Peñasquitos and Black Mountain Ranch Subarea Plan Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

The proposed Project would adopt the Black Mountain Open Space Park Natural Resource Management Plan (NRMP) to provide guidance for management of environmentally sensitive resources in accordance with the Multiple Species Conservation Program (R-288455). The NRMP includes a trail plan that will close 11.9 miles of trails, add 3.45 miles of new trails, and maintain 14.32 miles of existing trails within the Park.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-635)

Adoption of a Resolution certifying that Mitigated Negative Declaration (MND) No. 266083 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 MND reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the MND, 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 MND No. 266083 based on 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 significant effects on the environment, and is attached hereto as Exhibit B;

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 MND 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; and

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-2014-632)

Adoption of a Resolution adopting the Black Mountain Open Space Park Natural Resources Management Plan (NRMP), a copy of which is attached as Exhibit A and also on file in the Office of the City Clerk.

Subitem-C: (R-2014-631)

Adoption of a Resolution adopting the amendments to the Ranch Peñasquitos Community Plan, the relevant pages of which are attached as Exhibit A to this Resolution, and the entire copy of which is on file in the Office of the City Clerk.

Subitem-D: (R-2014-633)

Adoption of a Resolution granting Site Development Permit No. 936801 to the City of San Diego Park and Recreation Department, Owner/Permittee, under the terms and conditions set forth in the attached permit.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding in the amount of \$231,000 exists for implementation of CIP S-13001, the "Trail for All People", which is a component of the trails plan within the NRMP which was approved from the Regional Park Improvement Fund and included in FY2014 budget. Design for the trail is currently underway by Engineering and Capital Projects. The other Recommendations in the NRMP would be implemented, as funding allows/is budgeted. Portions of the NRMP may be conducted by park staff and volunteers using existing operating budget. Other portions may require additional funding via future year appropriations and/or grant funding.

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

Vacchi/Villa /HD

Primary Contact\Phone: Helene Deisher\619-446-5223, MS 301  
Secondary Contact\Phone: Angela Nazareno\619-446-5277, MS 301  
City Attorney Contact: Inga B. Lintvedt

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

ITEM-333: Appeal of the Peeling Tentative Map Project No. 239065. (Peninsula Community Plan Area. District 2.)

**NOTE:** (Continued from the meeting of March 4, 2014, Item 332, at the request of staff for further review.)

Hearing Open. No Testimony Taken.

**ITEM DESCRIPTION:**

Appeal of the Planning Commission's decision to approve an application to subdivide three existing parcels with two existing homes into five new lots, and to construct three new single family homes. Two existing single family homes built in 1948 will remain within newly configured lots. The 0.97 acre project site is located at 3328 and 3340 Harbor View Drive within the Peninsula Community Plan Area. The project requires the approval of a Vesting Tentative Map, Coastal Development, Site Development Permit, and Neighborhood Development Permit.

**TODAY'S ACTIONS ARE:**

Subitem-A:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal, the City Council shall consider the appeal and shall by a majority vote:

Deny the appeal, approve the environmental determination certifying the Mitigated Negative Declaration No. 239065 and adopting the Mitigation Monitoring and Reporting Program, and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate.

**OR**

Grant the appeal and set aside the environmental determination, in accordance with Section 112.0520(e);

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing;

If the City Council denies the appeal, directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

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

Subitem-B:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision granting Vesting Tentative Map No. 858420, certifying the findings hereinbefore adopted, subject to conditions;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

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

Subitem-C:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision granting Coastal Development Permit No. 857839, Site Development Permit No. 1191916, and Neighborhood Development Permit No. 1191918;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** None.

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

Vacchi\Villa\pf

Primary Contact\Phone: PJ Fitzgerald\619-446-5107, MS 501

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

City Attorney Contact: Corrine Neuffer

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

ITEM-334: Appeal of the Historic Designation of the Sanford B. Myers Spec House #1, located at 1619 J Street. (Downtown Community Plan Area. District 3.)

**NOTE:** (Continued from the meeting of January 28, 2014, Item 332, at the request of the appellant, Scott Moomjian, for further review.)

Hearing open. Testimony taken.

**ITEM DESCRIPTION:**

Matter of the appeal originally filed by owner Katalyst LLC, conveyed to Navarra Jerome Family Trust, new owner of the Sanford B. Myers Spec House #1, of the decision of the Historical Resources Board to designate the property located at 1619 J Street, San Diego, California. Upon hearing of such an appeal, the City Council may by Resolution affirm, reverse, or modify the determination of the Board. The City Council shall rely upon the record of the proceedings before the Historical Resources Board and oral and written presentations shall be made to the City Council by proponents and opponents of the building's historic designation.

**TODAY'S ACTION IS:**

Take the following actions:

Granting or denying the appeal and upholding or overturning the action of the Historical Resources Board in designating the property located at 1619 J Street as a historical resource;

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

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

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

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

The designation was appealed to the City Council on June 2, 2006, and docketed for the November 21, 2006, meeting as Item 331. The item was not heard and continued to the February 20, 2007, meeting for further review. At the February 20, 2007, meeting the matter was docketed as Item 332 and returned to the Mayor at the request of the applicant without being heard.

Tomlinson\Chadwick\il

Primary Contact\Phone: Kelley Stanco \619- 236-6545, MS 512

Secondary Contact\Phone: Cathy Winterrowd \619- 235-5217, MS 512

City Attorney Contact: Inga Lintvedt

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**