

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherr Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

## COUNCILMEMBERS

**Lorie Zapf • Second District**  
**Todd Gloria • Third District**  
**Myrtle Cole • Fourth District**  
**Mark Kersey • Fifth District**  
**Chris Cate • Sixth District**  
**Scott Sherman • Seventh District**  
**David Alvarez • Eighth 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, January 13, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JANUARY 13, 2015, AT 10:00 AM  
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.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

**NOTE: The City Council will convene for a Special Council meeting at 9:00 a.m., to provide the public with the opportunity to comment on the Closed Session agenda then the Council will adjourn into Closed Session from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. The public portion of the meeting will begin at 10:00 a.m.**

**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:

11/17/2014 - 2:00 pm and 6:00 pm  
11/18/2014  
11/24/2014 - Adjourned  
11/25/2014 – Adjourned

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: Lynn Sharpe-Underwood Day.

**PRESENTED BY COUNCILMEMBER COLE:**

Proclaiming January 13, 2015, as "Lynn Sharpe-Underwood Day" 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-31: Spreckels Organ Centennial Day.

**MAYOR FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming December 31, 2014, to be "Spreckels Organ Centennial Day" in the City of San Diego.

ITEM-32: This item has been pulled from the docket. (Rev. 1/9/15)

ITEM-33: Cathy Winterrowd Day.

**MAYOR FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming December 4, 2014, to be "Cathy Winterrowd Day" in the City of San Diego.

ITEM-34: Sandy Lippe Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming December 12, 2014, to be "Sandy Lippe Day" in the City of San Diego.

ITEM-35: Cathy M. Bradley Day.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming January 2, 2015, to be "Cathy M. Bradley Day" in the City of San Diego.

ITEM-36: United Taxi Workers of San Diego Day.

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

Proclaiming December 18, 2014, to be "United Taxi Workers of San Diego Day" in recognition of their many contributions to 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 INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:

- \* ITEM-50: Amendment to the Contract with Rotorcraft Support, Inc. extending the Contract for the provision of maintenance and repair for the two San Diego Fire-Rescue Helicopters. (Citywide.)

**ITEM DESCRIPTION:**

This item is the First Amendment to Contract No. 4600000114, with Rotorcraft Support, Inc., for helicopter repair and maintenance service, which is currently set to expire on January 28, 2015. The intent of this request is to extend the current contract to June 30, 2016.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/9/2014, Item 57. (Council voted 9-0):

(O-2015-58)

Authorizing the Mayor, or his designee, to execute a First Amendment to Contract No. 4600000114, with Rotorcraft Support, Inc., for maintenance and support services that will extend the contract to June 30, 2016.

\* ITEM-51: Transfer of Non-Exclusive Solid Waste Collection Franchise.

**ITEM DESCRIPTION:**

Adopt an ordinance approving the transfer of the Express Waste and Recycling, Inc. (Express) Non-Exclusive Solid Waste Collection Franchise to EDCO Disposal Corporation.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/9/2014, Item 58. (Council voted 9-0):

(O-2015-56)

Approving the transfer of the Class I Non-Exclusive Franchise for Solid Waste Management Services from Express Waste & Recycling, Inc., to EDCO Disposal Corporation;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a consent to the Assignment of the Franchise and the Franchise Agreement, as set forth in the Consent to Assignment of Class I Non-Exclusive Franchise Agreement for Solid Waste Management Services.

**NOTE: 6 votes required pursuant to Section 103 of the City Charter.**

- \* ITEM-52: Reimbursement Agreement with KB Home Coastal Inc., for a portion of Project No(s). T-5.2, Carmel Mountain Road - Northerly Portion (Widening to Four Lanes from Sundance to SR-56 Right-of-Way) and U-3, New 16" Water Mains in Rhodes Crossing. (Torrey Highlands Community Area. District 1.)

**ITEM DESCRIPTION:**

Requesting approval of the Reimbursement Agreement for the Northern portion of Project No(s) T-5.2 and U-3, Carmel Mountain Road (Widening to Four Lanes from Sundance to SR-56 Right-of-Way) and New 16" Water Main in the Torrey Highlands area. Under the terms of the Reimbursement Agreement, KB Home Coastal Inc., will design and construct a portion of the road and waterline and the City will reimburse KB Home Coastal Inc., for those costs.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/9/2014, Item 59. (Council voted 9-0):

(O-2015-55)

Authorizing the Mayor to execute, for and on behalf of the City, a Reimbursement Agreement with KB Home Coastal Inc., for the purchase, design, and construction of the northerly portion of Project No(s). T-5.2 and U-3, in the Torrey Highlands Community, under the terms and conditions set forth in the Agreement;

Waiving San Diego Municipal Code Section 22.3202 and Council Policy 300-07, Council Policy 100-10, and Administrative Regulation 25.60, regarding consultant services selection, with respect with the following consultants: (1) Hunsaker & Associates of San Diego Inc., for civil engineering; and (2) Weiland & Associates Inc., for landscape architecture;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$785,760 for the design and construction of a portion of T-5.2 (RD-15002), Carmel Mountain Road (Four Lanes to Subarea Boundary) and \$273,157 for U-3 (RD-15003), New 16" Water Main, from Torrey Highlands Fund No. 400094, consistent with the timing established in the most recently adopted Torrey Highlands Public Facilities Financing Plan, and contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Chief Financial Officer upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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

\* ITEM-53: Amendments to the Permanent Rules of Council: Rule 1.3: Place, Rule 2.2: Order of Business, and Rule 2.6.2: Non-Agenda Public Comment. (Citywide.)

**ITEM DESCRIPTION:**

Approve the proposed amendments to the Permanent Rules of Council which would allow the legislative body, per the Brown Act, to adopt regulations to assist in processing comments from the public in a fair and equitable way with the interest of the public in mind.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/15/2014, Item 151. (Council voted 9-0.):

(O-2015-57)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code, by Amending Section 22.0101, relating to the Permanent Rules of the Council.

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

\* ITEM-54: Amendment to Rule 4.2 of the Permanent Rules of Council.

**ITEM DESCRIPTION:**

Amend Section 4.2 of the Permanent Rules of Council.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/16/2014, Item 50. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-59)

Amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code, by amending Section 22.0101, relating to selection of the Council President.

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

- \* ITEM-55: Amendments to San Diego Municipal Code to Conform to Charter Amendments relating to Elected Officers' Term of Office and Filling Vacancies in Elective Office.

**ITEM DESCRIPTION:**

Adopt an ordinance amending the San Diego Municipal Code to conform the City's election procedures to Charter Amendments approved by voters on June 3, 2014.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/16/2014, Item 51. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-61)

Amending Chapter 2, Article 7, of the San Diego Municipal Code by amending Division 1, Section 27.0116; by amending Division 7, Sections 27.0701, 27.0705, 27.0706, and 27.0709; by amending Division 8, Sections 27.0801, 27.0802, 27.0803, 27.0804, and 27.0806; and by amending Division 9, Sections 27.0902, 27.0906, and 27.0907; all relating to Elections.

\* ITEM-56: Talbot Street Slope Restoration - Third Amendment to the Consultant Agreement with W.G. Zimmerman Engineering, Inc. (Peninsula Community Area. District 2.)

**ITEM DESCRIPTION:**

Executing the Third Amendment to the Agreement with W.G. Zimmerman Engineering Inc., for Construction Support services for the Talbot Street Slope Restoration Project. This Project was designed to reinforce the slope by constructing a soil nail wall to support the slope where erosion has occurred, re-route the utilities, and provide landscaping.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/16/2014, Item 52. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-46)

Authorizing the Mayor, or his designee, to execute a Third Amendment to the Agreement with W.G. Zimmerman Engineering, Inc., for additional design services and construction support for the Project, under the terms and conditions set forth in the Agreement, in an additional amount not to exceed \$267,404, for a total contract amount of \$3,672,435, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$267,404, from CIP S-00609, Talbot Street Slope Restoration, Fund 400169, Transnet, for the purpose of executing this Amendment to the Agreement;

Certifying that the information contained in Project No. 92925 has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that the Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency;

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-57: Request to Exempt a Program Coordinator Position in the Department of Information Technology from the Classified Service.

**ITEM DESCRIPTION:**

This item is to exempt one Program Coordinator position from the Classified service in the Department of Information Technology. The Program Coordinator position will be responsible for supporting the Financial Management Public Budget Formulation (PBF) module within SAP.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/16/2014, Item 53. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-54)

Declaring that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated November 6, 2014, which documents that, on November 5, 2014, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt from the City's Classified Service one Program Coordinator position in the Department. The Program Coordinator will be responsible for identifying gaps and potential improvements in the PBF module. The Program Coordinator will also be responsible for developing a technical and functional roadmap to improve and maintain PBF, coordinating and testing PBF enhancements and configurations, validating PBF data, recommending policy and procedural changes, and recommending solutions to PBF issues;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Coordinator position in the Department, performing the duties set forth in the November 6, 2014, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

\* ITEM-58: Authorization to Terminate Lease of Turfed Field and Recreation Facilities at Washington Elementary School Site. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

The San Diego Unified School District (SDUSD), has requested that the City authorize the termination of the Twenty-Five Year Lease Agreement, for Recreational Operations and Maintenance of Amici Park/Washington Elementary School. This lease was approved by City Council in October 1993, and expires in June 2018. The SDUSD, along with the Little Italy Association (LIA), plans to develop the joint use area to include a dog park, a restroom, and other amenities. The SDUSD and LIA propose to continue using the area as public space. However, the City's obligation to maintain and operate the area will be terminated.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/16/2014, Item 54. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-60)

Authorizing the Lease Termination Agreement regarding the Turfed Field and Recreation Facilities at Washington Elementary School. Finding that the proposal by the District, to keep the Leased Property open to the general public, the Little Italy Association (LIA) proposal to install further Park and Recreation amenities on the Leased Property, and an annual savings to the City's General Fund of approximately \$78,519, with the early termination of the Lease Agreement, will serve public purposes of the City and are in the best interest of the City;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of City, the Lease Termination Agreement.

\* ITEM-59: Lease - City of San Diego and Aardema Family Limited Partnership, a California Limited Partnership, for office and industrial building at 411 Raven St., San Diego, CA 92102. (District 4.)

**ITEM DESCRIPTION:**

This action is to approve a new, updated five (5) year lease contract with a Purchase Option with Aardema Family Limited Partnership, a California Limited Partnership, at 411 Raven Street currently occupied by the Park & Recreation Department. The new lease will allow Park & Recreation to extend for 5 years. New, lower rent will be retroactive to June 1, 2014.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 12/16/2014, Item 55. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-63)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, that certain Lease Agreement between the City, as lessee, and Aardema Family Limited Partnership, a California Limited Partnership, as landlord, for the lease of the real property located at 411 Raven Street, San Diego, California;

Authorizing the Chief Financial Officer to appropriate and expend funds up to \$1,504,622 for rent and other amounts required by the subject Lease, from General Fund 100000.

**NOTE: 6 votes required pursuant to Charter Section 99.**

ADOPTION AGENDA, CONSENT ITEMSRESOLUTIONS:

- \* ITEM-100: Agreement with Black & Veatch Corporation for Programmatic Water Transmission Pipelines Condition Assessment (H146197). (Citywide.)

ITEM DESCRIPTION:

This item is for approval of a five (5) year phase funded Agreement with Black & Veatch Corporation, for Programmatic Water Transmission Pipelines Condition Assessment to support the Public Utilities Department in an amount not to exceed \$7,997,857. The Department will use this Contract to provide condition assessment services for thirty-four (34) critical water transmission pipelines which have been in service for more than 40 years. These condition assessment efforts will collect and analyze data so that, as next step, the City can plan for the repair, replacement and/or upgrade work if required in a cost-effective and timely manner.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-326)

Authorizing the Mayor, or his designee, to execute a phase funded agreement with Black & Veatch Corporation to provide Programmatic Water Transmission Pipeline Condition Assessment services in an amount not to exceed \$7,997,857, for the duration of five years, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer, to expend an amount not to exceed \$7,997,857, from the Water Utility Operating Fund No. 700011, to be phase funded as follows, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer:

- FY 2015 = \$1,315,000 (Phase 1)
  - FY 2016 = \$1,875,000 (Phase 2)
  - FY 2017 = \$2,325,000 (Phase 3)
  - FY 2018 = \$1,790,000 (Phase 4)
  - FY 2019 = \$ 692,857 (Phase 5)
- TOTAL = \$7,997,857

Subitem-B: (R-2015-348)

Declaring that the Agreement is statutorily exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15262.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount is \$7,997,857, for the five (5) year phase funded contractual term. Funds for Phase 1, in the amount of \$1,315,000, are available in Water Utility Operating Fund No. 700011. Funds in the amount of \$6,682,857, for subsequent phases, will be available from Water Utility Operating Fund No. 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

This item was discussed within the System Wide Condition Assessment Program which was reviewed by the Natural Resources and Culture Committee on February 27, 2013, and was approved to move forward to full Council.

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

Sasaki/Heinrichs

Primary Contact\Phone: Pete Wong\858-292-6475, MS 901A

Secondary Contact\Phone: Rania Amen\858-654-4112, MS 901A

City Attorney Contact: Palmucci, Raymond C.

\* ITEM-101: Atmosphere Site (partial block bounded by Ash and Beech Streets and Fourth and Fifth Avenues) - Relocation Plan. (Cortez Neighborhood of the Downtown Community Plan Area. District 3.)

**ITEM DESCRIPTION:**

Approval of a Relocation Plan for the Atmosphere affordable housing project site.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-347)

Declaring that the Council finds and determines that all recitals set forth in this Resolution are true and correct and fully incorporated herein by this reference, and specifically makes the Relocation Determinations set forth in this Resolution;

Declaring that the Council approves the Relocation Plan;

Authorizing the Chief Financial Officer, as delegated, to appropriate and expend an amount not to exceed \$225,000, from the Low and Moderate Income Housing Asset Fund (Fund No. 200708), for payments and expenses under the Relocation Plan.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$225,000, are available in the Fund. This amount includes the relocation consultant's estimate for relocation assistance of \$200,000, plus a \$25,000 contingency. Expenditures from the Fund are subject to the requirements of Health & Safety Code Section 34176.1(a)(3)(A).

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

Phillips/LoMedico

Primary Contact\Phone: Jeff Zinner\619-533-7122

City Attorney Contact: Slegers, Nathan

\* ITEM-102: Approving the release of 10 (ten) Monument Bonds associated with various subdivision maps located throughout the City of San Diego. (All Districts.)

**ITEM DESCRIPTION:**

This is a request to release bonds associated with property monument markers for projects previously approved by the City through Final and Parcel maps. Monuments are used for marking property boundaries and right-of-ways.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-338)

Declaring that the monuments for the following maps have been set to the satisfaction of the City Engineer, and payment of the Land Surveyor or Engineer has been confirmed. Development Services is requesting that the City Council authorize the release of the bonds pursuant to Section 66497, of the SMA to the associated depositors listed below:

| <u>Depositor</u>                                       | <u>Project Name</u>              | <u>Map Number</u> | <u>PTS No.</u> | <u>Work Order No.</u> | <u>Amount</u> |
|--|----------------------------------|-------------------|----------------|-----------------------|---------------|
| Riviera Beach Townhomes LLC                            | Riviera Beach Grading            | 20997             | 272766         | 23427490              | \$15,000      |
| MREC-Davidson Fairbanks LLC                            | Fairbanks Country Villas         | 15837             | 11104          | 421461                | \$40,000      |
| Samuel Michan Cojab Nice Living LLC                    | Keating 2 Parcel Map             | 28020             | 329045         | 3893                  | \$250         |
| San Diego Unified School District Facilities MGMT/ M&O | Fairbrook Estates                | 15653             | 3033           | 400382                | \$10,500      |
| The Irvine Company LLC                                 | Pacific Ridge Apartment Homes    | 15867             | 122213         | 426348                | \$5,880       |
| SWS Engineering  | Diamond Parcel Map               | 21020             | 300560         |                       | \$2,000       |
| Pardee Homes 10880 Wilshire Bl                         | Pacific Highlands Ranch Basin 4A | 20545             | 148166         | 430211                | \$1,900       |

|                |                           |       |        |          |          |
|----------------|---------------------------|-------|--------|----------|----------|
| SO Estates LLC | Silver Oak Estates        | 14373 | 184090 | 400415   | \$2,000  |
| Del Mar High   | Del Mar Heights<br>PM LLA | 21067 | 293141 | 24003186 | \$2,000  |
| Pardee Homes   | Sunset Terrace<br>Unit 2M | 15856 | 140884 | 427551   | \$10,000 |

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

Subitem-B: (R-2015-341)

Declaring that the release of ten monument bonds associated with various subdivision maps located throughout the City of San Diego is exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3).

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None.

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

None.

Vacchi/Graham

Primary Contact\Phone: Donna Trask\619-557-7911, MS 301

Secondary Contact\Phone: Gregory Hopkins\619-446-5291

City Attorney Contact: Thomas, Shannon M.

\* ITEM-103: Kensington-Talmadge Planning Group Bylaws Amendment. (Kensington-Talmadge Community Area. District 9.)

**ITEM DESCRIPTION:**

The Kensington-Talmadge Planning Group is proposing amendments to their bylaws that require deviation from Council Policy 600-24. The proposed deviation relates to the composition of subcommittee members. The Kensington-Talmadge Planning Group's proposal would allow for the establishment of at least one Maintenance Assessment District Subcommittee, with a majority of members who are not Planning Group members. Council Policy 600-24, requires that "subcommittees shall contain a majority of members who are members of the planning group" (Article VI Section 2(b)(iii)). The Bylaws comply with the recently approved Council Policy 600-24, and bylaws shell amendment changes.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-339)

Approving the proposed bylaw amendments for the Kensington-Talmadge Planning Group.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None.

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

- This item was heard by the Smart Growth and Land Use Committee on October 22, 2014, and forwarded to the full City Council with a recommendation to approve.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Cole, to recommend approval of staff's recommendation.

**VOTE:** 4-0; Zapf-yea, Lightner-yea, Cole-yea, Sherman-yea.

- October 28, 2014: City Council approved update to Council Policy 600-24 and corresponding Bylaws Shell.

Tomlinson/Graham

Primary Contact\Phone: Michael Prinz\619-533-5931, MS 413  
City Attorney Contact: Thomas, Shannon M.

\* ITEM-104: Consideration of Temporary Rules Regarding Matters that may be heard by a Special Issues Committee Chaired by the Council President. (Citywide.)

**ITEM DESCRIPTION:**

Approve Temporary Rule 6.10.7(a) and Temporary Rule 6.11.3(b) for the duration of one year.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-340)

Approving the following Temporary Rules of Council:

**6.10.7 Additional Responsibilities of the Committee Chaired by the Council President**

(a) The standing or special issues committee chaired by the Council President shall have additional responsibilities that include the Permanent Rules of Council, City Charter, Open Government, Elections and Ballot Measures, Annexations, Boards and Commissions, Customer Service, Public Outreach, and Committee Composition and Responsibilities.

**6.11.3 Special Issues Committee on Charter Review**

(b) The special committee shall have the responsibility to analyze, study, and evaluate the San Diego Charter. The committee shall be comprehensive and focused on review of subjects previously identified as more fully described in the Report from the Charter Review Working Group dated November 19, 2014. The Charter Review Special Issues Committee may also serve as the committee for review of matters referred by the Council President under Rule 6.10.7(c);

Declaring that Temporary Rules 6.10.7(a) and 6.11.3(b) shall supersede Rule 6.10.7(a) of the Permanent Rules of Council, and Temporary Rule 6.11.3(b) as previously adopted, for one year or until the last meeting of the Charter Review Committee in the month of December 2015, whichever is later.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None.

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

Council President was confirmed as the Chair of the Charter Review Committee on December 16, 2014.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920, MS 10A

City Attorney Contact: Spivak, Sharon B.

- \* ITEM-105: Authorizing settlements with National Steel and Shipbuilding Company and BAE Systems of litigation arising from San Diego Regional Water Quality Control Board Cleanup and Abatement Order R9-2012-0024 related to Shipyard Sediments Site. (Barrio Logan Community Area. District 8.)

**ITEM DESCRIPTION:**

This item provides public notice of settlements of Federal Litigation between the City of San Diego and National Steel and Shipbuilding Company (NASSCO), and the City and BAE Systems for costs arising from San Diego Regional Water Quality Control Board Cleanup and Abatement Order R-9-2012-0024, for the cleanup of polluted sediments near the shipyards in San Diego Bay. The Mayor's authority to execute the settlements was approved by the City Council in its Closed Session on December 16, 2014, following published notice. This item authorizes the payment from prior appropriations sums due under the settlements and directs the deposit of insurance proceeds to the Public Liability Fund to offset amounts paid under the settlements.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-336)

Authorizing the Mayor, or his designee, to execute Settlement Agreements with National Steel and Shipbuilding Company (NASSCO), and with BAE Systems in United States District Court Case No. 09-CV-02275-AJB (BGS);

Declaring all reservations on payments made, or to be made to the San Diego Bay Environmental Restoration Trust - South (South Trust) from the \$6 million appropriation made by San Diego Resolution R-308451 (October 8, 2013), for the remediation of the NASSCO shipyard sediments are hereby released, and future payments required under the NASSCO Settlement are hereby authorized to be paid from that same prior appropriation;

Authorizing the Chief Financial Officer, or his designee, to pay NASSCO by check the sum of \$1,070,204, from the remainder of the \$6 million prior appropriation made by Resolution R-308451, at a time required by the terms of the settlement with NASSCO;

Declaring all reservations on payments made or to be made to the San Diego Bay Environmental Restoration Trust - North (North Trust), from the \$9 million appropriation made by San Diego Resolution R-309143 (July 28, 2014), for the remediation of the BAE Systems shipyard sediments are hereby released, and future payments required under the BAE Systems Settlement are hereby authorized to be paid from that same prior appropriation;

Authorizing the Chief Financial Officer, or his designee, to pay BAE Systems by check the sum of \$792,880, from the remainder of the \$9 million prior appropriation made by Resolution R-309143, at a time required by the terms of the settlement with BAE Systems;

Authorizing the Mayor, or his designee, to reallocate prior appropriations made by R-308451 and R-309143, between the South Site and North Site as necessary to meet the requirements of the settlements, and to maintain compliance with San Diego Regional Water Quality Control Board Order No. R9-2012-0024;

Declaring that the Chief Financial Officer shall deposit all insurance settlement proceeds received from claims arising from the Shipyard Sediments Cleanup and Abatement Order into Fund No. 720045, to re-compensate the City of San Diego for payments it has made toward the cleanup.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding for the settlements has previously been authorized by Resolution Numbers R-308451 (October 8, 2013), and R-309143 (July 28, 2014). The total cost of the settlements for payments to the remedial trusts and to reimbursement of the shipyards is estimated to be approximately \$15,003,575.

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

The Mayor's authority to execute the settlements was approved by the City Council in its Closed Session on December 16, 2014, following published notice.

Bamberg/Nuesca

Primary Contact\Phone: Frederick M. Ortlieb\619-236-6318

Secondary Contact\Phone: David J. Karlin\619-533-5816

City Attorney Contact: Ortlieb, Frederick M.

- \* ITEM-106: Community Projects, Programs, and Services Funding Allocation to Downtown San Diego Partnership Foundation for "Moving Parklet" Design Challenge.  
(Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 3, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Downtown San Diego Partnership Foundation for an amount not to exceed \$5,000, for "Moving Parklet" Design Challenge.

Declaring that the "Moving Parklet" Design Challenge project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15304, as it is the minor public or private alteration in the condition of land which does not involve the removal of healthy, mature, scenic trees. Declaring that the Council of the City of San Diego has determined that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-320)

Declaring that the allocation described 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 Downtown San Diego Partnership Foundation in an amount not to exceed \$5,000, for the project described herein, under 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 furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2015-321)

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

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$5,000 in Council Community Projects, Programs, and Services Funding from Fund: 100000, Cost Center No. 1103110003, will be used for "Moving Parklet" Design Challenge.

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

None.

Fox

Primary Contact\Phone: Molly Chase\619-236-7758  
Secondary Contact\Phone: Lori Witzel\619-236-6442  
City Attorney Contact: Bradley, Catherine M.

- \* ITEM-107: Community Projects, Programs, and Services Funding Allocation to The San Diego LGBT Community Center for Building Improvements for a Gender Neutral/Family Bathroom. (Hillcrest Community Area. District 3.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 3, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with The San Diego LGBT Community Center for an amount not to exceed \$20,000, for Building Improvements for a Gender Neutral/Family Bathroom.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-324)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with San Diego LGBT Community Center in an amount not to exceed \$20,000, for the project described herein, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer, to expend an amount not to exceed \$20,000, 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 furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2015-325)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15301 (existing facilities), and 15303 (new construction) and that an exception to the exemption does not apply;

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Approval of the funding allocation from Council District 3 Council Community Projects, Programs, and Services: Fund No. 100000, Cost Center No. 1103110003, along with authorization from the City Council, are requested to allow the Mayor, or his designee, to enter into an Agreement with ~~North Park Organization of Business~~ LGBT Community Center for an amount not to exceed \$20,000, for a Gender Neutral/Family Restroom. (Rev. 1/12/15)

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

None.

Fox

Primary Contact\Phone: Molly Chase\619-236-7758  
Secondary Contact\Phone: Lori Witzel\619-236-6442  
City Attorney Contact: Bradley, Catherine M.

- \* ITEM-108: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-176)

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

- \* ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-209)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-330: Car Share Program Update.

**ITEM DESCRIPTION:**

To provide City Council a status update on the creation of the permanent Car Share Program.

**STAFF'S RECOMMENDATION:**

Informational item only.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

- On September 28, 2011, City Council approved the City's all-electric vehicle Car Share Pilot Program. (City Council Resolution R-307015).
- On October 20, 2014, City Council approved a one-year contract extension with the City's existing Car Share vendor. (City Council Ordinance O-20433).

Moreno/LoMedico

Primary Contact\Phone: Jacques Chirazi\619-236-6326, MS 56D  
Secondary Contact\Phone: Lydia Moreno\619-236-6320, MS 56D  
City Attorney Contact: Wander, Adam

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-331: Slurry Seal Groups 1501 & 1502. (Various Community Areas. Districts 1-9.)

**ITEM DESCRIPTION:**

Authorize the funding, advertisement, award, and execution of two major maintenance contracts. These contracts will provide for the repair and slurry sealing of approximately 70 miles of various asphalt streets located throughout the City.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-329 Cor. Copy) (Rev. 1/9/15)

Approving the specifications for the construction of “Slurry Seal Group 1501” and “Slurry Seal Group 1502” as advertised by Public Works Department;

Authorizing the Mayor, or his designee, to award and execute construction contracts for Slurry Seal Group 1501, with the lowest responsible and reliable bidder in an amount not to exceed \$4,120,000, and for Slurry Seal Group 1502 with the lowest responsible and reliable bidder in an amount not to exceed \$4,120,000;

Authorizing the Chief Financial Officer, to expend funds in an amount not to exceed \$9,000,000, solely and exclusively, to provide funds for the above projects and related costs, contingent upon the Chief Financial Officer first certifying that the funds are, or will be, on deposit with the City Treasurer, as follows:

(a) An amount not to exceed \$4,500,000, Fund 200306, Prop 42 Replacement Fund, Transportation and Storm Water (2116), for the purpose of construction of Slurry Seal Group 1501.

(b) An amount not to exceed \$4,500,000, Fund 200306, Prop 43 Replacement Fund, Transportation and Storm Water (2116), for the purpose of construction of Slurry Seal Group 1502.

Subitem-B: (R-2015-332)

Declaring that the Slurry Seal of Streets Group 1501 and 1502 projects are categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c);

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15301(c) does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize the total project cost of \$9,000,000, of which \$310,000, is for Project Management, \$450,000 is for Construction Management, \$7,500,000 is for construction, and \$740,000 is for contingencies. Funds for this action are available of which \$4,500,000, is in IO 21003502 for Slurry Seal Group 1501 and \$4,500,000, is in IO 21003499 for Slurry Seal Group 1502, both from Fund 200306, Proposition 42 Replacement Fund, Transportation and Storm Water (2116). Expenditures from this funding source are required to be used to maintain and improve public rights-of-way.

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

None.

McFadden/Heinrichs

Primary Contact\Phone: John Helminski\619-527-7504, MS 44  
Secondary Contact\Phone: Walter Gefrom\619-527-7509, MS 44  
City Attorney Contact: Gerrity, Ryan P.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

**NOTE:** The following item is scheduled to be heard at 10:00 a.m.

ITEM-332: FY 2015 Update to Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment. (Black Mountain Ranch Community Plan Area. District 5.)

**NOTE:** First hearing was held on December 9, 2014, Item 141.

**ITEM DESCRIPTION:**

Requesting approval of an update to the Black Mountain Ranch Public Facilities Financing Plan which sets Facilities Benefit Assessment (FBA) and Development Impact Fees (DIF) for the community and ensures continued funding for community infrastructure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-264)

Adoption of a Resolution ordering the designation of an area of benefit in Black Mountain Ranch and the boundaries thereof and establishing the amount of the facilities benefit assessment against each parcel within the area of benefit;

Authorizing and directing the Mayor, or his designee, to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to record the map of the boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.2209(b);

Authorizing and directing the Chief Financial Officer to transfer, appropriate and expend the subject facilities benefit assessment funds as necessary to ensure timely payment of all Black Mountain Ranch public facilities projects identified in the Financing Plan.

Subitem-B: (R-2015-265)

Adoption of a Resolution approving the Development Impact Fee schedule for properties within Black Mountain Ranch;

Directing the Chief Financial Officer to establish an interest bearing fund for the Black Mountain Ranch Development Impact Fee.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Designation of an Area of Benefit Adoption will continue to provide a funding source for the public facilities identified in the Black Mountain Ranch Public Facilities Financing Plan.

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

This item was heard at Infrastructure Committee meeting on November 12, 2014.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Cole, to forward staff's recommendation to full City Council.

**VOTE:** 4-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-yea.

Tomlinson/Graham

Primary Contact\Phone: Angela Abeyta\619-533-3674, MS 606F

Secondary Contact\Phone: John Tracanna\619-533-3682, MS 606F

City Attorney Contact: Thomas, Shannon M.

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-333: Appeal of the Environmental Determination for 3486 Kurtz Street MMCC, Project No. 368321. (Midway/Pacific Highway Corridor Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 2, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3486 Kurtz Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

City Attorney Contact: Vonblum, Heidi

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-334: Appeal of the Environmental Determination for 3421 Hancock Street, Project No. 368301. (Midway/Pacific Highway Corridor Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of an Environmental Exemption Determination for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 15, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3421 Hancock Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

City Attorney Contact: Thomas, Shannon

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-335: Appeal of the Environmental Determination for 3225 Bean Street MMCC, Project No. 368324. (Midway/Pacific Highway Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 16, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3225 Bean Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the *environmental determination* that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the *environmental determination*, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

City Attorney Contact: Vonblum, Heidi

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-336: Appeal of the Environmental Determination for 3430 Hancock Street MMCC, Project No. 368291. (Midway/Pacific Highway Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 17, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3430 Hancock Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

City Attorney Contact: Thomas, Shannon

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-337: Appeal of the Environmental Determination for 3433 Pickwick Street MMCC, Project No. 368351. (Southeastern San Diego Community Plan Area. District 8.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 24, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3433 Pickwick Street is in the I-1 Zone, Southeastern San Diego Planned District Ordinance and Airport Influence Area (San Diego International Airport) within the Southeastern San Diego Community Plan Area and Council District 8.

**TODAY'S ACTION IS:**

Take the following actions:

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:

- (1) Deny the appeal, approve the *environmental determination* that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or
- (2) Grant the appeal and set aside the *environmental determination*, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501  
City Attorney Contact: Vonblum, Heidi

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-338: Appeal of the Environmental Determination for 4645 DeSoto MMCC, Project No.368309. (Pacific Beach Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on September 26, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 4645 De Soto Street is in the IS-1-1 Zone and Coastal Height Limitation Overlay Zone within the Pacific Beach Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the *environmental determination* that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the *environmental determination*, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501  
City Attorney Contact: Thomas, Shannon

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-339: Appeal of the Environmental Determination for CC3 MMCC, Project No. 368319. (Midway/Pacific Highway Corridor Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 8, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3485 Noell Street is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501  
City Attorney Contact: Thomas, Shannon

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-340: Appeal of the Environmental Determination for 3385 Sunrise Street MMCC, Project No. 368337. (Southeastern San Diego Community Plan Area. District 8.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 8, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3385 Sunrise Street is in the I-1 Zone, Southeastern San Diego Planned District Ordinance and Airport Influence Area (San Diego International Airport) within the Southeastern San Diego Community Plan Area and Council District 8.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None. All costs associated with processing of this project are paid through a deposit account by the applicant.

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

Tomlinson/Chadwick /eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501  
City Attorney Contact: Vonblum, Heidi

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-341: Appeal of the Environmental Determination for 3515 Hancock St. MMCC, Project No. 368338. (Midway/Pacific Highway Corridor Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 22, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3515 Hancock is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

City Attorney Contact: Vonblum, Heidi

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-342: Appeal of the Environmental Determination for EJ Marketing MMCC, Project No. 368343. (Mira Mesa Community Plan Area. District 6.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on October 27, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 7128 Miramar Road in the IL-3-1 Zone and the Airport Influence Area within (Miramar) Mira Mesa Community Plan and Council District 6.

**TODAY'S ACTION IS:**

Take the following actions:

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:

(1) Deny the appeal, approve the *environmental determination* that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) Grant the appeal and set aside the *environmental determination*, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501  
City Attorney Contact: Thomas, Shannon

**The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.**

ITEM-343: Appeal of the CEQA Exemption for Patients Alternative-Middletown MMCC, Project No. 368295. (Midway/Pacific Highway Corridor Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on November 7, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3571 Pacific Highway is in the IS-1-1 Zone, Airport Influence Area (San Diego International Airport) and Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

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:

- (1) Deny the appeal, approve the *environmental determination* that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); or
- (2) Grant the appeal and set aside the *environmental determination*, in accordance with San Diego Municipal Code Section 112.0520(e);

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

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.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 1/9/15)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None associated with this action. All costs associated with processing of this project are paid by the applicant.

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

Vacchi\LoMedico\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
Secondary Contact\Phone: Glenn Gargas\619-446-5142, MS 501  
City Attorney Contact: Vonblum, Heidi

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-350: **Notice** of Pending Final Map Approval - The Elms and the Ivy Development.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "The Elms and The Ivy Development" (Resolution No. R-308792 and V.T.M. 1047193/PTS No. 296644) located in the Pacific Highlands Ranch Subarea Plan, North and South of State Route 56 (SR-56), East of Carmel Valley Road exit, and West of the Rancho Santa Fe Farms Road exit, within the Pacific Highlands Ranch Community, within the City and County of San Diego. The property is legally described as a Portion of Parcel 2 of Parcel Map No. 12337, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder of said County, September 24, 1982, as file No. 82-296204 of official records. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

ITEM-351: **Notice** of Pending Final Map Approval - Archstone Mission Gorge.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "Archstone Mission Gorge" (Resolution No. R-304445 and V.T.M. 498719/PTS No. 142570) located at 6850 Mission Gorge Road in the RM-3-7 Zone within the Navajo Community Planning area, Community Plan Implementation Overlay Zone (CPIOZ) Area B, Mobile Home Park Overlay Zone (MHPOZ) and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Montgomery Field; legally described as Lot 1 of Mission Valley Village Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 6315, filed in the Office of the County Recorder of San Diego County, February 28, 1969. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT