

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrí 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, 12th Floor, City Administration Building

Tuesday, March 3, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 3, 2015, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

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 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.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at:
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

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:

01/19/2015 - Adjourned
01/20/2015 - Special 9:00 am
01/20/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Victoria Mazelli Day.

PRESENTED BY COUNCILMEMBER KERSEY:

Proclaiming March 3, 2015, to be "Victoria Mazelli Day" in the City of San Diego.

ITEM-31: Congress of History of San Diego and Imperial Counties Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming March 3, 2015, to be "Congress of History of San Diego and Imperial Counties Day" in the City of San Diego.

ITEM-32: Nu Alpha Kappa Fraternity Day.

PRESENTED BY COUNCIL PRESIDENT PRO TEM EMERALD AND COUNCILMEMBER ALVAREZ:

Proclaiming March 3, 2015, to be "Nu Alpha Kappa Fraternity 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-33: San Diego County Medical Society Foundation Day.

MAYOR FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming February 7, 2015, to be "San Diego County Medical Society Foundation Day" in the City of San Diego.

ITEM-34: American Society of Civil Engineers (ASCE) San Diego Section's 100th Anniversary Day.

MAYOR FAULCONER'S AND COUNCILMEMBER KERSEY'S RECOMMENDATION:

Proclaiming March 6, 2015, to be "American Society of Civil Engineers (ASCE) San Diego Section's 100th Anniversary Day" in the City of San Diego.

ITEM-35: Jo-Ann Carini Day.

COUNCILMEMBER ZAPF'S RECOMMENDATION:

Proclaiming February 12, 2015, to be "Jo-Ann Carini Day" in the City of San Diego, in recognition and appreciation of her service to her Community and the City of San Diego.

ITEM-36: Rev. Dr. H. L. Ferrell and First Lady E. J. Ferrell Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming March 1, 2015, to be "Rev. Dr. H. L. Ferrell and First Lady E. J. Ferrell 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 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis, However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

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: Reimbursement Agreement with Pardee Homes for the design and construction of Project No. U-2, Gonzales Canyon Sewer in the Pacific Highlands Ranch Subarea in accordance with the Pacific Highlands Ranch Public Facilities Financing Plan. (Pacific Highlands Ranch Community Plan Area. District 1.)

ITEM DESCRIPTION:

This action is to request approval of a Reimbursement Agreement with Pardee Homes for the design and construction of a 12-inch diameter sewer line in Gonzales Canyon. In addition, a waiver of the Competitive Bidding requirements and Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10 is being requested.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-75)

Introduction of an Ordinance authorizing and directing the Mayor to execute, for and on behalf of the City, a Reimbursement Agreement with Pardee Homes for Project No. U-2, Gonzales Canyon Sewer, in the Pacific Highlands Ranch Subarea Plan, under the terms and conditions set forth in the Agreement;

Waiving the consultant selection requirements of San Diego Municipal Code Section 22.3202, Council Policy 300-07, and Council Policy 100-10 for the selection of Latitude 33 for civil engineering consultant services, and Geocon for geotechnical/soils consultant services;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$635,000 from Fund 400090, Pacific Highlands Ranch Facilities Benefit Assessment (FBA) Fund, for the design and construction of Project No. U-2 contingent on the approval of the appropriate Appropriation Ordinance, 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This Reimbursement Agreement anticipates providing \$635,000 to Pardee Homes in Fiscal Year 2018 for the design and construction of a completed sewer line per the Financing Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council approved the Fiscal Year 2013 Pacific Highlands Ranch Public Facilities Financing Plan, by Resolution No. R-307364, on April 10, 2012. The sewer line is identified as Project No. U-2 in the Financing Plan.

- This item was heard by the Infrastructure Committee on February 11, 2015.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf, to forward staff's recommendation to City Council.

VOTE: 3-0; Kersey-yea, Cole-yea, Zapf-yea.

Tomlinson\Graham

Primary Contact Phone: Oscar Galvez III\619-533-3685, MS 606F

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

City Attorney Contact: Vonblum, Heidi K.

* ITEM-51: Exemption of a Committee Consultant position in Council Administration from the classified service, as approved by the Civil Service Commission on February 5, 2015.

ITEM DESCRIPTION:

This item is to exempt one Committee Consultant position from the classified service in Council Administration. This position is limited for 18 months, to serve as the Consultant to the newly formed Charter Review Committee approved by Council on December 8, 2014, Resolution R-309346.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-78)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated February 10, 2015, which documents that, on February 5, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Council President to exempt from the City's Classified Service one Committee Consultant position in her Office. The Committee Consultant will be responsible for analyzing, studying, and evaluating the Charter, the Permanent Rules of Council, and Open Government;

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 Committee Consultant position in the Council President's Office, performing the duties set forth in the February 5, 2015, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

Jurado-Sainz

Primary Contact\Phone: Erin Demorest\619-236-6611, MS 10A
Secondary Contact\Phone: Lori Witzel\619-236-6442, MS 10A
City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Georgia Street Bridge Improvements Project - Accept Federal Funds. (Uptown and Greater North Park Community Areas. District 3.)

ITEM DESCRIPTION:

This item will allow the Chief Financial Officer, to accept and expend additional Federal Funds not to exceed \$9,500,000, for the construction of required seismic retrofitting and rehabilitation of the Georgia Street Bridge, as part of the Georgia Street Bridge Improvements Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-424)

Authorizing the Chief Financial Officer to accept a Program Supplement Agreement from Caltrans, and to take all necessary actions to secure funding in an amount not to exceed \$9,500,000 in Fund 600000, Federal Grant No.1000502-2015 for the Georgia Street Bridge Improvements;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2015, Capital Improvements Program Budget in CIP S-00863, Georgia Street Bridge Improvements, Fund 600000, Federal Grant No.1000502-2015, not to exceed \$9,500,000 contingent upon the receipt of a fully executed Grant Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$9,500,000, Federal Grant No.1000502-2015, for the purpose of CIP S-00863 Georgia Street Bridge Improvements, Fund 600000, contingent upon the receipt of a fully executed Grant Agreement and the City Comptroller providing one or more certifications that the funds are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

These actions will authorize the acceptance, appropriation and expenditure of additional Federal funds not to exceed \$9,500,000, for CIP S-00863, Fund 600000, Georgia Street Bridge Improvements. There is no local agency grant match for these grant funds. The project cost estimate has decreased from the published FY 15 Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- R-285241, adopted January 23, 1995, Funding and Consultant Agreement with Libby Engineers, amended by Manager's Action May 24, 2002;
- R-301546, adopted June 22, 2006, Additional Federal funding and Environmental Consultant Agreement;
- R-304379, adopted November 18, 2008, Consultant Agreement with Simon Wong Engineering;
- R-306907, adopted July 7, 2011, Accepting additional Federal funding in the amount of \$938,240;
- R-307084, adopted November 9, 2011, First Amendment to the Consultant Agreement with Simon Wong Engineering;
- O-20300 was heard at the Infrastructure Committee Meeting on July 31, 2013, and forwarded to the full City Council;
- O-20300, adopted October 8, 2013, Second Amendment to the Consultant Agreement with Simon Wong Engineering and accepting additional Federal Funding in the amount of \$200,000.
- This item was presented and approved by the Infrastructure Committee on February 11, 2015.

ACTION: Motion by Vice-Chair Cole, second by Councilmember Zapf to forward staff's recommendation to City Council.

VOTE: 3-0; Kersey-yea, Cole-yea, Zapf-yea.

Nagelvoort/Heinrichs

Primary Contact\Phone: Brad Johnson\619-533-5120, MS 908A
Secondary Contact\Phone: Abi Palaseyed\619-533-4694, MS 908A
City Attorney Contact: Gerrity, Ryan P.

- * ITEM-101: Amending FY 15 Capital Improvements Program Budget - Various Park & Recreation Capital Projects. (Serra Mesa Community Area. District 7.)

ITEM DESCRIPTION:

This action is to amend the FY 15 Capital Improvement Budget for Taft Elementary Joint Use Facility (CIP S-15026) and to appropriate and expend funds for Wegeforth Joint Use (CIP S-00764), and appropriation of funds for Ruffin Canyon Trail permit costs.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-427)

Authorizing the Chief Financial Officer to add CIP S-15026, Taft Joint Use Facility Development, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15026, Taft Joint Use Facility Development, and to appropriate and expend an amount not to exceed \$3,354,600 from Fund No. 200636, Developer Contribution Fund, for the purpose of funding Joint Use Improvements at Taft Middle School;

Authorizing the Chief Financial Officer to transfer appropriations of \$3,354,600 from Internal Order 13001769, for parks in Kearny Mesa and Serra Mesa areas, to CIP S-15026, Taft Joint Use Facility Development, within Fund No. 200636, Developer Contribution Fund;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00764, Wegeforth Elementary School Joint Use, and to appropriate and expend \$100,000 from Fund No. 400132, Serra Mesa Development Impact Fee, for the purpose of funding Joint Use Improvements at Wegeforth Elementary;

Authorizing the Chief Financial Officer to transfer appropriations of \$50,000 from Internal Order 13001769, for parks in Kearny Mesa and Serra Mesa areas, to CIP S-00764, Wegeforth Elementary School Joint Use, within Fund No. 200636, Developer Contribution Fund;

Authorizing the Chief Financial Officer to transfer \$100,000 from Fund No. 200636 (Internal Order 13001769 for parks in Kearny Mesa and Serra Mesa areas), Developer Contribution Fund, to Development Services Deposit Trust Fund No. 700036, Ruffin Canyon Trail Project, for the purpose of providing funding for the cost of City permit fees and associated cost of City staff time to review and process the required permit and California Environmental Quality Act (CEQA) document, upon the filing of an application for the Ruffin Canyon Trail Project [project number to be determined];

Declaring that if within five years of the deposit of the \$100,000 into the Ruffin Canyon Trail Project, those funds are not expended, the Chief Financial Officer is authorized to return any funds back to Fund No. 200636, Developer Contribution Fund, for use within the Serra Mesa Community.

Subitem-B: (R-2015-429)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption does not apply;

Declaring that the Council has considered the transfer of funds for Taft Joint Use Facility Development and finding that they are exempt per CEQA Guidelines Section 15262, Feasibility and Planning Studies;

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

Subitem-C: (R-2015-428)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 and that an exception to the exemption does not apply;

Considering the transfer of funds for the review and permitting of Ruffin Canyon Trail and it is exempt per CEQA Guidelines Section 15262, Feasibility and Planning Studies;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funds are available in the amount of \$3,504,600 from Developer Contribution Fund, Fund No. 200636 for the following purposes:

1. Total estimated cost for the design and construction of Taft Elementary Joint Use Project is \$3,354,600. Estimated annual maintenance costs pursuant to the Joint Use Agreement are to be determined. The funding for these costs will be requested as a new Park and Recreation Facility in the Fiscal Year Budget process in which it will come on line.
2. Total estimated cost for Development Services Department staff time to process permits for Ruffin Canyon Trail is not to exceed \$100,000. The \$100,000 will be deposited into a Development Services Department deposit account when an application is submitted to the City for City staff to bill time to in the review and processing of the Ruffin Canyon Trail. A project number and internal order number for the Ruffin Canyon Trail Project will be created at the time of application. A letter from the financially responsible party will be required by Development Services Department to transfer the funds into the project internal order account.
3. Total additional funding to complete construction of improvements at Wegeforth Elementary Joint Use Project (S-00764) is \$50,000.

An additional \$100,000 in Fund No. 400132 (Serra Mesa Development Impact Fee) are available for the Wegeforth Elementary School Joint Use Facility.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on February 11, 2015.

ACTION; Motion by Councilmember Zapf, second by Vice-Chair Cole, to forward staff's recommendation to the full City Council for approval.

VOTE: 3-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-not present.

Tomlinson/Graham

Primary Contact\Phone: Robin Shifflet\619-533-4524
Secondary Contact\Phone: Craig Hooker\619-446-5041
City Attorney Contact: Thomas, Shannon M.

* ITEM-102: Request for Additional Funding for the MBC Dewatering Centrifuges Replacement-Change Order No. 1. (District 6.)

ITEM DESCRIPTION:

This item is requesting Council approval for Change Order No.1 with J. R. Filanc Construction Company, Inc., to upgrade the control panel to avoid damage to the equipment, instrumentation devices, and other electrical power systems. Council authorization is requested for additional funds to complete the construction of the MBC Dewatering Centrifuges Replacement.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-395)

Authorizing the Mayor, or his designee, to execute Change Order No. 1 to the Design/Build Contract with J. R. Filanc Construction Company, Inc., for the Project for an amount not to exceed \$679,889.28, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer 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 to transfer \$679,889.28 from CIP L-10000, Metro Facilities Control System Upgrade, to CIP S-00339, MBC Dewatering Centrifuges Replacement, within Fund 700009, Metro Sewer CIP;

Authorizing the Chief Financial Officer to expend an additional amount not to exceed \$679,889.28 from CIP S-00339, MBC Dewatering Centrifuges Replacement Project, Fund 700009, Metro Sewer CIP, for Change Order No. 1.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$12,122,443.28 of which \$11,442,554 is currently budgeted. Authorization for an additional expenditure of \$679,889.28 is requested in order to complete the engineering and construction of this project. Authorization for an additional expenditure of \$679,889.28 is requested in order to complete the engineering and construction of this project. After the transfer of \$679,889.28 from L-10000, Metro Facilities Control System Upgrade, Enterprise Funding of \$12,122,443.28 will be available from CIP S-00339, MBC Dewatering Centrifuges Replacement project, Fund 700009, Metro Sewer CIP, for this purpose. The project costs may be reimbursed from a state revolving fund loan. No future funding is anticipated for this project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on January 21, 2015.

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

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Mark Nassar\619- 533-6600

Secondary Contact\Phone: Iraj Asgharzadeh\619-533-5105

City Attorney Contact: Jung, Jeremy A.

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-330: Appeal of the Environmental Determination for Living Green Coop MMCC, Project No. 379530. (Navajo Community Plan Area. District 7.)

ITEM DESCRIPTION:

Appeal of the Environmental Exemption for a proposed Conditional Use Permit (CUP) & Site Development Permit (SDP) to operate a Medical Marijuana Consumer Cooperative (MMCC). This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on December 11, 2014. The scope of the subject hearing only includes the environmental determination not the CUP & SDP. The site located at 4417 Rainier Avenue is in the IL-3-1 Zone, Airport Influence Area (Montgomery Field), and Community Plan Implementation Overlay Zone (Type A) within the Navajo Community Plan Area. Council District 7.

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 (New Construction or Conversion of Small Structures); 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.

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.

Vacchi\Graham\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 2:00 p.m.

ITEM-331: Appeal of the Environmental Determination for Glass Tec Entities MMCC, Project No. 368509. (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 December 8, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 9212 Mira Este Court is in the IL-3-1 Zone and Airport Influence Area (MCAS Miramar) within the Mira Mesa Community Plan Area 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 (New Construction or Conversion of Small Structures); 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.

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\Graham\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 2:00 p.m.

ITEM-332: Appeal of the Environmental Determination for SD Health & Wellness MMCC, Project No. 369478. (Kearny 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 November 18, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 5125 Convoy Street is in the IL-3-1 Zone and Airport Influence Area (MCAS Miramar within the Kearny Mesa Community Plan Area 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 (New Construction or Conversion of Small Structures); 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.

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.

Vacchi\Graham\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 2:00 p.m.

ITEM-333: Appeal of the Environmental Determination for 7625 Carroll Road MMCC, Project No. 370687. (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 November 26, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 7625 Carroll Road is in the IL-3-1 Zone and Airport Influence Area (MCAS Miramar) within the Mira Mesa Community Plan Area 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 (New Construction or Conversion of Small Structures); 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.

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\Graham\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 2:00 p.m.

ITEM-334: Appeal of the Environmental Determination for 8863 Balboa Ste E MMCC, Project No. 368347. (Kearny 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 November 20, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 8863 Balboa Avenue is in the IL-3-1 Zone and Airport Influence Area (MCAS Miramar & Montgomery Field) within the Kearny Mesa Community Plan Area 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 (New Construction or Conversion of Small Structures); 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.

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.

Vacchi\Graham\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 2:00 p.m.

ITEM-335: Appeal of the Environmental Determination for 3487 Kurtz MMCC, Project No. 368326. (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 December 10, 2014. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3487 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 Corridor 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 (New Construction or Conversion of Small Structures); 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.

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/Graham/eg

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

Secondary Contact\Phone: Glenn Gargas \619-446-5142, MS 01

City Attorney Contact: Vonblum, Heidi

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

ITEM-336: Amendment to the Land Development Code and Local Coastal Program for the Rooming House Ordinance. (Citywide.)

ITEM DESCRIPTION:

Approve Amendment to Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; and amending Chapter 13, Article 1, Division 1 of the San Diego Municipal Code by amending Sections 113.0103 and 131.0112, both relating to the definition of rooming house.

COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinance:

Subitem-A: (R-2015-351)

Adoption of a Resolution requesting to amend Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 131.0112, both relating to the definition of Rooming House is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Subitem-B: (O-2015-51 Cor. Copy) (Rev. 2/27/15)

Introduction of an Ordinance amending Chapter 11, Article 3, Division 1, of the San Diego Municipal Code by amending Section 113.0103, and amending Chapter 13, Article 1, Division 1 by amending Section 131.0112, relating to the definition of a rooming house.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Approved unanimously at the Public Safety and Livable Neighborhoods Committee on November 13, 2014.

Flores\cp

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Secondary Contact\Phone: Ricardo Flores\619-236-6699, MS 10A

City Attorney Contact: Thomas, Shannon M.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT