

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, June 2, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 2, 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. 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

A Special **PUBLIC FACILITIES FINANCING 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 Brant Will at (619) 236-6220. Internet access to the agenda is available at:

<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

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:

04/20/2015 - Adjourned
04/21/2015 - Special 9:00 am
04/21/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Gregory J. (Greg) Bych Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER:

Proclaiming June 2, 2015, to be "Gregory J. (Greg) Bych Day" in the City of San Diego.

ITEM-31: Pedestrian Safety Awareness Month.

PRESENTED BY COUNCILMEMBER COLE:

Proclaiming June 2015, to be "Pedestrian Safety Awareness Month" in the City of San Diego.

ITEM-32: 25th Anniversary of the Invention of Digital Television Day.

PRESENTED BY COUNCILMEMBER KERSEY:

Proclaiming June 2, 2015, to be "25th Anniversary of the Invention of Digital Television Day" in the City of San Diego.

ITEM-33: Asking Saves Kids Month.

PRESENTED BY COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming July 2015, to be "Asking Saves Kids Month" in the City of San Diego and recognizing the importance of children's safety when they visit a friend, neighbor, or family member's home.

NOTE: The following Proclamations will NOT be presented in Council Chambers. They will

be approved by Unanimous Consent unless pulled for discussion.

ITEM-34: Doyle International Festival Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming May 29, 2015, to be "Doyle International Festival Day" in the City of San Diego.

ITEM-35: Gilbert Cate Day.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming July 11, 2015, to be "Gilbert Cate Day" in the City of San Diego.

ITEM-36: Charter School Week.

COUNCILMEMBER CATE'S AND COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming the week of May 3-9, 2015, to be "Charter School Week" 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 for Projects No. OM T-3.1, Dennery Road (Black Coral Way to Topsail Drive); OM T-3.3 Dennery Road (Triple Pipe Crossing); and a portion of OM T-4.1 Del Sol Boulevard in the Otay Mesa community. (Otay Mesa Community Area. District 8.)

ITEM DESCRIPTION:

Requesting approval of the Reimbursement Agreement for Projects No. OM T-3.1, Dennery Road (Black Coral Way to Topsail Drive); OM T-3.3 Dennery Road (Triple Pipe Crossing); and a portion of OM T-4.1 Del Sol Boulevard (west boundary of elementary school to Surfpoint Way) in the Otay Mesa community.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-100)

Introduction of an Ordinance authorizing and directing the Mayor to execute, for and on behalf of City, a Reimbursement Agreement with Pardee Homes for Project Nos. OM T-3.1, Dennery Road-(Black Coral Way to Topsail Drive), OM T-3.3, Dennery Road-(Triple Pipe Crossing), and OM T-4.1, Del Sol Boulevard-(west boundary of elementary school to Surfpoint Way), in the Otay Mesa Community Plan area, 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 Project Design Consultants for design consultant services;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$721,000 from CIP S-10018, Dennery Road (Black Coral Way to Topsail Drive), Fund No. 400856, Otay Mesa Facilities Benefit Assessment, for the design and construction of Project No. OM T-3.1 consistent with the timing established in the Financing Plan, 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 to expend an amount not to exceed \$649,000 from CIP S-10017, Dennery Road (Triple Pipe Crossing), Fund No. 400856, Otay Mesa Facilities Benefit Assessment, for the design and construction of Project No. OM T- 3.3 consistent with the timing established in the Financing Plan, 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 to appropriate and expend an amount not to exceed \$441,000 from CIP S-00858, Del Sol Boulevard (west boundary of elementary school to Surfpoint Way), Fund No. 400856, Otay Mesa Facilities Benefit Assessment, for the design and construction of Project No. OM T-4.1 consistent with the timing established in the Financing Plan, 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:

The value of this Agreement is not to exceed \$1,811,000 for three Projects from Fund No. 400856 (Otay Mesa FBA): \$721,000 for CIP S-10018, Dennery Road (Black Coral Way to Topsail Drive); \$649,000 from CIP S-10017, Dennery Road (Triple Pipe Crossing); and \$441,000 from CIP S-00858, Del Sol Boulevard (west boundary of elementary school to Surfpoint Way).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 23, 2015, the Infrastructure Committee reviewed the item and voted to forward staff's recommendation to City Council. Reimbursement Agreement with San Ysidro School District for a portion of Project OM T-4.1, Del Sol Boulevard that fronts the new Vista Del Mar Elementary School and through the Open Space in the Otay Mesa Community approved January 23, 2012, Resolution No. 307220.

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

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

Tomlinson/Graham

Primary Contact\Phone: Frank January\619-533-3699/MS, 606F
Secondary Contact\Phone: Scott Mercer\619-533-3676/MS, 606F
City Attorney Contact: Vonblum, Heidi K.

* ITEM-51: Exempt 1.00 Program Manager position in the Development Services Department from the Classified Service, as approved by the Civil Service Commission on May 7, 2015.

ITEM DESCRIPTION:

This action is to exempt 1.00 Program Manager position from Classified Service in the Development Services Department. Under the direction of the Development Services Director, this position will be responsible for assisting with managing the Information Technology, Cashiers, Procurement, and Records Sections of the Department.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-124)

Introduction of an Ordinance receiving and reviewing a memorandum from Personnel Director Hadi Dehghani, dated May 11, 2015, which documents that, on May 7, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for overseeing the Department's IT, Records, and Cashier sections, including developing online payment practices and standards. The Program Manager will also be responsible for implementing procurement procedures; managing the IT contracts; establishing IT service levels, and holding vendors accountable for contract deliverables;

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 Manager position in the Department, performing the duties set forth in the May 11, 2015, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Position added to FY16 Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi/Graham

Primary Contact\Phone: Robert Vacchi\619-236-5423, MS 501
Secondary Contact\Phone: Raquel Torres\619-446-5254, MS 401
City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-52: An Ordinance amending Chapter 2, Article 2, Division 18, of the San Diego Municipal Code by amending Section 22.1801; amending Chapter 2, Article 2, Division 24, by retitling Division 24 to read "Development Services Department, Planning Department, and Economic Development Department;" amending Section 22.2402 and adding new Section 22.2403, related to the new Economic Development Department.

ITEM DESCRIPTION:

The proposed ordinance would amend the San Diego Municipal Code to codify the establishment of an Economic Development Department separate from the Planning Department, each department having its own department director with separate relevant duties assigned.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/12/2015, Item 50. (Council voted 9-0):

(O-2015-87)

Amending Chapter 2, Article 2, Division 18, of the San Diego Municipal Code by amending Section 22.1801; amending Chapter 2, Article 2, Division 24, by retitling Division 24 to read "Development Services Department, Planning Department, and Economic Development Department;" amending Section 22.2402 and adding new Section 22.2403, related to the new Economic Development Department.

* ITEM-53: Second Amendment to Office Lease at 525 B Street, San Diego, CA 92101.
(Downtown Community Area. District 3.)

ITEM DESCRIPTION:

Entering into a Second Amendment to an existing Office Lease at 525 B Street, San Diego, California 92101, for the City to expand into the entire 12th floor (19,684 SF) and extend the Original lease on 90,778 SF, plus storage space, for one additional year now ending June 30, 2020.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 05/12/2015, Item 51. (Council voted 9-0):

(O-2015-101)

Authorizing and directing the Mayor, or his designee, to execute, deliver, and take all actions necessary to facilitate the administration of that certain Second Amendment to Lease between Hines 525 B Street LP, a Delaware Limited Partnership, as landlord, and the City of San Diego, as tenant;

Authorizing the Chief Financial Officer to expend: (1) funds for the payment of rent for the Expansion Space, and as otherwise required by the Lease and Second Amendment, in an amount of up to \$1,963,283 in Fiscal Years 2016-2020 from Public Works Department Fund 720057; and (2) funds for the Fiscal Year 2020 Lease Extension, and as otherwise required by the Lease and Second Amendment, in an amount of up to \$1,794,696 with 47.66% of said amount coming from Public Works Department Fund 720057; 12.71% of said amount coming from Muni Sewer Revenue Fund 700000; 7.27% of said amount coming from Metro Sewer Utility Fund 700001; and 32.36% of said amount coming from Water Utility Operating Fund 700011 all of which funds shall be contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

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

- * ITEM-54: Amendment No. 2 to Cooperative Agreement with Caltrans for the Construction of State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2. (Kearny Mesa Community Area. District 7.)

ITEM DESCRIPTION:

This action is to authorize Amendment No. 2 to the Cooperative Agreement with Caltrans for the administration and construction of State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2 in the amount not to exceed \$142,000. On December 11, 2014, Caltrans opened bids for the construction of State Route 163/Clairemont Mesa Boulevard. This Agreement will provide funding for the additional costs associated with construction based upon the low bid exceeding the engineer's estimate.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 05/12/2015, Item 52. (Council voted 9-0):

(O-2015-102)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City the Second Amendment to the Cooperative Agreement with Caltrans for the purpose of completing Phase 2 of the State Route 163 and Clairemont Mesa Boulevard Interchange under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$142,000 from CIP S-00905, State Route 163 and Clairemont Mesa Boulevard Interchange - Phase 2, from Fund 400174 - RTCIP for the purpose of providing funds for the above-referenced Project, 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;

Certifying that this activity is adequately addressed in the New Century Center FEIR Project No. 96-0165 (SCH No. 96031091, dated 9/25/97). The activity is part of a series of subsequent discretionary actions and therefore is not considered a separate project for the purposes of California Environmental Quality Act (CEQA) review as defined in State CEQA Guidelines Section 15378. Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review.

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

* ITEM-55: Master Lease Agreement to Fund Projects and Equipment. (Citywide.)

ITEM DESCRIPTION:

Approve the form of and execution of the Master Lease Agreement, in an amount not to exceed \$14.1 million, with Banc of America Public Capital Corp (“BAPCC”) to finance various essential projects and equipment needs.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 05/12/2015, Item 60, Subitem A. (Council voted 9-0):

(O-2015-103)

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer or any of their designees, to execute, for and on behalf of the City of San Diego, a Master Lease Agreement with BAPCC for the purpose of financing the acquisition of essential projects and equipment. The Master Lease Agreement shall be substantially in the form presented to this Council, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the acquisition cost of projects and equipment financed under the Master Lease Agreement shall not exceed \$14,100,000; and (ii) the interest rate on any such financed projects and equipment shall not exceed six percent (6%) annually;

Declaring that the City’s project and equipment needs as described in the Report shall be financed under the Agreement;

Authorizing the Chief Operating Officer or Chief Financial Officer to revise the list of projects and equipment to be financed under the Agreement where such changes are in the best interest of the City.

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

- * ITEM-56: Agreement with GHD Inc. for design and construction support for the Otay 1st and 2nd Pipelines-West of Highland Avenue Project. (Mid City: City Heights and Greater North Park Community Areas. Districts 3 and 9.)

ITEM DESCRIPTION:

This action seeks Council authorization to award a Contract for Engineering Design Services and Construction Support of Otay 1st and 2nd Pipelines West of Highland Avenue to GHD Inc. This project consists of replacing approximately 6.31 miles of aged steel, cast iron and asbestos pipes for the Otay 1st and Otay 2nd pipelines.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 05/12/2015, Item 61, Subitem A. (Council voted 9-0):

(O-2015-79)

Authorizing the Mayor, or his designee, to establish contract funding phases and execute a phase funded Contract with GHD Inc. for professional services for the design of Otay 1st and 2nd Pipelines West of Highland Avenue project (Project), in CIP S-12016, in an amount not to exceed \$2,120,000, under the terms and conditions set forth in the Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer to expend funds under the established contract funding phases in an amount not to exceed \$510,000 for the first phase (FY2015), and \$1,610,000 for subsequent phases through (FY2018) from CIP S-12016, Otay 1st and 2nd Pipelines West of Highland Avenue, Fund 700010, Water, for the purpose of executing this Agreement, contingent upon the approval of the Appropriation Ordinances and contingent upon the Chief Financial Officer demonstrating one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with 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-57: El Camino Real - Half-Mile to Via de la Valle - Authorize Second Amendment to the Consultant Agreement with RECON Environmental, Inc. (North County Future Urbanizing Area Sub Area II and Fairbanks Ranch Country Club Community Areas. District 1.)

ITEM DESCRIPTION:

Executing the Second Amendment to the Agreement with RECON Environmental, Inc., for \$83,397 to complete California Environmental Quality Act (CEQA) requirements for El Camino Real - Half-Mile to Via de la Valle Project.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/12/2015, Item 62, Subitem A. (Council voted 9-0):

(O-2015-104)

Authorizing that the Mayor, or his designee, to execute for and on behalf of the City the Second Amendment to the Agreement with RECON Environmental, Inc. for environmental services under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$83,397 from CIP S-00856, El Camino Real-Half Mile to Via de la Valle from Fund 400169 Transnet for the purpose of providing funds for the above-referenced Project, 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.

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

- * ITEM-58: Authorizing additional funding for the Law Office of Dorn Bishop in connection with Cleanup and Abatement Order No. R9-2012-0024, the related federal litigation, and other insurance-related issues concerning San Diego Bay. (Barrio Logan and San Diego Bay Community Areas. District 8.)

ITEM DESCRIPTION:

This item seeks additional funding for the Law Offices of Dorn Bishop for insurance coverage representation in connection with Cleanup and Abatement Order No. R9-2012-0024, the related federal litigation, and other insurance-related issues concerning San Diego Bay.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/19/2015, Item 50. (Council voted 9-0):

(O-2015-112)

Authorizing the Mayor, or his designee, to increase the Contract amount by \$100,000, and continue the retention of Dorn Bishop, Esq., and the Law Offices of Dorn G. Bishop, APC, for insurance-related legal services related to Cleanup and Abatement Order No. R9-2012-0024, the related federal litigation, and other issues concerning San Diego Bay;

Authorizing the expenditure of an amount not to exceed \$100,000 for the purpose of payment of invoices and future reserve funding, contingent upon the Chief Financial Officer first certifying that the funds necessary for this expenditure are, or will be, available from Public Liability Fund 720045.

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

* ITEM-59: An Ordinance of the City of San Diego regarding the Annual Compensation of the City Auditor for Fiscal Year 2016. (Citywide.)

ITEM DESCRIPTION:

Adopt the ordinance and set the annual salary and compensation of the City Auditor for Fiscal Year 2016.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/19/2015, Item 330. (Council voted 9-0):

(O-2015-86 Cor. Copy)

Declaring that upon the effective date of this Ordinance, the annual salary of the City Auditor is set at \$180,000 plus fringe benefits, consistent with those benefits received by officers and employees in the Executive IV classification of the Unclassified Service, as established by the Council, by adopting San Diego Ordinance O-20484, on April 21, 2015.

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

* ITEM-60: Camelot, Project No. 238281. (Black Mountain Ranch Community Plan Area. District 5.)

ITEM DESCRIPTION:

Approval of actions necessary to construct 307 dwelling units, including 48 affordable housing dwelling units constructed off-site, on a 74.42-acre site located within the Black Mountain Ranch Community Plan.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/19/2015, Item 336, Subitem B. (Council voted 9-0):

(O-2015-108)

Rezoning portions of a 74.42 acres site and adjacent public right-of-way located west of Deer Road and south of Camino San Bernardo, within the Black Mountain Ranch Community Plan Area, in the City of San Diego, California, from the AR-1-1, RS-1-14, and RM-1-2 Zones, into the AR-1-1 and RM-1-2 Zones, as defined by San Diego Municipal Code Sections 131.0303 and 131.0406; and repealing Ordinance No. 8858 (New Series), adopted July 18, 1963, and Ordinance No. 19019 (New Series), adopted December 10, 2001 of the Ordinances of the City of San Diego insofar as the same conflict herewith.

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

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Proposed Agreement with County of San Diego for Implementation of Healthy Works Prevention Initiative funded through a grant from the Centers for Disease Control and Prevention (CDC).

ITEM DESCRIPTION:

This action is to approve the agreement between the City of San Diego and the County of San Diego Health and Human Services Agency and allow the City to participate in the Healthy Works program and receive up to \$1.2 million of federal grant funding as a sub-recipient to the County. The grant funding will be used to reimburse the City's participation in the program, including implementing nutrition and beverage standards at City worksites, strengthening healthier food access and sales in retail stores and community venues, strengthening community promotion of physical activities, and developing community active transportation plans to promote walking and biking.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-657)

Authorizing and empowering the Mayor to execute, for and on behalf of the City, the Agreement for Implementation of Healthy Works Program with the County of San Diego under substantially the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement;

Authorizing the Chief Financial Officer to establish a fund for the Agreement, if necessary;

Authorizing the Chief Financial Officer to accept grant funds totaling up to \$1,200,000 over four years (approximately \$300,000 for each program year) on a reimbursement basis for the City's activities under the Agreement, and to appropriate and expend such funds;

Authorizing the Mayor, or his designee, to take all necessary actions to administer, monitor, and manage the Agreement for Implementation of Healthy Works Program, implement the program components as provided in the Agreement and when required, develop, advertise, negotiate and award contracts to third parties to implement the Agreement.

Subitem-B: (R-2015-697) (Rev. 5/28/15)

Declaring that the Agreement for Implementation of Healthy Works Program is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If the proposed contract is approved, staff time in Planning, Economic Development, Development Services Department, Environmental Services Department and the office of the ACOO will be reimbursed up to \$300,000 annually for four years, totaling up to \$1.2 million.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On December 10, 2013, City Council unanimously approved Resolution R-308645 supporting the Live Well San Diego initiative of the County of San Diego. This grant funded program is part of the Live Well San Diego initiative.

Collura\LoMedico

Primary Contact\Phone: Katherine Crow\619-533-3837, MS 610

Secondary Contact\Phone: Natasha Collura\619-533-3822, MS 610

City Attorney Contact: Gleeson, Carrie L.

- * ITEM-101: Beta Street Green Alley Public Improvements (38th, 39th and Beta Streets) - Request to Create a Capital Improvement Program Project. (Southcrest Component of the Southeastern San Diego Merged Redevelopment Project Area. District 9.)

ITEM DESCRIPTION:

Create and Establish a Capital Improvement Program Project with associated costs, expend the funds, and enter into the necessary contracts for the Beta Street Green Alley Public Improvements.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-565 Cor. Copy) (Rev. 5/29/15)

Authorizing the Mayor, or his designee, to add CIP S-15041, Beta Street Green Alley Public Improvements (38th, 39th, and Beta Streets) to the FY15 Capital Improvements Program, in accordance with the FY15 Annual Appropriations Ordinance;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15041, Beta Street Green Alley Public Improvements (38th, 39th, and Beta Streets) and to appropriate and expend \$419,000 from Fund 400315 - SC/Taxable TI Bonds 2007A, and \$76,000 from Fund 200700 - Redevelopment Property Tax Trust Fund (RPTTF), solely and exclusively, for the Beta Street Green Alley Public Improvement Project, 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 transfer excess funds, if any, to the appropriate reserves;

Waiving Council Policy 800-14, Prioritizing Capital Improvement Program Projects.
(Rev. 5/29/15)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Pursuant to AB 1484, and the approvals from all appropriate entities for use of the bonds, funds in the amount of \$419,000 are available from excess Southcrest Bond Proceeds. Funds in the amount of \$76,000 are available from the Redevelopment Property Tax Trust Fund (RPTTF) to cover administrative and staff costs. The total source and use of funds is \$495,000 and depicted in the Sources and Uses table in the staff report.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Phillips/LoMedico

Primary Contact\Phone: Robert Sutherlin, Jr.\619-533-7107
City Attorney Contact: Slegers, Nathan

* ITEM-102: Community Paramedicine Education Program - Grant Funding (FY 2015).

ITEM DESCRIPTION:

This action is to accept a \$4,800 grant from the California HealthCare Foundation (via the University of California, Los Angeles) for the San Diego Fire Rescue Department. The full amount will be used to pay a stipend to a Public Health Educator (Dr. Kate Haggerty) for training of Paramedics working as part of the Community Paramedicine Pilot Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-672)

Declaring that the Mayor, or his designee, accept and take all necessary actions to secure \$4,800 in Fiscal Year 2015 Community Paramedicine Education Program Grant Funding from the California HealthCare Foundation via the University of California, Los Angeles for the purpose of funding a Public Health Educator to oversee the training of paramedics who are currently working as part of the City's Community Paramedicine Pilot Program;

Declaring that the Chief Financial Officer, or his designee, shall appropriate and expend an amount not to exceed \$4,800 from Fund 600002, Grant 1000440-2015, contingent upon receiving a fully executed grant agreement

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no fiscal impact to the General Fund. All expenses will incur in Fund 600002, Grant 1000440-2015.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mainar/Chadwick

Primary Contact\Phone: Alyssa Ross \619-533-4308, MS 603
Secondary Contact\Phone: Roger Fisher\619-533-4344, MS 603
City Attorney Contact: Brazier, Noah J.

- * ITEM-103: Authorize and approve Legal Services Agreement with Gomez Trial Attorneys and Baron & Budd for work related to *San Diego Unified Port District and City of San Diego v. Monsanto Company, Solutia, Inc., and Pharmacia Corporation*. (Citywide.)

ITEM DESCRIPTION:

Authorize the execution of the Legal Services Agreement between City of San Diego, Gomez Trial Attorneys and Baron & Budd, P.C., in connection with the claims against Monsanto Company, Solutia, Inc., and Pharmacia Corporation as alleged in *San Diego Unified Port District and City of San Diego v. Monsanto Company, Solutia, Inc., and Pharmacia Corporation*, 15-CV-0578, filed in the United States District Court for the Southern District of California.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-682)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Agreement for Legal Services Between the City of San Diego, Gomez Trial Attorneys, and Baron & Budd, P.C., in connection with *San Diego Unified Port District and City of San Diego v. Monsanto Company, Solutia Inc., and Pharmacia Corporation*, United States District Court Case No. 15-CV-0578-WQH (JLB).

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The law firm is being retained on a contingency fee and will be paid out of money that is recovered for the City. The contingency fee is set at 25% of the "Gross Recovery" as defined in the Agreement. The law firm will advance costs and deduct those costs from a net recovery. If there is no net recovery, the City may be obligated to pay its pro rata share of costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This matter was discussed with the City Council in Closed Session on March 17, 2015.

Bamberg

Primary Contact\City Attorney\Phone: Paul F. Prather\619-533-5815

Secondary Contact\Phone: R. Clay Welch\615-533-5839

* ITEM-104: Settlement of construction delay claim of TC Construction Company, Inc., Risk Management File No. 8863.

ITEM DESCRIPTION:

This case involves a construction contract claim by TC Construction Company, Inc. related to the Balboa Terrace Trunk Sewer project. TC claims that it is entitled to a Change Request pursuant to Public Contract Code Section 7104, Subdivision (a) because the subsurface conditions materially differed from those indicated in the contract. The proposed settlement would resolve all claims brought by TC Construction Company, Inc.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-616)

Authorizing the Mayor, or his designee, to execute a settlement and release agreement with TC Construction Company arising from the construction contract claim of *TC Construction Company, Inc. v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00004845-CU-BC-CTL for CIP S-12035, Balboa Terrace Trunk Sewer, Fund 700008, Muni Sewer CIP, in an amount not to exceed \$822,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$822,000 from CIP S-12035, Balboa Terrace Trunk Sewer, Fund 700008, Muni Sewer CIP for the purpose of executing this agreement.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$822,000 will be paid from CIP S-12035, Balboa Terrace Trunk Sewer, Fund 700008, Muni Sewer CIP.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved at the Closed Session meeting on April 7, 2015. The amount of \$10,421,838.13 was previously authorized (R-307397, C-10906, R-296056, R-308249, and 3 PA2625's) for Advertise and Award, Land Acquisition, Geotechnical, Biological, Design Consultant Services, and de-appropriation of funds.

Bamberg

Primary Contact\City Attorney\Phone: Jon Taylor\619-235-5898

* ITEM-105: A Resolution of the Council of the City of San Diego Approving the Settlement between Brian and Kevin Hernandez and the City of San Diego.

ITEM DESCRIPTION:

This a complaint for personal injuries suffered by Plaintiffs as the result of arrest and use of force. The proposed settlement would resolve all claims brought by Brian Hernandez and Kevin Hernandez.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-686)

Authorizing the Mayor, or his designee, to pay the sum of \$135,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury damage claim of *Brian & Kevin Hernandez v. COSD, et al.*, United States District Court Case No. 14cv0591 GPC (JLB);

Authorizing the Chief Financial Officer to appropriate and expend \$135,000 from the Public Liability Fund, Fund No. 720045, 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;

Authorizing the City Comptroller to issue a check in the amount of \$135,000, made payable to Singleton Law Firm, APC - Hernandez.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$135,000 will be paid from the Public Liability Fund, Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved at the Closed Session meeting on April 28, 2015.

Bamberg

Primary Contact\Phone: John Riley\619-236-7263

Secondary Contact\Phone: Anna Lonergan\619-533-5838

City Attorney Contact: Riley, John

* ITEM-106: Settlement of personal injury claims of Ryan Meyer, Risk Management File 7398.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Plaintiff Ryan Meyer pursuant to a negligence cause of action as the result of an automobile vs. pedestrian accident. The proposed settlement would resolve all claims brought by Plaintiff.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-585)

Authorizing the Mayor, or his designee, to pay the sum of \$280,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim of *Meyer v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2014-00084303-CU-PA-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$280,000 from the Public Liability Fund, Fund 720045, 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;

Authorizing the City Comptroller to issue a check in the amount of \$280,000, made payable to Ryan Meyer and his attorneys, the Gomez Law Group.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$280,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on March 24, 2015.

Bamberg

Primary\City Attorney Contact\Phone: Brian Cline\619-533-5883

* ITEM-107: Appointments and Reappointment to the Parking Advisory Board.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-601)

Council confirmation of the following appointments and reappointment by the Mayor of the City of San Diego, to serve as members of the Parking Advisory Board, for the terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Marta Lomeli (Bay Terrace, District 4) (Filling a vacant seat)	District 4 Representative	December 31, 2016
Claudia Orsi (Middletown , District 3) (Filling the seat previously held by Robert Weinberg)	District 5 Representative	December 31, 2015
Siddartha Vivek (Hillcrest, District 3) (Filling the seat previously held by Linda Stanley)	District 6 Representative	December 31, 2016
Gary Smith (Downtown, District 3) (Reappointment)	At-Large Representative	December 31, 2016

- * ITEM-108: Excusing Councilmember Mark Kersey from the April 16, 2015, Charter Review Committee meeting, due to a family emergency.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Excusing Councilmember Kersey from the April 16, 2015, Charter Review Committee meeting, due to a family emergency.

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

- * ITEM-109: Excusing Councilmember Mark Kersey from the Public Safety and Livable Neighborhoods Committee meeting.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Excusing Councilmember Kersey from the May 14, 2014, Special Meeting of the Public Safety and Livable Neighborhoods Committee, due to the May Firestorm.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

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

* ITEM-330: Approving the Amended and Restated City of San Diego 401(k) Plan.

ITEM DESCRIPTION:

This action is to request adoption by Resolution of the amended and restated City of San Diego 401(k) Plan. The amended and restated Plan includes changes required to comply with State and Federal law, as well as discretionary changes that are advisable, but not required.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-696)

Approving the Amendment and Restatement of the City of San Diego 401(k) Plan.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A.

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

Bych/Lewis

Primary Contact\Phone: Estella Montoya\619-533-6107, MS 51B
City Attorney Contact: Story Parks, Roxanne

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

ITEM-331: Amendment to Council Policy 200-07, Marked Crosswalk Criteria at Uncontrolled Locations. (Districts All.)

ITEM DESCRIPTION:

Resolution Amending Council Policy 200-07, Marked Crosswalk Criteria at Uncontrolled Locations. The current policy was adopted in 1990, and it was based on the most up-to-date pedestrian safety practices available at the time. Since that time, there have been substantial changes in pedestrian safety practices and technology and this Council Policy amendment incorporates those changes.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-684)

Approving an Amendment to the Council Policy 200-07 "Marked Crosswalk Criteria at Uncontrolled Locations" to incorporate changes in pedestrian safety practices and technology;

Adopting the revision to Council Policy 200-07;

Instructing the City Clerk to update the Council Policy Manual to include the revised Council Policy 200-07.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated City fiscal impact due to the Council Policy 200-07 update is expected to be approximately \$31,500 per year. The number of uncontrolled crosswalks installed by the Street Division is expected to increase from approximately seven locations per year to twenty-eight locations per year at an average of \$1,500 per location. This increase will be absorbed in the Street Division's budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Policy 200-07: "Comprehensive Pedestrian Crossing Policy," was adopted in 1990.

McFadden/LoMedico

Primary Contact\Phone: Julio Fuentes\619-533-3092

Secondary Contact\Phone: Linda Marabian\619-533-3082

City Attorney Contact: Gerrity, Ryan P.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-332: Otay Mesa Community Plan Update – Land Use Zoning & Clean-Up Items. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

The City Council unanimously adopted the update to the Otay Mesa Community Plan on March 11, 2014. Since that time, City staff and the Otay Mesa Community Planning Group have identified several land use designation, mapping and zoning discrepancies that require City Council action to correct. This action is to fix those discrepancies identified.

STAFF'S RECOMMENDATION:

Adopt the following resolution in Subitem A and introduce the ordinances in Subitems B, C, and D:

Subitem-A: (R-2015-623)

Adoption of a Resolution adopting the corrections to the General Plan and Otay Mesa Community Plan, with a copy of said corrections being on file in the Office of the City Clerk.

Subitem-B: (O-2015-110)

Introduction of an Ordinance rezoning 7.0 acres located in Otay Mesa, within the Otay Mesa Community Plan Area, in the city of San Diego, California, from the CN-1-2 Zone to the RM-2-5 Zone, and repealing Ordinance No. 0-18014 adopted November 29, 1993, of Ordinance of the City of San Diego insofar as the same conflict herewith.

Subitem-C: (O-2015-109)

Introduction of an Ordinance rezoning 6.32 acres located in Otay Mesa, within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the Otay Mesa Development District Industrial and Commercial Subdistricts to the IBT-1-1 Zone, AND rezoning 4.87 acres from the AR-1-1 Zone to the IBT-1-1 Zone, and repealing Ordinances No. 0-16290 adopted October 1, 1984, No. 17984, adopted September 13, 1993, No. 0-19216 adopted September 29, 2003, and Ordinance No. 0-20086 adopted September 28, 2011, Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (O-2015-111)

Introduction of an Ordinance an Ordinance of the Council of the City of San Diego rezoning 14.7 acres located in Otay Mesa, within the Otay Mesa Community Plan Area, in the City of San Diego, California, from the AR-1-1 Zone to the CC-2-3 Zone, and repealing Ordinance No. 0-10862 adopted June 29, 1972, of Ordinance of the City of San Diego insofar as the same conflict herewith.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no fiscal impact associated with the requested action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

March 25, 2015: Smart Growth and Land Use Committee recommended to the City Council to approve the requested actions.

March 11, 2014: City Council adoption of the Otay Mesa Community Plan Update and City of San Diego General Plan Amendment; rescission of the Otay Mesa Development District Ordinance; rezoning to Citywide zones contained in the Land Development Code (LDC); and Amendments to the LDC including the creation of new zones.

Tomlinson/Graham/vw

Primary Contact\Phone: Vickie White\619-533-3945, MS 413

Secondary Contact\Phone: Tait Galloway\619-533-4550, MS 413

City Attorney Contact: Thomas, Shannon

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 3895 Pacific Highway MMCC, Project No. 368341. (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 February 17, 2015. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3895 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 (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: Chris Larson\619-446-5368, MS 401
City Attorney Contact: Lintvedt, Inga

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 Sustainable Therapeutics MMCC, Project No. 368302. (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 March 17, 2015. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3500 Estudillo 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 (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 Chris Larson\619-446-5368, MS 401
City Attorney Contact: Lintvedt, Inga

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

ITEM-335: JCSDFB (Jacobs Cushman San Diego Food Bank) Warehouse, Project No. 367812. (Mira Mesa Community Plan Area. District 6.)

ITEM DESCRIPTION:

The Jacobs & Cushman San Diego Food Bank Warehouse is proposing to install a mixed organic composting facility inside a recently completed addition on the north side of their warehouse located at 9850 Distribution Avenue in the IL-2-1 Zone in the Mira Mesa Community Planning Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and B and introduce the ordinance in Subitem C:

Subitem-A: (R-2015-576)

Adoption of a Resolution with respect to Conditional Use Permit No. 1309381 and Site Development Permit No. 1309378, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Conditional Use Permit No. 1309381/Site Development Permit No. 1309378 to Jacobs & Cushman San Diego Food Bank, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

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

Subitem-B: (R-2015-573)

Adoption of a Resolution vacating a sewer easement located at 9850 Distribution Avenue (Easement Vacation No. 1429228), Project No. 367812.

Vacating Easement Vacation No. 1429228, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38071-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, and EMRA No. 1231235 is hereby terminated;

Directing Development Services Department to record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

Subitem-C: (O-2015-97)

Introduction of an Ordinance changing 4.63-acres located at 9850 Distribution Avenue within the Mira Mesa Community Plan Area, in the City of San Diego, California, from the IL-2-1 zone into the IL-1-1 zone, as defined by San Diego Municipal Code Section 131.0603; and repealing Ordinance No. 11231 (New Series), adopted on February 7, 1974, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi/Graham/kl

Primary Contact\Phone: Karen Lynch\ (619) 446-5351/MS 501

Secondary Contact\Phone: Simon Tse\ (619) 687-5984/MS501

City Attorney Contact: Vonblum, Heidi

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT