

CITY OF SAN DIEGO COUNCIL DOCKET



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Independent
Budget Analyst

Jan Goldsmith
City Attorney

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City Clerk

Council Chambers, 12th Floor, City Administration Building

Monday, June 20, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 20, 2016, AT 2:00 PM
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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

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 based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-200: Appeal of Winnett Homes Extension of Time for a Vesting Tentative Map, Site Development Permit, and Planned Development Permit, Project No. 462056.
(Encanto Community Plan Area. District 4.)

ITEM DESCRIPTION:

An appeal of Development Services Staff decision to approve an Extension of Time for a Vesting Tentative Map, Site Development Permit and Planned Development Permit to construct eight detached single family dwellings on nine lots on a 2.85-acre site located at the southwest corner of Federal Boulevard and Winnett Street, within the Encanto Community Plan.

TODAY'S ACTIONS ARE:

Take the following actions:

According to San Diego Municipal Code Sections 125.0461(a)(2), 126.0111(d) and (i), 112.0504(b), and 112.0508(e), after the conclusion of the public hearing, the City Council may affirm, reverse, or modify the Extension of Time for a Vesting Tentative Map, Site Development Permit and Planned Development Permit; and

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All costs associated with processing of this project are paid through a deposit account by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 5, 2016, the applicant presented the project to the Encanto Planning Group. The planning group on a vote of 3-5-1 recommended denial of the EOT for VTM No. 545092, SDP No. 545091 and PDP No. 545089.

Vacchi/Graham/jr

Primary Contact\Phone: Jeffrey W. Robles\619-446-5225, MS 501

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

City Attorney Contact: Lintvedt, Inga

ITEM-201: Coastal Commission's Modifications to the City's Previously Conforming Ordinance and Local Coastal Program Amendment. (Torrey Pines, University, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, and Peninsula; other coastal communities include Torrey Hills, Carmel Valley, Del Mar Mesa, Mira Mesa, Centre City, Barrio Logan, Otay-Mesa, San Ysidro, and Tijuana River Valley Community Plan Areas. Districts 1, 2, 6, and 8.)

ITEM DESCRIPTION:

The ordinance amends the City's previously conforming regulations per the Coastal Commission action on January 14, 2016. Coastal Commission's changes further limit the development rights for previously conforming development on property that contains or abuts a beach or coastal bluff by placing new limits on 1) maintenance, repair, alteration, and replacement; 2) reconstruction after fire, natural disaster, or act of the public enemy; and 3) expansion of previously conforming development. Previously conforming rights would be terminated when 50 percent or more of the exterior walls, or 50 percent of the capacity of the structure's lateral or vertical load resisting system is destroyed, demolished or removed.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-137)

Introduction of an Ordinance amending Chapter 12, Article 7, Division 1 of the San Diego Municipal Code by amending Sections 127.0104, 127.0105, 127.0106, and 127.0111, all relating to accepting the California Coastal Commission's suggested modifications required for certification of the previously conforming Ordinance adopted as part of the 9th Update to the Land Development Code.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The 9th Update previously conforming ordinance was heard by the Smart Growth and Land Use Council Committee on March 4, 2015; then was introduced by the City Council on April 7, and adopted on April 21, 2015.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Costs associated with implementation of the proposed amendments will be covered by project applicants.

Vacchi/Graham/al

Primary Contact\Phone: Amanda Lee\619-446-5367, MS 501

City Attorney Contact: Thomas, Shannon

ITEM-202: 2015 Urban Water Management Plan. (Citywide.)

ITEM DESCRIPTION:

This item is to adopt the 2015 Urban Water Management Plan (UWMP) so it may be submitted to the California State Department of Water Resources (DWR). The deadline for the 2015 UWMP adoption is July 1, 2016.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2016-713)

Adoption of a Resolution finding that the 2015 Urban Water Management Plan (UWMP) Agreement is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15262;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15262 does not apply.

Subitem B: (R-2016-700)

Adoption of a Resolution approving the 2015 Urban Water Management Plan, on file in the Office of the City Clerk.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Committee on the Environment on May 26, 2016, and forwarded to the full Council with a recommendation to adopt the resolution.

Jones-Santos/Gomez/sb

Primary Contact\Phone: Lan Wiborg\619-533-4112, MS 906

Secondary Contact\Phone: Seevani Bista\619-533-4222, MS 906

City Attorney Contact: Palmucci, Ray

ITEM-203: Development Services Fee Proposal. (Citywide.)

ITEM DESCRIPTION:

This item is to modify Development Services user fees to provide full cost recovery for mandatory regulatory review and inspection services, and meet service level standards. Adoption of the proposed fees would result in approximately \$5,290,000 (13%) in increased revenues for the Development Services Department (DSD).

This action is to change the methodology for calculating the General Plan Maintenance Fee (GPMF) to be more equitable to customers, without increasing total revenue (revenue neutral). The fee would transition from a flat fee to a surcharge rate. No impact to the General Fund is anticipated.

TODAY'S ACTIONS ARE:

Take the following actions:

Subitem-A:

Approve the Development Services Department (DSD's) proposed user fee adjustments to provide full cost recovery for mandatory regulatory review and inspection services, and to meet service level standards.

Subitem-B:

Approve one of the following adjustments to the General Plan Maintenance Fee (GPMF):

(1) An 8.6% GPMF surcharge rate (if Council has adopted DSD's proposed user fee adjustments) or a 9.1% GPMF surcharge rate (if Council has not adopted DSD's proposed user fee adjustments) and reduce the number of permit types subject to the GPMF as reflected in Attachment 1 (see resolution R-2016-654); or,

(2) An 8.6% GPMF surcharge rate (if Council has adopted DSD's proposed user fee adjustments) or a 9.1% GPMF surcharge rate (if Council has not adopted DSD's proposed user fee adjustments) with a \$10,000 cap and reduce the number of permit types subject to the GPMF as reflected in Attachment 1 (see resolution R-2016-714); or,

(3) Maintain the current GPMF fee methodology, but reduce the number of permit types subject to the GPMF as reflected in Attachment 1.

Subitem-C:

Authorize the Mayor, or designee, to take all necessary actions required to appropriate expenditures and revenues, to expend funds, to amend the General Fund User Fee Schedule, and to redirect GPMF revenues from the General Fund to the new special fund for the GPMF entitled "General Plan Maintenance Fund."

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Development Services:

Because of increased operating costs and complexity of building regulations administered by DSD, the costs of providing the same level of service in plan check and inspection activities has increased. Adoption of the proposed fees would result in approximately \$5,290,000 (13%) in increased revenues for the department.

Planning Department:

Approval of this action will redirect GPMF revenue and work program expenditures from a General Fund line item to the new special fund titled "General Plan Maintenance Fund." No impact to the General Fund is anticipated.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

As part of the City's FY 2015 budget deliberations, the Office of the Independent Budget Analyst and the Budget and Government Efficiency Committee recommended DSD complete a department fee study to be brought forward to Council for consideration.

On May 25, 2016, the Budget and Government Efficiency Committee considered the item and after public comment and deliberation, recommended approval of staff's proposal with the addition of a GPMF fee cap of \$10,000. The committee recommendation is reflected in action 2 and resolution (R-2016-714). The motion passed 4-0.

Vacchi/Graham/rt

Primary Contact\Phone: Raquel Torres\619-446-5254, MS 401

Secondary Contact\Phone: Afsaneh Ahmadi\619-446-5406, MS 401

City Attorney Contact: Lintvedt, Inga

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 Comment is taken toward the end of the Monday afternoon Council session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Submission of Ballot Proposals for the November 8, 2016 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE NOVEMBER 8, 2016 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk has established the following administrative guidelines for the November 8, 2016, election.

DAY	DATE	DAYS BEFORE ELECTION	EVENT
Tuesday	6/7/16	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	6/15/16	146	Committee review
Monday	6/27/16	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee
Monday - Tuesday	7/11/16 - 8/2/16	120 - 98	Council to discuss propositions, direct City Attorney to prepare ordinances placing measures on the ballot, and adopt prepared ordinances
Friday	8/12/16	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	8/22/16	78	Impartial and Fiscal Analyses and ballot titles/summaries due to the City Clerk
Thursday	8/25/16	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-251: Public Examination of Election Materials.

May 18, 2016

Pursuant to San Diego Municipal Code Section 27.0403, candidate statements, the propositions and related ballot materials for said candidate races and propositions, to be submitted to the voters within the City of San Diego at the election of November 8, 2016, will be available for public examination for ten (10) calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document</u>	<u>Start date</u>	<u>End date</u>
Candidate Statements of Qualification and Designations of Principal Profession or Occupation	August 3, 2016	August 13, 2016
Ordinances calling election and Ordinances placing measures on the ballot	August 15, 2016	August 25, 2016
City Attorney’s impartial analysis, ballot title and summary, and Mayor/IBA/City Auditor’s fiscal analysis	August 23, 2016	September 1, 2016
Ballot arguments	August 26, 2016	September 5, 2016

For additional information regarding this matter, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-252: Arguments Supporting or Opposing Propositions.

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal General Election to be held on Tuesday, November 8, 2016, the City Clerk has fixed 5:00 p.m. on **Thursday, August 25, 2016**, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk or at <http://www.sandiego.gov/city-clerk/forms/pdf/argumentsigform.pdf>.)

[San Diego Municipal Code section 27.0512](#) provides the priority for selection if more than one argument is submitted for, or against, any measure.

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-253: Ballot Propositions Forwarded to City Council.

The following ballot propositions have been forwarded by City Council Committees and will be heard by City Council for consideration for placement on the November 8, 2016 ballot:

1. Amendments to Charter Section 43(d) Citizens' Review Board on Police Practices.
2. Amendments to Charter provisions related to City contracting, including sections 35 – Purchasing Agent, 94 – Contracts, 94.1 – Job Order Contracts, 94.2 – Design Build Contracts, 94.3 – Bond Reimbursement Program, 94.4 Construction Manager at Risk Contracts, 97 – Collusion in Building, 98 – Alteration in Contracts, 99 – Continuing Contracts, 100 – No Favoritism in Public Contracts, 102-Continuance of Contracts, and 113-Official Advertising.
3. San Diego Fire House Bond 2016. A General Obligation Bond for \$205 Million to build additional fire stations identified in Citygate Report and Working Group Five Year Plan.

The Council is expected to consider these items for the November 8, 2016 ballot at its meeting on June 28, 2016

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT