

# CITY OF SAN DIEGO COUNCIL DOCKET



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## COUNCIL PRESIDENT PRO TEM

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**David Alvarez • Eighth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

**San Diego Civic Center Concourse, Golden Hall, 202 C Street (Rev. 6/22/16)**

**Monday, June 27, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JUNE 27, 2016, AT 1:00 PM  
CIVIC CENTER CONCOURSE  
GOLDEN HALL  
202 "C" STREET  
SAN DIEGO, CA 92101**

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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: The New One Paseo Project, Project No. 451328 - Approvals for New Mixed-Use Development of multi-family residential, commercial retail/commercial office at Del Mar Heights Road and El Camino Real, including an Addendum to a previously certified Environmental Impact Report. (Carmel Valley Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

The Project proposes the construction of 608 residential units (800,000 square feet), 280,000 square feet of office use, and 95,871 square feet of retail use on a 23.6-acre site. The site is located south of Del Mar Heights Road between El Camino Real and High Bluff Drive in the Carmel Valley Planned District Mixed-Use Center (CVPD-MC) Zone of the Carmel Valley Community Plan. The Project, as proposed, exempts the actions from the requirement of a Planning Commission hearing and recommendation.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution in subitem A and introduce the ordinances in subitems B, C, D, and E:

**Subitem-A: (R-2016-643 Cor. Copy) (Rev. 6/22/16)**

Adoption of a Resolution declaring that the information contained in the final Environmental Impact Report No. 193036, SCH No. 201051073 along with the Addendum thereto, including any comments received during the public review process, has been reviewed and considered by this City Council prior to making a decision on the Project;

Declaring that there are no substantial changes proposed through the consideration of the Project and no substantial changes with respect to the circumstances that would require major revisions in the Environmental Impact Report;

Declaring that no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in the Environmental Impact Report;

Declaring that no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt;

Adopting the Addendum to Environmental Impact Report No. 451328, SCH No. 2010051073 with respect to the Project, pursuant to State California Environmental Quality Act of 1970 (CEQA) Guidelines Section 15164, none of the conditions of described in State CEQA Guidelines Section 15162 have occurred or only minor technical changes or additions are necessary, a copy of which is on file in the office of the Development Services Department;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council in order to mitigate or avoid significant effects on the environment, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit A;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of the Ordinances approving Vesting Tentative Map No. 1579190, Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192.

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

**Subitem-B:** (O-2016-112 Cor. Copy) (Rev. 6/22/16)

Introduction of an Ordinance adopting amendments to the General Plan, Carmel Valley Community Plan, and the Carmel Valley Employment Center Development Unit Number Two Precise Plan for the New One Paseo Project and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance.

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

**Subitem-C:** (O-2016-119 Cor. Copy 2) (Rev. 6/22/16)

Introduction of an Ordinance amending Chapter 15, Article 3, Division 3 of the San Diego Municipal Code by amending Section 153.0311 relating to the Carmel Valley Planned District Ordinance and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance.

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

**Subitem-D: (O-2016-114 Cor. Copy) (Rev. 6/22/16)**

Introduction of an Ordinance approving Site Development Permit No. 1579191 and Neighborhood Development Permit No. 1579192 for the New One Paseo and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance, Project No. 451328.

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

**Subitem-E: (O-2016-113 Cor. Copy) (Rev. 6/22/16)**

Introduction of an Ordinance approving Vesting Tentative Map No. 1579190, public Right-of-Way and Easement Vacation for the New One Paseo and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance, Project No. 451328.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. Project costs are paid by the applicant through a deposit account.

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

The proposed project was unable to receive a recommendation by the Planning Commission due to not having a quorum. The Project is proceeding directly to the City Council with having all actions except the certification of Addendum No. 451328 to Environmental Impact Report No. 193036 and associated Mitigation Monitoring and Reporting Program go by uncodified ordinance to exempt them from the requirement to go to Planning Commission.

Vacchi/Graham/rm

Primary Contact\Phone: Renee Mezo\619-446-5001, MS 501

Secondary Contact\Phone: Paul Godwin\619-446-5190, MS 501

City Attorney Contact: Neuffer, Corrine

**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 <b>and</b> Designations of Principal Profession or Occupation	August 3, 2016	August 13, 2016
Ordinances calling election <b>and</b> Ordinances placing measures on the ballot	August 15, 2016	August 25, 2016
City Attorney's impartial analysis, ballot title and summary, <b>and</b> 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

ITEM-254: **Notice** of Pending Final Map Approval - 715 Santa Barbara Place.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "715 Santa Barbara Place" (Planning Commission No. 4248-PC and T.M. 349427/PTS No. 105096) located 713 Santa Barbara Place, at the southeast corner of Santa Barbara Place and Strandway, legally described as Lot H and I in Block 108 of Mission Beach, according to Map thereof No. 1651, dated December 14, 1914, in the City of San Diego, County of San Diego, State of California, in the RS Zone of the Mission Beach Planned District, within the Mission Beach Community Plan area, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-255: 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. Maximize voter participation on ballot measures by aligning local law with state law.
2. "Right to Vote in the General Election Act," requiring the top two "vote-getters" to be on the general election ballot, regardless of the primary election percentages.
3. Consideration of an Amendment to Charter section 40: City Attorney, addressing the qualifications for office and the powers and duties of the Office of City Attorney, including deputies.
4. Consideration of language amending Sections 23 – Initiative, Referendum and Recall, and 108 – Forfeiture of Office for Fraud and related Charter Sections to address removal from office, succession of elected officials and interim authority; and organize the sections along with other sections common to all elected officials in a new Article 16 (new 2.5).
5. Consideration of a proposed cannabis Business Tax Ordinance.

The Council is expected to consider these items for the November 8, 2016 ballot at its meeting on July 11, 2016.

NON-DOCKETED ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT