

CITY OF SAN DIEGO COUNCIL DOCKET



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Sherri 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

Monday, December 5, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 5, 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, COMMITTEE ITEMS

COMMITTEE ON RULES:

ITEM-150: Charter Review Committee 2016 Final Report. (Citywide.)

TODAY'S ACTION IS:

Review and accept the Charter Review Committee Final Report.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules Committee meeting on November 14, 2016.

ACTION: Motion by Vice Chair Emerald, second by Councilmember Cate, to accept the report and recommend review and acceptance by the full City Council on the December 5th/6th docket.

VOTE: 5-0; Lightner-yea, Cole-yea, Kersey-yea, Cate-yea, Emerald-yea.

Mojabi

Primary Contact\Phone: Dominika Bukalova\619-236-6611

ITEM-151: Rules Committee 2016 Year-End Report. (Citywide.)

TODAY'S ACTION IS:

Review and accept the Rules Committee 2016 Year-End Report.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules Committee meeting on November 14, 2016.

ACTION: Motion by Vice Chair Emerald, second by Chair Lightner, to accept the report and recommend review and acceptance by the full City Council on the December 5th/6th docket.

VOTE: 5-0; Lightner-yea, Cole-yea, Kersey-yea, Cate-yea, Emerald-yea.

Mojabi

Primary Contact\Phone: Dominika Bukalova\619-236-6611

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL
RELATIONS, RESOLUTIONS:

ITEM-152: Community Development Block Grant (CDBG) Reinvestment Initiative for Fiscal Year (FY) 2018.

ITEM DESCRIPTION:

The proposed action will approve the Community Development Block Grant (CDBG) Reinvestment Initiative for FY 2018.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-273)

Authorizing and directing the Mayor, or designee, to pursue preparation of a Substantial Amendment to the Consolidated Plan, a Fiscal Year 2018 Annual Action Plan, requests for qualifications, requests for proposals, and all other reasonable actions necessary or desirable to make the following programs available for consideration by the Council for funding from Community Development Block Grant (CDBG) Program Income in Fiscal Year 2018:

- a. Programs providing for rehabilitation of multi-family units and single family homes, in addition to serving the homeless;
- b. Programs for workforce development for at-risk youth, small business accelerators, and small business loan and investment fund opportunities that will also provide small business consulting services;
- c. Programs supporting the installation of smart street lighting and urban forestry (tree planting) throughout the City's CDBG eligible service areas;
- d. Partnering with local non-profit organizations to provide sustainable rehabilitation programs to low-and moderate-income homeowners and job training and employment opportunities for highly vulnerable populations, such as youth and veterans, who are interested in sustainability-related careers;
- e. Investing in CDBG-eligible infrastructure projects to maximize the potential for catalytic impacts of strategically targeted infrastructure projects.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The requested action will result in no fiscal impact to the City's General Fund. All funding referenced in the requested action originates from the U.S. Department of Housing and Urban Development. The requested action will not result in the allocation of funds. A future action to allocate Community Development Block Grant (CDBG) Funds for the Reinvestment Initiative will be requested as part the City's FY 2018 Annual HUD Entitlement Programs Allocations.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

On November 17, 2016, the Economic Development and Intergovernmental Relations Committee approved the staff recommendation contingent upon the provision of additional information on the proposed Community Development Block Grant (CDBG) Reinvestment Initiative for Fiscal Year 2018. See Attachment A and Attachment B.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to recommend Council approval of the staff recommendation with a request that the following information be provided:

- Information regarding specific allocations and identified funding recipients;
- Project status updates for projects listed in the proposed CDBG Capital Plan;
- Breakdown of funding sources that comprise the \$7.215 million Capital Plan investment proposed for FY18.

VOTE: 3-0; Cole-yea, Cate-yea, Alvarez-yea, Kersey-not present.

Caldwell/Graham

Primary Contact\Phone: Stephen Maduli-Williams\619-533-6510

Secondary Contact\Phone: Krissy Maier\619-236-6312

City Attorney Contact: Williams, Delmar G.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Revisions to Council Policy 700-02 (Community Development Block Grant Program). (Citywide.)

ITEM DESCRIPTION:

The City Council is asked to consider and adopt revisions to Council Policy 700-02 (CP 700-02) regarding the Community Development Block Grant Program. These revisions are based upon stakeholder input and best practices and will improve upon the general guidelines by which the City will select and implement activities utilizing Community Development Block Grant (CDBG) Funds.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-258)

Amending Council Policy 700-02 titled "Community Development Block Grant Program".

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no impact to General Fund as a result of this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The City Council adopted CP 700-02 on August 15, 1983 (via Resolution No. R-259072), and subsequently amended CP 700-02 on March 22, 1993 (via Resolution No. R-281638); July 26, 1993 (via Resolution No. R-282395); June 25, 1996 (via Resolution No. R-287559); February 11, 2008 (via Resolution No. R-303367); November 24, 2009 (via Resolution No. R-305413); and March 28, 2012 (via Resolution No. R-307328). The City Council adopted changes to the homeless set-aside language within CP 700-02 on October 3, 2012 (via Resolution No. R-307701) and May 12, 2015 (via Resolution No. R-309666).

Caldwell/Graham

Primary Contact\Phone: Michele Marano\619-236-6381, MS 56D

Secondary Contact\Phone: Stephen Maduli-Williams\619-533-6510, MS 56D

City Attorney Contact: Williams, Delmar G.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-201: University Community Plan Amendment. (University Community Plan Area. District 1.)

ITEM DESCRIPTION:

City Council initiated an amendment to the University Community Plan on September 29, 2014, and directed the Planning Department to address the issues and impacts relating to right-of-way acquisition and construction of improvements in Rose Canyon associated with the proposed Genesee Avenue Widening and Regent Road projects (CIP Projects S-00852 and S-00729). These include a variety of technical, environmental, and community concerns, as well as further regulatory permitting by resource and wildlife agencies from impacts to sensitive biological resources. The City Council will consider the proposed University Community Plan Amendment and the certification of the Program Environmental Impact Report (PEIR).

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R 2016-275)

Adoption of a Resolution certifying that the Final PEIR has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Final PEIR reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Final PEIR, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting the Candidate Findings made with respect to the Project, pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091;

Adopting the Statement of Overriding Considerations made with respect to the Project, pursuant to State CEQA Guidelines Section 15093;

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;

The Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the Planning Department, 1010 Second Avenue, East Tower, Suite 1200, San Diego, CA 92101;

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.

Subitem B: (R-2017-274)

Adoption of a Resolution approving the amendments to the General Plan and University City Community Plan Amendment, a copy of which is on file in the Office of the City Clerk.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 27, 2016, the Planning Commission voted 6-0-1 to recommend approval of the Construction of Regents Road Bridge and No Widening of Genesee Avenue alternative described in the FEIR Errata provided as Attachment 3 and to design the Regents Road Bridge consistent with Section 1.4.2 of the City of San Diego MSCP Subarea Plan.

Murphy\Graham\dm

Primary Contact\Phone: Dan Monroe\619-236-5529, MS 413

Secondary Contact\Phone: Brian Schoenfisch\619-533-6457, MS 413

City Attorney Contact: Thomas, Shannon

ITEM-202: Castlerock/Playa Del Sol, Project No. 466863 – Approval of an Inclusionary Affordable Housing Regulations Variance for previously approved Castlerock development, Project Nos. 10046 and 388889. (Formerly East Elliott and Otay Mesa Community Plan Areas. Districts 7 and 8.)

ITEM DESCRIPTION:

The request is an Inclusionary Affordable Housing Regulations Variance to allow the applicant, Pardee Homes, to satisfy its inclusionary affordable housing requirement for the previously approved Castlerock project by deed restricting 42 dwelling units as affordable for-rent units, off-site, at its previously approved Playa del Sol Project. An Inclusionary Affordable Housing Regulations Variance to allow the development of affordable housing off-site and outside of a project site's community plan area is subject to a Process Four Planning Commission decision pursuant to San Diego Municipal Code (SDMC) Section 142.1307 and six required findings as set forth in SDMC Section 142.1308 (a) and (c). All required findings to approve the requested variance can be made except for one required finding. The request is to approve the subject Variance by Ordinance and waive one required finding and the requirement for a Planning Commission recommendation hearing.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-65)

Introduction of an Ordinance approving Variance No. 1633600 to allow the inclusionary affordable housing obligation for the Castlerock Project (Project Nos. 10046 and 388889) to be satisfied by providing off-site affordable housing in the Playa Del Sol Project (Project No. 4925), waiving the requirement for one finding related to an affordable housing variance approval, and waiving the requirement of a Planning Commission hearing and recommendation prior to the passage of this Ordinance.

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:

Due to the inability to make all of the required findings to approve an Inclusionary Affordable Housing Regulations Variance, the request is proceeding directly to the City Council as an uncodified ordinance which would allow the request to waive one required finding and a Planning Commission hearing and recommendation. The City Council previously approved the original Castlerock Project (Project No. 10046) on September 16, 2013; an amendment, affecting Unit 5 of the Castlerock development (Project No. 388889), on August 4, 2015; and, the Playa Del Sol Project (Project No.4925) on February 17, 2009.

Vacchi/Graham/ft

Primary Contact\Phone: Firouzeh Tirandazi\619-446-5325, MS 301

Secondary Contact\Phone: Morris Dye\619-446-5201, MS 301

City Attorney Contact: Thomas, Shannon

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.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT