

**THE CITY OF SAN DIEGO, CALIFORNIA**  
**MINUTES FOR REGULAR COUNCIL MEETING**  
**OF**  
**Monday, February 24, 2014**  
**AT 2:00 PM**  
**IN THE COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR**

**Table of Contents**

[CHRONOLOGY OF THE MEETING](#)

[ATTENDANCE DURING THE MEETING](#)

[ROLL CALL](#)

[INVOCATION](#)

[PLEDGE OF ALLEGIANCE](#)

[MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT](#)

[CLOSED SESSION ITEMS](#)

[ITEM-200: La Jolla Commons III, Project No. 324553](#)

[ITEM-201: La Jolla Childrens' Pool Beach Seasonal Closure, Project No. 225045](#)

[ITEM-250: Submission of Ballot Proposals for the June 3, 2014 Ballot](#)

[ITEM-251: Arguments Supporting or Opposing Propositions](#)

[ITEM-252: Primary Election Public Exam Period](#)

[ITEM-S400: Peggy Shannon Day](#)

[ITEM-S401: Submission of City Clerk Certificate of Sufficiency for Referendary Petition - Ordinance O-20333 and Resolution R-308648 \(relating to the Housing Impact Fees\)](#)

[REPORT OUT OF CLOSED SESSION](#)

[NON-DOCKET ITEMS](#)

[ADJOURNMENT](#)

### **CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Gloria at 2:04 p.m. Council President Gloria recessed the meeting at 4:48 p.m. for the purpose of a break. Council President Gloria reconvened the meeting at 4:54 p.m. with all Councilmembers present. Council President Gloria recessed the meeting at 5:23 p.m. for the purpose of a break. Council President Gloria reconvened the meeting at 5:26 p.m. with all Councilmembers present. The meeting was adjourned by Council President Gloria at 5:31 p.m.

### **ATTENDANCE DURING THE MEETING:**

#### PRESENT:

CD-1 Council President Pro Tem Sherri Lightner  
CD-2 Councilmember Kevin Faulconer  
CD-3 Council President Todd Gloria  
CD-4 Councilmember Myrtle Cole  
CD-5 Councilmember Mark Kersey  
CD-6 Councilmember Lorie Zapf  
CD-7 Councilmember Scott Sherman  
CD-8 Councilmember David Alvarez  
CD-9 Councilmember Marti Emerald

#### ABSENT:

None.

#### CITY CLERK:

Maland (gs)

### **ROLL CALL:**

- (1) Council President Pro Tem Lightner-present
- (2) Councilmember Faulconer-present
- (3) Council President Gloria-present
- (4) Councilmember Cole-present
- (5) Councilmember Kersey-present
- (6) Councilmember Zapf-present
- (7) Councilmember Sherman-present
- (8) Councilmember Alvarez-present
- (9) Councilmember Emerald-present

### **INVOCATION:**

The invocation was given by City Clerk Elizabeth Maland.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Councilmember Emerald.

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT:

None.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(d)(1):**

**CS-1 *The Grande North at Santa Fe Place Homeowners Association v. BOSA Development California, Inc., et al.***

San Diego County Superior Court Case No. 37-2009-98057-CU-CD-CTL

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 25, 2014**

DCA Assigned: C. Leone

Outside Counsel: David P. Bender, Jr.

This case involves allegations that gases from the City of San Diego's sewer system have damaged cast iron piping. The City Attorney's Office will update the City Council on the status of the litigation and seek direction.

COUNCIL ACTION: Start Time: 5:30 PM

**Council President Gloria closed the hearing.**

**CS-2 *Sgt. Christopher Cervantes v. City of San Diego***

San Diego County Superior Court Case No. 37-2012-00100839-CU-CR-CTL

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 25, 2014**

DCA Assigned: K. Steinman

This case arises from an incident where plaintiff was detained and taken to a detoxification center for violation of California Penal Code section 647(f) (drunk in public). The City Attorney's Office will update the City Council on the status of the litigation and seek direction.

COUNCIL ACTION: Start Time: 5:30 PM

**Council President Gloria closed the hearing.**

**ITEM-200: La Jolla Commons III, Project No. 324553. (University Community Plan Area. District 1.)**

**ITEM DESCRIPTION:**

A General Plan (GP) and University Community Plan Amendment (CPA), Planned Development Permit (PDP), amendment to Planned Development Permit No. 252591 and Vesting Tentative Map (VTM), amendment to Vesting Tentative Map No. 340259 to change the land use designation from Residential, Visitor Commercial, Office, and Industrial to Visitor Commercial, Office, and Industrial and for the construction of a new building with three optional uses including Office, Hotel or a combination of Office/Hotel, located on a vacant 1.68 acre site at 4727 Executive Drive within the University Community Plan Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-423) ADOPTED AS RESOLUTION R-308754

Adoption of a Resolution certifying Addendum to Environmental Impact Report No. 99-0762, and Addendum No. 79804; adopting the Mitigation Monitoring and Reporting Program, which is attached hereto as Exhibit A, for La Jolla Commons III, Project No. 324553;

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.

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

Subitem-B: (R-2014-422) ADOPTED AS RESOLUTION R-308755

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

Adopting an amendment to the General Plan for the City of San Diego to incorporate the above amended plan.

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

Subitem-C: (R-2014-424) ADOPTED AS RESOLUTION R-308756

Adoption of a Resolution certifying findings with respect to Planned Development Permit No. 1153095, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 1153095 to HSPF La Jolla Commons III Investors LLC, 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-D: (R-2014-425) ADOPTED AS RESOLUTION R-308757

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 1153096, which are supported by the minutes, maps and exhibits, all of which are herein incorporated by this reference;

Granting Vesting Tentative Map No. 1153096 to HSPF La Jolla Commons III Investors LLC, based on the Findings hereinbefore adopted by the City Council, subject to the attached conditions which are made a part of this Resolution by this reference.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All costs associated with the processing this project has been paid by the applicant through a deposit account.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi/Villa /lb

Primary Contact\Phone: Laura Black\619-236-6357 MS 501

Secondary Contact\Phone: Jeffrey Peterson\619-446-5237 MS 501

City Attorney Contact: Corrine L. Neuffer

COUNCIL ACTION: Start Time: 2:16 PM

CONSENT MOTION BY SHERRI LIGHTNER TO ADOPT. Second by Marti Emerald.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Myrtle Cole, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

**ITEM-201: La Jolla Childrens' Pool Beach Seasonal Closure, Project No. 225045. (La Jolla Community Plan Area. District 1.)**

**ITEM DESCRIPTION:**

The project proposes a Community Plan/Local Coastal Program Amendment and Ordinance to prohibit public access to the Children's Pool Beach seasonally during Harbor seal pupping season from December 15 to May 15 annually.

**STAFF'S RECOMMENDATION:**

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

**Subitem-A: (R-2014-198) ADOPTED AS RESOLUTION R-308758**

Adoption of a Resolution certifying that the Declaration 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 Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, 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 said Declaration, on the basis of the entire record, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment;

Declaring that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, 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 after final passage of the ordinance amending the San Diego Municipal Code to prohibit public access to the La Jolla Childrens' Pool annually during harbor seal pupping season (December 15 – May 15).

Subitem-B: (O-2014-38) INTRODUCED TO BE ADOPTED TUESDAY, MARCH 11, 2014

Introduction of an Ordinance amending Chapter 6, Article 3, Division 10 of the San Diego Municipal Code by amending Section 63.0102, relating to the use of the La Jolla Childrens' Pool, which Ordinance shall not take effect until a permit for its use is issued by the California Coastal Commission.

Subitem-C: (R-2014-199 Cor. Copy) (Rev. 2/19/14) ADOPTED AS RESOLUTION R-308759

Adoption of a Resolution adopting the amendments to the La Jolla Community Plan and Local Coastal Program, a copy of which is on file in the Office of the City Clerk;

Declaring that the Council adopts an amendment to the General Plan for the City of San Diego to incorporate the above amended plan;

Declaring that the La Jolla Community Plan, Local Coastal Program Land Use Plan, and General Plan amendments approved herein are not effective until the La Jolla Community Plan and Local Coastal Program Land Use Plan are unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$25,000 in processing costs covered from Park and Recreation Dept. budget.

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

Approval of R-305837 on May 17, 2010.

Vacchi/LoMedico /md

Primary Contact\Phone: Morris Dye\619-446-5201, MS 501

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

City Attorney Contact: Shannon Thomas

**COUNCIL ACTION:** Start Time: 2:22 PM

Failed by the following vote:

Yea: Sherri Lightner, Mark Kersey, Scott Sherman;

Nay: Kevin Faulconer, Todd Gloria, Myrtle Cole, Lorie Zapf, David Alvarez, Marti Emerald;

Recused: (None);

Not Present: (None).

Testimony in opposition Greg Guinness, Phyllis Minick, Lohn Leek, Bill Powers, Michael Costello, Ken Hunrichs, Cheryl Jacobs Aspenleitem, Ryan Sweeney, Tom Brady, Tony Crisafi, Volker Hoehne, Wes Johnson, Dan Allen, Andrew Shute, Bernard King, and Ed Harris.

Testimony in favor Ellen Shively, Adrian Kwiatkowski, Jane Reldan, Deborah Saracini, Bryan Peace, Todd Cardiff, Carolyn Price, Chloe Reitherman, Shannon Player, Steve Parks, Steve Parks, Andrea Hahn, Carol Archibald, John Lomac, Armando Flores, Deborah Cohen, Roxann Grant, Jeanne Thoennes, Jean Costa, Joe LaCava, Dawn Dunsmore, Jane Cartmill, James M. Fitzgerald, Michael Gold, Jeanne Cherbeneau, Joseph Cordaro, Nancy Lee, and Pam Thomas.

Motion by Sherri Lightner to reject staff's recommendations and continue with the City's collection of data for the existing three year coastal development permit for the year-round rope barrier. Second by Scott Sherman.

MOTION BY MARTI EMERALD TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND C; AND INTRODUCE THE ORDINANCE IN SUBITEM B. Second by Myrtle Cole.

Passed by the following vote:

Yea: Kevin Faulconer, Todd Gloria, Myrtle Cole, Lorie Zapf, David Alvarez, Marti Emerald;

Nay: Sherri Lightner, Mark Kersey, Scott Sherman;

Recused: (None);

Not Present: (None).

#### **ITEM-250: Submission of Ballot Proposals for the June 3, 2014 Ballot.**

##### **SUBMISSION OF BALLOT PROPOSALS FOR THE JUNE 3, 2014 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 127 days prior to the election the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 3, 2014, election\*:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/10/14	144	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	1/15/14	139	Committee review.
Monday	1/27/14	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	1/27/14	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	2/10/14	113	Council adopts ordinances prepared by City Attorney.

Friday	3/7/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	3/20/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4025.

**ITEM-251: 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 Primary Election to be held on Tuesday, June 3, 2014, the City Clerk has fixed 5:00 p.m. on Thursday, March 20, 2014, 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-252: Primary Election Public Exam Period.**

January 24, 2014

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 June 3, 2014, 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	March 7, 2014	March 16, 2014
Ordinances calling election <b>and</b> Ordinances placing measures on the ballot	March 10, 2014	March 20, 2014
City Attorney's impartial analysis, ballot title and summary, <b>and</b> Mayor/IBA/City Auditor's fiscal analysis	March 18, 2014	March 27, 2014
Ballot arguments	March 21, 2014	March 30, 2014

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

**ITEM-S400: Peggy Shannon Day.**

**PRESENTED BY COUNCIL PRESIDENT GLORIA:**

APPROVED

Proclaiming February 24, 2014, to be "Peggy Shannon Day" in the City of San Diego.

COUNCIL ACTION: Start Time: 2:05 PM

**ITEM-S401: Submission of City Clerk Certificate of Sufficiency for Referendary Petition - Ordinance O-20333 and Resolution R-308648 (relating to the Housing Impact Fees).**

**CITY CLERK'S RECOMMENDATION:**

REPORT RECEIVED

Informational item only.

Submit before Council the City Clerk Certificate of Sufficiency.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland, City Clerk\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone, Deputy Director\619-533-4060, MS 2A

COUNCIL ACTION: Start Time: 2:18 PM

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

Council President Gloria adjourned the meeting at 5:31 p.m. in honor of the memory of:

Eugene Gomes as requested by Councilmember Kersey.

COUNCIL ACTION: Start Time: 5:30 PM