



**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Adoption Agenda, Discussion, Committee Item

ITEM-150: Amending the San Diego Municipal Code Relating to Fires, Waste, and Refuse at Designated Areas and Public Beaches.  
PUBLIC SAFETY AND NEIGHBORHOOD SERVICES  
COMMITTEE'S RECOMMENDATION: On 4/28/2004, PS&NS voted 5 to 0 to approve the proposed amendment to the San Diego Municipal Code Section 63.20.5.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Water Supply and Franchise Agreements with the California-American Water Company and the City of Coronado. Egger Highlands, Palm City, Nestor, and Otay Mesa West Franchise Areas.  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.

ITEM-201: Extension of the San Diego Regional Fire Rescue Helicopter Program.  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-202: Agreement with Wylie Construction, Inc. for Design-Build Construction Services for the Nobel Athletic Area and North University Branch Library. University City Community Area. (Dist. 1)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-203: Four actions related to Fiscal Year 2004-2005 Salary Ordinance and Resolutions.  
PERSONNEL DIRECTOR'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D.

=== LEGISLATIVE SCHEDULE (Continued) ===

Public Notices

ITEM-250: Submission of Ballot Proposals.

ITEM-251: **Notice** of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 10.

Adoption Agenda, Discussion, Committee Item

ITEM-330: Two actions related to Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2004. Torrey Highlands Community Area. (Dist. 1)

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/04/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation and refer to City Council with direction to the City Manager to: 1) Continue working with property owners and developers regarding development phasing thresholds ensuring that any proposed shift in trips between residential and commercial allocations takes into account the impact on the need for parks and assurance that any change would not conflict with any existing approvals, agreements, or entitlements, and 2) Meet with developers and property owners to explain the basis of proposed FBA fee increases.

Noticed Hearings, Discussion

ITEM-331: Nobel Athletic Area and Library. PTS No. 5825. University Community Plan Area. (Dist. 1)

Nobel Athletic Area & Library - To consider override of City Manager's determination of noncompliance with the land use recommendations of the adopted NAS Miramar Comprehensive Land Use Plan (CLUP), in accordance with Land Development Code Section 132.0310. The proposed project is located within an area identified as being subject to the 65-70 db Community Noise Equivalent Level by the NAS Miramar CLUP, at a site northwest of Nobel Drive, east of Toscana Drive and southwest of Judicial Drive in the Airport Environs Overlay Zone, within the University Community Planning Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion (Continued)

ITEM-332: Shaw Lorenz. Del Mar Mesa Community Plan Area. (Dist. 1)

Matter of approving, conditionally approving, modifying or denying a Street and Easement Vacation, Vesting Tentative Map, Planned Development/Site Development/Coastal Development/Neighborhood Use Permit to vacate access and utility easements and subdivide 277.96 acres for a 139 lot single family development with one remainder lot of 8.23 acres to allow future development of 139 single family structures with guest quarters, public streets and private driveways, urban amenities including a trail system and preservation of sensitive habitats within the Del Mar Mesa Specific Plan Area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in subitems A, B, and C; and adopt the resolution in subitem D to grant the permits

ITEM-333: Hawley Residence. La Jolla Community Plan Area. (Dist. 1)

Matter of the appeal by Louis Perry from the decision of the Planning Commission in adopting Negative Declaration No. 3768 prepared in connection with the above named project.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution to deny the appeal and uphold the Environmental Determination Negative Declaration No. 3768.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEM

COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES,  
ORDINANCE TO BE INTRODUCED:

ITEM-150: Amending the San Diego Municipal Code Relating to Fires, Waste, and Refuse at Designated Areas and Public Beaches.

(See City Manager Report CMR-04-086.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2004-126)

Introduction of an Ordinance amending Chapter 6, Article 3, Section 63.20.5 of the San Diego Municipal Code, relating to fires, waste, and refuse at designated areas and public beaches.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 4/28/2004, PS&NS voted 5 to 0 to approve the proposed amendment to the San Diego Municipal Code Section 63.20.5. (Councilmembers Zucchet, Atkins, Lewis, Maienschein, and Frye voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED WITH RESOLUTION TO BE ADOPTED:

ITEM-200: Water Supply and Franchise Agreements with the California-American Water Company and the City of Coronado.

(Egger Highlands, Palm City, Nestor, and Otay Mesa West Franchise Areas.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2004-135)

Introduction of an Ordinance granting a water service franchise to the California-American Water Company.

Subitem-B: (R-2004-1168)

Authorizing execution of an agreement with California-American Water Company and the City of Coronado to amend and modify agreements for the sale and delivery of water.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Extension of the San Diego Regional Fire Rescue Helicopter Program.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1167)

Authorizing the City Manager to execute a Memorandum of Understanding with the Service Authority for Freeway Emergencies (SAFE) to continue the fire and rescue helicopter program, to be operated, managed, and administered by the San Diego Fire-Rescue Department, contingent on the receipt of funding from SAFE, the County of San Diego, donors, and others;

Authorizing the City Manager to accept and expend funds from SAFE for the fire and rescue helicopter program for Fiscal Year 2004;

Authorizing the City Manager to renew the existing agreement with Kachina Aviation for helicopter services for the fire and rescue helicopter program for an additional six-month term, with monthly renewals thereafter as required by the City, in a total amount not to exceed \$1,285,206 in Fiscal Year 2005, contingent on Council's adoption of the Fiscal Year 2005 budget;

Authorizing the expenditure of an amount not to exceed \$1,285,206 from Fund No. 100, Dept 120, Organization 2200, Object Account 4222, to provide funds for helicopter services under the renewal agreement with Kachina Aviation.

**CITY MANAGER SUPPORTING INFORMATION:**

On June 17, 2004, the Mayor and City Council adopted Resolution R-298093 which authorized execution of agreements with SAFE (Service Authority for Freeway Emergencies) and the County of San Diego to implement the Regional Helicopter Program (Helicopter Program); and authorized execution of the contract with Kachina Aviation to provide helicopter services for the Helicopter Program. Under the contract, Kachina Aviation provides a Bell 212HP twin turbine helicopter, equipped with a 375 gallon water dropping tank, rescue hoist and searchlight, pilots, maintenance engineers, maintenance, fuel, fuel servicing vehicle, fuel servicing vehicle driver, required equipment and insurance. Funding for the Helicopter Program was provided by the SAFE, private donors, corporate sponsors and the City and County of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The contract with Kachina Aviation started on June 25, 2004, operated for one hundred and twenty days and officially expired at midnight on October 22, 2004. Due to existing wildfires in Southern California and forecasted weather conditions at that time, the California Department of Forestry (CDF) entered into a "call when needed" emergency contract with Kachina Aviation and put Copter 1 into service under CDF's jurisdiction. On October 27, CDF released Copter 1 and it returned to San Diego to help fight the Paradise and Cedar Fires and coordinate air resources within the City.

On December 8, 2004, Mayor and Council approved the City Manager's request to extend the Kachina Aviation contract until a permanent, countywide fire and rescue helicopter program is established and funded in San Diego County. The existing contract is for a minimum of 120-days beginning on June 25, 2004 through June 24, 2004 with an option to renew the contract an additional four (4) one (1) year periods.

**FISCAL IMPACT**

The estimated cost of the Helicopter Program in FY 2005 is \$2,760,000. This estimate is based on a 6-month contract with Kachina Aviation for a 12-hour day, 7-day a week operation and a permanent Helicopter Program in place by January, 2005. There is currently a formal study underway by helicopter consultants Conklin and deDecker to recommend an effective regional Helicopter Program for San Diego County. The results of the study should be completed by June, 2004. Along side this study, the City of San Diego in conjunction with the San Diego County Fire Chief's Association, is currently working on several options to acquire a permanent helicopter for the region. The estimated revenue from donations, grants and sponsorships to help fund the Helicopter Program operations in FY 2005 is \$800,000.

SAFE has been a long-term financial supporter of the Helicopter Program. In FY 2004, SAFE provided \$230,000 to fund the first 90-day pilot Helicopter Program. In FY 2004, SAFE provided \$400,000 to fund the 120-day Seasonal Helicopter Program. On February 12, 2004, the SAFE Board of Directors voted to contribute additional funds to help continue the Helicopter Program in FY 2004 through monthly contributions of \$34,642 for a four and one-half month period.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

**FISCAL IMPACT** (Continued)

Executing the Memorandum of Understanding between the City of San Diego and SAFE will authorize the City Manager to accept and expend these additional funds in support of the Helicopter Program. It is anticipated that SAFE will provide additional funding in FY 2005 to continue the Helicopter Program in San Diego County.

Herring/Bowman/MB

Aud. Cert. 2500002.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Agreement with Wylie Construction, Inc. for Design-Build Construction Services for the Nobel Athletic Area and North University Branch Library.

(University City Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1155 1155 Cor. Copy)

Authorizing the City Manager to execute a phase funded agreement with Wylie Construction, Inc., in an amount not to exceed \$17,107,154 for design-build construction services for the Nobel Athletic Area and North University Branch Library, contingent on City Auditor and Comptroller first certifying that funds necessary for each contract phase are, or will be, on deposit with City Treasurer;

Authorizing the expenditure of an amount not to exceed \$971,260 from Nobel Athletic Area, CIP-29-718.0 and North University Community Branch Library, CIP-35-098.0, for the purpose of funding Phase I (design) of the design-build agreement; and authorizing the expenditure of \$16,135,894 from Nobel Athletic Area, CIP-29-718.0 and North University Community Branch Library, CIP-35-098.0, for the purpose of funding Phase 2 (construction) of the design-build agreement, contingent upon the following: (1) certification of the required environmental document for the Project; (2) approval of any required discretionary permits for the Project; and (3) the City Auditor and Comptroller first certifying that necessary funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed 30-acre project site is located in the northeast corner of Nobel Drive and Shoreline Drive, in the community of University City. The proposed improvements include a 15,000 square foot library, 10,000 square foot recreation center, site grading, storm water drainage systems, utilities, multi-use sports fields, parking lots, children's play areas, picnic areas, dog off-leash area, pre-engineered comfort station, security and ball field lighting, pedestrian walkways,

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

ADA ramps, fencing monument signs, landscaping, irrigation systems, public art, and other amenities desired by the community of University City Planning Area.

In June 2000, Council approved a consultant agreement with ONA, Inc., to prepare the General Development (GDP) Plan and the preliminary design for the library and recreation center portion of the GDP for Nobel Athletic Area and the North University City Branch Library. In Spring 2004, Council also approved a consultant agreement with Platt/Whitelaw Architects, Inc. to produce bridging documents for a design build process.

The GDP plans and concept drawings have been approved by majority vote of the University City Focus Group and the University City Planning Group. In addition, in March of 2004, the University City Planning Group recommended approval of the project budget as presented and to add additional budgeted costs into the University City Public Financing Plan and Facilities Benefit Assessment by a vote of 15 in favor with two opposed.

In accordance with Article 2, Division 33 of the Municipal Code, Wylie construction was selected as the successful Design Build Team (DBT). The proposed agreement with DBT is a two phase contract with a Phase I providing the professional services required to prepare construction drawings, and Phase II providing for the construction of the Nobel Athletic and North University Community Branch Library. Phase II cannot be awarded until all environmental documentation mitigation, and permitting are complete.

**FISCAL IMPACT:**

The total project costs is estimated at \$20,873,792 of which \$971,260 is for Phase I of Design-Build contract and \$16,135,894 is for Phase II of the Design-Build Contract and \$3,766,638 is for engineering and related costs. Funds for this action are available in CIP-29-718.0, North Athletic Area and CIP-35-098.0, North University Branch Library Project. This project will be phased funded.

Loveland/Belock/AO

Aud. Cert. 2401043.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-203: Four actions related to Fiscal Year 2004-2005 Salary Ordinance and Resolutions.

**PERSONNEL DIRECTOR'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolutions in Subitems B, C, and D:

Subitem-A: (O-2004-132)

Introduction of an Ordinance establishing a schedule of compensation for officers and employees of the City of San Diego for the Fiscal Year 2004-2005.

Subitem-B: (R-2004-1126)

Establishing overtime eligibility of classifications in the classified service.

Subitem-C: (R-2004-1127)

Amending employee representation units to add new classifications and remove deleted classifications from existing appropriate units as established in the Fiscal Year 2004-2004 Salary Ordinance.

Subitem-D: (R-2004-1128)

Authorizing classifications eligible for the Management Benefits Plan.

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

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 the Rules 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 back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/28/2004	158	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee.
Wednesday	6/16/2004	139	Rules Committee review of ballot proposals.
Monday	6/21/2004	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee.
Monday	6/28/2004	127	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/19/2004	106	
Monday	7/26/2004	99	Council adopts ordinances prepared by City Attorney.
Friday	8/06/2004	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/19/2004	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.

PUBLIC NOTICE: (Continued)

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-251: **Notice** of Pending Final Map Approval – Pacific Highlands Ranch Unit No. 10.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Pacific Highlands Ranch Unit No. 10” (T. M. No. 41-0185), located northwesterly of Del Mar Heights Road and Carmel Valley Road, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Said project is in the Pacific Highlands Ranch Community Plan Area in Council District 1. 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 p.m., 10 calendar days from the date of this notice 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 approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON LAND USE AND HOUSING,  
RESOLUTIONS:

ITEM-330: Two actions related to Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2004.

(See City Manager Report CMR-04-029; Draft Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004 Draft, Gary Levitt's 1/30/04 letter; Paul Barnes and Gary Burriss's 12/19/03 letter; James I. Edwards' 2/4/04 letter. Torrey Highlands Community Area. District-1.)

**TODAY=S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-867)

Approving the document entitled "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2004".

Subitem-B: (R-2004-868)

Resolution of Intention to designate an area of benefit in Torrey Highlands and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE=S RECOMMENDATION:**

On 2/04/2004, LU&H voted 5 to 0 to approve the City Manager's recommendation and refer to City Council with direction to the City Manager to: 1) Continue working with property owners and developers regarding development phasing thresholds ensuring that any proposed shift in trips between residential and commercial allocations takes into account the impact on the need for parks and assurance that any change would not conflict with any existing approvals, agreements, or entitlements, and 2) Meet with developers and property owners to explain the basis of proposed FBA fee increases. (Councilmembers Zucchet, Lewis, Frye, Inzunza and Peters voted yea.)

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-331: Nobel Athletic Area and Library.

Nobel Athletic Area & Library - To consider override of City Manager's determination of noncompliance with the land use recommendations of the adopted NAS Miramar Comprehensive Land Use Plan (CLUP), in accordance with Land Development Code Section 132.0310. The proposed project is located within an area identified as being subject to the 65-70 db Community Noise Equivalent Level by the NAS Miramar CLUP, at a site northwest of Nobel Drive, east of Toscana Drive and southwest of Judicial Drive in the Airport Environs Overlay Zone, within the University Community Planning Area.

(See City Manager Report CMR-04-087. PTS No. 5825. University Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-1137)

Adopting the following findings with respect to said override:

1. The proposed development will not be detrimental to the public health, safety, and welfare.
2. The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.
3. The proposed development will meet the purpose and intent of the California Public Utilities Code section 21670.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That the City Council overrides the decision of the City Manager and determines that the proposed use meets the intent of the CLUP.

**NOTE:** 6 votes required.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

**OTHER RECOMMENDATIONS:**

A recommendation from the Planning Commission is not part of this process per Land Development Code Section 132.0310.

The University Community Planning Group met on February 12, 2002, and voted to recommend approval of the Nobel Athletic Area and Library by a vote of 7-5-0.

The Marine Corps opposes the library and playground components of the project based on noncompliance with the adopted NAS Miramar CLUP. In addition, the San Diego Regional Airport Authority, acting as the Airport Land Use Commission, met on January 5, 2004, and voted 7-1 that the library and playground components of the project are not compatible uses according to the adopted NAS Miramar CLUP.

**CITY MANAGER SUPPORTING INFORMATION:**

Background

The proposed project is located within the University Community Planning Area and is designated for development of the Nobel Sports Complex. The project proposes to develop athletic fields, a recreation center, a library, and playground area on an undeveloped 30.2 acre site. The site is currently zoned residential and is subject to the Airport Environs Overlay Zone. The project is currently being reviewed for a Site Development Permit for Environmentally Sensitive Lands. Further processing and a hearing on the project is pending this override action by City Council.

During the review of the proposed Site Development Permit, it was determined that the library and playground portions of the Nobel Athletic Area & Library project were not in compliance with the NAS Miramar CLUP. The Community Noise Equivalent Level (CNEL) contour map illustrated in the NAS Miramar CLUP, and replicated in the University Community Plan, identifies the location of the proposed library and playground as being between the 65-70 dB noise contours. The Airport Noise/Land Use Compatibility Matrix identifies libraries and playgrounds as noncompliant uses when the annual day/night average sound levels exceed 65 dB.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Additionally, Marine Corps Air Station (MCAS) Miramar and the San Diego Regional Airport Authority have also determined that the library and playground uses are not in compliance if subject to noise levels in excess of 65 dB. The MCAS Miramar and San Diego Regional Airport Authority determinations are advisory in nature.

In accordance with Land Development Code Section 132.0310, Engineering and Capital Projects Department has filed a petition requesting the City Council to override the City Manager's determination of noncompliance with the recommendations of the NAS Miramar CLUP. The determination of noncompliance affects only the library and playground portions of the project, the athletic fields comply with the CLUP.

**FISCAL IMPACT:**

None.

Loveland/Christiansen/JB

**NOTE:** This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(1) (the activity is not a project as defined in Section 15378).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: Shaw Lorenz.

Matter of approving, conditionally approving, modifying or denying a Street and Easement Vacation, Vesting Tentative Map, Planned Development/Site Development/Coastal Development/Neighborhood Use Permit to vacate access and utility easements and subdivide 277.96 acres for a 139 lot single family development with one remainder lot of 8.23 acres to allow future development of 139 single family structures with guest quarters, public streets and private driveways, urban amenities including a trail system and preservation of sensitive habitats within the Del Mar Mesa Specific Plan Area.

(Findings to MEIR No. 95-0353/MMRP/Easement Vacation No. 25673/VTM No. 25674/PDP No. 25675/SDP No. 25676/CDP No. 25677/NUP No. 76234/PTS No. 2873. Del Mar Mesa Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A, B, and C; and adopt the resolution in subitem D to grant the permits:

Subitem-A: (R-2004-1060)

Adoption of a Resolution certifying that the information contained in Findings to Master Environmental Impact Report No. 95-0353 (Project No. 2873), has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a planned development permit, site development permit, coastal development permit, neighborhood use permit, vesting tentative map, and street and easement vacations for the Shaw Lorenz project;

That project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Findings to Master Environmental Impact Report No. 95-0353 (Project No. 2873), is hereby approved;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-A: (Continued)

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-1061)

Adoption of a resolution abandoning a portion of the utility and road easement as disclosed by document recorded September 6, 1977 as File/Page No. 77-370114 of Official Records, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20221-B, marked as Exhibit "B";

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

Subitem-C: (R-2004-1101)

Adoption of a Resolution granting Vesting Tentative Map No. 25674, with appropriate findings to support Council action;

That pursuant to California Government Code section 66434(g), the following rights-of-ways and public services easements, located within the project boundaries as shown in Vesting Tentative Map No. 25674, shall be vacated, contingent upon the recordation of the approved final map for the project;

An easement for a public road and incidental purposes in favor of the County of San Diego, recorded November 15, 1895, in Book 243, page 426 of deeds;

An easement for a public highway, and incidental purposes, known as RS 65, shown on New Survey 65, in favor of the County of San Diego, recorded August 22, 1896, in Book 257, page 32 of deeds;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-C: (Continued)

“Old Shaw Ridge Road” and “Old Vine Street,” unrecorded, unimproved roads used as public right of way;

A building restricted easement granted on Parcel Map 17083, recorded February 26, 1993;

An easement for a water main and the right of ingress and egress and incidental purposes in favor of the City of San Diego, recorded July 12, 1971 as file numbers 149167, 149169 and 149170, all of Official Records;

That the recommendation of the Planning Commission is sustained, and Vesting Tentative Map No. 25674 is granted to Pardee Homes, Applicant and Latitude 33, Engineer, subject to the attached conditions which are made a part of this resolution.

Subitem-D: (R-2004- )

Adoption of a Resolution granting or denying Planned Development Permit No. 25675/Site Development Permit No. 25676/ Coastal Development Permit No. 25677/Neighborhood Use Permit No. 76234, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 11, 2004, voted 6–1 to recommend approval; was opposition.

Ayes: Brown, Steele, Lettieri, Schultz, Garcia, Ontai  
Nays: Chase

The Del Mar Mesa Community Planning Board on November 13, 2003, voted 11:0:1 to recommend approval of the project, with conditions.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The Shaw Lorenz project proposes to subdivide the 277.96 acres to allow for the development of 139 single family structures as allowed by the Specific Plan; the construction of nearly all of Carmel Mountain Road; public cul-de-sac streets; private drives with gated access; wildlife under-crossings; urban amenity trail and a trail resting station; homeowner association lots for slope maintenance and other improvements. A density transfer is proposed from two other sites. The Clews site is 80.00 acres and the Deer Canyon site is 60.00 acres. These properties will be preserved and no residential unit will be allowed to develop on these sites. A boundary dispute between the adjacent property owner is recognized on the tentative map as noted and described as Lot "Y." The area of dispute would be resolved prior to recording the final map for this unit.

The project is classified as a priority project as defined by the City Storm Water Standards. The project is required to comply with the State Water Resources Control Board Order No. 92-08-DWQ (NPDES General Permit No. CAS0000002).

The proposed project provides 139 market-rate housing units at the maximum density allowed by the Del Mar Mesa Specific Plan. The North City Future Urbanizing Area Framework Plan and the Del Mar Mesa Specific Plan require new development provide housing to accommodate the needs of low income households, as certified by the San Diego Housing Authority. The applicant has chosen the option of paying an in-lieu fee to the Housing Authority to meet their affordable housing requirement as allowed by the Specific Plan rather than provide dwelling units.

The Shaw Lorenz project is estimated to generate approximately 1,390 average daily trips. The project is subject to the Del Mar Mesa/Subarea V Transportation Phasing Plan. The project would not result in any significant traffic impacts on the surrounding roadway network with the completion of the required transportation improvements.

The Del Mar Mesa Community Planning Board (Board) voted, on November 13, 2003, 11:0:1 to recommend approval of the project, with conditions. Please see Planning Commission report No. PC-04-054 for a full discussion.

The Planning Commission voted 6:1:0, on March 12, 2004, to recommend approval of the staff's recommendation.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

City staff recommends the City Council STATE for the record that the information contained in the Project No. 2873/LDR File No. 400669 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and CERTIFY the Findings to Master Environmental Impact Report MEIR No. 95-0353 reflects the independent judgment of the City of San Diego as Lead Agency; and ADOPT the Mitigation Monitoring and Reporting Program; and City Council APPROVE Easement Vacation No. 25673, Vesting Tentative Map No. 25674, Planned Development Permit No. 25675/Site Development Permit No. 25676/Coastal Development Permit No. 25677/Neighborhood Use Permit No. 76234.

**FISCAL IMPACT:** None with this action.

Ewell/Halbert/JSF

**LEGAL DESCRIPTION:**

The proposed development area includes a total of 278 acres, 269.73 acres associated with the Shaw Lorenz site and 8.23 associated within the adjacent Carmel Valley Neighborhood 10 Precise Plan Area. An estimated 9.91 acres of public rights-of-way, including Streets A, C, G, H, and I, Carmel Mountain Road, and Little McGonigle Ranch Road, would be dedicated. The site is located on both sides of the extension of Carmel Mountain Road between Del Mar Mesa Road and Carmel Country Road. The site is zoned AR-1-1 (Agricultural-Residential) and is in the Del Mar Mesa Specific Plan Area (Subarea V) of the North City Future Urbanizing Area (NCFUA) and is more particularly described as Subdivision of Parcels 1, 2, and 3 of Parcel Map No. 17083 within the City of San Diego, County of San Diego, State of California. The site is not included on any Government Code Listing of hazardous waste sites.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Hawley Residence.

Matter of the appeal by Louis Perry from the decision of the Planning Commission in adopting Negative Declaration No. 3768 prepared in connection with the above named project.

(See City Manager Report CMR-04-095. La Jolla Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution to deny the appeal and uphold the Environmental Determination Negative Declaration No. 3768:

(R-2004- )

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 11, 2004, voted 6-1 to deny the appeal and approve the project; was opposition.

Ayes: Steele, Garcia, Lettieri, Schultz, Brown, Ontai

Nays: Chase

The Community Planning Group has been notified of this project and has not submitted a recommendation.

**CITY MANAGER SUPPORTING INFORMATION:**

The project site is currently vacant within a previously approved subdivision with established setbacks, know as Hidden Valley Hills, which also has an active Architectural Review Committee and covenants Conditions and Restrictions (CC&R's). The project site contains sensitive biological resources and is subject to the Environmentally Sensitive Lands regulations. The project site is located at 7403 Hillside Drive, within the SF Zone of the La Jolla Shores Planned District, Coastal Overlay Zone, and Coastal Height Limitation Overlay Zone, within the La Jolla Community Plan Area.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

The proposed grading and construction all constitute, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Site Development Permit is required, by the Land Development Code (Sec. 103.0302.3), for the proposed development within the La Jolla Shores Planned District. A Neighborhood Development is required, by the Land Development Code (Section 143.0302), due to the proposed *development* on lands containing *Sensitive Biological Resources* (Environmentally Sensitive Lands Regulations).

After receiving the staff report and testimony from the public, the subject project was approved by the Hearing Officer, October 1, 2003.

Loveland/Christiansen/GRG

**FISCAL IMPACT:**

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

**LEGAL DESCRIPTION:**

The project site is located at 7403 Hillside Drive (APN 352-164-18; and is more particular describes as Lot 18 of Map No. 3921), at the north corner of Via Siena and Hillside Drive, within the La Jolla Shores Planned District, in La Jolla Community.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT