

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 18, 2004 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1: ROLL CALL.

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.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Committee Items

ITEM-150: **NOTE:** This item has been moved to the meeting of Monday, May 17, 2004, as Item #260.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Two actions related to Equipment and Vehicle Financing Program.
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.

ITEM-201: Housing Enhancement Loan Program in the Crossroads Redevelopment Project Area. College and Mid-City Community Areas. (Dists. 4 and 7)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Public Notices

ITEM-250: Submission of Ballot Proposals.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion

ITEM-330: Casa De Las Campañas. CUP No. 9867/EA No. 44889/PTS No. 5949. Rancho Bernardo Community Plan Area. (Dist. 5)

Matter of approving, conditionally approving, modifying, or denying a Conditional Use Permit, an amendment to Conditional Use Permit No. 99-0747, and Water Easement Abandonment to allow for the construction of a 13,709 square-foot special care facility with a 5,075 square-foot courtyard area and basement parking garage located at 18655 West Bernardo Drive.

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

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTION:

ITEM-150: **NOTE:** This item has been moved to the meeting of Monday,
May 17, 2004, as Item #260.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCE TO BE INTRODUCED, WITH RESOLUTION TO BE ADOPTED:

ITEM-200: Two actions related to Equipment and Vehicle Financing Program.

(See City Manager Report CMR-04-082.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (O-2004-130)

Introduction of an Ordinance Authorizing a Master Lease Agreement for the purpose of financing and refinancing the acquisition of equipment through lease-purchase.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-2004-1119)

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 3-year lease term, for the purpose of financing and refinancing the acquisition of equipment through lease-purchase;

Authorizing the City Manager to execute a Master Lease Agreement with the most responsive, duly qualified, responsible, and competitive lease provider and backup lease provider(s) for a 4-year lease term, for the purpose of financing and refinancing the acquisition of equipment through lease-purchase.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTION:

ITEM-201: Housing Enhancement Loan Program in the Crossroads Redevelopment Project Area.

(See City Manager Report RA-04-11/CMR-04-066. College and Mid-City Community Areas. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1073)

Declaring that the Council finds and determines that the use, outside of the College Grove Redevelopment Project Area, of Housing Set-Aside Funds allocated by the Agency from the College Grove Redevelopment Project within the Crossroads Redevelopment Project, pursuant to Section 33670 of the California Community Redevelopment Law, for the purpose of increasing, improving and preserving the City's supply of low-and-moderate income housing available at affordable housing cost will be of benefit to the College Grove and Crossroads Redevelopment Projects.

NOTE: See the Redevelopment Agency Agenda of 5/18/2004 for a companion item.

PUBLIC NOTICE:

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	through 7/19/2004	to 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.

ADOPTION AGENDA, DISCUSSION, HEARING

NOTICED HEARING:

ITEM-330: Casa De Las Campañas.

Matter of approving, conditionally approving, modifying, or denying a Conditional Use Permit, an amendment to Conditional Use Permit No. 99-0747, and Water Easement Abandonment to allow for the construction of a 13,709 square-foot special care facility with a 5,075 square-foot courtyard area and basement parking garage located at 18655 West Bernardo Drive.

(CUP No. 9867/EA No. 44889/PTS No. 5949. Rancho Bernardo Community Plan Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

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

Subitem-A: (R-2004-1138)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration LDR No. 5949 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 thereto (California Code of Regulations 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 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 land use item actions for this Project;

That the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

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.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-330: (Continued)

Subitem-B: (R-2004-1139)

Adoption of a Resolution vacating the water utility easement located within Casa de Las Campañas property, in Rancho Bernardo community area, in connection with conditional use permit and shown on Drawing No. 11273;

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-)

Adoption of a Resolution granting or denying Conditional Use Permit No. 9867, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on October 30, 2003, voted 6 – 0 to approve; no opposition.

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

Not present: Schultz

The Rancho Bernardo Community Planning Board has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

Casa de Las Campañas, an existing conditional use permitted elderly-care residential campus facility located on a 22.7 acre parcel at 18655 West Bernardo Drive, within the Rancho Bernardo Community Plan area and zoned RM-2-5, proposes to construct an 18,911 square-foot, special care residence addition to their existing senior congregate care building. The single story special care facility, designed specifically for residents who suffer from dementia-related illness, consists of 27 beds, common kitchen and dining area, housekeeping and laundry area, care staff offices, courtyard, and basement parking garage with 32 spaces. Construction of the campus addition requires the relocation of the facility's public water service pipeline, the abandonment of a portion the existing City water utility easement, and the amendment to the campus' Conditional Use Permit No. 99-0747.

ADOPTION AGENDA, DISCUSSION, HEARING (Continued)

NOTICED HEARING: (Continued)

ITEM-330: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

Planning Commission Recommendation: The Planning Commission considered this project on October 30, 2003, and voted 6 – 0 (Commissioner Schultz absent) to recommend that the City Council adopt City staff recommendations to approve the project as presented in the Planning Commission Report No. P-03-332.

Community Planning Group Recommendation: On May 30, 2003, the Rancho Bernardo Community Planning Board unanimously voted to recommend approval of the project.

Manager's Recommendation: Certify Negative Declaration No. 5949. Approve Conditional Use Permit No. 9867 and Easement Abandonment No. 44889.

Water Quality Impact Statement: During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Storm Water Pollution Prevention Plan (SWPPP) in conjunction with the grading plans. The SWPPP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the adjacent natural areas. The post development Best Management Practices (BMPs) incorporated into the project consists of site design, source control and treatment. The project's post development runoff will be collected and conveyed by public and private drainage systems. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

FISCAL IMPACT:

All costs associated with the project are recovered from a deposit provided by the applicant.

Herring/Escobar-Eck/TPD

LEGAL DESCRIPTION:

The approximately 22.7-acre site is located at 18655 West Bernardo Drive and within the Rancho Bernardo Community Planning Area and is more particularly described as Lots 1-9 Casa De Las Campanas, Map No. 11273.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT