

THE CITY OF SAN DIEGO, CALIFORNIA  
 MINUTES FOR REGULAR COUNCIL MEETING  
 OF  
 MONDAY, SEPTEMBER 17, 2007  
 AT 2:00 P.M.  
 IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 2:02 p.m. Council President Peters recessed the meeting at 2:49 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 2:55 p.m. with Council Member Young and Council Member Frye not present. Council President Peters recessed the meeting at 4:26 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:33 p.m. with Council Member Frye and Council Member Hueso not present. Council President Peters recessed the meeting at 4:54 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:02 p.m. with Council Member Frye not present. The meeting was adjourned by Council President Peters at 5:37 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
  - (2) Council Member Faulconer-present
  - (3) Council Member Atkins-present
  - (4) Council Member Young-present
  - (5) Council Member Maienschein-present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council Member Hueso-present
- Clerk-Maland (mz)

FILE LOCATION:                      MINUTES



ITEM-1:

ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Larry Coalson of Horizon Christian Fellowship

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

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

**CS-1 *Beacon Electric Supply v. Saturn Electric, Inc.*  
San Diego Superior Court Case No. GIC 849095**

**REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 18, 2007**

DCA Assigned: J. Taylor

This matter involves litigation against the City related to a construction contract for the rehabilitation of Sewer Pump Station 77. The City Attorney requests that the Mayor and the City Council authorize settlement of the litigation.

Closed Session Comment 1:

Tim Dudek commented on the hardship to his company working on this project.

Closed Session Comment 2:

Andrew Berg commented on paying contractors directly for their work rather than through a general contractor.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. – 2:35 p.m.)

**Council President Peters closed the hearing.**

**CS-2** *Store Safe Miramar, et al. v. City of San Diego*  
City Files No. LP07-0705-0918

**REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 18, 2007**

DCA Assigned: R. Palmucci

This is an un-litigated claim arising out of a water main break which caused flood damage to real and personal property of the owners and tenants of a storage facility on November 15, 2006. The losses are being handled in accordance with City Council Policy 400-10 and City Council Policy 000-09. The City Attorney requests that the City Council be informed of the ongoing costs of these claims in Closed Session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:24 p.m.)

**Council President Peters closed the hearing.**

**CS-3** *City of San Diego v. Willkie Farr and Gallagher, LLP*  
San Diego Superior Court Case No. 37-2007-00072584-CU-BT-CTL

**REFERRED TO CLOSED SESSION OF TUESDAY, SEPTEMBER 18, 2007**

EACA Assigned: D. McGrath

This is a lawsuit filed by the City of San Diego against Willkie Farr and Gallagher, LLP. In closed session, the Executive Assistant City Attorney and Bryan Vess will brief the Mayor and City Council on the litigation's status, as well as request that Bryan Vess be retained to represent the City of San Diego in this matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:24 p.m. – 2:24 p.m.)

**Council President Peters closed the hearing.**



ITEM-200: Approving a Schedule of Real Estate Broker Commissions for the Sale of Excess City-Owned Real Properties Previously Approved for Sale by the City Council on May 21, 2007.

(See memorandum from the City Attorney dated 8/24/07.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2008-50)                      ADOPTED AS RESOLUTION R-302989

Approving the commission schedule related to the sale of certain excess City-owned real properties previously approved for sale by the City Council on May 21, 2007.

**STAFF SUPPORTING INFORMATION:**

On May 21, 2007, the City Council approved the sale of seventeen properties excess to the City needs. Also approved was the "payment of a real estate broker's commission relating to the sale of the Properties, in each instance, at the discretion of the Mayor, or his designee, and in conformance with San Diego Municipal Code Section 22.0905".

The City's Purchasing & Contracting Department issued a Request for Statement of Qualifications (RSFQ) seeking bids for "Professional Commercial Brokerage Services". The RSFQ was advertised in the City's official newspaper, the Daily Transcript, listed on the City's web site and notices were sent to commercial real estate firms. The City received proposals from eleven companies: Grubb & Ellis, NAI San Diego, Lee Associates, Associated Realtors, Coldwell Banker Commercial, Colliers International, CBRE, Cushman & Wakefield, Inc., Wiese & Associates, Burnham and Coldwell Banker Commercial.

A Technical Evaluation Committee, consisting of members of the Real Estate Assets Department, reviewed the proposals for technical merit and ranked them according to: Qualifications and Experience of Assigned Staff; References and Past Performance; Financial Capability to Perform; Suitability and Rapport; Firms' Relevant Experience; Executive Summary; Litigation History; Interpretation and Assessment of relevant market trends,

Assessment of property sale opportunities; and Development of a Comprehensive Marketing Plan.

The top five qualifiers, Burnham, Colliers International, Grubb & Ellis, CBRE and Cushman & Wakefield, Inc., were invited for one-on-one interviews resulting in all five being selected and placed on a qualified vendors list for Commercial Real Estate contracts with the City. This list is valid for two years from the award date of June 27, 2007.

A Request for Proposals (RFP) was sent to these five companies to bid on the sale of eight properties, categorized in three groups - 1) Office Buildings, 2) Vacant Land and 3) Ground Leases. Each company submitted a written proposal and presentation to the Evaluation Committee. Each proposal was rated according to its technical merits and then the final pricing structure was evaluated with the best value selected by the City. Notification of intent to award was sent out on July 12, with a protest period to end on July 23, 2007.

A question arose as to whether the fact that Grubb & Ellis Corporate Services, from Chicago, performed a study of the "Best Practices Methodology" for the City's Real Estate Assets Department could possibly cause a conflict of interest with the San Diego Grubb & Ellis affiliate that would preclude them from being awarded Brokerage Contracts. The matter was directed to the City Attorney's Office for their review and comment. In a report to the Mayor and Council members dated August 24, 2007, the City Attorney's Office opined that was no conflict of interest that would prohibit the San Diego Grubb & Ellis affiliate from providing brokerage services to the City of San Diego.

This action requests approval of the best value proposals which do reflect, in this case, the lowest commission percentages that were received through the bid process described above (Attachment A), for the properties.

**FISCAL CONSIDERATIONS:**

All commissions are paid from the proceeds of the sale of the individual properties. The commission structures are well below market value rates for both commercial and residential properties.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The sale and payment of broker commissions was approved by Council on May 21, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

Barwick/Anderson

Staff: James F. Barwick - (619) 236-6145  
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:04 p.m. – 2:13 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Hueso. Passed by the following vote:  
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-nay,  
Madaffer-yea, Hueso-yea.



ITEM-201: Carmel Valley Neighborhood Ten, PTS No. 72526. Application for a public right-of-way and easement vacation, to subdivide and develop 44.80 acres into 145 lots and construct 121 single family dwellings located west of Carmel Country Road along both sides of Carmel Mountain Road. (Carmel Valley Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying an application for a public right-of-way and easement vacation, Vesting Tentative Map, Site Development Permit and Coastal Development Permit to subdivide and develop 44.80 acres into 145 lots and construct 121 single family dwellings located west of Carmel Country Road along both sides of Carmel Mountain Road. The project is composed of four separate locations within the neighborhood. Unit 2 South (A) is located at the terminus of Briarlake Woods Drive south of Carmel Mountain Road and north of Los Peñasquitos Canyon Preserve. Unit 5 South (B) is located south of Carmel Mountain Road and west of Gaylemont Lane and Furlong Place. Unit 9 South is located south of Carmel Mountain Road in the southwestern most corner of the Plan area west of the new Carmel Mountain Road bridge at the boundary between the Torrey Hills and Neighborhood Ten

communities. Unit 12 South (B) is located north of Carmel Mountain Road, west of the new Carmel Mountain Road bridge and west of Canter Heights Drive. All four properties are located in the SF-2, SF-3 & OS Zones of the Carmel Valley Planned District.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions.

Subitem-A: (R-2007-1290 Cor. Copy) ADOPTED AS RESOLUTION R-302990

Adoption of a Resolution certifying that Addendum to Environmental Impact Report and Subsequent Environmental Impact Report No. 72526, on file in the Office of the City Clerk, 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 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 Public Right-of-Way Vacation No. 266026, Easement Vacation No. 266925, Vesting Tentative Map No. 232063, and Site Development Permit No. 232067/Coastal Development Permit No. 225393 for the Carmel Valley Neighborhood Ten Project;

Adopting 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, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk 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-2007-1291) ADOPTED AS RESOLUTION R-302991

Adoption of a Resolution vacating the water easement, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20681-B, marked as Exhibit "B,";

Certifying a copy of this Resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

Subitem-C: (R-2007-1292) ADOPTED AS RESOLUTION R-302992

Adoption of a Resolution with respect to Vesting Tentative Map No. 232063;

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

Vacating the public service easements, located within the project boundaries as shown in Tentative Map No. 232063, contingent upon the recordation of the approved final map for the project, pursuant to California Government Code Section 66434(g);

Vacating the slope easement granted June 1, 2000, Doc No. 2000-0288862, located within the project boundaries as shown in Tentative Map No. 232063, pursuant to California Government Code Section 66434(g), contingent upon the recordation of the approved final map for the project;

Vacating all of the building restricted easement granted over Lot "E" per final map 15067, August 10, 2005, File No. 2005-0683772, located within the project boundaries as shown in Tentative Map No. 232063, pursuant to California Government Code Section 66434(g), contingent upon the recordation of the approved final map for the project;

Granting to Pardee Homes, Subdivider/Applicant and Curtis J. Turner, Engineer, subject to the attached conditions which are made a part of this Resolution by this reference, Vesting Tentative Map No. 232063 and Public Right-of-Way Vacation No. 232063.

Subitem-D: (R-2007-1293 Rev.) ADOPTED AS AMENDED AS  
RESOLUTION R-302993

Adoption of a Resolution with respect to Coastal Development Permit No. 225393/Site Development Permit No. 232067;

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

Granting to Pardee Homes, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution, Coastal Development Permit No. 225393/Site Development Permit No. 232067.

**OTHER RECOMMENDATIONS:**

Planning Commission on June 21, 2007, voted 6-0-1 to approve this project. No opposition.

Ayes: Garcia, Otsuji, Schultz, Griswold, Ontai, Naslund  
One vacancy

The Carmel Valley Community Planning Board has recommended approval of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of a subdivision and development project for the development of 121 single family homes within the Carmel Valley Neighborhood Ten located west of Carmel Country Road north and south of Carmel Mountain Road.

**STAFF RECOMMENDATION:**

1. Recommend the City Council **Certify** Addendum No. 72526, and Adopt the Mitigation Monitoring and Reporting Program; and
2. Recommend the City Council **Approve** Public Right-of-Way Vacation No. 266926, Easement Vacation No. 266925, Vesting Tentative Map No. 232063, Site Development Permit No. 232067 and Coastal Development Permit No.225393.

**EXECUTIVE SUMMARY:**

The Carmel Valley Neighborhood Ten project is located within the precise plan area of Carmel Valley Neighborhood Ten on property designated for single family residential development at a density range of 1-5 dwelling units per acre. The project is composed of four separate locations within the neighborhood. Unit 2 South is located at the terminus of Briarlake Woods Drive south of Carmel Mountain Road and north of Los Peñasquitos Canyon Preserve. Unit 5 South is located south of Carmel Mountain Road, west of Gaylemont Lane and Furlong Place. Unit 9 South is located south of Carmel Mountain Road in the southwestern most corner of the community plan area. Unit 12 South is located north of Carmel Mountain Road, west of Canter

Heights Drive. All four properties are located in the SF-2, SF-3 & OS Zones of the Carmel Valley Planned District of the Carmel Valley Community Plan Area.

The applicant, Pardee Homes, entered into a legally binding development agreement with the City of San Diego for all development within the Pacific Highlands Ranch Subarea III area of the North City Future Urbanizing Area. In return for reducing development and the associated impacts in the Pacific Highlands Ranch community Pardee was granted the right to increase the maximum density in the Carmel Valley Neighborhood Ten Precise Plan Area. The maximum increase of single family dwellings is 72-74 units. The proposed project would realize a portion of this density increase and develop 63 dwelling units above the limit of the Carmel Valley Neighborhood Ten Precise Plan. Site constraints prevent any additional increase above 63 units.

The project would develop 44.8 acres with a total of 145 lots; 121 single family lots for single family development, six lots for dedication to the City of San Diego for open space, sixteen lots for manufactured slopes, brush management, monument entries, pocket parks, green space and a private driveway to be owned by the home owners association and two lots for access to an adjacent property to be conveyed at fair market value.

On March 13, 2007, the Carmel Valley Community Planning Board voted 10:0:1 to approve the proposed actions, with concerns. The Board expressed five areas of concern; Change in residential product mix and intensity, Pocket parks, Tavelman property, SDG&E right-of-way and pedestrian trails, and other trail issues. All the Board's concerns have been resolved with the exception of the Tavelman property item. Development of the Tavelman property is not before the Council at this time and has no relevance to the requested actions.

Staff has reviewed the proposed request for a public right-of-way and easement vacation, Vesting Tentative Map, Site Development Permit and Coastal Development Permit to subdivide and develop 44.8 acres into 145 lots and construct 121 single family structures. All issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff recommends the City Council approve the project as proposed.

**FISCAL CONSIDERATIONS:**

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 21, 2007 the Planning Commission voted 6:0:0 to recommend approval of the project. On March 13, 2007, the Carmel Valley Community Planning Board voted 10:0:1 to approve the proposed actions, with concerns. For a full discussion of their concerns, please refer to Planning Commission Report No. PC-07-090. At the Planning Commission hearing on June 21, 2007 no one appeared in opposition to the project. There is no known opposition to the project in the community.

KEY STAKEHOLDERS:

Pardee Homes.

FISCAL IMPACT: None.

Escobar-Eck/Waring/JF

LEGAL DESCRIPTION:

The site is spread over 4 locations, one on the north (Unit 12 South B) and south ends (Unit 9 South) of Canter Heights Drive, the third at the cul-de-sac of Gaylemont Lane (Unit 5 South B), and the fourth at the cul-de-sac of Briarlake Woods Drive (Unit 12 South A). All locations are in Carmel Valley Neighborhood-10 of the Carmel Valley Community Plan Area, San Diego, CA, 92130 (Accessor Parcel No.'s Unit 9 South 307-100-08, -13, -16, -17, -18, -20, -35; Unit 5 South 307-100-08, -44; Unit 12 South B 307-100-09, -10, -11, -13 & 307-760-25; Unit 2 South A 308-031-02).

Staff: John S. Fisher – (619) 446-5231  
Andreas Contreras Dixon – Deputy City Attorney

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

FILE LOCATION: SUBITEMS A, C, D: MEET  
SUBITEM B: F-10157

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:23 p.m.;  
2:35 p.m. – 2:39 p.m.)

Testimony in favor by Jack Tavelman, Allen Kashani, and Thomas Steinke.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, AND AS AMENDED FOR SUBITEM D WITH THE ADDITION OF CONDITION NUMBER 65 ADDED TO SITE DEVELOPMENT PERMIT NUMBER 232067 AND COASTAL DEVELOPMENT PERMIT NUMBER 225393, "FOR A PERIOD NOT TO EXCEED A MAXIMUM OF TWO YEARS FROM THE DATE OF APPROVAL, SEPTEMBER 17, 2007, THE OWNER/PERMITTEE AND THE OWNER OF APN 307-199-14 SHALL ENTER INTO NEGOTIATIONS TO DETERMINE A MUTUALLY ACCEPTABLE PRICE FOR THE SALE OF THE PROPERTY DESCRIBED ON VESTING TENTATIVE MAP NO. 232063 AS LOTS "T" AND "U." THE AGREED UPON PRICE SHALL BE BETWEEN 20,000 AND 176,000 DOLLARS. IF THE PARTIES CANNOT REACH AN AGREED UPON PRICE, THE PARTIES SHALL ENTER INTO BINDING ARBITRATION AND BE BOUND BY THE DECISION OF THE ARBITRATOR. BINDING ARBITRATION PROCEEDINGS SHALL BE IN ACCORD WITH ALL STANDARDS AND PROFESSIONAL PRACTICES FOR SUCH ARBITRATION. IF THE NEGOTIATION AND ARBITRATION, IF NECESSARY, EXTENDS BEYOND TWO YEARS FROM THE DATE OF APPROVAL, SEPTEMBER 17, 2007, THIS CONDITION SHALL BE DEEMED NULL AND VOID." Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-202: Shaw Lorenz, Application to stay (toll) the expiration date for a 139 single family residential development within the Del Mar Mesa Specific Plan, located on the southwest quadrant of Del Mar Mesa Road and Carmel Mountain Road. (Del Mar Mesa Community Plan Area. District 1.)

Pardee Homes has requested that the City Council consider a resolution to stay (toll) the expiration date for the Shaw Lorenz project, a 139 single family residential development within the Del Mar Mesa Specific Plan, approved by City Council on May 11, 2004, pending the resolution of the October 13, 2006, United States District Judge Rudi M. Brewster in the Southern District of California's Decision and Injunction in the case entitled, "Southwest Center for Biological Diversity, et al. vs. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et al.," Case No. 98-CV-2234-B (JMA). The project approvals consist of Vesting Tentative Map No. 25674, Planned Development Permit No. 25675, Site Development Permit No. 25676, Coastal Development Permit No. 25677, and Neighborhood Use Permit No. 76234 located on the southwest quadrant of Del Mar Mesa Rd and Carmel Mountain Rd within the Del Mar Mesa Community Plan.

(Environmental Impact Report (EIR) No. 2873/Vesting Tentative Map (VTM) No. 25674/Planned Development Permit (PDP) No. 25675/Site Development Permit (SDP) No. 25676/Coastal Development Permit (CDP) No. 25677/Neighborhood Use Permit (NUP) No. 76234/Project No. 126895.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2008-164) ADOPTED AS RESOLUTION R-302994

Adoption of a Resolution stating for the record that the approval staying the Shaw Lorenz Project approvals is a subsequent discretionary approval of the Project addressed in the Master Environmental Impact Report and therefore not a separate project under CEQA Guideline sections 15060(c)(3);

Stating for the record that the information contained in the final Master Environmental Impact Report, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval staying the Shaw Lorenz Project approvals does not involved change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review.

Subitem-B: (R-2008-165) ADOPTED AS RESOLUTION R-302995

Adoption of a Resolution stating that City Council approval will stay the expiration of the Shaw Lorenz Project approvals, the Vesting Tentative Map No. 25674, Planned Development Permit No. 25675, Site Development Permit No. 25676, Coastal Development Permit No. 25677, and Neighborhood Use Permit No. 76234, until the Injunction is vacated or the injunction or any modification(s) thereof is no longer applicable to the Shaw Lorenz Project. In no event shall this stay exceed the applicable statutory time limits of the Subdivision Map Act;

That at such time as City determines the Injunction, and any modification(s) thereto, no longer apply to the Shaw Lorenz Project, the City will terminate the Stay through City Council action. If the City determines that the Injunction no longer applies to the Shaw Lorenz Project, City shall notify Pardee Homes in writing.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Request to stay (toll) the expiration date for the Shaw Lorenz project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Shaw Lorenz Project remains in effect.

**STAFF RECOMMENDATION:**

Approve a resolution to stay (toll) the expiration date for the Shaw Lorenz project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an Extension of Time or subsequent ministerial approvals for the Shaw Lorenz Project remains in effect.

**EXECUTIVE SUMMARY:**

The Shaw Lorenz project for residential development in the Del Mar Mesa Community Planning area was approved by City Council on May 11, 2004. The project approvals consist of Vesting Tentative Map no. 25674, Planned Development Permit no. 25675, Site Development Permit no.

25676, Coastal Development Permit no. 25677, and Neighborhood Use Permit no. 76234. Pardee Homes, the Owner/Permittee for the Shaw Lorenz project, has applied for an Extension of Time (EOT) on the aforementioned approvals; however, on October 13, 2006, United States District Judge Rudi M. Brewster in the Southern District of California rendered a decision and issued a Decision and Injunction in the case entitled, “*Southwest Center for Biological Diversity, et al. vs. Jim Bartel, Anne Badgley, and Gale Norton, and Building Industry Legal Defense Foundation, et al.*,” Case No. 98-CV-2234-B(JMA)[Attachment 1]. As a result of the issuance of the Decision and Injunction, Pardee Homes’ Shaw Lorenz Project, as well as other development projects, has been precluded from obtaining further discretionary or ministerial approvals from the City (Attachment 2).

Pardee Homes has requested that the City Council consider a resolution to stay (toll) the expiration date for the Shaw Lorenz project approvals while the Decision and Injunction precluding Pardee Homes from obtaining an EOT or subsequent ministerial approvals for the Shaw Lorenz Project remains in effect.

The State Subdivision Map Act – Government Code Sections 66452.6 and 66452.12 authorizes the City to stay the running of the expiration date for the project approvals under these conditions (Attachment 3). Pardee Homes’ request for a stay of the Shaw Lorenz project approvals is consistent with the Subdivision Map Act.

This resolution to stay (toll) the expiration date for the Shaw Lorenz Project No. 2873 approvals is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section §15060(c)(3).

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Pardee Homes, Owner

Boekamp/Anderson/TD

**NOTE:** This activity is covered under Project No. 2873, Shaw Lorenz. The activity is adequately addressed to the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review. Therefore, the activity is not a separate project for purposes of CEQA review pursuant to State CEQA Guidelines Section 16050(c)(3).

Staff: Tim Daly – (619) 446-5356  
Shirley R. Edwards – Chief Deputy City Attorney

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

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:40 p.m. – 2:49 p.m.)

Testimony in favor by Paul Metcalf.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-recused, Madaffer-yea, Hueso-yea.



**ITEM-203:** Monte Verde, Application for an amendment to construct four high rise residential buildings, with a total of 560 condominium units and a subterranean parking structure, located at 8995 Costa Verde Boulevard. (University Community Plan Area. District 1.)

Matter of approving, conditionally approving, modifying or denying an application for an amendment to the Progress Guide and General Plan, the University Community Plan, and the Costa Verde Specific Plan, Public Right-of-Way and Easement Vacation, Vesting Tentative Map, Planned Development Permit, Site Development Permit, and Public Right of Way Permit to construct four high rise residential buildings; a 23-story building, two 22-story buildings, and a 21-story building with a total of 560 condominium units and a combined area of approximately 1,223,000 square feet and 1,312 parking spaces in

subterranean parking structures on a 4.77 acre site located at 8995 Costa Verde Boulevard in the University community area. The project would also include several offsite improvements including the construction of a pedestrian bridge over La Jolla Village Drive, enhancement of the existing pedestrian bridge over Genesee Avenue, and the replacement of an existing offsite 10- to 12-inch sewer line with an 18-inch sewer line commencing from the project, south along Genesee Avenue, and into Rose Canyon. The project site is generally bound by La Jolla Village Drive to the north, Genesee Avenue to the east, Trophy's restaurant and Costa Verde retail/commercial center to the south, and multi-family residential to the west.

(See Report to the Planning Commission-PC-07-043/Project No. 6563/EIR No. 6563/MMRP/Findings and Statement of Overriding Consideration/Progress Guide and General Plan/University Community Plan/Costa Verde Specific Plan/Vesting Tentative Map No. 372429/Easement vacation No. 372423/Public Right-of-Way Vacation No. 372426/Planned Development Permit No. 10761/Site Development Permit No. 372422/Public Right-of-Way Permit No. 464724.)

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2007-1310) **ADOPTED WITH DIRECTION AS  
RESOLUTION R-302996**

Adoption of a Resolution certifying that information contained in Project 6563 has been completed in compliance with the California Environmental Quality Act and the State CEQA Guidelines, and that said Environmental Impact Report No. 6563, SCH No. 2003091106 reflect the independent judgement of the City of San Diego as Lead Agency, stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project, certifying the final Environmental Impact Report, adopting the Findings and State of Overriding Consideration, and adopting the Mitigation, Monitoring, and Reporting Program;

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;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**Subitem-B: (R-2007-1309) ADOPTED WITH DIRECTION AS  
RESOLUTION R-302997**

Adoption of a Resolution approving an amendment to the University Community Plan Costa Verde Specific Plan and Progress Guide and General Plan for the Monte Verde project;

That it adopts the amendments to the University Community Plan, Costa Verde Specific Plan and Progress Guide and General Plan, a copy of which is on file in the Office of the City Clerk;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**Subitem-C: (R-2007-1311) ADOPTED WITH DIRECTION AS  
RESOLUTION R-302998**

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Planned Development Permit (PDP) Permit No. 10761, Site Development Permit (SDP) Permit No. 372422, and Public Right-Of-Way No. 464724, with appropriate findings to support Council actions;

That the recommendation of the Planning Commission is sustained, and Planned Development Permit No. 10761, Site Development Permit No. 372422, and Public Right-of-Way No. 464724 is granted to Costa Verde Hotel, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**Subitem-D: (R-2007-1312) ADOPTED WITH DIRECTION AS  
RESOLUTION R-302999**

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference, with respect to Vesting Tentative Map No. 372429, Easement Vacation No. 372423, and Public Right-of-Way Vacation No. 372426, with appropriate findings to support Council actions;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 15, 2007, voted 4-1-2 to recommend approval; was opposition.

Ayes: Garcia, Ontai, Otsuji, Schultz  
Nay: Naslund  
Not present: Griswold  
(One vacancy)

Recommend to the City Council to accept the project's Final Environmental Impact Report No. 6563, Reduced Project Alternative: 21-Story, of which the maximum building would be 21-stories and the maximum number of units would be 408.

Planning Commission is unable to find the extraordinary benefit that allows the Planning Commissioners to make the Statement of Overriding Considerations for the project as defined by the applicant. The Commissioners recognize that the 21-story "Reduced Project Alternative" discussed in the Final Environmental Impact (FEIR) reduces the cumulative and unmitigable impacts' however, the Commissioner's acknowledge that there remains a significant unmitigated negative impact of which the finds of overriding consideration for this "reduced alternative" cannot be made.

The University Community Planning Group recommended denial of this project.

**STAFF SUPPORTING INFORMATION:**

**REQUESTED ACTION:**

Approval of the Monte Verde project, a request for the development of a 23-story building, two 22-story buildings, and a 21-story building with a total of 560 condominium units on the undeveloped 4.77-acre site at 8995 Costa Verde Boulevard in the University Community Planning area.

**STAFF RECOMMENDATIONS:**

1. ADOPT resolution and CERTIFY Environmental Impact Report No. 6563, ADOPT the Mitigation Monitoring and Reporting Program, and ADOPT the Findings and Statement of Overriding Consideration; and
2. ADOPT resolutions amending the Progress Guide and General Plan, the University Community Plan, and the Costa Verde Specific Plan; and
3. ADOPT resolutions and APPROVE Vesting Tentative Map No. 372429, Easement Vacation No. 372423, Public Right-of-way Vacation No. 372426, Planned Development Permit No. 10761, Site Development Permit No. 372422, and Public Right of Way Permit No. 464724.

**EXECUTIVE SUMMARY:**

The project, as originally proposed, was to develop the 4.77-acre site with two 35-story towers and two 32-story towers with a total of 800 condominiums as referenced in the Report to the Planning Commission No. PC-07-043, <http://www.sandiego.gov/planning-commission/pcreports/07043.pdf>, (Attachment 1). However, in response to the recommendation made by the Planning Commission during the hearing on March 15, 2007 for a reduced development of 21-stories and a maximum of 408 units, the applicant has reduced the maximum height of the development to 23 stories and reduced the number of condominium units to 560.

The majority of the project characteristics would remain unchanged and the applicant has provided exhibits for the reduced project (Attachment 2).

The Environmental Impact Report (EIR) for the proposed Monte Verde project analyzed and provided conclusions for the 800-unit "Project" as well as the recommended alternatives of a Reduced Project Alternative of which included both a 30-story development and a 21-story development. The 21-story alternative included 408 units while the 30-story alternative included 662 units. The City's Environmental Analysis Section (EAS) has reviewed the documents provided and has determined the proposed 560-unit project is not beyond the alternatives already discussed in the EIR. Therefore, the impacts of constructing 560 units can be deduced from the discussions of the impacts related to these two alternatives. EAS staff has prepared an Additional Information Statement (AIS) for the EIR and has concluded that the 560-unit project would not result in any new impacts when compared with the 800-unit project. Nor would it increase the intensity of impacts associated with the 800-unit project. In fact, in the case of visual/neighborhood character, the reduction in height would eliminate this significant impact on the building site associated with the 800-unit development; however, the visual impact on Rose Canyon from the offsite sewer line would remain. While the reduction in the number of residential units would not eliminate the significant traffic impacts, it would proportionately reduce them.

The reduced 560-unit project continues to comply with the applicable sections of the Municipal Code and adopted City Council policies. City staff has prepared resolutions and permits for the reduced project and recommends approval.

**FISCAL CONSIDERATION:**

All costs associated with the processing of this project are paid by the applicant.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On March 15, 2007, the Planning Commission recommended the City Council accept the project's Environmental Impact Report's Reduced Project Alternative: 21-Story. This alternative would allow the development with the maximum building height of 21-stories with a maximum number of 408 condominium units. The Planning Commission was unable to find the extraordinary benefit that allows the Commissioners to make the Statement of Overriding Considerations for the project as defined by the applicant. The Commissioners recognize that the 21-story "Reduced Project Alternative" discussed in the Final Environmental Impact (FEIR) reduces the cumulative and unmitigable impacts; however, the Commissioners acknowledge that there remains a significant unmitigated negative impact of which the findings of overriding consideration for this "reduced alternative" cannot be made.

The Motion made by Commissioner Ontai, second by Commissioner Garcia. Passed by a 4-1-2 vote with Commissioner Naslund voting NAY, Commissioner Griswold not present, and one vacancy.

The University Community Planning Board voted 10:4:0, on February 13, 2007, to recommend denial of the project.

**KEY STAKEHOLDERS:**

Costa Verde Hotel, L.L.C, owners  
University Community Planning Group

Waring/Escobar-Eck/Anderson/TD

**NOTE:** The City of San Diego as Lead Agency under CEQA has prepared and completed a Environmental Impact Report, Project No. 6563, dated December 22, 2006 and Mitigation, Monitoring, and Reporting Program covering this activity.

**LEGAL DESCRIPTION:**

The project site is generally bound by La Jolla Village Drive to the north, Genesee Avenue to the east, Trophy's restaurant and Costa Verde retain/commercial center to the south, and multi-family residential to the west. (Lot 12 of Costa Verde, Map No. 12045.)

Staff: Tim Daly – (619) 446-5356

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

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:55 p.m. – 4:26 p.m.;  
4:33 p.m. – 5:35 p.m.)

Testimony in opposition by Janay Kruger, Hugh Pates, Kevin Wirsing, Deborah Knight, Charles Pratt, Elizabeth Reers, Lorraine Stein, James Mayfield, Linda Colley, Arlie Martin, Sandra Lippe, and Patricia Wilson.

Testimony in favor by Paul Robinson, Martin Poirier, Stuart Posnock, Scott Barnett, Alice Tana, Mike Engel, Nicole Clay, Betsy Lane, John Jozwiak, Florence Masters, Lawrence Levy, Ruth Resnick, Harvey Christensen, and Jerry Livingston.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, AND D WITH DIRECTION TO ADD:

- A) ELEVATOR ACCOMMODATIONS FOR NON-MOTORIZED VEHICLES INCLUDED IN THE PEDESTRIAN BRIDGE DESIGN;
- B) THE DESIGN WILL BE THAT OF WHAT THE DEVELOPMENT APPROVALS ARE FOR THE BUILDING PERMIT;
- C) CITY PROTECTION AGAINST THE COST OF LITIGATION;
- D) OWNER/PERMITTEE SHALL CONTRIBUTE TO THE SUPER LOOP STATION;
- E) COUNCIL RESOLUTIONS WILL CERTIFY THAT THE INFORMATION CONTAINED IN PROJECT NUMBER 6563 HAS BEEN COMPLETED IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE CEQA GUIDELINES AND ENVIRONMENTAL IMPACT REPORT;
- F) COUNCIL RESOLUTIONS APPROVING THE PROGRESS GUIDE, GENERAL PLAN, THE UNIVERSITY COMMUNITY PLAN, AND THE COSTA VERDE SPECIFIC PLAN AMENDMENT NO. 10763;

- G) COUNCIL RESOLUTIONS APPROVING THE VESTING TENTATIVE MAPS, THE EASEMENT VACATIONS, AND THE PUBLIC RIGHT-OF-WAY VACATION AS LISTED ON THE COUNCIL 1472;
- H) COUNCIL RESOLUTIONS APPROVING THE PLANNED DEVELOPMENT PERMIT NO. 10761, SITE DEVELOPMENT PERMIT NO. 372422, AND PUBLIC RIGHT-OF-WAY PERMIT NO. 464724;
- I) AN ERRATA SHEET TO THE ENVIRONMENTAL DOCUMENT THAT THE CITY COUNCIL HAS CONSIDERED THE ISSUE RAISED BY THE CITY ATTORNEY WITH RESPECT TO THE FEDERAL COURT RULING AND THAT COUNCIL AGREES THE WATER SUPPLY IS ADEQUATE BASED ON THE INFORMATION COUNCIL HAS HEARD;
- J) AN ERRATA SHEET TO THE WATER SUPPLY ASSESSMENT REPORT, WHICH IS DATED 2004, STATING THAT NOTHING HAS CHANGED SINCE THEN;
- K) THAT CONDITION 57, UNDER THE TITLE "TRANSPORTATION REQUIREMENTS" OF THE PLANNED DEVELOPMENT SITE PERMIT IS CHANGED TO READ, PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, EXCLUSIVE OF A BUILDING PERMIT TO CONSTRUCT A FOUNDATION FOR THE PARKING GARAGE FOR THE FIRST AND SECOND TOWERS;
- L) OWNER/PERMITTEE SHALL ASSURE, BY PERMIT AND BOND, CONSTRUCTION OF A PEDESTRIAN BRIDGE FROM COSTA VERDE TO THE NORTH SIDE OF LA JOLLA VILLAGE DRIVE AS STATED IN THE COSTA VERDE SPECIFIC PLAN, FINAL ENVIRONMENTAL IMPACT REPORT, AND AS SHOWN IN EXHIBIT "A", SATISFACTORY TO THE CITY ENGINEER;
- M) IF THE CITY HAS ACQUIRED THE NECESSARY LAND BEFORE A VERTICAL BUILDING PERMIT FOR EACH TOWER IS ISSUED, THE BRIDGE SHALL BE CONSTRUCTED AND ACCEPTED BY THE CITY PRIOR TO THE OCCUPANCY OF ANY UNIT WITHIN THAT TOWER;

- N) IF THE CITY CHOOSES TO PURCHASE AT FAIR MARKET VALUE OR CONDEMN THE NECESSARY INTEREST, THE OWNER/PERMITTEE SHALL PAY ALL REASONABLE COSTS OF THE ACQUISITION OR OF CONDEMNATION;
- O) TO THE EXTENT THAT CONSTRUCTION OF THE PEDESTRIAN BRIDGE WILL BENEFIT OTHER PROJECTS, THE OWNER/PERMITTEE SHALL BE ENTITLED TO, BUT NOT NECESSARILY OBLIGATED TO, SEEK REIMBURSEMENT BY ANY APPROPRIATE MECHANISM;
- P) THAT ALL CONDITIONS ON THE PLANNED DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT, VESTING TENTATIVE MAP, OR OTHER ENTITLEMENTS ABOVE THAT ALLOW THE OWNER/APPLICANT TO SEEK REIMBURSEMENT BY A SPECIFIC MECHANISM, SUCH AS A COST REIMBURSEMENT DISTRICT, BE CHANGED THAT WILL ALLOW THE OWNER/APPLICANT TO SEEK REIMBURSEMENT BY ANY APPROPRIATE MECHANISM;
- Q) TITLE 6, UNDER THE TITLE, "GENERAL," OF THE VESTING TENTATIVE MAP, EASEMENT VACATION, AND PUBLIC RIGHT-OF-WAY VACATION BE REVISED TO READ, THAT THE SUBDIVIDER SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY INCLUDING ITS AGENTS, OFFICERS AND EMPLOYEES TOGETHER, THE "INDEMNIFIED PARTIES", HARMLESS FROM ANY CLAIM, ACTION, OR PROCEEDING AGAINST ANY "INDEMNIFIED PARTY" TO ATTACK, SET ASIDE, VOID, OR ANNUL THE CITY'S APPROVAL OF THIS PROJECT WHICH ACTION IS BROUGHT WITHIN THE TIME PERIOD PROVIDED IN GOVERNMENT CODE 66499.37;
- R) THE CITY SHALL PROMPTLY NOTIFY THE SUBDIVIDER OF ANY CLAIM, ACTION, OR PROCEEDING AND SHALL COOPERATE FULLY IN THE DEFENSE;
- S) IF THE CITY FAILS TO PROMPTLY NOTIFY SUBDIVIDER OF ANY CLAIM, ACTION, OR PROCEEDING, OR IF THE CITY FAILS TO COOPERATE FULLY IN THE DEFENSE; SUBDIVIDER SHALL NOT, THEREAFTER, BE RESPONSIBLE TO DEFEND, INDEMNIFY, OR HOLD CITY HARMLESS;

- T) CITY MAY PARTICIPATE IN THE DEFENSE OF ANY CLAIM, ACTION, OR PROCEEDING; IF CITY BOTH BEARS ITS OWN ATTORNEY'S FEES AND COSTS, AND DEFENDS THE ACTION IN GOOD FAITH AND THAT THE SUBDIVIDER NOT BE REQUIRED TO PAY OR PERFORM ANY SETTLEMENT UNLESS THE SETTLEMENT IS APPROVED BY THE SUBDIVIDER;
- U) MONTE VERDE PAY 554,000 DOLLARS OR HAVE AN OPTION TO BOND AND BUILD IN THE APPROPRIATE SUPER LOOP TRANSNET FUND FOR STATION CONSTRUCTION ON JUDICIAL DRIVE AND GOLDEN HAVEN;
- V) MONTE VERDE PAY THEIR FAIR SHARE OF THE PROPOSED UNIVERSITY HIGH SCHOOL FIELD RENOVATION PROJECT UPON APPROVAL OF, AND INCLUDING, THE PROJECT INTO THE NORTH UNIVERSITY FACILITIES BENEFIT ASSESSMENT;
- W) ALL BUILDING MATERIALS DESCRIBED IN EXHIBIT "A" IS CONSISTENT AND WRITTEN INTO THE PERMITS FOR THE PROJECT;
- X) A RECYCLING COMPONENT WILL BE INCORPORATED INTO THE PROJECT ALONGSIDE GARBAGE SHOOTS;
- Y) ANY CHALLENGE UNDER GOVERNMENT CODE SECTION 66473, WHICH WOULD SPECIFICALLY ADDRESS THE WATER ADEQUACY ISSUE THAT THE CITY COULD BE SUBJECT TO CHALLENGE;
- Z) TO THE PERMIT, REGARDING SOLID WASTE MANAGEMENT, PRIOR TO ISSUANCE OF A GRADING PERMIT FOR ANY OF THE FOUR RESIDENTIAL TOWERS, THE OWNER/PERMITTEE SHALL RECEIVE APPROVAL FROM THE ASSISTANT DEPUTY DIRECTOR THAT A WASTE MANAGEMENT PLAN HAS BEEN PREPARED WITH A MINIMUM OF 50 PERCENT DIVERSION OR AS MANDATED BY THE STATE, APPROVED BY THE ENVIRONMENTAL SERVICES DEPARTMENT, AND IMPLEMENTED FOR THE PROJECT;

- AA) PRIOR TO ISSUANCE OF THE GRADING PERMIT, THE APPLICANT SHALL SUBMIT EVIDENCE TO THE ASSISTANT DEPUTY DIRECTOR THAT THE FINAL DEMOLITION/CONSTRUCTION REPORT HAS BEEN APPROVED BY THE MITIGATION MONITORING COORDINATION AND ENVIRONMENTAL SERVICES DEPARTMENT. THIS REPORT SHALL SUMMARIZE THE RESULTS OF IMPLEMENTING THE ABOVE WASTE MANAGEMENT PLAN ELEMENTS, INCLUDING AND NOT LIMITED TO; THE ACTUAL WASTE GENERATED AND DIVERTED FROM THE PROJECT, THE WASTE REDUCTION PERCENTAGE ACHIEVED, AND HOW THAT GOAL WAS ACHIEVED;
- BB) APPLICANT WILL UTILIZE, ONCE AVAILABLE, ANY RECLAIMED WATER SOURCES FOR THEIR IRRIGATION WITHIN THEIR DEVELOPMENT;
- CC) THE SPECIFIC PLAN WILL CONSTITUTE THE ZONING FOR THE PROJECT AREA;
- DD) THE 50 PERCENT OR HIGHER, DEPENDING ON WHAT STATE LAW SAYS; AS WELL AS CONSTRUCTION AND RECYCLING, USE OF RECLAIMED WATER ON-SITE WHERE AVAILABLE;
- EE) IF THERE IS ANY CHANGE IN THE DESIGN CONTEMPLATED, THIS PROJECT WILL COME BACK AS A SUBSTANTIAL CONFORMANCE REVIEW PROCESS 2;
- FF) COSTA VERDE SPECIFIC PLAN, DATED SEPTEMBER 13, 2007 IS ACCEPTABLE TO STAFF.

Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-recused, Madaffer-yea, Hueso-yea.

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 to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the February 5, 2008 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2007	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/19/2007	139	Rules Committee review
Monday	9/24/2007	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee ( <i>NB: E-127 is 10/1/2007, a legislative recess</i> )
Monday	10/8/2007	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	10/29/2007	99	Council adopts ordinances prepared by City Attorney
Friday	11/9/2007	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	11/26/2007	71	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.

**REPORT OUT OF CLOSED SESSION:**

None.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Council President Peters at 5:36 p.m. in honor of the memory of:

Michael "Mick" Dawson as requested by Council President Peters.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:36 p.m. – 5:37 p.m.)

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Elizabeth S. Maland, City Clerk  
City of San Diego