



UPTOWN PLANNERS

Uptown Community Planning Committee

AGENDA

NOTICE OF PUBLIC MEETING

October 6, 2009 (Tuesday) – 6:00-9:00 p.m.

Joyce Beers Community Center, Uptown Shopping District

(Located on Vermont Street between the Terra and Aladdin Restaurants)

I. Board Meeting: Parliamentary Items/ Reports: (6:00 p.m.)

- A. Introductions
- B. Adoption of Agenda and Rules of Order
- C. Approval of Minutes
- D.. Treasurer's Report
- E. Website Report
- F. Chair/ CPC Report

II. Public Communication – Non-Agenda Public Comment (3 minutes); Speakers are encouraged, although not required, to fill out public comment forms and provide them to the secretary at the beginning of the meeting. (6:15 p.m.)

III. Representatives of Elected Officials: (3 minutes each) (6:30 p.m.)

IV. Consent Agenda: None

V. Special Presentation:

1. **HON. CITY COUNCILMEMBER TODD GLORIA** — Update on issues coming before the City Council; Councilmember Gloria is the chair of the Land Use & Housing Subcommittee. **(6:45 p.m.)**

VI. Action Items

1. **LETTER OF SUPPORT FOR STATE ASSEMBLY BILL AB 694 – Introduced by Assembly Member Lori Saldana** – AB 694 would repeal a provision in a state statute enacted early in the last century that granted tidelands and submerged land to the City for San Diego for port related activities. Pursuant to statute in question, the City of San Diego granted certain tidelands to the United States Navy for military use. In 2006, the United States Navy, which had ended its military use on the land, signed a 99-year lease with a private developer to use the lands for commercial purposes. Besides repealing a portion of a state statute, AB 694 further requires the State Land Commission to represent the state and “cooperate in resolving title and boundary issues involving tidelands and submerged lands.” The bill expressly states it should not be construed to nullify previous federal court decisions granted the Navy the right to convert its interest in the tideland property in question to private use. **(7:30 p.m.)**
2. **4340 ALTAMIRANO WAY (“PRIOR RESIDENCE”)** – Process Three – Mission Hills – Site Development Permit for Environmentally Sensitive Lands for an

approximately 1,271 sq. ft. addition to an existing single family residence on a 0.92 acres site at 4340 Altamirano Way, in the RS-1-7 & RS-1-2 Zone; FAA Part 77. (7:45 p.m.)

3. **HISTORIC PRESERVATION SUBCOMMITTEE REPORT – Acton Item:** Report on Land Use & Housing “History Day” meeting on September 23, 2009; recommendation for further action regarding policies for remodels, notification and other issues brought out in Uptown Planner’s demolition memo supported by Uptown Planners, North Park Planning Group and Community Planners Committee in September. 2009. (8:00 p.m.)
4. **REVISIONS TO COMMUNITY GARDEN PERMIT REQUIREMENT –** Proposal to revise the permit process for community gardens to no longer require a discretionary Neighborhood Development Permit (Process Two); instead the necessary permit could be obtained through a ministerial process (Process One), upon meeting the requirements contained in Municipal Code Section 141.0203. (8:20 p.m.)

VII. Subcommittee Reports:

1. **Rules/Bylaw Subcommittee; Information Item:** Don Liddell: Administrative Guidelines Policy on board member recusals. (8:40 p.m.)

VIII. Adjournment. (9:00 p.m.)

IX. NOTICE OF FUTURE MEETINGS

Design Review Subcommittee October meeting cancelled; due to lack of projects seeking review.

Historic Resources Subcommittee: Next meeting: October 13, 2009, at 3:00 p.m., at University Heights CDC, University Heights, 4452 Park Blvd., University Heights.

Public Facilities Subcommittee: – Next meeting; October 15, 2009, at 3:00 p.m., at Café Bassam, 3088 Fifth Avenue, in Bankers Hill/ Park West.

Uptown Planners: Next meeting: November 3, 2009, at 6:00 p. m., at the Joyce Beers Community Center, Hillcrest.

Note: All times listed are estimates only: Anyone who requires an alternative format of this agenda or has special access needs, please contact (619) 835-9501 at least three days prior to the meeting. For more information on meeting times or issues before Uptown Planners, contact Leo Wilson, Chair, at (619) 231-4495 or at leo.wikstrom@sbcglobal.net . Correspondence may be sent to 1010 University Ave, Box 1781, San Diego, CA 92103 Uptown Planners is the City’s recognized advisory community planning group for the Uptown Community Planning Area.

Visit our website at www.uptownplanners.org for meeting agendas and other information

RETURN IMMEDIATELY

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
ANNA CABALLERO, CHAIR

MEASURE: AB 694
AUTHOR: Saldaña

STAFF CONTACT: Andrew Zingale
PHONE: x 2262

NOTE: To allow adequate time for committee staff to analyze the bill, all committee worksheets shall be returned to the committee no later than five (5) legislative days after delivery to the author's office (*Committee Rule 1*).

1) Origin of the bill:

a) **Who is the sponsor of this bill?** What is the source of the bill? (What person, organization, or government entity requested introduction?) Author

b) Has a similar bill been previously introduced (by any author)? If so, please identify the session, bill number and disposition of the bill.

AB 1832 (Saldaña '08); vetoed by the Governor because it would have also repealed two other Chapters that could have affected local governments' ability to grant tidelands to the United States.

2) Please provide a statement of the author's purpose for the bill, which may be used in the Committee's analysis, including ***in detail*** the problem or deficiency in the present law that the bill seeks to remedy, and how the bill resolves the problem?

This bill strikes Ch. 642 of the 1929 Statutes. Ch 642 has been interpreted in Federal Court to state that San Diego's tidelands are removed from the protections of the Tidelands Trust, despite the State's position to the contrary and the fact that the California Legislature is constitutionally prohibited from taking such an action except during extraordinary circumstances. The significance of the court rulings is that the titles to two tideland properties in San Diego that had been granted to the US Navy for military use but were no longer needed for that use were taken by the United States and conveyed to private developers. Now that this precedent is set, the only action that can be taken to avoid potential takings of San Diego's remaining military-used tidelands (should they no longer be needed for military purposes) in this litigious manner is to repeal the cited Chapter.

3) Please attach copies of any background material, including any interim committee reports, in explanation of the bill; state where such material is available for reference by committee staff. (S.B.'s PLEASE ATTACH POLICY, FISCAL & FLOOR ANALYSES.)

4) Please attach copies of letters of support or opposition from any group, organization, or governmental agency. (PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF WORKSHEET WITH ATTACHMENTS.) None at this time

5) If you plan substantive amendments to this bill prior to hearing, please explain briefly the substance of the amendments to be prepared and bring what is taken to Legislative Counsel immediately to the committee office. **NOTE: ORIGINAL (SIGNED) PLUS 8 COPIES OF LEGISLATIVE COUNSEL AMENDMENTS MUST BE RECEIVED IN COMMITTEE OFFICE BY 5:00 P.M. OF THE**

MONDAY PRECEDING THE WEEK OF THE HEARING (*Committee Rule 6(b)*).

6) How much time do you think will be necessary to consider this bill in the committee? 10 min

RETURN TO:

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
ROOM 157, 1020 N STREET (LOB) (PHONE: 319-3958)
ATTENTION: DIXIE PETTY FAX: 319-3959

RETURN IMMEDIATELY

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
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AUTHOR: Saldaña

STAFF CONTACT: Andrew Zingale
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ROOM 157, 1020 N STREET (LOB) (PHONE: 319-3958)
ATTENTION: DIXIE PETTY FAX: 319-3959

ASSEMBLY BILL

No. 694

Introduced by Assembly Member Saldana

February 26, 2009

An act to repeal Chapter 642 of the Statutes of 1929, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 694, as introduced, Saldana. Tidelands and submerged lands: City of San Diego.

Under existing law, various grants of tidelands and submerged lands have been made in trust to local agencies, including several grants of specified tidelands to the City of San Diego. Existing law provides that certain tidelands granted to the City of San Diego ceased to be tidelands and were free from all trusts and restrictions, subject to specified conditions.

This bill would repeal the provisions freeing former tidelands granted to the City of San Diego from use restrictions and would specify that the repeal of those provisions shall not be construed to overturn or nullify the decision of a federal district court concerning certain tidelands in the City of San Diego or any title settlement agreement entered into by the state. The bill would require the State Lands Commission to represent the state and to cooperate in resolving title and boundary issues involving tidelands and submerged lands.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Sections 3 and 4 of Article X of the California Constitution,
4 formerly Sections 2 and 3 of Article XV of the California
5 Constitution, were adopted both to protect the state's waterways
6 and promote public access to those waterways.

7 (b) The state's sovereign interests in tidelands, submerged lands,
8 and the beds of nontidal navigable waters, whether filled or
9 unfilled, are held in trust to be protected as public trust lands
10 pursuant to the California Constitution and the common law public
11 trust doctrine.

12 (c) As trustee of California public trust lands, the state has a
13 duty to protect and promote public access to, and use of, these
14 lands for trust purposes, including, but not limited to, maritime
15 commerce and commercial and recreational navigation and fishing.

16 (d) Recognizing that the use of the state's tidelands and
17 submerged lands by the United States has been beneficial to the
18 state's economic interests and the nation's defense interests and
19 that the continued use of those lands is necessary for military and
20 naval defense purposes as set forth in Section 8 of Article I of the
21 United States Constitution, regarding the authority of Congress,
22 and in Section 2 of Article VI of the United States Constitution,
23 regarding federal supremacy, that authorize Congress to provide
24 for the military defense of the United States, nothing in this act
25 shall be construed to interfere with military operations or national
26 defense activities by the United States on public trust lands
27 acquired from the state or its trustees for military defense uses.

28 SEC. 2. Chapter 642 of the Statutes of 1929 is repealed.

29 SEC. 3. As authorized by existing law, including, but not
30 limited to, Sections 6210, 6222, 6301, 6307, and 6308 of the Public
31 Resources Code, the State Lands Commission shall represent the
32 state and cooperate with the state's local trustees and the United
33 States in resolving their respective title and boundary issues
34 involving tidelands and submerged lands, including, but not limited
35 to, those involved in the Base Closure and Realignment Law as
36 provided in subsection (d) of Section 2903 of the National Defense
37 Authorization Act for Fiscal Year 1994 (Public Law 103-160 (Nov.
38 30, 1993) 107 Stat. 1915).

1 SEC. 4. The repeal of Chapter 642 of the Statutes of 1929 shall
2 not be construed as overturning or otherwise nullifying the decision
3 in *United States of America v. 15.320 Acres of Land* (1991) U.S.
4 Dist. LEXIS 21875 or any title settlement agreement entered into
5 by the State of California.

O

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: September 10, 2009
TO: Rhonda Benally, Entitlements Division
FROM: Jeffrey Szymanski RPA, Associate Planner, Entitlements Division
SUBJECT: Prior Residence- ARCHAEOLOGICAL RESOURCES SURVEY ASSESSMENT
(4340 Altamirano Way, Project No. 188609)

An archaeological survey was conducted by qualified City staff on September 9, 2009 for the above property to determine the need for additional archaeological investigation prior to the approval of development permits.

A record search of the California Historic Resources Information System (CHRIS) digital database was reviewed to determine presence or absence of potential resources within the project site and one-mile radius. No archaeological sites have been recorded in or directly adjacent to the project site; however, many sites were identified within a one-mile radius of the address. The most notable is the Presidio archaeological site (CA-SDI-38), which is located to the north in Presidio Park.

The project site was surveyed expending approximately one-half hour. The project site was evaluated for surface evidence of historic and prehistoric resources. No resources were observed during the site visit. A single family residence exists on site and would be remodeled as part of the development plan. The site appears to be disturbed through the past development and construction. The area of concern is where the proposed retaining walls would be placed. However, upon inspection of this area it appears that the walls would be placed on a steep manufactured slope. The geotechnical report supports the conclusions that the slope is not natural.

The construction of the retaining walls would require grading; however, most this work would be confined to the disturbed steep slope. Based upon the survey, the scope of work, and the disturbed nature of the site it was determined that impacts to buried archaeological/historical resources are not anticipated and further archaeological investigations would not be required.



L64A-003B

Project Information

Project Nbr: 188609 **Title:** PRIOR RESIDENCE
Project Mgr: Johnson, Derrick (619) 446-5238 dnjohnson@sandiego.gov



Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: LDR-Environmental	Cycle Distributed: 07/09/2009	
Reviewer: Benally, Rhonda (619) 446-5468	Assigned: 07/15/2009	
Hours of Review: 0.00	Started: 08/06/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/21/2009	
	Completed: 08/21/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: Partial Response to Cmnts/Regs.
- . The reviewer has requested more documents be submitted.
- . Your project still has 25 outstanding review issues with LDR-Environmental (all of which are new).
- . The reviewer has not signed off 1 job.

Review 8/21/2009

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	The Environmental Analysis Section (EAS) has reviewed the project in accordance with the California Environmental Quality Act. Additional information is required to determine if identified Biological Resources, Health and Safety, Historical Resources (Archaeology) and Visual Quality would be considered significant. EAS is not able to complete the initial study, the project will remain in Extended Initial Study (XIS) and the CEQA processing timeline will be held in abeyance until the required information is submitted. (New Issue)

Biological Resources

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	2	EAS received "Results of the Biological Survey for the Prior Residence (RECON Number 5311B)," prepared by RECON Consultants and determined the following revisions are required; (New Issue)
<input type="checkbox"/>	3	Page 1, Provide Project no. 188609 and Job Order No. 43-2550 to title. (New Issue)
<input type="checkbox"/>	4	Provide a complete list of species (e.g. rare, threatened, endangered, narrow endemics, MSCP covered) and their potential to be located on site (high, moderate, low) in the appendices. (New Issue)
<input type="checkbox"/>	5	Delineate the Limits of Work, vs Limits of Grading on Biological Resources Map (Figure 5) as well as on Site Plan and provide a symbol in the Legend. (New Issue)
<input type="checkbox"/>	6	LDR-Landscaping has indicated additional information is needed on how the disturbed area of the site will be revegetated. Provide a discussion of the revegetation in the biology report. (New Issue)
<input type="checkbox"/>	7	If the residential structure will be fire rated provide a discussion of this in the biology report. (New Issue)
<input type="checkbox"/>	8	Figure 5, Biological Resources Map: It is difficult to differentiate the Coastal Sage Scrub on figure since the orange color is similar to the color for Brush Management Areas. Provide a different color (e.g. white, yellow) to differentiate the Coastal Sage Scrub from the Brush Management Areas. Show the boundaries for the Brush Management I and II zones on figure. (New Issue)
<input type="checkbox"/>	9	Figure 5, Biological Resources Map: The biology report indicates a 100 foot Brush Management (BM) Zone II. It appears Southern Mixed Chaparral is located in the BM Zone II. Quantify the impact to the BM Zone II beyond 65 feet for the remaining 35 feet and if this impact would be significant. Also indicate what mitigation measures, if necessary to reduce potential significant impacts to below a level of significance. (New Issue)
<input type="checkbox"/>	10	(Continued) Impacts within BMZ 2 beyond the required 65 feet, are NOT considered impact neutral and therefore must be qualified (habitat type) and quantified (acres) to determine significance. (New Issue)
<input type="checkbox"/>	11	Page 4, Section 2.1, Topography and Soils, second paragraph, second sentence: Clarify what is "urban works." Revise sentence for consistency. (New Issue)
<input type="checkbox"/>	12	Page 8, Section 2.2, Land Cover Types, fourth paragraph: The sentence states "It is dominated by lemonade berry and California Sagebrush." Clarify what is dominated by lemonade berry and California Sagebrush. (New Issue)
<input type="checkbox"/>	13	Page 8, Section 2.2, Land Cover Types, fifth paragraph: This paragraph indicates that seasonal drainage is located at the bottom of the canyon. This paragraph also indicates the seasonal drainage is a non-wetland water of the US and would not qualify as City of San Diego wetland, as it lacks hydrophytic vegetation. Provide a copy of the wetland delineation to EAS staff in next submittal. (New Issue)
<input type="checkbox"/>	14	Page 9, Section 4.0, Impacts: Provide a table delineating the habitat types, tiers, acreage of habitat on-site, and quantify (in acres) the impact inside/outside the MHPA including Brush Management Zones (e.g. I and II) in accordance with the City of San Diego's Biological Review References Guidelines (2002). (New Issue)

For questions regarding the 'LDR-Environmental' review, please call Rhonda Benally at (619) 446-5468. Project Nbr: 188609 / Cycle: 2





L64A-003B

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	15	Provide four copies of the revised biology report for the Development Project Manager, EAS, MSCP and LDR-Landscaping in the next submittal. (New Issue)

MSCP

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	16	Refer to MSCP in next review cycle for additional comments. (New Issue)

Geology

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	17	EAS received "Geotechnical Investigation for Proposed Residential Additions," prepared by Terra Pacific Consultants, Inc. , September 24, 2008. LDR-Geology has indicated that an Addendum or update letter would need to be submitted. Provide a copy of the Addendum or update letter to EAS staff in next submittal. (New Issue)

Health and Safety

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	18	FAA Notification Area: The proposed project is located within the Federal Aviation Administration (FAA) Notification Area for Naval Air Station (NAS) North Island and Lindberg Field Airports. LDR-Planning has indicated an FAA Determination will be required provide a copy of the FAA Determination to EAS. Refer to LDR-Planning for additional information. (New Issue)

Historical (Architectural)

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	19	The plans indicate the building was constructed in 1960. The City of San Diego's CEQA Significance Determination Thresholds states that if a building is greater than 45 years or older, then the building may be considered potentially historically significant. San Diego Municipal Code (SDMC) Section 142.0212 requires that all properties 45 years old or older be reviewed for potential historical significance. (New Issue)
<input checked="" type="checkbox"/>	20	(Continued) The structure was previously reviewed under City's Project Tracking System (PTS) no. 167554 by the City's Plan-Historic staff (Cathy Winterrowd). City staff concurred the building is not historically or architecturally significant and that this determination is valid for five years from the date of October 27, 2008. (New Issue)

Historical/Consultant's Report

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	21	EAS did not receive a copy of the report provided to Plan-Historic staff under PTS No. 167554; therefore provide a copy of this report to EAS in the next submittal. (New Issue)

Historical Resources (Archaeol)

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	22	EAS has consulted with City staff and based upon the scope of work and the project's close proximity to sensitive historic resources an archaeological survey will be required. The report will need to be prepared in accordance with the City of San Diego's Historical Resources Guidelines (2001). Provide a copy of the report to EAS. (New Issue)

Paleontology

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	23	According to the "Geology of the San Diego Metropolitan Area, California," the subject property is underlain by Mission Valley and San Diego Formations. Mission Valley and San Diego Bay Point Formations has been assigned as a high resource potential for paleontological resources. The project proposes 540 cubic yards of fill at a maximum depth of 9'-5". (New Issue)
<input checked="" type="checkbox"/>	24	(Continued) The City of San Diego's CEQA Significance Determination Thresholds states that if a project proposes to excavate/grade 1000 cubic yards of soil at a depth of 10 feet or greater then significant paleontological resources may be impacted and mitigation would be required. However since grading/excavation would not exceed the City's CEQA Significance Determination Thresholds, therefore mitigation will not be required. (New Issue)

Visual Quality

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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For questions regarding the 'LDR-Environmental' review, please call Rhonda Benally at (619) 446-5468. Project Nbr: 188609 / Cycle: 2





L64A-003B

1222 First Avenue, San Diego, CA 92101-4154

Issue

Cleared? Num Issue Text

- 25 Visual Simulations/Retaining Walls
Based on the information provided on the grading plan (Sheet 3), it appears the project proposes a retaining wall greater than 50'-0" in length and greater than 6'-0" in height. The City's CEQA Significance Determination Threshold guidelines states that retaining walls which exceed 50 feet in length and 6 feet in height could result in a significant adverse visual impact. This condition can become more significant if visible from designated open space areas, roads, parks or recognized visual landmarks. (New Issue)
- 26 (Continued)
Provide photo simulations of the proposed retaining walls from various view points (i.e. road ways, open space areas, etc.) with a key map including color, texture, and landscaping used to screen the walls from public view. (New Issue)

Water Quality

Issue

Cleared? Num Issue Text

- 27 LDR-Engineering indicated that a Water Quality Study is required. Provide a copy of the report to EAS staff in next submittal. (New Issue)

Photographic Survey

Issue

Cleared? Num Issue Text

- 28 LDR-Landscaping has requested a Photographic Survey. Provide a copy of the photos to EAS. (New Issue)

New Issue Group (1138473)

Issue

Cleared? Num Issue Text

- 29 Please be aware that the conclusion of this review may change in response to any project changes and/or new information. (New Issue)





Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: LDR-Planning Review	Cycle Distributed: 07/09/2009	
Reviewer: Braun, Corey (619) 446-5311	Assigned: 07/10/2009	
Hours of Review: 4.00	Started: 07/28/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/06/2009	
	Completed: 07/31/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
- . The reviewer has requested more documents be submitted.
- . Your project still has 4 outstanding review issues with LDR-Planning Review (all of which are new).
- . The reviewer has not signed off 1 job.

1st Review 7/29/09

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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- 1 Retaining Wall - According to Municipal Code Section 142.0340(e) retaining walls are not permitted to exceed a height of 12 feet. The Grading Plan for the project appears to show the retaining wall to have a height of 16.7 feet at one point. Revise the plans to show that the proposed retaining wall will not exceed a height of 12 feet above pre existing or proposed grade, whichever is lower, at any point.
- (New Issue)
- 2 Floor Area Ratio - The second level of the proposed garage appears to meet the definition of gross floor area according to Municipal Code Section 113.0234(b)(4)(B). Please include this area in the gross floor area and floor area ratio tabulations.

(New Issue)

Environmentally Sensitive Land

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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- 3 Sensitive Biological Resources - According to the City's records the project site potentially has sensitive biological resources on it. Provide a biological survey either showing that there is no sensitive biological resources on the site or showing the limits of the sensitive vegetation.
- (New Issue)
- 4 Steep Hillides - The geotechnical study provided shows that the upper portion of the slope has been disturbed with fill dirt even though the slope had a natural gradient of more than 25 percent. The current determination of the Environmentally Sensitive Lands (ESL) regulations for Steep Hillides is that they do not apply to slopes that have a natural gradient greater than 25 percent if they have been disturbed. The ESL boundary for steep hillides, therefore, begins on the slope where the fill dirt ends. The project does not encroach into ESL for steep hillides.

(New Issue)

FAA Notification

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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- 5 The Federal Aviation Administration (FAA) has notified the City that the Airport Land Use Compatibility Plans for all Airports in the City do not include all areas that are subject to Federal notification requirements and structure height limits near airports.
- (New Issue)
- 6 Due to the height and proximity of the proposed project to Lindbergh Field and North Island NAS, your project must be submitted to the Federal Aviation Administration (FAA) for Obstruction Evaluation and Airport Airspace Analysis as required by the Code of Federal Regulations Title 14 Part 77, Subpart B to ensure that the structure will not be an obstruction or hazard to air navigation. The following is a link to the FAA web site for submitting projects (form 4760-1) to the FAA: www.oaaaa.faa.gov.

(New Issue)

Community Plan

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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L64A-003B

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	7	<p>The project site is located within the Mission Hills neighborhood of the Uptown Community Plan area. The Uptown Community Plan designates the project site as Low Density Residential (5-10 dwelling units per acre) and Open Space. The Open Space designation is presumably the area of the slope that has not been disturbed or that does not contain sensitive vegetation. If the project remains out of any sensitive vegetation or undisturbed slopes. It would be consistent with the Community Plan.</p> <p>(New Issue)</p>





L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: LDR-Engineering Review	Cycle Distributed: 07/09/2009	
Reviewer: Ocen, Julius (619) 446-5295	Assigned: 07/10/2009	
Hours of Review: 5.00	Started: 08/05/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/06/2009	
	Completed: 08/06/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: Partial Response to Cmnts/Regs.
- . The reviewer has requested more documents be submitted.
- . Your project still has 6 outstanding review issues with LDR-Engineering Review (all of which are new).
- . The reviewer has not signed off 1 job.

1st Review Issues

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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- | | | |
|--------------------------|---|---|
| <input type="checkbox"/> | 1 | The plans shows drainage discharge into the enviromentally sensitive land (steep hillside). Per SDMC section 143.0142(f), any development that proposes encroachment into steep hillsides, requires that any increase in storm water runoff resulting from the development of the site shall be directed away from any steep hillside areas and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off (Altamirano Way). (New Issue) |
| <input type="checkbox"/> | 2 | Please revise the grading plan to show all contours within the development's property lines. The plans only shows the contours up to the fence line. (New Issue) |
| <input type="checkbox"/> | 3 | Please provide a cross-section of the adjacent street (Altamirano Way) to show curb, gutter, sidewalk and the curb to property line distance. Note that the minimum curb to property line distance is 10 feet. The applicant shall be required to dedicate in order to provide the minimum 10 feet curb to property line distance. (New Issue) |
| <input type="checkbox"/> | 4 | This project is subject to Standard Permanent Storm Water BMP requirements as identified in Section II.1.a (pg. 8) of the City's "Land Development Manual - Storm Water Standards" (available online at http://www.sandiego.gov/development-services/news/pdf/stormwatermanual.pdf) (New Issue) |
| <input type="checkbox"/> | 5 | Please provide an analysis (Water Quality Study) of the project's anticipated pollutants of concern with the next project submittal. The analysis needs to "Identify Pollutants from the Project Area" (pg. 13) and address how "Low Impact Development (LID)" and "Source Control BMP's (pgs. 18-24) will be incorporated into the project. (New Issue) |
| <input type="checkbox"/> | 6 | ADD NOTE TO PLANS FOR ALL PROJECTS WITH CONSTRUCTION: |

Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications. (New Issue)





Cycle Issues DRAFT

8/25/09 10:57 am

Page 7 of 10

THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: Fire-Plans Officer	Cycle Distributed: 07/09/2009	
Reviewer: Carter, Ron (619) 446-5449	Assigned: 07/22/2009	
Hours of Review: 1.00	Started: 08/04/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/06/2009	
	Completed: 08/04/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has requested more documents be submitted.

📁 Fire Dept issues (1st review)

<u>Issue</u>		
<u>Cleared?</u>	<u>Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	1	Comply with City of San Diego Landscaping Technical Manual for brush and landscaping. (Appendix II-A, Section 16) (New Issue)





Cycle Issues DRAFT

8/25/09 10:57 am

Page 8 of 10

THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: Community Planning Group	Cycle Distributed: 07/09/2009	
Reviewer: Godwin, Paul (619) 446-5103	Assigned: 08/04/2009	
Hours of Review: 0.00	Started: 08/04/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/06/2009	
	Completed: 08/04/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: Partial Response to Cmnts/Regs.
- . The reviewer has requested more documents be submitted.
- . Your project still has 1 outstanding review issues with Community Planning Group (all of which are new).

1st Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	Please contact the Chair for the Uptown Planners, Leo Wilson, at (619) 231-4495 to make arrangements to present your project for review at their next available meeting. This Community Planning Group is officially recognized by the City as a representative of the community, and an advisor to the City in actions that would affect the community. The Development Services Department has notified the group of your request and has sent them a copy of your project plans and documents. (New Issue)





L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: LDR-Geology	Cycle Distributed: 07/09/2009	
Reviewer: Quinn, Jim (619) 446-5334	Assigned: 07/10/2009	
Hours of Review: 3.50	Started: 07/10/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/06/2009	
	Completed: 07/31/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
- . The reviewer has requested more documents be submitted.
- . Your project still has 11 outstanding review issues with LDR-Geology (all of which are new).
- . The reviewer has not signed off 1 job.

Cycle 2 Review (7/31/09)

Information

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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<input type="checkbox"/>	1	Geologic Hazard Category:
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The site is located in Geologic Hazard Category 53 as indicated on the San Diego Seismic Safety Study maps. Category 53 is described as level or sloping terrain, unfavorable geologic structure - variable slope stability. (New Issue)

<input type="checkbox"/>	2	References:
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Geotechnical Investigation for Proposed Residential Additions, Prior Residence, 4340 Altamirano Way, San Diego, California, Assessor's Parcel No. 442-692-03-00, prepared by TerraPacific Consultants, Inc., dated September 24, 2008 (their project no. 28092)

Site Plan, Prior Residence, prepared by Hayer Architecture, dated June 15, 2009

Grading Plan, Prior Residence, 4340 Altamirano Way, San Diego, CA 92103, prepared by Tri-Dimensional Engineering, Inc., dated June 15, 2009 (New Issue)

Comments

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
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- | | | |
|--------------------------|----|--|
| <input type="checkbox"/> | 3 | Submit an addendum geotechnical report or update letter that addresses the referenced proposed development plans and the following: (New Issue) |
| <input type="checkbox"/> | 4 | Provide a geologic map based on site-specific geologic mapping. Show the limits of existing fill. Show the anticipated limits of remedial grading on the geologic map. (New Issue) |
| <input type="checkbox"/> | 5 | The geotechnical consultant should consider updating their cross sections that show the relationship of the existing site conditions, geology, anticipated remedial grading, and proposed development. (New Issue) |
| <input type="checkbox"/> | 6 | Describe if the geologic structure of the site is favorable or unfavorable with respect to slope stability. (New Issue) |
| <input type="checkbox"/> | 7 | Address if the proposed development will destabilize or result in settlement of adjacent property, easements, or the City right of way. (New Issue) |
| <input type="checkbox"/> | 8 | Indicate if the fill material on the site is properly documented structural fill (i.e., engineered compacted fill - keyed, benched, tested for compaction, etc). (New Issue) |
| <input type="checkbox"/> | 9 | The geotechnical consultant should clarify if the fill soils will be removed from the project area or if the fill soil will be left in place. (New Issue) |
| <input type="checkbox"/> | 10 | Address the feasibility of on-site storm water disposal/ infiltration systems and potential impacts regarding slope stability, fill settlement, or piping of soil. (New Issue) |
| <input type="checkbox"/> | 11 | Indicate if the site is suitable for the proposed development. (New Issue) |





L64A-003B

Review Information

Cycle Type: 2 Submitted (Multi-Discipline)	Submitted: 06/30/2009	Deemed Complete on 07/09/2009
Reviewing Discipline: LDR-Landscaping	Cycle Distributed: 07/09/2009	
Reviewer: Spindell, Glenn (619) 446-5353	Assigned: 07/10/2009	
Hours of Review: 2.00	Started: 07/20/2009	
Next Review Method: Submitted (Multi-Discipline)	Review Due: 08/06/2009	
	Completed: 07/29/2009	
	Closed:	

- . The review due date was changed to 08/21/2009 from 08/11/2009 per agreement with customer.
- . The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.
- . The reviewer has requested more documents be submitted.
- . Your project still has 6 outstanding review issues with LDR-Landscaping (all of which are new).
- . The reviewer has not signed off 1 job.

Review

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	1	Retaining Wall: the development proposal includes construction of a retaining wall up to sixteen feet in height. Provide a typical Retaining Wall Section and show landscape treatment proposed to screen the wall. (New Issue)
<input type="checkbox"/>	2	Revegetation Program: provide details as to how the disturbed area will be revegetated. The disturbed area should be revegetated with native vegetation in accordance with the Uptown Community Plan's Hillside Development Criteria. (New Issue)
<input type="checkbox"/>	3	Covenants of Easements Pursuant to Environmentally Sensitive Lands Regulation: in order to evaluate requirements from other review disciplines, please show on the revised Landscape Development/ Brush Management Plan whether such an easement will be recorded against this property [SDMC 143.0152]. (New Issue)
<input type="checkbox"/>	4	Photographic Survey: a Photographic Survey is requested in order to evaluate the need for Brush Management. Include a key map indicating the location and direction each photograph was taken [Project Submittal Requirements, Sec. 4, Item 2.0]. (New Issue)
<input type="checkbox"/>	5	Brush Management: please show the extent of existing, irrigated landscaping. (New Issue)
<input type="checkbox"/>	6	Existing Conditions: in order to determine the appropriate application of the brush mangement regulations, additional information is needed regarding existing site conditions. In order to minimize impacts to undisturbed native vegetation, the Zone Two width may be decreased by 1½ feet for each 1 foot of increase in Zone One width. Please identify the existing vegetation on the rear slope of the property. (New Issue)





THE CITY OF SAN DIEGO

September 16, 2009

VIA EMAIL: marcos@hayerarchitecture.com

Mr. Marcos Vanorden
Hayer Architect
915 Camino Del Mar Ste. 100
Del Mar, Ca. 92014

Dear Mr. Vanorden:

Subject: PRIOR RESIDENCE, Assessment Letter; Project No. 188609 Account No. 43-2550
Uptown Community Plan Area.

The Development Services Department has completed the first review of the project referenced above, and described as:

- The project requires a Site Development Permit for Environmentally Sensitive Lands for a 1,271 square-foot addition to an existing single family residence on a 0.92-acre site. The project is located at 4340 Altamirano Way in the RS-1-7 & RS-1-2 Zones and the FAA Part 77 Overlay Zone, within the Uptown Community Plan area.

Enclosed is a Cycle Issues Report (Enclosure 1) which contains review comments from staff representing various disciplines. The purpose of this assessment letter is to summarize the significant project issues and identify a course of action for the processing of your project.

If any additional requirements should arise during the subsequent review of your project, we will identify the issue and the reason for the additional requirement. To resolve any outstanding issues, please provide the information that is requested in the Cycle Issues Report. If you choose not to provide the requested additional information or make the requested revisions, processing may continue. However, the project may be recommended for denial if the remaining issues cannot be satisfactorily resolved and the appropriate findings for approval cannot be made.

As your Development Project Manager, I will coordinate all correspondence, emails, phone calls, and meetings directly with the applicants assigned "Point of Contact." The addressee on this letter has been designated as the Point of Contact for your project. Please notify me if you should decide to change your Point of Contact while I am managing this project.

I. REQUIRED APPROVALS/FINDINGS - Your project as currently proposed requires the processing of:

- **Required approvals:** A Site Development Permit in accordance with Land Development Code section 126.0501 is required due to the presence and possible disturbance of Environmentally Sensitive Lands (ESL). The Site Development Permit is processed in accordance with Process Two, Development Services Department Approval if it is designed to meet all regulations of the Environmentally Sensitive Lands regulations.

Required Findings: In order to recommend approval of your project, certain findings must be substantiated in the record. Required findings are provided as Enclosure 2 and can be found in Land Development Code Section 126.0501.

II. SIGNIFICANT PROJECT ISSUES: The significant project issues are summarized below. Resolution of these issues could affect your project. Additional explanation is provided in the Cycle Issues Report.

KEY ISSUES: Please provide written Site Development, findings with your next submittal. In order to recommend approval of your project, certain findings must be substantiated in the record. Enclosure 2 contains the required findings. Consider these findings as questions posed by a court of law to determine the justification of approving the proposed project. Therefore, treat each finding as a question and provide the answer that best addresses the question.

ENVIRONMENTAL: Staff has determined an Archeology Report will not be required. The construction of the retaining walls would require grading; however, most this work would be confined to the disturbed steep slope. Based upon the survey, the scope of work, and the disturbed nature of the site it was determined that impacts to buried archaeological/historical resources are not anticipated and further archaeological investigations would not be required. Please read the attached memo.

GEOLOGY: Staff has requested that an addendum to the Geologic Report be submitted for review prior to any project approval. The revised Geology Report must provide an opinion on whether or not the proposed development would destabilize or result in settlement of adjacent property. In addition, please clarify if the fill that's on site is documented structural fill. The report will be used to determine if any geological mitigation will be required and will assist in determining what type of environmental document to issue on the proposed project.

PLANNING: The Federal Aviation Administration (FAA) has notified the City that the Airport Land Use Compatibility Plans for all Airports in the City do not include all areas that are subject to Federal notification requirements and structure height limits near

airports. Due to the height and proximity of the proposed project to Lindberg Field your project must be submitted to the Federal Aviation Administration (FAA) for Obstruction Evaluation and Airport Airspace Analysis as required by the Code of Federal Regulations Title 14 Part 77, Subpart B to ensure that the structure will not be an obstruction or hazard to air navigation. The following is a link to the FAA website for submitting projects (form 4760-1) to the FAA: www.oaiaa.faa.gov. However, the City will not require notification to the FAA if a professional, licensed by the state of California to prepare construction documents provides certification on their plans along with their signature and registration stamps that the structures or modification to existing structures shown on the plans do not require Federal Aviation Administration notification because per Section 77.15 (a) of Title 14 of the Code of Federal Regulation CFR Part 77, notification is not required. Please go to the following link to print out the form, http://www.sandiego.gov/development_services/industry/pdf/forms/ds503.pdf.

ENVIRONMENTAL: The Environmental Review section has reviewed the project and determined additional information will be required before an environmental determination can be made on the proposed project. Several disciplines have requested that the retaining walls be lowered to comply with the height regulations. Please provide a visual simulation of the proposed retaining wall including any proposed landscaping. Staff will use the simulation to determine if the retaining wall would be a visual impact as seen from the Canyon. In addition, please see Environmental staff's comments regarding the required changes to the Biology Report. Please be sure to include four copies of all requested technical reports.

III. STUDIES/REPORTS REQUIRED: A number of documents have been identified as necessary to the project's review. Reference the attached Submittal Requirements Report (Enclosure 3).

IV. PROJECT ACCOUNT STATUS: Our current accounting system does not provide for real-time information regarding account status, however, our records show approximately \$800.00 billed to date. Based on the processing point, unresolved issues, and level of controversy of your project, it is anticipated that approximately \$2,500.00 will be required with your resubmittal.

During the processing of your project, you will continue to receive statements with the break-down of staff charges to your account. Should you have questions about those charges, please feel free to contact me directly.

V. TIMELINE: Upon your review of the attached Cycle Issues Report, you may wish to schedule a meeting with staff and your consultants prior to resubmitting the project. Please telephone me if you wish to schedule a meeting with staff. During the meeting, we will also focus on key milestones that must be met in order to facilitate the review of

your proposal and to project a potential timeline for a hearing date. Your next review cycle should take approximately 20 days to complete.

VI. RESUBMITTALS/NEXT STEPS: When you are ready to resubmit, please telephone (619) 446-5300 and request an appointment for a “Submittal-Discretionary Resubmittal.” Resubmittals may also be done on a walk-in basis, however you may experience a longer than desirable wait time. In either case, please check in on the third floor of the Development Service Center (1222 First Avenue) to be placed on the list for the submittal counter. At your appointment, provide the following:

A. Plans and Reports: Provide the number of sets of plans and reports as shown on the attached Submittal Requirements Report. The plans should be folded to an approximate 8 ½ x 11 inch size.

B. Cycle Issues Report response letter: Prepare a cover letter that specifically describes how you have addressed each of the issues identified in the Cycle Issues Report and any issues identified in this cover letter, if applicable. Or, you may choose to simply submit the Cycle Issues Report, identifying within the margins how you have addressed the issue. If the issue is addressed on one or more sheets of the plans or the reports, please reference the plan, sheet number, report or page number as appropriate. If it is not feasible to address a particular issue, please indicate the reason. Include a copy of this Assessment Letter, Cycle Issues Report and your response letter if applicable, with each set of plans.

C. Account: Pay the enclosed invoice. Checks should be made payable to the “City Treasurer.” Please include the project “work order” number 43-2550, on your check.

VII. COMMUNITY PLANNING GROUP: Staff provides the decision maker with the recommendation from your locally recognized community planning group. If you have not already done so, please contact Leo Wilson, Chairperson of the Uptown Planners, at (619) 574-0109 to schedule your project for a recommendation from the group. If you have already obtained a recommendation from the community planning group, in your resubmittal, if applicable, please indicate how your project incorporates any input suggested to you by the community planning group.

Information Bulletin 620, “Coordination of Project Management with Community Planning Committees” (available at <http://www.sandiego.gov/development-services>), provides some valuable information about the advisory role the Community Planning Group. Council Policy 600-24 provides standard operating procedures and responsibilities of recognized Community Planning Committees and is available at <http://clerkdoc.sannet.gov/Website/council-policy>.

Page 5
Mr. Vanorden
September 16, 2009

VII. STAFF REVIEW TEAM: Should you require clarification about specific comments from the staff reviewing team, please contact me, or feel free to contact the reviewer directly. The names and telephone numbers of each reviewer can be found on the enclosed Cycle Issues Report.

In conclusion, please note that information forms and bulletins, project submittal requirements, and the Land Development Code may be accessed on line at http://www.sandiego.gov/development_services. Many land use plans for the various communities throughout the City of San Diego are now available on line at <http://www.sandiego.gov/planning/community/profiles/index.shtml>

For modifications to the project scope, submittal requirements or questions regarding any of the above, please contact me prior to resubmittal. I may be reached by telephone at (619)619-446 5238 or via e-mail at dnjohnson@sandiego.gov.

Sincerely,

Derrick Johnson
Development Project Manager

Enclosures:

1. Cycle No. 2 Issues Report
2. Required Findings
3. Submittal Requirements Report
4. Memo from EAS Staff

cc: File
Leo Wilson, Uptown Planners,
Reviewing Staff (Assessment letter only)
Marlon Pangilinan, Planner, CPCI, MS 4A