

February 4, 1988

Important

M E M O

TO : Honorable Mayor & City Council
FROM : Melvin K. Davis, City Manager
SUBJECT : Development Applications vs "Laguna Report"

This is to inform the City Council that we have a problem. Development applications are continuing to be received that do not comply with the recommendations of the January, 1988 "Laguna Advisory Committee Report". In 2 pending applications, received since the report was presented, the applicants propose to fill below the 76' elevation. Page 7, Item 2, of the Laguna report submitted to the City Council, reads:

- "2. The City should enforce a strong policy of no development below the 76' elevation along the Laguna and its local tributaries."

What do we do?

While the staff realizes the City Council has "accepted the report" and referred the Laguna report to the Planning Commission, (and you did not adopt it), nevertheless, it is a report developed by an official committee, appointed by the City Council, with the costs paid for by the City. It is an official City document. We need to be aware of the information and recommendations in the report, in our environmental and planning reviews. Until either the Planning Commission or the City Council adopt it, modify it, amend it, or take some action, the City staff cannot ignore it. Consequently, we are not issuing environmental clearances (Negative Declarations, etc.) that are contrary to the Laguna report. The 2 new applications are impacted by this and did not get staff clearance*.

There is a need for some policy direction by the Planning Commission and/or the City Council.

The first such policy direction may occur when the Planning Commission holds a public hearing on February 23rd on the Palm Terrace Subdivision. 4 of the proposed 35 lots call for fill. (That does not comply with the above cited page 7, item 2, of the Laguna Report). The staff did not give an environmental clearance yesterday on this development, but instead referred the issue to the Planning Commission.

Melvin K. Davis

*(The applicants, of course, have a right of appeal; or to revise their proposals so as not to conflict with the Laguna report; or do an EIR).

11:00 a.m.

P.S. Chairman Sharp of the Laguna Committee came by late this morning, with Mr. Young, (the applicant for Palm Terrace), to report Fill Sub-Committee did not intend there be no fill; just "no net fill", and that it should have been better worded. But that's not what Item 2 in the report says. What the Committee informally "intend(ed)" is something "they" can explain at the Planning Commission's hearing. The City Attorney concurs. There may be other points in the report that need clarification as to the meaning. But some policy board is going to need to do that.

