

RESOLUTION NUMBER R- 285923

ADOPTED ON APR 11 1995

WHEREAS, the Pardee Construction Company, a California Corporation, submitted an application to the Planning Department to adopt a precise plan for Carmel Valley Neighborhood 8A, adopt related amendments to the Carmel Valley Community Plan and the Progress Guide and General Plan and approve two tentative subdivision maps and associated development permit applications in Neighborhood 8A; and

WHEREAS, Jerry Elder, an individual, and Mesa Top Development, a Partnership, submitted applications to the Planning Department to approve vesting tentative subdivision maps and associated development permits in Neighborhood 8A; and

WHEREAS, on April 11, 1995, the Council of The City of San Diego considered these application submittals and considered written and oral testimony regarding the proposed actions; and

WHEREAS, testimony expressed at the public hearing indicated a desire to form an assessment district or take other actions that could allow for the purchase of parts of the Neighborhood 8A Precise Plan area for open space preservation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council hereby continues until October 17, 1995, consideration of the Neighborhood 8A Precise Plan, related Carmel Valley Community Plan and Progress Guide and General Plan amendments and related tentative subdivision maps and development

permits and accepts the City Manager's recommendation with the following conditions and direction:

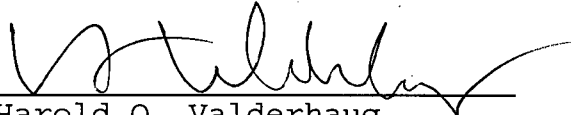
1. The City Manager shall develop and present to the City Council on October 17, 1995, an acquisition strategy for all properties proposed for open space to ensure successful retention and possible acquisition.
2. The City Manager shall actively assist the community and allied organizations in their efforts to purchase Parcel "A." The City Manager shall return to the Council within 60 days to present a plan whereby the City can, with the aid of an assessment district, facilitate the purchase of Parcel "A" by the public.
3. When the matters return to the Council on October 17, 1995, it is the present intent of the Council to give precedence to acquisition at negotiated fair market value of Parcel "A" if funding for acquisition is assured.
4. The Council's position for negotiating a sale price, that the appraised value of Parcel "A" for selling purposes should not be affected by any action taken today by Council regarding possible future use, is reiterated. The land must be appraised as it is now without Council action. Further, it is understood by this motion, that the seller agrees to sell for a fair market price; and that seller and City agree to expedite a good faith effort to arrive at a customarily acceptable means of resolving any differences over appraisal price as a basis for purchase. Efforts to establish a mediated appraisal price should begin immediately.

5. Carmel Creek Road, north of its intersection with Street "A," should be a two lane road, without a third climbing lane. If Parcel "A" is successfully acquired for open space preservation, Carmel Creek Road, north of Street "A," shall be deleted from the plan.
6. Recognize that the issue regarding mitigation credit versus transfer of development rights is not decided by this action, but is subject to further analysis and review consistent with applicable laws.
7. Authorize the initiation of an amendment to the Neighborhood 10 Precise Plan to ensure consistency at the interface with Neighborhood 8A, brought about by proposed changes in the Neighborhood 8A Precise Plan.

BE IT FURTHER RESOLVED, that the City Manager shall immediately begin the process of forming an assessment district and to identify a source of funds to purchase the Parcel "A" property. The City Manager is authorized to hire bond counsel, assessment engineer and financial advisor to begin the process, utilizing available budgeted funds which funds shall be reimbursed in the event the assessment district is ultimately created.

APPROVED: JOHN W. WITT, City Attorney

By

  
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:pev  
06/13/95  
Or.Dept:Plan.  
R-95-1877