

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, FEBRUARY 14, 1995
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:03 a.m. The meeting was recessed by Mayor Golding at 10:12 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Golding at 2:04 p.m. with Council Members Kehoe, Warden, McCarty and Vargas not present. Mayor Golding announced that the Confetti Barbershop Quartet will be singing to the Council a Valentine's greeting. Mayor Golding adjourned the meeting at 3:34 p.m. to meet in Closed Session in the 12th floor Conference Room to discuss pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Harvey-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-not present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (mc/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Harvey-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-5:

Ruth Peyton, representing the Folk Dancers in Balboa Park, presented Council with a valentine and commended them on the renovation of the Balboa Park Club.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-034.)

COUNCIL COMMENT:

None.

ITEM-330: CONTINUED TO MAY 16, 1995 AT 10:00 A.M.

SUBJECT: Matter of a development proposal Vesting Tentative Map (VTM)/Rezone (RZ)/Planned Residential Development (PRD)/Hillside Review Permit (HRP)/Resource Protection Overlay Zone Permit (RPOZP) No. 87-0925 to implement a

residential subdivision, Montana Mirador, consisting of a total of 410 detached, single-family and 165 attached, multifamily residences and related site improvements, dedications and facilities on portions of a vacant 635-acre site. Additionally, the development application also incorporates a Community Benefit Agreement (CBA), Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance) BMAC per the City of San Diego Landscape Ordinance. (VTM/RZ/PRD/HRP/RPOZ/BMAC/CBA-87-0925. District-1.)

(Continued from the meetings of October 11, 1994, Item 330, and November 15, 1994, Item 331; last continued at the request of a constituent, to fully evaluate the financial impacts to the community.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; introduce the ordinance in Subitem B; and adopt the resolutions in Subitems D and E approving the map and the permits:

Subitem-A: (R-95-407)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-87-0925 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council; and adopting the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-95-21)

Introduction of an Ordinance to rezone the subject property to R1-5000, A-1-10 (portions in the Hillside Review Overlay).

Subitem-C: (R-95-408)

Adoption of a Resolution approving the Community Benefits Agreement and associated exemption from the Penasquitos East Transportation Phasing Plan No. 87-0925.

Subitem-D: (R-95-)

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map No. 87-0925, with appropriate findings to support Council action.

Subitem-E: (R-95-)

Adoption of a Resolution granting or denying the RPO/HR/PRD permits, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The project design includes site grading, interior streets, various open space and associated landscape areas, a water reserve tank, a ten-acre elementary school site, and two neighborhood park sites. The project site is located on the west side of I-15, between Carmel Mountain Road and Penasquitos Drive in the A-1-10 (portions in the Hillside Review Overlay) Zone of the Rancho Penasquitos Community Planning Area. A change of zone to R1-5000 over a portion of the site is required to implement the proposed residential element of the project. Additionally, the development application also incorporates a Community Benefit Agreement, Consideration of Interim Habitat Loss and request for Brush Management (Alternative Compliance) per the City of San Diego Landscape Ordinance.

LEGAL DESCRIPTION:

The project site is located on the southern slopes of Black Mountain, west of I-15 and north of Carmel Mountain Road in the Penasquitos East Community Planning Area. It is more particularly described as a subdivision of a portion of Rancho de Los Penasquitos; a portion of the northeast quarter of fractional Section 7, Township 14 South, Range 2 West, SBM.

FILE LOCATION: Subitems-A & C: PERM - PRD-87-0925; Subitem-B: NONE; Subitem-D: SUBD - Montana Mirador; Subitem-E: PERM - RPO/HR/PRD-87-0925

COUNCIL ACTION: (Tape location: A036-051.)

MOTION BY MATHIS TO CONTINUE THIS ITEM TO MAY 16, 1995, AT 10:00 A.M., AS REQUESTED BY THE APPLICANT TO DISCUSS METHODS OF CONVEYANCES AND ASSURANCES WITH OTHER REGULATORY AGENCIES

AND MUNICIPALITIES. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO MARCH 7, 1995

SUBJECT: Adoption of a Precise Plan for Carmel Valley Neighborhood 8A; amendments to the Carmel Valley Community Plan, Progress Guide and General Plan and Local Coastal Program; an amendment to the Carmel Valley Planned District Ordinance to rezone the Precise Plan area; and Vesting Tentative Subdivision Maps (Carmel Highlands, Carmel Creek Road, Mesa Top, and Torrey Surf), Resource Protection Ordinance Permits, Carmel Valley Planned District Development Permits and a Coastal Hillside Review Permit. (Case-87-1041, Case-90-0596, Case-91-0899 and Case-93-0138. District-1.)

(Continued from the meeting of January 24, 1995, Item 330, at Councilmember Mathis' request, to allow further discussion between the applicant, staff, and the resource agencies to come to an agreement on the basic outlines of a project redesign.)

CITY MANAGER'S RECOMMENDATION:

Do not adopt Subitem A; do not introduce Subitem B; adopt resolutions to deny Subitems C through K.

Subitem-A: (R-95-)

Adoption of a Resolution certifying that the information contained in Environmental Impact Reports DEP-87-1041, DEP-90-0596, DEP-91-0899 and DEP-93-0138 have been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-95-75)

Introduction of an Ordinance amending the Carmel Valley Planned District Ordinance to rezone properties in Neighborhood 8A.

Subitem-C: (R-95-977)

Adoption of a Resolution denying the Carmel Valley Neighborhood 8A Precise Plan and amendments to the Progress Guide and General Plan, the Carmel Valley Community Plan and the Local Coastal Program.

Subitem-D: (R-95-)

Adoption of a Resolution granting or denying the Vesting Tentative Subdivision Map 87-1041 (Carmel Highlands), with appropriate findings to support Council action.

Subitem-E: (R-95-)

Adoption of a Resolution granting or denying the Resource Protection Overlay Zone Permit/Carmel Valley Planned District Development Permit 87-1041, with appropriate findings to support Council action.

Subitem-F: (R-95-)

Adoption of a Resolution granting or denying Tentative Subdivision Map 93-0138 (Carmel Creek Road), with appropriate findings to support Council action.

Subitem-G: (R-95-)

Adoption of a Resolution granting or denying Resource Protection Ordinance Permit 93-0138, with appropriate findings to support Council action.

Subitem-H: (R-95-)

Adoption of a Resolution granting or denying Vesting Tentative Subdivision Map 90-0596 (Mesa Top), with appropriate findings to support Council action.

Subitem-I: (R-95-)

Adoption of a Resolution granting or denying Resource Protection Ordinance Permit/Carmel Valley Planned District Development Permit/Coastal Hillside Review Permit 90-0596 (Mesa Top), with appropriate findings to support Council action.

Subitem-J: (R-95-)

Adoption of a Resolution granting or denying Vesting Tentative Subdivision Map 91-0899 (Torrey Surf), with appropriate findings to support Council action.

Subitem-K: (R-95-)

Adoption of a Resolution granting or denying Resource Protection Ordinance Permit/Carmel Valley Planned District Development Permit 91-0899, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

1. A precise plan for the Neighborhood 8A portion of the Carmel Valley Community, which proposes the development of approximately 570 single-family homes, 1002 attached dwelling units, a six-acre neighborhood commercial center, an elementary school, a community park, roads and open space;
2. An amendment to the Carmel Valley Community Plan, Progress Guide and General Plan and to the Local Coastal Program to match the proposed Neighborhood 8A Precise Plan;
3. An amendment to the Carmel Valley Planned District Ordinance to rezone properties in Neighborhood 8A;
4. A 315-lot, 133-acre Vesting Tentative Subdivision Map, Resource Protection Overlay Zone Permit and Carmel Valley Planned District Development Permit (Carmel Highlands) to develop approximately 306 dwelling units, a community park and an elementary school (Project No. 87-1041);
5. A five-lot, 44-acre Tentative Subdivision Map and Resource Protection Ordinance Permit (Carmel Creek Road) (Project No. 93-0138);
6. A 71-lot, 44-acre Vesting Tentative Subdivision Map, Carmel Valley Planned District Development Permit, Resource Protection Ordinance Permit and Coastal Hillside Review Permit (Mesa Top) to develop 68 single-family homes (Project No. 90-0596);
7. A 71-lot, 18-acre Vesting Tentative Subdivision Map, Resource Protection Ordinance Permit and Carmel Valley Planned District Development Permit (Torrey Surf) to develop 71 single-family homes (Project No. 91-0899).

LEGAL DESCRIPTION:

The 390-acre Neighborhood 8A site is located approximately

three-quarters mile east of the Interstate 5 Freeway and one-half mile south of Carmel Valley Road.

FILE LOCATION: Subitems A & C: LAND - Carmel Valley Neighborhood 8A Precise Plan; Subitem B: NONE; Subitem D: SUBD - Carmel Highlands; Subitem E: PERM - RPOZ/CVPDDP 87-1041; Subitem F: SUBD - Carmel Creek Road; Subitem G: PERM - RPO-93-0138; Subitem H: SUBD - Mesa Top; Subitem I: PERM - RPO/CVPDDP/HR-90-0596; Subitem J: SUBD - Torrey Surf; Subitem K: PERM -RPO/CVPDDP-91-0899

COUNCIL ACTION: (Tape location: A052-083.)

MOTION BY MATHIS TO CONTINUE THIS ITEM TO MARCH 7, 1995, AT THE REQUEST OF THE CITY MANAGER, TO RESOLVE THE CONCEPT OF HAVING AN 8A PROGRAM OR NOT IN CARMEL VALLEY SOUTH. AT THAT TIME THE CITY MANAGER IS TO EITHER RETURN TO COUNCIL WITH THE CONCEPT OF A DEAL THAT WOULD THEN BE SUBJECT TO A LONGER CONTINUANCE FOR COMMUNITY INPUT AND A VARIETY OF OTHER THINGS OR FOR COUNCIL TO HEAR THE ORIGINAL SUBMISSION. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Reconsideration of a Planned Infill Residential Development Permit PIRD-89-0956 (Toone Residence) proposing to construct three single-family homes. (District-6.)

(Continued from the meeting of January 31, 1995, Item 331, at the City Manager's request, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A and adopt Subitem B to grant the permit:

Subitem-A: (R-95-1266) ADOPTED AS RESOLUTION R-285358

Adoption of a Resolution certifying that the

information contained in Environmental Negative Declaration DEP-89-0956 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-95-1267) ADOPTED AS RESOLUTION R-285359

Adoption of a Resolution granting or denying the PIRD permit, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

Planned Infill Residential Permit PIRD-89-0956, proposes to construct three single-family homes. The subject property (approximately 25,000 square (feet) is located east of the Trenton Avenue alley between Ticonderoga and Bunker Hill Streets, in the R1-5000 Zone, in the Clairemont Mesa Community Area.

LEGAL DESCRIPTION:

The subject property is more particularly described as Lots 29-36, Block 5, American Park Addition, Map No. 983.

FILE LOCATION: PERM - PIRD-89-0956

COUNCIL ACTION: (Tape location: B004-C622.)

Hearing began at 2:05 p.m. and halted at 3:29 p.m.

Testimony in opposition by Mrs. Donald Skidmore, Richard Mitchell, Rosie Guerrero, Jim Kline, and Bob Schlaug.

Testimony in favor by Louis Goebel.

Motion by Stallings to deny this project. No second.

Motion by McCarty to adopt the City Manager's recommendation Subitems A and B. Second by Vargas.

Motion by Stallings to amend the motion to include the following language to read: "That the applicant shall obtain a grading permit from the City Engineer prior to the issuance of any building permits. The adequacy of the

drainage, for this development, shall be determined by a drainage study prepared to the satisfaction of the City Engineer, and the applicant shall provide either drainage or flowage easements as determined by a drainage proof by the City Engineer."

Council Member McCarty withdrew her motion.

MOTION BY VARGAS TO APPROVE THE CITY MANAGER'S RECOMMENDATION. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-nay, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

MOTION BY VARGAS TO INCORPORATE THE DRAINAGE STUDY OF MS. STALLINGS' AMENDMENT. Second by Mathis. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-95-1154) ADOPTED AS RESOLUTION R-285356

A Resolution adopted by the City Council in Closed Session on February 14, 1995:

Authorizing the City Manager to pay the total sum of \$15,451 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Manuel Eduardo Ugalde; authorizing the City Auditor and Comptroller to issue one check in the amount of \$15,451 to Manuel Eduardo Ugalde and his Attorney of record, James V. Parziale, in full settlement of all claims.

FILE LOCATION: MEET

ITEM-CS-2: (R-95-1090) ADOPTED AS RESOLUTION R-285357

A Resolution adopted by the City Council in Closed Session on February 14, 1995:

Authorizing the City Manager to pay the total sum of \$35,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury

to Ruth Hewick; authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,000 made payable to Ruth Hewick and Michael A. Kaplan, her Attorney of record, in full settlement of all claims.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:34 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D044).