

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 6, 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 10:10 a.m. Mayor Golding welcomed and acknowledged students from Franklin Elementary School. Mayor Golding recessed the meeting at 10:19 a.m. to convene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 10:20 a.m. with all Council Members present. The meeting was adjourned by Mayor Golding at 11:32 a.m.

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-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-present
- Clerk-Fishkin (mc)

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-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-6:

Comment by Ashley Curtin Schanu, a second grade student from Franklin Elementary School, asking Council to add more Police Officers in the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A126-141.)

COUNCIL COMMENT:

None.

ITEM-330:

SUBJECT: Calle Cristobal Landscape Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1670) ADOPTED AS RESOLUTION R-285901

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Calle Cristobal Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Calle Cristobal Landscape Maintenance District. The district was established in 1987 to provide maintenance for landscaped medians, streetscapes and the street side of the sound attenuator wall along Calle Cristobal within the district boundaries. In Zone 1 for Fiscal Year 1996, 56,391 square feet of median and 173,893 square feet of streetscape will be maintained by the Landscape Maintenance District, while all other maintenance will be performed by the developer. The Fiscal Year 1996 proposed maintenance costs for Zone 1 of the district are as follows:

Contractual Maintenance	\$40,000
Personnel	12,803
Utilities	21,550
Incidentals	32,534
Total Expenses	\$106,887
Reserve	10,451
Total	\$117,338
Less Carry-over and Interest	(40,618)
Less City Contribution	(2,239)
Assessed to District	\$74,481

The assessment amount per dwelling unit for Zone 1 in FY 96 is \$62.02, the same as FY 95. No assessments are levied for Zone 2 for FY 96.

FILE LOCATION:                  STRT M-358

COUNCIL ACTION:                  (Tape location:  A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT.  Second by Stevens.  
Passed by the following vote:  Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Carmel Mountain Ranch Landscape Maintenance District.

(Carmel Mountain Ranch Community Area.  
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1673) ADOPTED AS RESOLUTION R-285902

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Carmel Mountain Ranch Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1996 assessments for the Carmel Mountain Ranch Landscape Maintenance District. The district was established in October 1985 to provide maintenance of certain paved and landscaped medians and streetscapes within the district boundaries. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$142,000
Personnel	25,604
Utilities	31,500
Incidentals	47,056
Total Expenses	\$246,160
Reserve	25,446
Total	\$271,606
Less Carry-Over & Interest	(55,147)
Less City Contribution	(18,784)
Assessed to District	\$197,675

The proposed assessment fee for the Fiscal Year 1996 is \$21.13 per equivalent dwelling unit, the same amount as Fiscal Year 1995.

FILE LOCATION: STRT M-361

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Carmel Valley Landscape Maintenance District.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1676 Rev.1) ADOPTED AS RESOLUTION R-285903

Considering the protests, approving the modified map,  
confirming the assessments, and ordering the proposed  
maintenance, in the matter of the Carmel Valley Landscape  
Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Carmel  
Valley Landscape Maintenance District. The district (formerly  
North City West) was established in July 1987 to provide  
maintenance for open space in addition to medians, streetscapes,  
slopes and six mini-parks within the district boundaries. The  
Fiscal Year 1996 proposed maintenance costs for the district are  
as follows:

Contractual Maintenance	\$668,910
Personnel	102,416
Utilities	189,042
Incidentals	175,421
Total Expenses	\$1,135,789
Reserve	505,110
Total	\$1,640,899
Less Carry-over and Interest	(571,768)
Less City Contribution	(36,920)
Assessed to District	\$1,032,211

The assessments per equivalent dwelling unit (EDU) for the  
various (one through seven) zones within the district for FY 96  
and the previous Fiscal Year are tabulated below:

Zone Overlay	1	2	3	4	5	6	7	
FY96	\$38.96	\$38.96	\$249.55	\$243.57	\$38.96	\$38.96	\$124.47	\$59.41
per EDU								
FY95	\$38.96	\$38.96	\$249.55	\$243.57	\$38.96	\$38.96	\$124.47	\$59.41
per EDU								

The total assessment to the district in FY95 was \$1,055,272 and \$1,032,211 is proposed in FY96.

FILE LOCATION: STRT M-360

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT AND TO ACCEPT COUNCIL MEMBER MATHIS' RECOMMENDATION TO CHANGE THE BASIS OF THE ASSESSMENT OF PARCEL 304-072-20-00, LOCATED AT 12805 EL CAMINO REAL, TO ONE DWELLING UNIT. THE PROPERTY, APPROXIMATELY TWO ACRES, IS NOW OCCUPIED BY MATTIE JO PELL. SHE HAS BEEN ASSESSED AS COMMERCIAL EVEN THOUGH IT IS HER RESIDENCE. AS A RESULT, HER ASSESSMENT IS EQUIVALENT TO 31 DWELLING UNITS, EVEN THOUGH THERE IS ONLY ONE DWELLING UNIT. BASED ON THE FACT THAT THE PROPERTY WAS ASSESSED AS COMMERCIAL LAST YEAR, AND NOT A RESIDENCE, THE CITY MANAGER IS DIRECTED TO REVIEW THIS ISSUE FOR POSSIBLE REFUND. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Coronado View Landscape Maintenance District.

(South Encanto Neighborhood Community Area.  
District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1667) ADOPTED AS RESOLUTION R-285904

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed

maintenance, in the matter of the Coronado View Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the FY 1996 assessments for the Coronado View Landscape Maintenance District. The district was formed by City Council resolution in July 1983 to provide maintenance for one acre of landscaped street slope within the district. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 5,300
Personnel	5,120
Utilities	1,740
Incidentals	4,478
Total Expenses	\$16,638
Reserve	1,493
Total	\$18,131
Less Carry-over & Interest	(2,348)
Less City Contribution	(0)
Assessed to District	\$15,783

The proposed unit annual assessment for Fiscal Year 1996 is \$136.06 per dwelling unit, the same as for Fiscal Year 1995.

FILE LOCATION: STRT M-359

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.  
CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1628) ADOPTED AS RESOLUTION R-285905

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The district provides landscaping, tree maintenance, sidewalk litter control, graffiti removal, and electrical energy and maintenance for the ornamental street lights within the district. The district also pays for 20 percent of the cost to maintain the Gaslamp Square Park located south of "L" Street between Fifth Street and Sixth Street. The remaining 80 percent of the cost to maintain this park is paid for by the Downtown Maintenance Assessment District and the City. The total annual assessment to the district for FY '96 is proposed to be \$248,206 compared with \$349,239 for FY '95. The FY '96 assessment decrease is a result of: a) lower contracted services costs; b) lower personnel costs, and; c) a larger carry-over and interest balance. Individual assessments in this district vary depending on the following: a) the level of service provided (maxi/mini-service); b) the number of stories of a building; and c) the parcel lot size or the square footage of the building, whichever is greater. The average assessment to parcels receiving maxi-service is \$0.32/sq.ft. and \$.05/sq.ft. to parcels receiving mini-service. This compares with average assessments of \$.40/sq.ft. and \$.09/sq.ft. for these respective services in FY '95.

FILE LOCATION: STRT M-350

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Gateway Center East Landscape Maintenance District.

(Mount Hope Neighborhood Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1661) ADOPTED AS RESOLUTION R-285906

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gateway Center East Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1996 assessments for the Gateway Center East Landscape Maintenance District. The district was established in May 1987 to provide maintenance for the 6 acres of landscaped open space easements as well as landscaping along the frontage of all lots and for 11,800 square feet of landscaped medians on Market Street and Gateway Center Drive. The Fiscal Year 1996 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$65,000
Personnel	10,242
Utilities	33,600
Incidentals	17,341
Total Expenses	\$126,183
Reserve	11,969
Total	\$138,152
Less Carry-over and Interest	(55,243)
Less City Contribution	(944)
Assessed to District	\$ 81,965

The assessment cost for Fiscal Year 1996 is \$2,185 per acre of net pad area of each parcel, the same amount as Fiscal Year 1995 (net pad area is defined as buildable acreage for each parcel).

FILE LOCATION: STRT M-352

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

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SUBJECT: La Jolla Village Drive Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1658) ADOPTED AS RESOLUTION R-285907

Considering the protests, approving the modified map,  
confirming the assessments, and ordering the proposed  
maintenance, in the matter of the La Jolla Village  
Drive Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1996 assessments for the  
La Jolla Village Drive Landscape Maintenance District. The  
district was established by City Council in January 1988 to  
provide maintenance for 44,597 square feet of landscaped medians  
along La Jolla Village Drive between I-5 and Regents Road. The  
Fiscal Year 1996 proposed maintenance costs for the district are  
as follows:

Contractual Maintenance	\$ 5,000
Personnel	5,120
Utilities	2,700
Incidentals	8,946
Total Expenses	\$21,766
Reserve	109,444
Total	\$131,210
Less Carry-over & Interest	(87,815)
Less City Contribution	( 695)
Assessed to District	\$42,700

The proposed assessment for Fiscal Year 1996 is \$18.65 per

equivalent dwelling unit, the same as Fiscal Year 1995.

FILE LOCATION: STRT M-351

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Approving a request from La Costa Pacific Builders for  
a Conditional Use Permit (CUP)/Mid-City Development  
(MCD) Permit No. 92-0657, and Street Vacation, to allow  
for the construction of a three-story 18,000 square-  
foot (medical) office building and associated ninety-  
space parking lot, subject to the conditions outlined  
in the draft Permit.

(CUP/MCD-92-0657. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and C, and adopt Subitem B to grant the  
permits.

Subitem-A: (R-95-1612) ADOPTED AS RESOLUTION R-285908

Adoption of a Resolution certifying that the  
information contained in Environmental Mitigated  
Negative Declaration DEP-92-0657 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, and adopting appropriate findings of  
mitigation, pursuant to California Public Resources  
Code Section 21081.

Subitem-B: (R-95-1862) GRANTED PERMIT, ADOPTED AS  
RESOLUTION R-285909

Adoption of a Resolution granting or denying the CUP/MCD permits, with appropriate findings to support Council action.

Subitem-C: (R-95-1575) ADOPTED AS RESOLUTION R-285910

Adoption of a Resolution summarily vacating an excess portion of University Avenue as provided for under Section 66499.20-1/2 of the State Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 6 - 0 to approve.

Ayes: White, Quinn, Benn, Neils, Bernet, McElliott

Nays: None

Not present: Skorepa

The Eastern Area (Mid-City) Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The proposed project name is Villa View Medical Office Building, totaling 1.13 acres in area, and would construct a three-story, 18,000-square-foot medical office building and a ninety-space parking lot. The proposed office building would be set back 25 feet from University Avenue, completely within the commercial zone.

A permit is required to locate a portion of the parking lot on the residentially-zoned land. Construction would require demolition of the existing structures on the site.

The street vacation would vacate a portion of approximately 10 to 20 feet of University Avenue right-of-way. The vacation would align the right-of-way in front of the subject site with the alignment to the west and east.

LEGAL DESCRIPTION:

The project is located at 5556-5586 University Avenue in the (Eastern) Mid-City Community Planning Area and is more particularly described as a portion of Lot 29, Lemon Villa Map No. 734. The site is located within both the CA (Commercial) and the MR-1000 (Residential) zones. Villa View Hospital is located to the northeast.

FILE LOCATION: Subitem A & B: PERM - CUP/MCD 92-0657;

Subitem C: STRT J-2822; DEED F-6503  
DEEDFY95-1

COUNCIL ACTION: (Tape location: A029-120.)

Hearing began at 10:11 a.m. and halted at 10:19 a.m.

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens.  
Passed by the following vote: Mathis-yea, Harvey-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-  
yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: An amendment to the Miramar Ranch North Community Plan  
and associated amendment to the Progress Guide and  
General Plan to redesignate property from Industrial  
and Business Park to Residential and Commercial.

(Case-94-0313/94-0332/94-0333. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions and introduce the ordinances:

Subitem-A: (R-95-1758) ADOPTED AS RESOLUTION R-285911

Adoption of a Resolution certifying that the  
information contained in Environmental Mitigated  
Negative Declaration DEP-94-0089 has been completed in  
compliance with the California Environmental Quality  
Act of 1970 and State guidelines, that said declaration  
has been reviewed and considered by the Council and  
adopting the Mitigation Monitoring and Reporting  
Program.

Subitem-B: (O-95-111) INTRODUCED, TO BE ADOPTED  
JUNE 26, 1995

Introduction of an Ordinance for R1-5000 and R-1500 Zoning  
(Case-94-0313).

Subitem-C: (R-95-1855) ADOPTED AS AMENDED AS  
RESOLUTION R-285912

Adoption of a Resolution granting the PRD Permit, with appropriate findings to support Council action.

Subitem-D: (R-95-1856) ADOPTED AS AMENDED AS  
RESOLUTION R-285913

Adoption of a Resolution granting the map, with appropriate findings to support Council action.

Subitem-E: (R-95-1759) ADOPTED AS RESOLUTION R-285914

Adoption of a Resolution authorizing the vacation of a portion of Wexford Street as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-F: (O-95-112) INTRODUCED, TO BE ADOPTED  
JUNE 26, 1995

Introduction of an Ordinance for CA Zoning (Case-94-0332).

Subitem-G: (R-95-1857) ADOPTED AS AMENDED AS  
RESOLUTION R-285915

Adoption of a Resolution granting the PCD Permit, with appropriate findings to support Council action.

Subitem-H: (O-95-113) INTRODUCED, TO BE ADOPTED  
JUNE 26, 1995

Introduction of an Ordinance for CA Zoning (Case- 94-0333).

Subitem-I: (R-95-1858) ADOPTED AS AMENDED AS  
RESOLUTION R-285916

Adoption of a Resolution granting the PCD Permit, with appropriate findings to support Council action.

Subitem-J: (R-95-1760) ADOPTED AS RESOLUTION R-285917

Adoption of a Resolution amending the Miramar Ranch North Community Plan and amending the Progress Guide and General Plan.

OTHER RECOMMENDATIONS:

Planning Commission voted 6-1 to approve.

Ayes: White, Anderson, Bernet, Neils, Quinn, Skorepa

Nays: McElliott

The Miramar Ranch North Planning Committee has recommended approval of the project.

SUPPORTING INFORMATION:

An amendment to Miramar Ranch North Community Plan and General Plan; and Rezone property from Zone M-IP (Manufacturing-Industrial Park) to Zones R1-5000 (Single-family Residential) and R-1500 (Multi-family Residential);

Tentative Subdivision Map and a Planned Residential Development Permit for the development of 225 single-family and 266 multi-family residential units, alternative compliance for brush management and a request to vacate a portion of Wexford Street (Case-94-0313, approximately 87.1 acres); and Rezone property from Zone M-IP to Zone CA (Area Shopping Center) and a Planned Commercial Development Permit (Case-94-0332, approximately 5.3 acres); and Rezone property from Zones M-IP and CN (Neighborhood Commercial) to Zone CA and a Planned Commercial Development Permit (Case-94-0333, approximately 28.4 acres), subject to conditions.

The subject property is located east of I-15, west of Springbrook Drive, north and south of Scripps Poway Parkway, and is described as Lots 1-30, Scripps Ranch North Unit 1, Map-12786; and Lots 1-5, Scripps Ranch North Unit 2, Map-12788, in the Miramar Ranch North Community Plan area.

FILE LOCATION: Subitems A,J: LAND - Miramar Ranch North Community Plan; Subitems B,F,H: NONE; Subitems: C,D: PERM-PRD-94-0313; Subitem E: STRT J-2823; DEED F-6504; Subitem G: PERM-PCD-94-0332; Subitem I: PERM-PCD-94-0333 DEEDFY95-1

COUNCIL ACTION: (Tape location: A154-B389.)

Hearing began at 10:22 a.m. and halted at 11:22 a.m.

Testimony in opposition by Sam Safino.

Testimony in favor by Wes Danskin, Rick Parke, Lynn Parke, Claudia Unhold, Jim Dawe, and Mel Roop.

MOTION BY WARDEN TO INTRODUCE THE ORDINANCES FOR SUBITEMS B, F AND H, AND ADOPT THE RESOLUTIONS FOR SUBITEMS A, C, D, E, G, I, AND J, AS AMENDED TO APPROVE THE COMMUNITY PLAN AMENDMENT AND RELATED PERMIT APPLICATIONS AS LISTED IN THE STAFF REPORT. WAIVE COUNCIL POLICY 200-1 BY DELETING THE REQUIREMENTS FOR CONSTRUCTING AN ADDITIONAL LANE ON THE NORTH SIDE OF SCRIPPS POWAY PARKWAY AND TO DELETE THE PEDESTRIAN BRIDGE AS AGREED UPON BY THE MIRAMAR RANCH NORTH PLANNING COMMITTEE AND THE APPLICANT. MODIFY THE CONDITIONS OF APPROVAL AS PROPOSED BY THE APPLICANT ON ATTACHMENT A, OF MR. DAWE'S JUNE 5, 1995 LETTER, AS FOLLOWS: PRD-94-0313 PERMIT: REPLACE CONDITION 40 (SCRIPPS POWAY PARKWAY), TO REFLECT THE PLANNING COMMISSION'S RECOMMENDATION TO REMOVE THE WORDS: "AND IMPROVEMENTS." DELETE CONDITION 42, (PEDESTRIAN BRIDGE), TO REFLECT PLANNING COMMISSION'S RECOMMENDATION.

ADD THE FOLLOWING INFORMATION ITEM (MISC) AS REQUESTED BY THE CITY ATTORNEY: THE CITY AND OWNER/PERMITTEE/APPLICANT PREVIOUSLY HAVE PROVIDED FOR THE CONSTRUCTION AND FINANCING OF MAJOR PUBLIC FACILITIES THROUGH THE EXISTING MIRAMAR RANCH NORTH PUBLIC FACILITIES FINANCING PLAN ("FINANCING PLAN"). THE FINANCING PLAN PROVIDES PRIMARILY FOR THE CONSTRUCTION OF "TURN KEY FACILITIES." COMMUNITY FACILITIES DISTRICT NO. 1 (MIRAMAR RANCH NORTH) HAS BEEN ESTABLISHED AS A FUNDING MECHANISM TO FINANCE MANY OF THESE FACILITIES. FURTHERMORE, THE CITY AND OWNER/PERMITTEE/APPLICANT HAVE ENTERED INTO ASSOCIATED AGREEMENTS INCLUDING, WITHOUT LIMITATION, THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 (AND AMENDED APRIL 29, 1991) AND DEVELOPMENT AGREEMENT EFFECTIVE FEBRUARY 21, 1991, WHICH DESCRIBE THE RESPECTIVE RIGHTS AND OBLIGATIONS OF THE CITY AND THE OWNER/PERMITTEE/APPLICANT. TO THE EXTENT THE PROVISIONS AND CONDITIONS OF THIS PERMIT MAY BE INCONSISTENT WITH AND LEGALLY CONTROL THE PROVISIONS AND CONDITIONS OF THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO (AND AMENDED APRIL 28, 1991) AND DEVELOPMENT AGREEMENT BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO EFFECTIVE FEBRUARY 21, 1991, THE PROVISIONS AND CONDITIONS OF THIS PERMIT SHALL GOVERN.

TM-94-0313:

REPLACE CONDITION 15 (SCRIPPS POWAY PARKWAY), TO REFLECT THE PLANNING COMMISSION'S RECOMMENDATION, TO REMOVE THE WORDS:

"AND IMPROVEMENTS." DELETE CONDITION 20 (PEDESTRIAN BRIDGE), TO REFLECT THE PLANNING COMMISSION'S RECOMMENDATION. DELETE CONDITION 37 (MISC), WHICH STAFF AND THE PLANNING COMMISSION AGREED TO DELETE AT THE PLANNING COMMISSION HEARING, BUT WAS INADVERTENTLY RETAINED. DELETE THE THIRD AND FOURTH ITEMS UNDER "FOR INFORMATION" (MISC) AND REPLACE WITH THE FOLLOWING INFORMATION ITEM, AS REQUESTED BY THE OFFICE OF THE CITY ATTORNEY:

THE CITY AND OWNER/PERMITTEE/APPLICANT PREVIOUSLY HAVE PROVIDED FOR THE CONSTRUCTION AND FINANCING OF MAJOR PUBLIC FACILITIES THROUGH THE EXISTING MIRAMAR RANCH NORTH PUBLIC FACILITIES FINANCING PLAN ("FINANCING PLAN"). THE FINANCING PLAN PROVIDES PRIMARILY FOR THE CONSTRUCTION OF "TURN KEY FACILITIES."

COMMUNITY FACILITIES DISTRICT NO. 1 (MIRAMAR RANCH NORTH) HAS BEEN ESTABLISHED AS A FUNDING MECHANISM TO FINANCE MANY OF THESE FACILITIES. FURTHERMORE, THE CITY AND OWNER/PERMITTEE/APPLICANT HAVE ENTERED INTO ASSOCIATED AGREEMENTS INCLUDING, WITHOUT LIMITATION, THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 (AND AMENDED APRIL 29, 1991) AND DEVELOPMENT AGREEMENT EFFECTIVE FEBRUARY 21, 1991, WHICH DESCRIBE THE RESPECTIVE RIGHTS AND OBLIGATIONS OF THE CITY AND OWNER/PERMITTEE/APPLICANT. TO THE EXTENT THE PROVISIONS AND CONDITIONS OF THIS PERMIT MAY BE INCONSISTENT WITH AND LEGALLY CONTROL THE PROVISIONS AND CONDITIONS OF THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO (AND AMENDED APRIL 28, 1991) AND DEVELOPMENT AGREEMENT BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO EFFECTIVE FEBRUARY 21, 1991, THE PROVISIONS AND CONDITIONS OF THIS PERMIT SHALL GOVERN.

PCD-94-0332:

ADD THE FOLLOWING INFORMATION ITEM (MISC), AS REQUESTED BY THE OFFICE OF THE CITY ATTORNEY:

THE CITY AND OWNER/PERMITTEE/APPLICANT PREVIOUSLY HAVE PROVIDED FOR THE CONSTRUCTION AND FINANCING OF MAJOR PUBLIC FACILITIES THROUGH THE EXISTING MIRAMAR RANCH NORTH PUBLIC FACILITIES FINANCING PLAN ("FINANCING PLAN"). THE FINANCING PLAN PROVIDES PRIMARILY FOR THE CONSTRUCTION OF "TURN KEY FACILITIES." COMMUNITY FACILITIES DISTRICT NO. 1 (MIRAMAR RANCH NORTH) HAS BEEN ESTABLISHED AS A FUNDING MECHANISM TO FINANCE MANY OF THESE FACILITIES. FURTHERMORE, THE CITY AND

OWNER/PERMITTEE/APPLICANT HAVE ENTERED INTO ASSOCIATED AGREEMENTS INCLUDING, WITHOUT LIMITATION, THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 (AND AMENDED APRIL 29, 1991) AND DEVELOPMENT AGREEMENT EFFECTIVE FEBRUARY 21, 1991, WHICH DESCRIBE THE RESPECTIVE RIGHTS AND OBLIGATIONS OF THE CITY AND THE OWNER/PERMITTEE/APPLICANT. TO THE EXTENT THE PROVISIONS AND CONDITIONS OF THIS PERMIT MAY BE INCONSISTENT WITH AND LEGALLY CONTROL THE PROVISIONS AND CONDITIONS OF THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO (AND AMENDED APRIL 28, 1991) AND DEVELOPMENT AGREEMENT BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO EFFECTIVE FEBRUARY 21, 1991, THE PROVISIONS AND CONDITIONS OF THIS PERMIT SHALL GOVERN.

PCD-94-0333:

ADD THE FOLLOWING INFORMATION ITEM (MISC), AS REQUESTED BY THE OFFICE OF THE CITY ATTORNEY:

THE CITY AND OWNER/PERMITTEE/APPLICANT PREVIOUSLY HAVE PROVIDED FOR THE CONSTRUCTION AND FINANCING OF MAJOR PUBLIC FACILITIES THROUGH THE EXISTING MIRAMAR RANCH NORTH PUBLIC FACILITIES FINANCING PLAN ("FINANCING PLAN"). THE FINANCING PLAN PROVIDES PRIMARILY FOR THE CONSTRUCTION OF "TURN KEY FACILITIES." COMMUNITY FACILITIES DISTRICT NO. 1 (MIRAMAR RANCH NORTH) HAS BEEN ESTABLISHED AS A FUNDING MECHANISM TO FINANCE MANY OF THESE FACILITIES. FURTHERMORE, THE CITY AND OWNER/PERMITTEE/APPLICANT HAVE ENTERED INTO ASSOCIATED AGREEMENTS INCLUDING, WITHOUT LIMITATION, THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 (AND AMENDED APRIL 29, 1991) AND DEVELOPMENT AGREEMENT EFFECTIVE FEBRUARY 21, 1991, WHICH DESCRIBE THE RESPECTIVE RIGHTS AND OBLIGATIONS OF THE CITY AND THE OWNER/PERMITTEE/APPLICANT. TO THE EXTENT THE PROVISIONS AND CONDITIONS OF THIS PERMIT MAY BE INCONSISTENT WITH AND LEGALLY CONTROL THE PROVISIONS AND CONDITIONS OF THE SETTLEMENT AGREEMENT DATED SEPTEMBER 18, 1990 BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO (AND AMENDED APRIL 28, 1991) AND DEVELOPMENT AGREEMENT BETWEEN MCMILLIN-BCED/MIRAMAR RANCH NORTH AND THE CITY OF SAN DIEGO EFFECTIVE FEBRUARY 21, 1991, THE PROVISIONS AND CONDITIONS OF THIS PERMIT SHALL GOVERN. ADD THE FOLLOWING ADDITIONAL CONDITIONS:

CONDITION REGARDING ACCELERATION OF IMPROVEMENT OF COMMUNITY PARK EAST - CYPRESS CANYON (CIP 9-43):

OWNER/PERMITTEE/APPLICANT SHALL ENTER INTO AN AGREEMENT WITH THE CITY WHICH WOULD PROVIDE FOR THE GRADING AND IMPROVEMENT BY OWNER/PERMITTEE/APPLICANT OF THE COMMUNITY PARK EAST-CYPRESS CANYON (CIP 9-43) SO THAT THE COMMUNITY PARK WILL BE OPEN CONCURRENT WITH THE OPENING OF THE MIDDLE SCHOOL (ANTICIPATED SEPTEMBER, 1998). THE OWNER/PERMITTEE/APPLICANT'S OBLIGATION WILL BE SUBJECT TO CITY'S EXPEDITIOUS PROCESSING AND APPROVAL OF PARK PLANS AND PERMITS; RECEIPT OF ALL RELEVANT GOVERNMENTAL APPROVALS (E.G., FINAL MAP FOR THE PROPERTY) AND ALL REQUIRED AGREEMENTS (E.G., A PARK AGREEMENT BETWEEN THE CITY AND THE MIRAMAR RANCH NORTH PARTNERSHIP, A SCHOOL SITE ACQUISITION AGREEMENT BETWEEN THE SCHOOL DISTRICT AND THE MIRAMAR RANCH NORTH PARTNERSHIP, AND A JOINT USE AGREEMENT BETWEEN THE CITY AND THE SCHOOL DISTRICT) AND ISSUANCE BY THE COMMUNITY FACILITIES DISTRICT NO. 1 OF BONDS FOR THE COST OF DEVELOPMENT OF THE COMMUNITY PARK IN ACCORDANCE WITH THE EXISTING ACQUISITION AND FUNDING AGREEMENT BETWEEN THE CITY AND THE MIRAMAR RANCH NORTH PARTNERSHIP.

CONDITION REGARDING CONSTRUCTION AND ACCELERATION OF RECREATIONAL BUILDING: OWNER/PERMITTEE/APPLICANT WILL ENTER INTO AN AGREEMENT TO CONSTRUCT THE RECREATIONAL BUILDING WITHIN ONE YEAR AFTER ACCEPTANCE OF COMMUNITY PARK IMPROVEMENTS. THE OWNER/PERMITTEE/APPLICANT'S OBLIGATION WILL BE SUBJECT TO CITY'S EXPEDITIOUS PROCESSING AND APPROVAL OF PARK PLANS AND PERMITS; RECEIPT OF ALL RELEVANT GOVERNMENTAL APPROVALS (E.G., FINAL MAP FOR THE PROPERTY) AND ALL REQUIRED AGREEMENTS (E.G., A PARK AGREEMENT BETWEEN THE CITY AND THE MIRAMAR RANCH NORTH PARTNERSHIP, AND A JOINT USE AGREEMENT BETWEEN THE CITY AND THE SCHOOL DISTRICT); RECEIPT OF FUNDS REQUIRED TO BE CONTRIBUTED BY OTHERS, AND ISSUANCE BY THE COMMUNITY FACILITIES DISTRICT NO. 1 OF BONDS FOR THE COST OF DEVELOPMENT OF THE COMMUNITY PARK AND OWNER/PERMITTEE/APPLICANT'S CONTRIBUTION TO THE RECREATIONAL BUILDING IN ACCORDANCE WITH THE EXISTING ACQUISITION AND FUNDING AGREEMENT BETWEEN THE CITY AND THE MIRAMAR RANCH NORTH PARTNERSHIP.

CONDITION REGARDING ADDITIONAL COMMON OWNERSHIP PLAY AREAS: LOTS 4, 5 AND 27 OF UNIT 4, AND UNIT 5, LOT 31 WILL BE DELETED AND THE PROPERTY CONVERTED INTO COMMON OWNERSHIP PLAY AREAS CONSISTENT WITH EXHIBIT "A".

CERTIFY THE MITIGATED NEGATIVE DECLARATION NO. 94-0089. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,

Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ADDITIONAL BUSINESS: (R-96-181) ADOPTED AS RESOLUTION R-285918

During consideration of the above item, a resolution was adopted to expressly state that it will be the City of San Diego's responsibility for widening Scripps Poway Parkway, at such time as the City Engineer determines that the widening is necessary.

FILE LOCATION: PERM - PCD-94-0313

COUNCIL ACTION: (Tape location: A154-B389.)

MOTION BY WARDEN TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339:

SUBJECT: Carroll/Breen Park Site Acquisition.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1771) ADOPTED AS RESOLUTION R-285919

Authorizing the City Manager to execute the amended Promissory Note, relative to the Carroll/Breen Park Acquisition in favor of the San Diego Unified School District approved by the City Council on October 17, 1994, per Resolution R-284782.

CITY MANAGER SUPPORTING INFORMATION:

On October 17, 1994, per Resolution R-284782, the City Council approved a Promissory Note to the San Diego Unified School District (SDUSD). This Promissory Note provided for payments to SDUSD for the acquisition of the Carroll and Breen sites in Mira Mesa pursuant to the City and SDUSD MOU (RR-281240). Following discussions with SDUSD, and with the City's concurrence, the

amendment will delete the City's ability to extend the final payment of \$935,000 plus accrued interest, as called for in the MOU, to June 30, 2006, and would instead require final payment by June 30, 1997. Funding for the final payment is anticipated to be available in the Mira Mesa FBA in FY 1997. The City's approval of the amendment is contingent upon the District's approval of the same amendment, and agreement from the District that the Mira Mesa MOU is not linked to the Scripps Ranch MOU (RR-283071, November 29, 1993).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A029-120.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Street Vacation - Alley in Block 17 of Teralta Map-1000.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1609) ADOPTED AS RESOLUTION R-285920

Vacating an excess portion of the alley in Block 17 of Teralta Map-1000, adjacent to Lots 15 through 23, under the procedure for the summary vacation of streets and public service easements.

CITY MANAGER SUPPORTING INFORMATION:

This alley vacation has been requested by Our Lady of the Sacred Heart Catholic Church to privatize the improved alley between Marlborough Avenue and 42nd Street. The vacated area will be used in conjunction with the southwest quarter of Block 17, recently acquired by the church, for an expanded parking lot facility to serve the multi-program facilities on this block.

The City Heights Area Planning Committee considered this alley vacation on December 7, 1992, and voted unanimously to support the vacation. On August 26, 1994, the Zoning Administration Hearing Officer approved Conditional Use Permit CUP-94-0228, stipulating that the vacation of the alley occur prior to any discretionary permit work. The area-of-vacation totals approximately 5,500 square feet and is zoned MR-15-B. The area-of-vacation contains utilities and franchise facilities for which an easement will be reserved.

FINDINGS: Staff review has indicated that the excess right-of-way is no longer needed for present or prospective use and may be summarily vacated.

FILE LOCATION: STRT - J-2821; DEED F-6505 DEEDFY95-1

COUNCIL ACTION: (Tape location: A029-120.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341:

SUBJECT: Interim Sidewalk Improvements for First Avenue and Front Street South of Market Street.

(See memorandum from the Centre City Development Corporation. Marina Sub Area of the Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1651) ADOPTED AS RESOLUTION R-285921

Determining that the interim sidewalk improvements on First Avenue and Front Street south of Market Street are of benefit to the Marina Sub Area of the Centre City Redevelopment Project Area and the immediate neighborhood;

Consenting to the payment by the San Diego

Redevelopment Agency for all or part of the cost of the sidewalk improvements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A029-120.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342:

SUBJECT: Subarea V Specific Plan - Funding, Scope of Work, and Timeline.

(See City Manager Reports CMR-P-95-076 & CMR-P-95-049. Coastal Zone. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1768) ADOPTED AS RESOLUTION R-285922

Approving \$265,000 in funding for Subarea V of the North City Future Urbanizing Area Specific Plan Project from the Water Utilities Fund (\$150,000), Environmental Services Fund (\$40,000), and the Sewer Utilities Fund (\$75,000) contingent upon the appropriation being adopted in the Fiscal Year 1996 Appropriation Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B390-554.)

MOTION BY MATHIS TO ADOPT THE CITY MANAGER'S RECOMMENDATION AND TO REQUEST THAT THE LU&H COMMITTEE MONITOR THE FUNDING OF THIS PROJECT ON A REGULAR BASIS. 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-343: RETURNED TO CITY MANAGER

SUBJECT: Foreclosure and Sale of the Park in the Valley Property in Assessment District No. 4007, First San Diego River Improvement Project (FSDRIP).

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1752)

Authorizing the City Manager to negotiate an agreement with the Metropolitan Transit Development Board (MTDB) to advance to the City no more than \$5,575,000 to the City for the purchase of certain First San Diego River Improvement Project (FSDRIP) bonds to be then credited to the sale of the Take Parcel;

Authorizing the City Auditor and Comptroller to transfer not more than \$4.5 million from Capital Outlay Fund No. 30248, Industrial Development Fund, for the purchase of not more than \$8.7 million of FSDRIP bonds with this transfer to be reimbursed to Capital Outlay Fund No. 30248 when the sale of the Remainder Parcel is consummated;

Authorizing the City Manager to cause the purchase of no more than \$8.7 million of FSDRIP bonds by the City;

Authorizing the City Manager to take action as necessary to cause the City to take title to the Park In The Valley property pursuant to The May Company Sale;

Declaring that once the City takes title to the Park In The Valley property:

1. That the City Manager is authorized to tender the \$8.7 million of FSDRIP bonds to satisfy the outstanding FSDRIP assessment lien on the Park In The Valley property;
2. That the City Manager is authorized to pay the delinquent property taxes to the San Diego County Tax

Collector in the approximate amount of \$131,500;  
3. That the City Manager is authorized to sell the Park In The Valley Take Parcel to MTDB for \$5,575,000;  
4. That the City Manager is authorized to sell the Park In The Valley Remainder Parcel to Sunbelt for an amount not less than \$8.9 million;  
5. That the City Auditor and Comptroller deposit approximately \$1,341,000 in order to fully fund the FSDRIP Assessment District Special Reserve Fund; and  
6. That the City Auditor and Comptroller deposit \$4.5 million in the Capital Outlay Fund No. 30248, Industrial Development Fund, deposit \$230,000 to the Assessment District Delinquency Fund No. 79900, deposit \$570,000 to the Environmental Growth Fund No. 105051, and deposit \$190,000 to the Public Liability Trust Fund No. 81140.

CITY MANAGER SUPPORTING INFORMATION:

This docket item reflects the decisions reached at Closed Session regarding the City's plan of action to foreclose and sell the Park In The Valley property, which has been delinquent in the payment of annual assessments and property taxes since the 1989-1990 fiscal year.

In accordance with previous Council direction, staff obtained due-diligence studies from consultants retained to evaluate the development potential of the delinquent property. Based on the results of the due-diligence efforts, the City is prepared to foreclose on the property and convey title to identified buyers. A portion of the property (Take Parcel) would be sold to the Metropolitan Transit Development Board (MTDB) for light rail transit purposes and the balance of the property (Remainder Parcel) would be sold to a private developer, Sunbelt Management Company. The City will receive \$5,575,000 from the MTDB for the Take Parcel and no less than \$8,900,000 from Sunbelt Management Company for the Remainder Parcel. Prior to the sale of either parcel, the City will attempt to terminate the assessment lien of approximately \$8,700,000 against the Park in the Valley property by purchasing FSDRIP bonds in an amount equal to the outstanding lien.

Aud. Cert. 9501177.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A029-120.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:32 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B555.)