

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, SEPTEMBER 12, 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 10:08 a.m. Mayor Golding recessed the regular meeting at 10:30 a.m. to convene the Redevelopment Agency. The meeting was reconvened by Mayor Golding at 10:31 a.m. with Deputy Mayor Vargas and Council Member Warden not present. Mayor Golding reconvened the Redevelopment Agency to meet simultaneously with the City Council at 10:41 a.m. The meeting was adjourned by Mayor Golding at 10:46 a.m. into Closed Session at 2:00 p.m. in the twelfth floor conference room to discuss pending litigation matters and the matter of negotiations with SDG&E for purchase of property located at the southwest corner of Murphy Canyon Road and Balboa Avenue.

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-excused by
R-286355 (City business in Washington,
D.C., regarding Federal Border Crossing
Fee)
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-excused by

R-286356 (no reason given)

Clerk-Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin 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-not present

PUBLIC COMMENT:

ITEM-PC-7:

Comment by Kevin McNamara regarding the proposed stadium lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A008-038.)

ITEM-PC-8:

Comment by Ron Boshung urging Council to have a Winter Festival to honor the U.S.S. Constitution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-063.)

COUNCIL COMMENT:

None.

ITEM-330: CONTINUED FOR 90 DAYS - DATE TO BE DETERMINED

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, November 15, 1994, Item 331, February 14, 1995, Item 330, and May 16, 1995, Item 331; last continued at the City Manager's request, for further review.)

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: A066-089.)

MOTION BY MATHIS TO CONTINUE THIS ITEM FOR 90 DAYS AT THE REQUEST OF JOHN POTTS, MANAGING DIRECTOR OF AMERICAN LAND DEVELOPMENT COMPANY, FOR FURTHER REVIEW. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331:

SUBJECT: Two actions related to San Pasqual Valley Public Facilities Financing Plan and Development Impact Fees.

(See City Manager Report P95-133. San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-225) ADOPTED AS RESOLUTION R-286311

Approving the San Pasqual Valley Public Facilities Financing Plan dated November 1994, and revised August 1995;

Declaring that new development impact fees for all property within the San Pasqual Valley planning area are established as specified in the Public Facilities Financing Plan;

Authorizing the Auditor and Comptroller to establish a separate interest-bearing fund for development impact

fees collected within the San Pasqual Valley planning area.

Subitem-B: (R-96-228) ADOPTED AS RESOLUTION R-286312

Stating for the record that Environmental Impact Report EIR-94-0070 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the report reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the San Pasqual Valley Public Facilities Financing Plan; adopting the Mitigation Monitoring and Reporting Program.

FILE LOCATION: STRT FB-15

COUNCIL ACTION: (Tape location: A092-264.)

Hearing began at 10:16 a.m. and halted at 10:30 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-332:

SUBJECT: Two actions related to the Rancho Penasquitos Public Facilities Benefit Assessment.

(See City Manager Report CMR-95-161. Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A (R-95-1947) ADOPTED AS RESOLUTION R-286313

Designating an area of benefit in Rancho Penasquitos; confirming the description of Public Facilities

Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of the Rancho Penasquitos Facilities Benefit Assessment Area.

Subitem-B: (R-95-1948) ADOPTED AS RESOLUTION R-286314

Declaring that the assessment fee schedule contained in the Rancho Penasquitos Public Facilities Financing Plan, as adopted and approved in Resolution R-286187, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/19/95, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Harvey, Stevens and Warden voted yea. Councilmember McCarty not present.)

FILE LOCATION: STRT FB-13

COUNCIL ACTION: (Tape location: A092-264.)

Hearing began at 10:16 a.m. and halted at 10:30 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-333:

SUBJECT: Two actions related to the Mira Mesa Public Facilities Benefit Assessment.

(See City Manager Report CMR-95-166. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-56) ADOPTED AS RESOLUTION R-286315

Designating an area of benefit in Mira Mesa; confirming the description of the Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each parcel; the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments; and ordering the proposed Public Facilities Project in the matter of Mira Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-96-57) ADOPTED AS RESOLUTION R-286316

Declaring that the assessment fee schedule contained in the Mira Mesa Public Facilities Financing Plan, as adopted in Resolution R-286185, is an appropriate and applicable Development Impact Fee.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/19/95, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Harvey, Stevens, and Warden voted yea. Councilmember McCarty not present.)

FILE LOCATION: STRT FB-12

COUNCIL ACTION: (Tape location: A092-264.)

Hearing began at 10:16 a.m. and halted at 10:30 a.m.

CONSENT MOTION BY MATHIS TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-334:

SUBJECT: Three actions related to Distribution System Improvement - Group Job 506 - Tunnel Easement and Condemnation.

(See City Manager Report CMR-95-210. La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-208) ADOPTED AS RESOLUTION R-286317

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of the Distribution System Improvement-Group Job 506 Project, a public water pipeline, to provide additional water line capacity and relief for the existing lines, and to enable the City to provide for ultimate water distribution needs for the Soledad Mountain Area;

Declaring that the public water pipeline will require the acquisition of a water pipeline tunnel easement, within a portion of Pueblo Lot 1264;

Declaring the intention of the City to acquire the water pipeline tunnel easement under eminent domain proceedings;

Directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning the easement and acquiring immediate possession.

Subitem-B: (R-96-209) ADOPTED AS RESOLUTION R-286318

Authorizing the expenditure of not to exceed \$80,000 from Fund 40012, Organization 384, Object Account 4638, Job Order 181349 (CIP-73-083.0), for costs related to condemnation of a tunnel easement in connection with the Distribution System Improvement - Group Job 506 Project.

Subitem-C: (R-96-138) ADOPTED AS RESOLUTION R-286319

Certifying that the information contained in Mitigated Negative Declaration DEP-94-0463, in connection with the approval of water distribution system improvements in La Jolla, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the Declaration reflects the independent judgement of the City as Lead Agency, and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement changes to the project in order to mitigate or avoid significant effects on the environment.

Aud. Cert. 9600097.

FILE LOCATION: MEET; F-6968 (Final Order of Condemnation)

COUNCIL ACTION: (Tape location: A278-415.)

Hearing began at 10:31 a.m. and halted at 10:40 a.m.
Testimony in opposition by Elisabeth Kimmel.

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-335:

SUBJECT: Amendment to the Development Agreement between the City of San Diego and Catellus Development Corporation.

(District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-42) INTRODUCED, TO BE ADOPTED OCTOBER 2, 1995

Introduction of an Ordinance amending the Development Agreement between the City of San Diego and Catellus Corporation.

SUPPORTING INFORMATION:

This amendment to the Development Agreement eliminates the requirement that an east-west pedestrian overpass or underpass be constructed at the Santa Fe Depot, requires that Catellus install hardscape and landscape improvements within the courtyard south of the Depot as a specific performance obligation under the Development Agreement, and provides for the construction of certain other hardscape and landscape improvements to the "Transit Courtyard."

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A092-264.)

Hearing began at 10:16 a.m. and halted at 10:30 a.m.

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-336:

SUBJECT: Request for Agency Installation of Off-Site Improvements - Harborside School.

(See Centre City Development Corporation Report dated 8/18/95. Centre City Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:
Adopt the following resolution:

(R-96-204) ADOPTED AS RESOLUTION R-286320

Making certain findings with respect to the payments for installation and construction of sidewalk improvements on Ash Street, Kettner Boulevard, and A Street, in the Columbia Sub-Area of the Centre City Redevelopment Project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A416-502.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-337:

SUBJECT: Proposed Amendment to the Live/Work Quarters (LOFTS) Ordinance.

(See memorandum from Centre City Development Corporation dated 8/15/95. Districts-2, 3, and 8.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-41) INTRODUCED, TO BE ADOPTED OCTOBER 2, 1995

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code, by amending Section 101.0570, to allow Live/Work Quarters throughout Centre City.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A092-264.)

Hearing began at 10:16 a.m. and halted at 10:30 a.m.

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Stevens. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor

Golding-yea.

ITEM-CS-1: (R-96-182) ADOPTED AS RESOLUTION R-286321

A Resolution adopted by the City Council in Closed Session on September 12, 1995:

Authorizing the City Manager to pay the total sum of \$44,800.11 in the Settlement of each and every claim against the City, its agents and employees, for additional repairs made at 3661-81 Georgia Street as a result of property damage claim filed by Barbara Nolan; authorizing the City Auditor and Comptroller to issue one check in the amount of \$44,800.11, made payable to Luth & Turley, Inc., in full settlement of all claims.
Aud. Cert. 9600143

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 10:46 a.m. in honor of the memory of Leslie Whittemore, as requested by Council Member Harvey.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A503-529.)