

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 31, 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 10:17 a.m. Mayor Golding recessed the meeting at 10:40 a.m. to convene the Redevelopment Agency meeting. Mayor Golding reconvened the meeting at 10:44 a.m. with all Council Members present. Mayor Golding recessed the meeting at 12:05 p.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:09 p.m. with all Council Members present. Mayor Golding adjourned the meeting at 7:00 p.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-Abdelnour (ms/pr)

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-present

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

PUBLIC COMMENT:

NONE.

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Mathis welcomed the third grade class from the Mission Bay Montessori School who were accompanied by Mary Sue Gladstone, Administrative Assistant, and some of the parents.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A016-027.)

ITEM-CC-2:

Council Member Vargas welcomed the Political Science class from Southwestern College.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A028-037.)

ITEM-310:

SUBJECT: Lila Wallace-Reader's Digest Fund Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-96-437) ADOPTED AS RESOLUTION R-286499

Recognizing the outstanding contributions that the Lila Wallace-Reader's Digest Fund has made to improving the lives of all San Diegans;

Proclaiming November 5, 1995 to be "Lila Wallace-Reader's Digest Fund Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A038-088, A223-227.)

MOTION BY KEHOE TO ADOPT. Second by Warden. 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-311:

SUBJECT: Commending Captain Rodney L. Casey, USN, for his Service as Commanding Officer, NAS Miramar.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-96-402) ADOPTED AS RESOLUTION R-286500

Recognizing, thanking and commending Captain Rodney L. Casey for his service to the City of San Diego and the Navy as Commanding Officer of NAS Miramar.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A088-227.)

MOTION BY KEHOE TO ADOPT. Second by Warden. 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-330:

SUBJECT: Proposed amendment to an existing approved Project "Black Mountain Ranch." The applicant proposes to develop 1,121 residential dwelling units (942 market rate, 179 affordable); 2 golf courses and accessory

clubhouses; a community park; neighborhood parks; community facilities; and infrastructure incorporating various street vacations on 4,677 acres of undeveloped land. The project is zoned A1-10/HR and R1-5000 and is located predominantly within the North City Future Urbanizing Area Subarea I and partially in the Rancho Penasquitos Community Plan.

(PRD/VTM/RPO/SA/DA-95-0173. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and E; introduce the ordinance in Subitem B; and adopt Subitems C and D to approve the map and permits.

Subitem-A: (R-96-436) ADOPTED AS RESOLUTION R-286501

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-95-0173, 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 appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations and the Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-96-) INTRODUCED AS AMENDED, TO BE ADOPTED NOVEMBER 20, 1995

Introduction of an Ordinance adopting the development agreement.

Subitem-C: (R-96-) ADOPTED AS RESOLUTION R-286502 APPROVING THE MAP

Adoption of a Resolution approving or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-96-) ADOPTED AS RESOLUTION R-286503 APPROVING THE PERMITS

Adoption of a Resolution approving or denying the

permits, with appropriate findings to support Council action.

Subitem-E: (R-96-433) ADOPTED AS RESOLUTION R-286504

Adoption of a Resolution authorizing the vacation of unnamed road easements within and more particularly described as a portion of Section 36, Township 13 South, Range 3 West, S.B.M., Old Road Survey 57, Road Survey 451, Road Survey 451-A, and Road Survey 499 in connection with Black Mountain Ranch (VTM-95-0173) as provided for under Section 66499.20-1/2 of the State Map Act.

SUPPORTING INFORMATION:

The applicant proposes to develop undeveloped land within 1,121 residential dwelling units (942 market rate, 179 affordable); 2 golf courses and accessory clubhouses; a community park; neighborhood parks; community facilities; and infrastructure incorporating various street vacations on 4,677 acres of undeveloped land. The project is zoned A1-10/HR and R1-5000 and is located predominantly within the North City Future Urbanizing Area Subarea I and partially in the Rancho Penasquitos Community Plan.

LEGAL DESCRIPTION:

The Black Mountain Ranch Development Project consists of 4,677 acres of privately owned land located south of Santa Fe Valley (County), east of Fairbanks Ranch (County), west of Rancho Bernardo (City), and north of Rancho Penasquitos (City). The acreage of the Phase I Site Area is approximately 3,777 acres, and is more particularly described as a portion of Section 36, Township 13 South, Range 3 West, S.B.M., Old Road Survey 57, Road Survey 451, Road Survey 451-A, and Road Survey 499 in connection with Black Mountain Ranch (VTM-95-0173) as provided for under Section 66499.20-1/2 of the State Map Act.

FILE LOCATION: SUBITEMS-A&D: PERM-PRD/RPO 95-0173;
SUBITEM-B: NONE; SUBITEM-C:
SUBD-VTM-95-0173; SUBITEM-E: DEED F-6596 STRT
J-2828 DEED FY96-1

COUNCIL ACTION: (Tape location: A340-B470.)

Hearing began at 10:44 a.m. and halted at 11:36 a.m.

Testimony in opposition by Robert Rauch, Sue Diaz, and Patrick Dokra.

Testimony in favor by Keith Rhodes, Janet Raschke, Tom Wilson, Kevin McNamara, Anne DeBevoise, Stephen Coury, Jan Fuchs, John M. DeBevoise, Bob McNatt, Anne Harvey and Allen Haynie.

MOTION BY MATHIS TO APPROVE THE MANAGER'S RECOMMENDATION THAT IS FOUND ON PAGE 2 OF THE MANAGER'S REPORT, ITEMS 1a, 1b AND 2 WHICH IS TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT NO. 95-0173; ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS; AND TO STATE FOR THE RECORD THAT THE INFORMATION CONTAINED IN THE FINAL EIR HAS BEEN REVIEWED AND CONSIDERED PRIOR TO RECOMMENDING APPROVAL OF THE DEVELOPMENT PLAN. SECONDLY TO APPROVE THE AMENDED DEVELOPMENT PLAN NO. 95-0173 SUBJECT TO THE FINDINGS AND CONDITIONS IN ATTACHMENTS 4 AND 5 OF THIS REPORT, INCLUSIVE AND ADDITIONALLY, SUBJECT TO THE AMENDED DEVELOPMENT AGREEMENT. ALL OF THESE PROPOSED AMENDED DOCUMENTS ARE REFERENCED IN DEP NO. 95-0173. AND FINALLY TO APPROVE THE APPLICANT'S REQUEST TO PROVIDE FOR PROJECT PRIORITIZATION OF 195 ACRES OF COASTAL SAGE HABITAT FOR 18 MONTHS. IN ADDITION, APPROVE APPLICANT'S REQUEST FOR NINETY DAYS FOR THE EXECUTION OF THE DEVELOPMENT AGREEMENT UNDER SUBITEM-B ON THE DOCKET. Second by Warden. Passed by the following vote: Mathis-yea, Harvey-not present, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: This is the second of two scheduled public hearings regarding the Hillery Drive Traffic Signal Cost Reimbursement District.

Following public testimony at today's meeting, the Council will consider whether the assessments for the properties in the district should be modified to reflect the increased costs incurred by the developer. (Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following Resolution:

(R-96-534 Cor.Copy) ADOPTED AS RESOLUTION R-286505

Confirming the determination to amend the lien amount from \$55,000 to \$78,273.30 to reflect actual project costs.

CITY MANAGER SUPPORTING INFORMATION:

In September 1991, Council authorized execution of a reimbursement agreement with Pardee Construction Company to provide a traffic signal at the intersection of Hillery Drive and Black Mountain Road. In accordance with the terms of the reimbursement agreement, the estimated project cost of \$110,000 was to be recovered from two distinct funding sources. Fifty percent of the project cost was to be reimbursed from CIP-68-010.0, with the remaining 50 percent recovered through the formation of a cost reimbursement district affecting property owned by Kaiser Permanente. In August 1992, Council authorized the formation of the Hillery Drive Traffic Signal Cost Reimbursement District and placed liens in the amount of \$55,000 against benefitted parcels owned by Kaiser Permanente. Since the recorded liens were based on estimated project costs, they are subject to modification to reflect actual costs upon completion of the project. The traffic signal is in place and the actual project cost of \$156,546.60 has been verified by a City audit. Based on confirmation of the project cost, the reimbursement agreement between the City and Pardee Construction Company should be amended to provide compensation for the \$46,546.60 increase. Half of the increase would be funded from CIP-61-001.0 and the other half by amending the liens on the Kaiser parcels. Since formation of the district, Kaiser has sold a three acre portion of one of their liened parcels to the County Water Authority (CWA) for right-of-way to construct a water pipeline. Based on the intent of the reimbursement district, liens will be reallocated on the Kaiser parcels without placing any lien on the CWA property. This reallocation recognizes that construction of the traffic signal would have a condition to accommodate future traffic generated by Kaiser's development. Since the CWA pipeline does not generate any traffic, no benefit is received by the CWA from the traffic signal project.

Aud. Cert. 9600089.

FILE LOCATION: STRT-CR-21

COUNCIL ACTION: (Tape location: A227-291.)

Hearing began at 10:35 a.m. and halted at 10:40 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT. Second by Harvey.
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: Proposed amendment to the Alcoholic Beverage
Establishments Ordinance (Municipal Code Section 101.0515).

The proposed amendment will apply to off-sale alcoholic beverage outlets citywide with certain exemptions. The proposed amendment will implement recently adopted State legislation which affects alcohol outlets, and expands local government responsibilities.

The proposed amendment will strengthen local standards, and provide for more effective enforcement of regulations. The proposed amendment affects the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the City of San Diego must submit this amendment to the Coastal Commission for certification. The amendment is not effective in the Coastal Zone until the Coastal

Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the City Planning Department, Attn: Ella Paris, City Project Manager, City Administration Building, 202 C Street, MS 4A, San Diego, CA 92101-3864, before the close of the City Council public hearing.

(Citywide, except Gaslamp Quarter.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-96-18 Cor. Copy)
ADOPTED NOVEMBER 20, 1995

INTRODUCED AS AMENDED, TO BE

Introduction of an Ordinance amending the Municipal Code, Section 101.0515.

COMMITTEE ACTION:

Reviewed by Public Safety and Neighborhood Services Committee on August 2, 1995. Motion to adopt the City Manager's recommendation and to direct the Planning Department to continue the interim process of determining "public convenience and necessity" pending adoption of the Alcohol Beverage Outlets ordinance by the City Council. Districts 3, 4, 6, 8 voted yea. No District voted nay. District 7 not present.

DOCKET SUPPORTING INFORMATION:

In late 1993, the PS&S (now PS&NS) Committee directed the City Manager to investigate the feasibility of expanding the scope of the Alcoholic Beverage Establishments Ordinance, in order to address increasing problems associated with such establishments such as over concentration, erosion of community well-being, criminal activity, and violations of ABC standards. Responding to this direction, staff completed draft ordinance amendments in the summer of 1994. However, about that time, the State enacted pertinent new legislation (which became effective on 1/1/95). In November, 1994, the PS&S Committee appointed a citizens Task Force to develop an implementation strategy for the new legislation, and to make recommendations on various ordinance issues. The Task Force included representation from alcohol prevention organizations, small businesses, community groups, Council Districts, the ABC, Attorney's Office, Police, Planning, Development Services, and Neighborhood Code Compliance Departments. The 28-member Task Force held 10 meetings which resulted in a proposed ordinance that is consistent with the new State legislation and strengthens local standards and enforcement capability. The proposed ordinance would apply citywide (except to the Gaslamp Quarter), and only to off-sale establishments such as liquor stores. It would not apply to on-sale establishments such as restaurants. A permit would be granted by right under a Process One if the proposed outlet meets all standards. If all standards are not met, then a CUP would be required. A PS&NS meeting on this subject was scheduled for May 3, 1995. A public hearing before the Planning Commission was held on June 8 (continued to June 29) and August 8, 1995.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B471-C300; D046-F324.)

Hearing began at 11:36 a.m. and recessed at 12:05 p.m.

Testimony in opposition by Steve Zolezzi, Mr. Solem, Beth Beeman, Bill Taraschi, David Rose, Bob Elkins, David Hallack, Faiza Saroki, Gayle Bauer, and Jim Mellos.

Trailed to 2:00 p.m.

Hearing resumed at 2:12 p.m. and halted at 4:00 p.m.
Testimony in favor by Cleo Malone, Angelika Villagrana, Juan Smith, Stan Hay, Jay Durning, Ray Diccicchio, and Howard Roberts.

Testimony in opposition by Saad Ateek and John Thomas.

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE AS RECOMMENDED BY THE CITY MANAGER. AMENDMENT TO THE MOTION BY HARVEY TO DELETE IN ITS ENTIRETY SECTION 2.d ON PAGE 9 OF 16 OF THE ORDINANCE AND TO DIRECT THE CITY MANAGER TO COME BACK TO COUNCIL IN ONE YEAR WITH A PROGRESS REPORT WITH RESPECT TO HOW THIS ORDINANCE IS WORKING AND IF THERE ARE ANY PROBLEMS WITH THIS ORDINANCE. Second by McCarty. Passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-nay, McCarty-yea, Vargas-nay, Mayor Golding-nay.

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE AS AMENDED AND TO ALSO INCLUDE THE MODIFICATION TO PAGE 9 OF 16 OF THE ORDINANCE, PARAGRAPH 2.b TO READ: "THE ALCOHOL BEVERAGE OUTLET IS NOT LOCATED WITHIN A CENSUS TRACT OR WITHIN SIX HUNDRED (600) FEET OF A CENSUS TRACT WHERE THE RATIO OF ALCOHOL BEVERAGE OUTLETS EXCEEDS THE STANDARDS ESTABLISHED BY THE CALIFORNIA BUSINESS AND PROFESSIONAL CODE SECTION 23958.4; AND." Second by Vargas. 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: Contract with Service America Corporation for
Concession Services at the Stadium.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
10/10/95. (Council voted 8-0. District 8 not present):

(O-96-55) ADOPTED AS ORDINANCE O-18227 (New Series)

Authorizing a third amendment to the 1983 Agreement for
concession, restaurant, and catering services at San
Diego Jack Murphy Stadium between Service America
Corporation and the City of San Diego;

Authorizing a first amendment to the agreement for
restaurant and catering services in the Stadium Club
and Loge Level Lounge at San Diego Jack Murphy Stadium
between Service America Corporation and the City of San
Diego;

Authorizing a second amendment to the lease agreement
between Service America Corporation and the City of San
Diego.

FILE LOCATION: LEAS-Service America Corporation
61 (Stadium) LEAS FY96-1

COUNCIL ACTION: (Tape location: A227-291.)

MOTION BY STALLINGS TO ADOPT. Second by Harvey. 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: Metropolitan Wastewater Plan Financing Program.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on
10/10/95. (Council voted 8-0. District 8 not present):

(O-96-53) ADOPTED AS ORDINANCE O-18228 (New Series)

Approving the form of a Second Supplemental Indenture, approving the form of and authorizing the execution and delivery of a 1995-1 Supplement to the Master Installment Purchase Agreement, and a Continuing Disclosure Agreement associated with the issuance of bonds not to exceed \$350 million for the Metropolitan Wastewater Plan.

FILE LOCATION: WATER-Metropolitan Wastewater Plan

COUNCIL ACTION: (Tape location: F332-378; J400-464.)

Hearing began at 4:01 p.m. and recessed at 4:04 p.m.

Hearing resumed at 6:57 p.m. and halted at 7:00 p.m.

MOTION BY STALLINGS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Kehoe. Passed by the following vote: Mathis-yea, Harvey-nay, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-335:

SUBJECT: Metropolitan Wastewater Plan Financing Program.
(See City Manager Report CMR-95-220.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-438 Cor.Copy) ADOPTED AS RESOLUTION R-286506

Approving the form of and authorizing the execution and delivery of the Preliminary Official Statement, the Engineer's Statement of Feasibility and the Bond Purchase Contract related to the issuance of bonds not to exceed \$350 million for the upgrade and expansion plan of the wastewater treatment system known as the "Metropolitan Wastewater Plan."

CITY MANAGER SUPPORTING INFORMATION:

On October 10, 1995, the City Council approved the first

financing documents necessary to issue \$350 million in bonds for the upgrade and expansion plan of the wastewater treatment system known as the "Metropolitan Wastewater Plan." The Supplemental Indenture, Supplemental Installment Purchase Agreement and the Continuing Disclosure Statement were adopted by ordinance. In addition, the City Council approved a revenue plan consisting of no rate increase for FY 1996. The remaining financing documents, which include the Preliminary Official Statement (POS), the Engineer's Statement of Feasibility and the Bond Purchase Agreement, require approval so that the bonds may be issued in early December 1995.

FILE LOCATION: WATER-Metropolitan Wastewater Plan

COUNCIL ACTION: (Tape location: F332-378; J400-464.)

MOTION BY STALLINGS TO APPROVE THE CITY MANAGER'S REPORT.
Second by Kehoe. Passed by the following vote: Mathis-yea,
Harvey-nay, Kehoe-yea, Stevens-nay, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-336:

SUBJECT: Four actions related to CityLink Project/Mid-City Police Substation and Library Commercial Center. (See the Redevelopment Agency Report RA-95-20. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-96-454) ADOPTED AS RESOLUTION R-286507

Approving the draft City Heights Village Master Plan for 5 1/2 blocks of the 7 1/2 block area bounded by University, 43rd, Landis, Chamoune and 45th Streets.

Subitem-B: (R-96-455) ADOPTED AS RESOLUTION R-286508

Authorizing a first amendment to the Memorandum of Understanding between the City, the Agency and CIC, for the purpose of extending the MOU for two years to September 14, 1997.

Subitem-C: (R-96-456) ADOPTED AS RESOLUTION R-286509

Approving, in concept, the preliminary development plan and financing plan "Business Plan" for the City Heights Village Project.

Subitem-D: (R-96-457) ADOPTED AS RESOLUTION R-286510

Accepting the generous gift of \$5 million from Mr. and Mrs. Sol Price for the construction of the Mid-City library, community center and park;

Directing the City Manager to negotiate and execute an agreement.

FILE LOCATION: MEET CONFY96-2

COUNCIL ACTION: (Tape location: F381-G359.)

MOTION BY KEHOE TO APPROVE THE CITY MANAGER'S REPORT. ACCEPT COUNCIL MEMBER McCARTY'S RECOMMENDATIONS TO (1) INTEGRATE THE BRANCH LIBRARY BOND FUNDING INTO THE LIBRARY COMPONENT OF THIS PROJECT SO THAT IF THE BOND ISSUE PASSES, THEN THAT COULD BE USED AS THE MATCHING FUNDS NEEDED TO MAKE THIS PROJECT GO--THE \$5M MATCHING FUNDS; (2) WITH RESPECT TO THE REMNANT PROPERTY FROM THE MID-CITY POLICE STATION, WHEN THIS PLAN COMES BACK TO COUNCIL FOR APPROVAL, INCLUDE IN THIS PLAN AN ECONOMIC, SOCIAL, AND EDUCATIONAL IMPACT STUDY WITH SUGGESTED MITIGATION, IF ANY, FOR THE REMOVAL OF THE ADULT EDUCATIONAL CENTER FROM THE 54TH STREET AND UNIVERSITY AVENUE LOCATION. INCLUDE THE IMPACT OF THE COLINA DEL SOL PARK, VILLA VIEW HOSPITAL, LOCAL RETAIL, STUDENTS THAT WALK TO THE EDUCATION CENTER AND THE HOUSING AND APARTMENT INDUSTRY; (3) RECOMMEND THAT THE COLLEGE BOARD MAKE A DECISION ON THE LOCATION BASED ON WHAT IS BEST FOR EDUCATION, AND THAT THE DECISION NOT BE INFLUENCED BY ANY OTHER MAJOR ECONOMIC VARIANCE CAUSED BY A GOVERNMENT SUBSIDY EITHER WAY. Second by Warden. 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: ADOPTED AS RESOLUTION R-286549 TO CONTINUE THE ITEM WITH DIRECTION TO THE CITY MANAGER TO EXTRACT NEIGHBORHOOD 10A AND HANDLE IT SEPARATELY WITH THE APPROPRIATE EIR DOCUMENTATION.

SUBJECT: Adoption of a Precise Plan for Carmel Valley Neighborhood 8A, and related actions. Consideration includes:

Compromise Alternative: Adoption of the Carmel Valley Neighborhood 8A Precise Plan; Amendment to the Progress Guide and General Plan, Carmel Valley Community Plan, North City Future Urbanizing Area Framework Plan, Carmel Valley Neighborhood 10 Precise Plan, North City Local Coastal Program and the Carmel Valley Planned District Ordinance; Approval of the Del Mar Highlands Estates Vesting Tentative Subdivision Map, Resource Protection Ordinance Permit and Planned Residential Development Permit (94-0576); Approval of the Torrey Surf Vesting Tentative Subdivision Map, Resource Protection Ordinance Permit and Carmel Valley Planned District Development Permit (91-0899); and Approval of a Development Agreement (95-0389); or Applicant's Alternative: Adoption of the Carmel Valley Neighborhood 8A Precise Plan; Amendment to the Progress Guide and General Plan, the Carmel Valley Community Plan, the Carmel Valley Neighborhood 10 Precise Plan, the North City Local Coastal Program and the Carmel Valley Planned District Ordinance; Approval of the Carmel Highlands Vesting Tentative Subdivision Map and Carmel Valley Planned District Development Permit (87-1041); Approval of the Carmel Creek Road Tentative Subdivision Map and Resource Protection Ordinance Permit (93-0138); Approval of the Mesa Top Vesting Tentative Subdivision Map, Resource Protection Ordinance Permit, Coastal Development Permit and Carmel Valley Planned District Development Permit (90-0596); and the Torrey Surf Vesting Tentative Subdivision Map; Resource Protection Ordinance Permit and Carmel Valley Planned District Development Permit (91-0899).

(Case-87-1041, 90-0596, 91-0899, 93-0138 and 94-0576. District-1.)

(Continued from the meetings of October 17, 1995, Item 350, April 11, 1995, Item 330, March 7, 1995, Item 331, February 14, 1995, Item 331, and January 24, 1995, Item 330; last continued at the City Manager's request to allow for the staff and applicant to return with a revised Precise Plan and Development Agreement.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; Introduce Subitems B, C and D; Adopt Subitems E through H to approve the maps/permits and Adopt Subitem I (Compromise Plan Alternative); and do not Introduce Subitems J and K (Applicant's Plan Alternative):

Subitem-A: (R-96-453)

Adoption of a Resolution certifying that the information contained in Environmental Impact Reports DEP-87-0211, DEP-91-0899, and DEP-94-0576 has been completed in compliance with the California Environmental Quality Act of 1970 and State CEQA guidelines, and that said reports reflect the independent judgement of the City of San Diego as Lead Agency, adopting the Findings and Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-96-68)

Introduction of an Ordinance amending the Carmel Valley Planned District Ordinance to rezone properties in Neighborhood 8A, consistent with the Compromise Plan Alternative.

Subitem-C: (O-96-70)

Introduction of an Ordinance amending Section 103.0602 of the Municipal Code (Compromise Alternative.)

Subitem-D: (O-96-67)

Introduction of an Ordinance approving the Development Agreement.

Subitem-E: (R-96-)

Adoption of a Resolution granting Vesting Tentative Subdivision Map No. 94-0576 (Del Mar Highlands Estates), with appropriate findings to support Council action.

Subitem-F: (R-96-)

Adoption of a Resolution granting Planned Residential Development Permit/Resource Protection Ordinance Permit 94-0576 (Del Mar Highlands Estates), with appropriate findings to support Council action.

Subitem-G: (R-96-)

Adoption of a Resolution granting Vesting Tentative

Subdivision Map No. 91-0899 (Torrey Surf), with appropriate findings to support Council action.

Subitem-H: (R-96-)

Adoption of a Resolution granting the Resource Protection Ordinance Permit/Carmel Valley Planned District Development Permit 91-0899 (Torrey Surf), with appropriate findings to support Council action.

Subitem-I: (R-96-452)

Adoption of a Resolution approving the Carmel Valley Neighborhood 8A Precise Plan and amending the Carmel Valley Neighborhood 10 Precise Plan, the Carmel Valley Community Plan, the North City Future Urbanizing Area Framework Plan, the Progress Guide and General Plan and the Local Coastal Program.

Subitem-J: (O-96-69)

Introduction of an Ordinance approving an amendment to the Carmel Valley Planned District Ordinance (Applicant's Alternative).

Subitem-K: (O-96-71)

Introduction of an Ordinance amending Sections 103.0602 and 103.0619 of the Municipal Code (Applicant's Alternative).

LEGAL DESCRIPTION:

The approximately 400-acre Neighborhood 8A site is located approximately three-quarters of a mile east of the Interstate 5 Freeway and one-half mile south of Carmel Valley Road. Future Urbanizing Area parcels include the 389 acre Del Mar Highlands Estates Parcel, the 84 acre Shell Parcel, the 60 acre FSLIC parcel, and the 78 acre Lorenz Parcel.

FILE LOCATION: Subitem A & I: LAND-Carmel Valley
Neighborhood 8A Precise Plan; Subitem B,
C, D, J and K: NONE;
Subitem E: SUBD-VTM-94-0576; Subitem
F: PERM-PRD/RPO-94-0576; Subitem G:
SUBD-VTM-91-0899; Subitem H:
PERM-RPO/CUPDDP-91-0899

COUNCIL ACTION: (Tape location: G360-J394.)

Hearing began at 4:45 p.m. and halted at 6:57 p.m.

Council Member Stevens left at 4:51 p.m. and returned at 4:58 p.m.

Council Member Vargas left at 4:58 p.m. and returned at 5:03 p.m.

Council Member Kehoe and Council Member Stallings left at 4:57 p.m. and returned at 5:05 p.m.

Council Member Mathis left at 5:41 p.m. and returned at 5:46 p.m.

Testimony in favor by Doug Boyd, Joyce Mason, Lynn Frank, Cam Patterson, Dr. Hartmut Walter, Carroll Foster, David Beck, and Mike Madigan.

Testimony in opposition by Bob Rausch, Jan Fuchs, Michael Beck, Jim Pierce, Oliver Ryder, Michael Soule', John O'Leary, David Hogan, Isabelle Kay, Mike Madigan, and Michael Gallagher.

Motion by Mathis to deny the original precise plan--the applicant's alternative, the City Manager's compromise plan which is the compromise alternative and all discretionary permits and actions before us today related to those two plans because significant unmitigated environmental impacts identified in both plans are unacceptable and outweigh the potential public benefits these plans offer. Secondly, that the City Manager work with the concerned parties including the applicants, the affected landowners, the resource agencies, the community, the school district to forge a holistic plan for 8A with a primary focus on the preservation of the area's high value natural resources consistent with the goals of the MSCP. In addition, move to introduce the ordinance that is before you today which will waive the one-year waiting period with respect to the Neighborhood 8A precise area plan. No second.

Motion by Vargas to continue the item. Amendment to the motion by Council Member Warden to state the City Council's intent to deny the compromise precise plan, all discretionary permits and actions before us today related to these two plans because the significant unmitigated

environmental impacts identified in those plans are unacceptable and outweigh the potential public benefits this plan offers, and to direct the City Manager to work with the concerned parties over the next 90 days including the applicants, the affected landowners, the resource agencies, etc., to forge a plan for 8A.

MOTION BY VARGAS TO CONTINUE THE ITEM WITH DIRECTIONS TO INCLUDE CONSIDERATION OF ALL THE POINTS MADE BY COUNCIL MEMBER MATHIS AND TO ALSO INCLUDE THE OTHER PROPERTY OWNERS IN THE DISCUSSIONS. ACCEPT COUNCIL MEMBER MATHIS' AMENDMENT TO PULL OUT THE NEIGHBORHOOD 10A ISSUE AND TO DIRECT THE CITY MANAGER TO BRING THIS ISSUE BACK TO COUNCIL AS A SEPARATE ITEM WITH APPROPRIATE ENVIRONMENTAL DOCUMENTATION. Second by Stevens. 10A passed by the following vote: Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea. Continuance with directions passed by the following vote: Mathis-nay, Harvey-yea, Kehoe-nay, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:
NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: J465.)