

O-82-10
REV.

ORDINANCE NO. O-15566
(New Series)

AUG 10 1981

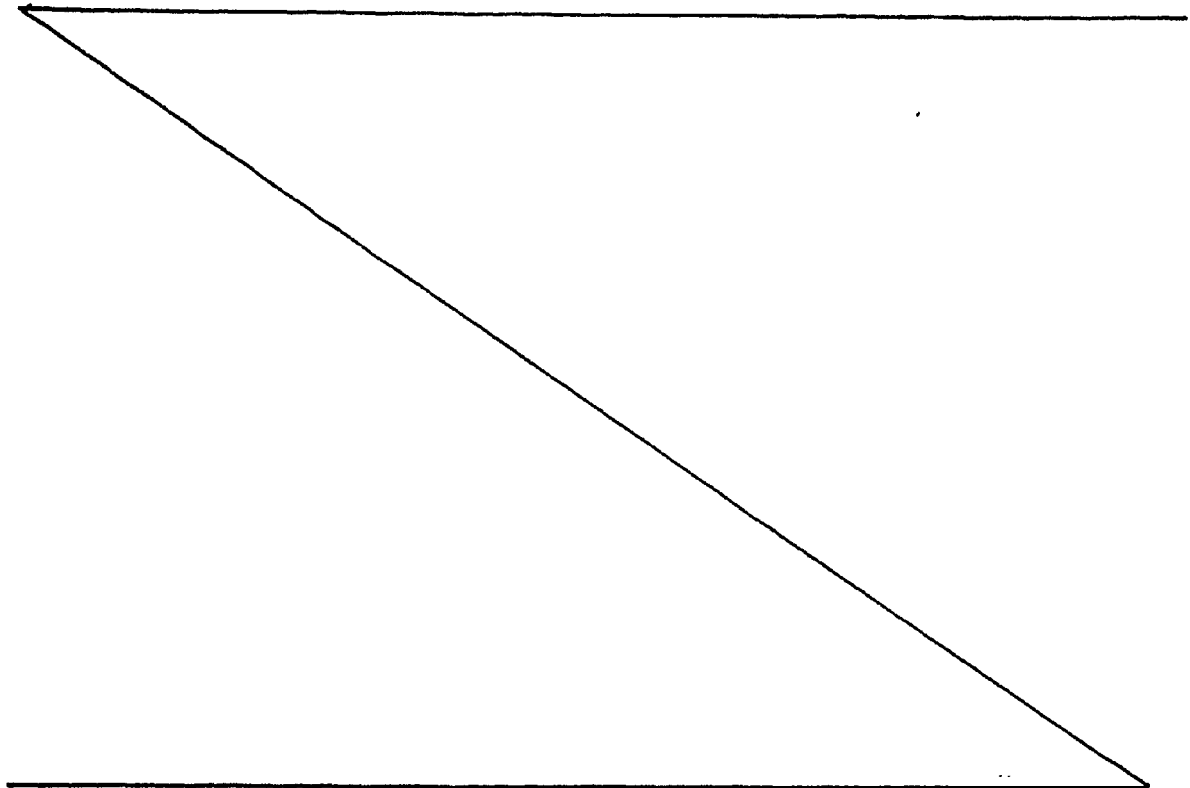
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 17
RELATING TO THE MISSION TRAILS DESIGN DISTRICT.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter X, Article 1 of the San Diego
Municipal Code be and it is hereby amended by adding Division 17
to read as follows:

DIVISION 17

MISSION TRAILS DESIGN DISTRICT



SEC. 101.1700 MISSION TRAILS DESIGN DISTRICT

A. PURPOSE AND INTENT

The purpose of the Mission Trails Design District is to insure that development along the edges of the Mission Trails Regional Park complements its natural character, promotes the aesthetic and functional quality of park/urbanization relationships, and enhances the park's natural qualities while recognizing the right to reasonable development within the Design District.

The Master Development Plan for Lake Murray, Cowles and Fortuna Mountains Regional Park (renamed Mission Trails Regional Park), adopted in 1976 by the City Council, recommends the creation of a transitional buffer on the periphery of the Park. The Design District is intended to provide guidelines for design review to be used in the processing of permits, and to establish a Planned District for all subareas of the Design District, in order to enhance the transition from cityscape to parkscape.

B. BOUNDARIES

1. The Mission Trails Design District shall apply to those portions of the Navajo, Tierrasanta and East Elliott communities in the City of San Diego, California, designated on that certain Map Drawing No. C-667.1, filed in the office of the City Clerk under Document No. 00-15566.
2. The Mission Trails Design District is comprised of three subareas. These are designated on that certain Map Drawing No. C-667.1.

a) Subarea 1

This subarea shall include all the commercial and multi-family, residential-zoned sections of the District which are currently undeveloped or which could potentially redevelop according to existing zoning and the adopted community plans.

b) Subarea 2

This subarea shall include the steep hillsides presently under the HR (Hillside Review) Overlay District, as well as non-HR zoned and undeveloped areas contiguous to HR areas.

c) Subarea 3

This subarea shall include two portions of the Mission Gorge area adjacent to the boundaries of the Mission Trails Regional Park:

- 1) The western portion shall be that area immediately adjacent to the Park boundary along the San Diego River, bounded on the north by the northwest boundary of CUP No. 238PC, on the west by a line extending 1,000 yards from the park boundary then following the M-1B Zone boundaries, and on the south by Mission Gorge Road.
- 2) The eastern portion shall include all that area within the City limits east of the Park boundary along the San Diego River, and south of the unincorporated strip of land. The City-owned portion of the eastern Mission Gorge area within Subarea 3 shall be zoned and retained only for open space uses consistent with the adopted General Plan.

C. ADMINISTRATION

1. Planning Director

The Planning Director or a designated representative shall administer the Mission Trails Design District.

2. Powers and Duties

It is the duty of the Planning Director to administer and ensure compliance with the regulations and procedures contained within this Division in the manner prescribed herein for both public and private development; to recommend to the Planning Commission any changes to the regulations, provided such changes are necessary for the proper execution of the adopted community and area development plans, and to adopt rules of procedure to supplement those contained within this Division. The Planning Director shall evaluate the appropriateness of any development for which a permit is applied under this Division. The Planning Director may approve or deny any application for a permit, based upon the conditions of compliance or noncompliance with adopted regulations and approved design criteria and standards found in the accompanying Mission Trails Design Manual.

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D. PROCEDURES FOR PERMIT APPLICATION AND REVIEW

1. Application

- a) Applications shall be filed with the Planning Department upon the forms provided, and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans and a legal description of the property involved.
- b) Applications for permits shall be made in accordance with the San Diego Municipal Code, Chapter X, Article 2, and Chapter IX and Chapter VI, Article 2, prior to the commencement of any work in the erection of any new structure, or remodeling, alteration or addition of any existing structure, or any grading within the Design District. Approval of the Planning Director is not required for interior modification, repairs or remodeling nor any exterior repairs or alterations for which a permit is not now required.
- c) Applications for permits may be made by the owner(s) of record of the property on which development or construction is proposed to be undertaken.
- d) The provisions of this Section shall not apply to any project or development heretofore or hereafter approved pursuant to Chapter X, Article 1, Division 5 or Section 101.0990 of Division 9 of the San Diego Municipal Code.

2. Content

The application shall include the following:

- a) Adequate plans and specifications indicating dwelling unit density, lot area, lot coverage, surfaced or paved areas (including off-street parking), landscaping, and traffic circulation;
- b) Adequate plans and specifications for the buildings and improvements showing the exterior architectural design elevations, color and texture of materials, and the dimensions of exterior wall planes;
- c) Adequate cross sections of property proposed for development showing topography before and after grading;

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- d) Adequate plans and specifications for grading, slopes, and open space areas, bike/pedestrian and equestrian (if applicable) trails;
- e) Location of potential views of the park and surroundings;
- f) For Subarea 1 only: Adequate drawings showing height relationships and shadow lines between proposed and existing structures within a 300-foot radius; and
- g) Any other information deemed necessary by the Planning Director to judge compliance with the regulations contained herein, the accompanying Design Manual and other applicable laws and regulations.

3. Referral

The Building Inspection Director and the City Engineer shall refer all applications made under paragraph "D.1." above to the Planning Director. Discretionary actions and permits shall be referred to the Planning Director for a determination of compliance with the regulations contained within this Division and the accompanying Design Manual.

4. Determination

The Planning Director shall approve a permit which complies with the regulations contained within this Division and the accompanying Mission Trails Design Manual filed in the office of the City Clerk under Document No. ~~RR-254722~~. Action by the Planning Director shall include a statement that the structure or improvement for which the permit was applied does or does not conform to the regulations contained herein, the specific facts on which that determination is based shall be included in the written decision as provided for in "5." following.

To approve a development proposal the Planning Director shall make the following findings:

- a) The proposal complies with the purpose and intent and the concepts expressed in the applicable guidelines included in the Mission Trails Design Manual.

- b) The granting of a permit will be in harmony with the general purpose and intent of the Mission Trails Design District.
- c) The granting of a permit will not adversely affect the Progress Guide and General Plan for The City of San Diego or the applicable adopted community plan.
- d) Application of the provisions of this Division and accompanying Mission Trails Design Manual will not deprive the applicant of the reasonable use of the land or buildings.

If the Planning Director, after considering the application for a permit, is unable to make the findings set forth in Paragraph "D.4." of this Section, he shall deny the permit.

5. Notification

Within 60 days after the submission of a complete application to the Planning Director, the Planning Director's decision shall be sent in writing to the applicant, Building Inspection Department and City Engineer.

If the Planning Director approves the application for a permit, and the proposed development conforms to all other regulations and ordinances of The City of San Diego, the Building Inspection Director or the City Engineer may then issue the permit for the work.

E. APPEALS TO THE PLANNING COMMISSION

- 1. Any decision of the Planning Director regarding development within the Design District may be appealed to the Planning Commission within 15 days of the action in accordance with the procedures set forth in Chapter X, Article 2, of the Municipal Code.
- 2. If there is an appeal of the Planning Director's decision, the Director shall thereupon set the matter for public hearing in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of the Municipal Code.
- 3. The Planning Commission after the public hearing referred to above, may grant a permit if, after considering the information and the testimony presented

at the hearing, concludes that the available information is consistent with the development regulations set forth in this Division, and the adopted community plan affected by the proposed development.

4. The decision of the Planning Commission shall be final and shall be filed with the City Clerk, the Zoning Administrator, the Building Inspection Director and the City Engineer, and a copy shall be mailed to the applicant.

F. APPEALS FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. The City Council will accept an appeal for hearing when any of the following situations are found to exist:

1. The appellant was denied the opportunity to make a full and complete presentation to the Planning Commission ;
2. New evidence is now available that was not available at the time of the Planning Commission hearing;
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance;
5. The decision of the Planning Commission is inconsistent with applicable Community Plans or the General Plan for those areas not having a Community Plan; or
6. The Planning Commission decision was in conflict with adopted Council Policy or the Municipal Code.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written

appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

G. DESIGN REGULATIONS

1. Concurrent with the adoption by ordinance of this Division, the City Council shall by resolution also adopt design and development standards to be used in evaluating the appropriateness of any development for which a permit is applied under this Division. The design regulations and guidelines are included in the Mission Trails Design Manual and shall be filed in the office of the City Clerk under Document No. ~~AK-254722~~.
2. All development or redevelopment within Subareas 1, 2 and 3 shall comply with the criteria and standards contained in the accompanying Mission Trails Design Manual.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

Planning:FCC:clh
7/7/81
Or.Dept.:Planning
623.10
(REV. 8/7/81)

0-15566

Passed and adopted by the Council of The City of San Diego on AUG 10 1981,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 28 1981, and on AUG 10 1981.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15566 Adopted AUG 10 1981

CERTIFICATE OF PUBLICATION

San Diego, City of
12th floor, 202 C St.
San Diego, CA 92101
ELLEN BOVARD

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15566 (New Series)

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(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 17 RELATING TO THE MISSION TRAILS DESIGN DISTRICT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1 of the San Diego Municipal Code be and it is hereby amended by adding Division 17 to read as follows:

DIVISION 17
MISSION TRAILS DESIGN DISTRICT
SEC. 101-1700 MISSION TRAILS DESIGN DISTRICT

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The purpose of the Mission Trails Design District is to insure that development along the edges of the Mission Trails Regional Park complements its natural character, promotes the aesthetic and functional quality of park/urbanization relationships, and enhances the park's natural qualities while recognizing the right to reasonable development within the Design District. The Master Development Plan for Lake Murray, Cowles and Fortuna Mountains Regional Park (renamed Mission Trails Regional Park), adopted in 1978 by the City Council, recommends the creation of a transitional buffer on the periphery of the Park. The Design District is intended to provide guidelines for design review to be used in the processing of permits, and to establish a Planned District for all subareas of the Design District. In order to enhance the transition from cityscape to parkscape.

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a) Subarea 1
This subarea shall include all the commercial and multi-family, residential-zoned sections of the District which are currently undeveloped or which could potentially redevelop according to existing zoning and the adopted community plans.

b) Subarea 2
This subarea shall include the steep hillsides presently under the HR (Hillside Review) Overlay District, as well as non-HR zones and undeveloped areas contiguous to HR areas.

I, Charlene Lance, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 0-15566
(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

August 24, 1981

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24 day of Aug., 19 81.

Charlene Lance
(Signature)

Page 1 of 3

27 x 2 x 8.06 = 435.24

c) Subarea 5

This subarea shall include two portions of the Mission Gorge area adjacent to the boundaries of the Mission Trails Regional Park:

- 1) The western portion shall be that area immediately adjacent to the Park boundary along the San Diego River, bounded on the north by the northwest boundary of CUR No. 238PC, on the west by a line extending 1,000 yards from the park boundary then following the M-1B Zone boundaries, and on the south by Mission Gorge Road.
- 2) The eastern portion shall include all that area within the City limits east of the Park boundary along the San Diego River, and south of the unincorporated strip of land. The City-owned portion of the eastern Mission Gorge area within Subarea 3 shall be zoned and retained only for open space uses consistent with the adopted General Plan.

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- d) The provisions of this Section shall not apply to any project or development heretofore or hereafter approved pursuant to Chapter X, Article 1, Division 5 or Section 101.0060 of Division 9 of the San Diego Municipal Code.

2. Content

- The application shall include the following:
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contained herein, the specific facts on which that determination is based shall be included in the written decision as provided for in the following.

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If the Planning Director, after considering the application for a permit, is unable to make the findings set forth in Paragraph "D.4." of this Section, he shall deny the permit.

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3. The Planning Commission after the public hearing referred to above, may grant a permit if, after considering the information and the testimony presented at the hearing, concludes that the available information is consistent with the development regulations set forth in this Division, and the adopted community plan affected by the proposed development.
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2. All development or redevelopment within Subareas 1, 2 and 3 shall comply with the criteria and standards contained in the accompanying Mission Trails Design Manual.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefor was made prior to the date of adoption of this ordinance.

Introduced on July 28, 1981.

Passed and adopted by the Council of The City of San Diego on August 10, 1981.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

By ELLEN BOVARD, Deputy.

(SEAL)

Published August 24, 1981

60-8497