

ORDINANCE NUMBER O- 18239 (NEW SERIES)

ADOPTED ON DEC 05 1995

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 26, 1996, ONE PROPOSITION AMENDING THE CITY'S PROGRESS GUIDE AND GENERAL PLAN WITHIN SUBAREA IA AND SUBAREA V OF THE NORTH CITY FUTURE URBANIZING AREA FRAMEWORK PLAN TO AUTHORIZE THE CITY COUNCIL TO CONSIDER ISSUANCE OF CONDITIONAL USE PERMITS FOR A HOTEL IN EACH OF THE TWO SUBAREAS

WHEREAS, by Ordinance No. O- 18238, adopted on DEC 04 1995, the Council of The City of San Diego called a Special Municipal Election to be held in the City on March 26, 1996, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, Proposition A, adopted by San Diego voters in 1985, required voter approval of proposed General Plan amendments to allow increased development within the North City Future Urbanizing Area ("FUA"); and

WHEREAS, preservation of open space and endangered natural habitat was one of the objectives of Proposition A; and

WHEREAS, certain properties within the City of San Diego identified as being prime open space and habitat areas are threatened with development if funds for their acquisition cannot be secured; and

WHEREAS, certain environmental groups, agencies and planners have reviewed the proposed sites and uses for two 300-unit hotels, one proposed to be located on not more than 25 acres in

Subarea IA and one proposed on not more than 30 acres in Subarea V of the FUA, and have preliminarily determined them to be compatible with plans to preserve open space and endangered habitat; and

WHEREAS, approval of these hotels would in no way permit any other similar development within the FUA without a separate vote of the people, to the extent such separate vote is required by Proposition A; and

WHEREAS, by requiring that revenues from these hotels be dedicated to open space acquisition, funds will be available for acquisition of a significant portion of the threatened open space and habitat areas; NOW, THEREFORE,

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

Section 1. One proposition amending the City's General Plan by allowing the City Council to consider a request for a Conditional Use Permit for a resort hotel within each of Subareas IA and V of the North City Future Urbanizing Area Framework Plan is hereby submitted to the qualified voters of the City at the Special Municipal Election to be held March 26, 1996, the proposition to read as follows:

This proposition amends the Progress Guide and General Plan ("General Plan") of the City of San Diego ("City") and specifically the North City Future Urbanizing Area Framework Plan of the City as follows:

A. WHEREAS, Proposition A, adopted by San Diego voters in 1985, required voter approval of proposed General Plan amendments

to allow increased development within the North City Future Urbanizing Area ("FUA"); and

- B. WHEREAS, preservation of open space and endangered natural habitat was one of the objectives of Proposition A; and
- C. WHEREAS, certain properties within the City of San Diego identified as being prime open space and habitat areas are threatened with development if funds for their acquisition cannot be secured; and
- D. WHEREAS, certain environmental groups, agencies and planners have reviewed the proposed sites and uses for two 300-unit hotels, one proposed to be located on not more than 25 acres in Subarea IA and one proposed on not more than 30 acres in Subarea V of the FUA, and have preliminarily determined them to be compatible with plans to preserve open space and endangered habitat; and
- E. WHEREAS, approval of these hotels would in no way permit any other similar development within the FUA without a separate vote of the people, to the extent such vote is required by Proposition A; and
- F. WHEREAS, by requiring that revenues from these hotels be dedicated to open space acquisition, funds will be available for acquisition of a significant portion of the threatened open space and habitat areas;

NOW, THEREFORE, the people of the City of San Diego do hereby amend the General Plan and specifically the Framework Plan, as follows:

(1) Table 3.3-F of the Framework Plan is hereby amended to include a new category of use entitled "Hotel" with 25 acres indicated in Subarea IA, and within 30 acres in Subarea V. The acreage of the "Very Low" category in each Subarea shall be reduced accordingly.

(2) A new paragraph is added to Section 3.4 of the Framework Plan to read as follows:

Consistent with Section 6.3c, in the event that a golf course is developed within Subarea IA and/or Subarea V, the City Council may approve by Conditional Use Permit a 300-room Hotel within each Subarea where such limited Hotel development will result in the creation of a financing or funding mechanism for Open Space Land Acquisition efforts. The City Council, by Conditional Use Permit, may also approve limited accessory commercial uses within Subarea IA consistent with the Framework Plan and specifically consistent with the "Local Mixed Uses" category in Table 3.3-C of the Framework Plan.

(a) Approval by the City Council shall be contingent on a financing or funding mechanism for City revenues over a 10-year period of \$6.3 million from each of the Hotels, exclusively for the acquisition of open space lands essential to the viability of habitat systems within or in the vicinity of the NCFUA, consistent with ongoing habitat planning efforts. Such funds could be used to support bonds for such acquisition.

- (b) The Hotels shall be located as shown on the plat map filed in the office of the City Clerk entitled "NCFUA HOTELS."
- (c) Each Hotel shall contain not more than 300 rooms. The limited commercial accessory uses in Subarea IA shall not exceed 60,000 square feet and shall lie within the area shown on the "NCFUA HOTELS" plat map. The Hotel in Subarea IA shall not exceed 60 feet in height consistent with the approved Black Mountain Ranch Design Guidelines, and the Hotel in Subarea V shall not exceed 40 feet in height.
- (d) The Hotel site in Subarea IA shall be limited to 25 acres. The Hotel in Subarea V shall be limited to 30 acres.
- (e) The City Council shall have the authority to, after a noticed public hearing, approve, conditionally approve, or deny the Conditional Use Permits for the Hotels and associated Local Mixed Uses.
- (f) Completion of Environmental Review as required by the California Environmental Quality Act shall be required for each Conditional Use Permit.
- (g) Preparation of a Traffic Plan which would provide for mitigation of traffic impacts associated with the uses shall be required for each Conditional Use Permit.

This measure also authorizes the City to amend, modify, or clarify its regulations, including but not limited to, the General Plan, the Municipal Code and the City Council Policies to implement the purpose and intent of this proposition.

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Special Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

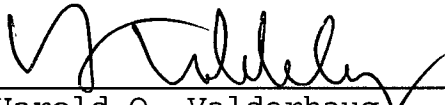
<p><b>PROPOSITION _____. AMENDS THE SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN.</b></p> <p><b>SHALL THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN BE AMENDED TO ALLOW THE CITY COUNCIL TO APPROVE CONDITIONAL USE PERMITS FOR TWO SPECIFICALLY IDENTIFIED HOTELS AS INTENSIFIED USES IN SUBAREAS IA AND V OF THE NORTH CITY FUTURE URBANIZING AREA, SUBJECT TO CERTAIN CONDITIONS WHICH WOULD CREATE BENEFITS TO THE CITY, INCLUDING A STREAM OF FUNDS TOTALLING A MAXIMUM OF \$6.3 MILLION FOR EACH HOTEL TO BE EXPENDED FOR ACQUISITION OF PUBLIC OPEN SPACE LANDS?</b></p>	<p>YES</p> <p>NO</p>	
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Section 4. An appropriate mark placed in the voting square after the word "YES" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "NO" shall be counted against the adoption of the proposition.

Section 5. The City Clerk shall cause this ordinance to be published once in the official newspaper.

Section 6. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on DEC 05 1995, which is the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Chief Deputy City Attorney

HOV:CCM:jrl:ps:lc  
12/04/95  
01/09/96 COR.COPY  
Or.Dept:Mayor  
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