

ORDINANCE NUMBER O- 18331 (NEW SERIES)

ADOPTED ON JUL 30 1996

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 1996, ONE PROPOSITION AMENDING THE PROGRESS GUIDE AND GENERAL PLAN BY REDESIGNATING A 32.8-ACRE PARCEL OF PROPERTY IN THE LOWER SAN DIEGUITO RIVER VALLEY, AND IN THE NORTH CITY FUTURE URBANIZING AREA, TO PLANNED URBANIZING FROM FUTURE URBANIZING.

WHEREAS, by Ordinance No. O- 18325, adopted on JUL 29 1996, the Council of The City of San Diego called a Special Municipal Election to be held in the City on November 5, 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 amendments to the City's Progress Guide and General Plan ("General Plan") to change land use designations from Future Urbanizing to Planned Urbanizing within the North City Future Urbanizing Area ("FUA"); and

WHEREAS, the San Dieguito Partnership, L.P., ("Partnership") has owned a 54-acre parcel of property located in the lower San Dieguito River Valley, and in the FUA, for many years; and

WHEREAS, the City Council has recently settled litigation filed by the Partnership against the City arising from the Partnership's attempts to develop the Property; and

WHEREAS, the settlement of the above-referenced litigation

called for the City Council to consider placing on the ballot for the Special Municipal Election to be held on November 5, 1996, a Proposition amending the General Plan to change the land use designation of some or all of the 54-acre parcel from Future Urbanizing to Planned Urbanizing, subject to certain development restrictions; and

WHEREAS, the Partnership has applied for various discretionary development approvals for a 32.8-acre portion (the "Property") of the larger parcel; and

WHEREAS, environmental review of the proposed development of the Property is sufficiently complete, and the proposed development is sufficiently certain, that the City Council may make an informed decision regarding the appropriateness of placing this Proposition on the ballot; and

WHEREAS, approval of the change in designation proposed by this Proposition 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;
NOW, THEREFORE,

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

Section 1. One Proposition, amending the General Plan by redesignating a 32.8-acre parcel of property (as described on the map on file in the Office of the City Clerk as Document No. 00-18331), located in the lower San Dieguito River Valley and in the FUA, to Planned Urbanizing from Future Urbanizing, is hereby submitted to the qualified voters of the

City at the Special Municipal Election to be held November 5, 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") as follows:

A. In 1979 the City Council adopted a General Plan and that General Plan identified certain lands as urban reserve and designated those lands as Future Urbanizing.

B. In 1985 the voters of the City adopted the Managed Growth Initiative - Proposition A - which required a vote of the people to change the designation of lands from Future Urbanizing to Planned Urbanizing.

C. On October 1, 1992, the City Council adopted a Framework Plan for a portion of the Future Urbanizing Area in the North City and designated such area as the North City Future Urbanizing Area.

D. The General Plan provides for the shift of land from Future Urbanizing to Planned Urbanizing "as planned communities are built out or as opportunities to implement the balanced housing or land use goals of the City arise."

E. A 32.8-acre parcel of property within the North City Future Urbanizing Area (the "Property") (as described on the map on file in the Office of the city Clerk as Document No. 00-18331), meets the criteria for shifting its designation from Future Urbanizing to Planned Urbanizing.

F. New jobs, increased economic activity, protection of

sensitive resources and permanent protection of additional open space and recreational areas within the San Dieguito River Valley, and funding for the improvement of Via de la Valle to alleviate traffic congestion are clearly of benefit to the City and its citizens.

G. To acquire these benefits at this time, it is necessary to change the designation of the Property from Future Urbanizing to Planned Urbanizing.

H. To ensure new development is sensitive to the environment, the voters wish to impose certain conditions on development of the Property.

I. The existing General Plan and zoning regulations permit up to eight dwelling units on the Property.

J. This General Plan Amendment will permit commercial development at not more than a .20 Floor Area Ratio on the Property, development which is not currently permitted without a vote of the electorate.

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

Section 1. Change in Designation. The 32.8-acre Property described on the map on file in the Office of the City Clerk as Document No. 00-18331, which is within the North City Future Urbanizing Area, is hereby changed in designation from Future Urbanizing to Planned Urbanizing, and the Official Phased Development Areas Map, on file in the Office of the City Clerk as Document No. RR-267565-1, is hereby amended to change the designation of the Property

from Future Urbanizing to Planned Urbanizing. The change in designation approved by this General Plan Amendment shall be subject to the conditions set forth in Sections 2 through 10 of this General Plan Amendment unless any of those Sections are severed pursuant to Section 9.

Section 2. Mandatory Environmental Review.

Environmental review, pursuant to the California Environmental Quality Act, must be completed before the Property may be developed.

Section 3. Wetland Restoration. Before Development proceeds on the Property, approximately 21 acres immediately adjacent to the Property shall be set aside by dedication, easement, transfer or other appropriate means to further the preservation and restoration of wetlands in the lower San Dieguito River Valley.

Section 4. Public Improvements. Fees collected for development of the Property shall go towards the Property's fair share of improvements to Via de la Valle, El Camino Real, park, library, fire, police and other public facilities.

Section 5. Density and Development Controls. This General Plan Amendment will permit commercial development of the Property in accordance with plans approved and development controls imposed by the San Diego City Council. Commercial development will be allowed at not more than a .20 Floor Area Ratio ("FAR"), calculated on the basis of the 32.8-acre parcel receiving the change in land use

designation. Mixed use residential development, consistent with the CA-RR zone, may be allowed in the future but only within or as part of the .20 FAR development.

Section 6. Definitions. For purposes of this General Plan Amendment, the following words and phrases shall have the following meaning:

- a. "City" means the City of San Diego.
- b. "Conditional Approval" means approval by the San Diego City Council subject to a vote of the electorate pursuant to Proposition A of 1985.
- c. "Framework Plan" means that document entitled "Framework Plan for the North City Future Urbanizing Area" adopted by the City Council on October 1, 1992, as amended on October 26, 1993.
- d. "North City Future Urbanizing Area" means that land area officially classified as being within the North City Future Urbanizing Area on October 1, 1992, the date of the adoption of the Framework Plan.
- e. "General Plan" means the Progress Guide and General Plan of the City of San Diego.
- f. "Development" means the issuance of building permits for the construction of commercial structures, residential dwellings or other structures.

Section 7. Framework Plan. Nothing in this General Plan Amendment is intended to be an initiative or referendum

enacting or ratifying the Framework Plan.

Section 8. Compliance with the California Coastal Act. The City Council may modify any provision of this General Plan Amendment to comply with the requirements of the California Coastal Commission, provided such requirements do not increase the allowed density for the Property as set forth in this General Plan Amendment.

Section 9. Severability. If any provision of this General Plan Amendment, other than Section 1, is declared legally invalid or unenforceable, the balance of the provisions shall remain in full force and effect. If Section 1 is declared invalid, the entire General Plan Amendment is void and of no force and effect.

Section 10. Effectiveness. This General Plan Amendment shall be of no force or effect unless, prior to November 5, 1996, the City Council has Conditionally Approved development applications for the Property consistent with the terms and conditions set forth in this General Plan Amendment.

Section 11. Implementation. The City is authorized to amend, modify, or clarify City 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 General Plan Amendment.

Section 2. This 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>PROPOSITION _____ . AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN.</p> <p>Shall the City of San Diego's General Plan be amended to redesignate 32.8 acres of property east of I-5 and adjoining Via de la Valle within the 12,000-acre North City Future Urbanizing Area from "future urbanizing" to "planned urbanizing", subject to certain conditions including construction of improvements to Via de la Valle and dedication of an adjacent 21 acres for wetland restoration, allowing mixed-use residential/commercial improvements having a floor area not exceeding 20% of the parcel area?</p>	<p>YES</p>	
	<p>NO</p>	

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.

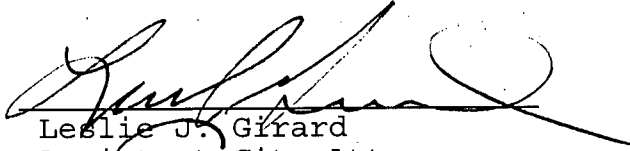
Section 6. Pursuant to Section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on

JUL 30 1996

, which is the day of its introduction and
passage.

APPROVED: JOHN W. WITT, City Attorney

By


Leslie J. Girard
Assistant City Attorney

LJG:js

07/26/96

07/31/96 REV. 1

Or.Dept:Atty

O-97-20 [VILLAGES]

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