

18337
ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON **SEP 09 1996**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING THE DEL MAR MESA SPECIFIC PLAN.

WHEREAS, in 1979 the *Progress Guide and General Plan for the City of San Diego* was amended to classify all land within the jurisdiction of the City into three Phased Development Categories -- Urbanized, Planned Urbanizing and Future Urbanizing -- as part of Urban Development Program; and

WHEREAS, the Urban Development Program calls for the systematic and logical shifting of property from the Future Urbanizing Category to the Planned Urbanizing Category as planned communities within the City are built out or as opportunities to implement the balanced housing or land use goals of the City arise; and

WHEREAS, in November 1985 the citizens of the City of San Diego passed an initiative measure known as Prop. A which requires an affirmative vote of the citizens of San Diego to phase shift land from the Future Urbanizing Category for all lands designated as Future Urbanizing as of August 1, 1984; and

WHEREAS, Prop. A also provides that development may proceed and amendments to the provisions restricting development within the Future Urbanizing area may be amended without voter approval, provided that development is equivalent to or less intense than that which was permitted by regulations in effect on August 1, 1984; and

WHEREAS, the *Framework Plan for the North City Future Urbanizing Area* (NCFUA) was adopted on October 1, 1992, and subsequently amended on October 26, 1993, March 7, 1994, and February 22, 1994; and

WHEREAS, the *Framework Plan* provides for the preparation of detailed subarea plans prior to seeking an affirmative vote of the citizens to phase shift land from the Future Urbanizing Category; and

WHEREAS, California Government Code section 65450 et seq. provides for the preparation and adoption of specific plans for the systematic implementation of adopted general plans; and

WHEREAS, the Council of The City of San Diego initiated preparation of the Del Mar Mesa Specific Plan ("Specific Plan") encompassing Subarea V within the NCFUA on June 6, 1995, as a means to comprehensive plan and develop the entire Subarea V at an intensity which is equivalent to or less intense than development permitted by regulations in effect on August 1, 1984; and

WHEREAS, Government Code section 67452(a) authorizes local governments to recoup costs incurred in the preparation of a specific plan through establishment of a special fee; and

WHEREAS, the Planning Commission of The City of San Diego has conducted a public hearing regarding the Specific Plan, together with amendments to the *Progress Guide and General Plan*, amendments to the *North City Future Urbanizing Area Framework Plan*, amendments to the *North City Local Coastal Program* in order to retain consistency among such plans; and

WHEREAS, after due notice, the Council conducted a public hearing on this matter wherein all persons desiring to be heard were heard; and

WHEREAS, the Council has reviewed and considered all maps, exhibits, written documents and materials contained in the file regarding this project on record in The City of San Diego and the oral presentations given; NOW, THEREFORE,

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

Section 1. That the Council hereby approves and adopts the Del Mar Mesa Specific Plan in the form on file in the office of the City Clerk as Document No. OO-18337-1

Section 2. The Council finds that the Del Mar Mesa Specific Plan fulfills all the requirements set forth in Government Code section 65451, with the exception that the distribution, location, and extent and intensity of non-circulation element roadways, sewage, water and drainage is not reflected within the Specific Plan in complete detail but shall be refined as future studies are conducted in connection with subdivision project proposals.

Section 3. The Council finds that, notwithstanding the CEQA exemption set forth in California Government Code section 65457, future development applications requiring discretionary review shall be subject to further CEQA review as set forth in section IV.B. of the Specific Plan and described in greater detail in Master Environmental Impact Report No. 95-0353.

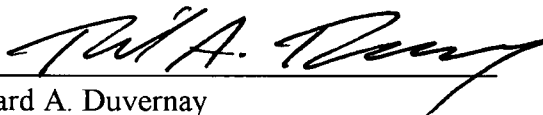
Section 4. The Council hereby approves and adopts "Exhibit A," a copy of which is on file in the office of the City Clerk as Document No. OO-18337-2, defining in greater detail the information contained on the Open Space Map (Figure 6) contained in the Specific Plan. Where any conflict or inconsistency may exist between Exhibit A and Figure 6, Exhibit A shall control and be deemed applicable.

Section 5. No City public work project may be approved, no subdivision of land may be approved, and no zoning regulation may be adopted or amended within the area covered by this Specific Plan unless it is consistent with the Specific Plan.

Section 6. This ordinance shall not become effective until the thirtieth day following the date of its adoption, or until the day that the Council has lawfully established a Facilities Benefit Assessment District designating an area of benefit within the area of the Del Mar Mesa Specific Plan confirming the description of public facilities projects and the amount of the facilities benefit assessments charged to each parcel, whichever occurs later.

Section 7. That the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as an amendment to the City's local coastal program.

APPROVED: JOHN W. WITT, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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ORDINANCE NUMBER O-**18338** (NEW SERIES)

ADOPTED ON **SEP 09 1996**

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 4, SECTIONS 101.0404 AND 101.0462; AND BY AMENDING DIVISION 9, SECTION 101.0901, ALL RELATING TO CHANGING ZONING REGULATIONS TO BE CONSISTENT WITH THE DEL MAR MESA SPECIFIC PLAN.

WHEREAS, a specific plan for development within Subarea V of the North City Future Urbanizing Area (Del Mar Mesa) has been considered by the Council of The City of San Diego; and

WHEREAS, the Del Mar Mesa Specific Plan (the "Specific Plan") includes development regulations which deviate from existing regulations codified within the San Diego Municipal Code; and

WHEREAS, as reflected in the Specific Plan, certain amendments to the A-1 Zone, the Resource Protection Ordinance, and the Planned Residential Development Ordinance are necessary to implement the Specific Plan and assure consistency between the Specific Plan and the City's Zoning Regulations; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0404 and 101.0462 , to read as follows:

SEC. 101.0404 A-1 Zones -- (Agricultural)

A. and B. [No changes.]

C. PERMITTED DENSITY

1. Lot Area per Dwelling Unit.

a. and b. [No changes.]

c. In Zone A-1-10, a minimum of ten acres for each dwelling unit, except as follows:

(1) in the case of Planned Residential Developments, a density of one (1) dwelling unit per four (4) acres may be permitted subject to Municipal Code section 101.0901; and

(2) within the boundaries of the Del Mar Mesa Specific Plan area, property designated Estate Residential and zoned A-1-10 shall be permitted a density of one (1) dwelling unit per 2.5 gross acres; and

(3) in the case of Rural Cluster Developments, a density of one unit per ten (10) acres shall be permitted subject to the provisions of Municipal Code section 101.0901.

d. and e. [No changes.]

2. [No changes.]

D. PROPERTY DEVELOPMENT REGULATIONS

No building or portions thereof shall be erected, constructed, converted, established, altered, enlarged, or used on any lot in zones A-1, unless the lot and building shall comply with the following requirements and special provisions:

1. Minimum Lot Dimensions.

a. Area -- one acre in Zone A-1-1; five acres in Zone A-1-5; ten acres in Zone A-1-10, except that within the area designated Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot area shall be one acre; twenty acres in Zone A-1-20; and forty acres in Zone A-1-40.

b. Street Frontage -- 100 feet in Zone A-1-1, except that such frontage may be reduced at the end of a street dedication where no provision is made for its future extension, to a minimum of 60 percent of the required frontage; 200 feet in all other A-1 zones, except that within the boundaries of the Del Mar Mesa Specific Plan area, minimum street frontage shall be 100 feet.

c. Width -- 100 feet in Zone A-1-1, except that the front 25 percent of a lot abutting the end of a street dedication where no provision is made for its future extension may be tapered to coincide with the street frontage; 200 feet in all other A-1 zones, except that within the area designated Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot width shall be 100 feet.

d. Depth -- 200 feet, except that within the area designated as Estate Residential by the Del Mar Mesa Specific Plan zoned A-1-10, the minimum lot depth shall be 150 feet.

e. [No changes.]

2. and 3. [No changes.]

4. Maximum Lot Coverage -- in Zones A-1-1, A-1-5 maximum lot coverage shall be 20 percent of the lot area; and in zones A-1-10, A-1-20, and A-1-40 shall be 10 percent of the lot area, except within the area designated Estate Residential in the Del Mar Mesa Specific Plan zoned A-1-10, maximum lot coverage shall be 20 percent of the lot area. Structures used to provide shade areas for growing crops, such as greenhouses and agricultural shade structures, shall not be included for the purpose of determining lot coverage.

5. [No changes.]

E. OFF-STREET PARKING REQUIREMENTS

1. through 3. [No changes.]

4. Surfacing

Except within the boundaries of the Del Mar Mesa Specific Plan area, all required driveways and parking areas shall be plainly marked, and improved with not less than two (2) inches of asphaltic concrete or its equivalent. Within the Del Mar Mesa Specific Plan area, residential driveways may be improved with four inches of decomposed granite or suitable alternate material, subject to approval by the City Engineer.

5. and 6. [No changes.]

F. and G. [No changes.]

SEC. 101.0462 Resource Protection Ordinance

A. through C. [No changes.]

D. GENERAL PROVISIONS

1. [No changes.]

2. The provisions of Municipal Code sections 101.0462(F) and 101.0462(G) shall be applicable within the Del Mar Mesa Specific Plan area as provided for in the Del Mar Mesa Specific Plan.

Development within the Del Mar Mesa Specific Plan area shall be subject to the Supplemental Regulations for Resource Management contained in the specific plan. All other provisions of Municipal Code section 101.0462 shall apply.

3. [No changes in text of this subsection.]

4. [No changes in text of this subsection.]

5. [No changes in text of this subsection.]

6. [No changes in text of this subsection.]

E. through H. [No changes.]

I. PERMIT EXEMPTIONS

A Resource Protection Permit shall not be required for the following types of development; however, this development must comply with all other adopted City plans, ordinances and regulations.

1. through 5. [No changes.]

6. Except in the case of designated historic sites or parcels located wholly or partially within the resource-based open space area reflected on Figure 5 of the Del Mar Mesa Specific Plan, the modification of a single-family house on one lot or the replacement of a single-family house with another single-family house on one lot, brush management for fire protection purposes and any other improvements, alterations and landscaping on such lot. Designated historic sites shall mean sites contained on the State Landmark Register, or the City of San Diego Historical Sites Board List, or included in or eligible for inclusion in the National Register of Historic Places.

7. Except in the case of parcels located wholly or partially within the resource-based open space area reflected on Figure 5 of the Del Mar Mesa Specific Plan, the construction of a single-family house on an individually-owned single-family lot as defined in San Diego Municipal Code section 101.0101.34, or combination of lots which are legally joined together for the sole purpose of constructing only one single-family house upon such legally joined single-family house upon such legally joined lots, provided such lots were or are not joined in ownership to a contiguous lot or parcel on the effective date of this section, and brush management for fire protection purposes and any other improvements, alterations, and landscaping on such lot or combination of lots.

8. through 10. [No changes.]

11. Within the Del Mar Mesa Specific Plan area, development that meets all of the following criteria:

a. The development is located wholly within the area designated as Estate Residential in the Del Mar Mesa Specific Plan; and

b. The development observes a one hundred foot setback from wetlands, designated floodplains and identified archeological resources; and

c. The development entails no demolition or substantial alteration of any designated historical resource.

d. The development encroaches no more than 25% into steep hillsides.

J. through R. [No changes.]

Section 2. That Chapter X, Article 1, Division 9, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0901 , to read as follows:

SEC. 101.0901 Planned Residential Developments

A. through D. [No changes.]

E. DECISION PROCESS

1. through 5. [No changes.]

6. Within the Future Urbanizing area, except areas within the Del Mar Mesa Specific Plan, Planned Residential Development Permits shall be approved, conditionally approved or denied by the City Council in accordance with Process Five. In considering a planned residential

development permit within the Future Urbanizing Area, with the exception of areas within the Del Mar Mesa Specific Plan, an increased density not to exceed one dwelling per four acres may be considered and, the City Council may grant the permit if it finds from the evidence presented that all of the following additional facts exist.

a. through h. [No changes.]

F. through I. [No changes.]

J. MINIMUM DEVELOPMENTAL STANDARDS

A Planned Residential Development shall comply with all the following developmental standards:

1. Density. [No changes in text of first paragraph of this subsection.]

TABLE I OF SECTION 101.0901

MAXIMUM PERMITTED DWELLING UNITS

ZONE

A-1-40	<u>Sq. Ft. of Land Area</u> 1,742,400 sq. ft.
A-1-20	<u>Sq. Ft. of Land Area</u> 871,200 sq. ft.
A-1-10	<u>Sq. Ft. of Land Area</u> 435,600 sq. ft.

(except that within the boundaries of the Del Mar Mesa Specific Plan area, the number of permissible dwelling units for the areas designated Estate Residential zoned A-1-10 shall not exceed one per 108,900 sq. ft. and elsewhere within the Future Urbanizing area, the number of permissible dwelling units shall not exceed one per 174,240 sq. ft. provided that no future development rights shall remain on the property)

[No changes in remaining portion of
TABLE I OF SECTION 101.0901.]

[No changes in text of last paragraph of Section 101.0901(J)(1).]

2. Open Space. Except within the boundaries of the Del Mar Mesa Specific Plan, where no minimum open space requirement shall apply, the open space provided on the property shall not be less than that shown in the following table:

TABLE II OF SECTION 101.0901

[No changes in this table.]

[No changes in text of remaining paragraphs of Section
101.0901(J)(2).]

3. and 4. [No changes.]

5. [No change in text of first paragraph.]

Section 101.0901(J)(5) shall not apply within the boundaries of the Del Mar Mesa Specific Plan.

6. [No changes.]

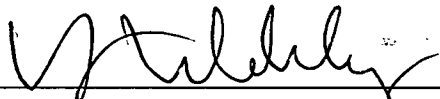
K. through P. [No changes.]

Section 3. That this ordinance shall not become effective until the thirtieth day following the date of its adoption, or until the day that the Council has lawfully established a Facilities Benefit Assessment District designating an area of benefit within the area of the Del Mar Mesa Specific Plan, confirming the description of public facilities projects and the amount of the facilities benefit assessments charged to each parcel, whichever occurs later.

Section 4. That in areas of the City of San Diego other than the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued.

Section 5. That the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as an amendment to the City's local coastal program.

APPROVED: JOHN W. WITT, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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