

(O-99-65)

ORDINANCE NUMBER O- 18603 (NEW SERIES)

ADOPTED ON NOV 24 1998

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING A PLANNED RESIDENTIAL DEVELOPMENT ON 26.9 ACRES LOCATED SOUTH OF SAN DIEGUITO ROAD, EAST OF EL CAMINO REAL AND I-5, NORTH OF DERBY DOWNS ROAD, WITHIN SUBAREA II OF THE FUTURE URBANIZING AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FOR CONSTRUCTION OF 47 DETACHED SINGLE FAMILY DWELLING UNITS, ASSOCIATED ROADS AND PUBLIC IMPROVEMENTS, GENERALLY PURSUANT TO SAN DIEGO MUNICIPAL CODE SECTION 101.0900 AS MODIFIED THIS ORDINANCE.

WHEREAS, on October 22, 1996, the City Council considered an application by San Dieguito Partnership, Owner/Permittee, to construct 80 detached single family dwelling units, associated roads and public improvements on a 26.9 acre site located south of San Dieguito Road, East of El Camino Real and I-5, North of Derby Downs Road, within Subarea II of the Future Urbanizing Area, contingent upon a phase shift vote; and

WHEREAS, at the hearing on October 22, 1996, the City Council rejected applicant's proposal and recommend that the Villas project be redesigned to reflect a reduced development area in order to preserve biological and cultural resources. The Reduced Project Alternative approved by the City Council authorized a range of 48 to 65 single family market rate units contingent upon a phase shift vote; and

WHEREAS, on November 5, 1996, the electorate defeated a proposed phase shift for the Villas site; and

WHEREAS, the Partnership thereafter initiated a lawsuit, San Diego Superior Court Case Nos. 707254 and 718166, challenging the City Council for failure to approve the Villas with 80 single family units and as part of an overall settlement of the issues related to that lawsuit, the Partnership has agreed to propose a planned residential development of 188 acres in Subarea II which would yield a maximum residential density of one (1) unit per four (4) acres (47 units) on 12.9 acres at the Villas site with the remaining acreage set aside as open space; and

WHEREAS, a planned residential development as described above would not require a phase shift vote because it does not increase the intensity of development beyond that which was permitted at the time that Proposition A was enacted by the voters in 1985; and

WHEREAS, pursuant to agreement settling the above referenced litigation [the Settlement Agreement], on file in the Office of the City Clerk as Document No. RR- 290960 -1, the City Council has deemed it necessary and prudent to waive the on-site affordable housing requirement provided for in San Diego Municipal Code section 101.0901(E)(6)(e); and

WHEREAS, in lieu of provided on-site affordable housing, it as been agreed as part of the Settlement Agreement that the Partnership shall pay a fee totaling \$227,480 to the San Diego Housing Commission to be used in furtherance of providing housing affordable to lower income families; and

WHEREAS, on September 26, 1998, San Dieguito Partnership, Owner/Permittee, submitted an application to Development Services for a Planned Residential Development Permit for the construction of 47 detached single family dwelling units, associated roads and public improvements on a 26.9 acre site located south of San Dieguito Road, East of El Camino Real and I-5, North of Derby Downs Road, within Subarea II of the Future Urbanizing Area consistent with the Settlement Agreement; and

WHEREAS, approval of a planned residential development permit issuance does not authorize the applicant to violate any Federal or State laws or regulations, or otherwise relieve the applicant from obtaining necessary permits from the Federal or State Governments, including a development permit from the California Coastal Commission; and

WHEREAS, the matter was set for public hearing on November 10, 1998, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

Section 1. That this Council adopts the following findings with respect to Planned Residential Development Permit No. 98-0983:

1. That the proposed use will assist in accomplishing the goal of permanently preserving lands designated in the General Plan as part of the Environmental Tier through the provision of public and private open space easements and/or dedications, where appropriate.

This project will place approximately 175 acres of land in permanent open space easements. Most of this land will eventually become part of the San Dieguito River Park Open Space Park in the San Dieguito River Valley. The majority of this land is identified in the General Plan and Environmental Tier. On the Villas project site itself, a 14 acre lot will be retained in open space and a private 1.2 acre passive park will be provided to the residents.

2. That the proposed use is consistent with the Progress Guide and General Plan Transportation Element and will not foreclose future decisions regarding the size of major or primary arterial streets, expressways, or freeways which may transverse the property.

This project site gains access from El Camino Real which will be widened to four lanes. This widening will be provided by the developer from Derby Downs Road north to the project's northern boundary on a fair share basis. This project will not foreclose the provision of major or primary arterials as identified in the General Plan.

3. That the proposed use will be adjacent to areas presently served by water and sewer lines, thereby avoiding leapfrog development.

This project will be served by an improved 24" water line which will be constructed in El Camino Real which fronts the property. The subdivider will provide an extension to the sewer line in El Camino Real which will serve this property. These water and sewer lines were planned to serve development along El Camino Real and sized based upon City approved water and sewer studies.

4. That the proposed use will be at least fiscally neutral, thereby not imposing a burden upon the City's capital and operating budgets.

A Fiscal Impact Analysis has been provided by The Levander Company, Inc. The City of San Diego has reviewed and approved this analysis which demonstrates that this project is fiscally neutral and would not burden the City's budgets.

5. That the proposed use will provide housing on-site, affordable to lower income families, as certified by the San Diego Housing Commission.

This subdivider will pay to the City a fee in the amount of \$227,480 which shall be provided to the San Diego Housing Commission to be used for the provision of affordable housing.

6. That the proposed use comprehensively addresses framework planning issues including, but not limited to, land use, character, and scale of development, environmental resources, and public facilities.

This project will provide residential housing which is consistent with the Framework Plan. The character and scale of development is governed by Design Guidelines which will be conditions of approval of the project. These guidelines were written to comply with the design goals of the Framework Plan. The subdivider will pay a Facilities Benefit Assessment fee which is calculated to provide the appropriate contribution toward the services which would serve this development. All impacts to environmental resources that occur as a result of this project have been mitigated to a level below significance.

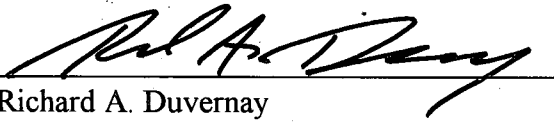
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

Section 2. That Planned Residential Development Permit No. 98-0983 is granted to San Dieguito Partnership, Owner/Permittee, under the terms and conditions set forth in the permit on file in the office of the City Clerk as Document No. OO- 18603.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That this ordinance shall take effect and be in force no earlier than the thirtieth day from and after its passage, but not until such time that the Office of the City Attorney has certified in writing to the City Clerk that the pending litigation in San Diego Superior Court Case Nos. 707254 and 718166 has been settled upon the terms and conditions as authorized by the City Council.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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